

CHAPTER A

TOWN MEETINGS, OFFICERS, COMMITTEES AND ELECTIONS

ARTICLE I - CALLING OF TOWN MEETINGS

Section 1. Every Annual Town Meeting shall be called by a warrant directed to a constable, or other duly authorized person, by posting at least seven days before the day appointed for the meeting copies of the warrant therefor in the office of the Town Clerk and in not less than three other public places in each of the three precincts of the Town. (Amended/Effective 6/13/1973)

Every Special Town Meeting shall be called by a warrant directed to a constable, or other duly authorized person, by posting at least fourteen days before the day appointed for the meeting attested copies of the warrant therefor in the office of the Town Clerk and in not less than three other public places in each of the three precincts of the town. Copies of the warrant for every Town Meeting shall be available for distribution at every Town Meeting. The number of copies to be at the discretion of the Board of Selectmen.

On any article contained in the Warrant of a Special Town Meeting which would result in an expenditure in excess of \$25,000.00, said estimated expenditure to be determined by the Board of Selectmen, a reasonable copy of the notice of the call of the Town Meeting and said article shall be mailed by the Town Clerk to the boxholders within the Town of Rehoboth at least fourteen days prior to said Meeting. A statement by the Town Clerk at the Meeting so called to the effect that said mailing was made shall be prima facie evidence that every voter in the Town received written notice of the call of that meeting. (Amended/Effective 6/10/1971)

Mailing of copies by the Town Clerk to all boxholders of the warrant for a Special Town Meeting which would result in an expenditure of less than \$25,000.00 shall be at the discretion of the Board of Selectmen. (Added/Effective 12/23/1977)

Section 2. The Annual Town Meeting for the Election of Town Officers shall be held on the first Monday in April of each year and the Annual Town Meeting for the transaction of other business shall be held in the evening on the second Monday in April in accordance with the General Laws of the Commonwealth of Massachusetts. (Amended/Effective 12/1974)

Section 3. At least fourteen days before the day appointed by the warrant for any Annual Town Meeting, the Selectmen may cause to be delivered a copy of the warrant with the report and recommendations of the Finance Committee and a copy of the Annual Town Report to town residents.

The Town Clerk shall cause a copy or reasonable summary of said warrant to be once published in a newspaper printed in the Town or circulated therein as a local paper, said publication to be made at least seven days before the day set for the Meeting, or by mailing a copy or reasonable summary of said warrant to boxholders within the Town of Rehoboth at least seven days before the day set for the Meeting. A statement by the Town Clerk at the Meeting so called to the effect that said mailing was made shall be prima facie evidence that every boxholder in the Town received written notice of the call of that Meeting. (Amended/Effective 9/22/1973)

Section 4. The warrant for the Annual Town Meeting shall close January 15th at noon provided, however, that the Selectmen may open the Warrant for the insertion of additional articles at any time, if there then remains sufficient time for compliance with the provisions of Section 3 of this article.

Section 5. On or before January 9th, each and every Department Head, Town Officer, Board or Committee Chairman shall submit to the Selectmen and Finance Committee a detailed estimate of all their respective proposed annual appropriations for presentation to the Annual Town Meeting.

Section 6. The Selectmen shall immediately, upon insertion of any article in the warrant for any annual or special meeting, forward copies of such article(s) to the Finance Committee, and to the officer, board or committee in charge of the department(s) which will be affected by such article as official notice of the action taken.

Section 7. Notice of every adjourned Town Meeting shall be posted in the same places where the original notice of the Meeting was posted, as soon as practicable after the adjournment, stating briefly the business to come before the adjourned Meeting, and, if the period of adjournment will permit, a brief notice of the adjourned Meeting and the business to be transacted thereat shall be published in some one newspaper printed in the Town or circulated therein as a local paper.

ARTICLE II - PROCEDURE AT TOWN MEETINGS

Section 1. The number of voters necessary to constitute a quorum at Town Meeting, except such parts of meetings as are devoted exclusively to election of town officers, shall be ninety for the Annual Town Meeting and sixty for Special Town Meetings; provided, however, that any lesser number may take action on any article not requiring the raising and appropriating or transfer of money, and, also, to adjourn the meeting from time to time.

Section 2. The conduct of all Town Meetings not prescribed by law or by these By-Laws shall be determined by the Rules and Practices contained in TOWN MEETING TIME, A HANDBOOK OF PARLIAMENTARY PRACTICE, second edition by Johnson, Trustman, and Wadsworth, revised and amended in 1984 by Copeland, Harrington, Howard, Kirkpatrick and Nichols, as far as applicable and not inconsistent with the By-Laws of the town. (Amended/Effective 6/8/1985)

Section 3. No person whose name is not on the list of voters shall be admitted to any Town Meeting except by written request of a majority of the Selectmen to the Moderator or by the Moderator. Such person(s) shall be called to the attention of the voters present.

Section 4. These By-Laws may be repealed or amended by a majority vote at an Annual Town Meeting, or by a two-thirds vote at a Special Town Meeting where 75 voters are present, but in no case unless the particular By-Law to be repealed or amended is specified in the Town Meeting warrant.

Section 5. Articles in the warrant shall be acted upon in their order, unless the meeting by majority vote determines otherwise.

Section 6. Every person desiring to speak shall arise, address the Chair, first obtain recognition and stand while speaking, unless the Moderator directs otherwise.

Section 7. No person shall be heard for the second time on any subject if there are other voters who desire to be heard but have not been heard on the same subject, except for answering at the Moderator' s discretion.

Section 8. Whenever the voice or hand vote at Town Meeting, after declaration by the Moderator, shall be immediately questioned by seven or more voters (who shall stand), the vote will then be taken by hand count by sworn tellers appointed by the Moderator for the Meeting or by ballot vote at the direction of the Moderator. A ballot may also be required by a majority vote on motion properly made and seconded.

Section 9. A motion to reconsider any vote must be made before the final adjournment of the Meeting at which the vote was passed, but such motion to reconsider shall not be made at an adjourned meeting unless the mover has given notice of his intention to make such a motion, either at the session of the meeting at which the vote was passed, or by written notice to the Town Clerk within forty-eight hours after the adjournment of such session. There can be no reconsideration of a vote once reconsidered.

Section 10. No article on the warrant shall again be taken under consideration after it has been disposed of by vote, unless ordered by vote of two-thirds of the voters present.

Section 11. No motion, the effect of which would be to dissolve a Town Meeting, shall be in order until every article in the warrant has been duly considered and acted upon. This shall not prevent postponement of action to an adjourned meeting at a stated time and place.

ARTICLE III - TOWN OFFICIALS - ELECTED

Section 1. The Town, at its Annual Meeting in April (amended from March effective 8/19/1978), shall in every year, when the term of office of any incumbent expires and except when other provision is made by statute, choose by official ballot from its registered voters the following Town Officers for the following terms of office, based on the rotation established in the original approval:

A Moderator for the term of one year.

A Town Clerk for the term of three years. (Amended/Effective 6/19/1972)

A Collector of Taxes for the term of three years. (Amended/Effective 6/19/72)

A Town Treasurer for the term of three years. (Amended/Effective 6/19/72)

A Tree Warden for the term of three years. (Amended/Effective 6/30/1984)

Three Selectmen, each for a term of three years, of which one shall be elected at each Annual Meeting. (Section providing that they also act as Board of Health dropped effective 7/16/1979)

Three Tax Assessors, each for a term of three years, of which one shall be elected at each Annual Meeting.

Five members of the Regional District School Committee, each for a term of three years, of which one or two shall be elected at each Annual Meeting. (Effective 6/20/1988)

Seven members of the Planning Board each for the term of five years, of which one or two shall be elected at each Annual Town Meeting.

Five members of the Park Commission, each for a term of five years, of which one shall be elected at each Annual Town Meeting.

Three constables, each for a term of three years to be elected each third year. (Amended/ Effective 8/19/1978)

(Four Members of the Housing Authority, Authorized by adoption of M.G.L. Chapter 121B, section 5 on 4/11/1983, are also elected on the official ballot)

Section 1A. Elected officials shall serve until their successors are appointed, elected or qualified.

Section 2. Powers and Duties of Elected Officials

These sections highlight the powers and duties of elected officers, but for complete detail, reference must be made to the decisions of the Supreme Judicial Court and to the General Laws and Special Acts of the Legislature.

A. The Moderator

The Moderator shall preside at each Town Meeting, except elections. He shall appoint members of Committees as authorized by the Town.

B. Duties of the Selectmen

B1. The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law or by these By-Laws, or by vote of the Town Meeting.

B2. The Selectmen may appear, either personally or by the Town Counsel, or by Special Counsel duly employed by them, before any Court, Committee of the Legislature or any State or County Board or Commission or other tribunal to protect the interest of the Town, but they are not authorized hereby to commit the Town to any course of action.

B3. All conveyance of land or interests in land which may hereafter be authorized by vote of the Town or otherwise, except land held under tax titles, shall be signed by a majority of the Board of Selectmen, unless otherwise provided by law, or these By-Laws, or by special vote of the Town and the same shall be sealed with the Town Seal.

B4. The Selectmen shall furnish, for the use of the voters at each Town Meeting, and at any adjournment thereof, printed copies of the warrant for the meeting. The number of copies shall be at the discretion of the Board of Selectmen.

B5. It shall be the duty of the Selectmen to impose and enforce a set of rules and regulations for the government of the Police Department and the guidance of members thereof, not inconsistent with these By-Laws. They shall have copies of the same printed for the use of the Police Department.

B6. The Selectmen shall have the authority to settle any meritorious claim against the Town, with the advice of counsel, but they shall make no settlement in excess of \$1,000.00 in the absence of the vote of the Town, but expressly exempting cases being tried in a court of competent jurisdiction in which latter case the Selectmen shall have the right to settle any meritorious case against the Town with the advice of Town Counsel.

B7. The Selectmen shall act as the licensing authority of the Town and shall grant licenses and fix fees within the limits provided by the law.

B8. The Selectmen must approve all bills and payrolls before payment may be made by the Town Treasurer.

B9. The Selectmen shall make appointments to committees chosen at the Town Meeting unless otherwise provided by law or by vote of the Town.

B10. The Selectmen shall lay out streets, in accordance with General Laws, for acceptance at Town Meeting.

B11. The Selectmen shall adopt a set of rules and regulations for the conduct of all Town employees other than those appointed by the School Committee. Town employees and officials may be held accountable in any hearing before the Board of Selectmen for violation of these rules and regulations. (Effective 5/24/1969)

B12. The Selectmen shall be responsible for the designation of any person other than those appointed by the School Committee as a "Town Employee". (Effective 5/24/1969)

B13. The Selectmen shall establish the hours, days and weeks of work and the hours, days and weeks of leave without loss of pay, including without limiting the generality of the foregoing, holiday leave, vacation leave and sick leave, for any and all employees other than those appointed by the School Committee; provided that the number of working hours, days or weeks so established shall not exceed, and the number of hours, days or weeks of leave without loss of pay shall not be less than, the number prescribed by any general or special law applicable to the Town; and further provided that the Annual Town Meeting shall approve by majority vote said action of the Board of Selectmen and further provided that the Annual Town Meeting shall approve by majority vote said action of the Board of Selectmen and further provided that the necessary funds shall be available in a departmental budget. (Effective 5/24/1969)

C. Duties of the Town Clerk

C1. The Town Clerk shall be properly bonded.

C2. The Town Clerk shall furnish, for the use of the voters at the Town Meeting, perforated "Yes" and "No" ballots with letters one-half inch high, for use under the direction of the Moderator, as provided under Article II of these By-laws, and he shall also provide regular voting lists for use at the Town Meetings.

C3. The Town Clerk shall keep a file of all Town Reports, reports submitted by all committees chosen by the Town, all original warrants and all original documents or copies thereof relating to the affairs of the Town, which come into his custody. He shall suitably index all such reports and all the records of the Town in his custody in a manner convenient for reference and examination.

C4. The Town Clerk shall have stated hours for the transaction of business and shall give public notice thereof.

C5. Whenever any voter shall have given notice to the Town Clerk of an intention to move the reconsideration of any vote, pursuant to the provisions of Article II of these By-laws, the Town Clerk shall immediately give notice of such intended motion by causing a copy of such notice to be posted as and where the notices of the original meeting were posted, if practical from time standpoint.

C6. The Town Clerk shall record all votes passed at Town Meetings as required by MGL Chapter 41, Section 15. In addition, the Town Clerk shall ensure, as far as possible, that the entire proceedings of every Town Meeting be videotaped and that the original or a complete copy of said videotape be filed with the Town Clerk at the conclusion of each session of said Town Meeting. The videotape of each session of each Town Meeting shall become the property of the Town Clerk's Office and shall be kept by the Town Clerk's office for a minimum of three years following the adjournment of the subject Town Meeting. Any expenses involved with the videotaping of Town Meetings shall be borne by the Town of Rehoboth. (Amended/effective 6/5/98)

C7. The Town Clerk shall record all motions and votes at Town Meetings and notify the Assessors, Town Treasurer, and Accountant of all monies voted and provisions for raising same.

C8. The Town Clerk shall organize elections and record all votes at such elections.

C9. The Town Clerk shall record births, deaths, and marriages of all residents, wherever the event occurs when the same is reported to his office by a competent person and shall record births, deaths and marriages of non-residents occurring in the Town.

C10. The Town Clerk shall record all security transactions required by law.

C11. The Town Clerk shall record all licenses granted by himself or by other Town Officials.

C12. The Town Clerk shall maintain a register of certificates of practice granted to a resident by any state authority that comes to his attention.

C13. The Town Clerk shall have custody of all instruments conveying an interest in real estate to the Town and shall cause same to be properly recorded, and he shall preserve a copy of all instruments conveying the Town's interest in real estate to others.

C14. The Town Clerk shall maintain all copies of all plans and layouts for streets and of all certificates of takings by eminent domain. He shall maintain a road book.

C15. The Town Clerk shall issue marriage, sporting and dog licenses to qualified persons.

C16. As soon as practicable after each Town Meeting, the Town Clerk shall notify in writing all persons appointed to committees chosen at such meeting, stating the business upon which they are to act and the names of the persons composing the committee. He shall also notify all Federal, State, County or other agencies, by certified copies of the Town Meeting vote, of any matter of concern to their agency.

D. Duties of the Town Treasurer

D1. The Town Treasurer shall be properly bonded.

D2. The Town Treasurer shall have the custody of all funds belonging to the Town except funds for which other provisions are made by law or by these By-laws. (Amended/Effective 6/20/1988)

D3. No payment of Town funds may be made except by the Town Treasurer, and then only on a warrant prepared and signed by the Town Accountant, and approved by a majority of the Board of Selectmen. Such warrant shall be sufficient authority to the Town Treasurer to pay money, and the payment thereof under such warrant shall discharge from him all liability of money so paid.

The custody of, investing and payments from the Treasury belonging to any committee, authorized by law to maintain their (it's) own Treasurer, shall be regulated by the law that gave the authority to the committee to maintain their (it's) own Treasury.

D4. The Town Treasurer shall make a detailed report of all receipts and expenditures and of all trust funds in his charge, together with a statement of the Town debt which shall be printed in the Annual Town Report. (Amended/Effective 6/20/1988)

D5. The Town Treasurer shall have stated hours for the transaction of business and shall give public notice thereof.

D6. The Town Treasurer shall have custody of the standard weights and measures of the Town.

D7. The Town Treasurer shall negotiate all borrowing of money authorized by vote of the Town.

E. Duties of the Tax Collector

E1. The Tax Collector shall be properly bonded.

E2. The Tax Collector shall bill and collect all tax accounts due the Town, including real and personal property taxes and such other amounts authorized by law or by vote of the Town.

E3. All tax bills shall be sent out by the Collector and shall be delivered as soon as practicable after receipt of the tax lists and warrants from the Assessors.

E4. The Tax Collector shall have stated hours for the transaction of business and shall give public notice thereof.

F. Duties of the Tree Warden

F1. The Tree warden shall be responsible for planting and maintaining trees on all public streets and on such public property as he, with consent of the Board of Selectmen, may deem to be in the best interest of the Town. He shall cooperate with other Town Departments in laying out his annual program.

G. Duties of the Board of Assessors

G1. All duties and powers outlined in the General Laws of the Commonwealth of Massachusetts shall be faithfully followed.

G2. The Assessors shall append to their annual report a table of valuation, real, personal and total, the rate of taxation, and the amount of money raised.

A Summary listing of valuation on real and personal property and tax assessed shall be published after each total equalization and the second mandated property update and may be published at such other periods as may be deemed desirable by the Board of Assessors. (Amended/Effective 6/24/1985)

G3. The Assessors shall deliver the tax list and warrant for collection to the Collector at the earliest possible date. On or before the thirty-first of December, in each year, the Assessors shall enter upon the tax list of the Collector the assessments omitted from the last annual assessment of taxes and subsequently assessed. Additional warrants shall be issued to the Collector for all taxes assessed or reassessed which are not covered by the terms of the original warrant.

G4. The Assessors shall keep a record of all abatements of taxes, the names of the parties taxed, and the reasons for and the amount of the abatement. On or before the tenth day of every month they shall notify the Collector, in writing, of the amount of taxes abated in the preceding month, stating separately the amount abated from each tax levy.

H. Duties of the Board of Public Welfare - Deleted Oct. 1968

I. Duties of the School Committee

II. Refer to General Laws, Chapter 71, Sections 35 through 38 as amended.

J. Duties of Regional School Committee

J1. Refer to General Laws, Chapter 71, Sections 15 through 17 and amendments.

K. Duties of the Planning Board

K1. Within thirty (30) days after the Annual Town Election they shall organize by electing one of their number chairman, one of their number recording clerk, and one of their number corresponding clerk.

K2. In the performance of their duties, pursuant to Chapter 41, Section 70 of the General Laws, the Board shall from time to time confer with the Board of Health, the Building Inspector, Zoning Board and the Board of Selectmen.

K3. The Board shall report in writing, with their recommendations for long range programs, annually to the Selectmen for publication in the Annual Report of the Town Officers.

K4. Refer to the General Laws, Chapter 40B and Chapter 41 and amendments.

K5. A Board of Appeals under the Sub-Division Control Law shall have jurisdiction to issue a permit for the erection of a building under Chapter 41, Section 81 Y of the General Laws, which Board of Appeals will be the existing Board of Appeals under the Zoning By-Law of the Town of Rehoboth.

L. Duties of the Park Commission

L1. Refer to the General Laws.

ARTICLE IV - TOWN OFFICIALS - APPOINTED

Section 1. Unless otherwise provided by statute, vote of the Town, or these by-laws, all officials, boards, committees and bodies not elected on the official ballot shall be appointed by the Board of Selectmen, effective July 1, each for a term of one year. Such appointments shall include but are not limited to the following: (Amended/Effective 5/19/1989)

- A. Town Accountant (3 years)
- B. Superintendent of Streets
- C. Veterans' Agent
- D. Sealer of Weights and Measures
- E. Inspector of Wiring
- F. Inspector of Plumbing
- G. Inspector of Range Boilers
- H. Inspector of Gas Piping and Gas Appliances in Buildings
- I. Inspector of Manufactured and Natural Gas Appliances and Installations
- J. Building Inspector
- K. Forest Fire Warden
- L. 2 Measurers of Wood and Lumber
- M. 6 Public Weighers (Amended/Effective 12/01/2000)
- N. Field Driver
- O. 3 Registrars of Voting (one to be appointed each year for a term of three years)
- P. Agent to care for Cemeteries
- Q. 2 Fence Viewers
- R. Animal Control Officer (Replaced Animal Inspector/ Dog Officer 8/15/1987)
- S. Rehoboth Emergency Management Agency Director (amended/effective 6/5/98)
(Enacted in accord with the Massachusetts Emergency Management Agency)
- T. Rehoboth Emergency Management Agency Deputy Director (amended/effective 6/5/98)
(Enacted in accord with the Massachusetts Emergency Management Agency)
- U. Town Counsel
- V. Moth Superintendent
- W. (Deleted 8/15/1987 and replaced with Animal Control Officer)
- X. 7 Members of the Conservation Commission (Amended/Effective 12/12/1975)
- Y. 9 Members of the Industrial Commission (each for a term of five years, two to be appointed each year for four years, and one the third year).
- Z. A Board of Appeals, consisting of five (5) members and three (3) associate members shall be appointed by

the Selectmen under provision of Chapter 40A of the General Laws, and any and all amendments and additions thereto, consisting of five members for a term of five years, one to be appointed each year and three associate members appointed annually.

- AA. A Board of Appeals under the Sub-Division Control Law.
- BB. The Selectmen may appoint from time to time as many additional constables in the Town as they deem necessary.
- CC. Seven members of the Historical Commission (each for a term of three years, two to be appointed each year for two years and three the third year). (Amended/Effective 06/04/1991)
- DD. Council on Aging, Communications (Added/Effective 12/13/1975)
- EE. Executive Secretary, under 23A Chapter 41 of the General Laws. (Added/Effective 8/19/1978)
- FF. A Computer Committee shall be appointed annually, effective on July 1st, by the Board of Selectmen to include a member of the Board of Assessors, the Collector of Taxes, the Town Treasurer, the Town Clerk, the Town Accountant, the Executive Secretary, the Police Chief and the Fire Chief or their designees. Additional members may be appointed to the Committee at the discretion of the Board of Selectmen.

The Committee shall make recommendations on the purchase, use, and maintenance of all town computer hardware and software, except that of the Dighton-Rehoboth Regional School District. (Added/Effective July 21, 1993)

- GG. Personnel Officer (Added/Effective 12/01/2000)
- HH. Town Planner (Added/Effective 12/01/2000)
- II. Conservation Agent (Added/Effective 12/01/2000)

Section 2. The Finance Committee

- A. Appointment (Amended/Effective July 24, 2000)

At or within 30 days after the Annual Town Meeting or any final adjournment thereof, there shall be appointed by the Board of Selectmen, a Finance Committee who shall serve without pay consisting of seven members, three of whom shall be appointed to serve a term of three years, three for a term of two years, and one for a term of one year, each to serve until the final adjournment of the next Annual Town Meeting preceding the expiration of their respective term of office and until their successors have been appointed, none of who shall be elected an officer or member of any Board of the Town. Members of the Committee shall be appointed by a vote of the members of the Board of Selectmen or a majority vote thereof.

- B. Organization

The Chairman of the Board of Selectmen shall call the Finance Committee together for organization within thirty days from the date of their appointment.

- C. Duties

The Finance Committee shall consider all articles to be inserted in the Warrant for the Annual Town Meeting or any Special Town Meeting and, before said Town Meeting, shall make a written report thereon to the Board of Selectmen and when the Warrant for a Town Meeting contains any article or articles under which an appropriation or expenditure of money or the disposition of any property of the Town may be made, the Finance Committee shall consider said articles and may, if it deems advisable, give a public hearing thereon and shall report in writing its recommendations to the said Town Meeting.

Section 3. The Conservation Commission

A. The Town shall have a Conservation Commission consisting of seven voters of the Town appointed by the Selectmen for terms of three years. They shall be so appointed that three terms expire one year, two terms expire the second year and two terms expire the third year. Each member shall serve from July 1 of the year of appointment to June 30 of the year of the expiration of the term. In the case of a vacancy, the appointment to fill said vacancy will begin at the discretion of the Selectmen and shall expire on June 30 of the year of expiration of the original appointment. (Amended/Effective 6/13/1973, and 5/19/1989)

B. The Conservation Commission shall have all the powers and duties now or at any time vested in it by General Laws (Ter.Ed.) Chapter 40, Section 8C, as the same may be amended, or by any special act, and such other powers and duties as may be given to it by the Town.

C. The Conservation Commission shall, subject to the provisions of law, choose its own officers and establish such rules as it deems necessary for the conduct of its business and shall keep records of all action taken by it and shall make an annual report to be published in the Annual Town Report.

Section 4. The Town Counsel

A. The Board of Selectmen shall annually and whenever a vacancy shall exist, appoint a competent lawyer, who is a member of the Massachusetts Bar, to act as Town Counsel. That person shall be paid compensation as said Board may determine. (Amended/Effective 6/20/1988 and 02/20/1993)

B. The term of office of said Town Counsel shall begin on the first day of July of each year and shall continue until the appointment of his successor. (Amended/Effective 6/20/1988)

C. Deleted (Effective 12/01/2000)

D. The Town Counsel shall draw all bonds, deeds, leases, obligations, conveyances and other legal instruments or supervise the same and do every professional act which may be required of him by vote of the Town or by any Town officers, or board of officers or committee.

E. When required by said officers, boards or committees, Town Counsel shall furnish legal advice and/or a written opinion on any legal question that may be submitted to him in regard to any matter, which concerns the Town. Approval for consultation with the Town Counsel must be obtained from the Selectmen except with respect to a ruling on conflict of interest.

F. The Town Counsel shall prosecute all suits ordered to be brought by the Town and shall appear before any Court or other tribunal in defense of all actions or suits brought against the Town or its officers in their official capacity. He shall try any and all cases to which the Town shall be a party, before any tribunal, when in law, equity, or otherwise, or before any board, referee, commissioners, committee, arbitrators, or other tribunal.

G. As soon as may be, after receiving notice from the Chief of Police or other town officer of injury to person or property, under circumstances which may give rise to a claim for damages against the Town, the Town Counsel shall make a careful investigation of all facts relative thereto and, if he deems the same advisable, may cause a physical examination of any injured person or persons claimed to be injured, to be made by a competent physician or physicians and may cause a survey and plan to be made and a photograph or photographs taken of the place where the alleged injury occurred and of the surrounding territory. He shall take all steps, which he deems necessary to adequately defend such claims and protect the interests of the Town.

H. The Town Counsel shall prosecute, in behalf of the Town, in the local District Court, all cases for the violation of any By-Laws of the Town when properly requested.

Section 5. The Council on Aging (Added/Effective 12/4/1978)

A. The Town shall have a Council on Aging consisting of seven voters of the Town appointed by the Selectmen.

B. The terms of office shall be three years and appointments will be made so that three terms expire one year, two terms expire the second year and two terms expire the third year. Each member shall serve from July 1 of the year of appointment to June 30 of the year of the expiration of the term. In the case of a vacancy the appointment to fill said vacancy will begin at the discretion of the Selectmen and shall expire on June 30 of the year of expiration of the original appointment. (Amended/Effective 5/19/1989)

C. The Council on Aging shall have all the powers and duties now or at any time vested in it by the General Laws (Ter.Ed.) Chapter 40, Section 8B, as they may be amended, or by any special act and such other powers and duties as may be given to it by the Town.

D. The Council on Aging shall, subject to the provisions of law, choose its own officers and establish such rules as it deems necessary for the conduct of its business and shall keep records of all actions taken by it and shall make an Annual Report to be published in the Annual Town Report.

Section 6. The Communications Committee (Added/Effective 8/19/1978)

A. The Town shall have a Communications Committee, consisting of three voters of the Town appointed by the Selectmen.

B. The terms of office shall be three years, with the exception of the first year, when one is to be appointed to three years, one for two years, and one for one year.

C. Requirements for membership on the Communications Commission shall include either formal schooling in electronics, or on-the-job experience in two-way radio or signaling systems.

D. The Communications Committee shall be responsible for coordinating all public service communications, signaling, and data handling systems. This to include responsibility for the design and engineering of communications systems, and for budget preparation and disbursement.

Section 7. The Executive Secretary (Added/Effective 8/19/1978)

A. The Board of Selectmen shall annually, in May, and whenever a vacancy shall exist, appoint an Executive Secretary for a term of one year beginning on July 1. Amended/Effective 5/19/1989)

B. The Executive Secretary shall hold no elective office, but he may be appointed by the Selectmen or, with their approval, by any other Town Officer, Board, Committee or Commission, to any other town office or position consistent with his office

C. The Executive Secretary shall act by and for the Selectmen in any matter which they may assign to him relating to the administration of the affairs of the Town or of any town office or department under their supervision and control, or, with the approval of the Selectmen, may perform such other duties as may be requested of him by any other Town Officer, Board, Committee, or Commission.

ARTICLE V - TOWN OFFICIALS

Section 1. All Town Officers shall pay into the Town treasury, effective July 1, 1977, all fees received by them by virtue of their office. (Added/Effective 8/13/1976)

ARTICLE VI - APPOINTED COMMITTEES

Section 1. Any member of an appointed town committee not attending at least one-half that committee's regular meetings in any six month period shall be deemed to have vacated that office, and may be replaced by the appointing authority by appointment of a replacement member. (Added/Effective 8/19/1978)

CHAPTER B

PROTECTION OF PERSONS AND PROPERTY

ARTICLE I - MOTOR VEHICLES AND PUBLIC WAYS

Section 1. No person having charge of a vehicle in any street shall neglect or refuse to stop the same or to place the same when stopped, as directed by a Police Officer.

Section 2. No person having under his care or control any vehicle shall permit the same or the animal or animals attached thereto, if any, to stand on or across any public highway, street or sidewalk in such manner as to obstruct the same for an unnecessary length of time. No person shall stop with any vehicle in any public street so near another vehicle as to obstruct public travel and no person shall stop with any vehicle upon or across any crossing in any street or highway in Town.

Section 3. No person shall tie a horse to any shade tree bordering on the public highway, or owned by the Town.

Section 4. No person shall establish or maintain any shade or awning over any part of a sidewalk unless the same be securely and safely supported and unless the lowest part thereof be not less than seven feet above said sidewalk.

Section 5. No person shall erect, set up, or maintain any fence, wall, portico, platform or doorstep extending into or on any sidewalk, street or highway.

Section 6. No person shall establish or maintain over any sidewalk, street or highway any sign, sign board, or advertising device without a permit from the Selectmen, and no person shall affix such sign or device to any tree, tree guard, post, board or other object within the limits of such sidewalks, street or highway, owned by the Town without obtaining a permit therefor from said Selectmen which may be revoked at any time.

Section 7. No person other than a town agent shall place or cause to be placed on any public sidewalk, street, or highway, or upon any of the commonlands of the Town, any manure, gravel, dirt, ashes, wood, lumber, buildings, carriages, boxes, barrels, stones, coal or any rubbish, or other things, and suffer the same to remain thereon for more than 24 hours after being notified by a police officer to remove the same. No person shall throw, place or cause to be thrown or placed upon any street, sidewalk or highway in the Town, any stones, hoops, boards, or any wood with nails projecting therefrom, shavings, sawdust, manure, nails, spikes, screws, glass, tin cans, filth, rubbish or any noxious or refuse or other liquid or solid matter or substances.

Section 8. No person by himself or his agents or servants shall distribute or place in or upon any street, square, park, common, lane, alleyway, or other public place any placard, handbill, flyer, poster, advertisement, or paper of any description, except that the same may be placed within the doors of stores, offices, and business houses and at the doors of residences.

Section 9. No person shall suffer any horse or grazing beasts or swine to run at large in the Town or feed within the limits of the highway either with or without a keeper.

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

Section 11. No person shall address or accost another with any indecent or profane language in any street or other public place in the Town.

Section 12. No person shall willfully or negligently obstruct the free passage of foot travelers on any sidewalk nor shall any person loaf upon any sidewalk or any street or public way of the Town.

Section 13. No person shall break or dig up any sidewalk, street or highway or place thereon any staging or other temporary structure or move any building in or along the same without a written permit from the Board of

Selectmen after recommendation from the Chief of Police. Any permit issued hereunder shall be in force for such time as the Board may specify and shall be subject to such conditions as they may prescribe and in every case shall be upon condition that during the whole of every night, from sunset to sunrise, lighted lanterns and proper barriers shall be so placed as to secure travelers from danger.

Section 14. A person having such permit shall restore the sidewalk, street or highway to its original condition or to a condition satisfactory to the Selectmen after recommendation from the Superintendent of Streets. The Selectmen shall have the right to revoke said permit at any time and may require a bond, either before the work or during its progress, to insure its proper performance.

Section 15. No person shall coast upon or across any sidewalk, street or highway except at such times and in such places as may from time to time be designated by the Selectmen after recommendation by the Chief of Police and the Superintendent of Streets.

Section 16. No person shall knowingly suffer or permit any water or other liquid substance to run or be discharged from any building owned by him or under his control, onto or across any curbed or finished sidewalk, except that any person may wash, with water from hose or pipe, windows or other parts of a building, on private property, without danger to the public safety.

Section 17. No person shall write, paint, print, or otherwise inscribe any notice, advertisement, word, figure, or pictures on any of the public sidewalks of the Town; nor shall the same be done upon any fence, wall, pole, stone, tree, building, or structure adjoining said side walks, without the consent of the owner thereof.

Section 18. No person, except drivers of ambulances, patrol wagons, or members of the Fire Department, responding to an alarm, or a physician responding to an emergency call, or vehicles transporting United States mail, shall ride a horse or drive a vehicle through a funeral procession.

Section 19. Rescinded June 1968.

Section 20. No person shall in any way injure or obstruct any of the drinking fountains or watering troughs in any street or public place in the Town, nor throw or place therein any substance which will tend to pollute the water.

Section 21. No person shall walk, stand or lounge upon any portion of any street, or public grounds devoted to the growth of grass, hedges, shrubs or flowers, nor in any way dig up, injure or deface the same.

Section 22. No person shall injure, deface or destroy any street sign, guide board, lamp post, lamp or lantern thereon, nor any tree, building, fence, post or other thing set, erected or made for the use or ornament of the Town.

Section 23. No person shall throw or place upon any sidewalk or street crossing any banana skin, orange skin or other slippery substance.

Section 24. No person shall suffer a platform or grate or opening to a cellar or basement in any street or sidewalk to rise above the surface of the same and every such entrance or opening shall at all times be properly guarded in a manner subject to the approval of the Board of Selectmen.

Section 25. No owner or person having the care of any building abutting upon any brick, concrete or other curbed or finished sidewalk, the roof of which building slants toward the sidewalk, shall permit the building to be without a barrier, snow guard or other device to prevent the falling of snow or ice from such roof to the sidewalk.

Section 26. No person shall ride, drive or cause to be driven any horse or vehicle over that part of any street or way which is being mended, repaired or paved, if a watchman or sign are posted prohibiting the same, nor along any sidewalk.

Section 27. No person shall own or keep in this Town any dog which by biting, barking, howling or in any other manner disturbs the peace or quiet of any neighborhood, or endangers the safety of any person. Whoever violates the provisions of this section shall be liable to a penalty not exceeding ten dollars.

Section 28. No person shall permit a tree, branch thereof, hedge, bush or shrubbery growing on his land to extend over or overhang any street, sidewalk or highway so as to interfere with the free and full use of such street, sidewalk, or highway.

Section 29. The word "vehicle" as used in this Article shall include every description of carriage or other artificial contrivance used or capable of being used as a means of transportation on land, except as otherwise provided herein or by law.

Section 30. No person shall build or construct a private sidewalk on a public way without a permit by the Board of Selectmen after recommendation by the Superintendent of Streets.

Section 31. The Superintendent of Streets shall supply any property owner of the Town of Rehoboth or the officer or agent of any such property owner with the lines and grades for sidewalks and streets upon the first laying out, acceptance or relocation of the same. After such time, however, there shall be charged for such data a fee to be fixed and regulated by the Superintendent of Streets with the approval of the Selectmen, and said fees so collected shall be turned over to the Town Treasurer.

Section 32. (Approved as Section 33.) It shall be the duty of the Building Inspector, after consulting maps in the Board of Assessors' office, to assign street numbers to all buildings or parts thereof on or near the line of public or private ways within the Town. A list of the street numbers shall at all times be on file in Town Clerk's Office. Every occupant or owner of such building or buildings shall cause to be displayed upon some suitable portion of said building, or sign or other suitable device, visible from such street or way, the proper street number of said building. No number other than the proper street number as shown by the list on file in the Town Clerk's Office shall be displayed on any such building or part thereof. (Amended/Effective 6/20/1988)

Section 33. Any person violating any of the provisions of this Article shall be liable to a fine of not more than twenty dollars, unless otherwise especially provided.

Section 34. No person shall in any way obstruct or cause to be obstructed a culvert or drainage ditch running under or along a Town Street. Whoever violates this provision shall be liable for costs incurred in the removal of the obstruction. (Added/Effective 1/15/1977)

Section 35. Any person planning to build a driveway or other construction that might cause to be obstructed a culvert or drainage ditch running under or along a Town Street shall first obtain approval from the Superintendent of Streets. The Superintendent of Streets shall require such person to have installed culvert pipes as deemed necessary. (Added/Effective 1/15/1977)

Section 36. Scenic Roads (Added/Effective July 21, 1993)

(1) Procedures

1.1 Filing

This by-law applies only to Town Roads that are designated as Scenic Roads. Any person seeking the consent of the Planning Board under MGL Ch. 40, Sec. 15C (The Scenic Roads Act) regarding road repair and utility services construction, maintenance, reconstruction, or paving work that will involve the cutting or removing of trees or the tearing down of stone walls, or portions thereof, shall file a request with the Planning Board together with the following:

- a. Information identifying the location of the proposed action in terms enabling readers to reasonably locate it on the ground, and describing the proposed changes to trees and stone walls;
- b. Plans, drawings or other explanatory reference material showing the specific design or engineering details;
- c. Except in the case of town agencies, a deposit sufficient for the cost of advertising and notification.

1.2 Notice

The Planning Board shall, as required by statute, give notice of its public hearing by twice advertising in a newspaper of general circulation in the area. The Board shall also send copies of that notice to the Selectmen, Conservation Commission, Historical Commission, Town Engineer, Highway Surveyor, Tree Warden, Department of Public Works, and owners as of the preceding January first of property located in whole or in part within 500 feet of the proposed action.

1.3 Timing

The Planning Board shall hold a public hearing within forty-five days of receipt of a properly filed request, and shall make a decision within sixty days of that receipt, unless a longer time is agreed to by the applicant. The date and time of the public hearing shall be set outside of normal weekday hours (8:00 AM - 5:00 PM, Monday - Friday) so as to encourage maximum citizen participation.

1.4 Tree Warden

Whenever feasible, Planning Board hearings shall be held in conjunction with those to be held by the Tree Warden acting under MGL Ch 87. Consent to an action by the Planning Board shall not be construed as inferring consent by the Tree Warden or vice versa.

1.5 Emergency Repair

The procedures of this article shall not be required when the Tree Warden or his deputy act in an emergency in accordance with MGL Ch. 87 to remove fallen trees or limbs which cause an obstruction to public travel or a dangerous situation with respect to utility lines

(2) Definitions

In the absence of contrary meanings established through legislative or judicial action pursuant to MGL Ch. 40, Sec. 15C, these terms contained in that statute and herein shall have the following meanings:

"Road" shall mean the entire right of way of a vehicular traveled way plus its necessary appurtenances including bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks, but not intersecting streets or driveways. The right of way includes the area on and within the boundaries of the public way. If the boundaries are not officially known, any affected tree or stone wall shall be presumed to be within the public right of way until shown otherwise.

"Cutting or removal of trees" shall mean the destruction of more than one tree having a trunk diameter of four inches or more measured one foot from the ground. Trimming of roots, sufficient in the Tree Warden's opinion, to cause eventual destruction of a tree is included in this definition.

"Tearing down or destruction of stone walls" shall mean the destruction of more than twelve linear feet of stone wall involving more than one cubic foot of wall material per linear foot, but shall not include temporary removal and replacement at the same location with the same materials.

(3) Considerations

In acting on scenic roads, the Planning Board shall take into consideration the following:

1. Preservation of natural resources;
2. Environmental and historical values;
3. Scenic and aesthetic characteristics;
4. Public Safety;
5. The characteristics of local residential traffic and resident expectations;

6. Relationship of road design to the standards of the Planning Board's subdivision regulations and of the Massachusetts Department of Public Works;
7. Compensatory actions proposed, such as replacement trees or walls;
8. Functional urgency of the repair, maintenance, reconstruction, or paving;
9. Financial and other consequences of design revision to avoid or reduce damage to trees or stonewalls;
10. Additional evidence contributed by abutters, town agencies, and other interested parties;
11. Other sound planning considerations.

(4) Reporting

The Planning Board shall, within sixty days of receipt of a properly filed request, submit a written determination of consent or denial to the applicant and a copy to the Board of Selectmen and the Town Clerk. A report of denial shall include an indication and what modifications, if any, would lead to consent.

"Road" shall mean the entire right of way of a vehicular traveled way plus its necessary appurtenances including bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks, but not intersecting streets or driveways. The right of way includes the area on and within the boundaries of the public way. If the boundaries are not officially known, any affected tree or stone wall shall be presumed to be within the public right of way until shown otherwise.

"Cutting or removal of trees" shall mean the destruction of more than one tree having a trunk diameter of four inches or more measured one foot from the ground. Trimming of roots, sufficient in the Tree Warden's opinion, to cause eventual destruction of a tree is included in this definition.

"Tearing down or destruction of stone walls" shall mean the destruction of more than twelve linear feet of stone wall involving more than one cubic foot of wall material per linear foot, but shall not include temporary removal and replacement at the same location with the same materials.

Section 37. Handicapped Parking (Added/Effective July 15,1997)

PURPOSE: In accordance with Mass. General Laws Chapter 90 and Mass. General Laws Chapter 40, s. 21, it is the intent of this By-Law to provide those who are physically challenged with full use and access of all buildings and facilities to which the public has a right of access in order that they may have the same educational, employment, living and recreational opportunities afforded them as those who are not physically challenged. This is necessary to sustain self-sufficiency.

(a) Any person or body that has lawful control of a Public or Private Way or of improved or enclosed property used as off-street parking areas for business, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential buildings, or for any other place where the public has a right of access as invitees or licensees, to reserve parking spaces in said off-street parking area for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing License Plate authorized by said section two of Chapter ninety or for any vehicle transporting a handicapped person and displaying the special identification plate authorized by section two of Chapter ninety or for any vehicle bearing the official identification of a handicapped person issued by any other state, or any Canadian Province, according to the following formula:

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

(b) Parking spaces designated as reserved under the provisions of paragraph I shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking; Special Plate Required. Unauthorized vehicles may be removed at the owners expense shall be as near as possible to a building or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight foot wide areas with four feet of cross hatch between them.

(c) Penalty:

No person or body shall leave any vehicle within parking spaces designated for use by disabled veterans or handicapped persons or leave any vehicle in such a manner as to obstruct any ramp or curb opening designed for use by handicapped persons without the proper vehicle designation.

Any person or body who violates the provisions of this by-law shall be subject to a fine of thirty (\$30.00) dollars for a first offense and sixty (\$60.00) for a second or subsequent offense.

(d) Authority:

This by-law is written in accordance with and under the authority of Massachusetts General Laws, Chapter 40, S 22D pertaining to the towing of vehicles parked in violation of the Handicapped Parking By-Law (Adopted 04/19/1988)

Section 38. Flaggers (Added/effective July 15,1997)

(a) Definitions. As used in this Bylaw the following words shall, unless the context requires otherwise, have the following meanings:

"MUTCD" Manual of Uniform Traffic Control Devices as published and amended by the United States Department of Transportation and Federal Highway Administration.

"Flaggers" any natural person, business, partnership or municipality, the individuals of which are recognized as traffic control devices, as defined in the MUTCD, and trained in the control of traffic and work zone safety as defined in the MUTCD.

"Street" any public way, town way, private way or way to which the public has the right of access in the Town of Rehoboth.

(b) Notwithstanding any provisions of any rule, regulation, order or Bylaw to the contrary, the Rehoboth Highway Department may employ flaggers to direct and control traffic around any construction or maintenance site so long as such will not impact or otherwise compromise public safety. There will be an annual review (and for new streets, as they appear) by both Police Chief and Highway Superintendent to predesignate streets and sections of streets upon which flaggers may be used.

ARTICLE II - HAWKERS AND PEDDLERS

Section 1. No person shall hawk or peddle any of the articles enumerated in Chapter 101, Section 13, of the General Laws of the Commonwealth of Massachusetts until he has recorded his name and residence with the Chief of Police and has been assigned a number by him. (Amended/Effective 6/20/1988)

Section 2. No person hawking or peddling any articles referred to in Section 1. shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the Town.

Section 3. No hawker or peddler shall carry, convey or expose for sale any of said articles in any manner that will tend to injure or disturb the public health, or comfort, or otherwise, than in vehicles and receptacles which are neat and clean.

Section 4. The Board of Selectmen may grant licenses to suitable persons to be hawkers and peddlers for the purpose of soliciting orders, sales, subscriptions or business of any kind, and no person shall be hawkers or peddlers without such a license. The license applicant shall give complete identification, signature, name of employer or organization, nature of product or services, proposed method of operation and evidence of good character. No license shall cover the period of one-half hour after sunset and the remainder of the night. (Amended/Effective 6/13/1973)

Exception: The provisions of this section shall not apply to officers or employees of the Town, County, State or Federal Government or any subdivision thereof, when on official business. (Effective 6/13/1973)

Section 5. Such license fee shall be determined by the Board of Selectmen, and all such licenses shall expire at the end of April next following the date of issuance, and the license shall not be issued until the fee has been paid to the Town Treasurer.

Section 6. No number shall be assigned any hawker or peddler unless he presents to the Chief of Police a receipt from the Sealer of Weights and Measures showing that the weights and measures used by him have been properly inspected and tested and sealed.

Section 7. Any hawker or peddler who conducts his business within the Town and is not licensed as above provided, and any person who violates any of the provisions of this Article shall be punished by a fine of not more than ten dollars for each offense. (Amended/Effective 6/13/1973)

ARTICLE III - JUNK DEALERS

Section 1. The Selectmen may license suitable persons to be dealers in and keepers of the shops for the purchase, sale and barter of junk, old metal and second-hand articles and no person shall be a dealer in or keeper of such a shop without such license. This Article does not apply to a holder of a Third-Class Motor Vehicle License issued under Chapter 140, Section 58.

Section 2. Every person so licensed shall keep a book in which shall be written at the time of every purchase of any such article, a description thereof, the name of the person from whom and the time when such purchase was made. Such book shall at all times be open to the inspection of the Selectmen and the Police Department.

Section 3. Every person so licensed shall put in a conspicuous place on his shop a sign having his name and occupation clearly inscribed thereon and shall at all times allow his shop and articles therein to be examined by the Selectmen or the Police Department and he shall comply with all directions and requirements of the Selectmen, the Board of Health, the Zoning Laws and these By-Laws.

Section 4. All licenses granted under this Article expire at the end of April next and may be revoked by the Selectmen at their pleasure.

Section 5. No person shall use any building, enclosure or other structure for the storage, sale or keeping of rags, waste, paper stock or other inflammable material without a written license therefor from the Selectmen.

Section 6. Whoever, not being licensed as herein provided, keeps such a shop or storage place, or is such a dealer and being licensed, violates any of the provisions of this Article or any regulations or restrictions contained in his license shall forfeit not more than twenty dollars for each offense.

ARTICLE IV - FIRE DEPARTMENT

Section 1. The Board of Selectmen shall appoint a Fire Chief under the provisions of Chapter 48, Sections 42, 43 and 45 of the General Laws.

Section 2. Rescinded April 25, 1988.

Section 3. The Chief of the Fire Department shall organize and maintain such fire companies with such membership as may be approved by the Selectmen. He shall appoint a captain for each fire company subject to the approval of the Selectmen.

Section 4. The Chief of the Fire Department shall be responsible to the Selectmen for the discipline, good order and proper conditions of the officers and members of the Department, and for good condition of all equipment, supplies, motor vehicles, engines and other apparatus and furniture throughout the Department. He shall enforce the rules and regulations of the Department and these By-Laws.

Section 5. The Chief of the Fire Department shall have full charge of the departments at all fires. In the absence of the Chief, the following persons will be in charge at all fires in the following order:

- (a) Deputy Chief
- (b) Captains of the respective companies
- (c) Persons designated by the Fire Chief with the approval of the Board of Selectmen in the order of their grade in the respective companies.

Section 6. The Chief of the Fire Department or, in his absence, the individual in charge of fighting a fire, may cause any street or portion thereof in the vicinity of the fire to be roped off in such a way or manner, as he may deem necessary.

Section 7. The Chief of the Fire Department shall annually on or before January 9th submit a written report to the Board of selectmen to be incorporated in the Annual Town Report, and said report shall contain:

- (a) List of all fires during the year and supposed cause of each fire.
- (b) A statement of the major equipment and apparatus in possession of the department and its condition.
- (c) A list of names of all officers and a schedule of wages of the various grades in the department.
- (d) A report on the condition of all public buildings in the Town
- (e) Such information as the Fire Chief deems advisable, together with such recommendations as seem to him proper for the future conduct of the department.

Section 8. The Board of Selectmen may formulate and issue such rules and regulations for the department, as they may deem necessary.

Section 9. The Chief of the Fire Department shall notify the Building Inspector of any building already erected or in process of erection or alteration, which he believes, or has reason to believe, is or is liable to become hazardous from fire and dangerous to life because of the same, and the Building Inspector shall have authority to inspect such building or buildings at reasonable times and places, and make recommendations to the Board of Health.

The Fire Chief shall also make recommendations to the Board of Selectmen on any application for underground storage of inflammable substances.

Section 10. The Fire Chief may make individual contracts involving an expenditure not exceeding seven hundred

and fifty dollars (\$750.00) and purchases to an amount not exceeding said sum and within the limits of his appropriation; but all contracts involving a larger expenditure and purchases to a larger amount shall be made by him only with the approval of the Selectmen. (Effective 8/9/1996)

ARTICLE V - POLICE DEPARTMENT - ORGANIZATION AND DUTIES

Section 1. The Police Department shall consist of a Chief of Police and such police officers as the work of the department may require and the Board of Selectmen shall appoint in accordance with Chapter 41, Section 97A of the General Laws. Said appointments shall be made annually during the month of May and the appointees shall enter upon their duties on July first of each year. The Selectmen shall have the right to increase or decrease the number of police officers as said board deems necessary and may, for particular cases, appoint a police matron to assist the Chief of Police, and shall fix their compensation. (Amended/Effective 5/19/1989)

Section 2. The Police Department shall be subject to all rules and regulations and perform all duties which now are or hereafter may be prescribed by the By-Laws of the Town, by the Board of Selectmen, or the rules and regulations of the Police Department. Any member of the Department may be removed or suspended, or otherwise disciplined at any time by the Board of Selectmen, except as otherwise provided by law.

Section 3. The Chief of Police shall be head of the Police Department and subject to the general supervision and control of the Board of Selectmen. He shall have control of the Department, its officers and members and of constables and special police officers when in the service of the Department. He shall be responsible for the discipline and efficiency of the Department and shall enforce the rules and regulations thereof and these By-Laws.

Section 4. The Chief of Police shall keep a Departmental account of all duties performed and of all absences from duty with the causes thereof. He shall take notice of all nuisances, defects and obstructions in the streets and other public places in the Town and shall take all proper measures relative thereto. He shall cause proceedings to be instituted for the prosecution of violation of the laws and of these By-Laws. He shall be a resident of the Town and shall give public notice of the location of the same or the place where he maintains his office.

Section 5. The Chief of Police shall be responsible to the Selectmen for the discipline, good order and proper condition of the officers and members of the Department and for the good condition of all equipment, supplies, motor vehicles, engines and other apparatus and furniture of the Department. He shall report yearly to the Board of Selectmen, and at such other times as the Board may require, the doings of his Department.

Section 6. The Chief of Police shall have power to temporarily relieve from duty any of his subordinates for neglect or non-performance of duty, for any act contrary to good order and discipline, or for the violation of any of the rules and regulations of the Department. In such case, he shall, within forty-eight hours, furnish the Board of Selectmen, in writing, his reasons. The Selectmen shall forthwith determine the merits of the case, except as otherwise provided by law.

Section 7. It shall be the duty of each police officer to immediately report all accidents happening on the highways patrolled by him involving injuries to persons or property. He shall make a careful investigation, securing the names and addresses of all witnesses thereto and incorporate the same in his report to the Chief of Police. The Chief of Police shall immediately forward a copy of any case to the Board of Selectmen and Town Counsel, which in his opinion may involve the Town in Litigation not covered by insurance.

Section 8. The Board of Selectmen shall appoint such number of special officers as it may deem necessary. They shall be subject to the authority of the Chief of Police and shall devote as much of their time to the service of the Town as he shall require. The amount of their compensation shall be fixed by the Selectmen. They shall be paid by the hour for services actually rendered.

Section 9. Subject to the approval of the Board of Selectmen, the Chief of Police may appoint special policemen or policewomen for part-time and intermittent work to aid in the enforcement of Chapter 90 of the General Laws of Massachusetts and all Town By-Laws and traffic rules and orders relating to the operation, parking, standing, and use of vehicles for the protection of school children going to and from schools.

Section 10. Such special police shall be paid for the time they actually work at the request of the Chief of Police. Their rate of compensation and uniform allowance shall be determined by him with the approval of the Board of Selectmen. All appropriations for the purposes of this Article shall be included in the budget under the general appropriation of the Police Department.

Section 11. Such special police shall be known as "Rehoboth School Traffic Supervisors" and shall wear the prescribed uniform when on duty and display a police badge with an appropriate designation thereon. They shall have all the power of constables, except the power of serving and executing civil process, and shall be subject to all the rules and regulations of the Rehoboth Police Department not inconsistent with their authority and duties, and may be dismissed at any time by the Chief of Police without a hearing or the preferment of charges.

Section 12. The Chief of Police shall annually on or before January ninth submit a written report to the Board of Selectmen to be incorporated in the Annual Town Report, and said report shall contain:

- (a) A summary of all investigations.
- (b) A statement of the major equipment and apparatus in possession of the Department and its condition.
- (c) A list of the names of all officers and a schedule of wages of the various grades in the department.
- (d) Such information as he deems advisable, together with such recommendations as seem to him proper for the future conduct of the Department.

Section 13. The Chief of Police shall act as the administrator for all part-time and full-time civilian dispatchers.
(Added/Effective 9/20/1980)

ARTICLE VI - PERMITS LICENSES AND PUBLIC DEMEANOR

Section 1. No person shall enter upon the premises of another in the Town for the purpose of committing any wanton or malicious act or with intent to invade the privacy of another by peeping into the windows of a house or spying upon any person/persons resident therein. Nothing contained in this section shall be construed to abridge or in any way limit the right of a police officer to enter upon private property in the performance of his official duties.

Section 2. No person shall by noise or gesture or by throwing any missile, or by any other means, wantonly or designedly frighten any horse in any street, or other public place in the Town.

Section 3. No person shall allow any horse under his control to be unbridled on any street in the Town.

Section 4. No person shall drive or ride a horse on any sidewalk in the Town nor elsewhere in the Town at a speed or in a manner so as to endanger the person or property of others lawfully in the vicinity.

Section 5. No person shall drive, draw or propel any cart, wagon or other vehicle (except children's and invalids' vehicles) on any footpath or sidewalk in the Town. Nothing herein contained shall be construed as in any way conflicting with the statutory provisions relating to the use of bicycles or tricycles.

Section 6. No person except the Superintendent of Streets in the performance of his duties shall break or dig up or cause to be broken or dug up the pavement or ground in any public street or any sidewalk or ground or curbing in any public street without the permission in writing of the Selectmen, nor having obtained such permission shall fail to comply with the conditions thereof, except that the Selectmen may give such permission on the first business day following the commencement of any excavation required by an emergency and made by a department of the Town or a corporation engaged in the manufacture, transmission or distribution of gas, water, electricity, or intelligence transmitted by electricity, and in such case the rights granted by and conditions contained in such permission shall apply to all acts of such department or corporation in making the excavation. In addition to any penalty to which he may be subjected under these By-Laws for such failure, he shall also reimburse the Town for all expenses and damages which the Town may be compelled to pay by reason of such unauthorized use or any failure to comply with said conditions.

Section 6A. No person shall disturb the public way by digging or paving or otherwise to connect up a newly constructed private roadway or driveway unless they first obtain approval and a curb cut permit from the Rehoboth Highway Superintendent. The fee for the permit shall be set by the Board of Selectmen and payable at the time of approval by the Highway Superintendent. (Added/effective July 24, 2000)

Section 7. No person shall lay, throw or place, or cause to be laid, thrown or placed, any ice or snow on that portion of any street in the Town, which has been cleared or ploughed for travel.

Section 8. The Superintendent of Streets or other officer having charge of ways, for the purpose of removing or plowing snow, or removing ice, from any way, may remove or cause to be removed to some convenient place, including in such term a public garage, any vehicle interfering with such work, and the owner of such vehicles shall be liable for the reasonable cost of such removal and storage charges.

Section 9. No person in the nude shall bathe or swim in any of the lakes, ponds or rivers within the Town.

Section 10. No unauthorized person shall handle or in any way interfere with apparatus, machinery or fixtures belonging to the Fire or Police Department or Civil Defense or with any signal system, wire, pole, or other thing connected with these systems.

Section 11. No person shall enter into or remain in any building occupied by the Fire or Police Department without the permission of the officer having charge of such building, unless for some lawful purpose.

Section 12. No person shall drive any horse, or vehicle upon or over any hose pipe lawfully placed in a street, or in the use at a fire, except with the consent of the person in charge thereof.

Section 13. Except as otherwise provided by law, the Selectmen, upon such terms and conditions as they may deem expedient, may grant licenses to owners of vehicles to use such vehicles for the conveyance of persons or property for hire, and may designate stands and locations upon the streets of the Town where such vehicles may stand or wait for employment. Every such license shall be granted to expire at the end of December next ensuing after the date of its issue and it may be revoked at any time for cause satisfactory to said Board. Each license may cover one or more vehicles belonging to the same owner, shall bear upon its face the date of its issue, the date of its expiration, the name and address of the owner of the vehicle or vehicles to whom the license is issued, and a description of each vehicle so licensed sufficient for its identification. The fee for such license shall be established by the Board of Selectmen for each vehicle covered thereby and no license shall be transferred except with the approval of the Board of Selectmen duly endorsed thereon. No person shall hold himself out as the owner, driver, or operator of any vehicle used for the purposes mentioned in this section, unless such vehicle is duly licensed as provided in this section.

Section 14. (Gravel) This section was deleted by action of Annual Town Meeting (adjourned session of 5/5/1986) and replaced by CHAPTER G - GRAVEL OPERATIONS, approved by the Attorney General on July 11, 1986, and posted and effective July 18, 1986.

Section 15. Whoever violates any provision of this Article shall, in cases not otherwise provided for, forfeit and pay for each offense a fine not exceeding twenty dollars.

Section 16. The Dog Officer, or any other law enforcement officer, upon investigation if he finds that a dog is of a vicious nature or disposition and/or habitually chases, attacks motorists, cyclists, or persons, may order the owner or keeper of said dog to restrain said dog from running at large outside the premises of its owner or keeper, for a period of up to sixty days duration. (Added/Effective 6/20/1975)

Section 17. Said order shall be in writing and delivered in hand or by registered mail to said owner or keeper. Said order may be appealed by the owner or keeper to the Board of Selectmen, for hearing and review, by filing a claim of appeal within ten (10) days of the receipt of said order. (Added/Effective 6/20/1975)

Section 18. The Board of Selectmen may, after hearing, affirm, reduce or rescind said order. Failure to comply with the order shall result in a fine of ten dollars (\$10.00). Each day of said failure shall constitute a separate offense. (Added/Effective 6/20/1975)

Section 19. Upon a second and subsequent order involving the same dog, the Board may order, in lieu of a fine, that the dog be permanently confined or removed from the Town of Rehoboth. (Added/Effective 6/20/1975)

Section 20. The owner or keeper of any female dog shall cause it to be restrained and confined to within the premises of said owner or keeper, or in the immediate custody of said person by means of a secure collar and leash, while it is in heat. Failure to comply with this section shall result in a fine of ten dollars (\$10.00). Each day of said failure shall constitute a separate offense. (Added/Effective 6/20/1975)

Section 21. (Added/Effective 7/16/1979)

A. The number of Class 1, 2, and 3 licenses as defined in Massachusetts General Laws Chapter 140, Section 58 and amendments thereto shall not exceed the following numbers for each 2,000 or fraction thereof of Town population based on the latest National or State Census:

Class I	2
Class II	4
Class III	1

B. No new licenses shall be issued under this section 21 until the number outstanding is one less than the number stated in the preceding section.

C. Notwithstanding any provision above, a license may be issued to any location where a previous license was held within the last year.

Section 21A. Whoever is the owner or keeper of a dog or cat six months of age or older shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Massachusetts Department of Public Health. Such owner or keeper shall procure a veterinarian's certification that such dog or cat has been vaccinated and setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued, or a metal rabies tag bearing an expiration date indicating that such certification is still in effect.

When licensing a dog in the Town of Rehoboth, a copy of such Veterinarian's certification shall be presented to the Town Clerk.

Whoever violates the provisions of this By-law shall be punished by a fine of twenty-five dollars for first offense, fifty dollars for a second offense and seventy-five dollars for a third offense. (Added/Effective 7/21/1993)

Section 22. The fee required by Section 139 of Chapter 140 of the General Laws, as amended, for the licensing of dogs within the Town of Rehoboth shall be increased by \$10.00 (Late fee originally \$2.00 - with 1986 amendment late fee is now \$12.00 total) for any license purchased more than sixty (60) days after the due date, unless proof can be shown that the dog was purchased, acquired or brought into town within the previous sixty (60) days; the increase in fee shall not apply to the owner of same until sixty (60) days has elapsed; said additional fee to be retained by the Town Treasurer in the Dog Fund established under Article 18 of the Annual Town Meeting of April 12, 1982. (Added/Effective 8/10/1982) (Amended/Effective 11/8/1986)

Section 23. (Originally numbered Section 22 in error) Public Consumption of Alcoholic Beverages Prohibited - No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1, of the Massachusetts General Laws or possess an open container of same, whether full or partly full, while on, in, or upon any public way, or other place to which the public has a right of access as invitees; including any public park, playground, conservation area, cemetery, parking lot, municipal building, and the grounds adjacent thereto. A violation of this by-law shall be deemed to be a breach of the peace. Nothing herein shall be construed to prohibit the duly licensed use and consumption of said liquor in or upon private properties or dwellings as may be permitted by law.

Whoever violates the provisions of this by-law shall be punished by a fine of not more than one hundred (\$100.00) dollars. (Added/Effective 06/20/1988)

Section 24. SECURITY ALARM BY-LAW (Originally numbered Section 23 in error)

(1) PURPOSE There is a reasonable expectation that when an intrusion, burglar or fire alarm sounds that a crime or fire is in progress. The purpose of this by-law is to reduce the number of false alarms thereby reducing the risk to public safety personnel as well as members of the general public. It is also the intent of this by-law to minimize the unnecessary use of the towns' listed emergency resources.

(2) DEFINITIONS

Alarm: Any device or system which, when activated, transmits a signal, either mechanically or electronically to:

- a. The Police, Fire or Communications facility either by phone or alarm board.
- b. To a person or company who in turn relays information to the Police, Fire or Communications facility.
- c. Produces an audible or visible signal to which the Police or Fire Departments are expected to respond.

NOTE: Alarm System shall not include a personal, direct telephone call requesting emergency services from a person at the premises in question.

Alarm User: The occupant, owner, or person in charge of any premises protected by an alarm system within the Town of Rehoboth.

Automatic Dialing Device: Any device, which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or signal an emergency message indicating a need for emergency response.

False Alarm: The activation of an alarm through negligence of an alarm user, employee, or any other person with access to the premises, or by improper installation, mechanical failure, malfunction, or any other cause which results in the Police or Fire Department responding where it is determined after investigation that no criminal activity, attempted criminal activity, or fire has occurred.

False alarms will not include signals which are activated by unusually severe weather; i.e., ice or snow storms, or lightning which are identified by the Chief of Police or Fire Chief or their designees to be beyond the control of the user or alarm installer. False alarms will include signals transmitted by automatic dialers.

Installer: Any person or firm, who installs, services, monitors, maintains, sells, or leases any security systems.

(3) ALARM USER RESPONSIBILITIES

A. Every alarm user shall submit the following information to the Chief of Police for intrusion alarms and to the Fire Chief for fire alarms:

1. Name and address of user.
2. Address of alarmed premises.
3. Telephone numbers where user can be reached: Daytime, Nighttime, Area Code.
4. Name, address and telephone number of another person who is authorized to respond to an alarm and who has access to the premises in which the alarm is located.
5. Name, address and telephone number of service company or other person responsible for maintenance of the alarm.

B. All alarm users must notify the Police Department in advance of any testing or service being performed to their alarm system. In the event that the police or fire department is not notified and the alarm sounds or transmits a signal, the user shall be credited with a false alarm.

C. Any alarm device which produces an audible signal (i.e. bell, horn, siren) shall be equipped with an automatic shutoff device which will deactivate the audible signal within 30 minutes after it is activated. (Fire alarms are excluded from this section.) All alarm users with an audible signal must comply with this section within 90 days of the effective date of this By-law.

D. It shall be the responsibility of the alarm user to properly instruct employees or other persons having access to the property and alarm system as to their proper use. This includes use of an alarm in an emergency to summons public safety services. They shall also be instructed in the methods of setting, activation, and resetting of the alarm.

E. All alarm users are responsible for maintaining their alarms in good working order. Nothing herein is intended to prohibit the periodic testing of an alarm system provided the police department or fire department are notified in advance of the test.

(4) **EXCEPTIONS:** The provisions of this by-law shall not apply to alarm devices owned or controlled by the United States Government, the Commonwealth of Massachusetts, or the Town of Rehoboth or any political subdivisions thereof. Automobile alarms are also excluded.

(5) **PENALTY:** After ten (10) alarms have been recorded within a calendar year from an alarm user which upon

investigation have proven to be false, the Chief of Police in the case of a burglar or intrusion alarm, or the Fire Chief in the event of a fire alarm, shall notify the alarm user in writing of such facts including the dates and times of each false alarm. For the eleventh (11th) and each subsequent false alarm or for any violation of any of the provisions of this by-law, a fine of twenty-five (\$25) dollars shall be assessed. (Added/Effective 06/20/1988)

Section 25. All swimming pools, constructed entirely or substantially below the surface of the ground, shall, before being filled, be fully enclosed by a fence having no horizontal opening over 2 inches, not less than 4 feet, and no more than 6 feet in height, and containing a gate which shall have a positive lock so that the pool is inaccessible to small children when an adult is not present. Such fence shall not enclose any play area used by children without adult supervision.

The words "swimming pool" will mean any body of water two feet in depth or more, located out of doors and designed or improved by the owner for the use of swimming or bathing. Existing man-made swimming holes located in naturally occurring bodies of water shall be exempted, as shall all bodies of water used for fire or agricultural purposes.

The Inspector of Buildings shall be the enforcing Officer of this bylaw.

All persons who own or maintain a swimming pool on the effective date of this bylaw shall comply with the provisions hereof within thirty (30) days after such effective date. Existing fences which do not fully meet all of the above requirements may be permitted, if, in the opinion of the Inspector of Building, they provide reasonable protection.

Upon application to the Inspector of Buildings, he may grant extensions of time for good cause provided that no one extension shall exceed thirty (30) days.

(Approved by Attorney General 7/24/1990. Effective 7/27/1990)

Section 26. Licenses and Permits - Denial, Revocation or Suspension for Failure to Pay Municipal Taxes or Charges - In accordance with the provisions of Chapter 640 of the Acts of 1985 accepted by the Annual Town Meeting of April 1986, the following local provisions are hereby adopted:

(a) The Tax Collector shall annually, after the close of the fiscal year, furnish to each department, board, commission or committee ("licensing authority"), that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, ("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.

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to a licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice.

Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceedings 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.

(c) Any party shall be given an opportunity to enter into a payment agreement in accordance with applicable Massachusetts General Laws, thereby allowing the licensing authority to issue a certificate indicating said

limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(d) The Selectmen may waive such denial, suspension or revocation if it finds there is not direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his/her immediate family, as defined in Massachusetts General Laws.

This section shall not apply to the following licenses and permits: open burning, bicycle registrations, temporary licenses to sell articles for charitable purposes, hunting and fishing licenses, licenses to organizations to dispense food or beverages to members and guests, animal licenses, marriage licenses, and theatrical exhibitions. (Added effective 6/5/1998)

Section 27. Firing Ranges & Firearms Training Bylaw (Added/Effective July 24, 2000)

- 1.) No person engaged in the business for profit of training individuals or groups in the use, maintenance and discharge of firearms shall cause lands or structures within the Town limits to be used for such purpose unless first obtaining a license from the Board of Selectmen.
- 2.) All persons requesting a license under this bylaw shall complete an application on a form approved by the Board, which is available at the Town Clerk's Office and shall pay the applicable application fee. Once the application has been completed and submitted to the Town Clerk, the Board shall schedule a public hearing within 60 days after receipt of the application at which such application shall be considered.
- 3.) Once a public hearing has been scheduled, the Board shall cause notice to be published in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen days before the day of such hearing. The Board may establish a license fee and a charge for costs incurred resulting from any research or investigation required to effectively render a determination to grant or deny a license. The Board may require the applicant to place an amount of money in escrow sufficient to cover any costs, which may be incurred for this purpose.
- 4.) Any person applying for such a license (the "Applicant") shall be responsible for providing notice by certified mail, return receipt requested to all Parties in Interest, and shall submit all return receipts to the Board at the scheduled hearing. Notice shall include a copy of the Applicant's application and notice of the date, time and place of the public hearing. "Parties in interest" as used in this bylaw shall mean the abutters, owners of land directly opposite any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the applicant as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town.
- 5.) The Board shall render its decision on the Applicant's application within 45 days of the close of the public hearing.
- 6.) The Board may issue such a license only upon finding that the grant of the license shall not constitute a danger to the public safety and or welfare.
- 7.) The Board's decision shall be in writing and shall be signed by a majority of those members of the Board who rendered the decision. The decision shall contain a statement of the reasons therefore.
- 8.) The Board may include in any decision to grant a license such conditions or limitations as are necessary to ensure that the public safety and/or welfare is protected.
- 9.) Licenses issued under this bylaw shall expire one year from the date of issuance but be renewable annually by the Board of Selectmen for a one-year period without public hearing.
- 10.) Licenses issued under the Bylaw shall be non-transferable.
- 11.) Upon written complaint, the Board may hold a public hearing to determine whether a license should be

suspended or revoked. The holder of the license shall be given written notice of the public hearing at least fourteen days prior to the hearing.

- 12.) All divisions, departments or bureaus of the United States government, the Commonwealth of Massachusetts and any municipal police or law enforcement officials shall be exempt from compliance with this Bylaw when they are acting in their official capacity.

ARTICLE VII - TOWN CONTRACTS

Section 1. No officer or board of the Town shall make any contract on behalf of the Town in which such officer or any member of such board is directly or indirectly financially interested, unless he is the lowest bidder on competitive bids.

Section 2. No Town officer and no salaried employee of the Town shall sell material or supplies to the Town without the permission of the Board of Selectmen expressed in a vote, which shall appear on their records with the reasons therefor.

Section 3. No Town officer and no salaried employee of the Town shall receive any compensation or commission for work done by him for the Town, except his official salary and fees allowed by law, without the permission of the Selectmen expressed in a vote which shall appear on their records with the reasons therefor.

Section 4. The Town Accountant in his annual report shall call attention to any apparent violation of this By-Law, which may come to his notice.

CHAPTER C
HEALTH AND SANITATION

ARTICLE I - PUBLIC HEALTH

Section 1. No person shall keep any swine within a distance of one hundred feet of any public building or any dwelling house not his own, or within a distance of twenty-five feet of his own dwelling house.

Section 2. No person shall put or suffer to accumulate on his or any premises any refuse, animal or vegetable matter, rubbish, or filth, whereby any offensive or noxious stench or effluvia shall be created, and the health or comfort of the citizens be injuriously affected, or shall throw any such substances into the streams or brooks of the Town, or shall allow the contents of any vault or house drain, or the refuse of manufacturing or slaughtering process to drain into such streams or brooks.

Section 3. The Board of Health shall have charge of any buildings, which are or may be established within the Town limits, for the admission of patients having the smallpox or any other infectious disease; and it shall make such rules and regulations for the management and government of the patients and employees, as it may deem proper and necessary. The Board shall carefully guard against the introduction of any cases of infectious disease into any building under its charge other than those appropriated for that purpose by the Town.

Section 4. For the preservation of the public health, and to prevent a nuisance, no person shall dump or cause to be dumped rubbish or debris within the limits of a public way or within 150 feet on either side of the legal limits or layout of a public way and 100 feet from an abutting property within the Town of Rehoboth. Violations of this By-Law shall be deemed a misdemeanor and punishable as such. Violations shall be subject to a fine of \$150.00. This section shall not apply to an area properly designated by the Board of Health as a dumping site under the provisions of Chapter 111 of the General Laws. (Amended/Effective 12/13/1975)

Section 5. It shall be unlawful for the owner or occupant of any premises to have or permit thereon more than one unregistered motor vehicle unless kept in a fully enclosed structure. This shall not apply to premises where there is a valid license under General Laws, Chapter 140, Section 58 nor to vehicles used on the premises in agriculture or any work where registration is not required. Violations of the foregoing shall be punishable by a fine of not more than Twenty Dollars (\$20.00). Each day of non-compliance shall constitute a separate offense.

.Section 6. A regulation is established that no septic system is to be placed within 60 feet of a wetland. Existing systems exempted. (Added/Effective 8/30/1986)

Section 7. The requirements/regulations for septic tank capacities, as outlined in the state environmental code, Title 5: Minimum requirements for the subsurface disposal of sanitary sewage, 15.06: Septic Tanks (1) Capacities, be changed for the Town to 'but in no case less than 1500 gallons'. (Added/Effective 8/30/1986)

Section 8. Mandatory Recycling -- In order to implement a program of recycling in conjunction with ordinary waste disposal, residents of every Rehoboth household whose trash is collected and/or whose trash is deposited directly at the town's sanitary landfill, shall separate waste materials into the following categories before depositing same for disposal:

1. Paper, clean and unspoiled, including:
 - (a) Newsprint, all newspapers and newspaper advertisement, supplements, comics and enclosures.
 - (b) Computer paper, non-carbonized and untreated.
 - (c) Magazines.
 - (d) Corrugated boxes, cardboard, cardboard cartons, pasteboard and similar corrugated and craft paper materials.

(e) Wrapping paper of all kinds, paper recyclable. DO NOT include miscellaneous stationary products or paper products not listed above.

2. Unbroken glass, bottles, all types of cans and aluminum products including used trays and foil, but NOT INCLUDING dishes, crockery or spark plugs.

3. Other waste materials (determined by the Board of Health).

The recyclable shall be deposited at the town landfill or at curbside in the containers supplied for this purpose from the Commonwealth of Massachusetts. All such recyclables shall become the property of the town. The recyclables shall be transported to and disposed of at a designated Massachusetts sponsored Materials Recovery Facility.

The Board of Selectmen, with the approval of the Board of Health, shall negotiate a memorandum of agreement with the Commonwealth of Massachusetts. This memorandum of agreement shall contain the obligations of the town and the obligations of the Commonwealth of Massachusetts.

This by-law shall not take effect until such memorandum is in place between the town and the Commonwealth of Massachusetts, and the Material Recovery Facility has been in operation for one full week.

Any person violating any provision of this by-law or the regulations enacted hereunder shall be fined not more than fifty dollars (\$50.00) for each offense. In addition, the town of Rehoboth, or its agent, reserves the right to refuse to allow disposal in the town's sanitary landfill where the spirit or letter of this by-law or the regulations enacted hereunder is ignored.

This by-law and the various parts, sentences, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this by-law shall not be affected thereby. (Added/Effective 6/20/1988)

ARTICLE II - CARE OF BURIAL GROUNDS AND LOTS

Section 1. The Town will receive and hold and apply any funds, money or securities which have heretofore or may hereafter be deposited with the Town Treasurer for the preservation, care, improvement or embellishment of any public or private burial place, situated therein, or of burial lots or graves situated in such burial places, agreeable to the provisions of the Statutes of the Commonwealth and the By-Laws of the Town.

Section 2. The Town Treasurer shall accept any funds, money or securities deposited with him and intended for preservation, care, improvement or embellishment of any cemetery within the Town, or of any lots or plots therein, and he shall receive and receipt for it in the name of the Town.

On the first day of December in each year, he shall pay over to the Treasurer of any association or corporation owning a cemetery within the Town such portion of accrued interest as requested from any funds, money or securities deposited with him for the preservation, care, improvement or embellishment of said cemetery, or of any lot therein.

On the first day of January in each year he shall submit a listing of accrued interest from any funds, money or securities deposited with him for the preservation, care, improvement or embellishment of cemeteries, or of any lots therein and recommend such amounts as he deems prudent to be withdrawn from the interest account and, subject to the approval of the Board of Selectmen, shall transfer and/or invest such recommended surplus interest in the principal account to the same trust interest. (Effective 6/10/1971)

CHAPTER F
GENERAL PROVISIONS

ARTICLE I - BY-LAWS

Section 1. Any person who shall violate any provisions of the By-Laws of the Town shall in cases not otherwise provided for therein or by the Statutes of the Commonwealth, forfeit and pay for each offense a fine not exceeding \$20.00 (Twenty Dollars), the amount of the fine within said limit to be in the discretion of the court trying the case.

Section 2. Any citizen may, and it shall be the duty of the Selectmen, Constables, and Police Officers, to prosecute every violation of any of the foregoing By-Laws, by complaint before any court of competent jurisdiction in the County of Bristol.

Section 3. Any by-law of the Town of Rehoboth, or rule, or regulation of its boards, commissions and committees, the violation of which is subject to a specific penalty, may, in the discretion of the "enforcing person", be enforced in accordance with the methods provided in Section 21D of Chapter 40 of the Massachusetts General Laws.

Enforcing person, as used in this Chapter, shall mean any police officer or constable of the Town of Rehoboth with respect to any offense; the Building Inspector, members of the Board of Health or their agent, members of the Conservation Commission, Animal Control Officer, Highway Superintendent, Fire Chief, and such other officials as the Board of Selectmen may, from time to time, designate, each with respect to violations of by-laws or rules and regulations within their respective jurisdictions. (Added/Effective 06/20/1988)

ARTICLE II - MEETINGS OTHER THAN TOWN MEETINGS

Section 1. Meetings of all Town Officers, Boards, and Committees shall be conducted under Roberts Rules of Order Revised.

ARTICLE III - VALIDITY

Section 1. This By-Law shall take effect upon its approval by the Attorney General and its publication according to law. If any section, paragraph, sub-division, clause, phrase or provision of this ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

ARTICLE IV - OFFICIALS

Section 1. All officials elected and/or appointed prior to the effective date of these By-Laws shall serve out their original terms of office as provided under Chapter 40, Section 32 of the General Laws.

ARTICLE V - CHARLES D. RICHARDSON MEMORIAL CAMP SCHOLARSHIP FUND

That the Charles D. Richardson Memorial Camp Scholarship Fund is hereby established; that the members of the Conservation Commission shall be ex-officio trustees of said fund, with authority to invest and reinvest the principal or income. The income shall be used for the purpose of paying the expenses of the worthy youth or youths of the Town in connection with their attendance at a 4-H or other camp which includes within its purposes the promotion of an interest in conservation of natural resources; and that the Town Treasurer be treasurer-custodian of the fund; that he be authorized to accept original and subsequent gifts which will become part of the unexpended principal of said funds; disbursements shall be made from income when income amounts are sufficient to permit such expenditures as authorized by the trustees. (Effective 6/13/1992)

CHAPTER G
GRAVEL OPERATIONS

ARTICLE I BY-LAWS

Section 1. Gravel operations, as defined in Article III hereof, within Residential Districts, as defined in Chapter E - Town of Rehoboth Zoning By-Law (Revised Format) as from time to time amended, are expressly prohibited, except as provided for in Article V hereof.

Section 2. If gravel operations, as defined in Article III hereof, within Residential Districts as defined in the Chapter E - Town of Rehoboth Zoning By-Law (Revised Format) as from time to time amended, are authorized or provided by law, such operations shall be subject to the standards, procedures, and requirements set forth in Article II hereof.

Section 3. Gravel operations, as defined in Article III hereof, within Business and Industrial Districts, as defined in the Chapter E - Town of Rehoboth Zoning By-Law (Revised Format) as from time to time amended, may be allowed by the issuance of a permit by the Gravel Board subject, however, to the standards, procedures, and requirements set forth herein.

ARTICLE II STANDARDS, PROCEDURES AND REQUIREMENTS

Section 1. No gravel operations, as defined in Article III, may occur from or on any land within the Town of Rehoboth without a permit issued by the Gravel Board, except as noted in Article V hereof. Written application for a permit must be made to the Gravel Board upon a form approved by the Board. The applicant must pay a reasonable filing fee established by the Board. An original and three copies of a topographical survey plan, with a scale of not less than eighty feet to one inch, by a Registered Civil Engineer or Registered Land Surveyor, must be submitted with each application. The plan shall contain the following:

- (a) Original plot plan of entire lot with property boundaries and topographical contours at 2-foot intervals.
- (b) Contours of all areas restored from previous removals.
- (c) Contours of all existing unrestored areas at time of application for removal permit.
- (d) Contours of removals under last permit.
- (e) Contours of all material displaced but not in the area of any permit.
- (f) Water table measurements made at a density of 1 per acre.
- (g) All wetland areas as designated under Massachusetts General Laws.

Section 2. The Gravel Board may issue a permit for gravel operations in those Business and Industrial areas of the Town hereinbefore authorized, provided:

- (a) That such operations will not adversely affect the water table or the natural or engineered drainage in the Town.
- (b) That such operations will not create a waste area in the Town.
- (c) That such operations will not create unreasonable noise, dust, fumes, or other effects detrimental to the Public Health or Public Welfare.
- (d) That such operations will not create an area, which is materially different in topography or natural character from surrounding properties.

If so requested by petition of 100 persons currently registered as voters in the Town of Rehoboth filed with the Gravel Board prior to the issuance of a permit, the Gravel Board shall require the applicant to demonstrate, at the applicant's expense, that the conditions listed in subsections (a) through (d) above have been satisfied.

Section 3. No gravel operations shall take place within 200 feet of any abutting or established way open to the public for public or private use. Gravel operations shall not be closer than 150 feet to abutting property lines. Gravel operations shall not be below the highest elevation of the abutting and established way open to the public or private use, which constitutes the frontage for the lot as denoted in Section 5 of Chapter E - Town of Rehoboth Zoning By-Law (Revised Format). No gravel operations shall take place within 6 feet of the water table. Burial or covering of stumps, debris, or foreign material in gravel operations is prohibited.

Section 4. The Gravel Board shall require from the applicant a restoration and performance bond in an amount sufficient to insure full compliance with the terms of this By-Law before any permit is issued hereunder.

ARTICLE III DEFINITIONS OF GRAVEL OPERATIONS

Section 1. The requirements of this By-Law shall apply to the following defined gravel operations:

- (a) Removal - Removal includes the transport of soil, loam, peat, sand, or gravel from its natural location or state and is expressly not limited to transport of soil, peat, loam, sand, or gravel across lot boundaries. Section (a) is not to apply to soil tillage.
- (b) Operations - Included in this requirement are such activities as sorting, sifting, processing and preparing of soil, loam, peat, sand, or gravel. Location and operation associated machinery is expressly included in the restrictions and prohibitions of this By-Law.
- (c) Stockpiling - Stocking, storing, or stockpiling of soil, loam, peat, sand, or gravel shall be included in the restrictions and prohibitions of this By-Law.

ARTICLE IV ADMINISTRATION

Section 1. The provisions of this By-Law shall be enforced and administered by a Gravel Board consisting of the Board of Selectmen and one member each of the Planning Board and Conservation Commission appointed on a yearly basis by each Board. Said Gravel board shall adopt Rules and Regulations not inconsistent with the provisions of this By-Law for conducting its business and otherwise carrying out the purposes of this By-law.

ARTICLE V EXCEPTIONS

Section 1. The requirements of this By-Law shall not apply to the following:

- (a) Gravel operations, as defined in Article III hereof, when required for the purpose of constructing foundations for buildings or other structures as allowed under the Zoning By-Law of Rehoboth, including service drives or roadways, as from time to time amended, for which building permits have been properly issued. Ponds are not considered to be a building, structure, or building accessory under this By-Law.
- (b) Gravel operations, as defined in Article III hereof, to fulfill requirements of the Subdivision Control Law of Rehoboth in an approved subdivision in accordance with standards approved by the subdivision approving authority of the Town.
- (c) Gravel operations, as defined in Article III hereof, performed by or on behalf of the Town for Town use on any land owned by the Town, provided, however, that all such operations shall be conducted in accordance with the provisions of Article II hereof.
- (d) Gravel operations, as defined in Article III hereof, for purposes of landscaping, horticulture, or agriculture, provided, however, that no such operation shall involve more than 1000 cubic yards of soil, loam, peat, sand, or gravel per each 60,000 square feet of area.
- (e) Construction and maintenance of public ways.

ARTICLE VI

Section 1. The penalty for the violation of this By-Law shall be as follows:

- (a) for the first offense, fifty dollars;
- (b) for the second offense, one hundred dollars;
- (c) for each subsequent offense, two hundred dollars;

and

(d) each unit of removal or burial or each occurrence of an operation shall constitute a separate offense under this By-Law.

Section 2. In cases of repeated or willful violations of this By-Law by any applicant, the Gravel Board shall be authorized to seek injunctive relief in any court of competent jurisdiction, and, further, to deny any and all further permit requests by such applicant.

Section 3. The invalidity of any section or part of this By-Law shall not affect the validity of any section or part hereof otherwise valid.

(Approved by Attorney General 5/8/1986, Effective 7/18/1986.)

CHAPTER H
TOWN PERSONNEL

ARTICLE I - PERSONNEL BY-LAW

Section 1. Purpose and Authorization

The purpose of the personnel by-law is to establish a system of personnel administration based on the following principles:

- (a) Recruitment, selection and advancement of personnel shall be based on ability, knowledge, education, and skill under fair and open competition.
- (b) Employment shall be open to all segments of society.
- (c) Fair treatment of all applicants and employees shall be guaranteed in all aspects of the personnel system which shall be administered without regard to race, color, religion, sex, national origin, political affiliation, age, handicap, or other non-merit factors and with proper regard for privacy and constitutional rights.
- (d) Training and development opportunities shall be provided as needed to assure high quality performance by all employees.
- (e) Retention of employees shall be on the basis of their performance. A reasonable effort shall be made to assist employees with inadequate performance, and if, following such effort, inadequate performance cannot be corrected, separation shall occur.

This by-law is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Laws, chapter 41, sections 108A and 108C.

Section 2. Application

All town departments and positions shall be subject to the provisions of this by-law except elected officers, employees with personal contracts, and employees of the school department. Employees subject to a collective bargaining agreement are subject only to those provisions, which are not specifically regulated by collective bargaining agreements. Nothing in this by-law shall be construed to limit any right of employees pursuant to Chapter 150E of the Massachusetts General Laws.

Section 3. Delegation of Responsibilities

The Personnel Board shall be responsible for the overall administration of the by-law and the personnel system.

(a) Personnel Board

There shall be a Personnel Board consisting of five members, each appointed for a three year term, none of whom shall be employees of the Town. Three members shall be appointed by the Moderator (one each year). One member shall be appointed by the Board of Selectmen and one member shall be appointed by the Finance Committee. These last two appointments shall not be made in the same year. In 1998 the Moderator shall make one appointment for (3) three years, one appointment for two (2) years, and one appointment for one (1) year, the Finance Committee shall make one appointment for (2) two years and the Board of Selectmen shall make one appointment for three (3) years. (Amended/Effective 11/17/1997)

1. Powers and Duties. The Personnel Board shall have the following duties:

- a. Administer all functions specified in this by-law and personnel policies promulgated pursuant to Section 5.

- b. Provide advice and assistance to the Board of Selectmen, supervisory personnel, and employees in all aspects of personnel management specified in this by-law.
- c. Recommend to Town Meeting such changes in this by-law and the town's personnel policies as may be considered necessary as conditions change.
- d. Supervise the maintenance, on a centralized basis, of all records pertaining to personnel management in the town.
- e. Evaluate periodically the effectiveness of the town's personnel system and recommend any by-law changes to Town Meeting.
- f. Ensure that the town acts affirmatively in providing maximum opportunities to all persons regardless of sex, color, creed, race or national origin for entry level positions and promotional positions and provides equal treatment in all aspects of personnel management.
- g. Ensure that the recruitment, selection, appointment and removal of employees is consistent with the personnel by-law and the policies adopted pursuant to the personnel by-law.
- h. Ensure that a performance evaluation system for employees is developed and administered in accordance with the rules established herein.
- i. Ensure that a comprehensive pay and classification plan including pay schedule, classification plan and job descriptions is prepared and maintained.

2. Support

The town shall furnish, through the Selectmen's office, such support as may be necessary for the proper functioning of the Personnel Board.

3. Centralized Record Keeping

The Personnel Board shall develop and maintain, on a centralized basis, all personnel records, as it shall determine necessary for the proper functioning of the personnel system. The form and content of records and the responsibilities of department heads and supervisory personnel with respect to such records shall be specified in personnel policies.

Section 4. Personnel System

A personnel system shall be established by promulgation of policies pursuant to section 5. The personnel system shall make use of current concepts of personnel management and shall include a performance evaluation system to ensure that pay increases are granted based on merit. The personnel system shall so include but not be limited to any of the following elements:

(a) Method of Administration. A system of administration which assigns specific responsibility for all elements of the personnel system, including: Maintaining personnel records, implementing effective recruitment and selection processes, maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, and evaluating the personnel system.

(b) Classification Plan. A position classification plan for all employees subject to this by-law shall be established, based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to, all positions in the same class. Following adoption of a classification plan, no employee may be appointed to a position not included in the classification plan.

(c) A Compensation Plan. A compensation plan for all positions subject to this by-law shall consist of:

- (1) a schedule of pay ranges including minimum, maximum and intermediate rates for each range; and

(2) an official list indicating the assignment of each position to specific pay ranges.

(d) A Recruitment and Selection Policy. A recruitment, employment, promotion and transfer policy which ensures that a reasonable effort is made to attract qualified persons and that selection criteria are job related.

(e) Personnel Records. A centralized record keeping system which maintains essential personnel records.

(f) Other Elements. Other elements of a personnel system as deemed appropriate or required by law.

Section 5. Adoption and Amendment of Personnel Policies

The Personnel Board shall promulgate personnel policies defining the rights, benefits and obligations of employees subject to this by-law. Policies shall be adopted or amended as follows:

(a) Preparation of Policies. The Personnel Board shall prepare policies or amendments to policies. Any member of the Board of Selectmen, any department head, or any three employees may suggest policies for consideration by the Personnel Board. Any person proposing a new or amended policy shall provide the substance and the reason for the proposed policy to the Personnel Board in writing. The Personnel Board shall hold a public hearing on any proposed policies or amendments. Any proposed policies or amendments shall be posted at least five (5) days prior to the public hearing in prominent work locations, copies of all proposals shall be provided to representatives of each employee collective bargaining unit.

(b) Public Hearing. The Personnel Board shall present the proposed policy(ies) or amendment(s), the purpose of the proposal, and the implication of any proposed change at the public hearing. Any person may attend the hearing, speak and present information. Within twenty (20) days after such public hearing the Personnel Board shall consider the proposed policies and may vote to adopt the policies (with or without modifications), reject the policies, or indicate that further study is necessary. Policies shall become effective upon approval of the Personnel Board, unless some other date is specified.

Section 6. Severability

The provisions of this by-law and any regulations adopted pursuant to this by-law are severable. If any by-law provision or regulation is held invalid, the remaining provisions of the by-laws or regulations shall not be affected thereby.

Section 7. Effective Date

This by-law shall take effect upon approval of the Attorney General of the Commonwealth and proper posting and printing as required by Chapter 40, section 32 of the General Laws of the Commonwealth of Massachusetts. (Added/Effective 4/19/1988)

CHAPTER J
ACCESS TO ROADWAYS

ARTICLE I - ACCESS TO ROADWAYS

Section 1. No new access to a town way shall be created without first obtaining a "Statement of Road Condition" from the Highway Department. The Statement of Road Condition shall be a description of the road condition permitting access to the property. As the issuing authority, the Highway Department shall inspect the roadway upon written request from the project generator, his agent, or the Highway Department, and issue a finding, agreeable to, and signed by, both parties within five (5) days. The lack of a finding within five days shall be a default of the Town.

Section 2. Any unreasonable and abnormal degradation to the roadway shall be repaired, and the cost of them borne by the owner of the property or his agent, under the supervision of, by the standards of, and to the satisfaction of, the Highway Department.

Section 3. No paving of private access onto a roadway shall occur without the consent of the Highway Department. Consent may take into consideration drainage, traffic study, and detriment to roadway maintenance.

Section 4. Any person who violates any provision of this bylaw shall be subject to remedial costs and \$50.00 per day for each day the violation exists. (Approved by Attorney General 7/24/1990, Effective 7/27/1990)

ARTICLE II - UTILITY INSTALLATION IN THE ROADWAYS

Section 1. No utilities shall be installed in an accepted Town Road without first obtaining a license therefor from the Board of Selectmen. Upon receipt of a license application, the Board of Selectmen shall schedule a public hearing within twenty-eight days from said date of receipt. In conducting said public hearing the Selectmen shall consider extent of disruption to town roads as a result of the proposed installation, the applicant's repair and restoration plan for town roads, extent of an benefit to be received from the proposed utility by town residents, and overall usefulness of said utility to the Town.

Section 2. In granting any license hereunder, the Board of Selectmen shall take into consideration all information obtained in the public hearing and establishing such condition as may be necessary and proper to insure that the road standards of the Highway Department are maintained. The Board of Selectmen shall render a decision on the issuance of a license, with all terms and conditions contained therein, within thirty days of the closing of the public hearing. Each license shall be subject to an annual fee in accordance with a standard schedule of fees to be established hereunder by the Board of Selectmen.

Section 3. The issuance of a utility installation license shall not relieve the applicant of the responsibility to adhere to all Federal and State Laws, and local by-laws. All other permits and approvals as may be required by any other authority to perform the work contained in the license application shall be the responsibility of the applicant.

Section 4. If at any time after the grant of a license, the utility line shall go unused for a period of five years, then the license location shall be deemed to have been abandoned, and said license shall be deemed to be null and void. Any finding that a license is null and void shall relieve the holder of said license of the requirement for payment of the annual fee. If a license is deemed to be null and void, the licensee shall, if so directed by the Board of Selectmen, remove the utility lines and appurtenances from the public way, and comply with any other orders from the Board concerning mitigation of any public safety or health risks from said lines and appurtenances or the restoration of the public way. A nullification of the license may be issued at the request of the utility owner upon agreement of the Board of Selectmen and shall also relieve the holder of the requirement for payment of the annual fee. Failure of the holder of the license to comply with any of the terms and conditions of the license shall constitute just cause for the termination of the license by the Town. (Approved by Attorney General 3/8/1995, Eff. 3/18/1995).