

TOWN OF
REHOBOTH



GENERAL BY-LAWS

Including Amendments through July 26, 2016

Laura L. Schwall
Town Clerk

INDEX
GENERAL BY-LAWS
INCLUDING AMENDMENTS THROUGH July 26, 2016

ACCOUNTANT, TOWN	
Annual Report to Note By-Law Violations	B-20
Appointment of	A-9
Preparation of Warrants	A-7
ADJOURNED SESSIONS	
Notice Posting	A-2
AGING, COUNCIL ON (See Council on Aging)	
ALCOHOLIC BEVERAGE - PUBLIC CONSUMPTION	B-15
AMENDMENTS TO BY-LAWS	A-3, A-14
ANIMAL CONTROL OFFICER	A-9
ANNUAL TOWN MEETING	
Calling of	A-1
Conduct	A-3
Date	A-1
Posting	A-1
Quorum Requirements	A-3
Warrant	A-1
Adjournment	A-2
APPEALS	
Board of Appeals Appointment	A-9, A10
(See Zoning By-Laws)	
APPOINTMENTS	
Boards, Committees and Commissions	A-9
Failure to Attend Meetings	A-17
Moderator to Appoint	A-4
Officers/Officials	A-9
Selectmen to Appoint	A-5, A-9
Finance Committee	A-10
Fire Chief	B-9
Police Chief	B-11
Police Officers, Regular/Special.....	B-11, B-12
Town Officials	A-9
ARTICLES	
Consideration by Finance Committee	A-10
Submission of	A-1

ASSESSORS, BOARD OF	
Duties	A-8
Election of	A-4
BUDGETS, SUBMISSION OF	A-1
BUILDING INSPECTOR	
Appointment of	A-9
Hazardous Buildings	B-9
Security Alarms	B-15
Street Number Assignment	B-3
(See Zoning By-Laws)	
BURIAL GROUNDS AND LOTS	
Treasurer to Have Custody of Funds	C-3
BY-LAWS	
Amendment or Repeal	A-3
Validity	F-1
Violations of.....	B-3, B-6, B-7, B-8, F-1
CATS, Rabies Inoculation of.....	B-15
CEMETERIES, AGENT TO CARE FOR	A-9
Also See Burial Grounds and Lots)	
CHARLES D. RICHARDSON MEMORIAL CAMP SCHOLARSHIP	F-1
CIVILIAN DISPATCHERS	
Administration by Police Chief	B-12
CLERK, TOWN (See Town Clerk)	
COLLECTOR OF TAXES	
Duties	A-7
Election of	A-4
COMMITTEES	
Appointment of	A-9
Failure to Attend Meetings	A-17
COMMUNICATIONS COMMITTEE	
Appointment of	A-12
Duties	A-12
COMMUNITY PRESERVATION COMMITTEE	
Appointment of.....	A-12
Dutes.....	A-13
Amendments.....	A-14

COMPUTER COMMITTEE	A-10
CONDUCT OF MEETINGS	
Other than Town Meetings	F-1
Town Meetings	A-3
CONSERVATION COMMISSION	
Agent, Appointment of	A-10
Appointment of	A-9, A-11
Charles D. Richardson Memorial Camp Scholarship ...	F-1
Duties	A-11
Scenic Roads.....	B-3
CONSTABLES	
Appointed	A-10, A-11
Elected	A-4
CONTRACTS, TOWN	B-9, B-20
COUNCIL ON AGING	
Appointment of	A-10
Duties	A-12
COUNSEL, TOWN (See Town Counsel)	
CURB CUT, DRIVEWAYS, PRIVATE ROADWAY	B-13
DOG FUND	B-15
DOGS	
Barking, Biting, Howling	B-2
Fee for Late Licensing.....	B-15
Females to be Restrained	B-14
Fines to be Imposed	B-14, B-15
Hearings	B-14
Personal Kennel (more than 4 dogs).....	B-15
Rabies, Inoculation of	B-14
Vicious Dogs	B-14
DRIVEWAYS, PRIVATE ROADWAY, CURB CUT	B-13
ELECTED OFFICIALS	
Election of	A-1
Officers to be Elected	A-4
Powers and Duties of	A-4
Terms of Office	A-4
FEES	
Fee By-Law - Town Officials	A-17
Dog License Late Charge	B-15
FENCE VIEWERS	A-9

FIELD DRIVER	A-9
FINANCE COMMITTEE	
Appointment of	A-10
Duties	A-10
Organization	A-10
FIRE DEPARTMENT	
Fire Chief, Appointment and Duties	B-9
Organization	B-9
Security Alarms	B-15
FIRING RANGES & FIREARMS TRAINING BY-LAW	B-18,B-19
FLAGGERS.....	B-6
FOREST FIRE WARDEN	A-9
GAS PIPING AND GAS APPLIANCES IN BUILDINGS, INSPECTOR OF	A-9
GENERAL PROVISIONS	
By-Laws	F-1
Officials Appointed/Elected Prior to By-Laws	F-1
Meetings Other Than Town Meetings	F-1
Validity of By-Laws	F-1
GRAVEL	
Committee Make-up	G-2
Definitions of Gravel Operations	G-2
Exceptions	G-3
Gravel Operations	G-1
Penalty	G-4
Standards, Procedures and Requirements	G-1
HANDICAPPED PARKING.....	B-5
HAWKERS AND PEDDLERS	B-7
HEALTH AND SANITATION	
Care of Burial Grounds Lots.....	C-3
Public Health	C-1
Dumping	C-1
Septic System Capacities and Placement	C-1
Infectious Diseases	C-1
Refuse, Rubbish, Debris	C-1
Swine	C-1
Unregistered Motor Vehicles	C-1
HEALTH, BOARD OF	
Infectious Diseases	C-1

HISTORICAL COMMISSION	A-10, B-4
HOLIDAYS (Town Employees)	A-5
HOURS OF WORK (Town Employees)	A-5
HOUSING AUTHORITY (Not part of By-Law)	A-4
ICE CREAM TRUCK VENDOR REGULATIONS	B-23
INDUSTRIAL COMMISSION	A-9
INFECTIOUS DISEASES	C-1
INSPECTORS (Appointment of)	A-9
Animals, Buildings, Gas Piping Gas Appliances in Buildings, Manufacture Natural Gas Appliances Installations, Plumbing, Range Boilers, Wiring	
JUNK DEALERS (Licenses)	B-8
LATE FEES - Dogs	B-15
LATE FEES AND INTEREST	B-21
LAYOUTS (Streets)	
Selectmen	A-5
Town Clerk	A-6
LICENSES/LICENSING	
Authority	A-5
Class I, II, and III	B-14
Dogs	B-14, B-15, A-6
Hawkers and Peddlers	B-7
Junk Dealers	B-8
Licenses, Permits and Public Demeanor.....	B-13
Denial, Revocation or Suspension for failure to Pay Municipal Taxes or Charges.....	B-17
Marriage	A-6
Recording of	A-6
Selectmen	A-5
Sporting	A-6
Town Clerk	A-6
Vehicles for Hire	B-14
LUMBER, MEASURERS OF WOOD AND	A-9
MANDATORY RECYCLING	C-1
MANUFACTURED AND NATURAL GAS APPLIANCES AND INSTALLATION, INSPECTOR OF	A-9

MARRIAGES	A-6
MEASURERS OF WOOD AND LUMBER	A-9
MEETINGS	
Failure to Attend by Appointed Committee Members ..	A-17
Other than Town Meetings	F-1
Parliamentary Procedure	A-3, F-1
Town Meetings	
Calling of	A-1
Presiding Officers	A-4
Procedure	A-3
Recording	A-6
Town Clerk	A-1, A-6
Warrants	A-1, A-5
MODERATOR	
Election of	A-4
Duties	A-4
To Preside at Town Meetings	A-4
MOTH SUPERINTENDENT	A-9
MOTOR VEHICLES AND PUBLIC WAYS	B-1
MOTOR VEHICLES, UNREGISTERED	C-1
NON CRIMINAL DISPOSITION - BY-LAW VIOLATIONS	F-1
OBSTRUCTION OF	
Culverts and Drainage Ditches	B-3
Drinking Fountain or Watering Troughs	B-2
OFFICE, TERMS OF	
Appointed	A-9
Elected	A-4
OFFICERS/OFFICIALS	
Appointed	A-9
Elected	A-4
Election of	A-1
Prior to By-Laws	F-1
ORGANIZATION	
Finance Committee	A-10
Fire Department	B-9
Planning Board	A-8
Police Department	B-11

PARK COMMISSION	
Duties	A-8
Election of	A-4
PARLIAMENTARY PROCEDURE	
Roberts Rules of Order Revised	F-1
Town Meeting - A Handbook of Parliamentary Practice	A-3
PEDDLERS, HAWKERS AND	B-7
PERMITS, LICENSES AND PUBLIC DEMEANOR	B-13
PERSONNEL	
Board	H-1
By-Law	H-1
Personnel Officer, Appointment of	A-10
Policies	H-3
System	H-2
PLANNING BOARD	
Election of	A-4
Duties	A-8
Scenic Roads	B-3
Town Planner, Appointment of	A-10
PLANS AND LAYOUTS (Streets)	A-6
PLUMBING, INSPECTOR OF	A-9
POLICE	
Chief	
Appointment	B-11
Duties and Responsibilities	B-11
Organization and Duties of Police Department	B-11
Regular Police Officers	
Appointment of	B-11
Duties and Responsibilities	B-11, F-1
Public Consumption of Marijuana/Tetrahydrocannabinol..	B-19
"Rehoboth School Traffic Supervisors"	B-12
Security Alarms	B-15, B-16, B-17
Special Police Officers	
Appointments of	B-11
Duties and Responsibilities	B-11
POSTING	
Notice of Adjourned Sessions - Town Meeting	A-2
Notice of Request for Reconsideration	A-3
Town Meeting Warrants	A-1

POWERS AND DUTIES

Appointed Officials

Accountant, Town	B-20
Appeals, Board of	A-10
Building Inspector	B-3
Communications Committee	A-12
Conservation Commission	A-10, F-1
Constables	F-1
Council on Aging	A-12
Finance Committee	A-1, A-10
Fire Chief	B-9
Health, Board of	C-1
Highway (See Supt. of Streets)	
Police Dept. and Chief	A-11, B-2
	B-6, B-7
	B-8, B-11
	B-12, F-1
Sealer of Weights and Measures.....	B-7
Superintendent of Streets	B-2, B-3
	B-13
Town Administrator	A-12
Town Counsel	A-11

Elected Officials

Assessors, Board of	A-8
Collector of Taxes (See Tax Collector)	
Housing Authority	A-4
Moderator	A-4
Planning Board	A-8
Park Commission.....	A-8
Regional District School Committee	A-8

Selectmen	A-1, A-4,
	B-2, F-1
Tax Collector	A-7
Town Clerk	A-6
Treasurer	A-7, F-1
Tree Warden	A-7

PUBLIC WAYS	B-1
-------------------	-----

QUORUM REQUIREMENTS - Town Meetings	A-3
---	-----

RABIES, INNOCULATION OF CATS/DOGS	B-15
---	------

RANGE BOILERS, INSPECTOR OF	A-9
-----------------------------------	-----

RECONSIDERATION OF VOTES	A-3, A-6
--------------------------------	----------

RECORDINGS

Assessors

Abatements A-8

Town Clerk

Births, Deaths and Marriages A-6

Certificates of Practice A-6

Election Votes A-6

Licenses A-6

Plans and Layouts A-6

Real Estate Interests (Town) A-6

Security Transactions A-6

Town Meeting Votes A-6

Treasurer, Receipts/Expenditures/Trust Funds A-7

RECYCLING C-1

REFUSE, RUBBISH AND DEBRIS C-1

REGIONAL SCHOOL COMMITTEE A-8

REGISTRARS OF VOTERS A-9

REHOBOTH EMERGENCY MANAGEMENT AGNECY

Appointment of Director and Deputy Director A-9

REMOVAL OF APPOINTED COMMITTEE MEMBERS A-17

REPEAL OF BY-LAWS A-3

REPORTS

Annual Town Report

Accountant - By-Law Violations B-20

Assessors A-8

Conservation Commission A-11

Council on Aging A-12

Fire Chief B-9

Planning Board A-8

Police Chief B-12

Town Clerk (to maintain file of) A-6

Treasurer - Trust Funds A-7

Finance Committee - Warrant Articles A-10

Police to Selectmen B-12

Town Accountant - By-Law Violations B-20

Treasurer A-7

RESCUE DEPARTMENT.....B-12

RICHARDSON, CHARLES D. MEMORIAL CAMP SCHOLARSHIP FUND .. F-1

RIGHT TO FARM..... K-1,2

ROADWAYS, ACCESS TO.....	J-1
Curb Cut, Driveways, Private Roadways	B-13
Utilities Installations.....	J-2
ROBERTS RULES OF ORDER REVISED	F-1
RULES AND REGULATIONS	
Conservation Commission May Establish	A-11
Council on Aging May Establish	A-12
Fire Department	B-9
Police Department	B-11
Roberts Rules of Order Revised	F-1
Rules and Practice, Town Meeting	A-3
Town Employees	A-5
SCENIC ROADS.....	B-3
SCHOOL COMMITTEE	
Regional District	A-4,A-8,
SEALER OF WEIGHTS AND MEASURES	A-9
SECURITY ALARMS	B-15
SECURITY TRANSACTIONS	A-7
SELECTMEN, BOARD OF	
Annual Appropriation Proposals	A-1
Appointment of Town Officials	A-9
Approval of Payment of Town Funds.....	A-7
Duties-General.....	A-4
Election of	A-4
Finance Committee Organization	A-10
Gravel Board - Serve as Members	G-4
Licenses:	
Hawkers and Peddlers	B-7
Junk Dealers	B-8
Vehicles for Conveyance of Persons or Property .	B-14
Orders to Restrain Dogs	B-14
Permission for Town Official or Salaried Employee to Receive Additional Compensation or Commission ..	B-20
Prosecute By-Law Violations	F-1
Scenic Roads	B-3
Warrants - Town Meeting	
Articles	A-3
Closing of	A-1
Distribution of	A-1

SICK LEAVE	A-5
SIDEWALKS	B-2, B-3
SIGNS	B-1
SNOW REMOVAL	B-13
SPECIAL TOWN MEETING	A-1, A-3
SPORTING LICENSES	A-6
STORMWATER DISCHARGE, LAND DISTURBANCE & POST CONSTRUCTION STORMWATER RUNOFF	L1-17
STREETS	
Curb Cuts, Driveways, Private Roadways	B-13
Layouts	A-5, A-6, B-3
Numbers	B-3
Scenic Roads	B-3
SUBDIVISION CONTROL LAW	A-8
SUPERINTENDENT OF STREETS	
Appointment of	A-9
Duties	B-2, B-3, B-13
SWIMMING POOLS, FENCES.....	B-17
SWINE	C-1
TAX ASSESSORS	A-4, A-8
TAX COLLECTOR	A-4, A-7
TERMS OF OFFICE	A-4, A-9
TOWN ADMINISTRATOR	
Appointment of	A-10
Duties	A-12
TOWN PLANNER, APPOINTMENT OF	A-10
TOWN CLERK	A-1, A-4, A-6, B-3 B-5, B-15
TOWN CONTRACTS	B-20
TOWN COUNSEL	A-11, B-11
TOWN MEETINGS.....	A-1, A-3, A-6, A-10

TOWN OFFICERS	
Appointed	A-9
Elected	A-4
TOWN OFFICIALS-FEES	A-17
TOWN REPORTS	A-6, A-7
	A-8, A-11
	A-12, B-9
	B-12, B-20
TOWN WATERWAYS.....	B-22
TREASURER	A-4, A-7,
	C-3, F-1
TREE WARDEN	A4, A-7
TRESPASSING	B-13
UNREGISTERED MOTOR VEHICLES	C-1
UTILITY INSTALLATION IN THE ROADWAYS.....	J-2
VACATION	A-5
VALIDITY OF BY-LAWS	F-1
VALUATION	A-8
VEHICLES	
Definition	B-3
Motor Vehicles and Public Ways	B-1
Public Conveyances	B-14
Unregistered Motor Vehicles	C-1
VETERANS' AGENT	A-9
VICIOUS DOGS	B-2
VIDEOTAPING, TOWN MEETING.....	A-6
VIOLATIONS	B-3, F-1
VOTERS, REGISTRARS OF	A-9
WARDENS (see Forest Fire and Tree Warden)	
WARRANTS	A-1, A-2,
	A-5
WIRING, INSPECTOR OF	A-9
WOOD AND LUMBER, MEASURERS OF	A-9

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 facia 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 on the second Monday in May at the specific hour and location designated by the Board of Selectmen, and in accordance with the General Laws of Massachusetts, until every article and other business in the warrant has been duly considered and acted upon.

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 facia 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 March 1st, or the next business day if March 1st is not a business day, 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 March 15^h, or the next business day if March 15^h is not a business day, 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, or take any other action relative thereto. (Amended/Effective 9/13/13)

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. The Moderator shall not permit a motion to reconsider, unless in the sole opinion of the Moderator, the moving party demonstrates that the motion to reconsider is based upon new information that had not previously been presented to the Town Meeting under the original consideration of the article. 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. (Amended Effective 11-20-14)

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)

Five Selectmen, each for a term of three years, of which one or two shall be elected at each Annual Town Meeting. (Section providing that they also act as Board of Health dropped effective 7/16/1979). Amendment from three to five Selectmen Amended 11/22/2010 and Effective 3/10/2011.

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)

A Stormwater Officer for the term of three years (Added Effective 3/10/2011)

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)

B14. The Selectmen shall establish the fees to be charged by the Sealer of Weights and Measures in the performance of his duties in compliance with the provisions of MGL Chapter 98, Section 56.

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.

D8. The Town of Rehoboth Town Treasurer shall receive, hold and apply any funds, money or securities deposited with the Town of Rehoboth for the preservation, care, improvement or embellishment of any public or private burial place situated within the Town of Rehoboth, or of burial lots situated in such burial places; provided, however, that the interest or gain earned each fiscal year on any funds, money or securities held by the Treasurer for the perpetual care of cemeteries which are maintained exclusively by the Town of Rehoboth Cemetery Commission or have been previously abandoned shall be transferred in July of each calendar year to the account of the Rehoboth Cemetery Commission to be used to preserve, care for, improve or embellish such cemeteries and the burial lots situated in such cemeteries. (added 6/26/2007)

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.

K6. Unless otherwise provided by statute, vote of the Town, or these by-laws, the Town Planner shall be appointed by the Planning Board with terms of employment to be determined by the Planning Board.”

K7. Planning Board Associate Member(s) – Please refer to the Town of Rehoboth, Chapter E, Zoning Bylaw, Article 9.0, for a complete description of the requirements of a Planning Board Associate Member”

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' Service Officer (Amended/Effective 11/26/2003)
- 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. Town Administrator, under 23A Chapter 41 of the General Laws. (Added/Effective 8/19/1978, amended effective 6/26/2007)
- 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 - Deleted (Effective 09/17/2010)
- JJ. Town Nurse (Added/Effective 07/10/2002)
- KK. Agricultural Commission consisting of seven members appointed by the Board of Selectmen for a term of three years. (Added/Effective 05/08/03)
- LL. Rehoboth Agricultural and Natural Resources Preservation Council

Section 2. The Finance Committee

- A. Appointment (Amended/Effective July 24, 2000)(Amended/Effective February 23, 2012) (Amended/Effective September 13, 2013)

There shall be a Finance Committee consisting of five members, none of who shall be an officer or member of any Board of the Town, and who shall serve without pay. Members of the Finance Committee shall be appointed by the Board of Selectmen for terms of three years.

- 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.

D, "Duties of the Conservation Commission" - unless otherwise provided by statute, vote of the Town, or these by-laws, the Conservation Agent shall be appointed by the Conservation Commission with terms of employment to be determined by the Conservation Commission."

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 which shall be appointed by and who shall report to the Board of Selectmen. The Committee shall consist of five members to include Police Chief, Fire Chief and three voters of the Town. (Amended/Effective 05/08/2003)

B. The terms of office shall be three years, with the exception of the first year, when two shall be appointed to three years, two for two years, and one for one year. (Amended/Effective 11/26/2003)

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 Town Administrator (Added/Effective 8/19/1978, amended 6/26/2007)

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

B. The Town Administrator 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 Town Administrator 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.

“Section 8. Community Preservation Committee (Added Effective 08/01/2001)

A. Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of three years.

One member of the Planning Board as designated by the Board for a term of three years.

One member of the Park Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years..

One member of the Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years.

One member of the Agricultural and Natural Resources Preservation Council as designated by the Council for an initial term of one year and thereafter for a term of three years.

One member or alternate from the Agricultural Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.

Two members to-be appointed by the Board of Selectmen, one member to be appointed for a term of one year and thereafter for a term of three years and one member to be appointed for a term of two years and thereafter for a term of three years.

Should any of the Commissions, Board, Councils or Committees who have appointment authority under this bylaw be no longer in existence for what ever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen.

B. Duties

1. The Community Preservations Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Park Commission and the Housing Authority or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.

2. The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing .and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

3. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendations to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

C. Requirement for a quorum and cost estimates

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

D. Amendments

This bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with MOL, Chapter 44B.

E. Severability

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

F. Effective Date

Each appointing authority shall have ten days after approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the Board of Selectmen shall make the appointment.”, or take any other action relative thereto.

Section 9. Agricultural Commission (Added/Effective 05/08/2003)

A. Establishment

There is hereby established an Agricultural Commission authorizing the Board of Selectmen to appoint an Agricultural Commission to represent the Rehoboth farming community. Said Commission once appointed shall develop a work plan to guide its activities. Such activities include, but are not limited to, the following: to serve as facilitators for encouraging the pursuit of agriculture in Rehoboth; to promote agricultural based economic opportunities in Town; to act as mediators, advocates and/or negotiators on farming issues; to work for preservation of prime agricultural lands; and to pursue all initiatives appropriate to creating a sustainable agricultural community. The Commission shall consist of seven members appointed by the Board of Selectmen. The Commission shall consist of a minimum of four members whose prime source of income is derived from farming or agricultural based enterprises in Rehoboth, and the remaining members shall be persons who are interested in farming. Three members shall initially be appointed for a term of three years; two members shall initially be appointed for a term of two years; and two members shall initially be appointed for term of one year. After each initial term, the term of appointment for each member shall be three years. Up to five alternates may also be appointed by the Board of Selectmen, each for one year terms. The Board of Selectmen shall make an appointment to fill the unexpired term of a vacancy. The Commission may recommend to the Board of Selectmen a candidate to fill an unexpired term of a vacancy.

Section 10. Rehoboth Agricultural and Natural Resources Preservation Council (Formed on 8/6/2007)

Purpose:

To facilitate the acquisition by purchase, gift, options, or other means conservation restrictions, development rights, and/or fee title to agricultural and/or natural resource lands in the Town of Rehoboth including but not limited to, the Town's Right of First Refusal under MGL Chapters 61, 61A and 61B.

Establishment:

There is hereby established a Rehoboth Agricultural and Natural Resources Preservation Council ("the Council") consisting of nine (9) voting members and one(1) advisory member. The composition of the Council, the appointment authority, and the term of office for Council members shall be as follows:

One (1) member of the Agricultural Commission as designated by the Agricultural Commission for a term of three years.

One (1) member of the Conservation Commission as designated by the Conservation Commission for a term of three years.

One (1) member of the Planning Board as designated by the Planning Board for a term of three years.

One (1) member of the Park Commission as designated by the Park Commission for an initial term of two years and thereafter for a term of three years.

One(1) member of the Board of Health as designated by the Board of Health for an initial term of two years and thereafter for a term of three years.

One (1) member of the Water Commission as designated by the Water Commission for an initial term of two years and thereafter for a term of three years.

One (1) member of the Board of Assessors as designated by the Board of Assessors for an initial term of one year and thereafter for a term of three years.

One (1) member of the Rehoboth Land Trust as designated by the Rehoboth Land Trust for an initial term of one year and there after for a term of three years.

One (1) member of the Board of Selectmen as designated by the Board of Selectmen for an initial term of one year and thereafter for a term of three years.

One (1) non-voting advisory member of the Finance Committee appointed by the Finance Committee for a term of three years.

Should any of the Commissions, Boards, or Committees who have appointment authority under this bylaw be no longer in existence for whatever reason, the appointment authority for that Commission, Board, or Committee shall become the responsibility of the Board of Selectmen.

Duties:

The Council shall identify and purchase land, development rights, and/or conservation restrictions to preserve the agricultural use of existing agricultural lands and to preserve natural resources in the Town.

The Council shall foster and promote activities that are in the interest of preserving agricultural land, natural resources, and revitalizing the agricultural industry in the Town.

The Council shall submit any recommended acquisitions or agreements including their anticipated costs to the Board of Selectmen for its majority approval before taking further action on those recommendations. Within thirty days of receipt the Board of Selectmen shall approve or deny the Council's recommendation with stated reason(s). If no action is taken by the Board of Selectmen after thirty days the Council may act upon its recommendation after holding a public hearing, including notice to all parties concerned, and in conformity with MGL Chapter 39 Section 23B.

The Council shall enter into agreements alone or with other entities for the purposes set forth herein which may include the payment of funds through the Rehoboth Agricultural and Natural Resources Preservation Trust Fund to support these preservation activities.

Rehoboth Agricultural and Natural Resources Preservation Trust Fund

At the acceptance of this Bylaw or when needed, the Town Treasurer shall establish and maintain a separate account called the "Agricultural and Natural Resources Preservation Trust Fund" into which all receipts, revenues, appropriations, gifts, grants, and funds from all activities of the Rehoboth Agricultural and Natural Resources Preservation Council will be deposited. The Town may from time to time appropriate funds to this account. The Town may also incur debt pursuant to MGL Ch 44 Sec 7(3) to fund such appropriations. The Treasurer may invest the funds in such separate account in the manner authorized by MGL Ch. 44, Sec. 55 and 55A. All interest accrued thereon shall be credited to and become part of this account. Town Auditor shall include this account in its annual independent audit.

Expenditure of Funds

In exercising its duties the Council, with the approval of the Board of Selectmen, shall have the power as set forth under the provisions of MGL Ch 40, Sec 8C with respect to the acquisition of interest in land and buildings, interest in land and the expenditure of reasonably acceptable administrative funds.

In the event the Council and Board of Selectmen determine that land or interests in land are no longer in use or preserved for agricultural purposes, such land or interest in land maybe transferred for conservation purposes as if acquired by the Conservation Commission in the same manner as set out in MGL CH 40 Sec 8C.

Requirement for a Quorum

The Rehoboth Agricultural and Natural Resources Preservation Council shall not meet or conduct business without the presence of a quorum. A majority of the voting members of the Council shall constitute a quorum. The Council shall approve its actions by majority vote.

Amendments:

This bylaw may be amended as specified in a Town Meeting warrant, by a majority vote at an annual Town Meeting or by a two-thirds vote at a Special Town Meeting.

Severability

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

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 MGL Ch 40, Sec 32. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments; otherwise, the Board of Selectmen shall make the appointment."

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)

Section 2. Any person appointed to a town committee, board, or commission shall be a resident of the Town of Rehoboth unless granted a waiver from the prohibitions of this section by a majority of the Board of Selectmen” or take any other action relative thereto.

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, snow, nails, spikes, screws, glass, tin cans, filth, rubbish or any noxious or refuse or other liquid or solid matter or substances. (added "snow" 8-27-14)

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 or any public way, except that any person may wash, with water from hose or pipe, windows or other parts of a building, including motor vehicle washing and ordinary household/yard item washing, 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 stone walls;
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.

Section 39. Vehicle Rules and Regulations

The Board of Selectmen shall have the authority to adopt such rules and regulations, including but not limited to parking bans, as they deem necessary for the regulation of vehicles used and operated on the streets and ways in the Town of Rehoboth. Such rules and regulations shall not take effect until they have been published in one or more newspapers, if there be any, published in the Town of Rehoboth, otherwise in one or more newspapers published in Bristol County. (Added/Effective 12/1/2004)

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. (Annual Town Meeting Adjourned Session 4/17/2001, Revoked prior acceptance of Ch 48, s42A Weak Chief – see 11/97 Special Town Meeting)

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 – Deleted as per May 9, 2016 Annual Town Meeting vote – Article 11

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. (Amended/Effective 11/26/2003)(Amended/Effective 2/23/2012)

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 Va-RESCUE DEPARTMENT (Added/Effective 08/01/2001)

The Town of Rehoboth hereby establishes a Rescue Department, adopting the existing Rescue Squad, to be under the control of an officer to be known as the Rescue Chief, as a division of the Rehoboth Emergency Management Agency (REMA). The Chief shall be appointed by the REMA Director and shall be a member of REMA. He may be removed for cause by the REMA Director at any time after a hearing. He shall have charge of rescue operations in the town and the protection of life and property in case of rescue. He shall coordinate all required rescue activities with the activities of the Rehoboth Fire, Police and Rehoboth Ambulance Committee, Inc. He shall work cooperatively with all other public safety agencies of the town in accordance with all federal, state, regional and local laws and regulations established in accordance with applicable law. He shall purchase, subject to the approval of the Selectmen and REMA Director, and keep in repair all property and apparatus used for and by the rescue department. He shall have and exercise all powers and discharge all the duties conferred or imposed by statute. He shall appoint, subject to the approval of the REMA Director, an assistant chief and other such officers and rescue personnel, as he may think necessary, and may remove the same at any time for cause and after a hearing, subject to the approval of the REMA Director. He shall exercise authority over the administration of the rescue department, shall make all rules and regulation for its operation, subject to the approval of the Selectmen and the REMA Director, shall report to the Selectmen and the REMA Director from time to time as they may require, and shall annually report to the town the condition of the rescue department with his recommendations thereon. In the expenditure of money, the Chief shall be subject to such further limitations as the town may from time to time prescribe. The appointment of the Chief of the Department will be for a period of one year

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 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. Dogs

The fees required for the licensing of dogs and kennels in the Town of Rehoboth shall be as follows:

Non-neutered male dog	\$20
Neutered male dog	\$10
Non-spayed female dog	\$20
Spayed female dog	\$10
Kennel license fees	
1 to 4 dogs	\$25
5 to 10 dogs	\$45
11 to 25 dogs or more	\$75
Late licensing fee	\$15 for any license purchased more than 60 days after the due date, unless proof can be shown that the dog was purchased, acquired or brought into town within the previous 60 days.

Section 22A. All persons seeking to maintain a Personal Kennel (more than 4 dogs), as defined by Massachusetts General Laws Part I, Title XX, Chapter 140, Section 136A, shall first obtain a license therefor from the Board of Selectmen. Upon receipt of a license application, the Board of Selectmen shall schedule a public hearing within thirty (30) days from said date of receipt. In conducting said public hearing, the Selectmen shall consider among other matters the number and size of dogs, nature of accommodations, and impact on neighbors. Each license shall be subject to an annual fee in accordance with a standard schedule of fees established by the Board of Selectmen. 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. Notices of such public hearings shall be posted by the Town Clerk and published once in a newspaper of general circulation at least seven (7) days prior to said hearing. (Added 5-18-15) (Approved by Attorney General 8/17/15; Effective 8/18/15 when posted).

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 five (5) 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 sixth (6th) and each subsequent false alarm or for any violation of any of the provisions of this by-law, a fine of fifty (\$50) dollars shall be assessed. (Added/Effective 06/20/1988)(Amended Effective 8/25/2004 & 11/20/2014)

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. Payment of Taxes for a Permit:

A. The Treasurer-Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments, and other municipal charges, hereinafter referred to as the "Treasurer-Collector," shall annually furnish to each department, board, commission, department, official, or division, hereinafter referred to as the "licensing authority," that issues, grants or provides, licenses, permits, approvals or endorsements, including, but not limited to, renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments, or other municipal charges, including amounts assessed under MGL Chapter 40, §21D for not less than a twelve (12) month period, and that such party has not filed in good faith a pending application of abatement of such tax or a pending petition before the Appellate Tax Board.

B. The licensing authority may deny, revoke, or suspend any license, permit, approval or endorsement including, but not limited to, renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Treasurer-Collector; or with respect to any activity, event or other matter which is the subject of such license, permit, approval or endorsement and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Treasurer-Collector, provided, however, that written notice is given to the party and the Treasurer-Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation, or suspension of said license, permit, approval or endorsement to any party. The Treasurer-Collector shall have the right to intervene in any hearing conducted with respect to such 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 purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation, or suspension. Any license, permit, approval, or endorsement denied, suspended, or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Treasurer-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, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license, permit approval, or endorsement and the validity of said license, permit, approval or endorsement shall be conditioned upon satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license, permit, approval, or endorsement, provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

D. The Board of Selectmen may waive such denial, suspension, or revocation if it finds no direct or indirect business interest by the property owners, its officers or stockholders, if any, or members of his/her immediate family, as defined in M.G.L. Ch. 268A, § 1, in the business or activity conducted in or on said property.

E. This section shall not apply in the following licenses and permits:

License/Permits	MGL Chapter/Section
Open Burning Permits	48/13
Sales of Articles for Charitable Purposes	101/33
Fishing/Hunting/Trapping Licenses	131/12
Clubs/Organizations Dispensing Food/Beverage Licenses	140/21E
Dog Licenses	140/137
Theatrical Events/Public Exhibitions Permits	140/181
Child Work Permit	149/69
Marriage Licenses	207/28

(Originally Added 6/5/1998) (Amended 10/28/13 STM & Approved by Attorney General 11/13/13 ~ Effective 11/19/13)

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.

Section 28. Public Consumption of Marijuana or Tetrahydrocannabinol

1: No Public Consumption: No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in General Laws Chapter 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under control of the Town, or in or upon any bus or other passenger conveyance operated by a common carrier within the Town, or in any place accessible to the public within the Town.

2: Violation and Penalties: Violation of Section 1 is punishable by a fine of \$300 enforceable through criminal indictment or complaint under General Laws Chapter 40, Section 21 or by non-criminal under General Laws Chapter 40, Section 41D. Any penalty imposed under this Bylaw shall be in addition to any civil penalty imposed under General Law Chapter 94C, Section 32L. (Added 5-18-15) (Approved by Attorney General 8/17/15; Effective 8/18/15 when posted).

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.

ARTICLE VIII LATE FEES AND INTEREST

Section 1. The Treasurer/Collector, pursuant to MGL Chapter 40, Section 21E, shall establish due dates for the payment of all municipal charges and bills. Further, the Treasurer/Collector shall fix a rate at which interest shall accrue if charges remain unpaid after the date payments are due to the town of Rehoboth; and provided that such interest rate shall not exceed the rate at which interest may be charged on tax bills under Massachusetts General Laws c.59, §57.", or take any other action relative thereto.

ARTICLE IX TOWN WATERWAYS

Section 1. No person or persons shall operate a motorized water craft or any other recreational equipment or vessel of any kind on the Palmer River in excess of five (5) miles per hour. This Bylaw may be enforced by the Harbormaster in equity; or via non-criminal disposition pursuant to G.L. c 40, §21D, with each offense to carry a fine of \$20.00 per section 33 of ARTICLE 1. (Added 8-27-14)

ARTICLE X - ICE CREAM TRUCK VENDOR REGULATIONS

Section 1. Purpose

This Bylaw implements the requirements of G.L. c. 270, §25 and the regulations promulgated thereunder, as may be amended, relative to the permitting of Ice Cream Trucks within the Town of Rehoboth.

Section 2. Definitions

“Ice cream”, any frozen dairy or frozen water-based food product.

“Ice cream truck”, any motor vehicle used for selling, displaying or offering to sell ice cream. “Ice cream truck vending”, the selling, displaying or offering to sell ice cream or any other prepackaged food product from an ice cream truck.

“Permitting authority”, the Rehoboth Chief of Police or a qualified person authorized by him.

Section 3. Applicability

No person shall engage in ice cream truck vending in the Town of Rehoboth unless he shall have been issued a valid permit to do so by the Permitting Authority. Such permit shall be conspicuously displayed and clearly visible on the windshield of any ice cream truck operated or from which ice cream or any other prepackaged food product is sold. Whoever violates this section shall be assessed a fine of \$500. Each day that such person is in operation in violation of this section may be considered a separate violation. Permits issued hereunder shall conform to regulations, rules, forms and policies of the Massachusetts Department of Public Safety., or take any other action relative thereto.

(Added 11-2-15)

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)

Section 4. Liquor Sales Violations Enforcement/Penalties: (Added/Effective August 25, 2004)

I. Purpose: The purpose of this By-Law is to enable the Board of Selectmen, as the “Local Licensing Authority”, to enforce the provisions of General Laws, Chapter 138, pertaining to the sale of alcoholic beverages.

II. Procedures:

A. The Board of Selectmen may from time to time request that the Police Department carry out inspections of premises that are issued Liquor Licenses pursuant to General Laws, Chapter 138 to evaluate whether such premises are in compliance with the applicable provisions of that statute, Alcoholic Beverages Control Commission Regulations, Board of Selectmen Alcoholic Beverages Regulations and/or conditions of a liquor license.

B. The Police Department shall report, in writing, all violations of the applicable provisions of General Laws, Chapter 138, Alcoholic Beverages Control Commission Regulations, Board of Selectmen Alcoholic Beverages Regulations and/or conditions of a liquor license to the Board of Selectmen.

III. Penalties: The following penalties shall presumptively apply to Licensees that are found to be in violation of the provisions of General Laws, Chapter 138, Alcoholic Beverages Control Commission Regulations, Board of Selectmen Alcoholic Beverages Regulations and/or Conditions of a Liquor License:

A. First Violation – For a first violation within a three year period, the Board of Selectmen shall issue a written warning to the Licensee informing the Licensee of the exact date, time and factual nature of the violation.

B. Second Violation – For a second violation within a three year period, the Board of Selectmen shall notify the Licensee of the exact date, time and factual nature of the violation and shall schedule a hearing in order to afford said licensee a reasonable opportunity to be heard by them regarding the violation. The Board of Selectmen, after the hearing, may suspend said license for a period of up to thirty (30) days, upon satisfactory proof that the Licensee has violated or permitted a violation of any condition thereof, or the provisions of General Laws, Chapter 138, Alcoholic Beverages Control Commission Regulations or Board of Selectmen Alcoholic Beverages Regulations.

C. Third or Subsequent Violation – For a third or subsequent violation within a three year period, the Board of Selectmen shall notify the Licensee of the exact date, time and factual nature of the violation and shall schedule a hearing in order to afford said Licensee a reasonable opportunity to be heard by them regarding the violation. The Board of Selectmen, after the hearing, may suspend for thirty (30) days or longer, revoke or cancel a license upon satisfactory proof that the Licensee has violated or permitted a violation of any condition thereof, the provisions of General Laws, Chapter 138, Alcoholic Beverages Control Commission Regulations or Board of Selectmen Alcoholic Beverages Regulations.

If at any hearing a Licensee is charged with serving or selling alcohol or alcoholic beverages to a person under twenty-one (21) years of age, written notice of said allegations shall be sent by the Board of Selectmen to the parent or guardian of such person. If the license is revoked, the Licensee shall be disqualified to receive a license for one (1) year after the expiration of the term of the license so revoked.

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 unexpendable 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, or when granted by Special Permit as provided for in Article V. 1 (a) 3.

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 (Amended/Effective 11-03-2006).

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 shall be defined as the transport of soil, peat, loam, sand or gravel across lot boundaries. Section (a) is not to apply to soil tillage. (Amended/effective 05/08/2003)
- (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-Laws of Rehoboth, 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.

- 1) aforementioned gravel operations shall not be in operation for more than one year following the issuance of a building permit,
- 2) aforementioned gravel operations shall not result in removal of more than 500 (five hundred) cubic yards of gravel
- 3) projects proposed for the removal of more than 500 cubic yards of gravel but less than 1000 cubic yards of gravel, require a Special Permit. The Gravel Board, from time to time, may make and/or amend procedures and standards for the issuance of Special Permits.

The definition of "footprint" shall mean the area within the boundaries of the foundation, including the width of the foundation from the outside edges of the foundation measured to the opposite outside edges of the foundation and including all area within this boundary.

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 the purposes of equestrian, 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 60,000 square feet of area.

e) Construction and maintenance of public ways

f) Permits which were in effect in residential districts as defined in the Rehoboth Zoning By-Law on May 8, 1986; provided however, that said permits may only be renewed by the Gravel Board for the sole purpose of restoration of the land in accordance with the plan filed by the applicant in obtaining the permit last issued prior to May 8, 1986. The purpose of this limited exception is to insure compliance with restoration plans in existence at the time the Gravel By-Law was amended, and to maintain the integrity of the performance bonds in effect. Under no circumstance shall any such permit be extended to land beyond said plans. (added eff 1/3/87, amended/effective 11-03-2006)

Article VI PENALTIES

Section 1. The penalty for 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 day in which a violation takes place or exists shall constitute a separate offense under this By-Law:
- and

All removal of gravel that is in violation of Chapter G, must be replaced and the land restored to its original grade, with no exceptions. Upon the land's restoration to its original grade, the Gravel Board may waive some or all of the assessed penalties / fines.

Section 2. In cases of repeated or willful violations of this By-Law by the applicant, the applicant's agent / company / corporation, or the applicant's assignee, 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 to the aforementioned entities.

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, Amended/Effective 11-03-2006).

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, none of whom shall be employees of the Town, appointed by the Board of Selectmen. The term of office of each member shall be three years, with the exception of the first appointment, when two members shall be appointed for a three year term, two members shall be appointed for a two year term and one member shall be appointed for a one year term. (Amended/Effective 05/08/2003.)

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. Evaluate periodically the effectiveness of the town's personnel system and recommend any by-law changes to Town Meeting.
- e. 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.
- f. 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.
- g. Ensure that a performance evaluation system for employees is developed and administered in accordance with the rules established herein.
- h. 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 (Amended/Effective 2/23/2012)

The Town Administrator or the Administrator's designee shall be responsible for maintaining a centralized system of personnel records.

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).

CHAPTER K
REHOBOTH RIGHT TO FARM BY-LAW
(Approved by Attorney General 5/31/05, effective 6/9/2005)

Section 1. Legislative Purpose and Intent

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

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

Section 2. Definitions

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

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

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forest or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratties (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

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

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3. Right To Farm Declaration

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

Section 4. Disclosure Notification

Within 30 days after this By-law becomes effective, the Board of Selectmen shall prominently post in the Town Hall and make available for distribution the following disclosure:

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

In addition to the above, copies of this disclosure notification shall be available in a public area at the Town Hall.

Section 5. Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Board of Selectmen shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6. Severability Clause

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

CHAPTER L
TOWN OF REHOBOTH BY-LAW
GOVERNING STORMWATER DISCHARGE, LAND DISTURBANCE
& POST-CONSTRUCTION STORMWATER RUNOFF
(Effective 8/11/2008)

ARTICLE I - GENERAL PROVISIONS

Section 1. Purpose

Regulation of stormwater discharges, land disturbance, and post-construction stormwater runoff is necessary for the protection of the Town of Rehoboth's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

Section 2. Objectives

The objectives of this by-law are:

1. to comply with state and federal statutes and regulations relating to stormwater discharges;
2. to establish the Town of Rehoboth's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement;
3. to protect groundwater and surface water from degradation;
4. to promote groundwater recharge;
5. to prevent alteration or destruction of aquatic and wildlife habitat;
6. to prevent erosion of stream channels;
7. to minimize flooding;
8. to prevent pollutants from entering the Town of Rehoboth municipal separate storm drainage system and to minimize discharge of pollutants from the municipal separate storm drainage system;
9. to require practices to control the flow of stormwater from new and redeveloped sites into the Town of Rehoboth storm drainage system in order to prevent flooding and erosion;
10. to ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;
11. to require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities;
12. to prevent overloading or clogging of municipal catch basins and storm drainage systems;
13. to prevent impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
14. to require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality; and

15. to prohibit illicit connections and unauthorized discharges to the MS4 and require their removal.

Section 3. Authority

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

Section 4. Definitions

ABUTTER: The owner(s) of land within one-hundred feet of the property line of the land where the activity is proposed, including, but not limited to, owners of land directly opposite said proposed activity on any public or private street or way, and in another municipality or across a body of water.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a land disturbance permit.

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

CLEARING: Any activity that removes the vegetative surface cover.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

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

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

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

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS: Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

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

GROUNDWATER: Water beneath the surface of the ground.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

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

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted by this by-law; the term does not include a discharge in compliance with an NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

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

LAND DISTURBANCE: Construction activities including clearing, grading, and excavating which removes the vegetative ground cover and/or covers the existing vegetative cover with fill or any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

MASSACHUSETTS ENDANGERED SPECIES ACT: (G.L. c. 131A) and its implementing regulations (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56.

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

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

NUISANCE: An activity or condition posing a danger to public health and safety.

OUTFALL: The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.

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

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

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

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

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

PRE-CONSTRUCTION: All activity in preparation for construction.

PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

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

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

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

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

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

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

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

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER: Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

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

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

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

WATERCOURSE: Any existing natural or manmade channel through which water flows or a stream of water, including a river, brook or underground stream.

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

WETLANDS: Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40 and in the Town of Rehoboth wetland bylaw, as applicable.

Section 5. Severability

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

ARTICLE II - BYLAW GOVERNING DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM

Section 1. Responsibility for Administration

The Rehoboth Highway Superintendent (Superintendent) or Stormwater Officer shall administer and implement Article II of this by-law. Any powers granted to or duties imposed upon the Superintendent or Stormwater Officer may be delegated in writing by the Superintendent or Stormwater Officer to its employees or agents.

Section 2. Regulations

The Stormwater Management Committee may promulgate rules and regulations to effectuate the purposes of Article II of this by-law. Failure by the Committee to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

The Town shall have a Stormwater Management Committee consisting of seven members appointed by the Board of Selectman 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 Board of Selectmen and shall expire on June 30 of the year of expiration of the original appointment. The members of the Committee may recommend to the Board of Selectmen a candidate to fill an unexpired term of vacancy. The members of the Committee shall be the following: The Town Planner/Conservation Agent, member of the Agricultural Commission, Health Agent, Highway Superintendent and representatives from the following: Conservation Commission, Planning Board and Water Commission. The members of this committee will perform duties as described in this by-law.

Section 3. Prohibited Activities

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

Section 4. Exemptions

1. Discharge or flow resulting from fire fighting activities;
2. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
 - a. Waterline flushing;
 - b. Flow from potable water sources;
 - c. Springs;
 - d. Natural flow from riparian habitats and wetlands;
 - e. Rising groundwater;
 - f. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
 - g. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), or basement pumps, conducted in such a way as not to cause a nuisance;
 - h. Discharge from landscape irrigation or lawn watering;
 - i. Water from individual residential car washing;
 - j. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
 - k. Discharge from street sweeping;
 - l. Dye testing, provided verbal notification is given to the Superintendent prior to the time of the test;

- m. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations;
- n. Discharge for which advanced written approval is received from the Superintendent or Stormwater Officer as necessary to protect public health, safety, welfare or the environment; and
- o. Normal maintenance or improvement of land for agricultural or aquacultural use conducted in such a way as not to cause a nuisance.

Section 5. Notification of Spills

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

Section 6. Enforcement

The Superintendent or Stormwater Officer shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil remedies for such violations.

Civil Relief: If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Superintendent or Stormwater Officer may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders: The Superintendent or Stormwater Officer may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith. If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed.

Non-compliance with Orders: Should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Rehoboth may, at its option, undertake such work, and expenses thereof shall be charged to the violator. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Rehoboth, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Management Committee within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Stormwater Management Committee affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, §57 after the thirty-first day at which the costs first become due.

Appeals: The decisions or orders of the Superintendent or Stormwater Officer may be appealed to the Stormwater Management Committee. The decisions or orders of the Committee shall be final. Further relief shall be to a court of competent jurisdiction.

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

ARTICLE III LAND DISTURBANCE & POST-CONSTRUCTION RUNOFF CONTROL

Section 1. Applicability

No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common

plan of development or sale that will ultimately disturb equal to or greater than one acre of land without a permit from the Administrating Authority or as otherwise provided in this bylaw.

Section 2. Exemptions

1. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling conducted in such a way as not to cause a nuisance;
2. Construction of fencing that will not substantially alter existing terrain or drainage patterns;
3. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
4. Normal maintenance and improvement of land for agricultural or aquacultural use; and
5. Disturbance of one or more acres of land that are subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in a valid Order of Conditions issued by the Conservation Commission.

Section 3. Administration

The Rehoboth Planning Board shall administer, implement and enforce Article III of this bylaw as it pertains to commercial and/or industrial development activities. The Rehoboth Conservation Commission shall administer, implement and enforce Article III of this bylaw as it pertains to residential development activities. Any powers granted to or duties imposed upon the Planning Board and/or Conservation Commission may be delegated in writing to its employees or agents. Henceforth, the Rehoboth Planning Board and Rehoboth Conservation Commission shall be referred to as the "Administrating Authority" of Article III of this by-law.

Section 4. Waivers

The Administrating Authority may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:

1. such action is allowed by federal, state and local statutes and/or regulations; and
2. is in the public interest; and
3. is not inconsistent with the purpose and intent of this by-law.

Section 5. Rules and Regulations

The Stormwater Management Committee shall adopt, and periodically amend, rules and regulations relating to the procedures and administration of Article III of this by-law, by majority vote of the Committee after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date.

Section 6. Permits and Procedure

Application: A completed application for a Land Disturbance Permit shall be filed with the Administrating Authority. A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of an area of one acre or more. The Stormwater Management Permit application package shall include:

1. a completed Application Form with original signatures of all owners;
2. a list of abutters, certified by the Assessors Office;
3. three (3) copies of the Erosion and Sediment Control Plan as specified in Section 7 of this bylaw;
4. three (3) copies of the Stormwater Management Plan as specified in Section 7 of this bylaw;
5. three (3) copies of the Operation and Maintenance Plan as specified in Section 7 of this bylaw;
6. payment of the application and review fees; and
7. one (1) copy each of the Application Form and the certified list of abutters filed with the Town Clerk.

Entry: Filing an application for a permit grants the Administrating Authority and its employees or agent's permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

Other Boards: The Administrating Authority shall give one copy of the application package to the Planning Board, the Conservation Commission, the Board of Health, the Building Department and the Highway Department.

Public Hearing: The Administrating Authority shall hold a public hearing within twenty-one (21) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the close of the hearing unless such time is extended by agreement between the applicant and the Administrating Authority. Notice of the public hearing shall be given by publication in a local paper of general circulation, by posting and by first-class mailings to abutters at least seven (7) days prior to the hearing.

Application Fee Structure: The Administrating Authority shall obtain with each submission an application fee established by the Stormwater Management Committee to cover expenses associated with the public hearing and application review.

Technical Review Fee: The Administrating Authority is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Administrating Authority on any or all aspects of these plans. Applicants must pay a technical review fee sufficient to cover professional review before the review process may begin, at the Administrating Authority's discretion.

Actions: The Administrating Authority's action, rendered in writing, shall consist of either:

1. Approval of the Application based upon determination that the proposed plan meets the Standards in Section 7 and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this by-law; or
2. Approval of the Application subject to any conditions, modifications or restrictions required by the Administrating Authority which will ensure that the project meets the Standards in Section 7 and adequately protect water resources, set forth in this by-law; or
3. Disapproval of the Application based upon a determination that the proposed application, as submitted, does not meet the Standards in Section 7 or adequately protect water resources, as set forth in this by-law.

Failure of the Administrating Authority to take final action: Failure of the Administrating Authority to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without the Administrating Authority action, the Land Disturbance Permit shall be issued by the Administrating Authority.

Project Changes: The permittee must notify the Administrating Authority in writing of any change or alteration of a land-disturbing activity authorized in a Permit before any change or alteration occurs. If the Administrating Authority determines that the change or alteration is significant, based on the design requirements listed in Section 7 and accepted construction practices, the Administrating Authority may require that an amended application be filed and a public hearing held.

Section 7. Application

The Stormwater Management Permit application consists of three parts. When one or more of the standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

Erosion and Sediment Control Plan: The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The design requirements of the Erosion and Sediment Control Plan are to:

1. Minimize total area of disturbance;
2. Sequence activities to minimize simultaneous areas of disturbance;
3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
5. Maximize groundwater recharge;
6. Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers specifications and good engineering practices;
7. Prevent off-site transport of sediment;
8. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
9. Comply with applicable Federal, State and local laws and regulations including waste disposal, septic system regulations, and air quality requirements, including dust control;
10. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
11. Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
12. Properly manage on-site construction and waste materials; and
13. Prevent off-site vehicle tracking of sediments.

Stormwater Management Plan: Projects shall meet the Standards of the Massachusetts Stormwater Management Policy, which are as follows:

1. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth.
2. Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
3. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
4. For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
 - a. Suitable nonstructural practices for source control and pollution prevention are implemented;
 - b. Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
 - c. Stormwater management BMPs are maintained as designed.
5. Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs. The use of infiltration practices without pretreatment is prohibited.
6. Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas. Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
7. Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.

Operations and Maintenance Plan: An Operation and Maintenance plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this Bylaw and that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00 are met in all seasons and throughout the life of the system. The Administrating Authority shall make the final decision of what maintenance option is appropriate in a given situation. The Administrating Authority will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this

decision. The approved Operation and Maintenance Plan shall remain on file with the Administrating Authority, shall be prepared in compliance with and recorded at the Bristol County Northern District Registry of Deeds, and shall be an ongoing requirement. The O&M Plan shall include:

1. The name(s) of the owner(s) for all components of the system;
2. The signature(s) of the owner(s);
3. Maintenance agreements that specify:
 - a. The names and addresses of the person(s) responsible for operation and maintenance;
 - b. The person(s) responsible for financing maintenance and emergency repairs;
4. A Maintenance Schedule for all drainage structures, including swales and ponds;
5. Identification, purpose and recordable meet-and-bound descriptions of all stormwater management easements located on-site and/or off-site as necessary for:
 - a. access for facility inspections and maintenance;
 - b. preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event;
 - c. direct maintenance access by heavy equipment to structures requiring regular cleanout;

Section 11. Enforcement

The Administrating Authority or an authorized agent of the Administrating Authority shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil remedies for such violations.

Orders: The Administrating Authority or an authorized agent of the Administrating Authority may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:

1. a requirement to cease and desist until there is compliance with the bylaw;
2. repair, maintenance, installation or performance of additional erosion and sediment control measures;
3. monitoring, analyses, and reporting; and/or
4. remediation of erosion and sedimentation.

If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Rehoboth may, at its option, undertake such work, and the property owner shall reimburse the Town of Rehoboth's expenses.

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

Appeals: The decisions or orders of the Stormwater Management Committee shall be final. Further relief shall be to a court of competent jurisdiction.

Remedies Not Exclusive: The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.", or take any action relative thereto.

**Chapter M
TOWN OF REHOBOTH
WETLAND PROTECTION BY-LAW**

I. Purpose

The purpose of this bylaw is to supplement the Commonwealth of Massachusetts' Wetlands Protection Act, to protect the wetlands and related water resources, in Rehoboth, through imposing filing fees beyond those established under the Wetlands Protection Act and its implemented regulations, 310 CMR 10.00 to compensate the Rehoboth Conservation Commission providing the services for its expenses.

II. Applications and Fees

Any person needing to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) filed under the Act shall include information and plans as are deemed necessary by the Commission.

The notice of intention which must be filed with the Conservation Commission under and in accordance with the provisions of MGL Ch. 131, Sec. 40, shall constitute the notice of intention which is required under this bylaw, provided, however, that the plans submitted therewith describing the proposed activity and its effect on the environment shall include information on percolation rates and environmental impact data on erosion, sedimentation, wildlife, and aesthetics and such other information as the Conservation Commission may from time to time require. Each filing as listed below shall be accompanied by a filing fee payable to the Town of Rehoboth. The fee is in addition to that required by the Wetlands Protection Act and Regulations.

Filing Fee Schedule

A. Request for Determination of Applicability (RDA)

- | | |
|--|----------|
| 1. Single family house or lot | \$100.00 |
| 2. Commercial/Industrial/Residential Subdivision | \$250.00 |

B. Notice of Intent (NOI)**

- | | |
|---|-----------|
| 1. Existing single family house – addition, septic repair, etc. | \$100.00 |
| 2. New Single Family House | \$250.00 |
| 3. Other residential (subdiv/condo, etc.) | \$500.00+ |
| \$2.00/linear foot of roadway sideline within resource area or buffer zone(in addition to \$500 fee) | |
| 4. Non-residential Projects | \$750.00+ |
| \$2.00/linear foot of roadway sideline within resource area or buffer zone (in addition to \$750 fee) | |

C. Resource Area Alterations

- | | |
|--|---|
| 1. Bordering Vegetated Wetland, Land Under Water and Bordering Land Subject to Flooding (BLSF) | \$1.00/sf of alteration
(min. \$100.00/max 500.00) |
| 2. Bank | \$2.00/lf of alteration
(min. \$500.00/max \$2,000.00) |

D. Resource Area Delineation (NOI & ANRAD)	
1. Single family house lot	\$1.00/linear ft. (min. \$100.00/ max. \$500.00)
2. Other	\$2.00/linear ft. (min. \$500/max. \$2,000.00)
E. Amendment	
1. Residential Single Family Home	\$100.00
2. All others	\$400.00
F. Extensions	\$200.00
G. Certificate of Compliance	
1. Residential Single Family Home	\$50.00
2. All others	\$100.00

**** Please note that the filing fee for a Notice of Intent which has been filed as a result of Enforcement Action is double the fee shown in Section IV(B)**

The Conservation Commission may, upon proof of financial hardship, waive all or a portion of the above filing fees. The burden of establishing the basis for such waiver falls upon the petitioner to establish by a clear preponderance such financial hardship. Such waiver request does not exempt the petitioner from submitting the filing fees required per 310 CMR 10.00.

III. Severability

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.”
Or take any other action relative thereto