

TOWN OF STERLING

GENERAL BY-LAWS



Inclusive of ATM May 16, 2011
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TOWN OF STERLING

GENERAL BY-LAWS

[Inserts by the Town Clerk are italicized]

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**BY-LAWS
TOWN OF STERLING**

PUBLIC CEMETERIES

Section 1. The cemeteries shall be in the charge of a committee of three persons to be chosen by the town as follows: At the first annual meeting after the adoption of these by-laws, one for one year, one for two years and one for three years, and at each annual meeting thereafter one for three years.

Section 2. It shall be the general duty of this Committee to lay out all lots, to establish the price of all lots, sell the same in such manner as they shall deem most for the interest of the town, receive the purchase money and expend the same in improvements and care of the grounds. They shall keep a record of all lots sold by them within the cemeteries, with the names of the owners thereof; and they shall make a detailed report to the town in writing annually of their doings and of the state and condition of the cemeteries.

Section 3. All lots shall be held subject to the provision following and shall not be used for any other purpose than as a burial place for the dead.

Section 4. The proprietor of each lot shall have the right to erect any proper stones, monuments or sepulchral stones thereon, and to cultivate trees, shrubs and plants in the same, but no tree growing in the lot or border shall be cut down without the consent of the Committee.

Section 5. If any tree or shrub situated in any lot shall, by reason of their roots, branches or otherwise, become detrimental to the adjacent lots or avenues, or dangerous or inconvenient to passers by, unless the owner or occupant of said lots shall remove the same within thirty days after notice to that effect, it shall be the duty of the Committee, and they shall have the right to enter upon said lot and remove the said trees and/or shrubs, or such parts thereof as are detrimental, dangerous or inconvenient.

Section 6. If any monument, effigy, or enclosure, or any structure whatever, or any inscription be placed in or upon any lot, which shall be determined by the Committee to be offensive or improper, or injurious to the appearance of the surrounding lots or grounds, the Committee shall have the right, and it shall be their duty to enter upon such lot and remove the said offensive or improper object or objects, after notice to the owner and his failure to remove as provided in the preceding section.

Section 7. No tomb shall be constructed within the grounds except in such parts thereof as shall be designated by the Committee for that purpose.

Section 8. No horses or carriages shall be allowed to enter the grounds except for burial purposes or to visit burial lots, without permission of the Committee.

Section 9. Any money or property which has been or may be hereafter given to the town or deposited with the Town Treasurer for the care and preservation of burial lots in any of the public cemeteries of the town, shall be invested where the same shall bear income by and in the name of the Treasurer of the town, subject to the approval of the Selectmen, unless otherwise specially provided. The same income shall be paid annually by the Treasurer to the Cemetery Committee, who shall expend the same as directed by the donors.

Adopted March 18, 1889

Approved April 9, 1889

Published May 11, 1889

TOWN MEETING

Article 17 March 18, 1889 (Article 1)	Approved April 9, 1889	Published May 11, 1889
Amended February 4, 1957	Approved April 25, 1957	
Amended February 14, 1959	Approved October 6, 1959	Published October 14/15/16/1959
Amended November 20, 1973	Approved Dec 6, 1973	Published Dec 28, 1973, Jan 4, 1974
Amended June 27, 1977	Approved September 26, 1977	Published September 22/29, 1977
Sec 1&2 Amended 2/30/1930	Approved 3/26/1930	Published 6/21, 22, 23, 1930
Sec 3-11 Adopted October 10, 1972	Approved January 31, 1997	Published February 20, 22, 31, 1973
Sec 9 Adopted April 25/1988	Approved June 14, 1988	Published August 1&8, 1998
Sec 1 Amended May 13, 1991	Approved October 1, 1991	Published November 15/22, 1991
Sec 12 Adopted August 4, 1997	Approved October 23, 1997	Posted October 24, 1997
Sec 13 Adopted October 24, 2005		
Sec 2 Amended ATM May 17, 2010 Art 35	AG Approved Oct 19, 2010	Published Jan 29, 2011

Section 1. The Annual Town Meeting for the transaction of town business shall precede the Annual Town election at a time to be held between April 1st and May 31st of any given year.

Section 2. Notice of annual and special town meetings shall be given by posting attested copies of the warrant therefor at the Town Hall and Conant Public Library at least seven days before annual town meetings and fourteen days before special town meetings. The Board of Selectmen may also provide for postings of the warrant in other public places in the Town as well as on the Town's website.

Section 3. The moderator shall appoint the Board of Registrars or an adequate number of tellers in the absence of the Registrars, who by use of the voting list shall permit only registered voters to actively participate in any town meeting.

Section 4. The moderator shall preside over all town meetings, regulate the proceedings thereof, decide all questions of order and make public declaration of all votes.

Section 5. Articles of the Warrant shall be acted upon in the order in which they appear unless otherwise determined by a vote of the meeting.

Section 6. All motions having to do with the expenditure of money shall be presented to the moderator in writing, other motions shall be in writing if so directed by the moderator.

Section 7. When a question is before the meeting the following motions, namely; (1) to adjourn; (2) to lay on the table; (3) the previous question; (4) to postpone to a time certain; (5) to amend; and (6) to postpone indefinitely, shall be received and shall have precedence in the foregoing order and the first three motions shall be decided without debate.

Section 8. When a question is put, the moderator shall declare the vote as it appears to him. If the moderator is unable to decide the vote by the sound of the volume of voices, or if his decision is immediately questioned by seven or more voters rising in their places for that purpose, the moderator shall determine the vote either by ordering a show of hands or by a standing vote and he shall appoint tellers to make and return the count, or the meeting itself may specifically order by proper motion in due order that the vote on any motion shall be taken by a yes and no written ballot which shall be prepared by the clerk in printed or mimeographed form in two divisible sections, one section with the word YES and the other section with the word NO. The section showing the desired vote shall be detached by the voter and handed to the teller or put in a box provided for, and the unused section shall be retained by the voter.

Section 9. Passage of an article on the warrant of other than the Annual Town Meeting which requests the raising and/or appropriation of any sum of money shall require the affirmative vote of two-thirds (2/3) or better of those present and voting.

Section 10. No final vote shall be reconsidered unless the person moving the same shall have made a declaration of his intention to do so within one hour after its adoption; and no article in any warrant shall be considered more than once at the same meeting or adjournment, thereof unless authorized by a vote of two-thirds (2/3) of the voters present. In any event no final vote taken at a meeting shall be reconsidered at any adjourned meeting unless notice is given before any adjournment. No vote shall ever be reconsidered on a motion to adjourn, to lay on the table, or for the previous question.

Section 11. No motion, the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant therefor has been considered and acted upon. This shall not preclude the postponement of consideration of any article to an adjournment of the meeting to a stated time and place.

Section 12. On matters requiring a two-thirds (2/3) vote by statute, a count need not be taken unless the vote so declared by the Moderator is questioned by seven or more voters as provided in Massachusetts General Law Chapter 39, Section 15.

Section 13. All Town Boards, Commissions, Committees, etc. are prohibited from holding public meetings on the day of any Special or Annual Sterling Town Meeting later than one (1) hour prior to the start of said Town Meeting except for meetings made necessary for consideration of matters before the Town Meeting and which are held at the time and place of said Town Meeting.

CONSTABLES

Adopted ATM May 16, 2011 Art. 47 AG Approved Sept 19, 2011 Published Dec 29, 2011

CONSTABLES: There shall be two constables elected for three year terms, which shall be arranged so that the terms do not expire the same year. At the first election for constable following the date this bylaw takes effect pursuant to the provisions of Chapter 40, Section 32 of the Massachusetts General Laws, one constable position shall be for a term of two years and one constable position shall be for a term of three years; thereafter, both constable positions shall be for terms of three years.

BOARD OF ASSESSORS

Section 1. The Board of Assessors shall be authorized to publish annually, prior to the first day of September, the complete valuation list and tax list, including the farm animal tax, personal property tax; and property exempt from taxation, together with the names and addresses of all real and personal property owners and the abatements granted the prior year.

Adopted March 18, 1889
Adopted March 6, 1971

Approved April 9, 1889
Approved March 26, 1971

Published May 11, 1889
Published April 19/26, May 3, 1971

SELECTMEN

Section 1. The Selectmen shall exercise a general supervision over all matters affecting the interest or welfare of the town, not otherwise provided for.

Section 2. The Selectmen may appear either personally or by counsel before any Committee of the Legislature or Board or Commission to protect the interests of the town, but are not authorized by the by-laws to commit the town to any course of action.

Section 3. The Selectmen shall have full authority, as agents of the town, to employ counsel to institute and prosecute suits in the name of the town, to appear for and defend suits brought against it, unless otherwise specifically ordered by vote of the town, or otherwise provided by the laws of the Commonwealth.

Section 4. The Selectmen may settle any claim or suit against the town which in their opinion, acting upon the advice of counsel, cannot be successfully defended.

Article 17 March 18, 1889 (Article II)
Adopted February 3, 1930

Approved April 9, 1889
Approved March 26, 1930

Published May 11, 1889
Published June 21/23/24, 1930

TOWN CLERK

Section 1. The Town Clerk shall furnish all Boards, Committees, and Officers with a copy of all votes affecting them. She/he shall keep a file of all town reports, reports of all committees chosen by the town and all original documents relating to the affairs of the town which may come into her/his possession. She/he shall suitably index all such reports, documents, and all the records of the town in her/his custody in a manner convenient for reference and examination. She/he shall keep in books, which shall be alphabetically arranged, the names of all streets, highways, and sidewalks which now are or may hereafter be accepted or laid out, with the date of the layout or acceptance, width thereof, and alterations therein from time to time made by the town, and reference to the records of the town, showing the layout, alteration, or discontinuance of such streets, ways, and sidewalks. She/he shall, as soon as practicable after any election has been held by the town, in addition to the notices she/he is now directed to give to officers, who are required to take an oath of office, also issue a written or printed notice to all persons who have been elected to any other office, or chosen to serve on any other committee, stating the office to which such person has been elected, or the duties which such committee was chosen to perform.

Adopted February 3, 1930 Approved March 26, 1930 Published June 21/23/25, 1930

Section 2. All fees received by the town clerk by virtue of her/his office shall be paid into the Town Treasury.

Adopted May 14, 1991 Approved October 1, 1991 Published November 15/22, 1991

TREASURER

Section 1. Whenever it shall be necessary to execute any deed conveying land or any other instrument required to carry into effect any vote of the town the same shall be executed by the Treasurer in behalf of the town unless otherwise provided by law or by vote of the town.

Section 2. The Treasurer and Cemetery Committee shall have authority to accept in behalf of the town any and all gifts or bequests for the perpetual care of cemetery lots without submitting same to the vote of the town. If the Treasurer and Cemetery Committee decline to accept any such gift or bequest, the same shall be submitted to the town at the next town meeting following their refusal.

Article 17 March 18, 1889 (Article II) Approved April 9, 1889 Published May 11, 1889
Adopted February 3, 1930 Approved March 26, 1930 Published June 21/23/24, 1930

TOWN COUNSEL

Section 1. The Selectmen shall appoint prior to July the first of each year some member of the Bar as town counsel, and it shall be his/her duty to give any necessary legal advice to the various town officials during the year.

Adopted February 3, 1930 Approved March 26, 1930 Published June 21/23/24, 1930
Amended April 27, 1987 Approved September 28, 1987 Published October 5/12, 1987

TOWN COLLECTOR

Section 1. The annual report of the Collector of Taxes shall contain a statement of the amount of taxes and assessments committed to her/him for collection, the amount collected thereon together with the interest and discounts, the amount of uncollected taxes and the amount paid over to the Treasurer.

Section 2. She/he shall also include in her/his report a list of all uncollected taxes by years for the years previous to the one for which her/his report is rendered; showing the names of the delinquent taxpayers, classified as to resident and non-resident and the amount owed by each.

Adopted February 3, 1930

Approved March 26, 1930

Published June 21/23/24, 1930

Section 3. The Collector of Taxes shall collect under the title of Town Collector, all accounts due the town, in accordance with the provisions of Section 38A, Chapter 41, General Laws.

Adopted February 3, 1947

Approved May 23, 1947

Section 4. All fees received by the Town Collector by virtue of his/her office shall be paid into the Town Treasury.

Adopted May 14, 1991

Approved October 1, 1991

Published November 15/22, 1991

FINANCE COMMITTEE

Section 1. MEMBERSHIP

There shall be a Finance Committee consisting of seven registered voters of the town. Members shall serve without compensation and none of the seven members appointed hereunder shall be an elected or appointed officer, a member of another Board or Committee (other than Capital Budget Committee, Building Needs Committee, or Personnel Board), or a municipal employee. The appointed members of the Committee shall serve for a term of three years and be eligible to succeed themselves.

Members of the Committee shall be appointed in the following manner: within the month of June following the next Annual Town Meeting, the Board of Selectmen, the presently constituted Finance Committee and the Town Moderator shall meet and appoint by majority vote (the Selectmen as a whole and the Finance Committee as a whole each having one (1) vote for this purpose) one (1) member to serve for one (1) year, two (2) members to serve for two (2) years and two (2) members to serve for three (3) years. Members of the present Finance Committee whose terms shall not expire in 1973 will be deemed to be appointed to the new Finance Committee for the balance of their terms. Thereafter within the month of June following each subsequent Annual Town Meeting, positions on the Committee vacant by reason of the expiration of a member's term shall be filled by appointments for a term of three (3) years in the same manner specified above with the exception that only members of

the Committee whose terms did not expire at said Annual Town Meeting will be eligible to vote on such appointments.

Thereafter, the provisions of this By-Law relating to reappointment shall apply.

Any member of said Committee who shall become a municipal employee or who ceases to be a resident of the Town or who shall be appointed or elected to town office or a committee or board other than the Personnel Board, Building Needs Committee, or Capital Budge Committee shall cease to be a member of the Finance Committee. Members absent from one-third (1/3) of the regular meetings in any calendar year may be removed by a two-thirds (2/3) vote of the other members present and voting. If a vacancy occurs in the membership of the Committee due to a member's death, resignation, removal or inability to act for any reason, a new member shall be appointed to fill such vacancy for the unexpired term thereof in the same manner specified above. Such vacancy shall be filled as soon as possible but in any event no later than thirty (30) days from its occurrence.

Adopted February 3, 1930	Approved March 26, 1930	Published June 21/23/14/1930
Amended February 13, 1950		
Amend Sec 1 April 24, 1978	Approved July 25, 1978	Published August 1/7/14, 1978
Amend Sec 1 Sept 13, 1982	Approved January 3, 1983	Published January 17/24, 1983

Section 2. ORGANIZATION AND MEETING

Within one (1) month of the Annual Town Meeting, the committee shall meet for the purpose of electing a Chairman and Secretary and such other officers and sub-committees (from its own members) as the Committee deems necessary and desirable to carry out its work for the ensuing year. The committee shall normally meet at least monthly (except during the months of July and August) at the Town Hall and may hold special meetings upon at least twenty-four (24) hours notice to each member. The time of the regular meeting of the committee will be established at its organizational meeting and may subsequently be changed by majority vote of its members.

Section 3. DUTIES OF THE COMMITTEE

The Finance Committee shall consider all matters of business included within the articles of any Warrant for a Town Meeting for the purpose of making reports and recommendations thereon to the town. The recommendations shall be those of a majority of the entire Committee, but this shall not be construed to prevent recommendations by a minority as such. The report for the Annual Town Meeting shall state the total amount of the appropriations recommended by the Committee on the entire Warrant and the approximate tax rate based on such recommendations. The report shall contain a statement of the doings of the Committee during the year, with such recommendations or suggestions as it may deem advisable on any matters pertaining to the welfare of the town. It may issue recommendations on referenda and other matters on any ballot other than the choices of individuals for office.

The Finance Committee shall have authority at any time to investigate the books, accounts, and management of any department of the Town, and to employ such expert and other assistants as it may deem advisable for that purpose, and the books and accounts of all

departments and officers of the town shall be open to the inspection of the Committee and any person employed by it for that purpose.

The various Town Boards, Officers, and Committees charged with the expenditure of the Town money shall, not later than the fifteenth (15th) day of January of each year, prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices or departments for the ensuing fiscal year with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in the preceding year. They shall also prepare estimates of all probable items of income which may be received by them during the ensuing year in connection with the administration of their departments or offices, and a statement of the amount of appropriation requested by them for the ensuing fiscal year. They shall also submit on or before January 10th in each year a breakdown of all expenses of their office or department for the preceding year. Such estimates and statements shall be filed with the Town Accountant who shall at once transmit same to the Finance Committee.

The Committee shall duly consider the estimates and statements filed by the Town Board, Officers, and Committees, and may confer with said Boards, Officers and Committees, and hold hearings, if they deem it advisable. The Finance and Advisory Committee shall thereupon recommend to the town such sums and in such division of items as it considers necessary and practicable for each officer, department and board.

The Committee shall consider and act upon all emergency requests requiring transfer of funds from the Reserve Fund.

Adopted October 10, 1972 Approved January 31, 1973 Published February 20/21/22, 1973
Sec. 3 Amended May 17, 1997 Approved September 18, 1997 Posted September 22, 1997

PARKS

Adopted ATM May 17, 2010 Art 37 AG Approved Oct 19, 2010 Published Jan 19, 2011

Article 1, Sholan Park

Nonresidential Permits, Fines, Inspections

Section 1. Access

Parking at Sholan Park is permitted only between 5:00 AM and 9:00 PM daily unless otherwise posted.

All visitors and vehicles must vacate the park by 9 PM unless an overnight pass has been issued by the Department of Public Works for the Town of Sterling.

Section 2. Parking

Parking at Sholan Park is restricted to the designated parking area only.

Only those vehicles displaying the appropriate Town of Sterling resident permit, a temporary guest or visitor pass, or emergency vehicles are authorized to park within this parking area. Unauthorized vehicles parked in the parking area or undesignated areas are subject to a fifty dollar (\$50.00) fine and/or towing at the owners expense.

Owners and/or operators of vehicles parked in violation are subject to non-criminal dispositions (citations) pursuant to MGL Chapter 40, Sec 21D, issued by the members of the Sterling Police Department. Payment for violations should be made to the Town Clerk for the Town of Sterling in person or by-mail within twenty one days of the alleged violation.

Section 3. Permits and Passes

Permits and passes issued by the Town of Sterling for the purposes described herein remain the property of the Town. Permits and passes are non-transferable. Holders of permits and passes must make available the assigned registration, license and/or the permit or pass upon request. Unauthorized use of permits and passes are subject to revocation.

A resident permit of appropriate design shall be issued upon proof of residency for a specific vehicle and must be affixed to said vehicle.

Beginning April 1st of each year a limited number of non-resident parking passes shall be issued for a one year term on a first come first serve basis. Non-resident parking passes shall be issued for a specific vehicle and must be displayed unobstructed and in full view on said vehicle dashboard. Non-residents will be charged a parking fee as determined by the Board of Selectmen.

Section 4. Animals

Animals shall not be allowed on the beach and picnic areas of the part. Violators are subject to a fine of 25.00 for each bylaw offense.

This section shall not apply to service animals, defined by ADA as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

This section shall be enforced by the Animal Control Division of the Town of Sterling.

Section 5. Safety

Alcoholic beverages are not permitted at Sholan Park.

Residents and visitors must comply with all rules and regulations established for Sholan Park and designated swim areas.

Boaters must comply with the current Massachusetts boating regulations and local by-laws as posted.

These will be enforced by the Recreation Department staff and/or police department as required.

Section 6. Preservation

East Lake Waushacum is a sensitive natural resource and subject to the spread of invasive aquatic weeds and mussels as defined by the State's Department of Agricultural Resources.

Recipients of a resident permit, guest or visitor pass, and intending to use a boat, trailer and/or other equipment in the Lake are responsible to make sure it is free of invasive species before entering the park and water. Recipient also agrees as a condition of accepting a resident permit or pass, that said boat, trailer and/or equipment is subject to inspection for weeds and mussel species.

Any evidence of weeds, mussels or denying the inspection will be sufficient cause to deny access to the boat ramp and parking area.

The vehicle owner shall remove contaminated equipment from the Park.

PUBLIC WORKS

Section 1. The Board of Public Works shall have control and supervision over the maintenance and repair of town buildings and property.

Adopted March 3, 1973 Approved April 24, 1973 Published May 21/29/ & June 4, 1973

There is hereby exempt from this section, school buildings and property, municipal electric light buildings and property, fire station and property, library building and property, town hall and property and the Mary Ellen Butterick Municipal Building and property.

Adopted May 1, 1976 Approved August 27, 1976 Published September 4/7/13, 1976
Amended August 4, 1997 Approved October 20, 1997 Posted October 24, 1997

Section 2. The Board of Public Works shall have control and supervision over the collection and disposal of residential trash, subject to appropriation of funds and to the statutory authority of the Board of Health. Residential property owners and tenants shall not be charged any user fee for the Town's collection and disposal of residential trash.

Adopted December 11, 2000 Approved February 23, 2001 Posted February 28, 2001

COUNCIL ON AGING

Section 1. There is hereby established a Council for the Aging consisting of nine registered voters who are residents of the Town of Sterling, six at least of whom shall be sixty-two years of age or older.

Section 2. The initial membership of the council shall be appointed by the Board of Selectmen during the month of June after the Annual Town Meeting and shall be appointed in groups of three: one group to serve for one year, one group to serve for two years and one group to serve for three years. Each group shall have at least two members sixty-two years of age or older. The new members shall take office when this By-Law becomes effective.

Sec. 2. Amended September 13, 1982 Approved January 3, 1983 Published January 17/24, 1983

Section 3. Succeeding groups of three, of like structure, shall be appointed by the Board of Selectmen for three year periods as the terms of prior appointees expire. In the event a vacancy occurs on the council, the Selectmen shall appoint a new member of like qualification to serve out the vacated term.

Section 4. After the initial Council has been appointed it shall meet to organize and formulate its procedures, elect a chairman and such other officers as it deems advisable. Organizational meetings shall be held annually thereafter.

Section 5. It shall be the duty of the council to initiate and carry out programs, solve problems, promote projects, make purchases and in general meet the problems of the aging, keeping in mind at all times, the needs, wants and wishes of the elderly; all actions of the council to be in accordance with the provisions of the General Laws.

Section 6. The spending of such money as is appropriated by the Town of Sterling, or such monies as are received from the State of Massachusetts, and all other monies received as gifts or from any other source shall be administered by the Council in carrying out its work in accordance with the provisions of the Massachusetts General Laws.

Section 7. The council may employ additional personnel if needed, but only on a per diem basis and only after an affirmative vote of at least six Council members.

Section 8. Upon the effective date of this By-Law the expanded Council for the aging shall have all of the powers and duties formerly vested in the former Council.

Adopted March 4, 1961
Revised May 4, 1974

Approved March 30, 1961
Approved June 3, 1974

Published April 3/10/17/1961
Published June 14/17/18, 1974

GAS INSPECTOR

Section 1. The Selectmen shall, annually, appoint an Inspector of Gas Piping and Gas Appliances in buildings, who shall be a licensed plumber or licensed gas fitter. It shall be the duty of the person so appointed to enforce the rules and regulations adopted by the Gas Regulatory Board established in Chapter 25, Section 12, Massachusetts General Laws.

Adopted March 7, 1964

Approved May 1, 1964

Published May 8/11/18, 1964

TOWN CONTRACTS

Adopted February 3, 1930

Approved March 26, 1930

Published June 21/23/24, 1930

Amended ATM May 16, 2011, Art 46 & Art 11 AG approved Sept 19, 2011 Published Dec 29, 2011

Section 1. All town contracts for the procurement of supplies and services, disposition of surplus supplies, and the acquisition and disposition of real property shall comply with the provisions of MGL Chapter 30B. Whenever possible, preference shall be given to Sterling-based vendors.

Section 2. The Board of Selectman, before entering into any inter-municipal agreement providing for regional emergency or 911 dispatch services to the Town, shall obtain the approval of said inter-municipal agreement by a majority vote of the Town at an annual or special town meeting.

COMPETITIVE BIDDING

Section 1. No contract for construction work, whether for repairs or original construction, or for the purchase of apparatus, supplies or materials, the estimated cost of which amounts to \$10,000 or more, or the amount allowed by MGL Chapter 30B, whichever is larger, except in the case of a special emergency involving the health and safety of the people or their property, shall be awarded unless proposals for the same have been solicited by the officer, board or committee authorized by the town to make the contract, by advertisement in the Worcester Telegram and Gazette, the last advertisement shall be a least one week before the bid opening. The town reserves the right to reject any or all proposals sought under this By-Law. All proposals that must be opened in public shall be opened in public. Section 1b. Any area of procurement not covered by the By-Law shall be governed by the appropriate state statute.

Section 2. Unless otherwise provided by a vote of the Town Meeting, the Board of Selectmen or procurement officer designated pursuant to Massachusetts General Laws Chapter 30B is authorized to enter into any contract for the exercise of the town's corporate powers, on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, the Board of Selectmen or procurement officer shall not contract for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of any general or specific law.

Replaces Sec. 1 May 18, 1996	Approved July 15, 1996	Posted July 17, 1996
Replace S. 1&2 May 14, 1990	Approved August 13, 1990	Published August 29/Sept. 5, 1990
Adopted February 12, 1951	Approved November 23, 1951	
Amended November 1, 1971	Approved December 16, 1971	Published January 12/17/24/1971
Amended May 3, 1975	Approved June 16, 1975	Published June 14/17/18/1975
Amended April 27, 1981	Approved August 24, 1981	Published September 1/8/1981

SALE OF SURPLUS PROPERTY

Section 1. All personal property of the town which is of no further use to the particular board, officer, or department in charge of the same shall be disposed of in the following manner:

1. The particular board, officer or department shall submit to the Selectmen a report in writing itemizing such property with an estimated value for each item.
2. The Selectmen may transfer such property to another Board, Officer or Department having use for the same.
3. The Selectmen shall, from time to time, sell, or cause to be sold, all such property not so transferred at public sale after first giving notice of the time and place of the sale by publication in the Worcester Telegram and Gazette at least seven days before such sale. The Selectmen may scrap any property for which there was no buyer at such a sale. All sale proceeds shall be paid into the treasury of the Town upon receipt by the Selectmen.
4. Any such property in charge of the Selectmen shall be disposed of in accordance with paragraph 2 and 3 of this By-Law.

Adopted November 1, 1971

Approved December 16, 1971

Published January 12/17/24, 1972

SALE OF TIMBER

Section 1. The Board of Public Works is authorized to dispose of timber either standing or non-standing, after approval of the Board or commission controlling the land, on town owned land in the following manner:

1. The Board of Public Works shall invite bids for timber by advertisement in the Worcester Telegram and Gazette, at least seven days before the date the bids are to be opened, said advertisement to set forth the details in connection with the amount and type of timber available and the manner and time for removal. The Board of Public works may reserve the right to reject any and all bids.
2. The available timber will be sold to the highest bidder unless all bids are rejected.

Adopted May 3, 1975

Approved June 16, 1975

Published July 7/8/9, 1975

EARTH REMOVAL BY-LAW

1. Definitions for the Purpose of this Chapter:

“Earth” shall include soil, loam, clay, sand, gravel, stone and rock in all its forms..

“Board” shall mean: The Earth Removal Board of the Town of Sterling.

2. Purpose

The purpose of this Chapter is to protect the health, safety and welfare of the public by regulating the removal of earth so as not to create dust, washouts, noise, and other hazardous conditions and to protect surface and ground water.

3. Enforcement

Any person, firm or corporation violating, disobeying or refusing to comply with any of the provisions of this By-law shall be prosecuted under the terms of General Laws, Chapter 40, Section 21, paragraph 17, and shall be subject to a fine of not more than \$50.00 for the first offense, not more than \$100.00 for the second offense and not more than \$200.00 for any subsequent offense. Each day during any portion of which such violation is allowed to continue shall be considered a separate offense.

The Board may revoke or suspend the permit of any person, firm or corporation holding a permit under this By-law if such person, firm, corporation violates, disobeys, or fails to comply with any of its provisions.

4. Permit Required

No earth in the amount equal to or in excess of one thousand (1,000) cubic yards shall be moved from any parcel of land within the town of Sterling to another parcel either within or without the town unless such removal is authorized by a permit issued by the Board and the parcel is in a district where earth removal is an allowed use in Section 2.3.1D7 of the Protective By-law or a variance for such removal has been granted by the Board of Appeals under section 6.2.2.A4 of the

Protective By-law. Any removal over one thousand (1,000) cubic yards without a permit will be deemed a violation of this By-law.

Removal of earth in an amount up to but not including 1,000 cubic yards shall require a permit but will be exempt from the Public Hearing section of this bylaw. Any or all of the requirements under section 6, Application for Permit, may be waived at the discretion of the Board.

The removal of earth materials from any parcel of land in a definitive subdivision that has been approved by the Planning Board shall be allowed in the same manner as removal from other parcels of land in the town of Sterling zoned Light Industrial. Consequently, tentative or final approval of a subdivision plan by the Planning Board shall not be construed as authorizing the removal of earth materials from the premises, even though it is in connection with the construction of streets shown on the plan.

5. Public Hearing

The Earth Removal Board shall fix a reasonable time for a public hearing after receipt of an application for a permit. The applicant shall cause the notice of the time and place of the hearing and of the subject matter, sufficient for identification, to be published in a newspaper of general circulation in the town once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing and the applicant shall also send notice thereof by certified mail, return receipt requested, at least ten (10) days before the day of the hearing to owners of all land abutting the parcel, and abutters to the abutters, within three hundred (300) feet thereof, including land across any public or private street or way, or any stream or river, from such parcel for which permit is sought, as certified by the Board of Assessors. Notification shall also be provided to the Board of Selectmen, Planning Board, Conservation Commission, MDC in the case of a parcel within the Wachusett Watershed and to all other parties and agencies deemed by the Board to be affected thereby. At the hearing any party, whether entitled to notice thereof or not, may appear in person or by agent or by attorney.

6. Application for Permit

A. Applications for such permits shall be accompanied by exhibits and documentation deemed necessary by the Board for the proper issuance of a permit, which shall include the following:

- 1) Location of proposed earth removal site or sites.
- 2) Name and address of the owner of the land involved.
- 3) Name and address and number of the petitioner or petitioners.
- 4) Name and address of abutting property owners.
- 5) Type of earth material to be removed.
- 6) Depth of excavation.
- 7) Area of excavation designated on plot plan.
- 8) Purpose of earth removal.
- 9) Method of earth removal.
- 10) Method of routes of transportation.
- 11) Duration of earth removal operations.
- 12) The finished grade of the site.
- 13) Disposition of all rocks, boulders, stumps and brush.
- 14) Right of entry from the petitioner and landowner for the Board, or its representatives and other town officials to enter said land, at any time, for inspections to determine compliance with the conditions set forth in the permit.
- 15) Estimated depth of normal high ground water.

B. The Board may at its discretion require any or all but not limited to the following, additional information, and documentation to accompany the application.

- 1) A plan of the land involved, prepared and signed by a registered land surveyor or Professional Engineer, or wetland scientist if deemed necessary. Such plan shall show all structures, property lines, vegetative cover, presence and relationship of all watercourses, wet areas, drainage, ponds, lakes, streams, and all other bodies of water including all sources of water supply both public and private. Topographic lines at five-foot (5) grade intervals carried one hundred feet (100) beyond limits of the proposed excavation must be included. In the case of an application for the continuation of an existing removal operation the Board may require that said plan shall include all areas where the past earth removal was conducted.
- 2) A plan prepared as the foregoing plan showing topographic lines at five-foot (5) grade intervals after the completion of the proposed excavating, and re-loaming of the area is completed. The plan shall also include the watercourses, drainage, wet areas, streams, ponds, lakes and all other bodies of water including all sources of water supply both public and private. Included in the plan shall be completed information as to the re-grading, re-loaming, and re-seeding of said area.
- 3) Estimated quantities of each material to be excavated as calculated by a Professional Engineer.
- 4) A statement from a Professional Engineer as to the estimated loam within the areas and the average depth thereof.
- 5) The quantity of loam, which will be required to provide a loam cover of a least six (6) inches compacted upon termination of the removal work, and what quantity will have to be brought to the site for such purposes, and its origin.
- 6) Estimates, and analysis by a Professional Engineer of quantities and types of grass seed mixtures, plants and other plantings required to restore the site, and the cost of performing such work.
- 7) Storm water runoff conditions, before, during and after earth removal operations.
- 8) Influence of earth removal operations on public and private drinking water supplies.
- 9) All costs for the above information and documentation shall be the responsibility of the petitioners.

7. Reason for Denial

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

- (1) Endanger the general health, safety or welfare or constitute a public nuisance.
- (2) Result in detriment to the normal use of adjacent property by reason of noise, dust, erosion or vibrations.
- (3) Result in traffic hazard in residential areas or congestion and physical damage to public ways.
- (4) Cause, or could cause, pollution or particle infiltration to surrounding watercourse or ground water.

B. Reason for denial shall also include the failure to submit a complete application form, filling fee as required and bond or other security as required.

8. Duration of Permit

No permit for any earth removal shall be issued for more than on (1) year's duration and may be renewed thereafter.

9. Control of Operation

As part of and as set forth, and any such permit, the Board shall impose all reasonable restrictions and conditions on the exercise of the permit as it deems to be in the public interest including but not limited to:

- 1) The extent of the area and depth of the excavation.
- 2) The hours of operation.
- 3) The distance of the excavation from the street and lot lines.
- 4) The type and location of temporary structures.
- 5) The reestablishment of ground levels and grades.
- 6) The provisions for temporary and permanent drainage.
- 7) The steepness of slopes excavated.
- 8) The disposition of boulders, tree stumps and other debris.
- 9) The routes for transporting the material through the town.
- 10) The replacement of loam over the area of removal as stated herein.
- 11) The planting of the area with suitable cover.
- 12) The proper screening of the area from public ways.
- 13) The handling, storage and/or disposal of hazardous or toxic substances on the premises.
- 14) The inspection of the premises at any time by the Board or its representatives.
- 15) Minimum depth of the ground water and quantity and water quality.
- 16) Control of dust and tracking of earth as defined herein onto public ways or easements.

10. Bond of Security

The Board may require suitable bond or other security adequate to assure compliance with any of the provisions of this By-law.

11. Completion and Closure

The Board may require a closure plan before an existing permit expires or is terminated. Closure plan must be approved and completed to the satisfaction of the Board before any:

- Building/construction
- Transfers of ownership
- Termination of bond

The Closure Plan shall include:

- Proposed final contours
- Proposed final drainage
- Proposed final re-vegetation
- A drawing to scale showing the location of any material (rock, tree stumps, or any waste material) buried on the site.

12. Exemptions

This By-law shall not apply to the removal of earth as defined herein in amounts less than one thousand (1,000) cubic yards (except for requirements outlined in the second paragraph in section 4 of the By-law) in connection with the construction of any building, septic system and appurtenant walk or driveway for which a permit has been granted by the Board of Selectmen or other licensing body or the construction of a street that has been approved by the Planning Board, provided that the quantity of material removed does not exceed that displaced by the portion of building, walk, driveway, street or similar appurtenance below finished grade, or to removal in the course of customary use of the land for a farm, garden or nursery. The above exemptions do not cover removal of earth materials from the premises involving topographical changes or soil stripping or loam-stripping activities, nor shall the tentative or final approval of subdivision plans be construed as authorizing the removal of earth material from the premises, even though in connection with the

construction of streets as shown on the plan, without the issuance of an earth removal permit under this By-law.

13. Existing Earth Removal Operation

Any person, firm or corporation engaged in the operation of earth removal on the effective date of this By-law may continue such operation for sixty (60) days after such date, but shall within said sixty (60) days apply for a permit in accordance with this By-law. At the end of such sixty (60) days the operation shall be governed by the terms of the permit issued or, if no such permit is issued, shall cease.

14. Validity

If any section of this By-law is found to be invalid, then it shall not invalidate any other section or provision thereof.

15. Earth Removal Permit Fees

Fees will be established periodically by the Board. Failure to pay the Earth Removal Permit Renewal Fee shall result in the automatic non-renewal of the Earth Removal Permit.

16. Earth Removal Board

There shall be an Earth Removal Board consisting of the following who will administer this By-law: one (1) member of the Board of Selectmen, one (1) member of the Planning Board, one (1) member of the Conservation Commission, each of which Boards may appoint an alternate member to take the place of its regular member at the meetings of the Earth Removal Board with full voting privileges in the absence of their regular member, and two (2) members from the general population of the town not to be otherwise engaged in earth removal, land development or sale of real properties in the town: the first three (3) members above to be appointed by their respective Boards and the remaining two (2) by the first three (3); initial terms to be one (1) member for three (3) years, two (2) members for two years and two (2) members for one (1) year as determined by the Board at its first meeting; all subsequent terms of reappointment to be for three (3) years in the manner prescribed above.

***Soil Removal**

Adopted February 12, 1951	Approved November 23, 1952	
Amended November 20, 1973	Approved December 6, 1973	Published December 28, 1973 January 4/11/1974
Amend S1 October 5, 1981	Approved January 11, 1982	Published January 15/22/1982
Amend S3 April 30, 1984	Approved August 8, 1984	Published August 15/22/1984
Amend S1 February 23, 1998	Approved April 6, 1998	Posted April 6, 1998
Amend S4 May 15, 2000	Approved June 16, 2000	Posted July 5, 2000
*Replace with new: May 14, 2001	Approved August 27, 2001	Posted August 27, 2001

DISPOSAL OF TOWN SOIL, LOAM AND GRAVEL

Section 1. The Board of Public Works is authorized to dispose of excess sand and gravel, soil and/or loam from the area known as the Town Dump in the following manner:

1. The Board of Public works shall invite bids for excess sand, gravel, soil and/or loam from the town dump by advertisement in the Worcester Telegram & Gazette at least seven days before the date the bids are to be opened, said

- advertisement to set forth the details in connection with the amount of excess sand, gravel, soil and/or loam available and the manner and time for removal.
2. The excess sand, gravel, soil and/or loam will be sold to the highest bidder.

Adopted May 4, 1974 Approved June 3, 1974 Published June 14,17, 1974

HAZARDOUS MATERIALS AND WASTE RECOVERY BY-LAW

General

This by-law is designed to hold accountable any individual, corporation or organization which, whether deliberately or accidentally, releases, causes a release or threat of release of any hazardous material or hazardous waste as defined in Massachusetts General Law Chapter 21-C, D, or E, upon public or private property within the boundaries of the Town of Sterling. Such party causing a release shall be liable to the town for any and all response costs directly incurred by the Town as a result of said release or threat of release including, but not limited to, the following:

- a) The cost of complete cleanup and disposal of the material released or contaminated by the release, and all costs incurred by the town as a result of remediation required due to the release or threat of release, including all costs incurred or authorized by any officer of the town having jurisdiction over such matters.
- b) Replacement or cost of replacement of any reusable equipment and/or material damaged due to the incident.
- c) Replacement or cost of replacement of any disposable equipment and/or materials used during the incident.
- d) Reimbursement of any funds expended by the town for food and/or shelter, upon determination by the town, that expenditures are necessary due to a threat to the public health and safety as a result of the release or threat of release.
- e) Reimbursement of any funds expended by the town for evacuation and/or relocation, upon determination by the town, that such expenditures are necessary due to a threat to public health and safety as a result of the release or threat of release.
- f) Reimbursement of any funds expended by the town for personnel expenditures incurred by the town as a result of the release or threat of release.

Exceptions

The following are excluded (as defined in Massachusetts General Law Chapter 21-E):

- a) Emissions from exhaust of an engine.
- b) Normal application of fertilizer and application of pesticides consistent with their labeling and with regulations of the Massachusetts Pesticide Control Board.
- c) Application of road salts in conformance with the Snow and Ice Control Program of the Massachusetts Department of Public Works.

Definitions

As used in this article, the following terms shall have the meaning indicated:

1) Release:

The accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of toxic or hazardous material upon or into any land or waters of the Town of Sterling. "Release" includes, without limitation, leakage of such materials from failed, damaged or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry well, catch basin or unapproved landfill.

2) Toxic or Hazardous Material:

Any substance or mixture of such physical, chemical or infectious characteristics as to pose, in the Fire Department or Board of Health's judgment, a significant actual or potential hazard to water supplies or other hazard to human health if such substance or mixture were discharged to land or waters of this town. "Toxic or Hazardous Materials" include, without limitation, organic chemicals, petroleum products, heavy metals, radioactive or infectious waste, acids and alkalis, and includes products such as pesticides, herbicides, solvents and thinners.

Reporting of Spills and Leaks

Any person having knowledge of a spill, leak or other loss of hazardous material shall report the same to the head of the Fire Department, Board of Health or its agents immediately.

Right of Entry / Enforcement

The Fire Department, Board of Health and its agents may enter upon privately owned property for the purpose of performing their duties under this By-Law.

Penalty

Failure by any individual, corporation or organization responsible for any costs incurred by the town pursuant to Section 7.1 to reimburse the town for said costs within thirty (30) days of demand, shall entitle the town pursuant to Massachusetts General Laws, Chapter 40, Section 21, to bring an action in any court of competent jurisdiction to recover said costs.

Adopted May 17, 2004 Approved September 8, 2004 Published week of Sept. 13 & 20, 2004

REMOVAL OF VEHICLES

Section 1. The Superintendent of Streets is hereby authorized for the purpose of plowing snow or removing ice from any way, to remove or cause to be removed to some convenient place, any vehicle interfering with such work; and the owner of any vehicle so removed shall be liable for the cost of such removal and for the storage charges, if any, resulting therefrom.

Adopted March 22, 1960 Approved April 8, 1960 Published April 14/August 5,8,1960

MOTOR BOATS

Sec 1 Adopted August 20, 1955 Approved December 13, 1955 Published [date?]
Adopted February 15, 1958 Approved April 29, 1958 Published [date?]
Repealed by Chapter 90B, Acts of 1960

Section 2. All motor boats operated on any waters within the territorial limits of the Town of Sterling while towing water skiers are to be operated on such waters in account so that traffic will proceed in a counter clockwise direction.

Section 3. No motor boats operating on any waters within the territorial limits of the town of sterling shall tow water skiers on said waters between the hours of one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise.

Adopted March 6, 1965 Approved July 6, 1965 Published July 13/14/15, 1965

Section 4. The use of jet skis, surf skis, wet bikes and other motorized thrill craft, so called, is banned from the waters of East Lake Waushacum.

Adopted May 15, 1990 Approved August 13, 1990 Published October 15, 1990

Section 5. The shallow areas of South Cove, Balls Cove (between the island the railroad tracks) and North Cove (between the island and North Cove) at East Lake Waushacum are established as “Headway Speed Zones” to protect the lake’s natural bottom contour from erosion.

Adopted May 17, 1997 Approved October 27, 1997 Posted October 30, 1997

SWIMMING POOLS

Section 1. Outdoor swimming pools shall be protected by a fence, wall, building, enclosure or solid wall of durable material of which the pool itself may be constructed or any combination thereof. Artificial barriers shall be constructed so as to afford no external handholds or footholds, of materials which rate impenetrable by toddlers, at least four feet in height so that a toddler cannot grasp its top by jumping or reaching, and equipped with a self-enclosing and positive self-latching closure mechanism at a height above the reach of toddlers and provided with hardware for a permanent locking.

Adopted March 7, 1970 Approved April 10, 1970 Published April 24/May 1/8, 1970

RUBBISH

Section 1. Within 48 hours after being notified in writing by the chief of the Fire Department that rubbish, ashes or waste matter has been permitted to accumulate upon property owned by the person notified, to an extent liable to cause or spread fire, said owner or occupant so notified shall cause to be removed such rubbish, ashes or waste matter.

Adopted February 3, 1930 Approved March 26, 1930 Published June 21/23/24, 1930

RETENTION/DETENTION PONDS/BASINS

Section 1. Outdoor, manmade retention/detention ponds/basins as may be required to be built by the Planning Board under their Subdivision Rules and Regulations, may be required

by the Building Inspector to be protected by a fence, wall or other enclosure, or combination thereof, of durable material if he/she determines that such is necessary for the protection of children. Consideration will be given to the slope and materials of construction of the banks and to the depth of the retained water. The barrier, if such is required, shall be constructed so as to afford no external handholds or footholds, of materials which are impenetrable by toddlers, at least four feet in height so that a toddler cannot grasp its top by jumping or reaching, and equipped with a self-enclosing and positive self-latching closure mechanism at a height above the reach of toddlers and provided with hardware for permanent locking. Sufficiently wide gated access shall be provided for maintenance purposes.

Adopted June 5, 1989

Approved October 5, 1989

Published October 16/23/30, 1989

JUNK DEALERS

Section 1. No person shall be a collector of or a dealer in junk, old metals or second hand articles or keeper of a shop for the purchase, sale and barter of junk, old metals or second hand articles unless licensed therefor by the Selectmen subject to the provisions of General Laws relative thereto. The Board of Selectmen shall receive at least \$2.00 for each license.

Section 2. Every such shop-keeper or junk dealer shall keep a book in which shall be written at the time of every purchase of any such article, a description thereof, name, age and residence of the person from whom, and the day and hour when such purchase is made. That such book shall at all times be open to the inspection of the Selectmen, that every keeper of such shop shall put, in some suitable and conspicuous place in his shop, a sign having his name and occupation legibly inscribed thereon in large letters; that such shop and all articles of merchandise therein and any place, vehicle or receptacle for the collection or keeping of the articles aforesaid, may be at all times examined by the Selectmen and no keeper of said shop, nor any dealer or junk collector shall directly or indirectly, either purchase or receive by barter or exchange any of the articles of a minor or apprentice, knowing or having reason to believe him to be such.

Adopted April 4, 1913

Approved April 29, 1913 Published [date?]

Revised February 3, 1930

Approved March 26, 1930 Published June 21/22/23, 1930

SOLICITORS AND PEDDLERS

Adopted May 16, 2011 Art 48 AG approved Sep 19, 2011 Published Dec 29, 2011

PURPOSE:

It is the purpose of this by-law to regulate persons or organizations engaged in soliciting or peddling in the Town of Sterling through the issuance of licenses and imposition of other limitations on such conduct for the purpose of protecting the Town's residents from disruption of the peaceful enjoyment of their residences and from crime and fraud, and further, to allow reasonable access to residents in their homes by persons or organizations who wish to engage in commercial solicitation.

SECTION ONE: DEFINITION

A solicitor or peddler is defined as any individual, whether a resident of the Town of Sterling or not, traveling either by foot, motor vehicle, or any other type of conveyance, from place to place, house to house, taking or attempting to take orders for sale of goods, wares, merchandise, personal property of any nature for immediate or future delivery or for services to be furnished or performed immediately or in the future and whether or not he or she collects advance payments on such sales.

SECTION TWO: LICENSE REQUIRED

It shall be unlawful for any solicitor or peddler as defined in SECTION ONE of this by-law to engage in such business in the Town of Sterling without first obtaining a license in compliance with the provisions of this by-law. Any person who is not properly licensed under this by-law shall be ordered to immediately cease and desist all solicitation in the town until they attain a proper license.

SECTION THREE: LICENSE EXEMPTION

Nothing in this by-law shall be construed to impose any license requirement or otherwise restrict or in any way regulate any activity for non-commercial purposes, including but not limited to any activity for religious, charitable, civic or political purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting.

SECTION FOUR: APPLICATION & FEE

- A. Each individual applicant for a license under this by-law shall submit to the Chief of Police or his/her designee an application along with a fee of \$25.00 (per individual applicant) payable to the Town of Sterling which will be used to cover the cost of processing permits and conducting the investigation of the application.
- B. Each applicant must complete a sworn application in writing at least 10 working days prior to the requested starting date for solicitation, on a form provided by the Police Department. Said form shall include the following information:
 - a. Name, physical description, and date of birth;
 - b. Social security number of the applicant (optional);
 - c. Permanent home address as well as full local address of the applicant;
 - d. A brief description of the nature of the business and/or goods to be sold;
 - e. If employed, name and address of employer, including credentials which establish the exact relationship;
 - f. The length of time for which the license is desired (not to exceed 90 days);
 - g. Names of manufacturer, of source of merchandise, proposed method of delivery;
 - h. Two photographs of the applicant, taken within the past 60 days prior to filing of the application, showing only the head and shoulders of the applicant in a clear and distinguishing manner
 - i. A statement as to whether or not the applicant has been convicted of any crime listed in Section Five of the By-law or is a Level 2 or Level 3 Sex Offender required to register with the Sex Offenders Registry Board.

SECTION FIVE: INVESTIGATION & ISSUANCE

- A. If after an investigation into the facts contained in the license application the Police Chief is satisfied the applicant is of suitable character, the Police Chief, or his designee shall grant the requested license.
- B. The Police Chief or his designee shall refuse to issue a license to any organization or individual whose license has been revoked for violation of this by-law within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, or larceny over \$250, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to grant a license to a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

SECTION SIX: IDENTIFICATION CARD

The Police Department, after a review of the information contained in the license application, but in no event more than ten (10) working days after receipt of a fully-completed application, shall issue to each successful applicant an identification card which shall contain the words "Licensed Solicitor", the individual's picture, identification and expiration date of the license. Persons engaged in solicitation or peddling as defined in this By-law must carry the registration card while soliciting or peddling and present the card to any police officer or person solicited upon request.

SECTION SEVEN: DUTY OF POLICE TO ENFORCE

It shall be the duty of any police officer of the Town to require any person seen soliciting or peddling and who is not known by such officer to be duly licensed, to produce his or her solicitor's license and to enforce the provisions of this by-law against any person found to be violating the same.

SECTION EIGHT: SOLICITATION HOURS

A properly licensed solicitor or peddler may solicit between the following hours:

Monday through Friday:	8 a.m. through 9 p.m.
Saturday, Sunday & Holidays	9 a.m. through 9 p.m.

SECTION NINE: RECORDS

The Chief of Police shall maintain all pertinent records of licenses issued and violations recorded.

SECTION TEN: ENFORCEMENT AND PENALTIES

- A. The provisions of this by-law shall be enforced by Police Officers of the Town of Sterling by any available means in law or equity, including but not limited to enforcement by noncriminal disposition pursuant to Section 21D of Chapter 40 of MGL and Article XVI of the General By-laws. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for each violation shall be \$300.00.

- B. Whoever continues to solicit in the town in willful violation of this by-law, by continuing to solicit after being informed by a police officer to cease and desist, may be arrested without a warrant by a police officer in accordance with the provisions of MGL ch. 272, § 59 and subject to a penalty of \$300.00.
- C. Notwithstanding the above licensing procedures, no licensee may enter private property after being forbidden to do so either directly by the person in charge of the property or by a conspicuously posted Notice of “No Trespassing” or “No Soliciting.” Such Trespass violations are controlled by MGL ch. 266, § 120, which authorizes the arrest (without a warrant) of a person found committing such a trespass in the presence of a police officer.
- D. After investigation by a police officer, licenses issued under the provisions of this by-law may be revoked by the Chief of Police or his designee after notice and hearing, provided however, that a license may be suspended immediately, without notice and a hearing, if the public safety or welfare so requires, for any of the following causes:
 - 1. Fraud, misrepresentation, or false statement contained in the license application;
 - 2. Fraud, misrepresentation or false statements made in the course of carrying on the business of solicitation;
 - 3. Any violation of this by-law;
 - 4. Conviction of any crime listed in Section Five of this By-law or classification as a Level 2 or Level 3 Sex Offender;
 - 5. Conducting the business of soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to health, safety, or the general welfare of the public; and
 - 6. High-pressure tactics, harassment, or a refusal to accept a refusal as an answer, when verified in writing.

If a license is suspended under the provisions of this section, notice of a hearing with regard to the same shall be given forthwith in accordance with the following subsection.

- E. Notice of hearing for revocation or suspension of a license shall be given in writing, setting forth specifically the grounds of the complaint and a time and place of the hearing. Such notice shall be hand delivered to the licensee or forwarded by certified mail to the licensee at his or her last known address at least five days prior to the hearing date.

SECTION ELEVEN: EXPIRATION OF LICENSE

All licenses for soliciting in the town are valid only for the particular dates or time period specified thereon, and in no case for longer than 90 days.

SECTION TWELVE: APPEALS

Any person or organization who is denied a license or whose license has been revoked may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within five (5) days after receipt of the notice or denial or revocation. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Board of Selectmen fails to make a determination within thirty (30) days after the filing of the appeal, the license shall be deemed granted or reinstated, as the case may be.

SECTION THIRTEEN: SEVERANCE CLAUSE

The provisions of this by-law are declared to be severable, and if any section, sentence, clause or phrase of this by-law shall for any reason be held to be invalid or

unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this by-law and they shall remain in effect, it being the legislative intent that this by-law shall stand, notwithstanding the invalidity of any part.

LEGAL SUITS

Section 1. The Selectmen are authorized to settle or defend any claims or suits that may be brought against the town or bring suit against any parties who may be indebted to the Town.

Adopted May 3, 1975

Approved June 16, 1975

Published July 7/8/9, 1975

TAX TITLES

Section 1. The Board of Selectmen or a majority of them are authorized to sell, after first giving notice of the time and place of sale by posting such notice of same in some convenient and public place of the town at least fourteen days before such sale, property taken by the town under Tax Title Procedure. The Board of Selectmen, or whoever they may authorize to hold the auction, may reject any bid they deem inadequate.

Adopted May 3, 1975

Approved June 16, 1975

Published July 7/8/9, 1975

WAYS

Section 1.

- A. The Board of Selectmen shall name all streets and avenues in the town, but no present name of any street or avenue shall be given to any other street or avenue.
- B. Street numbers shall be attached to each dwelling, business, industrial and other buildings in the town of Sterling.
 - 1. The number shall be made of permanent, weather-proof materials in contrasting color, shall be at least three (3) inches in height, and shall be clearly visible from the street or roadway upon which the structure fronts.
 - 2. Any structure that is not visible from the street or roadway shall have the assigned number posted on a suitable support at the entrance to the driveway that services such structure.
 - 3. The numbers posted shall be those assigned to each structure by the Fire Department, and filed in the office of the Town Clerk. The Fire Department shall advise the owners of property in writing of the assigned or reassigned number at the property's tax address.
 - 4. It shall be the responsibility of each property owner in the town to obtain, display, and maintain the assigned street number within ninety (90) days of the passage of this By-Law.
 - 5. This By-Law shall be enforced by either the Police Department or the Fire Department. Failure to comply with this By-Law shall subject property owners to a fine of not more than twenty (\$20.00) dollars for each offense.

Sec. 1. Amended May 30 1992 Accepted April 2, 1993 Advertised April 9, 1993 Published [date?]

Section 2. No person except officers of the town in the lawful performance of their duties, and those acting under their order, shall obstruct any sidewalk or street or any part thereof, or break or dig the ground of the same, without first obtaining written permission from the Selectmen therefor. Every person receiving such permit shall execute written agreement to indemnify and save harmless the town against all loss, damage or cost suffered or claimed on account of the existence of such obstruction or excavation, and shall leave the street or way at the completion of the work in as good condition as the same was before the work was commenced.

Section 3. No person shall throw, place or cause to be thrown or placed upon any street or sidewalk in the Town, any dirt, ashes, stones, whoops, boards or other wood with nails projecting therefrom, shavings, sawdust, manure, nails, spikes, glass, tin cans, filth, rubbish or any noxious or refuse liquid or solid matter or slippery substance.

Section 4. No person shall pasture or cause to be pastured any cattle upon or within the limits of any street or way of the town either with or without a keeper, provided that nothing in this By-Law shall be construed to affect the right of any person to the use of land within the limits of such way, adjoining his own premises; also no person shall willfully or negligently cause swine, cows, or horses to travel on the sidewalks of the town.

Section 5. No person shall, except in the performance of some duty required by law, or upon written permission from the Board of Selectmen discharge any gun, pistol or other firearm, in or upon any street or public place. No person shall fire any squib, serpent, cracker or other preparation whereof gunpowder is an ingredient, or which consists wholly of the same, or make any bonfire in or upon any street or public place within the town except as provided by state law. No person shall play ball, fly a kite or throw a stone or snowball or other thing or other appliance for the discharge of missiles within any public street, way or place.

Section 6. No person shall coast upon or across any sidewalk or street in the town, except at such times and in such places as may from time to time be designated by the Selectmen.

Section 7. Three (3) or more persons shall not stand together or near each other in any street, or on any footpath or sidewalk, or upon any land left open and used as a sidewalk in the town, so as to obstruct the free passage for foot passengers; any person or persons so standing shall move on immediately after a request to do so by Constable or Police Officer of the town.

Section 8. No person shall loaf or loiter upon any public way after having been requested by a constable or Police Officer to move.

Section 9.

- A. No person shall use any indecent, profane or insulting language in any street or public place in the town, or near any dwelling house or other buildings therein, or be or remain on any public sidewalk or private passageway, or way or ways to any public hall or church, court of public office, or upon any doorstep, portico or

other projections from any such house or buildings, to the annoyance, disturbance or obstruction of any person lawfully entitled to pass, or to resort thereto.

- B. All persons congregating together in a disorderly manner, who shall not disperse when ordered by any Constable, or public officer, to do so, any person or persons congregating or loitering about any schoolhouse yard or in the same, or in an outbuilding belonging thereto, not being a member of the public school, who shall not immediately disperse and leave the premises when ordered to do so by any school teacher, constable or public officer of the town shall severally forfeit and pay such fine as is provided in the Penalties section of these By-Laws.

Section 10. No person shall obstruct the free and convenient use for travel of any public street, sidewalk or footpath or entrance to any private way or drive.

Section 11. No person shall remove, extinguish, injure or destroy any light lawfully in a public way.

Section 12. Deleted (December 5, 1977 Town Meeting)

Accepted December 5, 1977 Approved March 8, 1978 Published March 17,10,27/1978

Section 13. The Selectmen may grant licenses to use a certain portion of any public way as a carriage stand, under such terms and conditions as they may prescribe; and no person shall use any portion of any public way as a carriage stand for the solicitation of passengers for hire without a license from the Selectmen. But licenses shall not be confined to one person to the exclusion of other applicants, and shall be granted so as to allow competition and promote public convenience.

Adopted March 18, 1889 Approved April 9, 1889 Published May 11, 1889
Adopted February 3, 1930 Approved March 26, 1930 Published June 21/23/24, 1930

Section 14. Whoever plows or otherwise removes snow in such a manner as to obstruct any public way within the town of Sterling shall be punished by a fine of not more than \$50.00, said fine to inure to the said town.

Adopted May 3, 1975 Approved June 16, 1975 Published July 7/8/9, 1975

Section 15. Property owners shall be required to clear snow and ice from all sidewalks that run along the street in front and or to either side of their property within forty-eight (48) hours of the end of the storm.

(Sec. 15) Adopted May 17, 1999 Approved September 7, 1999 Posted September 22, 1999

Section 16.

- a.) After review by the Building Inspector and the Sterling Department of Public Works (DPW) a suitable bond may be required from any person prior to development of any lot where access is provided from a Public Way, to repair or replace any portion of the town roadway, other infrastructure or other town owned amenities within the roadway right-of-way, which may be

damaged during the course of said development by said person or his/her agent(s). The value of the Bond will generally be \$5,000, more or less, depending on the project, as determined by the DPW. After completion of the project the bond will be accessed by the DPW to recover all expenses incurred by the Town to correct the damage, should any have occurred, if they are not recovered after billing the person owning the lot in question.

b.) The Planning Board, working with the Building Inspector and the DPW superintendent, may adopt reasonable rules and regulations for the administration of this Section 16.

Sec. 16 Adopted May 11, 2009 Art. 35 AG Approved w/caution Dec 1, 2009 Posted Dec 23, 2009

USE OF WAYS

Section 1. Every person intending to erect, repair or take down any building on land abutting on any street or way which the town is required to keep in repair, and who desires to make use of any portion of said street or way for the purpose of placing therein building materials, or rubbish, shall give notice thereof to the Selectmen. The Selectmen may grant a permit to occupy a portion of said street or way, and such permit shall be upon the condition that the licensee shall keep a sufficient number of lighted lanterns at or near the parts of the street or way obstructed or unsafe, and shall keep a railing or guard around the same while such obstruction shall continue. If such obstruction is more than a temporary condition, the licensee shall place a good walk around said obstruction and at the completion of the work shall restore the street or way to its former condition. Before issuing a permit as heretofore provided, the Selectmen shall receive from the person applying for the same a written agreement to indemnify and save harmless the town against and from all damages, by reason of any proceeding, criminal or civil, on account of the existence of such obstruction or excavation.

Adopted February 3, 1930

Approved March 26, 1930

Published June 21/23/24, 1930

PRIVATE ENTRANCES

Section 1. The Construction of a private entrance onto a public way shall be allowed only after a written permit therefore is obtained from the Board of Selectmen, the said Board of Selectmen in issuing a permit under this By-Law may impose such conditions as it may deem necessary. Any such conditions imposed shall be attached to and made a part of the permit.

Adopted November 1, 1971

Approved December 16, 1971

Published January 12/14/17, 1972

ACCEPTANCE OF PUBLIC WAYS

Section 1. All private roads that are to be considered for acceptance by the town as public highways shall be laid out in accordance with the provisions of Chapter 82, sections 21 through 23 inclusive of the Massachusetts General Laws, as amended, which statute require they shall be bounded according to the plan, showing descriptions of the widths and lengths

of the layout. Such streets shall meet the street, shoulder and sidewalk construction requirements and specifications of the “Rules and Regulations governing the Sub-Division of Land, Sterling, Massachusetts”, latest revision.

Adopted February 8, 1954	Approved February 17, 1954	Published [date?]
Amended April 24, 1978	Approved July 25, 1978	Published August 1/7/14, 1978
Amended May 17, 2004	AG approved (? Date)	Published [date?]
Amended May 14, 2007	AG approved (? Date)	Published [date?]

ANIMAL CONTROL BY-LAW

Adopted *Dogs & Dog Licensing* Dec 5, 1977 AG approved Mar 8, 1978 Published Mar 17/20/27, 1978
Amended Oct 5, 1981 AG approved Jan 11, 1982 Published Jan 15/22, 1983
Amended Nov 7, 1983 AG approved Jan 13, 1983 Published Jan 12/30, 1984
Amended May 30, 1992 AG approved Apr 2, 1993 Published Apr 9, 1993
Adopted *Animal Control Bylaw* May 17, 1999 AG approved Sep 7, 1999 Published Sept 22, 1999
Amended May 12, 2003 AG approved Jun 7, 2004 Published [date?]
Amended Oct 15, 2007 AG approved Feb 13, 2008 Published Feb 21, 2008
Amended May 11, 2009, Art 52,53, 54 AG Approved [date?] Published [date?]
Sec. 1, 2, 7 Amended ATM May 16, 2011 Art 40- 43 AG Approved Sept 19 Published Dec 29, 2011

*Mission Statement of the Sterling Animal Control Bylaw as established in 1999 shall be:
“To Protect People from Animals and Animal from People.”*

SECTION 1. DEFINITIONS

As used in this by-law the following terms mean:

Abandonment – means the willful and intentional leaving behind or desertion of an animal causing such animal to become a public charge.

Abused Animal:

- 1) Any animal which is *proven to be* mistreated, beaten, tormented or teased, or
- 2) is deprived of water or food or shelter, or
- 3) is kept under unsanitary conditions, or
- 4) abandoned, or
- 5) is trained for fighting other animals.

Altered: shall mean spayed or neutered.

Animal: For the purpose of this bylaw, animal shall mean any dog, cat and/or domestic animal.

Animal Business: Any pet shop, grooming shop, or boarding facility, animal day care facility, pet sitting enterprise, except this term shall not include animal shelter, veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89544 and 91579.

Animal Clinic or Veterinary Hospital- means a facility where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the clinic or hospital use

Animal Control Officer: (ACO): means the person or persons who is recommended by the Police Chief and appointed by the Board of Selectmen to enforce Sterling’s Animal Control bylaw and respond to incidents in which animals are involved.

Approved Animal Facility: is any animal facility published by the MA Dept of Agricultural Resources (MDAR) as a “Massachusetts Approved Shelter and Rescue Organizations”, and listed as “out-of states”, meaning facilities listed as such have approved isolation facilities

At Large: Any animal shall be deemed to be at large when off the property of the owner and not under restraint.

Companion Pet: shall mean any dog, cat and any other domesticated animal, requiring licensure and maintained in or near the household of the owner or person who cares for such domesticated animals, in addition to being spayed or neutered.

Dangerous Animal: Any animal which constitutes a physical threat to human beings or other domestic animals, as determined by the Animal Control Advisory Board, by virtue of a known propensity to endanger life by an unprovoked assault or bite so as to cause serious bodily harm. An animal trained, owned, or harbored for the purpose, primarily or in part, of animal fighting.

EXCEPTIONS: An animal shall not be deemed dangerous if:

- 1) it bites, attacks, or menaces
 - (a) anyone assaulting the owner, or
 - (b) a trespasser on the property of the owner, or
 - (c) any person or other animal who has tormented or abused it, or
- 2) it is otherwise acting in defense of an attack from a person or other animal upon the owner or other person or
- 3) it is protecting or defending its young or other animal.

Dog License: a document, issued annually, upon receipt of a veterinarian’s certificate verifying that each dog licensed over the age of six months is currently vaccinated against rabies.

Dog Waste - solid wastes defecated by said dog on any property, other than the property of the dog owner.

Domesticated Animal: for the purpose of this bylaw shall mean all animals, including poultry that are kept or harbored as domesticated animals. Poultry as used in this section

shall include chickens, roosters, capons, hens, turkeys, pigeons, guinea fowl, and ducks and geese other than wild species (MGL Chapter 129)

Domestic Charitable Corporation- means a facility operated, owned or maintained by a domestic charitable corporation registered with the MA. Department of Agriculture, 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 a licensed veterinarian, which may operate for the above purpose in addition to providing medical treatment and care to animals.

Euthanasia: means the putting to death of any animal in a humane manner.

Fee: A sum *of money* paid for service or a fixed charge

Feral Cat - means a cat which currently lives in the “wild” and fends for itself, sometimes previously domestic.

Fine: A sum *of money* imposed as punishment for an offense.

Humane Manner: Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Impound –for the purpose of this bylaw means to detain and/or hold any domestic animal in a humane manner within a specified area or approved animal facility.

Impound Fee- shall be a predetermined charge for all daily costs incurred by the Municipal Impound for the humane manner of care provided to any animal(s) impounded, as determined by the ACO.

Isolation: Restricting a domestic animal from any direct human or other animal contact; confining the animal to a facility approved by the Animal Inspector of the appropriate municipality; or isolation at home under conditions approved by the Animal Inspector of the Municipality.

Kennel: Shall mean one pack or collection of dogs *on* a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than four dogs *six* months old or over owned or kept by a person on a single premises irrespective of the purpose for which they are maintained. (MGL Chapter 140 Sec 135A)

Kennel Commercial: Shall mean pack or collection of dogs in a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than four (4) dogs, three months old or older, owned or kept by a person on a single premises

regardless of the purpose for which they are maintained or kept. (Sterling Protective By-laws, Article 5)

Kennel License: a document issued annually and contingent upon receipt by the Town Clerk of both a completed kennel application validating compliance to all provision listed as kennel license requirements as set forth in this bylaw and a veterinarian's certificate verifying each dog over the age of six months is currently vaccinated against rabies.

Kennel License Tags: durable tags, numbered according to applicable kennel classification and issued annually in accordance with all provisions stated within the kennel requirements section of this bylaw.

Licensing Authority: Is the Town Clerk or any designated representative thereof charged with administering the issuance *and/or revocation* of licenses under the provisions of the by-law. The Town Clerk shall issue licenses and tags on a form prescribed and furnished by the Town Clerk's office.

License Tag: a durable tag issued annually upon licensure of any animal by the Town Clerk and upon which shall appear the name of the town issuing such license, a tag number and the year of issue.

Municipal Impound shall be a temporary holding area, designated by the Sterling Chief of Police and/or the ACO. The designated area shall be located within the boundaries of the Town of Sterling and contain a proper enclosure, approved by the ACO and as described herein. This area is not approved for quarantine.

Neutered: Rendered permanently incapable of reproduction.

Non-resident shall mean (1) a person who is a resident of Massachusetts but who resides in a city or town other than Sterling; (2) a person who is a resident of another state, or (3) both.

Nuisance: shall mean repetitive, domestic, animal behavior documented by the ACO to constitute an ongoing violation of Section 5 of this bylaw and demonstrated by the animal(s) with any of the following action(s):

1. frequently running at large, or
2. causing constant disturbance by excessive barking or other noise making; or
3. chasing vehicles or bicycles, or
4. it molests, attacks, or interferes with persons or other domestic animals on public property, or
5. recurring deposits of dog waste.

Owner: A person (or in the event of a minor, the legal guardian) having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person.

Person: Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Pet Shop: Every place or premise where birds, mammals or reptiles are kept for the purpose of sale at either wholesale or retail, import, export or barter, exchange or gift. (MGL Chapter 129 Sec 1)

Proper Enclosure is a secure confinement indoors or in any outside securely enclosed and locked pen or structure, resistant to tunneling, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have secured sides, in addition to a secure top to provide protection from the elements for the animal.

Public Areas: Public areas shall include: Town Beach, Town Common and Memorial Area, playing fields, school property, green-ways, town buildings & grounds, cemeteries, public ways and walks.

Quarantine: Means to hold in segregation from the general animal population any dog or cat or companion pet because of the presence or suspected presence of a contagious disease.

Rabies Vaccination – shall mean the inoculation of an animal against rabies in accordance with State law and the “Compendium of Animal Rabies Prevention and Control”.

Research Institute: Any institution operated in the United States or by the Commonwealth or a political subdivision thereof, or any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine or agriculture, medical diagnostic laboratory, hospital or other educational or scientific establishment within the , investigates or gives instruction concerning the structure or functions of living organisms or the cause, prevention, control or cure of disease or abnormal conditions of human beings or animals. (MGL Chapter 140 Sec 136A)

Restraint: An animal shall be considered under restraint if:

1. it is within the real property limits of its owner or keeper or on the premises of another person with the knowledge and express permission of such person, or
2. secured by a leash, lead, or
3. under the direct control of the owner.

Service dog/animal - shall mean any guide dog, signal dog, or other animal trained to provide assistance to an individual with a disability.

Shelter: A public control facility or any other facility which is operated by any organization or individual for the purpose of protecting animals from cruelty, neglect or abuse. (MGL Chapter 140, Section 136A)

Spayed: rendered permanently incapable of reproduction.

Special Permit: Shall mean a permit issues pursuant to GLc40A,s9 and the Sterling Protective By-law. In accordance with case law, neither the Zoning Act nor the town zoning by-laws gives an absolute right to a special permit. The special permit granting authority is not compelled to grant the permit; it has discretionary power in acting thereon. (See MacGibbon v. Board of Appeals of Duxbury, 356 Mass. 635, 638-639, 1970 and Sterling Protective By-laws, Article 5).

Stray Animal: For the purpose of this bylaw "stray animal" means and includes any dog, cat or domestic animal at large in any public area and without an apparent home.

Strict Confinement: Maintenance of a domestic animal in an escape-proof, solid-walled building with a roof, approved by the Animal Inspector of the municipality. The animal may be leash walked by an adult or under the direct supervision of an adult.

Valid License: a current document and tag from the jurisdiction in which the animal resides.

SECTION 2. LICENSING AND RABIES VACCINATION

(a) INDIVIDUAL DOG LICENSE PROVISIONS

A person who at the commencement of a license period becomes the owner or keeper of a dog six months old or older, which is not duly licensed, and the owner or keeper of a dog when it becomes six months during a license period, shall cause it to be registered, numbered, for the accepted licensing period. The owner or keeper of a licensed dog shall cause each animal to wear a collar or harness its neck or body or harness of leather or other suitable material, to which shall be securely attached a license tag in form prescribed, and upon which shall appear the license number, the inscription "Town of Sterling" name of the town issuing such license and the year of issue. Such tags shall be furnished in same manner as license by the Town Clerk. This section shall not apply to a person having a kennel license or companion pet license. where it is otherwise provided by law, nor shall it apply to a person having a kennel license. The registering, numbering, describing and licensing of all types of dog licenses shall be kept in the office of the Town Clerk. *(MGL Chapter 140 Sec. 137, amended 1987, c118. The deadline to obtain an individual dog license shall be April 15th.*

COMPANION PET LICENSE PROVISIONS

Any owner or keeper of 1-4 animals requiring licensure, being over the age of six (6) months, being maintained in a private residence for non-commercial purposes and all of which have been spayed or neutered, may secure a companion pet license. The holder of a companion pet license shall cause each animal to wear, while it is at large, a collar or harness to which shall be securely attached a license tag upon which shall appear the number of such license, the year of issue and the inscription "Town of Sterling." Such license shall be in a form prescribed by the Town Clerk. The Town Clerk shall not issue a companion pet license, unless the owner or keeper provides the Town Clerk with

veterinarian certificates, verifying that each animal over the age of six months is currently vaccinated against rabies and copies(s) of certificates confirming the animal is spayed or neutered. The deadline to obtain a companion pet license shall be April 15th.

(b) No town clerk shall grant such license for any dog unless the owner thereof provides such town clerk *with*:

- either a veterinarian certification such dog has been vaccinated in accordance with the bylaw provisions of section one hundred and forty-five, or
- has been certified exempt from such provision as hereinafter provided:
 1. a notarized letter from a veterinarian that a certification was issued or
 2. a metal rabies tag bearing an expiration date indicating that such certification is still in effect. (*MGL Chapter 140 Sec 137*)

(c) **LICENSING EXEMPTIONS:**

A licensing authority may grant an exemption from all dog licensing provisions in this bylaw, for any dog which;

- has not yet attained six months of age, or
- any dog which the local board of health, for a specified period of time, has declared exempt, or
- upon presentation of a veterinarians' certificate stating, that because of an infirmity, other physical condition or regimen of therapy, the inoculation is thereby deemed inadvisable, or
- any dog in transit, or brought into the commonwealth, temporarily, for the sole purpose of showing in shows or exhibition.

d) Whoever is the owner or keeper of a dog or cat in the commonwealth six months of age or older shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer's directions, and shall cause such dog or cat to be revaccinated at intervals recommended by the manufacturer. Unvaccinated dogs and cats acquired or moved into the commonwealth shall be vaccinated within ninety days after the acquisition or arrival into the commonwealth or upon reaching the age of six months, whichever last occurs. It shall be the duty of each veterinarian, at the time of vaccinating any dog or cat, to complete a certificate of rabies vaccination which shall include, but not be limited to the following information: the owner's name and address; a description of the animal, including breed, sex, age, name and distinctive markings; the date of vaccination; the rabies vaccination tag number; the type of rabies vaccine used; the route of vaccination; the expiration date of the vaccine; and the vaccine lot number. The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be secured by the owner or keeper of such dog or cat to a collar or harness made of suitable material to be worn by the dog or cat provided, however, that the owner of a cat may choose not to affix a tag to his cat, but shall have the tag available for inspection by authorized persons. In the event that a tag is lost, the owner or keeper of the animal shall, upon presentation of the original vaccination certificate, be issued a new tag. In addition, any person who fails to comply with any provisions of this section shall be charged a fine of \$25.00 per animal.

(e) A license, duly recorded, shall be valid throughout the commonwealth, except that, in the case of permanent removal of a dog into another town, within the commonwealth, the owner or keeper thereof shall, within thirty days after such removal, present the original license and tag of such dog to the Clerk of the town into which such dog has been removed, and such Clerk shall take up the same and issue to said owner or keeper a transfer license, together with a tag, for such dog upon payment of one dollar (\$1.00), which shall be retained by the Clerk unless otherwise provided by law.

(f) The licensing period shall be January 1st through and inclusive of April 15th of the current year. The deadline for procurement of all types of dog licenses is established as April 15th of each year. New residents must apply for a license within 30 days of establishing residence. Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon. Such description shall be supplied by the Board of Health.

(g) For each individual dog in the town of Sterling, over the age of six months, an annual fee will be charged by the town for the issuance of dog licenses as follows:

Spayed Females	\$8.00	<u>Intact</u> Females	\$12.00
Neutered Males	\$8.00	<u>Intact</u> Males	\$12.00
Companion Pet License	\$6.00 per dog		

No fee to license a dog or other animal shall be charged to the owner(s) of a service dog/animal, as defined in this bylaw or any dog owner(s) age 70 years old or older. In order to apply the lower fee to license a spayed or neutered dog, the owner must provide, to the Town Clerk, a certificate of spay or neuter from a registered veterinarian for said dog(s) being licensed.

(h) Penalties for violation(s) of section 2 shall be:

- FAILURE TO VACINATE FOR RABIES ----- FINE: \$25.00 PER DOG, (MAY BE IN ADDITION TO OTHER FINES)
- LATE LICENSING (After April 15TH)-----FINE: \$25.00 PER DOG (MAY BE IN ADDITION TO OTHER FINES & FEES)
- UNLICENSED DOG ----- FINE: \$25.00 PER DOG, PER WEEK.(MAY BE IN ADDITION TO OTHER FINES & FEES)

(FAILURE TO LICENSE A DOG OR DOGS IN THE TOWN OF STERLING MAY RESULT IN A CRIMINAL COMPLAINT BEING ISSUED.)

SECTION 3. SPECIAL PERMITS AND KENNEL LICENSES

(a) ***Special Permit Granting Authority:*** Unless specifically designed otherwise, the Board of Appeals shall act as the Special Permit Granting Authority

Kennel License Provisions:

(b) Any owner or keeper of more than four dogs six months old or older shall obtain a kennel license. Such license shall be in a form prescribed by the Town Clerk. Such license shall be in lieu of any other license for any dog while kept on kennel premises during any

portion of the period of time for which the kennel license is issued. The holder of a kennel license shall cause each dog kept therein to wear, while it is at large, a collar or harness, to which shall be securely attached a durable tag upon which shall appear a kennel number assigned at the time license was issued, the year of issuance and the inscription "Town of Sterling" No kennel license shall be granted until a completed kennel license application, with full payment of indicated kennel license fees, is received by the Town Clerk. The Town Clerk shall, upon application, issue without charge a kennel license to any domestic charitable corporation, incorporated exclusively for the purpose of protecting animals from cruelty, neglect, or abuse, and for the relief of suffering among animals. A veterinary hospital shall not be considered a kennel unless it contains an area for selling, breeding or boarding of dogs for other than medical purposes, in which case it shall be required to make application for a kennel license.

(c) A Kennel License and / or Kennel Renewal License, respectively, shall be issued upon receipt of a completed kennel application, accompanied by payment of applicable license fees, not including other fees:

- Kennel I ---- up to & incl. 4 dogs --(INITIAL AND RENEWAL APPLICATION)---- \$ 40.00
- Kennel II ---5 and up to 10 dogs--(INITIAL AND RENEWAL APPLICATION)----- \$ 50.00
- Kennel III ---- 11 or more dogs -----(INITIAL AND RENEWAL APPLICATION)- \$ 60.00

(d) Kennel Application & Renewal Requirements are as follows;

INITIAL APPLICATION

Every applicant for a kennel license shall submit a completed application form to the Town Clerk. Issuance of a Kennel License shall be contingent upon compliance with all pertinent sections of this bylaw and receipt by the Town Clerk of the following information:

- a completed kennel license application form including payment in full of all fees applicable, and
- a documented approval from the Zoning Enforcement Officer stating that issuance of a kennel license to said applicant would not violate any local bylaws or State rules or regulations with regard to zoning, and.
- in addition, Where required obtaining a special permit for any kennel so designated by the Protective bylaw (zoning) of Sterling, and
- written approval from the Animal Control Officer that kennel applicant is in compliance with the Sterling Animal Control bylaw as listed in kennel regulations, as well as any State or Federal laws, rules, and regulations pertaining to animals, and,
- written opinion from the Board of Health that the Animal Inspector has inspected the kennel for the purpose of verifying appropriate sanitation and husbandry practices are being followed, and
- that the kennel applicant is in compliance with all Sterling Board of Health regulations.
- if any person(s) is issued a kennel license in Sterling previous to the date this section of the bylaw becomes legally effective they shall be exempt to fulfill the kennel application requirements as designated above, however, they will need to follow the renewal procedure as indicated on an annual basis. At anytime in the

future should their kennel license be revoked or not renewed in the time period provided, then at that time prior to the issuance of another kennel license they shall be required to comply with all kennel application requirements as listed above

RENEWAL APPLICATION (ANNUAL)

Every holder of a kennel license shall renew the license annually by submitting a completed renewal application to the Town Clerk. Renewing a Kennel license shall be contingent upon receipt by the Town Clerk of the following information:

- documentation of renewal inspection and approval by the Animal Control Officer and,
- documentation of renewal inspection and approval by the Animal Inspector or a Board of Health Agent

(e) Kennel License Regulations

Every person issued a kennel license in the Town of Sterling shall be required to:

- Keep and maintain at all times on its premises accurate records of descriptions with regard to the identities of all dogs kept on the premises, valid copies of current rabies certificates for all dogs over six months of age and documentation of the current number of dogs on the premises on each day, and
- Keep and maintain at all times on its premises current and accurate records containing the name and address of the owner of each dog kept in the kennel if owned by someone other than the person maintaining the kennel

(f) Kennel License Period

A kennel license shall be issued on an annual basis and must be renewed each year before April

15th. Scheduling of all dates for inspections or permitting processes as outlined in this section

shall be the sole responsibility of the kennel applicant.

(g) PENALTIES FOR VIOLATIONS OF SECTION 3 SHALL BE:

- FAILURE TO OBTAIN A KENNEL LICENSE (AFTER APRIL 15TH)----- FINE (\$25.00)
- UNLICENSED KENNEL ----- FINE (\$50.00) PER WEEK
- FAILURE TO MAINTAIN, ON-SITE, CURRENT RABIES DOCUMENTATION FOR EACH DOG----- FINE (\$25.00) PER DOG

(FAILURE TO LICENSE A KENNEL IN THE TOWN OF STERLING MAY RESULT IN A CRIMINAL COMPLAINT BEING ISSUED.)

SECTION 4. ISSUANCE AND REVOCATION OF LICENSES

- If any applicant is proven to have withheld or falsified any material information on the application or renewal form, the Town Clerk may refuse to issue or may revoke a kennel license.
- The Town Clerk, upon receiving a written directive from the Board of Selectmen as the result of a public hearing that was based on information obtained from the

animal **control** officer regarding issues involving, but not limited to, any Board of Health violations with regard to kennel inspection(s) or a finding by the ACO of records not being properly kept as required by law, may revoke any license for a period of time to be determined by the board of Selectmen or until such time as all violations are corrected and approved in writing by both the ACO and the Board of Selectmen.

SECTION 5. OWNER RESPONSIBILITY

- (a) It shall be the duty of every owner of an animal, or anyone having an animal in their possession or custody, to exercise reasonable care and to take all necessary steps and precautions to prevent any animal from being a nuisance and to protect people, property, and animals from injuries or damage which might result from their animal's behavior, regardless of whether such behavior is motivated by mischief, playfulness, or ferocity. In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this ordinance are complied with.

1. While On Property:

It shall be the duty of every owner of any animal, or anyone having any animal in his possession or custody, to ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner, possessor, or custodian, or the real property limits of another person with the knowledge and express permission of the owner of such property. Suggested methods to restrain an animal include the following: to provide that it is securely and humanely enclosed within a house, building, fence, pen, or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition - and for such enclosure be securely locked at any time the animal is left unattended; to provide it is securely and humanely restrained by chain, cable and trolley or other tether of sufficient strength to prevent escape; or to provide for it to be on a leash and under control of a competent person, or if it is off leash it shall be obedient to that person's commands and that said person is present with the animal any time it is not restrained.

2. While Off Property or At Large:

It shall be the duty of every owner of any animal or anyone having an animal in his possession or custody, to ensure that the animal is kept under restraint and control at all times while the animal is off the real property limits of the owners, possessors or custodian. For the purpose of this section, an animal is deemed under control when; it is securely confined within a vehicle, parked or in motion; it is properly confined within a secure enclosure with permission of the owner of the property where the enclosure is located; it is securely restrained by a leash or other device held by a competent person; or it is under the direct control of the owner.

- (b) Abandonment or Abuse of Animals:

It shall be unlawful for anyone to knowingly abandon or abuse any domesticated animal. Each person who does abandon or abuse knowingly, or willingly permits this abandonment or abuse or aids in the abandonment or abuse of any domesticated animal shall be reported to the proper authority.

(c) Additional Requirements for Dangerous Animals:

It shall be the duty of the owner to take the following precautions:

1. Whenever outside of its enclosure as provided for in section 5(a) above, but on the owner's property, a dangerous animal must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape.
2. No dangerous animal shall be chained, tethered, or otherwise tied to any inanimate object, such as a tree, post, or building, outside of its own enclosure as provided for in 5(a) above.
3. In addition to the requirements in 5(a) above, for owners of dangerous animals that maintain their animal out-of-doors, a portion of their property should be fenced with a perimeter or area fence. Within this perimeter fence, the dangerous animal must be humanely confined, as defined by MSPCA guidelines, inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides, a secure top attached to all sides, and the sides must either be buried two feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. The gate to the kennel must be locked. Failure to keep any animal confined or under restraint as provided for in this section shall be unlawful and shall be punishable as hereinafter provided.
4. Except when being transported in, and securely confined within a vehicle, no dangerous animal shall be permitted off the property of its owner except *when it is*:
 - A. attended by the owner, and
 - B. is restrained by secure collar and leash (not to exceed 6 feet in length); both collar and leash to be of sufficient strength to prevent escape, and
 - C. is muzzled by any means sufficient to prevent biting other persons or domestic animals.

(d) Failure to keep any animal under restraint or control as provided for in this section shall be unlawful and shall be punishable as hereinafter provided.

(e) Enforcement of Restrictions on Dangerous Animals

In the event that an animal control officer or his designated agent has probable cause to believe that a dangerous animal is being harbored in violation of this by-law, he may order the violation immediately corrected and charge the owner or keeper to appear in the appropriate area for the violation.

(f) Penalties for Violation and Repeat Offenders:

Any person violating the terms of this section or rules and regulations promulgated pursuant thereto shall be subject to the following fine schedule: first offense, \$10; second offense, \$25; third and subsequent offenses, \$50. Any offenses subsequent to the third offense shall require an appearance before the Animal Control Advisory Board. Repeat offenders of provisions relating to dangerous animals will be given an opportunity to fully explain to the Animal Control Advisory Board why a violation has been repeated.

SECTION 6. IMPOUNDMENT OF ANIMALS

Purpose of Impound for any domestic animal is to allow time for owners to claim said animal, however, additional criteria such as; an injured animal, a stray animal or a bylaw violation of section 5 by any animal(s) may also constitute the need to impound. In addition, when an animal is found in violation of Section 5 and its ownership is verified by the Animal Control Officer, the ACO may exercise the option to serve the owner with a notice of violation and/or citation in lieu of impounding the animal. The decision to impound any animal(s) shall be the sole decision of the ACO. In the event that the Animal Control Officer finds dogs or cats to be suffering, the ACO shall have the right forthwith to remove or cause to have removed any such animal(s) to a safe place for care at the owner's expense or to euthanize them when necessary, subject to consultation with a licensed veterinarian, to prevent further suffering. Return to the owner may be withheld until the owner shall have made full payment for all expenses so incurred.

Duration of Impound - Each animal impounded in the Municipal Impound may be held for a period of up to Forty-Eight (48) Hours. In the event that such animal's owner cannot be identified within Forty-Eight (48) Hours, said animal shall be deemed a stray animal and transferred as such to an approved animal facility for the remainder of the State required ten day holding period.

Redemption of Impounded Domestic Animals – Upon presentation to the ACO of documented proof of ownership, the owner of any animal(s) impounded by the Sterling ACO may thereof anytime within Ten (10) business days and upon payment of all accrued fees, charges or fines, redeem said animal(s). At such time a dated receipt will be given to the owner. Failure of an owner, or person(s) identified and verified by the ACO as the owner, to redeem any animal from impoundment or other approved facility does not relieve the owner(s) liability to the Town of Sterling for any accrued impoundment fees or veterinary charges accrued. Payment of impoundment fees is not considered to be in lieu of any fine, penalty or licenses fees and is to be in addition to any other approved animal facility charges or veterinary expenses incurred during impoundment. No animal required to be licensed or vaccinated under this by-law may be redeemed until provisions for required licensing or vaccinations have been fulfilled and verified by the ACO as documented with the Town Clerk in the town where the animal resides. Disposal by euthanasia of an impounded animal by any approved or veterinary facility does not relieve the owner of liability for payment to the Town of Sterling for any municipal impoundment fee, bylaw violation(s) citations, fines or any accrued other charges

Quarantine– of any domestic animal impounded but then determined to require quarantine will be transferred to an approved animal facility for the duration of quarantine. Any animal confined for rabies quarantine and involving a human bite may be redeemed by the owner only upon release by the animal inspector. Any animal confined for rabies quarantine for reason other than a human bite, such as evidence, or other purpose may be redeemed by the owner upon release by the animal inspector or the animal control officer.

Notification of Impound – is the sole responsibility of the ACO and shall be done immediately upon the impounding of any domestic animal(s). The Animal Control Officer

shall make every reasonable effort to identify the owner of the animal(s), notify and inform such owner of all conditions required whereby custody of the animal may be regained.

Municipal Impound Records - The ACO shall be required to keep a detailed log/record of every animal impounded, veterinary expenses accrued while impounded and issue a copy or duplicate of a dated certificate of release upon redemption of said animal(s).

Municipal Impound Fee – shall be Fifteen (\$15.00) Dollars per day / per animal, issued as deemed applicable by the ACO.

Disposal or Impoundment of an Domestic Animal - disposal or impoundment of an domestic animal by any method specified herein or other approved facility does not relieve the owner of liability for payment to the Town of Sterling for violations and/or any accrued charges.

SECTION 7. ANIMAL CONTROL C OMPLAINTS

Any person may register or file a complaint to the Animal Control Officer (ACO) stating a dog owned or kept in the Town of Sterling is a nuisance dog, as defined in Section 1 of this bylaw. The ACO shall investigate the complaint, or request the investigation thereof, including an examination under oath of the complainant, be conducted by the Animal Control Advisory Board to determine whether the dog is a nuisance as alleged.

There are two types of Animal Control complaints; formal and informal. A formal complaint will require a signed, detailed explanation of the complaint in writing and filed with the ACO on an approved complaint form.

Registering an Informal Complaint:

A. Any person may inform the Animal Control Officer by telephone through Police dispatch, or by letter, of any animal control violation with the following information to be included:

1. Identifying him/herself with name and address, and
2. Describing the dog situation in detail (dog breed, owner's name, actual complaint, etc.), and
3. Describing the exact location of said dog situation at the time violation occurred.

B. The ACO shall make a log of all information received.

C. Follow-up action by the Animal Control Officer to all informal complaints shall be recorded in the ACO monthly report(s)

Filing a Formal Animal Control Complaint:

A. Official formal complaint forms shall be readily available upon request from the ACO and/or the Police Department. Formal complaint forms **MUST** be signed or they will not be acted upon. Official Complaint forms shall be filed in person or by mail at the: Sterling Police Station c/o ACO, 135 Leominster Road, Sterling MA 01564.

B. Follow-up will be within ten (10) work days of dated receipt of any formal complaint by the ACO who shall make a progress report in writing to the complainant and retain a file copy.

C. If the complainant remains unsatisfied, he/she may re-file the original complaint with the Animal Control Advisory Board, 1 Park Street, Sterling, MA. 01564 to

request an informational meeting be scheduled.

SECTION 8. ADOPTION

An adoption fee of \$25 shall be assessed at the time of adoption. No dog or cat shall be released for adoption as a pet without first being neutered or spayed or without a written agreement from the adopter guaranteeing that the animal will be neutered or spayed. Vaccination fees, licensing fees, and veterinary costs shall be charged and are above and beyond the adoption fee.

SECTION 9. ANIMAL CONTROL ADVISORY BOARD

The Board of Selectmen shall appoint at least 3, but no more than 7, members to the Animal Control Advisory Board on an annual basis. This Board should include a cross section of the community and should also include individuals with professional knowledge pertinent to the member's responsibilities, (for example, an attorney, veterinarian, police officer, humane society representative, etc.). Upon request from the Animal Control Officer, the Animal Control Advisory Board shall be charged to evaluate animal control problems by collecting necessary data, hearing expert opinion, holding public hearings, etc. and shall recommend solutions or actions necessary to resolve such problems. If resolution is not satisfactory at the level of the advisory board, the Animal Control Advisory Board will recommend the issue be brought to the Board of Selectmen for further review. It would also recommend appropriate rules and regulations for the care and control of animals and facilities covered by the bylaw and review budgets and contracts for animal control.

SECTION 10. SEVERABILITY

If any section, sentence, clause or phrase of this bylaw is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these sections.

SECTION 11. SAFETY CLAUSE

The town of Sterling hereby finds, determines and declares that this bylaw is necessary for the immediate preservation of the public health, safety and welfare of the town of Sterling and the inhabitants thereof.

SECTION 12. MONIES RECEIVED

All monies received by the town for licenses for dogs or kennels, or recovered as fines or penalties by the town either under Sterling's General By-laws, Sterling's Protective By-laws or under provisions of Massachusetts General Law, Chapter 140 or any law relating to the regulating of dogs, shall be paid to the general fund of the town of Sterling.

SECTION 13. CITATIONS

Non-criminal dispositions (citations) pursuant to MGL Chapter 140, Sec 21D, are issued by the Animal Control Officers and or persons so designated, to the owners of animals found to be in violation of any specified Sterling Animal Control By-law. Payment for citations should be made payable to the Town of Sterling and be mailed or paid in person to the Town Clerk of Sterling at the Town Offices.

OPEN CONTAINER

Section 1. No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1 of the Massachusetts General Laws, as amended, nor shall have in his possession any open container or containers whose seal has been broken and recapped of such beverages, while on, in, or upon any public way or sidewalk, or upon any way to which the public has right of access or any place to which the members of the public have access as invitees or licensees, park or playground, or private land or place, without the consent of the owner or person in control thereof. The burden of proving such consent shall be on the defendant. All alcoholic beverages being used in violation of this by-law shall be seized and safely held until final adjudication of the charges against the persons so arrested or summonsed before the court, at which time they shall be disposed of as directed by the court. A police officer witnessing a violation of this by-law shall have the right to arrest such person without a warrant and shall bring the person so arrested, before the Court within twenty-four hours, Sundays and holidays excepted. The penalty for violation of this by-law shall not exceed fifty (\$50.00) dollars for each offense.

Adopted April 28, 1980 Approved August 21, 1980 Published August 28 & September 5, 1980

AGRICULTURAL DISTRICTS

Sec 2 amended Ma6 12, 2008 AG Approved July 28, 2008 Posted Aug 20, 2008

Section 1. AUTHORITY AND PURPOSE

This by-law shall be known as the **Sterling Agricultural Districts By-Law** and is adopted under the authority of Chapter 40, Section 21 and Chapter 43B, Section 13, Massachusetts General Laws, as amended.

It is the declared policy of the town to conserve, protect and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. The purpose of this by-law is the implementation of that policy through providing for the creation of Agricultural Districts.

Section 2. AGRICULTURAL COMMISSION

An Agricultural Commission is hereby created, comprising of a minimum of three and maximum of seven members and three numbered alternates to be appointed by the Selectmen for terms of three years (except that initial terms shall be of lengths so that no more than three expire in any one year). A majority of the membership shall be substantially

engaged in the pursuit of agriculture. The Committee shall elect a Chairman, Vice-Chairman and a Clerk. All decisions shall require a positive vote of the majority of members present. Alternates may be used by the order of their assigned number to form a quorum and to vote in the absence of regular members. The Agricultural Commission once appointed shall develop a work plan to guide its activities as charged by the Board of Selectmen. Such activities include, but are not limited to, the following: encouraging the pursuit of agriculture in Sterling; promoting agricultural based economic opportunities in town; mediating, advocating, educating and/or negotiating on farming issues; working for preservation of agricultural lands; pursuing all initiatives appropriate to retaining farming in Sterling; and pursuing all initiatives appropriate to creating a sustainable agricultural community and preserving the rural character of Sterling.

Section 3. DISTRICT CREATION

Agricultural Districts may be created or amended only if consistent with the following:

- A. Creation of, dissolution of, or amendment of an Agricultural District shall be initiated by petition to the Agricultural District Committee by one or more owners of agricultural property within the affected area. Agricultural property shall mean property already within an Agricultural District, or committed to agricultural use, as evidenced by being valued under Chapter 61A, Massachusetts General Laws, as amended, or by other means. Only land owned by petitioners or the town of Sterling shall be included within an Agricultural District, except that up to 10% of the district area may with the written initial consent of the owners be other land included to simplify District Boundaries.
- B. Within ninety days of receipt of the petition, the Committee shall hold a public hearing on the proposal, with notice given at least seven (7) days prior to the public hearing at the petitioner's expense in a newspaper of general circulation in Sterling, and in writing to all owners of land within the affected area.
- C. No district shall be created unless it contains at least fifty (50) acres or unless the area of the District plus land in the same ownership in another Agricultural District totals at least fifty (50) acres.
- D. The petitioned creation, dissolution, or modification of an Agricultural District or some revision thereof may be made by vote of the Agricultural District Committee, which vote shall be made within thirty days of the closing of the public hearing.
- E. Any petition refused by or not timefully acted upon by the Agricultural District Committee may be placed on the warrant for a town meeting in the manner prescribed in Chapter 39, section 10, Massachusetts General Laws, as amended. In such cases a majority vote of the Town Meeting may create, dissolve, or amend an Agricultural District, as petitioned.

Section 4. DISTRICT PROVISIONS

The following shall apply within all Agricultural Districts:

- A. In responding to complaints regarding activities associated with farming activities within an Agricultural District, the Selectmen and the Board of Health shall draw attention to and reflect the intent of Chapter 11, section 125A, Massachusetts General Laws, as amended, which limits nuisance actions against agricultural activities.
- B. Consideration shall be given to possible impact on continued agricultural activity within Agricultural Districts, in designing public investments in water system extensions and other facilities, in acquiring public land, and in designing zoning by-laws and map amendments. When such town actions are proposed, the Agricultural District Committee shall report on the consequences for Agricultural District properties and make recommendations to the agencies concerned and to the Town Meeting, consistent with the purpose of this By-Law.
- C. Priority for consideration by Selectmen and other Town Officials for proposed purchase of Agricultural Preservation Restrictions under Section 11A-11D, Chapter 132A, G.L., and Section 31-33 Chapter 184, G.L. shall be given to property located within an Agricultural District.
- D. The design of betterment systems for public improvements shall , to the extent permitted by law, avoid imposition of costs on Agricultural District property whose agricultural use does not benefit from those improvements.

Adopted April 26, 1982

Approved September 2, 1982

Published September 13/20,1982

ALARMS

Section 1. Purpose

The purpose of this By-Law is to protect the public safety and well being by the reduction or elimination of the incidence of false alarms from private and public alarm systems, the receipt of which would cause a physical response by the Sterling Police Department or by the Sterling Fire Department, and to prevent the disabling of the Emergency Telephone line(s) by incoming calls from other than live human reports of fire, heat, smoke, breaches of security or any other occurrence which activates an alarm system.

Section 2. Enforcement and Appeal

The terms of this by-law shall be enforced by the Sterling Police Chief or Fire Chief, or his/her designee. Appeals from the Chief's determinations shall be made to the Sterling Board of Selectmen within thirty (30) days from their receipt by the appellant. All necessary records will be maintained by the Sterling Police Department.

Section 3. Fees and Penalties

- a. All fees and penalties prescribed by this By-Law shall be paid to the town of Sterling through the Town Collector and shall inure to the use of the town. All bills will be sent by the Sterling Police Department.

- b. The Chief of Police is authorized to set and/or to change any fees prescribed by this By-Law from time-to-time, with the prior approval of the Board of Selectmen.

Section 4. Alarms directly wired to the Sterling Dispatch Center

- a. There will be a one-time set-up fee of \$100.00 for each alarm system which automatically causes a signal to be sent over the telephone wires directly to equipment other than dispatcher answered telephones in the Sterling Dispatch Center. Alarms connected to the Dispatch Center prior to the effective date of this By-Law shall be exempt from the above fee.
- b. There will be a monthly maintenance fee of \$25.00 for each alarm system which automatically causes a signal to be sent over the telephone wires directly to equipment other than dispatcher answered telephones in the Sterling Dispatch Center. Alarm systems located in buildings owned and maintained by the Town of Sterling are exempt from the monthly maintenance fee.

Sec. 4b. Amended February 29, 1989 Approved March 16, 1989 Published March 24/31/1989

Section 5. Alarms which automatically dial the dispatcher answered telephones in the Sterling Dispatch Center and deliver a recorded message must use the telephone number(s) provided by the Chief of Police or Fire Chief. Any such alarm which uses either the Police Department or the Fire Department emergency number will incur a penalty of \$100.00 for the second and each subsequent offense.

Section 6. False Alarms.

The owner of any alarm, whether directly wired to the Dispatch Center, automatically dialed with a recorded message to the Dispatch Center, phoned in by an answering service or by any other person or otherwise causes a physical response by either the Sterling Police Department or the Sterling Fire Department will incur a penalty of \$25.00 for the third and each subsequent false alarm during any given calendar year.

The determination as to whether an alarm was false or not will be made by the Chief of Police or the Fire Chief, after consultation with the responder(s) and the Fire Chief if necessary.

Adopted January 26, 1987 Approved April 13, 1987 Published April 20,27, 1987

STAFFING

Any request to increase the number of employees in a department which requires additional funding for salaries and benefits beyond that previously appropriated at a Town Meeting shall require a separate Town Meeting article that not only authorizes the increase in employees but also provides sufficient funding for the salaries and benefits therefor.

Adopted May 18, 1996 Approved July 15, 1996 Posted July 17, 1996

DENIAL OF LICENSES

Section 1. This by-law is enacted in accordance with the provisions of M.G.L. c.40S,s57, and it authorizes the town, as hereinafter provided, to deny any application for, or revoke or suspend a building permit, or any local license or permit including renewals and transfers issued by any board, officer, or department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts under the provisions of section twenty-one D or with respect to any activity, event or other matter which is the subject of such license or permit and with activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

Section 2. The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to a the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

Section 3. The licensing authority may deny, revoke or suspend any license or permit including renewals and transfers of any arty whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any finding made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as of the date of issuance of said certificate.

Section 4. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitation to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law. Section 5. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

Section 6. This section shall not apply to the following licenses and permits: open burning, section thirteen of chapter forty-eight; bicycle permits, section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs and associations dispensing food or beverages licenses, section twenty-one E of chapter one hundred and forty; fishing, hunting, trapping licenses, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events and public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

Adopted - May 11, 1998 Approved - September 9, 1998 Posted - September 9, 1998

CONSTRUCTION WORK/WEEKENDS

All construction work within a subdivision or on an ANR lot is prohibited between the hours of FOUR (4) PM on Saturday through SEVEN (7) AM Monday and on Federal and State Holidays. Homeowners in possession of an occupancy permit and doing work on their own property are specifically excluded from this by-law.

Adopted - May 11, 1998 Approved - September 9, 1998 Posted - Sept 9, 1998
Amended - May 18, 1999 Approved - Sept 7, 1999 Posted - Sept 22, 1999

SCENIC ROADS

Section 1:

- A. The Planning Board may adopt reasonable rules and regulations for their administration of MGL Chapter 40, Section 15C.
- B. As authorized by MGL Chapter 40, Section 15C each violation thereof shall be punished by a fine of \$300.00; each tree cut or removed shall constitute a separate violation; fines to inure to the use of the Town.

Adopted May 17, 1999 Approved September 7, 1999 Posted September 22, 1999

INDEMNIFICATION

Section 1. The Town shall indemnify elected or appointed officers or employees, either serving full or part-time, temporary or permanent, compensated or uncompensated, from personal financial loss and expenses, including legal fees and costs, if any, in an amount not to exceed one million dollars arising out of any claim, action, award, compromise settlement or judgment by reason of an intentional tort, or by reason of any act or omission which constitutes a violation of the civil rights of any person under any federal or state law; if such employee or official at the time of such intentional tort or such act or omission was acting within the scope of his official duties or employment. No such employee or official shall be indemnified under this section for violation of any such civil rights if he acted in a grossly negligent, willful or malicious manner.

Adopted April 30, 1979

Approved August 6, 1979

Published August 16/20/27, 1979

PENALTIES

Section 1. Whoever shall offend against or fail to comply with any of the provisions of these by-laws, shall for each and every offense forfeit and pay a penalty of not less than \$10.00, nor more than \$300.00 which amount shall inure to the use of the Town.

Adopted April 24, 1978

Approved July 25, 1978

Published August 1,7,14, 1978

Sec. 1. Amended October 5, 1981

Approved January 11, 1982

Published January 15,22, 1982

Section 2. No person shall be prosecuted for any offense against any of the provisions of these by-laws unless complaint for the same shall be instituted and commenced within thirty (30) days from the time of committing such offense.

Section 3. It shall be the duty of the Selectmen and the Constables of Sterling to see that the provisions of these by-laws are enforced.

Adopted February 3, 1930

Approved March 26, 1930

Published June 21,22,24, 1930

ILLICIT CONNECTIONS AND DISCHARGES TO THE STORM DRAIN SYSTEM

SECTION -1 PURPOSE and AUTHORITY

1. Purpose

The purpose of this by-law is to regulate illicit connections and discharges to the storm drain system, which is necessary for the protection of Sterling’s water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this By-Law are:

- A. To prevent pollutants from entering Sterling’s municipal separate storm sewer system (MS4);
- B. To prohibit illicit connections and unauthorized discharges to the MS4;
- C. To require the removal of all such illicit connections;
- D. To comply with state and federal statutes and regulations relating to stormwater discharges; and
- E. To establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring and enforcement.
- F. To prevent contamination of drinking water supplies.

2. Authority

The Department of Public Works shall administer, implement and enforce this by-law. Any powers granted to or duties imposed upon the Department of Public Works may be delegated in writing by the Board of Public Works to employees or agents of the Department of Public Works.

Section -2. DEFINITIONS

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

Authorized Enforcement Agency: The Department of Public Works, its employees or agents designated to enforce this by-law.

Best Management Practice (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.) as hereafter amended.

Discharge Of Pollutants: The addition from any source of any pollutant or combination of pollutants into storm drain systems or into the waters of the United States or Commonwealth from any source.

Groundwater: All water beneath the surface of the ground.

Illegal Discharge: Any direct or indirect non-stormwater discharge to **storm drain systems**, except as specifically exempted in Section 5. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or resulting from the activities exempted pursuant to Section 5, subsection 4, of this by-law.

Illicit Connection: Any surface or subsurface drain or conveyance, which allows an illegal discharge into **storm drain systems**. Illicit connections include conveyances which allow a non-stormwater discharge to **storm drain systems** including sewage, process wastewater or wash water and any connections from indoor drains sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law.

Impervious Surface: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil.

Municipal separate storm sewer system (MS4) or municipal storm drain system: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or manmade or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Sterling.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by United States Environmental Protection Agency or jointly with the State that authorized the discharge of pollutants to waters of the United States.

Non-Stormwater Discharge: Any discharge to the **storm drain systems** not composed entirely of stormwater.

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

Pollutant: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock; sand; salt; soils;
- (10) construction wastes and residues;
- (11) noxious or offensive matter of any kind.

Process wastewater: means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

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

Stormwater: Runoff from precipitation or snow melt.

Storm Drain System: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system on public or private ways within the Town of Sterling.

Toxic or Hazardous Material or Waste: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous Under G.L Ch 21C and Ch 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000.

Uncontaminated: Water containing no pollutants.

Waters of the Commonwealth: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

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

SECTION -3. APPLICABILITY

This by-law shall apply to flows entering the storm water and drainage system on public or private ways with the Town of Sterling.

Section -4 REGULATIONS

The Board of Public Works may promulgate rules, regulations and a permitting process to effectuate the purposes of this by-law. Failure by the Board of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

Section -5. PROHIBITED ACTIVITIES

1. Illegal Discharges

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into storm drain systems, watercourse, or into the waters of the Commonwealth.

2. Illicit Connections

No person shall construct, use, allow, maintain or continue any illicit connection to storm drain systems, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

3. Obstruction Storm Drain Systems

No person shall obstruct or interfere with the normal flow of stormwater in or out of storm drain systems without prior approval from the Board of Public Works or its designated agent.

4. Exemptions

This section shall not apply to any of the following non-stormwater discharges or flows provided that the source is not a significant contributor of a pollutant to storm drain systems.

- A. Municipal waterline flushing;
- B. Discharges from landscape irrigation or lawn watering;
- C. Water from individual residential car washing and temporary fund-raising car wash events;
- D. Discharges from dechlorinated swimming pool water provided it is allowed to stand for one week prior to draining, or tested for chlorine levels with a pool test kit prior to draining (less than one part per million chlorine), and the pool is drained in such a way as not to cause a nuisance;
- E. Discharges from street sweepers of minor amounts of water during operations;
- F. Discharges or flows resulting from fire fighting activities;
- G. Non-stormwater discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations.
- H. Flows from potable water sources:
 - I. Springs;
 - J. Natural flows from riparian habitats and wetlands;
 - K. Diverted stream flows;
 - L. Rising groundwater;
 - M. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
 - N. Uncontaminated groundwater discharge from a sump pump, with a permit from the Department of Public Works.
 - O. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems, such as dewatering excavations for foundation or pipelines), crawl space pumps, or air conditioning condensation;
 - P. Dye testing, provided verbal notification is given to the Department of Public Works prior to the time of the test.

SECTION -6 SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

- 1. The Department of Public Works may suspend storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illegal discharge that presents or may present imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all

reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

2. Any municipal storm drain system in violation of this by-law may have their storm drain system access terminated if such termination would abate or reduce an illicit discharge. The Department of Public Works will notify a violator of the proposed termination of storm drain system access. The violator may petition the Department of Public Works for reconsideration and hearing. A person commits an offense if the person reinstates storm drain system access to premises terminated pursuant to this section, without prior approval from the Department of Public Works.

SECTION -7 NOTIFICATION OF SPILLS

Notwithstanding any other requirements of local, state, or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials at that facility or operation which is resulting or may result in illegal discharge of pollutants, that person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments, Department of Public Works and Board of Health. In the event of a release of non-hazardous material, said person shall notify the Authorized Enforcement Agency no later than the next business day. Written confirmation of all telephone, facsimile or in person notifications shall be provided to the Authorized Enforcement Agency within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION -8 ENFORCEMENT

1. Enforcement

The Department of Public Works or its authorized agent shall enforce this by-law, and the regulations promulgated thereunder, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.

2. Civil Relief

If anyone violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Department of Public Works may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or compelling the person to abate or remediate the violation.

3. Orders

The Department of Public Works may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the storm drainage system; (b) termination of access to the storm drainage system; (c) performance of monitoring, analyses, and reporting; (d) cessation of unlawful discharges, practices, or operations; and (e) remediation of contamination in connection therewith. If the Department of Public Works determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail

to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department of Public Works within thirty (30) days following a decision of the receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following the Department of Public Works affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Chapter 59, Section 57 after the thirty-first day at which the costs first become due.

4. Criminal and Civil Penalties

Any person who violates any provision of this by-law, valid regulation, or the terms or conditions in any permit or order prescribed or issued thereunder, shall be subject to a fine not to exceed \$300.00 for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.

5. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Town of Sterling may elect to utilize the non-criminal disposition procedure set forth in G.L. Chapter 40, Section 21D. The Department of Public Works shall be the enforcing entity. The penalty for the 1st violation shall be up to \$100. The penalty for the 2nd violation shall be up to \$200. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

6. Entry to Perform Duties under this By-law

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department of Public Works, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Department of Public Works deems reasonably necessary.

7. Appeals

The decisions or orders of the Department of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.

8. Remedies Not Exclusive

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

SECTION -9 SEVERABILITY

If any provision, paragraph, sentence, or clause, of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

SECTION -10 TRANSITIONAL PROVISIONS

Residential property owners shall comply with this by-law on a schedule set forth in the Department of Public Works compliance order, but such property owners shall in no case have more than six months from the effective date of the by-law to comply with its provisions, unless good cause is shown for the failure to comply with the by-law during that period.

Adopted October 15, 2007 Approved February 13, 2008 Published February 21 & 27

RIGHT TO FARM BYLAW

Adopted May 12, 2008 AG Approved July 28, 2008 Published Sept 4-10, 2008

Section- 1 Legislative Purpose and Intent

The purpose and intent of this By-law 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 citizens of Sterling 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")

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

Section 2 Definitions

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.

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

- farming in all its branches and cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry of lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise;

- keeping and raising of poultry, swine, cattle, sheep, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur bearing animals. “Farming” shall encompass activities including, but not limited to the following:
- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand including signage thereto;
- 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; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Sterling. The above described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others though the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community and society in general. The benefits and protections of this By-law are intended to apply to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4 Disclosure Notification

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Sterling, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

“It is the policy of this community 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 lies 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 or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

A violation of Section 4 shall be subject to a fine of \$300 and shall be enforced by the Board of Selectmen or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provision of G.L. c. 40, § 21D.

Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, 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 may have. The Zoning Enforcement Officer or Select Board shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame. The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6. Severability Clause

If any part of the By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of the By-law. The Town of Sterling hereby declares the provisions of this By-law to be severable.

Adopted May 12, 2008 Approved July 28, 2008 Published Aug 28/Sept 4, 2008

STORM WATER PROTECTION BY-LAW

Adopted ATM May 11, 2009 Approved [date] Published [date?]

1.0 PURPOSE

A.) The purpose of this Bylaw is to protect the public health, safety, environment and general welfare by establishing requirements and procedures to manage stormwater runoff, promote groundwater recharge and to prevent water pollution from new development and redevelopment. This Bylaw seeks to meet that purpose through the following objectives:

1. Establish regulations for land development activities that preserve the health of water resources;
 2. Require that the amount and quality of stormwater runoff from new development is equal to or better than pre-development conditions in order to reduce flooding, stream erosion, pollution, property damage and harm to aquatic life;
 3. Establish stormwater management standards and design criteria to control the quantity and quality of stormwater runoff;
 4. Encourage the use of “low-impact development practices”, such as reducing impervious cover and preserving greenspace and other natural areas;
 5. Establish maintenance provisions to ensure that stormwater treatment practices will continue to function as designed and pose no threat to public safety;
 6. Establish procedures for the Town’s review of stormwater management plans and for the Town’s inspection of approved stormwater treatment practices.
- B) Nothing in this Bylaw is intended to replace the requirements of the Town of Sterling Flood Plain District, the Stillwater River Protection District, the Aquifer and Water Resource Protection District or any other Bylaw that may be adopted by the Town of Sterling. Any activity subject to the provisions of the above-cited Bylaws must comply with the specifications of each.

2.0 DEFINITIONS

Definitions in Appendix A of this Bylaw shall apply in the interpretation and implementation of the Bylaw. Terms not defined in this Appendix shall be understood according to their customary and usual meaning. Additional definitions may be adopted by separate regulation.

3.0 AUTHORITY

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

4.0 ADMINISTRATION

- A) The Conservation Commission shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or agents.
- B) Stormwater Regulations. The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Stormwater Management Bylaw by majority vote of the Conservation Commission, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised twice at intervals of at least seven (7) days prior to the hearing date in a newspaper

- of general local circulation. After public notice and public hearing, the Conservation Commission may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.
- C) Stormwater Management Handbook. The Conservation Commission will utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Department of Environmental Protection Stormwater Handbook for execution of the provisions of this Bylaw. This Handbook includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. This Mass DEP Handbook may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Sterling bylaw regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
 - D) Actions by the Conservation Commission. The Conservation Commission may take any of the following actions as a result of an application for a Stormwater Management Permit as more specifically defined as part of Stormwater Regulations promulgated as a result of this Bylaw: Approval, Approval with Conditions, Disapproval, or Withdrawal without Prejudice.
 - E) Appeals of Action by the Conservation Commission. A decision of the Conservation Commission shall be final. Further relief of a decision by the Conservation Commission made under this Bylaw shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. Ch 249 § 4.
 - F) Stormwater Credit System. The Conservation Commission may adopt, through the Regulations authorized by this Stormwater Management Bylaw, a Stormwater Credit System. This credit system will allow applicants the option, if approved by the Conservation Commission, to take credit for the use of stormwater better site design practices to reduce some of the requirements specified in the criteria section of the Regulations. Failure by the Conservation Commission to promulgate such a credit system through its Regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

5.0 APPLICABILITY

- A) This bylaw shall apply to all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, land grading applications, or land use conversion applications. This bylaw shall also apply to other activities that will increase the amount of stormwater runoff or pollutants from a parcel of land, or any activity that will alter the drainage characteristics of a parcel

of land, unless exempt pursuant to Section 5.D) of this Bylaw.

All new development and redevelopment under the jurisdiction of this Bylaw as prescribed in this Bylaw shall be required to obtain a Stormwater Management Permit.

- B) At the discretion of the Conservation Commission, redevelopment projects are presumed to meet the Stormwater Regulations of the Town of Sterling if the total impervious cover is reduced from existing conditions. Where site conditions prevent the reduction in impervious cover, stormwater management practices shall be implemented for the site's impervious area. This combination of impervious area reduction and stormwater management practices will be used for redevelopment projects to improve existing site conditions.
- C) An alteration, redevelopment, or conversion of land use to a hotspot such as: auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots and other land uses with higher potential pollution loads described by Standard 5 of the Massachusetts Stormwater Handbook or the Bylaw regulations shall require a Stormwater Management Permit.
- D) Exemptions. No person shall alter land within the Town of Sterling without having obtained a Stormwater Management Permit (SMP) for the property with the following exceptions:
1. Any activity that will disturb an area less than 10,000 square feet.
 2. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL Chapter 40A Section 3;
 3. Timber harvesting under an approved Forest Cutting Plan as defined by the Forest Cutting Practices Act regulation 304 CMR 11.00 and MGL Chapter 132 Sections 40 through 46.
 4. Maintenance of existing landscaping, gardens or lawn areas associated with a single-family or two-family dwelling;
 5. Repair or replacement of an existing roof of a single-family or two-family dwelling;
 6. Construction of a single-family or two-family dwelling, where "approval is not required" (ANR), as defined in the Subdivision Control Act. Persons constructing a single-family or two-family dwelling are encouraged to use the stormwater practices and site planning methods, which will be described in the Town of Sterling Best Development Practices Guidebook;
 7. Repair or replacement of an existing septic system;
 8. The construction of any fence, stone wall or property boundary demarcation that will not alter existing terrain or drainage patterns;
 9. Construction of appurtenances to a single-family or two-family dwelling, including a deck, patio, retaining wall, shed, swimming pool, tennis or

basketball court;

10. Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns;
11. Emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Conservation Commission;
12. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.

6.0 PROCEDURES

Permit Procedures and Requirements shall be defined and included as part of any rules and regulations promulgated as permitted under Section 4 of this Bylaw.

7.0 ENFORCEMENT

The Conservation Commission or an authorized agent of the Conservation Commission shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any Stormwater regulations promulgated as permitted under Section 4 of this Bylaw.

8.0 SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this Bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

APPENDIX A DEFINITIONS

ALTER: Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns.

STORMWATER MANAGEMENT PRACTICES: Structures and techniques that prevent flooding, reduce pollution, and protect local rivers, streams, lakes and water supplies.

BETTER SITE DESIGN: Site design techniques that can reduce environmental impacts, such as protecting existing vegetation, reducing impervious areas, and using natural drainage ways for stormwater management.

HOTSPOT: Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

IMPERVIOUS AREA: A material or a structure that prevents water from entering the underlying soil, such as paved parking lots, paved roads, sidewalks, and buildings.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the state Department of Environmental Protection, which provides performance standards to prevent water pollution and control the amount of runoff from new development.

PERSON: Any individual, group of individuals, association, partnership, corporation, company, trust, estate, a political subdivision of the Commonwealth or the federal government, to the extent subject to the Bylaws of the Town of Sterling.

PRE-DEVELOPMENT: The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Planning Board. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

POST-DEVELOPMENT: The conditions that reasonably may be expected after completion of the land development activity on a specific site or tract of land. Post-development does not refer to the construction phase of a project.

REDEVELOPMENT: Any construction, alteration, or improvement exceeding land disturbance of 10,000 square feet, where the existing land use is commercial, or institutional.

STORMWATER MANAGEMENT PERMIT (SMP): A permit issued by the Conservation Commission, which protects the streams, lakes and water supplies in the Town from the adverse affects of uncontrolled and untreated stormwater runoff.

LOW IMPACT DESIGN: Low impact practices allow for the reduction of impervious areas that result in smaller volumes required for stormwater storage. These site design techniques can reduce the size and costs of stormwater collection systems and detention basins.

MISCELLANEOUS

Section 1. These by-laws may be altered, amended or annulled by any town meeting called for the purpose, by a vote of a majority of those present and voting.

Adopted March 18, 1889

Approved April 9, 1889

Published May 11, 1889

Section 2. All by-laws heretofore adopted by the town are hereby repealed, excepting the by-laws relating to cemeteries which shall be and remain in full force and effect as existing by-laws of the town.

Section 3. These By-Laws shall take effect when approved as required by law.

Adopted February 2, 1930

Approved March 26, 1930

Published March 21,23,24, 1930

Massachusetts General Laws Accepted/Defeated
[must be updated]

Voted ATM May 17, 2010

Voted ATM May 16, 2011

MGL Ch.143:§3Z Local Inspectors

Accepted ATM May 17, 2010

Will allow part-time/alternate "Local Inspectors" to engage in business for which they are licensed, certified or registered while serving as an inspector. The provisions of this section specifically provide for restrictions on any self inspection or inspection of any project that involves an employer, employee, or one employed by a local inspector. This action is recommended by State Board of Building Regulations and Standards to avoid any perception of a conflict.

MGL Ch.33:§59 Two Weeks Paid for Military Training Accepted ATM May 17, 2010

Sterling recognizes the contribution of the Town's regular full-time employees who are in the Armed Services Reserves or National Guard and are called to their annual tour of duty, or to a specific tour of duty pursuant to Massachusetts General laws Chapter 33 Sections 38 (emergency assistance to state and local civil authorities), 40 (suppression of an insurrection), 41 (suppression of a riot or preservation of order during a public catastrophe or natural disaster, or 60 (during the annual training period). Acceptance of this provision will entitle these employees to receive their regular Town pay while on this tour of duty. This section of the General Laws was originally passed in 1954 and has been accepted by numerous cities and towns.

MGL Ch.64L:§2(a) Impose Local Meals Excise

Defeated ATM May 17, 2010

A true copy

Attest: _____

Dawn E. Michanowicz
Town Clerk