

GENERAL BY-LAWS

of the

TOWN OF BELMONT MASSACHUSETTS



Together With

REPRESENTATIVE TOWN MEETING ACT

and

LIST OF LEGISLATIVE ACTS APPLICABLE TO THE TOWN

Originally Published in 1982 and Herewith Updated through October 2009

February 26, 2010

GENERAL BY-LAWS OF THE TOWN OF BELMONT

This publication includes the complete revision and recodification of all the General By-Laws of the Town of Belmont that was prepared by the By-Law Revision Committee and adopted by the Town Meeting Members under Article 22 of the Warrant for the 1981 Annual Town Meeting. The recodification was approved by the Attorney General on August 19, 1981 and subsequently published by the Town Clerk pursuant to Chapter 40, Section 32, of the General Laws. As provided in Article 1, the recodified General By-Laws repeal and replace all pre-existing By-Laws of the Town, except the Zoning By-Law. Also included in the publication are the General By-Law amendments adopted under Articles 23 (By-Laws, Section 5.12, approved by the Attorney General on August 19, 1981), 24 (General By-Laws, Article 23, approved by the Attorney General on September 1, 1981) and 25 (General By-Laws, Article 24, approved by the Attorney General on September 1, 1981) of the Warrant for the 1981 Annual Town Meeting, all as published by the Town Clerk.

The section numbering system for the General By-Laws has been designed for accuracy of reference and to provide a more convenient format for inserting future amendments.

In order to provide a more complete reference to the special provisions of law that govern the Town of Belmont, the text of the Representative Town Meeting Act (Chapter 302 of the Acts of 1926, as amended) and a list of general and special statutes that have been accepted by the Town or are particularly applicable to it have been included in this publication.

The General By-Laws and legislative acts are published in loose-leaf form. With this system, the By-Laws may be kept up to date periodically by the republication of affected pages after the adoption of amendments or additions. The new pages may then be inserted in the book to replace the obsolete ones.* New or amended sections or articles will be followed by their date of adoption or amendment in parentheses. The absence of such a date will mean that the provision was included in the General By-Laws adopted under Warrant Articles 22 through 25 at the 1981 Annual Town Meeting.

Dated: May 20, 1982

BY-LAW REVISION COMMITTEE

Henry L. Hall, Jr., Chairman
John D. Hanify, Secretary
Robert M. Gallant
Priscilla C. Hundley
Ann Cresine Wilson
Joan D. Garland, Executive
Assistant to the Selectmen

* Starting with republication in 1997, the loose-leaf format will no longer be used.

**WARRANT ARTICLE 22
"Proposed General By-Laws
of the Town of Belmont"**

**REPORT OF THE BY-LAW REVISION
COMMITTEE TO THE TOWN MEETING**

The By-Law Revision Committee was appointed by the Moderator in 1978 pursuant to a vote of the Town Meeting "to prepare recommendations to the Town for the revision and recodification of the Town By-Laws".

At the outset, the Committee determined that its efforts should be strictly confined to a streamlining, modernization and reorganization of current By-Laws. Thus, the "Proposed General By-Laws", enclosed herewith, do not contain substantive changes. Also enclosed is a copy of the current By-Laws. We suggest you carefully review the existing and proposed By-Laws to develop an understanding of the nature and extent of the Committee's work.

The following is a brief summary of the changes in language and format effected by the "Proposed General By-Laws":

Article 1 is new but almost entirely procedural. It provides for the repeal of existing By-Laws and acknowledges the legal interrelationship between new and old By-Laws and laws of The Commonwealth. The Committee felt that uniformity, inflation and reality dictated that the fine of \$10 established approximately 50 years ago for many violations be changed to \$100.

Articles 2 and 3 incorporate the basic elements of the existing By-Laws as well as long standing practice. Article 3, for example, represents the Committee's concern that all provisions affecting the appointment or election of Town Boards, Committees and Commissions be set forth in one Article rather than dispersed throughout other Articles. Uniformity of appointment, service and reporting requirements consistent with current practice is also achieved.

Articles 4, 5, and 6, dealing with the Board of Selectmen, the Town Clerk and Town Treasurer, collect in logical order provisions which are now scattered throughout other By-Laws. Again, current record keeping and established practices of those Town officers have, where significant, been specifically acknowledged and stated.

Articles 7-11 , 13,15,17, 19, 21 , and 22 are substantially identical to current By-Laws. Obsolete provisions have been deleted and, where possible, sections which dealt with unimportant detail have been replaced by provisions relegating to the Commissions or Boards the right and power to manage their operations through published regulations.

Articles 12, 14, 16, and 18 are new but consistent with votes taken by the Town Meeting and established practice.

Article 20 incorporates a large collection of current provisions affecting public safety and property. While the substance of current By-Laws in this area has been retained, repetitive provisions have been deleted, language simplified and related provisions integrated into one Article. The role of the Board of Selectmen in authorizing various activities affecting public safety and property has been clarified.

In formulating these "Proposed By-Laws" the Committee sought the recommendations of all affected Town Officers, Boards, Commissions and Departments. The Committee extends its appreciation to all those Town Officials and members of Commissions and Boards whose helpful suggestions have resulted in what we hope is a more complete, orderly and comprehensive set of By-Laws for the Town.

Respectfully submitted,

Robert M. Gallant
Henry L. Hall, Jr., Chairman
John D. Hanify, Secretary
Clare L. Howick
Priscilla C. Hundley
Donna H. Tillotson
Ann Cresine Wilson
Joan D. Garland

April 1, 1981

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ARTICLE 1

General Provisions

1.1 The By-Laws of the Town of Belmont shall consist of two parts, as follows:

Part I—General By-Laws

Part II—Zoning By-Law

The Zoning By-Law, as amended, in force on the effective date of this codification of the General By-Laws shall remain in force and shall not be affected by any provisions of the General By-Laws except as may be specifically provided therein.

1.2 All By-Laws of the Town in force prior to the effective date of these General By-Laws, except the Zoning By-Law, are hereby repealed, subject to the provisions of the following Section 1.3.

1.3 The repeal of any By-Law shall not affect any act theretofore done, any liability incurred, any right accrued or established, any action suit or proceeding commenced, or any punishment, penalty or forfeiture incurred under such repealed By-Law. The repeal of a By-Law shall not have the effect of reviving any By-Law previously in force.

1.4 If any of the provisions of the General By-Laws shall affect matters addressed in a statute to which the Town is subject, a reasonable effort shall be made to construe such provisions consistently with the statute. In case of conflict between the provisions of a statute and any provision of the General By-Laws, the statute shall control, but only to the extent of such conflict.

1.5 Any person violating any provision of the General By-Laws shall be subject to a fine not exceeding \$100.00 for each offense, unless the By-Law specifically provides for a different amount.

ARTICLE 2

Town Meetings

2.1 As used in the General By-Laws, the words "town meeting" shall mean a representative town meeting, unless the context requires otherwise. The words "town election" shall mean that part of the annual town meeting at which Town officers and Town Meeting Members are elected and matters to be acted upon and determined by ballot are acted upon and determined. A "town election" shall

also mean any special meeting for the election of a Town officer or officers or for acting upon and determining matters to be acted upon and determined by ballot, including referenda.

2.2 The annual town election shall be held on the first Monday of April in each year and the annual town meeting shall be held on the fourth Monday of April in each year. The annual town election and the annual town meeting may be called pursuant to a single warrant or separate warrants may be used, at the discretion of the Selectmen.

Section 2.2 amended at April 26, 1999, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on October 18, 1999.

2.3 Unless a different time or method is prescribed by law, notice of all town meetings and town elections shall be given by posting an attested copy of the Warrant therefor on the Town Clerk's official bulletin board in the Town Hall at least seven days before the date fixed for the annual town election or annual town meeting and at least fourteen days before the date fixed for a special town meeting or special town election. The Town Clerk shall notify the Town Meeting Members of the time and place at which representative Town Meetings are to be held, the notice to be sent by mail at least seven days before the meeting. Compliance with this section shall constitute full legal notice of any town meeting or election.

2.4 At least seven days prior to the date of any annual or special town meeting, the Town Clerk shall cause a copy of the Warrant therefor to be sent by mail or delivered to the Town Meeting Members. Copies of the Warrant shall be made available to the public at the Town Clerk's Office and Public Libraries before the date fixed for Town Meeting.

2.5 Notice of every adjourned town meeting, except a stated adjournment of the annual town election to the first business session of the annual town meeting, shall be posted by the Town Clerk in five or more public places in the Town as soon as practicable after the adjournment. The notices so posted shall state briefly the business to be acted upon and shall include notice of any proposed reconsideration.

Sections 2.3 to 2.5 amended at April 25, 1994, Annual Town Meeting. Approved by Attorney General Scott Harshbarger on October 12, 1994.

2.6 Copies of the Warrant shall be made available at all town meetings.

2.7 The Moderator shall determine the procedural rules to be followed at all town meetings, subject to the following provisions of this Article.

2.7.1 At any town meeting, if the Moderator or a vote of the meeting so orders, no person who is not a Town Meeting Member, other than a press

reporter or the official stenographer, shall be admitted to that portion of the meeting place which is reserved for Town Meeting Members. The Moderator shall determine the limits of the reserved area.

2.7.2 Articles in the Warrant shall be acted upon in their order, unless the meeting votes otherwise.

2.7.3 All motions that involve the expenditure of money shall be submitted in writing. Any report, motion or resolution shall be reduced to writing if the Moderator so directs.

2.7.4 Every person desiring to speak shall first be recognized by the Moderator and shall stand while speaking unless the Moderator shall otherwise direct. A Town Meeting Member who speaks upon any matter in which the speaker or his or her immediate family has a direct financial interest shall first disclose such interest to the meeting. The words "direct financial interest" shall include, but not be limited to, employment as attorney or consultant with respect to the matter.

Section 2.7.4 amended at June 16, 1986, Special Town Meeting. Approved by Attorney General Francis X. Bellotti on October 8, 1986.

2.7.5 Unless the meeting consents, no person shall speak more than twice upon any question, except to correct an error or to make an explanation. No person shall speak for more than five minutes when speaking for the second time and then only after others who have not spoken upon the question shall have had the opportunity to speak.

2.7.6 All votes, unless otherwise provided by law, shall be taken in the first instance by a "YES" and "NO" voice vote. If the Moderator is in doubt as to the vote or if any Town Meeting Member immediately doubts the vote, the Moderator shall call for a standing vote, or for a roll call vote provided a Town Meeting Member requests a roll call vote and provided thirty-five or more Town Meeting Members concur in the request and it is requested in connection with final action upon any article in the Warrant. If a roll call vote is so requested, the Town Clerk shall record the "YES" and "NO" votes forthwith so as to indicate the individual vote of each Town Meeting Member who shall have voted, and such record shall be made available to the public at the office of the Town Clerk and shall be printed in the Town Report.

2.7.6.1 Whenever a two-thirds vote is required on any matter, the Moderator may declare a motion passed by a voice vote of at least two-thirds in favor and a count need not be taken unless otherwise required by law or these By-Laws. The Town Clerk shall record the Moderator's declaration that the motion passed by two-thirds vote in favor.

Section 2.7.6.1 inserted at April 28, 1997, Annual Town Meeting. Approved by Attorney General Scott Harshbarger on August 11, 1997.

2.7.7 When a question is before the meeting, the following motions shall be received and shall have precedence in the following order:

- To adjourn,
- To lay on the table,
- For the previous question,
- To postpone to a time certain,
- To commit, recommit or refer,
- To amend,
- To postpone indefinitely.

Motions to adjourn, to lay on the table or for the previous question shall be decided without debate.

2.7.8 A motion to reconsider any vote must be made before the dissolution of the meeting at which the vote was passed, but such motion to reconsider shall not be made at an adjourned meeting unless the mover has given notice of his intention to make such a motion, either at the session of the meeting at which the vote was passed, or by written notice delivered to the Town Clerk by 12 o'clock noon on the first business day following the commencement of such session. There can be no reconsideration of a vote once reconsidered or after a vote not to reconsider it. No article in the Warrant shall be reconsidered after it has been disposed of, unless two thirds of the Town Meeting Members present shall so vote.

2.7.9 In matters not specifically provided for by law or by the General By-Laws, the Moderator shall be guided by the principles and rules of practice contained in *Town Meeting Time, A Handbook of Parliamentary Practice*, by Johnson, Trustman and Wadsworth.

ARTICLE 3

Boards, Committees and Commissions

3.1 Except as otherwise provided by law, or by these By-Laws, or by specific vote of the town meeting, all town boards shall be subject to the provisions of this Article. As used in this Article, the following terms shall have the following meanings:

3.1.1 "Board" shall mean any board, committee, commission or other body of the Town, however named or constituted, which is composed of two or more

members and has been or is established pursuant to statute, these By-Laws, vote of the town meeting or vote of the Board of Selectmen.

3.1.2 "Appointed board" shall mean a board any of the members of which are appointed by an appointing authority.

3.1.3 "Permanent appointed board" shall mean an appointed board the purpose of which is on-going and is not limited to one or more specifically defined objects culminating in the filing of a report or the completion of an authorized or delegated assignment.

3.1.4 "Appointing authority" shall mean the Moderator, the Board of Selectmen or any other officer or board of officers, or combination thereof, responsible for the appointment of members of an appointed board.

3.1.5 "Elected board" shall mean any board the members of which are elected by all the voters of the Town at the town election.

3.2 The members of each permanent appointed board shall be appointed for a term of three years ending on June 30 of the third year following the year of appointment, except that, when appointing the initial members of a newly established permanent appointed board or when appointing the members of a permanent appointed board established prior to the effective date of this Article the members of which had been appointed for a term of one year, the appointing authority shall appoint as nearly one-third of the members as possible for terms expiring on June 30 of the first, second and third years, respectively, following the year of appointment. The members of permanent appointed boards shall serve until their respective successors are appointed and qualified.

3.3 If a vacancy occurs in the membership of an appointed board, the appointing authority shall appoint a new member to serve for the balance of the unexpired term.

3.4 Every board, including every elected board, shall annually select a chairman, a clerk or secretary and such other officers, if any, as the board shall deem necessary. The clerk or secretary may, but need not, be a member of the board. The clerk or secretary shall keep an accurate record of each meeting of the board and shall file such records with the Town Clerk following their approval by the board. All rules and regulations adopted by a board shall likewise be filed with the Town Clerk. Every board shall annually file a report of its activities, in form suitable for printing in the Annual Town Report, on or before such date as may be fixed by the Selectmen. Every board shall conduct its meetings in accordance with the open meeting laws of The Commonwealth.

3.5 The chairman of each appointed board shall report to the appointing authority the name of any member who fails to attend any three successive meetings of the board. The appointing authority may thereupon declare the office of such member vacant and appoint a successor to fill such vacancy in accordance with Section 3.3. This section shall not apply to persons who are serving as members of an appointed board solely by virtue of their holding another town office.

3.6 No town officer or member of a town board shall use any paper, stationery or other article bearing the Town Seal or representation thereof or bearing the name of a town board for other than official Town purposes regardless of whether private payment has been made for such use.

ARTICLE 4

Board of Selectmen

4.1 The Board of Selectmen shall consist of three members elected by ballot at the annual town election for a term of three years. One member shall be elected in each year.

4.2 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.

4.3 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 interests of the Town.

4.4 All conveyances 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.

4.5 The Selectmen shall specify the date when the Warrant for any town meeting shall close, and shall set the date for any special town meeting or special town election.

4.6 The Selectmen shall annually cause to have printed an annual report of the Town. Reports of all boards, commissions, committees or officers which are to be published in the Annual Town Report shall be delivered to the Selectmen as soon after the first day of January as possible, but not later than January 30th unless the Selectmen shall fix another date therefor.

4.7 It shall be the duty of the Selectmen to formulate and issue such rules and regulations for the Police Department and the Fire Department as they may deem necessary.

4.8 The Selectmen shall have the following appointment powers:

4.8.1 The Selectmen shall annually, and whenever a vacancy shall exist, choose some competent lawyer to act as Town Counsel. He shall be paid such compensation as the Selectmen may determine and they may remove him at pleasure. The Town Counsel shall provide such legal services concerning the affairs of the Town as may be required of him by any town officer, board, committee or commission.

Section 4.8.1 amended at April 26, 2004, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on August 19, 2004.

4.8.2 The Selectmen shall appoint the Police Chief and such captains, lieutenants, sergeants, and police officers as the work of the Police Department may require.

The Selectmen shall appoint such number of special officers as they may deem necessary who shall be subject to the authority of the Police Chief.

Subject to the approval of the Selectmen, the Police Chief may appoint special police for part-time and intermittent work to aid in the enforcement of Chapter 90 of the General Laws 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. Such special police shall be known as "Belmont 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 Belmont Police Department not inconsistent with their authority and duties, but shall not be classified under civil service as provided by Chapter 31 of the General Laws.

4.8.3 The Selectmen shall appoint a permanent Fire Chief who shall be in charge of the Fire Department.

4.8.4 The Board of Selectmen may appoint a Town Administrator for a term of one or three years and may remove the Town Administrator so appointed at their discretion. The Town Administrator shall be sworn to the faithful performance of his or her duties. During the time that he or she holds office the Town Administrator shall hold no elective town office but 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 the office. The Town Administrator shall receive such aggregate compensation, not exceeding the amount appropriated therefor, as the Selectmen may determine. The Town Administrator shall act by and for the Selectmen in any matter which they may assign to him or her relating to the administration of the affairs of the Town or of any town office or department under their supervision and control and, with the approval of the Selectmen, may perform such other duties as may be requested of him or her by any other town officer, board, committee or commission.

Section 4.8.4 inserted at June 7, 1993, Annual Town Meeting. Approved by Attorney General Scott Harshbarger on August 20, 1993.

4.8.5 The Selectmen may appoint and prescribe the duties of a Director of Public Works who shall be especially fitted by education, training, and experience to perform the duties of said office. Such Director shall not be subject to the provisions of Chapter 31 of the General Laws. The term of office of the Director shall be determined by the Selectmen and said Director shall serve at the pleasure of the Selectmen.

Article 4.8.5 inserted at April 28, 2003, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on October 16, 2003.

4.8.6 The Selectmen shall appoint such other officers and the members of such other boards, committees, commissions or other bodies of the Town as may be required by law, these By-Laws or vote of the Town. They may establish and appoint or provide for the appointment of the members of any board, committee or commission for which other provision is not made and which, in their judgment, is required to assist them or the Town on any matters subject to the Selectmen's jurisdiction.

4.9 Except as otherwise provided by law or these By-Laws, the Selectmen shall have the power to issue all licenses and permits required by law or these By-Laws and to establish reasonable fees therefor. The Selectmen may from time to time adopt rules, regulations and restrictions relative to the business of persons licensed by them under the General Laws or these By-Laws and to the supervision thereof, including the imposition of lawful penalties for violations of such rules, regulations and restrictions. The rules, regulations and restrictions adopted by the Selectmen shall be provided in writing to all applicants for such licenses.

Section 4.9 amended at April 28, 1986, Annual Town Meeting . Approved by Attorney General Francis X. Bellotti on July 23, 1986.

4.9.1 The Selectmen shall make such rules, orders, and regulations for the licensing and operation of hackney carriages, taxicabs and vehicles for hire operated within the Town of Belmont and relative to the licensing of the

operators thereof, including the imposition of penalties for violations therefor, as the Selectmen deem necessary and advisable from time to time. Such rules, orders and regulations shall be printed in a form made available to applicants for such licenses. Notice thereof and of changes therein shall be duly published in a newspaper, all as prescribed by Chapter 40, Section 22, of the General Laws.

4.9.2 The Selectmen may license suitable persons to set up and use job and express wagons for the transportation for hire of goods, wares, furniture or rubbish within the Town. No person shall engage in the business of transporting for hire goods, wares, furniture or rubbish, without obtaining a license or licenses therefor.

4.9.3 The Selectmen may from time to time grant licenses to suitable persons to be hawkers of fruit and vegetables within the Town.

4.9.4 The Selectmen may license suitable persons as junk collectors to collect, by purchase or otherwise, junk, old metals and second-hand articles from place to place in the Town and no person shall engage in the business of collecting such without a license.

4.9.5 The Selectmen may license suitable persons to be dealers in and keepers of 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 a license.

4.9.6 No place of business for the retail sale of food, goods or services shall be open for the transaction of business between the hours of 11 p.m. and 6 a.m. without a license from the Board of Selectmen. This section shall not apply to a professional office (e.g. a physician, dentist or attorney-at-law) or to an undertaking establishment.

4.9.6.1 Any license granted pursuant to Section 4.9.6 shall expire on June 30 of each year and may be revoked or suspended at any time by the Board of Selectmen for any violation of any rules, orders, or regulations adopted hereunder by the Board of Selectmen.

4.9.6.2 Any person violating any provision of Section 4.9.6 or any rule, order, or regulation adopted under Section 4.9.6.1 shall be punished by a fine of not more than two hundred dollars for each offense.

4.10 Upon the certification of any department head that such department has within its control tangible personal property of the Town which has become obsolete or is no longer of practical value to the Town, the Selectmen shall authorize the sale thereof. The terms of the sale shall be fixed by the Selectmen provided that where the fair value of such property exceeds the sum of five

hundred dollars, it will only be sold to the highest responsible bidder after competitive bids have been invited by published notice.

4.11 The Board of Selectmen shall act as the Town's Board of Park Commissioners.

4.12 The Board of Selectmen shall act as the Town's Municipal Light Board.

4.13 The Board of Selectmen shall act as the Board of Survey pursuant to Chapter 141 of the Acts of 1903.

4.14 The Selectmen shall, pursuant to Chapter 98, Section 34, of the General Laws, appoint a sealer, and may appoint one or more deputies to act under the direction of the sealer. Notwithstanding the provisions of Section 56 of Chapter 98, of the General Laws, the fees of the sealer of weights and measures for sealing the following weighing or measuring devices shall be:

1. Each scale with a weighing capacity of more than ten thousand pounds, one hundred fifty dollars;
2. Each scale with a weighing capacity of five thousand to ten thousand pounds, one hundred dollars;
3. Each scale with a weighing capacity of one thousand to five thousand pounds, fifty dollars;
4. Each scale with a weighing capacity of one hundred to one thousand pounds, fifty dollars;
5. Scales and balances with a weighing capacity of more than ten pounds and less than one hundred pounds, fifteen dollars;
6. Scales and balances with a weighing capacity of ten pounds or less, fifteen dollars;
7. Each liquid capacity measure, except vehicle tanks, of the capacity of more than one gallon and measures on pumps, fifteen dollars;
8. Each liquid measuring meter, except water meters, the diameter of the inlet pipe of which is one half inch or less, twenty dollars, more than one half inch but not more than one inch, twenty dollars; for each such type of liquid measuring meter, the diameter of the inlet pipe of which is more than one-inch, the following shall apply, vehicle-tank pump fifty dollars, vehicle-tank gravity fifty dollars, bulk storage one hundred dollars, bulk storage user furnishes certified prover one hundred dollars;

9. Each taximeter or measuring device used upon vehicles to determine the cost of transportation twenty dollars;
10. Each machine or other mechanical device used for determining linear or area measurement, forty dollars;
11. Vehicle tanks used in the sale of commodities by liquid measure shall be charged for each hundred gallons or fraction thereof, twenty dollars. An additional fee of twenty dollars per sealed indicator shall be received; and
12. All weights and other measures, two dollars each.

Reasonable compensation shall also be collected for the use of special facilities, necessary repairs, alterations and adjustments made by the sealer or deputies.

Section 4.14 inserted at November 17, 2003, Special Town Meeting. Approved by Attorney General Thomas F. Reilly on January 20, 2004.

ARTICLE 5

Town Clerk

5.1 The Town Clerk shall have all the powers and perform all the duties of town clerks under the General Laws, any special laws applicable to the Town, including the representative town meeting act, the General By-Laws and the Zoning By-Law of the Town.

5.2 The Town Clerk shall keep a file of all town reports, reports and records of boards and committees of the Town and all original documents relating to the affairs of the Town which come into the Town Clerk's custody. The Town Clerk shall suitably index all such reports, records and documents in a manner convenient for reference and examination.

5.3 The Town Clerk shall have stated hours for the transaction of business on all days on which the Town offices are open and shall give public notice thereof.

5.4 The Town Clerk shall employ a competent stenographer who shall be sworn and shall make a verbatim record of the entire proceedings of every town meeting, in order to assist the Town Clerk in obtaining and retaining a proper record of the proceedings. The Town Clerk, the Board of Selectmen and any other town officer may require the stenographer to transcribe the whole or any part of the notes of such proceedings. The stenographer's notes shall be filed with the Town Clerk and shall be a public record of the Town. Compensation for the stenographer shall be paid by the Town. Any voter of the Town may at any

time request that the Town Clerk require the stenographer to transcribe and furnish such voter with a record of the whole or any part of the proceedings of any town meeting, provided such voter shall pay the stenographer in advance therefor, at the customary rates charged by such stenographer.

5.5 The Town Clerk shall be the keeper of the Town Seal.

5.6 Not later than sixty days before the date of the annual town election at which the term of office of any Town Meeting Members will expire, the Town Clerk shall notify all such Town Meeting Members of the expiration date of their term and shall make available to them a form of written notice pursuant to the provisions of Chapter 53, Section 10, of the General Laws.

5.7 As soon as practicable after each town election, the Town Clerk shall notify each person who was duly elected to a Town office of such election.

5.8 The Town Clerk shall maintain a list of the names and addresses of the current members of all town boards, committees and commissions.

5.9 The Town Clerk shall annually furnish the Selectmen, for publication in the Annual Town Report, a copy of the motions presented and the action taken thereon under all articles in the Warrant for every town meeting held during the preceding year.

5.10 The Town Clerk shall keep a true copy of all deeds or conveyances executed by the Selectmen in a book to be kept for that purpose alone.

5.11 It shall be the duty of the Town Clerk to see that every conveyance to the Town of an interest in land is properly recorded in the Registry of Deeds.

5.12 A schedule of fees fixed by the Town Clerk shall be posted in a conspicuous place in the Clerk's office and may be revised from time to time as the Clerk sees fit, in accordance with the provisions of Chapter 40, Section 22F, of the General Laws.

Article 5.12 amended at April 25, 2005, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on June 8, 2005.

ARTICLE 6

Town Treasurer

6.1 The Town Treasurer shall be the Collector of Taxes and shall have all the powers and perform the duties imposed by law on town treasurers and collectors of taxes.

6.2 The Town Treasurer shall have stated hours for the transaction of business on all days on which town offices are open and shall give public notice thereof.

6.3 The Town Treasurer shall have custody of all funds belonging to the Town, except funds for which other provision is made by law or these By-Laws.

6.4 The Town Treasurer shall annually make a report of the activities of the office, which report shall include a detailed statement of all trust and other funds in his charge, together with a statement of the town debt, and shall be printed in the Annual Town Report.

6.5 All town officers shall pay all fees received by them by virtue of their office into the Town treasury.

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

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

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

6.6.4 The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Chapter 268A, Section 1, of the General Laws, in the business or activity conducted in or on said property.

6.6.5 This section shall not apply to the following licenses and permits described in the General Laws: open burning (Chapter 48, Section 13); bicycle permits (Chapter 85, Section 11A); sales of articles for charitable purposes (Chapter 101, Section 33); children work permits (Chapter 149, Section 69); clubs or associations dispensing food or beverage licenses (Chapter 140, Section 21E); dog licenses (Chapter 140, Section 137); fishing, hunting and trapping license (Chapter 131, Section 12); marriage licenses (Chapter 207, Section 28); and theatrical events or public exhibition permits (Chapter 140, Section 181.)

Sections 6.6.1 to 6.6.5 inserted at April 25, 1994, Annual Town Meeting. Approved by Attorney General Scott Harshbarger on October 12, 1994.

ARTICLE 7

Water Advisory Board

7.1 There shall be a Water Advisory Board consisting of three members appointed by the Board of Selectmen in a manner consistent with Article 3 of the General By-Laws.

7.2 The Water Advisory Board shall serve as the principal advocate for Town actions. policies, operational management, financial practices and capital investments that will result in the sustained provision of high quality water service. In carrying out these responsibilities, the Water Advisory Board, acting in an advisory role to the Board of Selectmen, shall:

7.2.1 Oversee the preparation of a Water Capital Plan that identifies system capital needs, prioritizes and schedules projects and specifies methods of financing and implementing the Water Capital Plan. Preparation and implementation of the Water Capital Plan shall provide for the coordination of projects with the work of other public agencies and private utilities. The Water Capital Plan shall be effective upon its adoption by the Board of Selectmen and approval by the Capital Budget Committee. The Water Capital Plan shall be reviewed and revised not less than every five years;

7.2.2 Recommend to the Board of Selectmen the scope of work for any professional engineering work relating to preparing or implementing the Water Capital Plan. The Director of Public Works shall consult with the Water Advisory Board on the selection of a professional engineer;

7.2.3 Advocate for actions, consistent with the priorities of the Board of Selectmen, to implement the Water Capital Plan in the annual Town budget process, and for such other programs and activities that in its judgment will enhance the quality, efficiency or effectiveness of the water service;

7.2.4 Serve as the steward of the financial condition of the Belmont Water System by recommending rates, charges and fees for water services provided by the Town that will fully recover the cost of providing water services and that are fair and equitable. In carrying out this responsibility, the Water Advisory Board shall annually examine the revenue requirements of the water function. During the annual Town budget process it shall make specific recommendations to the Board of Selectmen for a revenue structure that will be adequate to provide for the financial needs of the water function in the next fiscal year;

7.2.5 Establish policies for the adjustment of bills by the Director of Public Works due to disputes, hardship or error. These policies shall be effective upon approval by the Board of Selectmen. In addition, the Water Advisory Board shall serve as the appeals board for citizens aggrieved by the implementation of adjustment policies by the Director of Public Works unless the Board of Selectmen votes to assume this responsibility;

7.2.6 Develop and monitor a cost allocation plan for indirect and overhead costs and any other charges that are charged to the Town's Water Special Revenue Fund. Develop and monitor a cost recovery plan to secure payment from non-water functions for the use of equipment and labor funded by the Water Special Revenue Fund. The cost allocation plan and cost recovery plans shall be effective upon approval by the Board of Selectmen. Indirect and overhead costs shall not be charged to the Water Special Revenue Fund in a manner inconsistent with the cost allocation plan recommended by the Water Advisory Board and approved by the

Board of Selectmen. Equipment and labor funded by the Water Special Revenue Fund shall not be utilized for non-water functions until a cost recovery plan has been recommended by the Water Advisory Board and approved by the Board of Selectmen; and

7.2.7 Prepare an annual report in order to inform and educate the citizens of Belmont about the physical and financial condition of the water system. The annual report shall include comprehensive information on the income and expenses of operating the water function, the effect of the cost allocation and cost recovery plans on the Water Special Revenue Fund, the status of the Water Special Revenue Fund, progress in implementing the Water Capital Plan and other information the Water Advisory Board deems relevant to citizen understanding of the water system. This report shall be included in the Annual Town Report.

7.3 All of the duties and responsibilities of the Water Advisory Board shall be carried out in consultation with the Director of Public Works. The Director of Public Works shall provide reasonable clerical and professional staff support to the Water Advisory Board in the execution of its responsibilities.

7.4 The Water Advisory Board shall assume additional responsibilities from time to time as may be determined by the Board of Selectmen.

Article 7 amended at April 28, 2003, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on October 16, 2003.

ARTICLE 8

Board of Health

8.1 The Board of Health shall consist of three members elected by ballot at the annual town election for a term of three years. One member shall be elected in each year.

8.2 The Board shall make and publish from time to time such regulations as it deems necessary for the public health and safety and shall cause the same to be printed in suitable form for public distribution.

8.3 The Board shall have charge of all appropriations made by the Town for health and sanitary purposes which are not especially entrusted to any other department.

8.4 The Board shall annually make a report to be printed in the Annual Town Report showing in detail the statistics of the health and sanitary condition of the Town with recommendations for its improvement, together with a full and

comprehensive statement of its work and that of its appointees during the previous year. The report shall also contain a detailed statement of the amounts expended by the Board during the year.

8.5 The non-criminal disposition of violations of any Town By-Law within the jurisdiction of the Board of Health, or any rule or regulation of the Board of Health, is hereby authorized in accordance with the provisions of Chapter 40, Section 21D, of the General Laws ("Section 21D").

8.5.1 "Enforcing person" as used in this Section 8.5 shall mean any police officer of the Town, the Health Director, any member of the Board of Health and any other town employee designated by the Board of Health as an enforcing person.

8.5.2 An enforcing person taking cognizance of a violation of any By-Law, rule or regulation hereunder may, as an alternative to instituting criminal proceedings, give the offender written notice to appear before the clerk of the district court having jurisdiction thereof for the non-criminal disposition thereof in accordance with Section 21D. The provisions of Section 21D are incorporated herein by this reference.

Sections 8.5 to 8.5.2 inserted at April 23, 1990, Annual Town Meeting. Approved by Attorney General James M. Shannon on August 13, 1990.

ARTICLE 9

Trustees of the Public Library

9.1 The Board of Trustees of the Public Library shall consist of six members elected by ballot at the annual town election for a term of three years. Two members shall be elected in each year.

9.2 The Trustees shall have the sole care and management of the public library and any branch or branches thereof which the Town may establish and the custody of the books and other property thereof and may adopt regulations for governing the libraries and their use.

9.3 The Trustees shall appoint a Librarian and such other employees as they deem expedient, determine their duties and remove them at pleasure.

9.4 The Trustees shall have charge of all appropriations made by the Town for library purposes and shall expend the same for the purchase of such books and materials as they shall select and in the maintenance, support and promotion of the libraries and their facilities.

9.5 The Trustees shall annually make a report to be printed in the Annual Town Report showing in detail their work and that of their appointees and the condition of the libraries.

ARTICLE 10

Board of Cemetery Commissioners

10.1 The Board of Cemetery Commissioners shall consist of three members elected by ballot at the annual town election for a term of three years. One member shall be elected in each year. No sooner than five years from the date of passage of that certain special act entitled "HOME RULE PETITION FOR BELMONT, AN ACT TO REORGANIZE THE PUBLIC WORKS FUNCTIONS IN THE TOWN OF BELMONT", the Board of Selectmen may request Town Meeting to convert the Board of Cemetery Commissioners to an appointive body. Upon a two-thirds vote of Town Meeting, the Board of Selectmen shall establish and appoint a three member Board of Cemetery Commissioners, consisting of the incumbent elected members for the duration of their term. Should an incumbent member choose not to serve in an appointive capacity, the Board of Selectmen shall appoint a new commissioner to fill the remainder of that term. Upon the expiration of the initial terms of appointment, the Board of Selectmen shall appoint commissioners in a manner consistent with Article 3 of the General By-Laws.

10.2 The Board of Cemetery Commissioners shall have the following duties and responsibilities:

10.2.1 To educate the Board of Selectmen, town administration and the citizens of Belmont regarding the need for burial space and cemetery services;

10.2.2 To advocate on behalf of the citizens of Belmont for burial space and cemetery services, including expansion, maintenance, and beautification of existing facilities;

10.2.3 To establish policies and regulations relating to the cemetery including, but not limited to, the terms and conditions of burial rights, the prices for sale of lots and graves and other services and the erection of monuments and ornamentation;

10.2.4 To identify and advocate for major capital and facility improvements, including expansion, to meet the long-term needs of the cemetery system and to work cooperatively with the Town's staff to develop an appropriate financing plan for such improvements;

10.2.5 To develop an appropriate marketing strategy to sell cemetery lots as required to meet financial requirements of cemetery needs;

10.2.6 To certify and recommend for Town Meeting appropriation, the amount and use of proceeds from the sale of cemetery lots paid into the town treasury for reimbursement to the Town for the cost of the land, its care, improvement and embellishment, or the enlargement of the cemetery;

10.2.7 To report annually, in cooperation with the Director of Public Works and the Town Treasurer, on the status of the Perpetual Care Fund and on progress in implementing the capital improvement plan. In cooperation with the Town Accountant, to certify and recommend for Town Meeting appropriation the amount of Perpetual Care Interest Income to offset the cost of routine cemetery maintenance; and

10.2.8 To assume jurisdiction and representation of applicable provisions of that certain Memorandum of Agreement dated November 22, 1999, relating to the use of land in Belmont formerly owned by McLean Hospital, including without limitation, Attachment B2 - Conservation Restriction, Attachment E - Land Use and Management Plan and Attachment K - Cemetery Agreement.

Article 10 amended at April 28, 2003, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on October 16, 2003.

Article 11

Position Classification and Compensation Plan

11.1 Pursuant to Chapter 41, Section 108C, of the General Laws, the Town Meeting shall adopt and may amend from time to time a Classification Plan classifying into groups and classes all positions other than those filled by popular election and those under control of the School Committee and shall in like manner adopt and may amend from time to time a Salary Plan and Personnel Policy Guide which applies to all positions except elected officials, employees with personal contracts, employees covered by a collective bargaining agreement, and employees of the School Department.

Article 11 retitled and Articles 11.2, 11.3 and 11.4 deleted at April 27, 2009, Annual Town Meeting. Approved by Attorney General Martha Coakley on October 1, 2009.

ARTICLE 12

Permanent Building Advisory Committee

12.1 There shall be a Permanent Building Advisory Committee of seven members who shall be residents of the Town, one of whom shall be appointed by the Board of Selectmen and six of whom shall be appointed by the Town Moderator. To the extent possible, the Town moderator shall appoint members who have experience in architecture, engineering, building construction, law or finance.

12.2 Notwithstanding other provisions of these By-Laws, it shall be the responsibility of the Committee to oversee all projects for the design, construction, reconstruction, alteration or enlargement of any building or other facilities owned by the Town, or undertaken on land owned, leased or operated by the Town, with an expected construction value of \$50,000 or more, except as the Town Meeting may authorize the appointment of a building or project committee with respect to a particular project. The Committee may also review projects with an expected value of less than \$50,000.

12.3 Any building or project committee authorized by Town Meeting shall include one or more Committee members designated by the Committee. Committee members serving on any such building or project committee shall serve as full voting members for the duration of said building or project committee. In the event that the Town Meeting does not authorize the appointment of a building or project committee with respect to a particular project, the Committee shall have the sole authority to procure engineering and architectural services, to award bids for construction and to administer contracts for construction services in accordance with applicable law.

12.4 Except as otherwise provided by vote of the Town Meeting, the Committee shall assume the responsibility for any project currently in progress at the time this Article 12 is adopted except the Town Hall and Town Hall Annex projects and the new Municipal Light Department project.

Article 12 inserted at December 13, 1999, Special Town Meeting. Approved by Attorney General Thomas F. Reilly on March 9, 2000.

ARTICLE 13

Capital Budget Committee

13.1 There shall be a Capital Budget Committee of seven members, consisting of the Chairman of the Board of Selectmen or a member of that Board designated by its Chairman, the Chairman of the Warrant Committee or a

member of that Committee designated by its Chairman, the Chairman of the Planning Board or a member of that Board designated by its Chairman, the Chairman of the School Committee or a member of that Committee designated by its Chairman and three members who shall be appointed by the Moderator.

Section 13.1 amended at April 22, 1996, Annual Town Meeting. Approved by Attorney General Scott Harshbarger on August 6, 1996.

13.2 It shall be the duty of the Committee annually to prepare a Capital Budget Report showing, for each of the six years next following, a list of those public improvements and non-recurring major equipment needs which, in its opinion, represent the most necessary and urgent projects or purchases to be undertaken by the Town during each such year. The report shall include the probable cost of each such improvement or purchase and the Committee's recommendations as to the method of financing them. For this purpose each officer, board or committee of the Town shall submit to the Committee a list of proposed public improvements and non-recurring major equipment needs together with an estimate of their cost for each of the six years next following. As used by this By-Law, the term "public improvement" shall include the purchase or taking of land.

13.3 The Capital Budget Report shall be distributed annually with the copies of the Warrant provided by the Selectmen for Town Meeting Members. Additional copies of said report shall be available in the Town Clerk's office for distribution to the public. The report shall also be included in the Annual Town Report.

ARTICLE 14

Council on Aging

14.1 There shall be a Council on Aging for the Town in accordance with Chapter 40, Section 8B, of the General Laws.

14.2 The Council on Aging shall consist of eleven members appointed by the Board of Selectmen for terms of three years arranged so that the terms of no more than four members shall expire in any year.

14.3 The Council on Aging shall have the following powers and duties:

14.3.1 To identify the total needs of the town's elder population;

14.3.2 To educate and enlist support and participation of all citizens concerning these needs;

- 14.3.3 To design, promote or implement services to fill these needs or coordinate existing services in the Town;
- 14.3.4 To promote and support any other programs for the elderly in the Town; and
- 14.3.5 To cooperate with the State Department of Elder Affairs or its successor State agency.
- 14.3.6 To be cognizant of Federal and State legislation concerning funding, information exchange and program planning designed to promote better community planning for the elderly.

ARTICLE 15

Historic District Commission

15.1 There is established under the Historic Districts Act, Chapter 40C of the General Laws, a Belmont Historic District Commission consisting of seven members to be appointed by the Selectmen, including one member, where possible, from two nominees submitted by the Belmont Historical Society; one member, where possible, from two nominees, one of whom shall be submitted by the Chapter of American Institute of Architects covering Belmont and one of whom shall be submitted by the Boston Society of Landscape Architects; and one member, where possible, from two nominees of the Board of Realtors covering Belmont. One or more of the foregoing shall be a resident of an historic district established in Belmont pursuant to the Historic Districts Act. The Selectmen shall also appoint three alternate members of the Commission.

Section 15.1 amended at April 22, 1991, Annual Town Meeting. Approved by Attorney General Scott Harshbarger on June 3, 1991.

15.2 There is established under the provisions of the Historic Districts Act, as amended, an historic district to be known as the Wellington Historic District, bounded as shown on a map entitled, "Plan Showing Wellington Historic District, Pleasant Street, Belmont, Mass.," dated December 16, 1971, prepared by the Town Engineer, which shall be a part of this By-Law.

15.3 The Commission established hereunder shall have all of the powers and duties of the Belmont Historical Commission, as provided in Chapter 40, Section 8D, of the General Laws and, upon the establishment of the Commission hereunder, the former Belmont Historical Commission shall cease to exist.

15.4 The Commission shall have all of the powers and duties of an historic district commission and all of the powers and duties of an historical commission

(and may in the exercise of any of the powers and duties accept money gifts and expend the same, and, subject to appropriation or receipt of such gifts, employ clerical and technical assistants or consultants) and the aforesaid powers and duties shall include without limitation the following:

- (a) To conduct a survey of Belmont buildings for the purpose of determining those of historic significance, architecturally or otherwise, and pertinent facts about them, acting in collaboration with the Planning Board and the Belmont Historical Society to the extent either may from time to time be able to undertake such work, and to maintain and from time to time revise detailed listings of historic sites and buildings in Belmont and data about them appropriately classified with respect to national, state or local significance, to period or field of interest, or otherwise;
- (b) To propose from time to time as it deems appropriate the establishment, in accordance with the provisions of the Historic Districts Act, of additional historic districts and changes in historic districts;
- (c) To determine an appropriate system of markers for selected historic sites and buildings not already sufficiently marked, to arrange for preparation and installation of such markers and to arrange for care of historic markers;
- (d) To arrange for preparation and publication of maps and brochures and descriptive material about Belmont historic sites and buildings, arrange for convenient walks or tours, or otherwise;
- (e) To cooperate with and advise the Planning Board, the Highway Department and other town departments in matters involving historic sites and buildings;
- (f) To cooperate with and enlist assistance for Belmont from the National Park Services, the National Trust for Historic Preservation, the Society for the Preservation of New England Antiquities, and other agencies, public and private, from time to time concerned with historic sites and buildings; and
- (g) To advise owners of historic buildings in Belmont on problems of preservation.

15.5 The Commission may recommend to the Selectmen as needed appointment of advisory committees of historians and persons interested in architecture or other arts or in historic restoration or preservation to assist in a

manner comparable to the National Park Service Advisory Board or Consulting Committee.

15.6 The Commission shall adopt rules and regulations for the conduct of its business not inconsistent with the provisions of the Historic Districts Act, the provisions of Chapter 40, Section 8D, of the General Laws (the Historical Commission Act) or this Article, as the case may be.

15.7 When taking action under the provisions of Section 11 of the Historic Districts Act, the Commission shall make its determination within 45 days after the filing of the application for a certificate of appropriateness or hardship or such further time as the applicant may in writing allow.

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

ARTICLE 16

Permanent Audit Committee

16.1 There shall be a Permanent Audit Committee of seven members consisting of the Chairman of the Board of Selectmen or a member of that Board designated by its Chairman, the Town Treasurer, the Town Accountant and four members who shall be appointed by the Selectmen.

16.2 At periodic intervals as requested by the Selectmen, but not less often than triennially, the Committee shall assist the Selectmen in the selection of an auditor who, when selected, shall perform an audit of the accounts of the Town. The Committee shall monitor the accomplishment of the selected auditor and shall participate in the review and discussion of the auditor's findings with the Selectmen.

16.3 The Committee shall annually report to the Selectmen, which report shall discuss the matters presented in the auditor's report and shall recommend such changes or alterations in accounting practices and procedures as the Committee sees fit. The auditor's report shall be published in the Annual Town Report.

ARTICLE 17

Planning Board

17.1 The Planning Board established under Chapter 41, Section 70, of the General Laws shall consist of five members who shall be appointed by the Selectmen.

17.2 In the performance of its duties prescribed by law, the Planning Board shall from time to time confer with the Selectmen, the Building Inspector, and any other town board or committee which the Planning Board determines would be able to provide information or assistance to it.

ARTICLE 18

Recreation Commission

18.1 There shall be a Recreation Commission consisting of nine members appointed by the Selectmen.

18.2 The Selectmen acting as the Board of Park Commissioners shall be responsible for the operation of the Recreation Department and shall appoint a Director of the Department.

18.3 The Commission shall be responsible for the establishment of policies for the use of all playgrounds and recreation facilities of the Town which are not under the control of the School Department. The Commission and the School Department shall cooperate to the end that optimum use may be made of all of the Town's recreation facilities.

Articles 18.2 and 18.3 amended at April 27, 2009, Annual Town Meeting. Approved by Attorney General Martha Coakley on October 1, 2009.

18.4 The Commission shall be responsible for the formulation of Recreation Department policy in the areas of:

- A. Facilities and Maintenance;
- B. Recreation Programs; and
- C. Long Range Planning.

18.5 The Commission shall establish such reasonable fees for use of any recreation facilities and programs as it deems to be consistent with recreation policy.

18.6 The Commission shall prepare an annual budget for the Recreation Department to be submitted to the Selectmen for approval on a schedule to be established by the Selectmen.

18.7. The recreation revolving fund established pursuant to Chapter 44, Section 53D, of the General Laws shall be subject to annual authorization by a vote of the Annual Town Meeting.

Section 18.7 inserted at June 14, 1993, Annual Town Meeting. Approved by Attorney General Scott Harshbarger on August 20, 1993.

18.8 Pursuant to G.L. Chapter 45, Sections 5 and 14, and Article 18 of the General By-Laws, the Board of Selectmen, acting in their capacity as the Board of Park Commissioners, and the Recreation Commission, are authorized to jointly promulgate such rules and regulations for the use and government of all public parks, playgrounds, and recreation centers within the Town of Belmont as they deem necessary.

18.8.1 Violation of any rule or regulation adopted under Section 18.8 shall be punished by a fine of \$100 and may also be enforced by non-criminal disposition as provided in Chapter 40, Section 21D, of the General Laws ("Section 21 D"). The penalty under said Section 21 D for such violation shall be \$50 for each offense.

18.8.2 An enforcing person taking cognizance of any rule or regulation adopted under Section 18.8 shall give the offender a written notice to appear before the clerk of the district court having jurisdiction thereof for the non-criminal disposition thereof in accordance with the provisions of Section 21 D. The provisions of Section 21 D are incorporated herein by this reference.

18.8.3 "Enforcing person" as used in Section 18.8.2 shall mean any police officer of the Town and any other Town employee designated by the Board of Park Commissioners or the Recreation Commission as an enforcing person.

Sections 18.8 to 18.8.3 inserted at April 27, 2009, Annual Town Meeting. Approved by Attorney General Martha Coakley on October 1, 2009.

ARTICLE 19

Warrant Committee

19.1 There shall be a Warrant Committee of seventeen members, consisting of the Chairman of the Board of Selectmen or a member of that Board designated by its Chairman, the Chairman of the School Committee or a member of that Committee designated by its Chairman, and fifteen other voters

of the Town who shall be appointed by the Moderator. A majority of the entire Committee shall always be voters of the Town who hold no Town office. For purposes of these By-Laws, Town Meeting Members shall not be considered holders of a town office. The Committee shall serve without pay.

Article 19.1 amended at April 27, 2009, Annual Town Meeting. Approved by Attorney General Martha Coakley on October 1, 2009.

19.2 It shall be the duty of the Committee to consider for all town meetings all articles in the Warrant which involve an appropriation of money and to report thereon at the town meeting. The Selectmen shall, immediately upon voting to include in the Warrant any such article, transmit a copy thereof to the Committee which shall thereupon take the same under consideration. On the copies of the Warrant provided by the Selectmen for the Town Meeting Members at each town meeting, there shall appear a short statement of the report and recommendations of the Committee. The Committee shall also consider and report upon other Warrant articles and other matters which, in the Committee's judgment, affect the financial interests of the Town.

Section 19.2 amended at April 25, 1983, Annual Town Meeting . Approved by Attorney General Francis X. Bellotti on August 2, 1983.

19.3 The Committee chairman or some member designated by the chairman shall attend each town meeting and shall present or read to the town meeting the vote of the Committee containing its recommendations with reference to each article in question, including the number in favor or against the same. Said report shall be presented or read as above before any debate shall be in order on said article.

19.4 The various town officers and boards charged with expenditure of town money shall submit their recommendations for appropriations to the Committee on a schedule established by the Committee. The Committee may give one or more public hearings regarding every proposed appropriation and shall give public notice of the time and place of such hearing or hearings. The various town officers and boards may be required by the Committee to attend such hearing or hearings and give such evidence and explanation as may be required of them concerning their recommendations for appropriations.

19.5 The Committee shall duly consider all matters before it and shall report in writing its approval or disapproval of the articles in the Warrant within the scope of its investigation hereunder. The Selectmen shall include said report in the Annual Town Report.

19.6 Nothing in this Article shall be construed so as to prevent the Town from appropriating money or taking any other action according to law, without the matter first having been acted upon and recommendations and report made thereon by the Committee.

Section 19.6 amended at April 25, 1983, Annual Town Meeting . Approved by Attorney General Francis X. Bellotti on August 2, 1983.

ARTICLE 20

Public Safety and Property

20.1 No person, other than an authorized town agent shall place or throw or cause to be placed or thrown on to any public sidewalk, street, fire hydrant, or highway or upon any of the common lands of the Town any snow, dirt, gravel or foreign substance, including excrement, noxious or slippery liquids or material or suffer the same to remain thereon after being notified by a police officer to remove the same.

Section 20.1 amended at April 26, 1999, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on October 18, 1999.

20.2 Other than for official town or conservation purposes, no person shall place or cause to be placed on any public sidewalk, street or highway, or upon any of the common lands of the Town, any refuse containers to be collected for disposal of refuse by the Town or any other collector of refuse and suffer the same to remain thereon for more than twenty-four (24) hours prior to the time said containers are scheduled to be collected for disposal of refuse or for a period of time terminating at 8:00 a.m. on the day following the said collection. In connection with a project for construction, demolition or repair of any building or any other construction for which disposal of refuse cannot be affected in accordance with the preceding sentence, the owner of the property upon which such construction, demolition or repair is undertaken may apply to the Board of Selectmen or its designee for a written permit which the board or its designee may in its discretion issue subject to such terms and conditions, including a bond, as may be deemed necessary and appropriate to protect the public safety.

Section 20.2 amended at April 23, 1984, Annual Town Meeting. Approved by Attorney General Francis X. Bellotti on July 30, 1985.

20.3 No person shall erect, set up or maintain any fence, portico, platform or door step extending into or on any public sidewalk or way.

20.4 No person shall permit a tree, branch thereof, hedge, bush or shrubbery growing on his/her 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.

20.4.1 No person, other than an authorized agent of the Town, may place or

cause to be placed or maintained any permanent or temporary structure or any natural or manmade materials, on any public street, sidewalk or highway in such a manner as to obstruct or otherwise interfere with the free and full use of such public street, sidewalk or highway for the passage of vehicles or pedestrians, except upon written permit or authorization from the Board of Selectmen or its designee, which the Board or its designee may in its discretion issue subject to such terms and conditions, including a bond, as may be deemed necessary and appropriate to protect the public safety.

20.4.2 In addition to other penalties applicable to violation of these By-laws, in the event the Town undertakes to remove any obstructions described in Sections 20.4 and 20.4.1, the Town may charge the landowner for the reasonable cost thereof.

Sections 20.4, 20.4.1 and 20.4.2 amended at the April 28, 2008, Annual Town Meeting. Approved by Attorney General Martha Coakley on December 23, 2008.

20.5 No person, other than an authorized agent of the Town, shall break, dig up or construct any sidewalk; walk upon or otherwise alter lots or borders on cemetery grounds or areas of other municipal grounds upon which hedges, shrubs or flowers are grown; in any way damage or write, paint, print, inscribe, display signs or distribute written matter upon any town property; or conduct any parade upon public ways, except upon written permit or authorization from the Board of Selectmen or its designee.

20.5.1 No person, other than an authorized agent of the Town shall break, remove, dig up, or install any pavement, ground, or curbing in or on any public street or highway for any purpose whatsoever, including but not limited to the creation or modification of a driveway curb cut, except upon written permit or authorization from the Board of Selectmen or its designee.

20.5.2 Any written permits or authorization granted pursuant to Sections 20.5 and 20.5.1 above shall be in force for such time and subject to such conditions, including a bond, as the Board of Selectmen or its designee may specify and shall set forth any appropriate safety or security measures to be taken, the manner in which the permitted activity is to be performed or the condition of the affected municipal property upon completion of the authorized activity.

Sections 20.5, 20.5.1 and 20.5.2 amended at the April 28, 2008, Annual Town Meeting. Approved by Attorney General Martha Coakley on December 23, 2008.

20.6 No person shall throw stones, snow balls, sticks or other missiles, or kick football or play at any game in which a ball is used, or fly kites or other objects, or shoot with or use an airgun, bow and arrow, sling shot, or other similar device in or across any public ways of the Town, except that the Board of Selectman may authorize the use of a public way for recreational purposes in

the same manner as is provided for an activity pursuant to Section 20.5 of this Article.

20.7 Excavation Permit: No person, other than an authorized agent of the Town, shall excavate a trench in a public way or otherwise dig below the surface of a public way, and no person shall excavate a trench on any private land, for any purpose, without first obtaining a written permit from the Board of Selectman or its designated agent, and, then, only in accordance with said Board's written regulations and with the applicable provisions of Chapter 82, Sections 40 through 40D of the General Laws, and Chapter 82A of the General Laws; provided, however, in the case of an emergency excavation made by a person engaged in the transmission or distribution of a public utility, written permission may be obtained after commencement of such excavation provided that the Board of Selectmen is satisfied that the perceived emergency was, in fact, a situation, in which immediate action was necessary to maintain or restore an essential utility service to avoid imminent danger to the public health or safety.

20.7.1 Definitions: For purposes of this By-law, the words "excavation" and "emergency" shall have the same meanings as defined in Chapter 82, Section 40 of the General Laws. The word "trench" shall have the same meaning as defined in Chapter 82A, Section 4 of the General Laws. The word "person" shall include, without limitation, any individual, or any entity such as a partnership, joint venture, trust, corporation, company, association, public utility, or governmental body or agency.

20.7.2 Regulations: The Board of Selectmen may promulgate and, from time to time, amend rules and regulations for the excavation and restoration of public ways, and for the excavation of trenches on private land. Such rules and regulations may include, but shall not be limited to, requirements for plans, insurance, notification of public utilities, traffic control, protection of adjoining properties, clean-up, back-filling, testing, scheduling, workmanship quality, bonds, and permit fees. Such rules and regulations may also designate a Town officer to act as the Board's agent in issuing permits hereunder.

Sections 20.7, 20.7.1 and 20.7.2 inserted at the April 28, 2008, Annual Town Meeting. Approved by Attorney General Martha Coakley on December 23, 2008.

20.8 No person, except in the performance of some legal duty or in the lawful defense of a person or property, shall discharge any firearm within the Town.

20.9 No person shall drink, or have in his or her possession an opened container of any alcoholic beverage as defined in Chapter 138, Section 1, of the General Laws while upon any public way or upon any way to which the public has a right of access as invitees or licensees, or any park or playground or private land or place without consent of the owner or person in control thereof.

20.10 All alcoholic beverages being used in violation of Section 20.9 shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to original possession.

20.11 No person shall own or keep a dog or cat, four months of age or older, within the Town unless a license for such dog or cat is obtained from the Town Clerk. The licensing period shall be from January 1st through December 31st except that license renewals must occur by March 15th of each year. License fees shall be established from time to time by the Town Clerk, provided that a discounted fee, which shall be at least 25 percent less than the fee otherwise established, shall be established for dogs and cats owned or kept by residents who are aged 60 or older. Not more than three dogs over four months of age shall be kept in any household. The provisions of this Section 20.11 shall not apply to veterinary establishments that are subject to kennel licensing. All dogs and cats are required to wear their license tags at all times.

Article 20.11 amended at April 27, 2009, Annual Town Meeting. Approved by Attorney General Martha Coakley on October 1, 2009.

20.11.1 No dog or cat shall be licensed unless a valid rabies vaccination certificate is presented to the Town Clerk at the time of licensing.

20.11.2 No dog or cat six months of age or older shall be licensed unless there is presented to the Town Clerk at the time of licensing either:

- (a) proof that the dog or cat has been spayed or neutered; or
- (b) a statement signed by a veterinarian stating a reason why spaying or neutering has been delayed; or
- (c) a statement signed by the owner or keeper of the dog or cat that a decision has been made not to spay or neuter the dog or cat.

20.11.3 A special breeder's license shall be obtained for any dog or cat with respect to which a statement is presented that a decision has been made not to spay or neuter. The fee for such a breeder's license shall be \$25.00 for each dog or cat and such fee shall be in addition to the fee imposed pursuant to this Section 20.11.

20.11.4 The owner of any dog or cat that is sold or given away, or whose custody is otherwise transferred, to any other resident of the Town shall obtain from the Town Clerk and furnish to such other resident a copy of this Section 20.11 of the General By-Laws or a summary thereof.

20.11.5 No person shall own or keep in the Town any dog, cat or other household pets which by biting, barking, howling, scratching or crying, or in any other manner, disturbs the peace and quiet of any neighborhood, destroys private property or endangers the safety of any person.

20.11.6 No person who owns, keeps or controls a dog shall allow the dog to run free when not restricted to the premises of said person. When off premises, such dogs shall be leashed and curbed.

20.11.7 Each person who owns, keeps or controls a dog within the Town shall remove and dispose of any feces left by such dog on any sidewalk, street, park or other public area, or on any private property which is not owned or occupied by such person.

20.11.8 No person who owns, keeps or controls a dog within the Town shall permit such dog to be on any sidewalk, street, park or other public area unless such dog is accompanied by a person carrying a device which is suitable for picking up and containing feces, unexposed to such person and to the general public.

20.11.9 For purposes of Section 20.11.7, feces may only be disposed of at a place suitable and regularly reserved for the disposal of human feces or otherwise designated as appropriate by the Board of Health.

20.11.10 Sections 20.11.7, 20.11.8 and 20.11.9 shall not apply to a dog accompanying any handicapped person who, by reason of a handicap, is physically unable to comply with the requirements of such sections.

20.11.11 No person within the Town shall possess, maintain, propagate, cultivate or deal in wild or exotic animals within the meaning of Chapter 131, Section 23, of the General Laws unless notice thereof has been filed with the Board of Health and all permits required by said Section 23 or otherwise have been obtained.

20.11.12 No person within the Town shall feed any wild animals, including without limitation ducks, geese and raccoons, or any homeless dogs or cats, except birds through free standing bird feeders or bird feeders attached to a private residence. Persons feeding their own domestic animals shall do so only in a sheltered space inaccessible to wild or roaming animals. This Section 20.11.12 shall not apply to the feeding of homeless dogs or cats if done in a sheltered place inaccessible to wild or roaming animals with the express purpose of befriending the dog or cat in order later to have it vaccinated, spayed or neutered, and ultimately adopted.

Sections 20.11.1 to 20.11.12 amended at April 27, 1992, Annual Town Meeting. Approved by Attorney General Scott Harshbarger on June 2, 1992.

20.11.13 All bites by dogs, cats, other domestic animals or wild or exotic animals shall be reported to the Board of Health as soon as possible by the person bitten or by the owner or keeper of the animal, or both. Any person who owns, keeps or controls any dog which has been involved in two biting incidents will be required to appear before the Board of Health at a time and place determined by the Board. In the event that a dog is involved in a third biting incident, the Board of Health will petition the Board of Selectmen for a hearing. Whenever any dog attacks and causes serious injury to a person₁ or kills another domestic animal, it will be considered vicious and the Board of Health will petition the Board of Selectmen for a hearing and will recommend euthanasia.

Section 20.11.13 amended at April 23, 2001, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on August 24, 2001.

20.11.14 The operator of a motor vehicle that strikes and injures or kills a dog or cat within the Town shall report such incident to the owner or keeper of such dog or cat or to a police officer of the Town.

Section 20.11.14 amended at April 27, 1992, Annual Town Meeting. Approved by Attorney General Scott Harshbarger on June 2, 1992.

20.11.15 Except as the Board of Health may otherwise permit, no dogs will be allowed in the following areas of the Town: all cemetery land, all public school playgrounds and athletic fields and all recreation department playgrounds and athletic fields - nor will any dog be allowed inside food establishments, retail businesses or public buildings.

Section 20.11.15 amended at April 23, 2001, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on August 24, 2001.

20.11.16 Violations of this Section 20.11 shall be disposed of, in the discretion of the Board of Health, either In the manner provided in Section 8.5 of the General By-Laws or if applicable, pursuant to the provisions of Section 173A of Chapter 140 of the General Laws. A non-criminal citation will be issued on the following schedule: First offense - written warning; Second offense - \$25; Third offense and each succeeding offense of the same section of the By-Law occurring within a 12 month period - \$50. The fines specified in the preceding sentence shall be in lieu of the schedule of fines specified In Section 173A.

Article 20.11.16 amended at April 28, 2003, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on October 16, 2003.

20.12 Any owner or owners of record and or commercial tenant or tenants of commercial property within commercial areas annually designated by the Selectmen shall be individually and jointly responsible for the removal and shall

remove all snow and ice on any abutting public sidewalk in such designated areas to the extent practicable down to the sidewalk's natural surface and otherwise level and evenly cover the same with sand, earth or ashes to prevent slipping. This responsibility shall be subject to the following terms and conditions:

Section 20.12 amended at April 23, 2001, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on August 24, 2001.

20.12.1 The removal and treatment of ice and snow shall be accomplished within twelve (12) hours after the same shall cease to fall or be formed on such sidewalks.

20.12.2 Snow and ice shall be removed from all portions of such sidewalks excluding no more than one-half of the width thereof nearest the curb or other lateral limit of the roadway.

20.12.3 Notice of such commercial areas designated by the Selectmen shall be posted by November 1st of each year in the Town Hall and published for two (2) successive weeks in a newspaper, printed in the Town or circulated therein as a local paper, in October prior to the posting thereof.

Sections 20.12.1 to 20.12.3 inserted at April 27, 1987, Annual Town Meeting. Approved by Attorney General James M. Shannon on August 17, 1987.

20.12.4 The Town may undertake to remove or treat such snow and ice in the event any such owner or owners and or commercial tenant or tenants shall have refused or neglected to remove the same and, in addition to other penalties applicable to violation of these By-Laws, such owner or owners and or commercial tenant or tenants shall be liable to the Town for the cost and expense incurred by the Town for the removal or treatment thereof.

Section 20.12.4 amended at April 23, 2001, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on August 24, 2001.

20.12.5 The Selectmen, or their designee, may establish regulations and fix charges for the removal and treatment of snow and ice on public sidewalks within the designated commercial areas.

Section 20.12.5 inserted at April 27, 1987, Annual Town Meeting. Approved by Attorney General James M. Shannon on August 17, 1987.

20.12.6 The Selectmen, or their designee may, on behalf of the Town, by pre-arrangement with any such record owner or owners and or commercial tenant or tenants, agree and undertake to remove or treat snow and ice on such public sidewalks on a regular or annual basis upon terms and conditions which assure the prompt and timely reimbursement by the owner or owners and or

commercial tenant or tenants thereof to the Town of the charges thereby incurred.

Section 20.12.6 amended at April 23, 2001, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on August 24, 2001.

20.13 In addition to the provisions for enforcement described above, the provisions of Sections 20.1, 20.2, 20.4.1, 20.5.1, 20.7, 20.9 and 20.12 of this Article 20 may also be enforced by non-criminal disposition as provided in Chapter 40, Section 21D of the General Laws ("Section 21D"). The penalty for such violation shall be \$300 for each offense. Each day or part thereof shall constitute a separate offense.

"Enforcing person" as used in this Section 20.13 shall mean any police officer of the Town, the Director of Public Works and any other Town employee designated by the Board of Selectmen as an enforcing person.

An enforcing person taking cognizance of a violation of this Article or any rule or regulation adopted hereunder shall give the offender a written notice to appear before the clerk of the district court having jurisdiction thereof for the non-criminal disposition thereof in accordance with the provisions of Section 21D. The provisions of Section 21D are incorporated herein by this reference.

Sections 20.13 amended at the April 28, 2008, Annual Town Meeting. Approved by Attorney General Martha Coakley on December 23, 2008.

ARTICLE 21

Vehicles and Parking

21.1 The word "vehicle" as used in this Article shall include every device used for motorized transportation or other mechanical means of transportation or travel on land, as allowed or permitted by the laws of The Commonwealth. No person shall operate or cause to be operated any mechanical or motorized device on a public way or street which is not a vehicle within the meaning of this section.

21.2 No person shall allow any vehicle within his control to be parked or left unattended within the limits of the traveled part of a public or private way furnishing means of access for fire apparatus to any building except as permitted by the following rules and regulations:

- (a) Vehicles will be parked on the right-hand side of the traveled part of the roadway in the direction in which the vehicle is headed with wheels

on the right side of the vehicle within twelve (12) inches of the curb or edge of the roadway;

- (b) Double parking is prohibited;
- (c) Parking within ten (10) feet of a hydrant or twenty (20) feet of an intersection with another way is prohibited;
- (d) No vehicle will be parked so that it obstructs any driveway;
- (e) No vehicle will be parked so that it fails to leave a clear and unobstructed lane at least ten (10) feet wide on the remaining traveled portion of the roadway for passing vehicles;
- (f) No vehicle will be parked so that it interferes with the removal or plowing of snow or the removal of ice; and
- (g) Parking for over one (1) hour between the hours of 1 a.m. and 7 a.m. is prohibited.

21.3 No person shall allow any motor vehicle within his control to be parked or left unattended between the hours of 8 a.m. and 6 p.m. on any day exclusive of Saturdays, Sundays and holidays in the Town Hall-Town Hall Annex Parking Area between Concord Avenue and Moore Street except the following:

- (a) Town employees; and
- (b) Persons visiting the Town Hall, Town Hall Annex, Police Department or School Administration Building on official business up to a maximum time limit of one hour.

21.4 No person shall permit a motor vehicle which is unregistered, disabled, dismantled or inoperative to remain ungaraged on his or her premises for more than thirty days unless such person is duly licensed under Chapter 140, Section 59, of the General Laws for the sale of motor vehicles, or unless the Board of Selectmen has granted a permit therefor. A permit granted hereunder shall be on such terms and conditions, as the Selectmen determine; provided that the Selectmen shall hold a public hearing before granting a permit hereunder which (a) allows a motor vehicle to remain ungaraged for more than ninety days or (b) allows more than one motor vehicle to remain ungaraged on the same premises. Notice of a public hearing under this Section 21.4 shall be given in the manner provided in the first two paragraphs of Chapter 40A, Section 11, of the General Laws.

Section 21.4 inserted at April 24, 1989, Annual Town Meeting. Approved by Attorney General James M. Shannon on July 24, 1989.

21.5.1 Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by Chapter 90, Section 2 of the General Laws or for any vehicle transporting a handicapped person and displaying the special identification plate authorized by said Section 2 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.

21.5.2 Parking spaces designated as reserved under the provisions of Section 21.5.1 shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them.

21.5.3 No unauthorized vehicle may be left within parking spaces designated for use by disabled veterans or handicapped persons or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.

21.5.4 Violations of Section 21.5.3 of this Article shall be punished by a fine of \$50, in addition thereto, any vehicle which is in violation may be removed in accordance with the provisions of Chapter 266, Section 120D, of the General Laws.

21.6.1 No person shall allow any vehicle to remain in or within a street or way when a snow emergency parking ban has been declared by the Chairman of the Board of Selectmen, or in the absence of the Chairman, by a Selectman.

21.6.2 A Snow Emergency Parking Ban may be declared by the Chairman of the Board of Selectmen, or in the absence of the Chairman, by a Selectman, whenever there are indications that the threat of substantial snow is imminent, whenever there has been a substantial snow and snow removal operations are underway or are about to commence, or whenever a substantial snow creates conditions that require a vehicular driving or parking ban throughout the Town. Upon the declaration of a Snow Emergency Parking Ban, notice thereof shall be given to the Town Clerk's office, the Police Department, the Fire Department and the Highway Department. Reasonable action shall also be taken to notify and warn the inhabitants of the Town of the ban.

21.7 In addition to the provisions for enforcement described above, the provisions of this Article 21 may also be enforced by non-criminal disposition as provided in Chapter 40, Section 21D, of the General Laws ("Section 21D"). The penalty for such violation shall be \$50 for each offense. Each day or part thereof shall constitute a separate offense.

"Enforcing person" as used in this Section 21.7 shall mean any police officer of the Town and any other town employee designated by the Board of Selectmen as an enforcing person.

An enforcing person taking cognizance of a violation of this Article or any rule or regulation adopted hereunder shall give the offender a written notice to appear before the clerk of the district court having jurisdiction thereof for the non-criminal disposition thereof in accordance with the provisions of Section 21D. The provisions of Section 21D are incorporated herein by this reference.

Articles 21.5.1 to 21.7 inserted at April 24, 1995, Annual Town Meeting. Approved by Attorney General Scott Harshbarger on July 8, 1995.

ARTICLE 22

Flammable Fluids, Solids and Gases

22.1 Pursuant to Chapter 148, Section 13, of the General Laws, any person who wishes to keep, store, manufacture or sell flammable fluids, solids and gases within the Town in excess of the amounts prescribed by regulations of the Board of Fire Prevention Regulations must first obtain a license from the Town Clerk. No such license shall be granted without a public hearing pursuant to said Section 13, nor unless the application for such license has endorsed thereon a certificate of approval by the Chief of the Fire Department.

22.2 Flammable fluids are classified in the following manner:

CLASS A (highly flammable fluids), any flammable fluid having a flash point below one hundred degrees (100°) Fahrenheit, to be ascertained by any standard closed-cup instrument.

- Gasoline
- Benzene
- Methyl Alcohol

CLASS B (less flammable fluids), any flammable fluid having a flash point of not less than one hundred degrees (100°) Fahrenheit, nor higher than one hundred eighty-seven degrees (187°) Fahrenheit, to be ascertained by any standard closed-cup instrument.

- Fuel Oil
- Diesel Fuel
- Kerosene
- Naphtha, coal tar
- Acetic Acid

CLASS C (relatively safe flammable fluids), any flammable fluid having a flash point above one hundred eighty-seven degrees (187°) Fahrenheit, to be ascertained by any standard closed-cup instrument.

- Creosote
- Pine Oil
- Phenol (carbolic acid)

22.3 Upon application for a license to the Town Clerk, each applicant shall pay to the Town Clerk a license fee to be determined according to the following schedule:

CLASS A

Gasoline and all others up to 165 gallons	No fee
166 gallons—500 gallons	\$10.00
501 gallons—5,000 gallons	\$30.00
5,001 gallons—10,000 gallons	\$40.00
10,001 gallons—20,000 gallons	\$50.00
20,001 gallons—and up	\$60.00

CLASS B

All types except fuel oil up to 500 gallons	No fee
All types except fuel oil, 501 gallons and up	\$ 30.00
Fuel oil only, up to 2,500 gallons	No fee
Fuel oil only, 2,501—5,000 gallons	\$ 10.00

Fuel oil only, 5,001 gallons and up (Consumers)	\$ 40.00
Fuel oil only, 5,001 gallons and up (Distributors)	\$100.00

CLASS C

Fluids (All) up to 10,000 gallons	No fee
Fluids (All) 10,001 gallons and up	\$20.00

FLAMMABLE SOLIDS AND GASES

Flammable solids up to 100 pounds	No fee
Flammable solids, 101 pounds and up	\$20.00
Flammable gases (within a building) up to 3,000 cu. ft.	No fee
Flammable gases (within a building) 3,001 cu. ft. and up	\$20.00
Flammable gases (outside a building) up to 10,000 cu. ft.	No fee
Flammable gases (outside a building) 10,001 cu. ft. and up	\$40.00

22.4 On or before April 30th of each year, each holder of a license shall file with the Town Clerk a certificate of registration setting forth the name and address of the holder of such license. The fee for such registration shall be one half of the fee for such a license. Failure to register annually will be grounds for revocation of the license.

ARTICLE 23

Belmont Noise By-Law

23.1 Declaration of Policy.

In order to control unnecessary, excessive and annoying noise in the Town of Belmont, it is hereby declared to be the policy of the Town to prohibit such noise generated from or by all sources as specified in this By-Law.

23.2 Definitions.

Except as may be specified herein, acoustical terminology used throughout this By-Law is that approved as American National Standard Acoustical Terminology [ANSI S1.1-1994] by the American National Standards Institute (ANSI). The following words, phrases and terms as used in this By-Law shall have the meanings as indicated below:

(a) **BACKGROUND SOUND LEVEL** shall mean the sound level associated with a given environment, being a composite of sounds from all sources excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

(b) CONSTRUCTION shall mean those activities requiring a building permit, and shall also include any site preparation, cemetery burial and caretaking operations, seismic surveys, grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property.

(c) The abbreviation dBA shall mean the A-weighted sound pressure level expressed in decibels and referenced to 20 micropascals.

(d) EMERGENCY VEHICLE shall mean any vehicle operated in an effort to protect, provide or restore public safety, including, but not limited to, ambulances, police vehicles and fire vehicles.

(e) EMERGENCY WORK shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service.

(f) ENFORCING PERSON shall mean any police officer of the Town or any other Town employee designated by the Selectmen for this purpose. For complaints under Section 23.5 an enforcing person shall also include any authorized employee of the Office of Community Development.

(g) IMPACT DEVICE shall mean a construction device in which or by which a hammer, meaning a moving mass of hard solid material, is mechanically by means of a working fluid or compressed air caused to repetitively impact upon and transmit kinetic energy to a tool. The tool may be included as a part of the device, as in the case of a moil on a paving breaker or the drill steel of a jackhammer, or it may be a mass to which the impact device is temporarily connected as in the case of a pile and pile driver. Examples of impact devices are pile drivers, paving breakers, power impact hammers, impact wrenches, riveters and stud drivers.

(h) INTRUDING NOISE shall mean the total sound level created, caused, maintained by, or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.

(i) L_{eq} , equivalent sound level, is the level of a constant sound which, in a given situation and time period, would convey the same sound energy as does the actual time-varying sound during the same period, as measured with a sound level meter measuring L_{eq} .

(j) PERSON shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity recognized by applicable law, public or private in nature.

(k) RESIDENTIAL PROPERTY shall mean a parcel of real property which under the Belmont Zoning By-Law is in whole or in part in a Single Residence A, Single Residence B, Single Residence C, Single Residence D, General Residence or Apartment House District or Senior Living or Residential Subdistrict.

(l) SOUND LEVEL shall mean the instantaneous A-weighted sound pressure level, in decibels, as measured with a sound level meter set to the "A" weighting scale, slow response.

(m) SOUND LEVEL METER shall mean an instrument meeting American National Standard Institute's Standard S1.4-1983 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

23.3 Designated Noise Zones.

The properties hereinafter described are hereby assigned to the following noise zones:

NOISE ZONE I: All residential properties and the grounds of any school, hospital or similar health care institution, house of worship or library while the same is in use, and any Cemetery or Open Space Subdistrict.

NOISE ZONE II: All other properties.

23.4 Exterior Noise Standards.

It shall be unlawful for any person at any location within the area of the Town to create any loud noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person, which causes the sound level when measured on any other property to exceed the greater of:

- (a) The maximum allowable exterior sound level outlined in Table I; or
- (b) Five dB over the background sound level.

Table I. Maximum Allowable Exterior Sound Level

Noise Zone	Daytime level 7:00 AM to 10:00 PM	Nighttime Level 10:00 PM to 7:00 AM
I	55 dBA	45 dBA
II	65 dBA	60 dBA

If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the background sound level can be determined, the measured sound level obtained while the source is in operation shall be compared directly to the maximum allowable exterior sound level outlined in Table I.

23.5 Construction Noise Standards.

(a) Noise associated with construction is permitted between 7:00 AM and 8:00 PM on weekdays and Saturdays provided the sound level from:

- (1) non-impact devices does not exceed 70 dBA as measured over a time interval of 10 minutes with a sound level meter set to L_{eq} located on any other property, but at least 50 feet from the construction activity; and
- (2) impact devices does not exceed 90 dBA as measured with a sound level meter set to slow response located on any other property, but at least 50 feet from the construction activity.

(b) Between the hours of 8:00 PM and 7:00 AM on weekdays and Saturday, and at any time on Sunday or a legal holiday, noise associated with construction, shall be limited by the standards of Section 23.4.

23.6 Maintenance Noise Standards.

(a) Noise associated with maintenance is permitted between 7:00 AM and 8:00 PM on weekdays and Saturdays and between the hours of 9:00 AM and 8:00 PM on Sunday, provided the sound level does not exceed 80 dBA as measured with a sound level meter set to slow response on any other property, but at least 50 feet from the maintenance activity.

(b) If it is not possible to make an accurate sound level measurement at the specified distance of 50 feet, measurements made at an alternate distance can be used, if the level is re-calculated for an equivalent expected sound level at 50 feet. Calculations shall be made in accordance with established engineering practices for noise measurement and assessment, including those established or recommended by the USEPA.

(c) Between the hours of 8:00 PM and 7:00 AM on weekdays and Saturday, and between the hours of 8:00 PM and 9:00 AM on Sunday or a legal holiday, noise associated with maintenance, shall be limited by the standards of Section 23.4.

23.7 Special Provisions.

Noise associated with the following activities shall be exempted from the provisions of this By-Law:

(a) Emergency work or emergency vehicles;

(b) The operation of any vehicular alarm, provided it terminates within 15 minutes of the initially recorded complaint;

(c) Activities, other than construction, conducted in public parks and playgrounds, and on public or private school grounds so long as authorized by the appropriate jurisdiction including but not limited to school athletic and school entertainment events;

(d) Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events;

(e) Snow removal performed by snow blowers, snow throwers or snow plows when appropriately outfitted with a muffler; and

(f) Any activity to the extent regulation thereof has been preempted by State or Federal Law.

23.8 Prima Facie Violation.

Any measured noise exceeding the sound level standards as specified in Sections 23.4, 23.5 and 23.6 shall be deemed to be prima facie evidence of a violation of the provisions of this By-Law.

23.9 Penalties for Violations.

(a) Violations under Article 23, in the discretion of the enforcing person, may be enforced by non-criminal disposition as provided in Chapter 40, Section 21D of the General Laws ("Section 21D").

(b) The penalty for a violation under Section 23.4 or 23.6 shall be \$25 for a first offense next after the first warning, \$100 for a second offense, \$200 for a

third offense, and \$300 per offense, without limit, for each succeeding offense. Each day or part thereof shall constitute a separate offense.

(c) The penalty for a violation under Section 23.5 shall be \$50 for a first offense next after the first warning, \$100 for a second offense, \$300 for a third offense, and each succeeding offense. Each day or part thereof shall constitute a separate offense. Additionally under Section 23.5, at the discretion of the enforcing person, all construction activities may be suspended following initial warning until the violation is cleared to the reasonable satisfaction of the enforcing person.

(d) An enforcing person taking cognizance of a violation of this Article or any rule or regulation adopted hereunder shall give the offender a written notice to appear before the clerk of the district court having jurisdiction thereof for the non-criminal disposition thereof in accordance with the provision of Section 21D. The provisions of Section 21D are incorporated by this reference.

23.10 Manner of Enforcement.

(a) Violations of this Article shall be prosecuted in the same manner as other violations of the Belmont General By-Laws provided, however, that in the event of an initial violation of the provision of this Article, a written notice shall be given the alleged violator which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken in the event the cause of the violation has been removed or fully-corrected within the time period specified in the written notice.

(b) In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his last known address or at the place where the violation occurred in which event the specified time period for abating the violation shall commence at the date of the day following the mailing of such notice. Subsequent violations of the same offense shall result in the immediate filing of a complaint.

23.11 Severability.

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision hereof.

Nothing in the By-Law shall preclude the Board of Selectmen and Planning Board from establishing a construction plan for a particular large scale development that is more stringent than the existing By-Law.

ARTICLE 24

Alarm By-Law

24.1. PREAMBLE

It is determined that the number of false alarms being made to the Police and Fire Department hinders the efficiency of those departments, lowers the morale of department personnel, constitutes a danger to the general public in the streets during responses to false alarms, and jeopardizes the response of volunteers; and that the adoption of this By-Law will reduce the number of false alarms and promote the responsible use of alarm devices in the Town of Belmont

24.2. DEFINITIONS

For the purpose of this By-Law the following definitions shall apply:

24.2.1 Alarm Device—Any device which when activated by a criminal act, fire or other emergency calling for Police or Fire Department response: (a) transmits a signal to the Town of Belmont's Public Safety Communications Center; (b) transmits a signal to a person who relays information to the Town of Belmont's Public Safety Communications Center; or (c) produces an audible or visible signal to which the Police or Fire Departments are likely to respond. Excluded from this definition and the scope of this By-Law are devices which are designated to alert or signal only persons within the premises in which the device is installed;

24.2.2 Alarm User—The owner of any premises on which an alarm device is used, provided that an occupant who expressly accepts responsibility for an alarm device by registration pursuant to Section 24.5 shall be deemed the alarm user;

24.2.3 Automatic Dial Alarm—A telephone or device or attachment that mechanically or electronically selects a telephone line to Town of Belmont's Public Safety Communications Center and reproduces a prerecorded voice message to report a criminal act, fire or other emergency calling for Police or Fire Department response. Excluded from this definition are devices which relay a digital-coded signal to Town of Belmont's Public Safety Communications Center;

24.2.4 Contractor—Any firm or corporation in the business of supplying and installing alarm devices or servicing the same;

24.2.5 False Alarm—Any activation of an alarm device to which the Police or Fire Department responds and which is not caused by a criminal act, fire or other emergency, except an activation caused by: (a) malfunction of telephone company equipment or lines as verified by monitoring facilities at Town of Belmont's Public Safety Communications Center; (b) power failure as verified by the Administrator; or (c) an actual water flow or release from a fire suppression system. A series of such activations attributable to the same cause and occurring under circumstances beyond the control of the responsible alarm user shall be deemed a single false alarm;

24.2.6 Master Box—A device either wired or wireless designed to transmit a signal to the Town of Belmont Public Safety Communications Center via municipal alarm circuits or radio receiving equipment; and

24.2.7 Municipal Master Box—A Master Box owned by the Town of Belmont, Belmont Public Schools, Belmont Municipal Light Department or facilities owned or operated by the Belmont Housing Authority.

24.3. ADMINISTRATOR

24.3.1 There shall be in the Town an Administrator for alarm devices who shall have the power and duties granted under this By-Law.

24.3.2 The Chief of Police or his designee shall be the Administrator under the direction and control of the Board of Selectmen which is authorized to adopt regulations for the administration of this By-Law.

24.4. ALARM APPEAL BOARD

24.4.1 There shall be in the Town an Alarm Appeal Board which shall have the powers and duties granted to it under this By-Law.

24.4.2 The Alarm Appeal Board shall consist of the Board of Selectmen.

24.5. REGISTRATION REQUIRED

24.5.1 Each alarm user shall register his alarm device or devices with the Administrator prior to use and annually as described below, provided that alarm devices in use on the effective date of this By-Law may be registered not later than sixty (60) days from such date.

24.6 REGISTRATION PROCEDURE

24.6.1 The administrator will provide a registration form which states the terms of use of alarm devices in Belmont. A person wishing to use an alarm device is required to agree to these terms. The registration form will include the user's name, the name of the user's alarm contractor, if any, and any reasonable information required by the administrator. Alarm devices in use on the effective date of this bylaw must be registered within sixty (60) days of that date.

New alarm devices must be registered before use. Alarm devices must be registered each year by June 5th, for the year beginning the following July 1. The administrator will provide registrants evidence of proper registration.

24.6.2 It shall be the responsibility of each alarm user to notify the Administrator in writing of changes in registration information.

24.6.3 Initial and annual registration shall be accompanied by a fee as follows:

(a) Alarm registration: \$25.00;

(b) Master box registration: \$250.00 per master box and an additional \$250.00 for each building connected to a master box beyond the initial building; and

(c) Municipal Master Box registration: No Fee.

24.7 CONFIDENTIAL INFORMATION

24.7.1 All information in the possession of the Administrator, the Police Department or the Fire Department concerning particular alarm users and particular alarm devices shall be confidential and shall not be divulged without the written consent of the alarm user or users concerned.

24.8 AUTOMATIC DIAL ALARM — INTERCONNECTION TO TOWN OF BELMONT'S PUBLIC SAFETY COMMUNICATIONS CENTER

24.8.1 No automatic dial alarm may be installed after the effective date of this By-Law without the prior approval of the Administrator.

24.8.2 Within six (6) months after the effective date of this By-Law, all automatic dial alarms presently in use shall be reprogrammed to dial a designated number within the Town of Belmont's Public Safety Communications Center. The automatic dial alarm shall be regulated so as not to repeat the message more than two (2) times. Service for having automatic dial alarms reprogrammed and regulated shall be at the user's expense.

24.9 EXTERIOR AUDIBLE DEVICES

24.9.1 Unless required by law, no alarm device which produces an exterior audible signal shall be installed unless its operation is automatically restricted to a maximum of twenty (20) minutes. Any alarm device in use as of the effective date of this By-Law must comply with this section within one hundred eighty (180) days of such date.

24.9.2 Where an audible alarm continues beyond the maximum period or its activation is triggered repeatedly within a short time, the officer-in-charge of the Police Department may order the audible alarm to be silenced if it causes a disturbance of the peace unless the alarm user can correct the problem immediately. Reasonable efforts shall be made to notify the alarm user before taking this action.

24.10 DISCONTINUING ALARM RESPONSE

24.10.1 Where false alarm activations occur repeatedly at an address in the course of a day, the officer-in-charge of the Fire Department, for fire alarms, or the officer-in-charge of the Police Department, for other alarms, may order that Police or Fire response to the location in response to alarm activations be discontinued temporarily. When responses to alarm activations are discontinued, the Police or Fire officer-in-charge giving the order shall make reasonable efforts to inform the alarm user of this action so the alarm user may take corrective measures immediately.

24.11. REPORTING OF FALSE ALARMS

24.11.1 The Police Department and Fire Department shall determine false alarms and report false alarms to the Administrator.

24.12 ALARM CHARGES

24.12.1 When the Administrator receives notice that the Police Department or Fire Department has responded to a false alarm, the Administrator shall impose a charge on the responsible alarm user according to the following schedule:

For the first false alarm within the Town 's fiscal year — No Charge;
For the second such alarm — \$10.00;
For the third such alarm — \$25.00; and
For the fourth and subsequent such alarms — \$50.00.

24.12.2 In addition to the provisions of Section 24.12.1, there shall be no charge for the first false alarm occurring within one month after installation of an alarm device, and such false alarms shall not be considered in determining charges in accordance with the schedule set forth in Section 24.12.1.

24.12.3 Where the Administrator determines that the Police Department or Fire Department has responded to an unregistered alarm, the Administrator shall impose a charge of \$25.00 on the alarm user in addition to any false alarm charges that may be appropriate.

24.13. NOTIFICATION AND APPEAL

24.13.1 False Alarm Charges:

(a) The Administrator shall notify the responsible alarm user of any false alarm charge by mail. Within thirty (30) days after mailing of such notice, the alarm user may file with the Administrator information to show that the alarm was not a false alarm within the meaning of this By-Law;

(b) The Administrator shall consider such information, reaffirm or rescind the false alarm charge, and notify the alarm user of his decision by mail. Within thirty (30) days after the mailing of such notice, the alarm user may file with the Alarm Appeal Board an appeal in writing; and

(c) In addition, for good cause shown, the Administrator may reduce to one charge multiple charges that are due because of alarm activations occurring during a 24-hour period.

24.13.2 Appeal to the Alarm Appeal Board

Upon receipt of a timely appeal from a false alarm charge, the Alarm Appeal Board shall hold a hearing to consider it and shall mail notice of the time and place of said hearing to the alarm user taking the appeal at his last known address at least fifteen (15) days before the hearing. On the basis of information provided by the alarm user and other information introduced at the hearing, the Board shall affirm the charge if it finds that the charge was properly imposed or rescind the charge if the charge was not properly imposed.

24.13.3 Notice to Include Instructions

Each notice of a false alarm charge or the reaffirmation of such a charge by the Administrator shall refer to and provide instruction concerning the alarm user's right to further recourse by filing information with the Administrator or an appeal with the Alarm Appeal Board, as the case may be.

24.14 APPEAL FEES

24.14.1 There shall be a fee of \$10.00 for each appeal to the Alarm Appeal Board.

24.14.2 The amount of the fee for taking an appeal may be raised or lowered from time to time at the discretion of the Alarm Appeal Board.

24.15. CHARGES AND FEES PAID INTO GENERAL FUND

24.15.1 Charges for false alarms, registration fees and appeal fees will be collected by the Administrator and deposited in the general fund.

24.16. TOWN ASSUMES NO RESPONSIBILITY FOR ALARM DEVICES

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

24.17. PENALTY FOR CERTAIN VIOLATIONS

24.17.1 Any person who performs or causes to be performed any one of the following acts shall be subject to a fine of up to One Hundred Dollars (\$100) for each such act:

- (a) intentional causing of a false alarm;
- (b) failure to register an alarm device or give notice of changes in registration information as required by this ordinance; each day of such failure shall constitute a separate violation;
- (c) use of automatic dial alarm or an exterior audible alarm device in violation of the provisions of this By-Law; each day of such use shall constitute a separate violation; and
- (d) failure to pay a charge levied by the Administrator acting under Section 24.12 within thirty (30) days after the mailing of a notice of charge unless reconsideration is sought pursuant to Section 24.12.1(a); if reconsideration is denied, failure to pay such charge within thirty (30) days of the Administrator's decision on reconsideration unless an appeal is sought pursuant to Section 24.12.1(b); and if an appeal is denied, failure to pay such charge within fifteen (15) days of the Alarm Appeal Board's mailing of its decision affirming the charge.

24.18. ENFORCEMENT OF THIS BY-LAW

24.18.1 The Town, at the election of the Administrator, may institute civil or criminal proceedings to enforce the provision of this By-Law.

24.18.2 The Administrator may order that response to alarm activations at a location be discontinued when: (a) an alarm user fails after notice to register an alarm device and fails to appear in response to criminal or civil action taken against the alarm user; (b) an alarm user fails to pay a charge or charges due and fails to appear in response to civil or criminal action taken against the alarm user; or (c) the alarm user repeatedly fails, after notice from the alarm Administrator, to correct defects in the alarm device or mistakes made in the use of an alarm device and the Administrator determines that the purpose of this By-Law as set forth in the Preamble will be best served by discontinuing response.

24.18.3 The Administrator may order that a Master Box be disconnected from the Town's municipal wires or removed from receiving equipment when: (a) an alarm user fails after notice to register an alarm device and fails to appear in response to criminal or civil action taken against the alarm user; (b) an alarm user fails to pay a charge or charges due and fails to appear in response to civil or criminal action taken against the alarm user; (c) the alarm user repeatedly fails, after notice from the alarm Administrator, to correct defects in the alarm device or mistakes made in the use of an alarm device; or (d) where the alarm users Master Box or equipment causes interference with other users and the Administrator determines that the purpose of this By-Law as set forth in the Preamble will be best served by disconnecting the Master Box.

24.18.4 The Administrator shall take reasonable steps to inform the alarm user in advance that responses will be discontinued or disconnected and the actions that the alarm user must take in order to prevent alarm response from being discontinued or the Master Box from being disconnected.

24.19. EXCEPTIONS

24.19.1 The provisions of this By-Law shall not apply to alarm devices on premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle or trailer.

24.20 SEVERABILITY

24.20.1 The invalidity of any part or parts of this By-Law shall not affect the validity of the remaining parts.

Article 24 amended at April 26, 2004, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on August 19, 2004.

Article 25

By-Law Review Committee

25.1 There shall be a By-Law Review Committee consisting of the Town Clerk and four members appointed by the Moderator.

25.2 It shall be the duty of the Committee to consider all articles in the Warrant for any town meeting which propose an amendment or addition to the General By-Laws.

25.3 The Committee chairman or some members of the Committee designated by the chairman shall report to the town meeting such recommendations, if any, as the Committee shall consider appropriate with respect to any article in the Warrant which proposes an amendment or addition to the General By-Laws. The Moderator shall call upon the Committee for such report prior to the discussion or vote on such article.

25.4 Whenever practicable, the Selectmen shall submit to the Committee all proposed amendments or additions to the General By-Laws prior to their inclusion in the Warrant for any town meeting. The Committee shall meet and review all such proposed amendments and additions and shall report to the Selectmen its recommendations as to their form and consistency with existing provisions of the General By-Laws and as to their placement in the General By-Laws.

25.5 The Committee may propose to the Selectmen for inclusion in the Warrant for the next annual or special town meeting any amendments or additions to the General By-Laws which the Committee determines should be made so as to resolve inconsistencies with other provisions or with applicable law. The Committee shall propose to the Selectmen, for inclusion in the Warrant for the next annual or special town meeting, any amendments or additions to the General By-Laws which have been requested of it by any town board or officer.

25.6 The Committee may consult with Town Counsel as to the legality of any provisions or proposed provisions of the General By-Laws.

25.7 The Committee shall assist the Town Clerk in preparing the publications from time to time of supplements to the General By-Laws including all amendments and additions thereto.

25.8 Failure to observe any provision of this Article shall not affect the validity of any change in the General By-Laws which has been duly adopted by vote of the Town Meeting.

Article 25 inserted at April 25, 1983, Annual Town Meeting. Approved by Attorney General Francis X. Bellotti on August 2, 1983.

ARTICLE 26

Recycling Program

26.1 There is hereby established a recycling program for certain solid waste pursuant to Chapter 40, Section 8H, of the General Laws.

26.2 The purposes of the program are to reduce the amount of solid waste generated in the Town that is disposed of by conventional means; to comply with State regulations concerning solid waste; to promote the recycling of materials that have economic value or beneficial use; to encourage the remarketing or other reuse of recyclable material; and to mitigate adverse environmental effects of consumption by returning solid waste materials to productive use.

26.3 As used in this Article 26, the word "recyclables" shall mean solid waste materials designated from time to time by the Board of Selectmen as materials that are appropriate for inclusion in the program. Such materials may include, but are not limited to, paper, glass, metal, rubber, plastics, used tires and compostable waste.

26.4 All residents and occupants of buildings for which curbside collection of solid waste is provided by the Town shall separate all recyclables from other solid wastes and shall place such recyclables at curbside for collection in a manner specified in rules and regulations adopted from time to time by the Board of Selectmen.

26.5 The Town or a solid waste collector authorized by the Board of Selectmen may refuse to collect the solid waste of any person who fails to comply with Section 26.4. In such case, such person shall remove such solid waste from curbside no later than 8:00 a.m. on the day following such refusal. Any person who fails so to remove such solid waste shall be subject to a fine not exceeding \$50.00 for each offense. Each day or part thereof if any violation continues shall constitute a separate offense.

26.6 No person shall pick up, collect or procure any recyclables at curbside within the Town except as specifically authorized in rules and regulations adopted by the Board of Selectmen.

26.7 The Board of Selectmen may establish and from time to time amend rules and regulation for purposes of implementing the recycling program.

26.8 The non-criminal disposition of violations of this Article 26 or any rule or regulation of the Board of Selectmen adopted hereunder is hereby authorized in accordance with the provisions of Chapter 40, Section 21D, of the General Laws ("Section 21D").

26.8.1 Enforcing person as used in this Section 26.8 shall mean any police officer of the Town, the Highway Superintendent, and any representative of the Highway Superintendent, and any other town employee designated by the Board of Selectmen as an enforcing person.

26.8.2 An enforcing person taking cognizance of a violation of this Article 26 or any rule or regulation of the Board of Selectmen adopted hereunder shall give the offender a written notice to appear before the clerk of the district court having jurisdiction thereof for the non-criminal disposition thereof in accordance with the Section 21D. The provisions of Section 21D are incorporated herein by reference.

26.9 The invalidity of any parts of this By-Law shall not affect the validity of the remaining parts.

Article 26 inserted at April 24, 1991, Annual Town Meeting. Approved by Attorney General Scott Harshbarger on July 3, 1991.

ARTICLE 27

Newsracks

27.1. It has been determined that the proliferation of newsracks in Belmont has impeded access to and otherwise obstructed sidewalks, crosswalks, handicapped ramps, bus stops, loading zones, utility poles, fire lanes, fire hydrants, mailboxes and other areas utilized by the general public. The purpose of this By-Law is to regulate but not to prohibit the use of such newsracks within the Town of Belmont.

27.2 For the purpose of this By-Law, the following definitions shall apply:

27.2.1 Person - Any individual, corporation, society, association, partnership, organization or other entity circulating printed matter;

27.2.2 Printed Matter - Any newspaper, directory, handbill, advertising matter, magazine, circular flyer, book, pamphlet, catalogue or other publication;

27.2.3 Newsrack - Any container, box, bin, vending machine, display, stand, rack or other device used for the purpose of dispensing printed matter with or without cost to the consumer;

27.2.4 Administrator - The person in the Town who shall have the power and the duties granted under this By-Law;

27.2.4.1 The Director of Community Development or his/her designee shall be the Administrator under the direction and control of the Board of Selectmen which is authorized to adopt regulations for the administration of this By-Law.

27.2.5 Public Way - The entire width between property lines of every street or highway that is open the public for purposes of travel;

27.2.6 Sidewalk - That portion of a public way that is set aside for pedestrian travel;

27.2.7 Roadway - That portion of a public way that is intended for the use of motor vehicles or bicycles; and

27.2.8 Crosswalk Curb Return - The point at which the crosswalk pavement markings meet the sidewalk.

27.3.1. Any person who places a newsrack or causes a newsrack to be placed upon any sidewalk or public way in the Town or upon any other Town-owned property prior to the effective date of this By-Law and who wish to maintain said newsrack on and after said date shall, within sixty (60) days after said date, apply for a permit from the Administrator in accordance with the provisions of this By-Law.

27.3.2 On or after the effective date of this By-Law, no person shall place a newsrack or cause a newsrack to be placed upon a sidewalk or public way in the Town or upon any other Town-owned property without first obtaining a permit from the Administrator in accordance with the provisions of this By-Law.

27.3.3 The Administrator shall provide a permit application form which shall be completed by every person who places or maintains a newsrack upon a sidewalk or public way in the Town or upon any other Town-owned property. The form shall require the applicant to provide the following information:

- (1) a description sufficient to show the precise address and location of each newsrack and whether or not it is attached to Town-owned property;

- (2) the name, address and telephone number of the owner of each newsrack and the name, address and telephone number of a person responsible for the maintenance and operation of the newsrack who may be contacted; and
- (3) a certification that the specified location and the newsrack comply with the provisions of this By-Law.

27.3.4 Each applicant for a permit or renewal of a permit shall prepare a single application form upon which all newsracks owned by that person and located upon a public way, sidewalk or other Town-owned property in the Town shall be listed.

27.3.5 Permits shall be valid for a period of one year from the date of issue and, upon application, may be renewed by the Administrator on an annual basis. Proof of permit shall be attached to the newsrack so it can be seen.

27.3.6 Each person granted a permit or renewal thereof under this By-Law shall thereafter give notice to the Administrator of any change in the location of a newsrack or the installation of a newsrack in a location not previously listed on a permit by the submission of a quarterly amendment application to the Administrator. Upon receipt by the Administrator, the amendment application shall constitute an amendment to the permit subject, however, to all other applicable provisions of this By-Law. The Administrator shall specify on the permit the dates for receipt of such quarterly amendment applications provided that they occur at intervals of not less than ninety (90) days commencing on the date the permit was issued.

Articles 27.1 to 27.3.6 inserted at April 23, 2001, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on August 24, 2001.

27.3.7 The Board of Selectmen is authorized to establish reasonable fees for original permit applications, annual renewal applications and amendment applications provided that such fees do not exceed the actual cost of administering this By-Law. Newsracks owned by the Town of Belmont shall be exempt from fees.

Article 27.3.7 amended at April 28, 2003, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on October 16, 2003.

27.3.8 Within 14 days after receipt of an application for a permit or renewal of a permit under this By-Law the Administrator shall either issue or renew the permit or deny the application by giving written notice and a statement of reasons to the applicant. A denial shall be based upon the failure of the applicant to satisfy requirements set forth in this By-Law.

27.3.9 If the Administrator has not acted on a permit application within 14 days of receipt thereof, pursuant to Section 27.3.8, the permit will be deemed issued or renewed subject however, to all other applicable provisions of this By-Law.

27.3.10 If the Administrator denies an application, in whole or in part, the applicant may appeal the Administrator's decision to the Board of Selectmen by giving written notice to the Board within 10 days after receipt of notice of the Administrator's decision.

27.3.11 The Board of Selectmen shall hold a public hearing on the appeal no later than 30 days after receipt of said notice by the Board and shall, within 14 days after a public hearing, issue an order affirming, reversing or modifying the Administrator's decision. If an order has not been issued by the Board within 14 days after the hearing, the Administrator's decision shall be deemed affirmed.

27.3.12 During the pendency of an appeal, the newsrack(s) may remain in place subject to the removal provisions in Sections 27.5.4 and 27.5.5.

27.4.1 No person shall place, cause to be placed or maintain a newsrack on a sidewalk or public way in the Town or upon any other Town-owned property:

- (1) within 5 feet of a handicapped access ramp;
- (2) within or overhanging the roadway;
- (3) within 6 inches of a curb;
- (4) within 5 feet of the curb return of any marked crosswalk;
- (5) within 10 feet of any fire hydrant or fire hose connection;
- (6) within 3 feet of any manhole, service gate, valve cover, sewer grate or other access panel or cover located in a public way or sidewalk;
- (7) within 6 feet of a driveway;
- (8) immediately adjacent to a designated loading zone, a handicapped parking space or a zone reserved for emergency vehicles;
- (9) so as to reduce the width of a sidewalk to less than 4 feet for the passage of travelers unless the width of the sidewalk is otherwise reduced to less than 4 feet, as determined by the Administrator, in which case the newsrack may be installed so as to avoid further reducing the width of the sidewalk;

- (10) so as to impede egress from legally parked motor vehicles;
- (11) so as to impede the operation of standard sidewalk snow plows in use by the Town of Belmont except where said sidewalk snow plows would be otherwise impeded, as determined by the Administrator;
- (12) within 4 feet of the door of any building measured in a line perpendicular from the horizontal line made by the door when closed;
- (13) so as to create an imminent danger of harm to persons or property as demonstrated by specific facts;
- (14) directly abutting a public flower bed, memorial or sculpture;
- (15) if it is attached to a Town-owned tree, traffic control signal device, or police or fire call box;
- (16) directly in front of and on the same side of the street as any parcel zoned solely for residential use as defined in the Town of Belmont Zoning By-Law. This restriction shall not apply to parcels zoned for a mixed residential and business use;
- (17) within a public transportation shelter; and
- (18) in a manner that violates any provision of state or federal law.

27.4.2 Newsracks may be secured to one another provided that they are no more than six inches apart and provided that the newsracks are aligned in a row that is parallel to the nearest curb line. Individual newsracks shall be installed parallel to the nearest curb line. News racks may be clustered back-to-back to form two rows provided that the rows are parallel to the nearest curb line and further provided that the newsracks otherwise comply with the provisions of this By-Law.

27.4.3 Newsracks may only be attached or secured to Town-owned property with the express permission of the Administrator and then, only if the newsrack is otherwise in compliance with the provision of this By-Law.

27.4.4 Newsracks shall not exceed the following dimensional requirements: Height: 4 1/2 feet from the ground; Width: 2 feet; Length: 2 feet. Newsracks shall be erected and maintained so that they do not constitute a hazard or safety problem for travelers and others using the sidewalks and public ways. They shall be maintained in good repair and clean and safe condition and shall be removed if their use is discontinued.

27.4.5 No newsrack shall bear any advertising other than that directly relating to the printed matter dispensed by the newsrack. A newsrack may dispense more than one publication (printed matter) if it is published by the owner of the news rack or an affiliate thereof and the newsrack may bear advertising directly related to each publication dispensed by the newsrack.

27.5.1 No person shall place, cause to be placed or maintain a newsrack upon any sidewalk or public way in the Town or upon any other Town-owned property in violation of the provisions of this By-Law. In the event that a newsrack is determined to be in violation of any of the provisions of this By-Law:

- (i) the Administrator shall provide written and/or telephone notice to the owner or the owner's agent that the newsrack is in violation of this By-Law. Such notice shall state the substance of the violation and shall set a date for compliance which shall not be less than 10 business days after the date notice is given;
- (ii) if the Administrator determines that the violation has not been corrected on or after the date for compliance, the Administrator may initiate removal proceedings in accordance with the provisions of Section 27.5.2 and may assess a fine in accordance with provisions of Section 27.6; and
- (iii) Notice in writing will be deemed to have been given if actually received by the owner or owner's agent or if mailed to the owner or owner's agent at the address indicated on the latest permit application form or latest amendment application form on file with the Administrator, provided that, if notice is given by mail, the effective date of notice will be two business days after the date of mailing. If, notwithstanding this By-Law, no permit application shall have been filed with the Administrator, then notice may be given by attaching the notice to the newsrack determined to be in violation of this By-Law in such manner as the Administrator determines.

27.5.2 Except as provided in Sections 25.5.4 and 27.5.5, the Administrator may remove and store at the owner's expense any newsrack that remains in violation for more than 30 days after the date for compliance specified in Section 27.5.1 provided that the Administrator shall give written notice of removal to the owner stating the date the newsrack was removed; the reasons for removal; the storage location; and the procedure for claiming the machine.

27.5.3 Except as provided in Sections 27.5.4 and 27.5.5, the owner of any newsrack may avoid removal of the newsrack by:

- (i) correcting the violation and so informing the Administrator, or

- (ii) by making a written request for a hearing on the violation before the Administrator prior to the date set for compliance in which case the newsrack may remain in place pending the Administrator's decision on the matter. Said hearing shall be held no later than 10 days after receipt of a written request for a hearing and a decision shall be rendered within 10 days thereafter.

27.5.4 Notwithstanding any other provisions of this By-Law, if the Administrator or a public safety official determines that a newsrack constitutes an imminent danger of harm to persons or property, the Administrator or a public safety official may remove the newsrack provided that the owner of the newsrack shall be notified of such removal and provided that the newsrack shall be stored for a reasonable period of time so that the owner can retrieve it.

27.5.5 If maintenance, repair, or construction of a public way, sidewalk or public or private property in or adjacent to the public way cannot be accomplished without the removal of a newsrack, the Administrator shall give written and/or telephone notice to the newsrack's owner ordering removal of the newsrack provided that said notice shall specify the reason for the removal and the date for compliance which shall not be less than 10 days after the date of notice. If the Administrator determines that delay would cause an unreasonable risk of harm to persons or property or would cause a delay in the maintenance, repair or construction work, the Administrator may remove the newsrack, provided that the owner of the newsrack shall be notified of the removal; that the newsrack shall be stored for a reasonable period of time so that the owner can retrieve it and further provided that the owner may replace the newsrack when said maintenance, repair or construction is completed.

27.5.6 The Administrator, with the approval of the Board of Selectmen, is authorized to establish fees for the removal and storage of newsracks that are removed at the direction of the Administrator or public safety officials in accordance with provisions of this By-Law provided that said fees do not exceed the actual cost of removal and storage.

27.5.7 If a newsrack remains unclaimed for more than 60 days after notice of removal is sent to the owner or for more than 60 days after the newsrack is removed if the owner is unknown, then possession of the newsrack shall be transferred to the police department and the newsrack shall be disposed of as unclaimed property in accordance with applicable law.

27.6.1 In the event that a newsrack is not in compliance with any of the provisions of this By-Law as of the date set for compliance under Section 27.5.1 of this By-Law, then the owner of such newsrack shall be subject to a fine of \$25.00 per day for each day of non-compliance until the date the violations are corrected or the newsrack is removed.

27.6.2 The non-criminal disposition of violations of this Article 27 or any rule or regulation of the Board of Selectmen adopted hereunder is hereby authorized in accordance with the provisions of Chapter 40, Section 21D, of the General Laws ("Section 21D").

27.6.3 The "enforcing person" as used in this Article 27 shall mean any police officer of the Town, the Administrator and any representative or designee of the Administrator and any other Town employee designated by the Board of Selectmen as an enforcing person.

27.6.4 An enforcing person taking cognizance of a violation of this Article 27 or any rule or regulation of the Board of Selectmen adopted hereunder shall give the offender a written notice to appear before the clerk of the district court having jurisdiction thereof for the non-criminal disposition thereof in accordance with Section 21D. The provisions of Section 21D are incorporated herein by reference.

27.7 The provisions of this By-Law are severable. If any provision of this By-Law is held to be invalid, such invalidity shall not affect the other provisions of this By-Law which shall remain valid.

Articles 27.3.8 to 27.7 inserted at April 23, 2001, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on August 24, 2001.

ARTICLE 28

Kennel Regulations

28.1 Definitions.

As used in this article, the following words and terms have the following meanings:

(a) KENNEL shall mean four or more dogs, six months of age or older, kept for boarding on a single premises for commercial purposes;

(b) KENNEL LICENSE shall mean an annual license permitting a kennel to operate within the Town which shall be issued to a kennel which has demonstrated compliance with the requirements of this By-Law;

(c) LICENSING PERIOD shall be the time between January first and the following December thirty-first, both dates inclusive;

(d) KENNEL INSPECTOR shall mean the Town's Animal Control Officer or such other qualified party as may be designated by the Board of Selectmen or the Board of Health; and

(e) A VETERINARY HOSPITAL shall not be deemed to be a kennel, nor shall it be entitled to be so licensed, under this article.

28.2 Licenses, Requirements.

28.2.1 Kennel License required.

No person shall operate a kennel within the Town without first obtaining a kennel license from the Board of Selectmen in accordance with the provisions of this By-Law.

28.2.2 The following requirements shall at all times apply to a kennel:

(a) The location and operation of the kennel shall be appropriate for housing the number of dogs allowable under this By-Law and will not be detrimental to the health and safety of the dogs or persons;

(b) The kennel shall be operated in a safe, sanitary and humane condition;

(c) The kennel shall not keep more than 25 dogs on the premises at any time, (dogs which are on the premises for grooming but not for overnight boarding, for medical or surgical treatment or observation, or for boarding for recovery from medical or surgical treatment or observation shall not be counted in this number);

(d) The kennel shall not contract with security dog firms or other businesses to board on the premises protection or security dogs or protection or security dogs in training, other than a security dog kept on the premises for the kennel's own security purposes;

(e) The operations of the kennel, including the exercising of dogs, shall be in an indoor enclosed area, except that individual dogs may be exercised one at a time in a prescribed outdoor area;

(f) The kennel shall at all times keep and maintain on its premises accurate records of the identities of all dogs kept on the premises and the number of dogs on the premises on each day; and

(g) In addition to the requirements of this Article 28, the provisions of Section 20.10.5 (Public Safety and Property) and Article 23 (Noise By-Law) shall apply to kennels regulated hereunder.

28.3 Application Process.

28.3.1 Application.

The Town Clerk shall provide a kennel license application, in a form prescribed by the Town Clerk, which shall be completed by any person seeking a kennel license or renewal thereof. The application shall include a statement that the applicant acknowledges receipt of a copy of this By-Law and agrees to comply with all applicable provisions.

28.3.2 License Renewal Application.

Any application for a renewal of a kennel license must be submitted to the Town Clerk not later than the first Monday in October of each year.

28.3.3 Inspection and Report.

Upon receipt of a completed application, the Town Clerk shall so notify the kennel inspector who shall forthwith conduct an inspection of the applicant's kennel as provided in Section 28.4.1. Upon receipt of the kennel inspector's report, the Town Clerk shall submit the completed application and such report to the Board of Selectmen for its consideration and review

28.3.4 Review by Board of Selectmen.

Upon its review of the kennel application and inspection report, the Board of Selectmen shall determine whether the kennel is in compliance with the requirements of this By-Law, and if so, shall issue a kennel license to the applicant; or, if the kennel is found to not be in compliance with the requirements of this By-Law, the Board shall deny the application and state the reasons therefore.

28.4 Inspections.

28.4.1 Annual Inspections.

Upon receipt by the Town Clerk of a completed kennel license application or renewal thereof, the kennel inspector shall forthwith inspect the applicant's kennel and submit a report to the Town Clerk which shall indicate whether or not the kennel meets all of the applicable requirements of Section 28.2.2.

28.4.2 Periodic Inspection.

Kennels shall be subject to periodic inspections by the kennel inspector at the request of the Board of Selectmen or the Board of Health. If, in the judgment of either Board, the kennel is not in compliance with all applicable requirements of

this By-Law, the Board of Selectmen may by order revoke or suspend the kennel license.

28.4.3 Re-Inspection.

In the event a kennel license application or renewal thereof is denied, the applicant may request a re-inspection after it has reasonably demonstrated to the kennel inspector that it has brought the kennel into compliance with the requirements of this By-Law. The kennel inspector shall then, as soon as is practicable, re-inspect the kennel and report his/her findings to the Board of Selectmen which shall, within a reasonable time, review the application in accordance with Section 28.3.4.

28.5 Petitions to Review Kennel Licenses.

Any group of twenty-five residents over the age of 18 may file a petition with the Board of Selectmen setting forth that they are aggrieved, or annoyed to an unreasonable extent, by one or more dogs at a kennel maintained in the Town, because of the excessive barking or vicious disposition of said dogs or other conditions connected with such kennel constituting a public nuisance.

28.6 Kennel License Review Hearings.

Within seven days after the filing of a residents' petition, the Board of Selectmen shall give notice to all parties in interest of a public hearing to be held within fourteen days after the date of such notice. Within seven business days after the public hearing, the Board of Selectmen shall make an order either dismissing the petition, revoking or suspending the kennel license, or otherwise regulating the kennel.

28.7 Inspection and Review After Suspension.

In the event a kennel license is suspended, upon the expiration of such suspension period and after the license holder has reasonably demonstrated to the kennel inspector that it has brought the kennel into compliance with the requirements of this By-Law or otherwise acted in accordance with an order of the Board of Selectmen, the kennel inspector shall then, as soon as is practicable, re-inspect the kennel and report his/her findings to the Board of Selectmen which shall, within a reasonable time, review the application in accordance with Section 28.3.4.

28.8 Appeal to District Court.

Pursuant to the provisions of Chapter 140, Section 136C of the General Laws, if the Board of Selectmen issues an order suspending or revoking a license, the kennel license holder may, within ten days after the entry of such

order, bring a petition in the local district court praying that such order be reviewed by the court.

28.9 Fees.

The Board of Selectmen is authorized to establish reasonable fees for original kennel license applications, and annual renewal applications provided that such fees do not exceed the actual cost of administering this By-Law. The fee for any application for a kennel license or renewal thereof shall be \$150.00.

28.10 Initial Licensing after Attorney General Approval.

A kennel owner shall apply for a kennel license pursuant to this By-Law within thirty days of the approval of this By-Law by the Office of the Attorney General.

28.11 Severability.

The invalidity of any part or parts of this By-Law shall not affect the validity of the remaining parts.

Article 28 inserted at April 28, 2003, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on October 16, 2003.

ARTICLE 29

Conservation Commission

29.1 There shall be a Conservation Commission for the Town in accordance with Chapter 40, Section 8C of the General Laws ("Section 8C") for the promotion and development of the natural resources and for the protection of watershed resources of the Town.

29.2 The Conservation Commission shall consist of seven members appointed by the Board of Selectmen for terms of three years in accordance with the provisions of Section 8C.

29.3 The Conservation Commission shall make and publish from time to time such rules and regulations as it deems necessary and shall cause the same to be printed in suitable form for public distribution.

29.4 The non-criminal disposition of violations of any rules or regulations promulgated by the Conservation Commission is hereby authorized in accordance with the provisions of Chapter 40, Section 21D, of the General Laws ("Section 21D").

29.4.1 “Enforcing person” as used in this Section 29.4 shall mean any police officer of the Town, any member of the Conservation Commission and any other town employee designated by the Conservation Commission an enforcing person.

29.4.2 An enforcing person taking cognizance of a violation of any rule or regulation hereunder may, as an alternative to instituting criminal proceedings, give the offender written notice to appear before the clerk of the district court having jurisdiction thereof for the non-criminal disposition thereof in accordance with Section 21D. The provisions of Section 21D are incorporated herein by this reference.

Article 29 inserted at April 28, 2003, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on October 16, 2003.

ARTICLE 30

Door-to-Door Solicitation and Canvassing

30.1 Purpose

This article, adopted pursuant to Chapter 43, Section 13, of the General Laws and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operational requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Belmont in order to protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and, to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

30.2 Definitions

For the purpose of this By-law, the following definitions shall apply:

30.2.1 “Soliciting” shall mean and include any one or more of the following door-to-door activities:

- (a) selling, or seeking to obtain orders for the purchase of goods or services, including advertising in any type of publication, for any kind of consideration whatsoever;
- (b) selling, or seeking to obtain prospective customers for application for purchase of insurance of any kind;

- (c) selling, or seeking to sell subscriptions to books, magazines, periodicals, newspapers or any other type of publication;
- (d) seeking to obtain gifts or contributions of money, or any valuable thing for the support or benefit of any association, organization, corporation or project wholly or in part for commercial purposes or by a professional solicitor or commercial co-venturer for a charitable or other non-commercial organization; and
- (e) seeking to obtain information on the background, occupation, economic status, political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly, or in part, for commercial purposes.

30.2.2 “Canvassing” shall mean and include any one or more of the following door-to-door activities:

- (a) person-to-person distribution of literature, periodicals, or other printed materials for commercial purposes, but shall not include placing or dropping off printed materials on the premises;
- (b) seeking to enlist membership in any organization for commercial purposes; and
- (c) seeking to present, in person, organizational information for commercial purposes.

30.2.3 “Residence” shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons.

30.2.4 “Registered solicitor” shall mean any person who has obtained a valid certificate of registration from the Town as required by this By-Law.

30.2.5 “Charitable organization,” “Professional solicitor” and “commercial co-venturer” shall be defined as set forth in Chapter 68, Section 18, of the General Laws.

30.3 Registration

Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of Belmont must apply for a permit with the Chief of Police by filing a registration application form with the Chief of Police. Applications for individual registration shall be filed at least seven business days in advance. Applications for organizational registration shall be filed at least three business days in advance.

30.3.1 Organization application forms shall include the following information:

- (a) The name and address of the organization applying for registration, and the names and addresses of the organizations' principal officers. If the organization is a charitable organization, a certification that the most recent Annual Registration Statement required to be filed with the Attorney General's Division of Public Charities has been so filed.

If the organization is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon;

- (b) The name, title and phone number, IRS or Social Security (optional) number and valid driver's license or other government-issued photo identification of the persons filing the application form;
- (c) The names and addresses of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Belmont;
- (d) A list of the names, addresses, dates of birth of all individuals who will be employed in solicitation or canvassing by the applicant;
- (e) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 90-day period);
- (f) Names of the last three communities (if any) in which the organization has conducted a solicitation or canvassing operation, complete with the date issued and date expired; and
- (g) Insurance information and license, if applicable.

30.3.2 Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under Section 30.3.1 hereof. Individual registration forms shall contain the following information:

- (a) Name and address of the present place of residence and length of residence at that address; if less than three years residence at present address, the address of residence(s) during the past three years;
- (b) Date of birth;

- (c) Name, address and telephone number of the person or organizations whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization. If the individual is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract, if any, with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon;
- (d) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 90-day period);
- (e) Name of the last three communities (if any) in which the applicant has solicited or canvassed door-to-door, complete with the date of issue and expiration date;
- (f) Valid driver's license or other government issued photo identification; and
- (g) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

30.4 Registration Fee

There shall be no application fee or charge for an individual registration card. Each organizational applicant for registration or re-registration shall pay to the Town an application fee of \$25.00.

30.5 Registration Cards

30.5.1 The Police Chief, after a review, but in no event more than seven (7) business days after receipt of a fully-completed application, shall furnish each person with a registration card which shall contain the following information:

- (a) The name of the person;
- (b) A recent photograph of the person;
- (c) The name of the organization (if any) which the person represents;
- (d) A statement that the individual has been registered with the Town of Belmont Police Department but that registration is not an endorsement of any individual or organization; and
- (e) Specific dates or period of time covered by the registration.

30.5.2 Persons engaged in solicitation or canvassing as defined in this By-Law must carry the registration card while soliciting or canvassing and present the card to any person solicited or upon the request of any police officer.

30.5.3 Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days.

30.5.4 The Police Chief shall routinely grant registrations without further inquiry but shall refuse registration to an organization or an individual whose registration has been revoked for violation of this By-Law within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, or larceny over \$250, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to register a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

30.6 Exceptions

30.6.1 Registration shall not be required for officers or employees of the Town, County, State or Federal governments when on official business.

30.6.2 Individual registration shall not be required for minors under the age of 17.

30.6.3 Nothing in this By-Law shall be construed to impose any registration requirement or otherwise restrict or in any way regulate any activity for religious, political, newspaper distribution or public policy purposes or other non-commercial purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting or canvassing.

30.7 Duties of Persons Going Door-to-Door

30.7.1 Upon going into any residential premises in the Town of Belmont, every solicitor, canvasser or other person must first examine any notice that may be posted prohibiting solicitation or other activities. If such a notice is posted, the solicitor, canvasser or other person shall immediately and peacefully depart from the premises.

30.7.2 Any solicitor, canvasser or other person who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

30.7.3 Immediately upon gaining entrance to any residence, each Solicitor or canvasser as defined in this By-Law must do the following:

- (a) Present his registration card for inspection by the occupant;
- (b) Request that the occupant read the registration card; and
- (c) Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization.

30.8 Restrictions on Methods of Solicitation, Canvassing, or Other Door-to-Door Activities

It shall be unlawful for a solicitor, canvasser or other person to do any of the following:

- (a) Falsely represent, directly or by implication, that the solicitation, canvassing or other activity is being done on behalf of a governmental organization, or on behalf of any municipal employee or elected official;
- (b) Solicit, canvass or conduct any other activity at any residence where there is a posted sign prohibiting the same, without express prior permission of an occupant;
- (c) Solicit, canvass or conduct any other activity at any residence without express prior permission of an occupant, before 9:00 a.m. or after 9:00 p.m. where there is no sign posted otherwise limiting solicitation or the hours of solicitation or such other activities;

Article 30.8(c) inserted at the October 24, 2005, Special Town Meeting. Approved by Attorney General Thomas F. Reilly on November 16, 2005.

- (d) Utilize any form of endorsement from any department head currently employed or serving the Town of Belmont; and
- (e) Solicit, canvass or conduct any other activity at any residence in an illegal fashion.

30.9 Penalty

30.9.1 Any person or organization who shall violate any of the provisions of this By-Law or any applicable state or federal laws governing soliciting or canvassing, including, but not limited to Chapter 68 of the General Laws, shall be subject to a fine not to exceed \$300.00 for each offense.

30.9.2 Any person or organization who for himself, itself, or through its agents, servants or employees is found after investigation by a police officer to have:

- (a) violated any provision of Sections 30.7 or 30.8 of this By-Law, or any applicable state or federal laws governing soliciting or canvassing, including but not limited to Chapter 68 of the General Laws; or
- (b) knowingly provided false information on the registration application shall have his, her or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

30.10 Appeals

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

30.11 Severability

Invalidity of any individual provision of this By-Law shall not affect the validity of the By-Law as a whole.

Article 30 inserted at the April 25, 2005, Annual Town Meeting. Approved by Attorney General Thomas F. Reilly on June 8, 2005.

Article 31

Disability Access Commission

31.1 There shall be a Disability Access Commission for the Town in accordance with Chapter 40, Section 8J of the General Laws which was accepted by the Annual Town Meeting of April 26, 1993.

31.2 The Disability Access Commission shall consist of seven regular and two alternate members appointed by the Board of Selectmen. A majority of the Commission members, including a majority of the regular members, shall consist of people with disabilities, one regular member shall be a member of the immediate family of a person with a disability, and one regular member shall be an elected or appointed official of the Town. The terms of regular and alternate members shall be three years and arranged so that the terms of one-third of the members expire each year. Notwithstanding the foregoing, members serving at the time of the adoption of this by-law shall continue to serve the remainder of their appointed terms and until they or their successors are appointed and qualified. Upon the expiration of the terms of such a member, that member or a successor shall be appointed to a term of a duration which is consistent with the foregoing provisions of this Section 31.2.

31.3 In the case of the absence, inability to act or conflict of interest of a regular member, or in the case of a vacancy on the Commission until the vacancy is filled in accordance with Chapter 40, Section 8J of the General Laws, the chairperson of the Commission may designate an alternate member to serve.

31.4 The purpose of the Disability Access Commission shall be to provide for the full integration and participation of people with disabilities in the Town of Belmont.

31.5 The Disability Access Commission shall have all of the powers and duties of disability commissions established pursuant to Chapter 40, Section 8J of the General Laws.

Article 31 inserted at the April 23, 2007, Annual Town Meeting. Approved by Attorney General Martha Coakley on August 16, 2007.

REPRESENTATIVE TOWN MEETING ACT

ACTS OF 1926. —CHAPTER 302.

**As amended by Chapter 710, Acts of 1969,
Chapter 16, Acts of 1995,
and Chapter 18, Acts of 2005**

AN ACT PROVIDING FOR PRECINCT VOTING, REPRESENTATIVE TOWN MEETINGS, TOWN MEETING MEMBERS, A REFERENDUM AND A MODERATOR TO SERVE FOR A YEAR IN THE TOWN OF BELMONT.

Be it enacted, etc., as follows:

SECTION 1. Upon the acceptance of this act by the town of Belmont, as hereinafter provided, the selectmen shall forthwith divide the territory thereof into not less than five nor more than ten voting precincts, each of which shall be plainly designated, and shall contain not less than five hundred registered voters. All precincts shall contain approximately an equal number of registered voters.

Precinct boundaries shall be reviewed and, if need be, wholly or partly revised by the selectmen in November, once in ten years, or in November of any year when so directed by a vote of a representative town meeting not later than October thirtieth of that year. In revising precincts, the selectmen shall be governed by the foregoing provisions for establishment of precincts, and shall use voter lists compiled for purposes of the last previous presidential election. If, however, the constitution or general laws so authorize them the selectmen may, and if the constitution or general laws so direct them the selectmen shall, revise precincts according to a unit of representation other than registered voters. Each precinct shall be approximately equal according to whatever unit of representation is adopted.

The selectmen shall, within twenty days after any establishment or revision of the precincts, but not later than December tenth of the same year, file a report of their doings with the town clerk, the registrars of voters and the assessors with a map or maps or description of the precincts and names and residences of the registered voters therein. The selectmen shall also cause to be posted in the town hall a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the registered voters therein. They shall also cause to be posted in at least one public place in each precinct a map or description of that precinct with the names and residences of the registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the selectmen with the town clerk, except that revision of precincts shall not take effect until the revised precincts can be

effective for state as well as town elections. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several precincts for election, for primaries, and for voting upon any question to be submitted to all the voters of the town, shall be held on the same day and at the same hour and at such place or places within the town as the selectmen shall in the Warrant for such meeting direct. The provisions of the general laws, relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town.

SECTION 2. (a) Prior to any December thirty-first next following (i) the effective date of this section, or (ii) an effective revision of precinct boundaries, or (iii) the holding of a presidential election, the town clerk shall, in accordance with paragraphs (b) and (c) of this section, determine the number of town meeting members to be elected from each precinct.

(b) The clerk shall initially compute for each precinct that number divisible by three which most nearly provides a representation for the precinct in the proportion which the number of registered voters in the precinct bears to the total number of registered voters in the town and which will cause the total town meeting membership elected from precincts to be as nearly two hundred and eighty-eight as may be. In making this computation the clerk shall use the voter lists compiled for purposes of the last previous presidential election. If, however, precinct boundaries then in effect have been revised according to a unit of representation other than registered voters, the clerk shall compute the proportion of each precinct to the town according to that unit of representation.

(c) The clerk shall make the final determination of members to be elected from precincts as follows:

If a precinct's boundaries have been established or revised in the twelve months preceding the clerk's initial computation, then the voters of that precinct shall at the next town election elect by ballot the number of town meeting members provided for in paragraph (b) of this section. The first third in order of votes received of members so elected shall serve three years, the second third shall serve two years, and the remaining third shall serve one year, from the day of the next annual town meeting; in case of a tie vote affecting the division into thirds, the members elected from the precinct shall by ballot determine the division.

If a precinct's boundaries have not been revised in the twelve months preceding the clerk's initial computation, and if the initial computation requires an increase in a precinct's representation, all additional members shall be elected at the next town election, one third for a three-year term, one third for a two-year term and one third for a one-year term. If the initial computation

requires a decrease in a precinct's representation, all town meeting members in the precinct may serve the full term for which they were elected, and the decrease shall be brought about over a period of three years through the election for a three-year term at each of the next three town elections of one third of the number of town meeting members to which the precinct is then entitled. During this interim period, vacancies created by retirement, death, removal or the like shall not be filled unless the remaining membership elected from the precinct for the same term would be below one third of the number to which the precinct is then entitled.

(d) Except as otherwise specifically provided in this section, the registered voters of each precinct shall, at each annual town election, elect for a term of three years one third of the number of town meeting members to which the precinct is then entitled, and shall at such elections fill for the unexpired term any vacancy then existing in the precinct. The term of office for all town meeting members elected from precincts shall cease upon the election of their successors, including persons elected from newly revised precincts. The town clerk shall, after every election of town meeting members from precincts, forthwith notify each member by mail of his election.

SECTION 3. Any representative town meeting held under this act, except as otherwise provided in this act, shall be limited to the voters elected under section 2, together with the following, designated as town meeting members at large: any member of the general court of the commonwealth from the town, the moderator, the town clerk, the selectmen, the town treasurer, the chairman of the trustees of the public library, the chairman of the planning board, the chairman of the school board, the chairman of the board of assessors, the chairman of the board of health and the chairman of the finance or warrant committee. The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held, the notices to be sent by mail at least seven days before the meeting.

The town meeting members, as aforesaid, shall be the judges of the election and qualification of their members. One hundred town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time. Notice of every adjourned representative town meeting shall be posted by the town clerk in five or more public places in the town as soon as practicable after the adjournment. The notices shall state briefly the business to be acted upon at any meeting and shall include notice of any proposed reconsideration. All town meetings shall be public. The town meeting members as such shall receive no compensation. Subject to such conditions as may be determined from time to time by the representative town meeting, any voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect upon the date of such filing. No

elected member whose official position entitles him to be a member at large shall act as a member at large during such times as he remains an elected member. A town meeting member who removes from the town shall cease to be a town meeting member and an elected town meeting member who removes from one precinct to another or is elected from a precinct whose boundaries have been newly revised shall not retain membership after the next annual election.

SECTION 4. Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers signed by not less than twenty-five voters of the precinct in which the candidate resides, and filed with the town clerk in accordance with section ten of chapter fifty-three of the General Laws; provided, that any town meeting member, including any member whose term of office is about to cease because he is elected from a precinct whose boundaries have been newly revised, may become a candidate for reelection by giving written notice thereof to the town clerk in accordance with section ten of chapter fifty-three of the General Laws. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

SECTION 5. The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers, town meeting members, and as hereinbefore provided, to referenda and all matters to be acted upon and determined by ballot of the town, shall be acted upon and determined by the voters in their respective meetings by precinct. All other articles in the warrant for any town meeting, beginning with the town meeting at which said town meeting members are first elected, shall be acted upon and determined exclusively by town meeting members at a meeting to be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, subject to the referendum provided for by section eight.

SECTION 6. A moderator shall be elected by ballot at each annual town meeting and shall serve as moderator of all town meetings, except as otherwise provided by law, until a successor is elected and qualified. Nominations for and election of a moderator shall be as in the case of other elective town officers, and any vacancy in the office may be filled by the town meeting members at a meeting held for that purpose. If a moderator is absent a moderator pro tempore may be elected by the town meeting members.

SECTION 7. Except as is provided otherwise by section two of this act, any vacancies in the full number of town meeting members from any precinct may be filled until the next annual election by the remaining town meeting members of the precinct from among the registered voters thereof. Notice of any vacancy shall promptly be given by the town clerk to the remaining members from the precinct in which the vacancy or vacancies exist and he shall call a special meeting of such members for the purpose of filling any vacancy. He shall cause

to be mailed to every such member not less than seven days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting a majority of the members from such precinct shall constitute a quorum, and they shall elect from their own number a chairman and a clerk. The choice to fill any vacancy shall be by written ballot and a majority of the votes cast shall be required for a choice. The chairman and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the same with the town clerk, together with a written acceptance by the member or members so chosen who shall thereupon be deemed elected and qualified a town meeting member or members, subject to the right of all the town meeting members to judge of the election and qualifications of the members as set forth in section three.

SECTION 8. No vote passed at any representative town meeting under any article in the warrant, except a vote to adjourn shall be operative until after the expiration of seven days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said seven days a petition signed by not less than five hundred registered voters of the town, containing their names and addresses, as they appear on the list of registered voters, is filed with the selectmen requesting that the question or questions involved in such vote be submitted to the voters of the town at large, then the selectmen, within fourteen days after the filing of the petition, shall call a special meeting, which shall be held within ten days after the issuing of the call, for the purpose of presenting to the voters at large the questions or questions so involved. The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers. The questions so submitted shall be determined by vote of the same proportion of voters at large voting thereon as would have been required by law of the town meeting members had the question been finally determined at a representative town meeting. The questions so submitted shall be stated upon the ballot in substantially the same language and form in which they were stated when presented to said representative town meeting by the moderator as appears from the records of the said meeting. If such petition is not filed within the said period of seven days, the vote of the representative town meeting shall become operative upon the expiration of the said period.

SECTION 9. The town of Belmont, after the acceptance of this act, shall have the capacity to act through and be bound by its said town meeting members who shall, when convened from time to time as herein provided, constitute representative town meetings; and the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meetings shall, when taken by any representative town meeting in

accordance with the provisions of this act, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as heretofore organized and conducted.

SECTION 10. This act shall not abridge the right of the inhabitants of Belmont to hold general meetings, as that right is secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in Belmont the power finally to commit the town to any measure affecting its municipal existence or changing its government, without action thereon by the voters of the town at large, using the ballot and the check list therefor.

SECTION 11. This act shall be submitted to the registered voters of the town of Belmont at any annual or special town meeting called for that purpose. The vote shall be taken in precincts by ballot in accordance with the provisions of the general laws, so far as the same shall be applicable, in answer to the question, which shall be placed, in case of a special meeting, upon the official ballot to be used at said meeting, or, in case of an annual meeting, upon the official ballot to be used for the election of town officers: "Shall an act passed by the general court in the year nineteen hundred and twenty-six entitled 'An Act providing for precinct voting, representative town meetings, town meeting members, a referendum and a moderator to serve for a year in the town of Belmont' be acceptable by this town?"

SECTION 12. So much of this act as authorizes its submission for acceptance to the registered voters of the town shall take effect upon its passage, and the remainder shall take effect upon its acceptance by a majority of the voters voting thereon.

Approved May 3, 1926.

Accepted June 8, 1926.

LEGISLATIVE ACTS ACCEPTED BY
THE TOWN OF BELMONT

(Note: The following list includes acts accepted by, or directly applicable to, the Town of Belmont which are still in effect. Acts that have been repealed or superseded, acts that are generally applicable to towns whether or not accepted and acts that clearly have no present effect on the Town have been omitted. Certain acts accepted before 1920 which have been codified in the Massachusetts General Laws have been included, but with the present statutory reference.)

Special Acts

Year	Chapter	Subject	Date of Acceptance
1859	109	Act incorporating the Town of Belmont	March 28, 1859
1861	11	Fixes town boundaries	—
1862	34	Fixes town boundaries	—
1885	296	Providing for a public water supply for Belmont	September 23, 1885
1903	141	Establishes Board of Survey	December 17, 1902
1906	246	Water courses and drainage in Belmont	—
1925	148	Sewer Assessments	March 1, 1926
1926	302	Representative Town Meeting	June 8, 1926
1938	27	Civil service for chief of fire department	March 7, 1938*
1938	371	Fixes boundary with Arlington	October 3, 1938
1947	212	Division of Precinct 1 into two precincts	March 1, 1948
1951	43	Five day work week for Belmont police officers	March 5, 1951
1955	513	Authorizes commissioner of mental health to sell certain land to Belmont and establishes continuing conditions	October 10, 1955
1956	401	Indemnification for civil defense volunteers	March 10, 1958

* Acceptance revoked on April 5, 1982.

Year	Chapter	Subject	Date of Acceptance or Petition
1959	42	Authorizes lease of Town land to Waverley Post #1272, V.F.W.	March 9, 1959
1966	117	Increase in amount of annual pension for certain retired police and fire department members	March 13, 1967
1968	474	Authorize use of Concord Avenue park land for school purposes	March 11, 1968
1969	710	Modification of procedures for electing town meeting members	March 10, 1969
1972	621	Civil service for assistant superintendent of highways and highway and incinerator foreman in the highway department	April 6, 1972*
1974	381	Allows Belmont to establish rates of compensation for its fire and police chiefs	April 7, 1975
1984	136	Increase in fees for dog licenses and payment of dog license fees into Town Treasury	April 25, 1984
1986	73,s. 4	Allows Board of Assessors to increase exemptions by up to 100 percent provided that no taxpayer pays less than previous year's taxes	April 23, 2001
1990	291	Enhanced 911	April 22, 1991
1993	71,s.83	Teacher early retirement	April 27, 1994
1994	235	Certain firefighters and police officers, terminated then reinstated, are credited with active service for termination period	April 24, 1995

* Repealed by Chapter 370, Acts of 1981, effective September 2, 1981, but incumbents as of that date retain their civil service status. Persons newly employed in the positions after that date are not subject to the civil service laws.

Year	Chapter	Subject	Date of Acceptance or Petition
1995	15	Establishes a Capital Endowment Fund	April 27, 1994
1995	16	Notice of Adjourned Town Meetings	April 27, 1994
1995	227	Amends Capital Endowment Fund Act	April 24, 1995
1996	71	Certain Town employees can get retirement credit for US armed service time	October 28, 1996
1997	128	Authorizes Selectmen to grant licenses for the sale of beer and wine in certain restaurants.	May 7, 1997 April 6, 1998
1998	194.s.288	Retiree can receive a higher pension if spouse predeceases the retiree	April 26, 1999
1999	126	Establishes a nonprofit housing corporation for the Town of Belmont.	May 24, 1999
2000	306	Relative to the exemption from taxation of certain property owned by McLean Hospital Corporation.	May 24, 1999
2000	364	Authorizes Selectmen to grant licenses for the sale of alcoholic beverages to be drunk on the premises of clubs having an 18 hole regulation golf course.	April 24, 2000 November 27, 2000 April 2, 2001
2000	411	Allows non-contributory veteran retirees whose spouses predecease them to change retirement allowance to higher option.	April 23, 2001
2001	129	Authorizes Town to establish a Senior Center Furnishings and Accessories and Operations Fund.	April 23, 2001
2004	14	Authorizes Selectmen to grant up to 3 licenses for sale of all alcoholic beverages in restaurants having at least 130 and not more than 250 seats.	May 5, 2003 April 5, 2004

Year	Chapter	Subject	Date of Acceptance or Petition
2004	23	Establishes a consolidated department of public works.	April 28, 2003
2004	42	Authorizes tax bills to include a place for voluntary contributions to the Town's general fund.	May 5, 2003
2004	106	Agreement relative to the taxation of certain property in the Town.	May 28, 2002
2004	195	Authorizing modification of the form of quarterly property tax billing in the Town	April 28, 2003
2005	18	Town meeting members at large	April 26, 2004
2005	157, s.2	Additional yearly retirement allowance for certain accidental disability retirees who are veterans, retroactive to the veteran's date of retirement	April 24, 2006
2006	395	Authorizes Selectmen to grant one license for sale of all alcoholic beverages not to be drunk on premises.	April 24, 2006 April 2, 2007
2006	396	Authorizes Selectmen to grant not more than two licenses for sale of wine and malt beverages not to be drunk on premises.	April 24, 2006 April 2, 2007
2006	397	Authorizes Selectmen to grant special one-day licenses for the sale of alcoholic beverages.	April 24, 2006
2007	97	Authorizes the Town to establish an Other Postemployment Benefits Trust Fund	April 24, 2006 August 29, 2007

General Laws

Chapter	Section	Subject	Date of Acceptance
164	36	Establishes a Municipal Lighting Plant	August 20, 1896
114	22-26	Establishes a Board of Cemetery Commissioners	June 30, 1898
82	37	Establishment of building lines	March 6, 1899
82	34	Reserved spaces in public ways	December 4, 1912
39	20	Precinct voting at Town election	October 16, 1900
31	48	Civil service for police forces	June 9, 1904
32	77(a)	Pensioning certain laborers	May 18, 1911
152	68-75	Workers' Compensation	November 5, 1912 November 4, 1913 March 2, 1914 March 19, 1929
48	36	Appointment of call firemen to permanent force	March 2, 1914
31	48	Civil Service for chief of police	March 9, 1914 March 8, 1915
166	32	Appointment of Inspector of Wires by Selectmen	March 9, 1914
41	111	Vacation for certain town employees	March 9, 1914
31	48	Civil services for police and fire forces	March 8, 1915
32	85	Pensions for members of police and fire departments	March 8, 1915
32	52-55	Relative to retirement of certain veterans	June 27, 1916
149	30	Eight hour day and forty-eight hour week for certain employees	March 5, 1917
48	58	Tenure of office for fire chief	March 4, 1918
41	70	Establishes a Planning Board	March 27, 1922

Chapter	Section	Subject	Date of Acceptance
48	59	Division of fire department into two platoons	November 7, 1922
48	42-44	Establishes a fire department under a chief appointed by the Selectmen	March 5, 1923
41 45	72 1-9, 14, 15, 16, 18	Relative to care and control of public parks and playgrounds (Playground or Recreation Commission established)	March 3, 1924
140	47	Licensing of coffee or tea houses	March 17, 1924
40	42A- 42F	Unpaid water rates a lien on real estate	April 11, 1927
40	6B	Authorizes town to appropriate money to purchase police and fire uniforms	March 29, 1932
147	13A	Authorizes reserve police force	April 4, 1932
41	55	Authorizes selectmen to appoint a town accountant	March 11, 1935
32	1-28	Contributory retirement system for employees	November 3, 1936
147	16B	One day off in every six for members of police department	March 11, 1940
48	58A	Hours of duty for fire department	March 9, 1942
85 129	11A 15	Registration of bicycles Board of Health appoints inspector of animals	March 8, 1943
32	85E	Retirement for certain police and fire department members	March 8, 1943
121B	3	Declaration of need for a housing authority	March 10, 1947
41	110A	Authorizes closing of town offices on all Saturdays	June 28, 1948 March 21, 1949

Chapter	Section	Subject	Date of Acceptance
31	47	Civil service for labor service	March 5, 1955*
147	17A	Holiday pay for police officers	March 12, 1956
32B	10	Authorizes Town to provide contributory group life and health insurance	March 7, 1966
32B	9A	Town may assume one-half of the premium of retired employees for group life and health insurance	March 7, 1966
32B	11B	Extends contributory group life and health insurance to certain elderly retirees	March 7, 1966
90	18A	Selectmen may adopt rules on use of ways by pedestrians	March 14, 1966
40	8C	Establishes Conservation Commission	March 13, 1967
32	85J	Allows certain members of police and fire departments to choose the manner of payment of their pensions	March 11, 1968
40	8D	Establishes Historical Commission	March 11, 1968
32	90A	Increases retirement allowance of former employees retired on account of accidental disability	March 9, 1970
32	90C	Increases retirement allowance of certain superannuated employees	March 9, 1970

* Acceptance revoked on April 6, 1981, but employees as of that date retain all rights under the law. Persons employed after that date are not subject to the law.

Chapter	Section	Subject	Date of Acceptance
40	22D	Permits rules for towing of illegally parked vehicles	March 16, 1970
90	20C	Authorizes police officers to place tags upon illegally parked motor vehicles	March 16, 1970
71	16-16I	Establishes Minuteman Regional Vocational Technical School District	March 1, 1971
41	108L	Career incentive pay program for police department	March 15, 1971
40	8E	Establishes Youth Commission	March 20, 1972
59	21A	Additional compensation for assessors and assistant assessors who are awarded certain certificates	March 27, 1972
40C	—	Establishes Historic District Commission to succeed to powers and duties of Belmont Historical Commission	April 3, 1972
32	95A	Provides annuity to spouse and children of deceased Town employees retired under noncontributory retirement law	March 19, 1972
152	69	Extends workers' compensation to all town employees except police and fire	March 19, 1972
44	53C	Permits separate fund for payment of off-duty police work	March 19, 1972

Chapter	Section	Subject	Date of Acceptance
32B	9D	Town to pay one-half of the premium for health insurance of surviving spouse of employee or retired employee	April 1, 1974
32B	11A	Additional group life and health insurance for employees with no premium contribution by the Town	April 1, 1974
41	100B	Indemnification of retired police officers and fire fighters for certain hospital expenses	May 20, 1974
32	99	Advance payment of retirement allowance of certain employees	May 20, 1974
40	8B	Establishes a Council on Aging	April 28, 1975
71	71E	Authorizes revolving fund for moneys received for certain school programs	April 26, 1978
164A	—	Authorizes Municipal Light Department to participate in New England Power Pool	June 18, 1979
258	13	Indemnification of municipal officers	April 6, 1981
83	16A-16F	Authorizes lien on real estate for unpaid sewer use charges	October 5, 1981
90	20A 1/2	Authorizes Selectmen to appoint a parking clerk and to establish a schedule of fines for parking violations	October 5, 1981
148	26C	Installation of automatic smoke or heat detectors in certain public accommodations	April 28, 1982

Chapter	Section	Subject	Date of Acceptance
40	4G	Advertising for proposals for purchase of equipment, supplies or materials costing \$4,000 or more	April 25, 1984
148	26E	Installation of approved smoke detectors in all residential buildings	April 25, 1984
60A	1	P.O.W. Plates	April 28, 1986
71	71F	Establishes special account for tuition payments and reimbursements received by the School Committee	April 29, 1987
44	53F ^{1/2}	Establishes an Enterprise Fund for transportation and related purposes	June 17, 1987
32	7(2)iii	Increase supplemental dependency allowance for accidental disability retirees	May 2, 1988
59	5(41C)	Real estate tax exemption of \$500 for over age eligible taxpayers	May 2, 1988
41	106	Tree Warden to be appointed by the Selectmen	June 13, 1988
148	26H	Requires automatic sprinklers in lodging or boarding houses	April 23, 1990
140	147A	Authorizes the Town to enact By-Laws regulating dogs	April 23, 1990
32	22(1)b ^{1/2}	Removes \$30,000 restriction on the amount of regular pay used for calculation of retirement allowances	April 22, 1991
40	13A	Insurance fund for worker's compensation claims	April 22, 1991
40	13C	Reserve to pay worker's compensation claims if the town self insures	April 22, 1991
32	90G ^{3/4}	Allows Town employees to accrue creditable service after the age of 70 years	April 24, 1991
270	16	Designate health director as enforcing officer	April 24, 1991

Chapter	Section	Subject	Date of Acceptance
59	5(17)D	Provides exemption from real estate tax for certain eligible taxpayers	April 27, 1992
59	5(37A)	Provides exemption from real estate tax for certain eligible taxpayers who are blind	April 27, 1992
59	5(41A)	Increases maximum receipts for eligible applicants for tax deferral	April 27, 1992
32	22D	Establishes a Retirement System funding schedule	April 26, 1993
40	8J	Establishes a Commission on Disability	April 26, 1993
44	53D	Establishes a Recreation Program Revolving Fund	June 7, 1993
41	69B	Establishes water special revenue fund	April 25, 1994
148	26G	Sprinklers in certain non-residential buildings	April 25, 1994
40	57	Authorization to deny or revoke local licenses or permits for non-payment of taxes	April 26, 1994
60	3C	Authorizes the Town to provide a check off on tax bills for a Town scholarship fund	April 24, 1995
32	20(6)	Stipend for <u>ex officio</u> members of Retirement Board	April 22, 1996
59	21A ^{1/2}	Extra compensation for assessors who complete certain courses	April 22, 1996
40	8G	Allows mutual aid agreements with other police departments	October 28, 1996
32	103	Continuation of annual cost of living adjustments for eligible retired Town Employees	April 27, 1998

Chapter	Section	Subject	Date of Acceptance
32	103(h)	Equalizes cost of living adjustments for non-contributory and contributory retirees	April 26, 1999
32	103(i)	Allows Retirement Board to pay greater cost-of-living increase	April 24, 2000
40	22F	Allows Town boards or officers to fix reasonable fees and charges	April 24, 2000
41	108P	Provides for \$1,000 additional compensation to the Town Treasurer	April 24, 2000
148	26I	Requires automatic sprinkler systems in new or substantially rehabilitated structures	April 24, 2000
31	58A	Maximum Age for appointment to position of firefighter or police officer	April 28, 2003
44	53F ^{1/2}	Establishes "Enterprise Fund" for water service	April 28, 2003
44	53F ^{1/2}	Establishes "Enterprise Fund" for sewer and stormwater service	April 28, 2003
59	5(41C)	Adjusts certain property tax exemptions and requirements for eligible senior citizens	April 28, 2003
32B	18	Requires all retirees, their spouses or dependents enrolled or eligible to enroll in Medicare part A to enroll in a Medicare extension plan offered by the Town	April 26, 2004
59	5K	Raises the reduction of tax liability from \$500 to \$750 for volunteer services by persons over age 60	April 25, 2005
32	7(2)(e)	Additional yearly retirement allowance for certain accidental disability retirees who are veterans	April 24, 2006
32	9(2)(d)(ii)	Increase in accidental death benefit for surviving children	April 23, 2007

Chapter	Section	Subject	Date of Acceptance
39	23D	Voting by members of a local board who miss a single session of an adjudicatory hearing before their board	April 23, 2007