

ARTICLE I

TOWN MEETINGS

#1. DATE AND TIME OF ANNUAL MEETING. The Town shall have an Annual Town Meeting where registered voters may transact business not required to be determined by official ballot. The Town will hold two regularly scheduled Annual Town Meetings. The Spring Annual Town Meeting shall commence on the first Monday following the first Friday in May. **The Fall Annual Town Meeting will be held the fourth Wednesday in October only for the fall Special Town Meeting of 2005, then revert back to the last Monday of October.* The first four sessions shall be known as "Town Meeting Week". Notwithstanding the above, whenever an election by official ballot is to be held within Town Meeting Week or it is likely that a significant number of the Town's voters will observe a religious holiday within Town Meeting Week, the Selectmen shall change the date of the first session of Town Meeting and Town Meeting Week to the first Monday of the week thereafter in which Town Meeting Week can be held without the likelihood of such a conflict.

*Approved 5/9/2005
(AG approval 9/1/05)*

*for 2005 only – then back to the last Monday of Oct.(this is due to Halloween, 2005).

#2. WARRANT OF ANNUAL MEETING. The warrant for the Annual Meeting shall state the time and place of holding the Meeting and the subjects to be acted upon. No action shall be valid and no motion shall be entertained unless the subject matter thereof is contained in the warrant. The Selectmen may insert in the warrant for the Annual Meeting any subject the Selectmen may deem appropriate and shall insert in the warrant all subjects, the insertion of which shall be requested of them in writing by ten (10) or more registered voters of the Town.

#3. NOTICE OF ANNUAL MEETING. The Selectmen shall give notice of the Annual Town Meeting by:

- a. announcing publicly and posting notice of the date of the first session in a conspicuous place or places on or within the Town Hall on or before January 1 of each year in which the Meeting is to be held; and
- b. sending a copy of the warrant to the Moderator and the Chairperson of the Finance Committee forthwith after the completion of the warrant by the Selectmen; and
- c. posting an attested copy of the warrant in a conspicuous place or places on or within the Town Hall at least seven (7) days before the date of the Meeting; and
- d. sending a copy of the warrant to all dwelling units of record in the Town at least seven (7) days before the date of the Meeting; and
- e. publishing notice of the Meeting in one or more newspapers having substantial circulation in the Town at least seven (7) days before the date of the Meeting.

#4. CALLING OF SPECIAL MEETINGS. The Selectmen may call Special Town Meetings from time to time as they deem necessary. In addition, the Selectmen shall call a Special Town Meeting upon the request in writing of two hundred (200) registered voters or twenty (20%) percent of the total number of registered voters of the Town, whichever number is the lesser. Such Meeting shall be held not later than forty-five (45) days after the receipt of such request.

#5. WARRANT OF SPECIAL MEETINGS. The warrant for a Special Meeting shall state the time and place of holding the Meeting and the subjects to be acted upon. No action shall be valid and no motion shall be entertained unless the subject matter thereof is contained in the warrant. The Selectmen may insert in the warrant for a Special Town Meeting any subject they deem appropriate and shall insert all subject, the insertion of which shall be requested of them in writing by the petition calling the Meeting, and all subjects, the insertion of which shall be requested of them in writing by one hundred (100) registered voters of the Town or by ten (10%) percent of the total registered voters of the Town, whichever number is the lesser. Once the warrant for a Special Town Meeting is opened by the Selectmen, the warrant shall remain open for at least forty-eight (48) hours. No article proposing to amend, alter or in any way change the General By-laws or Zoning By-laws will be included in any warrant for a Special Town Meeting unless the requirements of Section 10 of Chapter 39 of the General By-laws have been met or unless the Board of Selectmen initiate such proposal. (Last phrase passed May 4, 1987)

#6. NOTICE OF SPECIAL MEETING. The Selectmen shall give notice of all Special Town Meetings at least fourteen (14) days before the date of the Meeting by:

- a. sending a copy of the warrant to the Moderator and to the Chairperson of the Finance Committee forthwith after the completion of the warrant by the Selectmen; and
- b. publishing notice of the Meeting in one or more newspaper having a substantial circulation in the Town including therein the notice of the Meeting and a summary of each article in the warrant in numerical order; and
- c. posting notice of the Meeting and an attested copy of the warrant in a conspicuous place or places on or within the Town Hall and, at the discretion of the Selectmen, other public places in the Town.

#7. DISTRIBUTION OF WARRANT AT SPECIAL MEETINGS. The Selectmen shall make available at each session of any Special Town Meeting, copies of the warrant for distribution at the Meeting. In lieu of including on such copies a complete description of all parcels of land mentioned in the warrant, the Selectmen may substitute a brief description of any such parcel.

#8. RECORDING OF MINUTES. In addition to the taking of minutes, all sessions of the Annual and Special Town Meetings shall be recorded by tape or other similar means and such recordings shall be kept in the custody of the Town Clerk for a period of no less than ten (10) years.

#9. QUORUMS. At all Town Meetings one hundred (100) registered voters of the Town shall be necessary to constitute a quorum for the transaction of Town business; but a lesser number may from time to time adjourn any such Meeting. Notwithstanding the above, whenever an article at a Special Town Meeting involves only the transfer of funds within Town accounts, forty (40) registered voters of the Town shall be necessary to constitute a quorum for the transaction of such article or to postpone an article requiring a quorum of one hundred (100) to a time certain. For the purposes of this Section "free cash" shall not be considered a Town account.

#10. ORDER OF ARTICLES. All articles in the warrant shall be taken up in the order of their arrangement unless otherwise decided by a two-thirds (2/3) vote of the voters present and voting.

#11. LENGTH OF SPEECHES. Except in the discretion of the Moderator, no person shall speak more than two times or more than a total of fifteen (15) minutes upon any question without obtaining leave of the Meeting unless to correct an error or answer a question.

#12. MOTIONS. Any action taken by a Town Meeting shall be by vote upon a motion. All motions, if required by the Moderator, shall be reduced to writing before being submitted to the Meeting. Any motions included in the Finance Committee Report on the warrant shall be considered as motions presented to the Meeting, but any registered voter may present a different motion on a question and this motion shall take precedence over any prepared motion in the Finance Committee Report.

#13. RULES FOR MOTIONS OR POINTS. For the purposes of establishing rules for the most common motions or points, the following schedule shall be controlling:

Rank of Motion in Order of Precedence	Motions or Points	Second Required	Debatable	Amendable	Vote Required	May Reconsider	May Interrupt Debate to make a motion
1	Adjourn to a fixed time or recess	Yes	Yes	Yes	Majority	No	No
2	Point of no quorum	No	No	No	None	No	Yes
3	Fix time and date to which to adjourn	Yes	Yes	Yes	Majority	Yes	No
4	Point of personal privilege	No	No	No	None	No	Yes
5	Reconsideration (see S. 15)	Yes	Yes	No	Majority	No	Yes
6	Lay on the table	Yes	Yes	No	Majority	Yes	No
7	Move the question (see S. 14)	Yes	No	No	Majority	No	No
8	Extend the speaker's time (see S. 11)	Yes	No	No	2/3	No	No
9	Postpone an article to a time certain	Yes	Yes	Yes	Majority	Yes	No
10	Commit or refer a matter	Yes	Yes	Yes	Majority	Yes	No
11	Amend (not amendable more than twice)	Yes	Yes	Yes	Majority	Yes	No
12	Postpone indefinitely (if not main motion)	Yes	Yes	No	Majority	Yes	No
None	Main motion	Yes	Yes	Yes	Variable	Yes	No
None	Take from the table	Yes	No	No	Majority	No	No
None	Advance an article from order in Warrant	Yes	Yes	Yes	2/3	No	No
*	Point of order or procedural information	No	No	No	None	No	Yes
*	Appeal ruling of Moderator	Yes	Yes	No	3/4	No	Yes
*	Divide a question	Yes	Yes	Yes	Majority	Yes	No

*Same rank as motion out of which it arises.

#14. MOVING THE QUESTION. A motion to move the question need not be recognized by the Moderator unless the Moderator is satisfied that various views on the subject have had an opportunity to be heard. A motion to move the question shall not be made by the last speaker on the question under debate.

#15. RECONSIDERATION. Any voter may make a motion to reconsider. No vote shall be reconsidered unless the motion to reconsider is made at the same session and within one-half hour of the original vote. No question shall be twice reconsidered except by a two-thirds (2/3) vote of the voters present and voting. If a motion to reconsider passes, the subject question must be voted upon at the same session as the original vote.

#16. VOTING PROCEDURE. After the voters have had the opportunity to be heard on a motion, the Moderator may call for a voice vote, hand vote and/or secret ballot. A hand vote shall be used if requested by three (3) or more voters. Notwithstanding the above, a secret ballot shall be used if so voted by a majority prior to the initial vote on the motion or if requested by three (3) voters after a preceding hand vote on the motion is decided by five percent (5%) or less of the total votes cast. Any vote tellers required shall first be selected from the members of the Board of Registrars present and then from such other registered voters appointed by the Moderator who have not previously spoken at the Meeting on the subject to be voted. The Town Clerk shall have ready at each Town Meeting an up-to-date voter registration list and a sufficient supply of ballots. All ballots used on any vote shall be identical. Ballots used on subsequent votes shall be easily distinguishable from ballots used in a previous vote.

#17. ADJOURNMENT. No new article or line item may be considered at any Town Meeting after 11:00 p.m. unless two-thirds (2/3) of the voters present and voting vote to continue the session. Any adjournment shall be to a date, time and place specified by vote of the Meeting unless the warrant is completely acted upon or unless otherwise provided by these By-laws.

ARTICLE II TOWN ELECTIONS

#1. ANNUAL ELECTION. The Town shall have an Annual election where registered voters may elect certain Town officers and vote on other matters to be determined by official ballot.

#2. DATE & TIME. The election shall be held, pursuant to a warrant, on the Tuesday following the third Friday in May, at which time the polls shall open at 7:00 A.M. and remain open continuously until 8:00 P.M.

#3. WARRANT OF TOWN ELECTION. The warrant for the Annual Town election shall state the date of the election, the place or places for balloting, the time of opening and closing of the polls, the names of all the offices to be voted for, the names of the candidates for each office and any questions submitted to the voters, all in the order in which they appear on the ballot.

#4. NOTICE OF ANNUAL ELECTION. The Selectmen shall give notice of the Annual election at least seven (7) days before the date of the election by:

- a. posting an attested copy of the warrant calling the election in a conspicuous place or places on or within the Town Hall; and
- b. publishing notice of the election in one or more newspapers having substantial circulation in the Town.

**ARTICLE III
BOARD OF SELECTMEN**

#1. MEMBERSHIP AND TERM OF OFFICE. The Town shall have a Board of Selectmen, consisting of three (3) members, elected for a term of three (3) years each, and so elected that the term of only one (1) shall expire in any one year.

#2. GENERAL POWERS & DUTIES. The Board of Selectmen shall have any and all powers granted to them under General Laws and shall serve as the Chief Executive Board of the Town. They shall have general supervision over all matters not assigned by the General Laws or these By-laws to other Town officers, boards, committees or commissions.

#3. POWER TO ENFORCE BY-LAWS. The Board of Selectmen shall have the power and responsibility to enforce the provisions of these By-laws.

#4. POWER TO APPOINT. The Board of Selectmen shall have the power to appoint various officers, constables and members of Town boards, commissions and committees as provided or allowed by the General Laws and these By-laws.

#5. POWER OVER POLICE DEPT. The Board of Selectmen shall be responsible for the direction of the police department and shall appoint a chief of police and such other officers and special officers as the Board deems necessary.

#6. POWER OVER FIRE DEPT. The Board of Selectmen shall be responsible for the direction of the fire department and shall appoint a chief of the fire department and such other officers and firemen as the Board deems necessary.

#7. POWER TO INVESTIGATE. The Board of Selectmen may investigate the conduct and operation of any Town department and may hold hearings on matters within its authority at which the Board shall have the power to summon witnesses to testify and produce records concerning any Town office or department.

#8. PROPERTY. The Board of Selectmen shall have control over all Town owned real and personal property except that property which by law or vote of the Town is placed in charge of any other board, officer or department and shall have control over land acquired by the Town through foreclosure of tax titles.

#9. LICENSING AUTHORITY. The Board of Selectmen may issue permits and licenses for a variety of purposes as provided by the General Laws and these By-laws and shall act as the licensing authority of the Town except where otherwise provided by law or the zoning By-laws. The Board of Selectmen may license suitable persons to act as pawnbrokers or as dealers in junk, old metals or second-hand articles and may make rules and regulations relative to such businesses and their supervision.

#10. POWER TO SET FEES. The Board of Selectmen shall determine the fees or fee schedules for all licenses and permits to be granted by the Town unless otherwise provided by law or these By-laws.

#11. TOWN COUNSEL. The Board of Selectmen shall employ an attorney to act as Town Counsel and may employ such special or additional counsel as the Board deems in the best interest of the Town.

#12. LEGAL CLAIMS. The Board of Selectmen shall act as the agents of the Town to institute and prosecute legal actions in the name of the Town and to defend legal actions against the Town in all matters where no other provision is provided. The Board of Selectmen may settle claims when authorized by vote of the Town or, if a claim or offer of settlement is not in excess of two thousand (\$2,000) dollars, when advised by the Town Counsel that the claim is valid or the proposed settlement is advisable and reasonable.

#13. LOW VALUE PERSONAL PROPERTY. The Selectmen may authorize any board or officer in charge of a department to sell on behalf of the Town any departmental personal property or material no longer required by such department and not exceeding \$400 in value.

#14. HIGHWAY SURVEYORS. The Selectmen shall be elected Highway Surveyors simultaneously with their election as Selectmen. As Highway Surveyors, they shall have the exclusive control of the ordinary repair of public ways within the Town and shall be responsible for the removal of snow and other obstructions on said ways.

ARTICLE IV FINANCE COMMITTEE

Section 1. The Town shall have a Finance Committee, consisting of seven members, elected for a term of three years each, and so elected that the term of no more than three nor less than two shall expire in any one year.

Section 2. No person holding any other elected or appointed office and no person employed by the Town, other than those who serve on the part-time call Fire Department, shall be eligible to serve as a member of the Finance Committee, except that, any member of the Finance Committee who holds another appointed office on the effective date of this amendment shall be allowed to continue in such appointed office for so long as he or she remains as a member of the Finance Committee.

(Approved 9/26/98.)

Section 3. The Finance Committee shall, promptly after the Annual election and assumption of office of new members, meet for the purpose of organization, and shall elect from its members a chairman and a secretary.

Section 4. The Finance Committee shall consider any and all municipal questions for the purpose of making reports or recommendations to the Town, including but not limited to matters relating to the appropriation, the borrowing and the expenditure of money, municipal debt, property valuations and assessments, and the administration of the Town offices and departments.

Section 5. The various Town boards, officers and committees involved with the expenditure of money shall, on or before a date specified by the Finance Committee, prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices and

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departments for the ensuing fiscal year, with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in the preceding year.

Section 6. All officers, boards, or committees of the Town, elected or appointed shall on request, furnish to the Finance Committee or to any delegated member or authorized agent thereof any desired financial information about Town affairs and Town funds under their control.

Section 7. The Finance Committee shall submit, at least seven days prior to any Town Meeting, a printed report of its recommendations to the voters including a copy of the warrant and an explanation of its recommendations. The report submitted prior to the Annual Town Meeting shall also contain an appropriate form which would encourage citizen participation in Town boards and committees. No appropriation shall be made until a report thereon has been received from the Finance Committee. (Section 7 passed May 4, 1987.)

ARTICLE V SCHOOL COMMITTEE

#1. MEMBERSHIP AND TERM OF OFFICE. The Town shall have a School Committee, consisting of seven (7) members, elected for a term of three (3) years each, and so elected that the term of no more than three (3) nor less than two (2) shall expire in any one year.

#2. GENERAL POWERS AND DUTIES. The School Committee shall have general charge of the Holliston public schools and such functions and powers as provided in the General Laws, including but not limited to Chapter 71.

ARTICLE VI TOWN CLERK

Section 1. The Town shall have a Town Clerk who shall be elected for a term of three (3) years and he or she shall assume office on the seventh day succeeding his or her election or until qualified as required by General Laws, Chapter 41, Section 107, as amended.

Section 2. The Town Clerk, as soon as practicable after a motion of the Town Meeting has been passed which relates to or affects the duties of any officer, board, department, committee, commission, authority or trusteeship of the Town, shall furnish a copy of the motion to said officer, board, department, committee, commission, authority or trusteeship.

Section 3. The Town Clerk shall promptly notify each person who is elected or appointed to any office, board, committee, commission, authority or trusteeship in the Town.

Section 4. The Town Clerk shall see that every conveyance to the Town of any interest in land is duly recorded in the proper registry, and shall have the custody of all such recorded instruments after the same are returned from the registry. He or she shall keep copies of any deeds executed and delivered by the Town of any interest in land.

Section 5. The Town Clerk shall, as soon as an order or vote appropriating money becomes effective, certify to the Assessors, Auditor and Town Treasurer, each appropriation in detail, and the provisions made for Meeting the same, if specified in the appropriation order or vote.

Section 6. The Town Clerk shall during the month of December notify in writing the chairman of any committee which has made no report to the Town since the last Annual Meeting, that a report must be filed with the Board of Selectmen on or before February 1.

ARTICLE VII TOWN MODERATOR

Section 1. The Town shall have a Moderator who shall be elected for a term of three (3) years. The Town Moderator shall serve as Moderator of all Town Meetings, except as otherwise provided by law.

ARTICLE VIII TREASURER AND COLLECTOR OF TAXES

Section 1. The Town shall have a Treasurer and Collector of Taxes who shall be appointed by the Town Administrator and he or she shall give bond Annually for the faithful performance of the duties of said office in a form required by law and in a sum as shall be fixed by the Selectmen in an amount not less than required by law. Approved 5/5/98

ARTICLE IX PLANNING BOARD

Section 1. The Town shall have a Planning Board, consisting of five (5) members, elected for a term of five (5) years each, and so elected that the term of only one (1) will expire in any one (1) year.

Section 2. The Planning Board shall have the functions and powers as provided in the General Laws as amended, including but not limited to Chapter 40A and Chapter 41.

Section 3. After a road has been designated by the Town as a scenic road, any repair, maintenance, reconstruction or paving work done with respect thereto shall not involve or include the cutting or removal of trees or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the Planning Board after a public hearing duly advertised as provided in General Laws, Chapter 40, Section 15C as amended.

ARTICLE X ASSESSORS

Section 1. The Town shall have a Board of Assessors, consisting of three (3) members, elected for a term of three (3) years each, and so elected that the term of only one (1) will expire in any one (1) year.

Section 2. At their first Meeting after such Annual election, the Assessors shall organize by choosing one of their members as chairman and another as secretary or clerk of said board.

Section 3. During his or her term of office, no assessor shall hold the office of Collector of Taxes or Deputy Collector of Taxes.

Section 4. The Assessors shall be responsible for determining or estimating the value of property in the Town for the purpose of taxation in accordance with the General Laws of Massachusetts. When

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making any assessment, the Assessors shall use their best skill and judgement, and shall assess all taxable property truly and impartially, neither overvaluing nor undervaluing.

Section 5. All applicants for a tax abatement shall be treated in a fair manner and, if such applicant requests in writing, shall be given a reasonable opportunity to present, in person, his or her case for abatement before the board.

ARTICLE XI PARK COMMISSION

Section 1. The Town shall have a Park Commission, consisting of five (5) members, elected for a term of three (3) years each, and so elected that the term of no more than two (2) shall expire in any one (1) year. At the first election after enactment of this by-law, two (2) commissioners shall be elected for a term of three (3) years and one commissioner for a term of two (2) years.

Section 2. The Park Commission shall have the over-all supervision and administration of recreational programs and facilities conducted and maintained by the Town.

Section 3. No person shall damage or destroy any real or personal property belonging to the Town and under the jurisdiction of the Park Commission.

Section 4. No person shall within any park or playground area:

- a. break any glass or throw any stone or missile;
- b. have possession of or discharge any destructive weapon, firearm, fireworks, torpedo or explosive, except by written permission of the Park Commissioners;
- c. make a fire except where allowed by the Park Commissioners;
- d. paint, or affix any sign, notice, circular, program, placard or other advertising device except by written consent of the Park Commissioners;
- e. drop or place and suffer to remain any piece of paper, garbage or other refuse, except in the receptacles designated therefor, nor throw a lighted match, cigar, cigarette or other burning substance in said receptacles or upon the ground; or
- f. bring or cause to be brought within any area under the control of said Park Commissioners any garbage, refuse or material for the sole purpose of depositing same within said receptacles.

Section 5. No person shall refuse or neglect to obey any rule, posted by sign, concerning the use of any area under the care and control of the Park Commissioners.

Section 6. No person shall operate a boat on Lake Winthrop, which is powered by an internal combustion engine except as approved by the Park Commission for safety or rescue purposes.

ARTICLE XII CIVIL DEFENSE

Section 1. Department of Civil Defense. There is hereby established a Department of Civil Defense (hereinafter called the "department"). It shall be the function of the department to have charge of civil defense as defined in Section 1, Chapter 639, Acts of 1950 and to perform civil defense functions as authorized or directed by said chapter or by any and all executive orders or general regulations promulgated thereunder, and to exercise any authority delegated to it by the Governor under said Chapter 639.

Section 2. Director of Civil Defense. The department shall be under the direction of a Director of Civil Defense (hereinafter called the "director") who shall be appointed as prescribed by law. The director shall have direct responsibility for the organization, administration and operation of the department, subject to the direction and control of the appointing authority, and shall receive such salary as may be fixed from time to time by the appointing authority. The director may, within the limits of the amount appropriated therefor, appoint such experts, clerks and other assistants as the work of the department may require and may remove them, and may make such expenditures as may be necessary to execute effectively the purposes of Chapter 639, Acts of 1950. The director shall also have authority to appoint district coordinators and may accept and may receive, on behalf of the Town, services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of civil defense, offered by the federal government or any agency or officer thereof or any person, firm or corporation, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. The director shall cause appropriate records to be kept of all matters relating to such gifts, grants or loans.

Section 3. Civil Defense Advisory Council. There is hereby established a Civil Defense Advisory Council (hereinafter called the "council"). Said council shall serve without pay and shall consist of the Director of Civil Defense, such other department heads and such other persons as the authority appointing said director may deem necessary. Such member of said council as said appointing authority shall designate, shall serve as chairman of said council. Said council shall serve subject to the direction and control of the appointing authority and shall advise said appointing authority and the director on matters pertaining to civil defense.

ARTICLE XIII WIRE INSPECTOR

Section 1. The Board of Selectmen shall appoint annually, in April, an inspector of wires to be known as the Wire Inspector, who shall hold office until his or her successor is appointed and qualified.

Section 2. The duties of the Wire Inspector shall be the enforcement of the rules and regulations as established under General Laws, Chapter 166, Section 32, as amended.

Section 3. The Wire Inspector may, so far as is necessary for the performance of his or her duties, enter any building within the Town after reasonable notice.

Section 4. The Board of Selectmen may at any time appoint for such terms as they determine, one or more Assistant Wire Inspectors to act in the absence or disability of the Wire Inspector and while so acting each of them shall have and may exercise all of the powers and duties of the Wire Inspector.

Section 5. The installation and maintenance of all electrical wires shall be under the supervision of the Wire Inspector and all wires and structures supporting or carrying the same, and all devices connected thereto shall be in accordance with the then latest edition of the Massachusetts Department of Public Safety Electrical Code and the Holliston Building Code.

Section 6. Every corporation or person proposing to install wires designed to carry a current of electricity for light, heat or power purposes, shall give notice thereof to the Wire Inspector before commencing any work. Such notice shall indicate the general character of the proposed installation and the number, rating and kind of current consuming devices to be connected. Upon receipt of such notice, a permit for the commencement of the work as described shall be issued by the Wire Inspector, provided all requirements as stated above have been observed. There shall be a fee for each such permit payable to the Town when issued. Fees shall be determined by a schedule as maintained on file at the office of the Building Inspector.

ARTICLE XIV GAS INSPECTOR

Section 1. The Board of Selectmen shall appoint annually, in April, an inspector of gas piping and gas appliances to be known as the Gas Inspector who shall hold office until his or her successor is appointed and qualified.

Section 2. The duties of the Gas Inspector shall be the enforcement of the rules and regulations as established under General Laws, Chapter 25, Section 12H, as amended.

Section 3. The Gas Inspector may, in so far as is necessary for the performance of his or her duties, enter any building or mobile home within the Town after reasonable notice.

Section 4. The Board of Selectmen may at any time appoint for such terms as they determine, one or more Assistant Gas Inspectors to act in the absence or disability of the Gas Inspector and while so acting each of them shall have and may exercise all of the powers and duties of the Gas Inspector.

Section 5. Every corporation or person proposing installation of any gas lines or fixtures for heat or utility purposes shall give notice to the Gas Inspector before commencing any work. This notice shall indicate the general character of the proposed work. If approved, a permit for the commencement of the work as described shall be issued by the Gas Inspector. There shall be a fee according to a schedule maintained on file in the Building Inspector's office, for each such permit payable to the Town when issued.

Section 6. This article shall apply to the use of natural, manufactured and bottled gas.

**ARTICLE XV
INSPECTOR OF BUILDINGS**

Section 1. The Town Administrator shall appoint annually, in March, an Inspector of Buildings. (Approved 5/5/98.)

Section 2. The duty of the Inspector of Buildings shall be to enforce the rules and regulations relating to buildings and trailers as established by the State Building Code, these By-laws and the General Laws, as amended.

Section 3. The Inspector of Buildings may, so far as is necessary for the performance of his or her duties, enter any building within the Town after reasonable notice.

Section 4. The Board of Selectmen may at any time appoint for such terms as they determine, one or more Assistant Inspectors of Buildings to act in the absence or disability of the Inspector of Buildings and while so acting each of them shall have and may exercise all of the powers and duties of the Inspector of Buildings.

Section 5. The Inspector of Buildings shall act as agent for the Board of Selectmen, and under its supervision shall be responsible for the issuance of all building and occupancy permits, the maintenance of a file of applications, plot plans and permits, and general enforcement of the Zoning By-laws.

Section 6. Building permits and occupancy permits issued under authority of the Inspector of Buildings shall be in conformity with a published schedule of fees on file in the office of the Inspector of Buildings and payment for such permits shall be made to the Town, when issued.

Section 7. The Inspector of Buildings shall determine and designate numbers for all buildings abutting upon or adjacent to a street as he or she may deem best for public convenience. No owner of any building shall neglect or refuse to affix to such building the street number designated by said Inspector of Buildings.

**ARTICLE XVI
TAX COLLECTOR**

Section 1. The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

Section 2. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial,

revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such denial, revocation or suspension. Any license or permit denied, suspended or revoked under this Section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as of the date of issuance of said certificate.

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

Section 4. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A (C.268A) of the General Laws in the business or activity conducted in or on said property.

Section 5. This Article shall not apply to the following licenses and permits: open burning under Section thirteen of Chapter forty-eight (S.13, C.48); bicycle permits under Section eleven A of chapter eighty-five (S.11A, C.85); sales of articles for charitable purposes under Section thirty-three of chapter one hundred and one (S. 33, C. 101); children work permits under Section sixty-nine of chapter one hundred and forty-nine (S. 69, C. 149); clubs and associations dispensing food or alcoholic beverages under Section twenty-one E of Chapter one hundred and forty (S. 21E, C. 140); dog licenses under Section one hundred and thirty-seven of Chapter one hundred and forty (S. 137, C.140); fishing, hunting and trapping licenses under Section twelve of Chapter one hundred and thirty-one (S.12, C. 131); marriage licenses under Section twenty-eight of Chapter two hundred and seven (S.28, C. 207); and theatrical events and public exhibition permits under Section one hundred and eighty-one of Chapter one hundred and forty (S.181, C. 140). (Passed May 4, 1987)

ARTICLE XVII RECYCLING & WASTE DISPOSAL

Section 1. In order to protect the environment and resources, and to provide for the proper disposal of solid waste, the Town hereby establishes a program of recycling in conjunction with the disposal of solid waste within the Town.

Section 2. No person shall deposit any refuse or rubbish within the Town other than at times and places in accordance with regulations established by the Board of Selectmen. The following items are excluded from the collection of solid waste: auto parts, such as large pieces of body metal and engine blocks, building materials, such as wood greater than six (6) feet long and greater than sixty (60) pounds, earth, stones, tree trunks, large tree limbs, hazardous materials and auto batteries.

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In addition, and in accordance with the following schedule, the following recyclable materials shall be removed from the solid waste stream and recycled in accordance with procedures for recycling established by the Board of Selectmen:

July 1, 1991 - newspapers, glass, aluminum containers and high density polyethylene (HDPE) containers .

January 1, 1992 - leaves, tires and white goods.

January 1, 1993 - compostable yard waste and recyclable metal containers.

January 1, 1995 - recyclable paper and single polymer plastics.

Section 3. There shall be established a Recycling Committee consisting of seven (7) members appointed in May by the Board of Selectmen for a term of three (3) years each and so appointed that the term of not more than three (3) nor less than two (2) shall terminate in any one (1) year. The Committee shall be responsible for the coordination of recycling efforts within the Town. The Recycling Committee shall make recommendations to the Board of Selectmen, who shall establish and amend procedures and programs for the collection and disposal of recyclable materials.

The Committee shall elect from its membership in May of each year, a Chairman, Vice-Chairman and Secretary. The Committee shall submit an Annual Report to the Board of Selectmen for inclusion in the Annual Report of the Town. (Approved 7/24/91.)

ARTICLE XVIII PUBLIC WAYS AND PLACES

Section 1. No person over twelve (12) years of age shall operate any cycle or similar vehicle upon any sidewalk.

Section 2. A person shall be guilty of disorderly conduct if:

a. his or her presence in a public place is unlawful because he or she:

(1) engages in a course of abusive or offensive language, gestures or conduct toward a person in a public place under circumstances in which the person reasonably fears imminent injury to his or her person or property; or

(2) obstructs vehicular or pedestrian passage on a public way; or

(3) fouls a public way by willfully defecating, urinating or expectorating on it; or

(4) makes an unreasonably loud noise which disturbs others; and

b. a police officer informs such person of the circumstances which render his or her presence in the public place unlawful according to one or more of the standards enumerated in subsection a. and orders him or her to move; and

c. he or she refuses to do so.

As used in this Section "public place" shall mean a place to which the public at large or a substantial group has access including a public way and "public way" shall mean any public highway or sidewalk, private way dedicated to public use and any way or parking lot upon which the public has a right of access or has access as invitees or licensees.

Section 3. The Superintendent of Streets, for the purpose of removing or plowing snow or removing ice from any way, may remove or cause to be removed to a public garage or some other convenient place any vehicle interfering with such work and the owner thereof shall be liable in contract to the Town for all reasonable costs of such removal and storage.

Section 4. No person shall operate for recreational purposes a snowmobile, motorcycle, minibike, all terrain vehicle (ATV's), or any other motor driven vehicle, on or through the land of another, without first obtaining written permission from the property owner or tenant.

All such vehicles must be equipped with an operating exhaust muffler that meets or exceeds the current state standards for sound suppression. The operation of such vehicles, except when registered for highway use shall be limited to the hours from 8 o'clock in the morning to 11 o'clock in the evening, unless a special permit is obtained from the Board of Selectmen. The operation of such vehicles on Town owned property is permitted only on those areas designated for the purpose by the appropriate authority.

Section 5. No person shall drink or consume any alcoholic beverages, as defined in General Laws, Chapter 138, Section 1, as amended, while in, on or upon any public way, public park, playground, recreation or conservation area, or private way or area to which the public has a right of access as invitees or licensees, without the consent of the authority responsible for the maintenance and protection thereof, if public, or the owner or person in control thereof, if private. All alcoholic beverages used in violation of this by-law shall be seized as evidence of the offense and safely held until final adjudication of the complaint against the person or persons charged, at which time the evidence seized shall be returned to the person or persons entitled to lawful possession. Any person convicted of a violation of this Section shall be punished by a fine of no less than \$20.00 for the first offense and a fine of no less than \$50.00 for a second or subsequent offense committed during any twelve-month period. Any person who violates this Section may be arrested by a police officer without a warrant if the violation occurs in the presence of the officer.

Section 6. Except in an emergency, no person shall park or leave parked on a public way between the hours of 9:00 P.M. and 7:00 A.M. a truck cab, a truck trailer or a truck which weighs unloaded 2 1/2 tons or more. If such prohibition causes a substantial hardship to any person, the Selectmen, after a public hearing, may grant desirable relief and may impose limitations both of time and use, providing such relief is made without substantial detriment to the public good and without creating a nuisance or devaluation of surrounding property.

ARTICLE XIX BOARD OF HEALTH

Section 1. The Town shall have a Board of Health, consisting of three (3) members, elected for a term of three (3) years each, and so elected that the term of only one will expire in any one year.

Section 2. The Board of Health may make such reasonable health regulations as they see fit and shall publish the same in a newspaper having substantial circulation in the Town. All regulations of the Board of Health shall be in writing and available for public inspection.

Section 3. The Board of Health shall investigate all nuisances, sources of filth and causes of sickness within the Town which may, in its opinion, be injurious to the public health, shall destroy, remove or prevent the same as the case may require, and shall make regulations for the public health and safety relative thereto and to articles capable of containing or conveying infection or contagion or of creating sickness brought into or conveyed from the Town. Whoever violates any such regulation shall forfeit not more than one hundred dollars.

Section 4. The Board of Health shall appoint an Inspector of Plumbing in accordance with General Laws, Chapter 142, as amended.

Section 5. The Board of Health may appoint agents or directors of public health in accordance with General Laws, Chapter 111, Section 30, as amended. An agent or director of public health appointed to make sanitary inspections may make complaint of violations of any law, ordinance or by-law relative to the public health.

ARTICLE XX BOARD OF LIBRARY TRUSTEES

Section 1. The Town shall have a Board of Library Trustees, consisting of six (6) members, elected for a term of three (3) years each and so elected that the term of only two (2) will expire in any one year.

Section 2. The board shall, from its own number, annually choose a chairman and secretary and the Town Treasurer shall act as treasurer of the board.

Section 3. The board shall have the custody and management of the library and reading room and all property owned by the Town relating thereto. All money raised and appropriated by the Town for its support and maintenance shall be expended by the board, and all money or property which the Town may receive by gift or bequest for said library and reading room shall be administered by the board in accordance with the provisions of such gift or bequest. The Board of Trustees, for the purpose of improving the services of said library, may enter into an agreement with the board or boards of any neighboring library or libraries, to pay for services in common, such payments to be shared in accordance with the terms of such agreement. The Town's public library may loan its books or other library material to any other free Town public library or to citizens of other Towns or non-residents, under such written conditions and regulations as may be made by the Board of Trustees. The Town may raise money to pay the expenses of so borrowing books and other library material from the library of any other Town.

Section 4. The board shall make an Annual Report to the Town of its receipts and expenditures and of the property in its custody, with a statement of any unexpected balance of money and of gifts or bequests which it holds in behalf of the Town, with its recommendations.

Section 5. It shall be the policy of the Board of Trustees and Librarian to select books and other library materials for values of interest, information and enlightenment to all the people of the

community and to offer as wide a variety of opinion and expression as is practicable. In no case should books or other library materials be excluded because of the race or nationality or the social, political or religious views of the authors, and no books or other library materials should be proscribed or removed from the Town library only because of partisan or doctrinal disapproval.

ARTICLE XXI EQUAL OPPORTUNITY

Section 1. It shall be the policy of the Town of Holliston to provide equal opportunity to all persons without discrimination because of race, color, religious creed, national origin, sex, age or ancestry of any individual.

Section 2. No Town agency shall knowingly enter into any contract for the purchase of goods or services or for the construction, maintenance, renovation or repair of any building, structure, street, way, utility or other public work with any contractor, sub-contractor or supplier which does not provide equal employment opportunity for all qualified persons without regard to race, color, religious creed, national origin, sex, age or ancestry, unless based upon a bonafide occupational qualification.

Section 3. All contracts for goods and services made with the Town in excess of ten thousand dollars (\$10,000) shall include provisions designed to insure compliance with this by-law and Chapter 151B of the General Laws, as amended.

ARTICLE XXII REMOVAL OF EARTH PRODUCTS

Section 1. The removal from any premises of more than ten (10) cubic yards of earth products, including sod, loam, sand or gravel, in any one year shall be prohibited except when incidental to and in connection with the construction of a building or street or other activity authorized in the zoning by-law.

Section 2. Removal of earth products prohibited by Section 1 of Article XXII may be authorized by the Board of Appeals by Special Permit provided it determines that the activities involved are not harmful or detrimental to the present or future character of the neighborhood or the Town. Before issuing such a special permit the petitioner shall file a bond or other security satisfactory to the board to guarantee performance of the conditions of the special permit. Such conditions shall require, as a minimum, the Operation and Restoration Standards recommended by the Middlesex Conservation District and on file with the Board of Appeals at the time the petition is filed. The permit issued shall be granted only to the petitioner as a personal right and shall not be transferable. (Approved 8/24/90)

Section 3. With the exception of work done by or for an owner-occupant of an individual single-family or two-family dwelling for home improvement purposes, in all areas which are disturbed, topsoil removed therefrom shall be stockpiled on site until completion of operations and promptly thereafter each disturbed area, on which structures, parking lots or ways are not in place, shall be recovered with topsoil to a depth of at least that which previously existed, but, in any event, with no less than four inches (4) of compacted topsoil in the uppermost layer.

Section 4. Removal of earth products other than specifically permitted in the zoning by-law or in this by-law is prohibited.

Section 5. Notwithstanding any other Section of this article, removal from the Town of Holliston of soil, loam or other earth products suitable for growing vegetable matter, in excess of one bushel, shall be prohibited.

Section 6. The penalty for a violation of any Section of this article shall be as follows: for the first offense, fifty dollars (\$50); for the second offense, one hundred dollars (\$100); and for each subsequent offense, two hundred dollars (\$200).

ARTICLE XXIII COUNCIL ON AGING

Section 1. The Town shall have a Council on Aging, consisting of thirteen members (13), appointed in April by the Board of Selectmen for a term of three years (3) each, and so appointed that the term of not more than five (5) nor less than four (4) shall terminate in any one year. (Passed May 4, 1987.)

Section 2. The council shall have the power to coordinate and carry out programs designed to meet the problems of the aging in cooperation with programs of the Department of Elder Affairs.

Section 3. The council shall elect from its membership, in April of each year, a chairman, vice-chairman, secretary and treasurer.

Section 4. The council shall submit an Annual report to the Town and shall send a copy thereof to the Department of Elder Affairs.

Section 5. The council may appoint such clerks and other employees as it may require.

Section 6. Only Holliston residents fifty five (55) years and older shall be eligible for the benefits and activities offered by the council. (Approved 8/24/90.)

ARTICLE XXIV MISCELLANEOUS

Section 1. Any person excavating land or any person in charge of such excavation and any owner of land in the Town of Holliston which has been excavated shall erect barriers or take other suitable measures within two days after such person has been notified in writing by the Selectmen or Building Inspector that in their opinion such excavation constitutes a hazard to public safety. The penalty for violation of this Section shall be a fine not exceeding two hundred dollars (\$200) for each day of a violation of such notice, commencing with the fourth day thereof.

Section 3. No person shall injure, mutilate or destroy any property or equipment, real or personal, belonging to the Town of Holliston, including any shade trees or stone walls within the right-of-way of any designated scenic roads. (Amended TM 5/00, A.G. approved 9/00)

Section 4. No person shall refuse or neglect to obey any rule, posted by sign, concerning the use of any area under the jurisdiction of the School Department; nor shall they refuse or neglect to obey any

reasonable direction of a police officer, custodian or School Department employee during the time they are on School Department property.

Section 5. No person shall enter upon the premises of another for the purpose of committing any wanton or malicious act, nor for the purpose or with intention of invading the privacy of another by peeping into the window of a house or spying upon any person or persons resident therein.

Section 6. No person shall post, affix, or in any way attach any poster, handbill, notice, advertisement or placard to or upon any post, wall, fence, building or structure without permission of the owner or his agent.

Section 7. No person shall write, paint, mark, stamp or cut any symbol, notice or advertisement upon or into any wall, fence, post, street, sidewalk, tree, rock, ledge, building or structure without the permission of the owner or his agent.

Section 8. No person shall have more than one (1) unregistered car or truck ungaraged on his or her premises at any one time. If such prohibition causes a substantial hardship to any person, the Selectmen, after a public hearing, may grant desirable relief and may impose limitations both of time and use, provided such relief is made without substantial detriment to the public good and without creating a nuisance, unsightliness or devaluation of surrounding property. This Section shall not apply to unregistered cars or trucks on the property of a business operated in a lawful place and manner when necessary to the operation of such business.

Section 9. Unless otherwise provided in these By-laws or by the General Laws, a violation of each by-law creating a duty to act or refrain from acting shall be punishable by a fine of not more than three hundred dollars (\$300) per offense. Each day of a continuing offense shall be considered a separate offense. Whoever violates any provision of these By-laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in General Laws Chapter 40, Section 21D in the following manner:

a. A written warning, clearly stating the nature of the violation, the Section of the by-law violated, the required corrective action and the right of appeal to the Board of Selectmen, shall be issued to an alleged violator. This warning may be appealed to the Selectman within twenty-one (21) days from receipt.

b. Thirty (30) days after issuance of the warning, a fine may be imposed in accordance with the provisions of General Laws Chapter 40, Section 21D if the violation is not corrected or an appeal has not been made to the Board of Selectmen within the aforementioned twenty-one (21) days or upon appeal, the Selectmen find that the warning is legitimate. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty. Without intending to limit the generality of the foregoing, it is the intention of this provision that the following By-laws and Sections of By-laws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each Section, if any, shall also be enforcing persons for such Sections. Any fine imposed may be appealed to the Clerk-Magistrate of the Framingham District Court. (Amended 5/00 & A.G. Approved 9/00.)

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Article XI	Park Property Regulations	\$25.00
Article XV	Section 7 Numbering of buildings (Building Inspector, Fire Chief)	\$25.00
Article XVIII	Section 4 Operation of off road vehicles	\$25.00
Article XVIII	Section 6 Nighttime parking of trucks	\$25.00
Article XXII	Removal of earth products (Building Inspector)	\$25.00
Article XXIV	Section 1 Dangerous excavations (Building Inspector)	\$25.00
Article XXIV	Section 3 Stone Wall and/or Shade Tree Destruction (Planning Board, Building Inspector) (Added 5/00 & A.G. Approved 9/00)	\$100.00
Article XXIV	Section 8 Unregistered vehicles (Building Inspector)	\$25.00
Article XXIV	Section 13 Enclosure of swimming pools (Building Inspector)	\$25.00
Article XXIX	Dog restraint (Dog Officer) (Approved 5/9/88)	\$25.00

Section 10. No person shall discharge a firearm within 200 feet (200') of Mill or Factory Pond. No person shall fire or discharge any firearm of any kind or hunt by bow or air rifle within the limits of any park, playground or any public property, except with the consent of the Selectmen, or except with the consent of the controlling governmental body thereof; or hunt by firearm, or bow, or air rifle on any private property, except with the consent of the owner or legal occupant thereof. Any person violating any of the provisions of this by-law shall be fined not more than two hundred dollars (\$200) for each offense. This by-law shall not apply to the lawful defense of life or property or to any law enforcement officer acting in the discharge of his/her duties. (Approved 10/12/89.)

Section 11. Demolition Delay

Purpose

This bylaw is adopted to protect and preserve buildings and structures within Holliston which reflect or constitute distinctive features of the architectural, cultural, economic, political or social history of the Town. The intent of the by-law is not to permanently prevent demolition but rather to provide an opportunity to develop preservation solutions for properties threatened with demolition.

To achieve these purposes, the Holliston Historical Commission is empowered to advise the Holliston Building Inspector with respect to the issuance of permits for demolition, and the issuance of demolition permits for significant buildings and structures is regulated as provided in this By-law.

Definitions

"Building or Structure" - Any combination of building materials *giving support or forming* a permanent shelter for persons, animals, or property.

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"Business Day" - A day which is not a legal municipal holiday, Saturday or Sunday.

"Commission" - The Holliston Historical Commission.

"Demolition" - The act of substantially or totally pulling down, destroying, removing, or razing a building or structure, or commencing the work of total or substantial destruction with the intent of completing the same.

"Historically Significant Building or Structure" - Any building or structure within the Town which is in whole or in part seventy-five (75) or more years old and

- (a) Which is within any local, state or national historic district; or
- (b) Which is listed on or is within an area listed on, the National Register of Historic Places, or which is the subject of a pending application for listing on said National Register; or
- (c) Which is or has been designated by the Commission to be a significant building or structure either:
 - (i) Is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic, or social history of the Town or the Commonwealth, or
 - (ii) Is historically or architecturally significant (in terms of period, style, method of building construction, or association with a famous architect or builder) either by itself or in the context of a group of buildings.

Procedure

The building inspector shall forward a copy of each demolition permit application for a building or structure to the Commission within five (5) business days of the filing of such application.

Within thirty (30) days from its receipt of a demolition permit application, the Commission shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the Commission if he or she so chooses. If the Commission determines that the building or structure is not historically significant the Commission shall so notify the Building Inspector in writing and the Building Inspector may issue a demolition permit.

If the Commission determines that the building or structure is historically significant, the Commission shall notify the Building Inspector in writing that a demolition review must be made prior to the issuance of any demolition permit. If the Commission fails to notify the Building Inspector of its determination within thirty (30) days of its receipt of the application, then the building or structure shall be deemed not historically significant and the Building Inspector may issue a demolition permit.

Demolition Plan Review.

Not less than sixty (60) days after the Commission's determination that a building or structure is historically significant, the applicant for the permit shall submit to the Commission ten (10) copies of a demolition plan which shall include the following information:

- (i) A map showing the location of the building or structure to be demolished on its property and with reference to neighboring properties;
- (ii) Photographs of all street facade elevations;
- (iii) A description of the building or structure, or part thereof, to be demolished;
- (iv) The reason for the proposed demolition and data supporting said reason, including where applicable data sufficient to establish any economic justification for demolition;
- (v) A brief description of the proposed reuse of the property on which the building or structure to be demolished is located.

Upon receipt of the plan referenced above, the Commission shall fix a reasonable time for a public hearing on the application and shall give public notice thereof by publishing notice of the time, place and purpose of the hearing in a local newspaper at least fourteen (14) days before said hearing and also, within seven (7) days of said hearing, mail a copy of said notice to the applicant and abutters.

After said public hearing, and within sixty (60) days from receipt of the demolition plan, the commission shall file a written report with the Building Inspector on the demolition plan which shall include the following:

- (i) A description of the age, architectural style, historical associations and importance of the building or structure to be demolished;
- (ii) A determination as to whether or not the building or structure should be preferably preserved.

If the building or structure is not determined to be preferably preserved or if the Commission fails to file its report with the Building Inspector within the time period set forth above, then the Building Inspector may issue a demolition permit.

If the building or structure is determined to be preferably preserved following the demolition plan review, then the Building Inspector shall not issue a demolition plan permit for a period of thirty (30) days from the day the Commission's report is filed with the Building Inspector unless the Commission informs the Building Inspector prior to the expiration of such thirty (30) period that the Commission is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure, or has agreed to accept a demolition permit on specified conditions approved by the Commission.

Responsibilities of the Owner.

Once a building or structure has been determined to be a preferably preserved building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail to secure the building, a subsequent destruction of the building at any time during the thirty (30) day demolition delay period, which destruction could have been prevented by the required security measures, shall be considered a violation of this by-law.

Emergency Demolition.

If a building or structure poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request issuance of an emergency demolition permit from the Building Inspector. As soon as practicable after receipt of such request, the Building Inspector shall arrange to have the property inspected. After inspection of the building or structure and consultation with the other members of the board, the Building Inspector shall determine whether the condition of the building or structure represents a serious and imminent threat to public health and safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect public health and safety. If the Building Inspector finds that the condition of the building or structure poses a serious and imminent threat to public health and safety and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Inspector may issue an emergency demolition permit to the owner of the building or structure.

Whenever the Building Inspector issues an emergency demolition permit, he shall prepare a written report describing the condition of the building or structure and the basis of his decision to issue an emergency demolition permit. A copy of this written report shall be filed with the Commission.

Enforcement and Remedies.

The Commission and/or Building Inspector are each specifically authorized to institute all actions and proceedings, in law or in equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this By-law or to prevent a threatened violation thereof.

No building permit shall be issued with respect to any premises upon which a building or structure seventy-five years or more old has been voluntarily demolished otherwise than pursuant to a demolition permit granted after compliance with the provisions of this By-law for a period of two years after the date of the completion of such demolition. As used herein "premises" refers to the parcel of land upon which the demolished building or structure was located and all adjoining parcels of land under which the demolished building or structure was located and all adjoining parcels of land under common ownership or control.

Severability.

In case any section, paragraph, or part of this By-law is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph and part shall continue in full force and effect. (replaced previous Sec.11 in its entirety- passed ATM 5/9/01. AG approval 9/20/01)

Section 12. All members of any Town board, commission or committee, whether elected or appointed, shall vote and be recorded.

Section 13. Every private swimming pool shall be completely enclosed by a fence, wall, building or combination thereof, not less than five (5) feet in height. All gates or door openings through such enclosure shall be not less than five (5) feet in height and shall be self-closing with a self-latching device located not more than one (1) foot below the top for keeping the gate or door securely closed at all times when not in actual use, except that the door of any building which forms a part of the enclosure need not be so equipped. Such gate shall not be required for above-ground pools utilizing an access ladder which can be elevated and locked, if approved by the Inspector of Buildings. Each gate, door or ladder shall be kept locked at all times when the swimming pool area is not in use.

Section 14. Whenever allowed by law, all Town officers, except constables, shall pay into the Town treasury all fees and other charges received by them by virtue of their office.

Section 15. It shall be unlawful for any solicitor or canvasser as defined in this by-law to engage in such business within the Town of Holliston without first obtaining a license therefor in compliance with the provisions of this by-law. The provisions of this by-law shall not apply to any person residing within the Town of Holliston and engaging in the pursuit of soliciting for charitable, benevolent, fraternal, religious, or political activities, nor to any person exempted under Chapter 101 of the General Laws, or to any person duly licensed under Chapter 101 of the General Laws, or to any person exempted by any other General Law, nor shall this by-law be construed to prevent persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon such customers or from making calls upon such customers for the purpose of soliciting an order for future periodic deliveries.

A solicitor or canvasser is defined as any person who, for himself, or for another person, firm or corporation, travels by foot, automobile or any other type of conveyance from house to house or other residential units, taking or attempting to lease or to take orders for the sale of goods, wares, merchandise, or service, or taking or attempting to take contributions for any purpose, including, without limitation, the selling, distributing, exposing for sale or soliciting of orders for magazines, books, periodicals, or other articles of a commercial nature, the contracting of all home improvements or for services to be performed in the future whether or not such individual has, carries or exposes for retail sale a sample of the subject of such sale, whether or not he is collecting advance payment of such retail sales. Applicants for a license shall file with the Chief of Police a written application signed under the penalties of perjury. At the time of filing the application, each applicant shall pay a fee of \$10.00 to the Town of Holliston. Upon receipt of the application, the Chief of Police shall investigate the applicant's reputation as to morals and integrity. After such investigation the Chief of Police shall approve or disapprove the application and notify the applicant of his decision. In the event that the application is approved, the license shall be issued. Any applicant shall have the right of appeal to the Board of Selectmen.

Such license when issued shall contain the signature of the Chief of Police and shall show the name, address and photograph of said licensee, the date of issuance and the length of time the same shall be operative, as well as the license number. The Chief of Police shall keep a record of all licensees issued for a period of three (3) years. Solicitors and canvassers when engaged in the business of soliciting or canvassing are required to display an identifying badge issued by the Chief of Police by wearing said badge on an outer garment.

Each licensee is required to possess an individual license. No license shall be transferred. Each license issued under the provisions of this by-law shall continue in force for one (1) year from the

date of its issuance unless sooner revoked. The Chief of Police is hereby vested with jurisdiction over the revocation of such licenses. The Police Officers of the Town of Holliston shall enforce this By-law. An applicant requesting renewal of a license must do so in the same manner as required for an original license. (Approved 9/12/88).

Section 16. Solid waste collection and removal bills issued by the Town shall be due and payable on or before the sixtieth day after the date of mailing of the bills. Payment shall be deemed to be timely if it is postmarked on or before the sixtieth day after the date of the mailing of the bills. Interest charges shall be assessed on all late payments at the rate of fourteen percent (14%) per annum. *A late fee of \$5.00 will be assessed on all late payments upon issuance of a Delinquent Notice by the Town.*

(Approved 5/9/05)

(AG approval 9/1/05)

Section 17. Any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with the Town, and may fix reasonable charges to be paid for any services rendered or work performed by the Town or any department thereof, for any person or class of persons.

No such fee may be implemented or charged until after a public hearing has been held by the appropriate board or officer for the purpose of receiving and considering public comment regarding the proposed fee. Notice of any such hearing must be published at least seven (7) days prior to the hearing in a newspaper of general circulation in the Town and posted on the official bulletin board at Town Hall. (A.G. approved 8/26/92).

Section 18. It shall be unlawful to obstruct or park a vehicle in any fire lane, such fire lane to be designated by the Board of Selectmen upon the recommendation of the Fire Chief and to be posted as such. Fire lanes shall generally be a distance of twelve (12) feet from the curbing of a sidewalk in a commercial or multi-dwelling unit area. In the absence of a sidewalk, a fire lane shall generally be a distance of eighteen (18) feet from the building. (A.G. approved 6/5/96).

Section 19. Trench Safety (Promulgated under MGL 82A, sec.2 and 520 CMR 14:00)

1. Purpose: Whereas, the Commonwealth of Massachusetts Department of Public Safety and Division of Occupational Safety have promulgated regulations in accordance with Chapter 82A of the General Laws relative to excavation and trench safety; and,

Whereas, the Town of Holliston has been directed by these regulations to designate an officer or board within the town as the local ‘permitting authority’; and,

Whereas, the local permitting authority shall be responsible for the issuance of required trench permits on both municipal and private property, the collection of optional permit fees, and for the enforcement of these requirements for the protection of the General Public;

Now Therefore, the Board of Selectmen is hereby designated as the local “permitting authority” for issuing trench permits under the regulations.

2. Definitions:

- a. Trench – A trench is defined as a subsurface excavation greater than three feet (3') in depth, and is fifteen feet (15') or less between the soil walls as measured from the bottom.

3. Authority:

- a. The Board of Selectmen may designate by vote certain Building Department and Highway Department staff to act as their agent for permit processing and approval and for the enforcement of trench rules and regulations and conditions of permits.
- b. The Board of Selectmen may, from time to time, and after a public hearing, enact fees to cover the costs of processing said permits and for enforcement thereof.
- c. The Board of Selectmen may, from time to time, and after a public hearing, enact local rules and regulations consistent with Chapter 82A relative to the trench permitting process, the standard and special conditions for issued permits, and the enforcement of issued permits.” (Approved 5/4/2009)

**ARTICLE XXV
EFFECTIVITY OF BY-LAWS**

Section 1. These By-laws shall take effect after their approval, in accordance with General Laws, Chapter 40, Section 32, as amended, and all general By-laws (as distinguished from the zoning By-laws and the building code) heretofore adopted by the Town are hereby repealed, without, however, affecting any suit, prosecution, or said proceeding pending at the time of repeal, for an offense committed or for recovery of a penalty incurred under the by-law repealed.

Section 2. If any part of these By-laws is found invalid, the validity of the remaining provisions shall not be affected thereby.

**ARTICLE XXVI
GENERAL PROVISIONS FOR TOWN COMMITTEES**

Section 1. All committees, except as otherwise provided by law or by vote of the Town Meeting, shall be appointed by the Selectmen as soon as possible after the passage of the vote creating the committee. In choosing a committee by nominations from the floor, no person shall nominate from the floor more than one member of such committee until others have had an opportunity to make nominations.

Section 2. Unless otherwise provided, the first named member of a committee shall promptly call all the members of the committee together for the purpose of organization and election of officers. Each committee shall thereafter proceed with its duties and report to the appointing authority as promptly as possible.

Section 3. No report of a committee shall be acted upon at a Town Meeting, other than to be received or published and distributed, unless it has been included in the warrant.

Section 4. A vote by a Town Meeting to accept a final report of a committee shall, unless otherwise provided, discharge the committee, but it shall not operate as an adoption of the recommendations of such report without a vote duly passed to that effect.

Section 5. All Annual reports of committees shall be in writing and shall be permanently filed for preservation with the Town Clerk, and if the Board of Selectmen deem best, or the Town so votes, the report of any committee shall be published as part of the next Annual Town report. The Annual Town report, and the reports of the boards, commissions, committees, officers and officials of the Town required to be contained therein, shall be for the last completed fiscal year, commencing with the fiscal year ending June thirtieth, nineteen hundred and ninety. Such report shall be prepared and distributed not later than the third Monday in December of each year and all reports required to be contained in the Annual Report must be filed with the Selectmen no later than September 1.

(Approved 8/24/90).

Section 6. The chairman of any appointed committee shall notify the Board of Selectmen whenever one of the committee members is absent without cause from five (5) consecutive Meetings, and the Selectmen may, within their discretion, remove such member from said committee and appoint a replacement.

Section 7. Any Town Meeting or other Town body established by law or by-law may create committees under its authority. Any such committee shall be appointed for terms of one year or less. At the end of each term, such committee shall submit to the appointing authority a written report of its progress and activities. No such committee shall be re-appointed until the report is submitted. Any such committee shall be dissolved automatically upon the completion of its specific assignment.

Section 8. No Town board, committee or commission, or any subcommittee, shall convene a meeting or sponsor an event at any time during a Town election or Town Meeting, except as may be required by the Open Meeting Law for the purpose of taking official action as part of a Town Meeting or to take emergency action as that term is defined in the Open Meeting Law. (Approved 7/24/91).

ARTICLE XXVII BOARD OF APPEALS

Section 1. The Town shall have a Board of Appeals, consisting of three (3) members, appointed by the Board of Selectmen, in April, for a term of three (3) years each, and so appointed that the term of only one shall expire in any one year. The Board of Selectmen shall appoint annually, in April, two (2) associate members to the Board of Appeals. The chairman of the Board of Appeals may designate any such associate member to sit on the board in case of the absence, inability to act or interest on the part of a member thereof, or in the event of a vacancy on the board, until such vacancy is filled.

Section 2. The Board of Appeals shall have the functions and powers as provided in the General Laws, including but not limited to Chapters 40A and 41, as amended.

Section 3. If any part of this article is in conflict with the Zoning By-laws, the language of the Zoning By-laws shall be controlling.

ARTICLE XXVIII VACANCIES

Section 1. If there is a failure at an election to choose a Selectmen, or Town Clerk, or if a person chosen shall not accept such office, or if a vacancy shall occur, such office may be filled by the Town pursuant to General Laws, Chapter 41, Section 10, as amended.

Section 2. If there is a failure to elect, or a vacancy occurs in any Town office other than the offices of Selectmen, and Town Clerk, the Selectmen shall in writing appoint a person to fill such vacancy.

Section 3. If there is a vacancy in a board consisting of two (2) or more members, other than the board of Selectmen, Board of Appeals, Conservation Commission and any board under the sole authority of the Board of Selectmen, the remaining member or members shall give written notice thereof, within one month of said vacancy, to the Selectmen, who, with the remaining member or members of such board, shall after one week's notice, fill such vacancy by roll call vote. The Selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the ballots of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the Town.

Section 4. A vacancy in the office of the Board of Appeals, Conservation Commission or any board under the sole authority of the Board of Selectmen shall be filled by the board of Selectmen.

ARTICLE XXIX ANIMAL CONTROL

Section 1. General

Statement of Purpose - This By-law is intended to guide those persons owning or keeping dogs in their role as responsible pet owners so as not to adversely affect the residents of Holliston.

Reference to Massachusetts General Laws - Any reference to a "section" in this By-law shall mean Chapter 140 of the Massachusetts General Laws, unless otherwise stated. The provisions of Massachusetts General Laws Chapter 140, sections 136A through 174D inclusive, as may be amended from time to time and except as modified herein, are incorporated into this By-law relating to the regulations of dogs.

If any provision of this bylaw shall be deemed unenforceable, the remaining provisions shall continue in full force and effect.

Section 2. Definitions

Unless otherwise set out in this By-law, any term defined in section 136A shall have the same meaning in this By-law, and shall be expressly incorporated herein.

ANIMAL CONTROL OFFICER: The person or firm appointed to enforce the provisions of this By-Law.

OWNER: Any person or persons, individual, partnership, company, firm, association or corporation owning, keeping or harboring a dog within the Town.

LICENSE PERIOD: From January 1st of each year to December 31st of the same year.

KENNEL: One pack or collection of four (4) or more dogs on a single premise.

Section 3. License Required.

Any owner or keeper of a dog six (6) months of age or older in the Town of Holliston shall cause said dog to be licensed within thirty (30) days of its becoming six (6) months old or thirty (30) days of becoming its owner or keeper, whichever shall last occur, as required by Massachusetts General Laws, Chapter 140 commencing on January 2nd of each year.

The registering, numbering, describing and licensing of a dog shall be done by the Town Clerk on a form prescribed and supplied by the Town Clerk, and shall be subject to the conditions expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing livestock, fowls or wildlife.

The owner of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable materials, to which shall be securely attached a tag on a form prescribed by and distributed by the Town Clerk when a license is issued. Such tag shall state "Town of Holliston", the year of issue and tag number. The Town Clerk shall maintain a record of the identifying numbers.

If any such tag is lost, the owner shall secure a substitute tag issued by the Town Clerk. The Town Clerk shall not grant any license until and unless a current rabies vaccination certificate for the animal to be licensed has been presented.

Section 4. Rabies Vaccination.

When applying for a license the applicant must show proof of rabies vaccination by a veterinarian's certificate or a notarized letter from a veterinarian that a certification was issued, dated within the last three (3) years, if the dog is six (6) months of age or older, as required by Massachusetts General Laws, Chapter 140, section 145B, as amended, and shall cause such dog to be re-vaccinated at intervals recommended by the vaccine's manufacturer.

Unvaccinated dogs acquired or brought into the Town shall be vaccinated within thirty (30) days after acquisition or entry into the Town or upon reaching the age of six (6) months, whichever comes later.

Unvaccinated dogs shall be re-vaccinated in accordance with rules and regulations adopted and promulgated by the Department of Public Health.

Section 5. Penalties for Unlicensed Dogs.

In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog or dogs which is not licensed on or before April 30th in any year shall be subject to a fine of \$25.00.

Section 6. Disposition of Collected Fees and Fines.

All fees and/or fines collected in relation to the control of dogs within the Town of Holliston, unless otherwise approved by the Board of Selectmen or controlled by law, shall be deposited with the Town Treasurer weekly and deposited into the general fund.

Section 7. Dogs Running at Large.

A person who owns or keeps a dog in the Town shall restrain such dog from running at large during such hours as determined by the Board of Selectmen and filed with the Animal Control Officer and the Town Clerk. The Town Clerk shall provide a copy of the regulations to each licensee at the time of the first licensing of the dog.

Section 8. Animal Control Officer Powers and Duties.

The Animal Control Officer shall seek out, catch and confine any dogs within the Town that are found on property where said dog is trespassing and the owner or person in control of such property wants the dog removed, if said dog is in violation of any section of this By-Law.

It shall be the duty of the Animal Control Officer to keep accurate and detailed records of the impoundment and disposition of all dogs held in custody; a monthly telephone log of all calls regarding dogs; all bite cases reported and the investigation of same; and to submit quarterly reports to the Board of Selectmen and Board of Health.

If any person shall make a complaint in writing to the Animal Control Officer that any dog owned or harbored within the Town is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Animal Control Officer shall investigate such complaint, which may include an examination under oath of the complainant, and submit a written report to the Selectmen of findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the complainant under oath, the Selectmen may make such order concerning the restraint muzzling or disposal of such dog as may be deemed necessary. The Animal Control Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed fourteen (14) days to enable the Selectmen to issue their order following receipt of the report of the Animal Control Officer. If the Selectmen fail to act during the period of the interim order, upon expiration of the period the interim order automatically is vacated.

The Animal Control Officer may restrain or muzzle, or issue an interim order to restrain or muzzle, for a period not to exceed fourteen (14) days, any dog for any of the following reasons:

(a) for having bitten any person; (b) if found at large or unmuzzled, as the case may be, while an order for the restraint of such dog is in effect; (c) if found in a school, school yard or public recreational area; (d) for having killed or maimed or otherwise damaged any other domesticated animal; (e) for chasing any vehicle upon any public way or way open to public travel in the Town; (f) for any violation of Section 11.

Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Selectmen a report of action and the reasons therefor. Upon receipt of such report, the Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. If the Selectmen fail to act upon the report during the period the dog is restrained or muzzled, upon expiration of the period, the interim order automatically is vacated. The owner of the animal shall have the right to appeal the interim order to the Board of Selectmen, who may vacate the order.

Section 9. Animal Control Officer Authorization.

The Board of Selectmen shall annually appoint the Animal Control Officer who shall have, in addition to any other statutory authority contained in Massachusetts General Laws Chapter 140, the authority to enter a complaint before the Board of Selectmen for the purpose of obtaining an order with respect to the control or disposition of a dog found to be uncontrollable or whose owner or keeper is unresponsive to any other penalties contained in this bylaw.

Section 10. Kennels.

Any owner or keeper of four dogs or more, six months of age or older, shall apply to the Town Clerk for a kennel license. Kennel licenses shall not be issued unless a report has been received from the Animal Control Officer. The report of the Animal Control Officer shall be based on the annual

inspection of the premises as provided in General Laws Chapter 140, Section 137C, in addition to complaints, if any, registered and violations committed in the previous twelve (12) month period against the owner/keeper. The Town Clerk shall, upon application and without charge, issue a kennel license to any domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals.

The Animal Control Officer may at any time inspect any kennel located in the Town.

Petitions or complaints against any such kennel shall be filed with the Board of Selectmen. The Board, as well as the Town Administrator or their designee, shall have investigatory powers over any such petitions or complaints. Said investigation shall be conducted by the Town Administrator or his designee, who within seven (7) days after the filing of such petition or complaint, shall give notice to all parties of interest of a public hearing to be held before the Board of Selectmen within twenty-one (21) days after the date of such notice. After such public hearing, the Board may make an order either revoking or suspending such kennel license or otherwise regulating such kennel, or dismissing said petition. Within ten (10) days after receipt of such order, the holder of such license may bring a petition in the district court as outlined in section 137c. Any person maintaining a kennel after the license has been revoked or while such license is suspended, shall be punished as set forth in the penalty provision of this By-law.

Section 11. Property Damage.

An owner or keeper of dogs, if known, is responsible for any damages caused to property, livestock or fowl belonging to any other resident. Whoever suffers loss by the worrying, maiming or killing of his livestock or fowls by dogs, whose owner/keeper is unknown, may inform the Animal Control Officer who shall proceed to the premises where the damage was done and determine whether the same was inflicted by dogs, and, if so, appraise the amount thereof, not to exceed fifty dollars (\$50.00). The Animal Control Officer shall submit a report of the damages found to the Selectmen who shall examine all bills for damages and issue an order upon the Treasurer for such amounts as they decide to be just and shall notify all interested parties of their decision. The Treasurer shall pay all orders drawn upon him in full for the above purposes. The Town shall have the right to seek reimbursement of any expense incurred from the animal owner. No reimbursement shall be made for damage by a dog to dogs, cats and other pets.

Section 12. Penalties.

In addition to any other remedy provided by law, a complaint in the district court may be instituted by the Animal Control Officer for any violation of this Article pursuant to General Laws Chapter 140, section 173A, as amended. Any person convicted of a violation of this Article shall be punished by a fine of twenty-five dollars (\$25.00) for the first offense and fifty dollars (\$50.00) for the second or subsequent offense committed during any twelve (12) month period. Each day shall constitute a separate and succeeding offense.

Enforcement of this By-law under the Non-Criminal Disposition process shall be carried out by the Animal Control Officer, any person having police powers or other persons so designated by the Board of Selectmen.

Section 13. Dog Waste.

If any dog, cat or other animal kept as a pet shall defecate upon any land, public or private, within the areas encompassed by regulation, other than with the permission of the landowner thereof, then the owner, keeper or person then walking or otherwise in charge of said animal shall immediately

remove or cause to be removed from said property or area all feces so deposited by said animal. Unless said feces are removed, the owner, keeper or person walking or otherwise in charge of said animal (or if said owner, keeper or person shall be a minor then the parent or guardian) shall each be deemed to be in violation of this Article. This regulation shall not apply to an animal accompanying any handicapped person who, by reason of his or her handicap, is physically unable to comply with the requirements of this Section 13.

Approved 5/9/2005 (replaced by-law "Dogs")
(AG approval 9/1/05)

ARTICLE XXX CONSERVATION COMMISSION

Section 1. Membership. The Town shall have a Conservation Commission consisting of seven (7) members appointed by the Board of Selectmen in May for a term of three years each and so appointed that no more than three (3) nor less than two (2) shall expire in any one year.

Section 2. Purpose. The Conservation Commission shall have the duties and powers specified in the General Laws, including, but not limited to, Chapter 40, Sections 5 and 8C as amended, and Chapter 131, Section 40, as amended. Such duties and powers include, but are not limited to, the following:

- a. the promotion and development of the natural resources and protection of watershed resources of the Town;
- b. the researching of local land areas and the coordination of the activities of unofficial bodies organized for similar purposes;
- c. the advertising, preparation and distribution of books, maps, charts, plans and pamphlets which in its judgement it deems necessary for its work;
- d. the receiving of gifts, bequests or devises of personal property or interests in real property in the name of the Town subject to the approval of the Selectmen;
- e. the acquisition, in the name of the Town, by option, purchase, lease or otherwise the fee in such land or water rights, conservation restrictions, easements or other contractual rights as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces in land and water areas within the Town and the management and control of same;
- f. the regulation and protection of wetlands, related water resources and adjoining land areas in the Town of Holliston, including the authority to regulate or prohibit the removal, filling, dredging or altering of any area likely to have a significant effect upon public or private water supply, ground water, flood control, storm damage prevention, erosion, prevention of pollution, wildlife habitat or recreation.

SECTION 3. Jurisdiction

Except as permitted by the Conservation Commission or as provided in this by-law, no person shall remove, fill, dredge, build upon, or alter the following resource areas: land within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp; land within 100 feet of any bank, beach,

dune, or flat; any lake, river, pond, stream or estuary, and land under said waters; or within 100 feet of any land subject to flooding or inundation by ground water, or surface water.

No person shall remove, fill, dredge, or alter any bank, freshwater wetland, marsh, wet meadow, bog or swamp or lands bordering on any estuary, creek, river, stream, pond or lake, or any land subject to flooding, other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure of facility used in the service of the public and used to provide electric, gas, water, drainage, telephone, telegraphs and the telecommunication services, without filing written notice of his intention so to remove, fill, dredge, or alter and without receiving and complying with an order of conditions and provided all appeal periods have elapsed. Such notice shall be sent by certified mail or hand delivered to the Holliston Conservation Commission, including such plans as may be necessary to describe such proposed activity and its effect on the environment. The same notice, plans, and specifications required to be filed by an applicant under Massachusetts General Law, Chapter 131, Section 40, and 310 C.M.R. 10 et seq., as amended, may be accepted as fulfilling the requirements of this by-law. The said Commission in its discretion, may hear any oral presentation under this by-law at the same public hearing required to be held under the provisions of said Chapter 131, Section 40, of the Massachusetts General Laws.

Section 4. Applications for Permits and Requests for Determination.

Written application shall be filed with the Commission to perform activities regulated by this by-law affecting resource areas protected by this by-law. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment, including but not limited to all information normally required in a building permit application and copies of all applications for approval from the Town of Holliston, the Commonwealth of Massachusetts or the United States Government relating to work subject to this by-law. The application shall also include a list of abutters certified by the Board of Assessors, including those across a traveled way. No activities shall commence without receiving and complying with a permit issued pursuant to this by-law.

The Commission in an appropriate case may accept as the application and plans under this by-law the Notice of Intent and plans filed under the Wetlands Protection Act, M.G.L. C.131, SeC.40.

At the time of a permit application or request for determination or application for a Certificate of Compliance, the applicant shall pay a filing fee specified in the regulations of the Commission. The fee shall be deposited in a dedicated account, for use only for wetlands protection activities, from which the Commission may withdraw funds without further appropriation. The Conservation Commission shall use such filing fees to implement this Article, the regulations promulgated hereunder, and any policies developed by the Conservation Commission. including but not limited to the employment of a Conservation Agent, the responsibilities of such Conservation Agent to include but not be limited to delineating resource areas, performing site visits, briefing the Conservation Commission, serving as liaison between the Conservation Commission, applicants, abutters, consultants and other interested parties, drafting determinations of applicability and orders of condition, verifying implementation of erosion control measures, facilitating public hearings, issuing certificates of compliance and enforcing the provisions of this Article, the regulations promulgated hereunder, and the policies developed by the Conservation Commission. This fee is in addition to that required by the Wetlands Protection Act (General Laws Chapter 131,s 40) and Regulations (310 CMR 10.00), however, the Conservation Commission may credit this fee towards the fee required with the filing pursuant to the Wetlands Protection Act and its Regulations. The Conservation

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Commission may waive the filing fee for an application, request for determination or application for a Certificate of Compliance filed by a government agency. (Approved 5/6/98).

In order to enforce the provisions of Article XXX, the regulations promulgated hereunder, and the policies developed by the Conservation Commission, or at any point during the review of an application until a Certificate of Compliance is issued, the Conservation Commission may find that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because the project may have a significant effect upon the values the Conservation Commission is authorized to protect. Upon reaching such a finding, the Conservation Commission may require an applicant to pay the reasonable costs and expenses for consultant services deemed necessary by the Conservation Commission. This fee is called the Consultant Fee. The Consultant services may include, but shall not be limited to ascertaining the extent of the Conservation Commission's jurisdiction analyzing resource area functions and values, evaluating wildlife habitat, analyzing hydrogeologic and drainage conditions, providing assistance during appeal or litigation, researching environmental or land use law, and inspecting work to insure compliance with Article XXX. (Approved 5/5/98).

Outside consultants shall be chosen by the Commission. Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen who shall approve or disapprove the selection within thirty days. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The standards of qualification shall consist of Mass. Certification or license in the field at issue or references mutually acceptable to the Commission and the applicant, showing expertise and experience in the field at issue. The required time limit for action upon an application by the Commission shall be extended by the duration of the administrative appeal.

Section 5. Notice and Hearings. Any person filing an application or a request for determination with the Commission shall at the same time give written notice thereof, by certified mail or hand delivery, to the Inspector of Buildings of the Town of Holliston. The notice shall include a general description

of the proposed work to be performed and state that an application has been filed with the Conservation Commission.

The Commission shall conduct a public hearing on any application or request for determination, with written notice given at the expense of the applicant, five working days prior to the hearing, in a newspaper of general circulation in the Town of Holliston.

The Commission shall commence the public hearing within 21 days from receipt of a completed application or request for determination. An application shall not be deemed complete unless the filing fee is paid.

The Commission shall issue its permit or determination in writing with 21 days of the close of the public hearing thereon.

The Commission may combine its hearing under this by-law with the hearing conducted under the Wetlands Protection Act, M.G.L. C. 131, Sec. 40.

The Commission shall have authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered

by the applicant or others, information and plans required of the applicant, and deemed necessary by the Commission in its discretion. In the event the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

In the case of a designated Priority Development Site, the 180-day review period specified under General Laws Chapter 43D shall apply. (amended 5/11/10) (AG approval 11/24/10)

Section 6. Permits, Determinations, and Conditions. If the Commission after a public hearing determines that the activities which are the subject of the application are likely to have a significant effect upon the values protected by this by-law, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary to protect those values, and all activities shall be done in accordance with those conditions.

The Commission is empowered to deny a permit for failure to meet the requirements of this by-law; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant effects upon the values protected by this by-law; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

A permit shall expire three years from the date of issuance. Any permit may be renewed for additional one year periods, provided that a request for a renewal is received in writing by the Commission thirty (30) days prior to expiration.

For good cause the Commission may revoke or modify a permit issued under this by-law after public notice and public hearing, and written notice to the holder of the permit.

The Commission in an appropriate case may combine the permit or other action on an application issued under this by-law with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act.

Section 7. Regulations. After public notice and public hearing the Commission shall promulgate or amend rules and regulations to effectuate the purposes of this by-law. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this by-law.

Section 8. Enforcement. The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary.

The Commission shall have authority to enforce this by-law, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions.

Upon request of the Commission, the Board of Selectmen and the Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this by-law, regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than \$300.00 per violation. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the by-law, regulations, or permit violated shall constitute a separate offense. (Amended 5/6/2003, AG approval 9/11/2003)

In the alternative to criminal prosecution the Commission may elect to utilize the non-criminal disposition procedure set forth in GL C.40, Section 21D.

Section 9. Burden of Proof. The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant effect upon the wetland values protected by this by-law.

Section 10. Relation to the Wetlands Protection Act. This by-law is adopted under the Home Rule Amendment of the Massachusetts Constitution and Home Rule statutes, independent of the Wetlands Protection Act, M.G.L. c 131, Section 40, and regulations thereunder.

Section 11. Severability. The invalidity of any Section or provision of this by-law shall not invalidate any other Section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued. (Approved 5/9/88).

ARTICLE XXXI ACCOUNTANT

Section 1. The Town shall have an Accountant who shall be appointed by the Town Administrator. (Approved 5/5/98).

Section 2. The Accountant shall examine the books and accounts of all Town officers and committees entrusted with the receipt, custody or expenditure of money, and all original bills and vouchers on which money has been or may be paid from the Town's treasury.

Section 3. The Accountant shall have such other functions and powers as provided in the General Laws as amended, including but not limited to Chapter 4I.

ARTICLE XXXII PERSONNEL BOARD

Section 1. The Town shall have a Personnel Board, consisting of five members, appointed by the Board of Selectmen, in May, for a term of three years each, and so appointed that the term of no more than two (2) shall expire in any one year; provided, however, that of the members originally appointed, two (2) shall be appointed for a term of one year, two (2) for a term of two years and one

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for a term of three (3) years, as designated by the Selectmen. Appointees hereunder shall continue to hold their offices until the appointment and qualification of their successors. At least one member of the Personnel Board shall be qualified by reason of his or her experience in personnel administration. No person shall serve on said Board who is at the same time an employee or elected official of the Town. Three (3) members shall constitute a quorum for the transaction of the business of the Board and the affirmative vote of a majority of the members present shall be necessary to any official act of the Board.
(A.G. approved 8/17/94).

Section 2. The Personnel Board shall prepare for approval by the Town a Consolidated Personnel By-law the provisions of which shall include, but not be limited to, the following: definitions, job classification plan, job compensation plan, fringe benefits, personnel appeals, record keeping procedures and rules of procedure. Until such time as a Consolidated Personnel by-law is adopted by the Town, the Selectmen may authorize the Personnel Board to study and advise on specific personnel matters and may require periodic reports of their progress in preparing a Consolidated Personnel by-law. All officers, boards, committees and employees of the Town shall cooperate with the Personnel Board in providing information necessary for the proper preparation of a Consolidated Personnel by-law.

Section 3. The Personnel Board shall administer the provisions of the Consolidated Personnel by-law if and when it is adopted by the Town.

ARTICLE XXXIII TREE WARDEN

Section 1. The Town shall have a Tree Warden who shall be appointed by the Board of Selectmen for a term of one year.
(Approved STM 10/25/99).

Section 2. Except as otherwise provided by law, the Tree Warden shall be responsible for the setting out, care and maintenance and removal of all public shade trees, shrubs and other plants in the Town and shall enforce all the provisions of law for their preservation.

Section 3. The Tree Warden shall have the functions and powers as provided in the General Laws, including but not limited to Chapter 87, as amended.

ARTICLE XXXIV CAPITAL IMPROVEMENT PROGRAM

Section 1. DEFINITION. The Town shall have a Capital Improvement Program. A capital improvement shall be defined to include, but not be limited to, all permanent buildings, land, roads, and bridges, purchases, leases, and equipment. The dollar amount and the expected useful life necessary to qualify as a capital improvement shall be determined by the Finance Committee based on prevalent conditions, economic and otherwise.

Section 2. ADMINISTRATION. The Capital Improvement Program shall include the following provisions: Each Town board, committee, and department which proposes capital expenditures shall provide Annually to the Finance Committee, on or before a date specified by the Finance Committee, a Capital Improvement Program Report which shall include:

- a. A summary of its contents.
- b. A list of all capital improvements proposed to be undertaken during the next five (5) years, with supporting information as to the needs of each such capital improvement.
- c. Cost estimates, methods of financing, recommended priorities and time schedules, and expected useful life for each improvement, and
- d. The estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be revised annually with regard to the capital improvements still pending and/or in the process of being acquired, improved, or constructed.

Section 3. SUB-COMMITTEE. In order to review and summarize the various Capital Improvement Program Reports, the Finance Committee may appoint a sub-committee in its stead. Such a committee shall have as its chairperson a member of the Finance Committee. Except for members of the Finance Committee, no person holding any Town office, elected or appointed and no employee of the Town shall be eligible to serve as a voting member on any capital improvement review sub-committee. The Executive Secretary shall be a nonvoting member of any such subcommittee for the purpose of fulfilling those duties outlined in Article XXXV of this by-law. The Finance Committee may appoint other Town employees or persons holding Town office as nonvoting ex-officio members of any such sub-committee. (Amended S.T.M. 11/21/91 Art. 1).

Section 4. REPORT. The resulting review and summary shall be known as the Annual Capital Improvement Summary. This summary, along with the Finance Committee's relevant recommendations, shall be included in and published as a separate Section in the Annual Finance Committee Report and in the Town Report.

ARTICLE XXXV TOWN ADMINISTRATOR

The Board of Selectmen of the Town of Holliston, by an affirmative vote of at least a majority of the full membership of the board shall appoint a Town administrator for an indefinite term and shall fix the compensation for such person within the amount Annually appropriated for that purpose. The position of Town administrator shall not be subject to the By-laws of the Town relative to personnel, nor shall it be included in any certification of any collective bargaining unit. The Town administrator shall have the duties and responsibilities set forth in Chapter 94 of the Acts of 1994. (Approved ATM 5/9/95). *see appendix 1

ARTICLE XXXVI WATER SUPPLY EMERGENCY

AUTHORITY: This Article is adopted by the Town of Holliston under its home rule powers, its police powers to protect public health and welfare and its specific authorization under General Laws Chapter 40, Section 21(7), and 21D.

PURPOSE: The purpose of this Article is to protect, preserve and maintain the public health, safety and welfare, whenever there is in force a state of water supply emergency, by providing for enforcement of duly imposed restrictions, requirements, provisions or conditions imposed by the Town of Holliston or by the Department of Environmental Protection and included in the Town of Holliston plan approved by the Department of Environmental Protection to abate the emergency or by any other duly authorized local, state or federal governmental body or officer.

DEFINITIONS: For the purpose of this Article, the following terms shall have the meanings indicated:

ENFORCEMENT AUTHORITY- The Town of Holliston Board of Water Commissioners and Superintendent of Water having the responsibility for the operation and maintenance of the water supply, the Health Department, the Town police, special police and any other locally designated body having police powers.

STATE OF WATER SUPPLY EMERGENCY - A state of water supply emergency declared by the Department of Environmental Protection pursuant to General Laws Chapter 21G, Section 15 and General Laws Chapter 40, Section 41A, or by the Governor or any other duly authorized local, state or federal governmental body or official.

EMERGENCY PROTECTIONS - The following shall apply to all users of water supplies supplied by the Town of Holliston.

A. Following notification by the Town of Holliston of the existence of a state of water supply emergency, no person shall violate any provisions, condition, requirements or restriction included in a plan approved by Department of Environmental Protection which has as its purpose of abatement of a water supply emergency.

B. Notification of any provisions, restrictions, requirements or conditions with which users of water supplied by the Town of Holliston are required to comply to abate a situation of water emergency shall be sufficient for purposes of this Article if it is published in a newspaper of general circulation within the Town of Holliston or by such other notice as is reasonably calculated to reach and inform all users of the Town of Holliston water supply.

C.	Stage 1	Voluntary	2.5 M.G.D. pumping rate
	Stage 2	Voluntary Odd Even	When pumping rate reaches 2.6 M.G.D.
	Stage 3	Mandatory Odd Even	When pumping rate reaches 2.8 M.G.D.
	Stage 4	Total Water Ban	When pumping rate reaches 3 M.G.D. with low tank levels

All conditions due to heat waves, drought, or other water emergency deemed necessary by Board of Water Commissioners.

VIOLATIONS AND PENALTIES:

A. CRIMINAL COMPLAINT: Any person who violates any provision of this by-law may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be three hundred dollars. Each day or portion thereof shall constitute a separate offense. Each condition violated shall constitute a separate offense.

B. NONCRIMINAL DISPOSITION . Any person who violates any provision of this by-law may be penalized by a noncriminal disposition as provided in General Laws Chapter 40, Section 21D. If noncriminal disposition is elected, then any person who violates any provision of this by-law shall be subject to a penalty in the amount of a warning for the first offense, one hundred dollars (\$100) for the second offense, and two hundred dollars (\$200) for each subsequent offense. Each day or portion thereof shall constitute a separate offense. Each condition violated shall constitute a separate offense. This by-law may be enforced pursuant to General Laws Chapter 40, Section 21D, by any officer or board authorized pursuant to Section 4 of this Article.

ARTICLE XXXVII COMMUNITY PRESERVATION COMMITTEE

Section 1. Establishment. There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to Chapter 44B of the General Laws. The composition of the committee, the appointment authority and the term of office for committee members shall be as follows:

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

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

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

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

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

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

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen. Each member of the Community Preservation Committee appointed by an entity other

than the Board of Selectmen shall serve for the term indicated above, until such member no longer serves on the commission, board, department or committee making the appointment.

Section 2. Duties.

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

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

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

(4) In every fiscal year, the Community Preservation Committee shall submit a recommendation to the Town Meeting to either spend, or set aside for later spending, not less than

10% of the annual revenues in the Community Preservation Fund, or such minimum amount specified by statute from time to time, for: (a) open space (not including land for recreational use); (b) historic resources; and (c) community housing. Such recommendation shall be submitted to the Board of Selectmen no later than sixty (60) days prior to the Annual Town Meeting for inclusion in the warrant for the Annual Town Meeting.

Section 3. Requirement for a Quorum and Cost Estimates. The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. The committee shall conduct its meetings in accordance with the Open Meeting Law. Recommendations to the Town Meeting shall include their anticipated costs.

Section 4. Exemptions. Applications for exemption from the Community Preservation Act surcharge must be filed with the Office of the Board of Assessors no later than thirty (30) days after the issuance of the actual real estate tax bill.

Section 5. Amendments. This Chapter may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with Chapter 44B of the General Laws.

Section 6. Severability. In case any section, paragraph or part of this Article be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 7. Effective Date. Following Town Meeting approval, this Article shall take effect immediately upon approval by the Attorney General of the Commonwealth, and in compliance with all of the requirements of section 32 of Chapter 40 of the General Laws. Each appointing authority shall have thirty (30) days after the Town's receipt of notification of approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the Town Moderator shall make the appointment.

(Amended TM 10/29/01& AG approved 1/11/02).

ARTICLE XXXVIII BROWNFIELDS TAX ABATEMENTS

Section 1. Purpose. Pursuant to the provisions of section 59A of Chapter 59 of the General Laws, it is the intent of the town to offer tax abatements to encourage the continued environmental cleanup and redevelopment of sites zoned for industrial and commercial use from or at which there has been a release of oil or hazardous material.

Section 2. Subject Properties. Property which may be the subject of tax abatement agreements pursuant to this By-law must:

1. Be a site or portion of a site from or at which there has been a release of oil or hazardous material;
2. Be owned by an eligible person, as that term is defined in section 2 of Chapter 21E of the General Laws; and
3. Be zoned for commercial or industrial use.

Section 3. Abatement Agreements. The Treasurer/Collector is hereby authorized to negotiate agreements from the abatement of real estate taxes (hereinafter "Abatement Agreements") with owners of eligible properties, the terms of which Abatement Agreements shall be subject to approval by the Board of Selectmen for abatements not exceeding \$50,000. Abatements above this amount shall also be subject to approval of Town Meeting. Abatement Agreements may allow for reductions in outstanding taxes, interest, and/or penalties. Abatement Agreements shall include, but not be limited to:

- a. The amount of outstanding real estate taxes;
- b. The percent of interest to accrue if determined applicable by the Treasurer/Collector and the property owner;
- c. The description of quantifiable monthly payments;
- d. The inception date of monthly payments;
- e. The date of the final payment;
- f. The late penalties to be imposed; and
- g. Any and all other contractual terms as arranged between the Treasurer/Collector and the property owner.

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All Abatement Agreements shall be signed by the Chairman of the Board of Selectmen and the property owner, whose signatures shall be notarized, and attested to by the Town Clerk. Copies of all Abatement Agreements shall be provided to the Massachusetts Department of Environmental Protection, the United States Environmental Protection Agency, the Massachusetts Commissioner of Revenue, the Board of Selectmen and the property owner.

(Amended TM 10/29/01, AG approved 1/11/02)

ARTICLE XXXIX AGRICULTURAL COMMISSION

Section 1. Purpose and Intent

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

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

Section 2. Definitions

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

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

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

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

- (1) operation and transportation of slow-moving farm equipment over roads within the Town;
- (2) control of pests, including, but not limited to insects, weeds, predators and disease organism of plants and animals;
- (3) application of manure, fertilizers and pesticides;

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- (4) conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- (5) processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- (6) maintenance, repair or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management or sale of the agricultural products; and
- (7) on-farm relocation of earth and the clearing of ground for farming operations.

Section 3. Right to Farm Declaration

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

Section 4. Disclosure Notification

The Town shall annually notify the community of this By-law.

Section 5. Resolution of Disputes

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

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

Section 6. Severability Clause

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

(deleted previous XXXIX added new XXXIX 5/8/2006)

Article XL
PENALTIES FOR IMPROPER USE OF BURGLAR ALARMS

Section 1. Definitions

(a) Burglar Alarm Systems - any assembly of equipment and devices or a single device such as a solid-state unit connecting directly to a 110 volt alternating current line arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. The provisions of penalties section shall apply to all users.

(b) False Alarm - (i) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence on the part of the user of an alarm system, or his employees or agents; (ii) any signal, live voice message or automatic dialing device transmitted to the Police Department requesting, requiring or resulting in a response on the part of the Police Department when there has been no unauthorized intrusion, robbery, burglary or attempted threat. For the purposes of this definition, activation of alarm systems for the purpose of testing with prior approval by the Police Department , or by act of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.

(c) Automatic Dialing Device - an alarm system which automatically sends via regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation which the alarm system is designated to detect.

Section 2. Control and Curtailment of Signals Emitted by Alarm Systems

(a) Every alarm user shall submit to the Police Chief his name, address and telephone number and the names and telephone numbers of at least two other persons who are authorized to respond, after notification by the Police Department, to an emergency signal transmitted by an alarm system and who can open the premises in which the alarm system is installed. The owner of said premises shall immediately notify the Holliston Police Department of any changes in the list of employees or other persons authorized to respond to alarms.

(b) All alarm systems, installed after the effective date of this By-law, which use an audible horn or bell, shall be equipped with a device that will shut off such bell or horn within (15) minutes after activation of the alarm system. All existing alarm systems in the Town of Holliston must have such a shut-off device installed within six (6) months of passage of by-law.

(c) Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes, which cannot be shut off or otherwise curtailed due to the absences or unavailability of the alarm user, or those persons designated by him under paragraph (a) and which disturbs the peace, comfort or repose of the community, neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Department shall endeavor to contact the alarm user, or member of the alarm user's family, or those persons designated by the alarm user under paragraph (a), in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complaints and the time each complaint was made. If no such contact can be made the Police Department shall have authority to disable the alarm. The expenses incurred in disabling alarm shall be the responsibility of the property owner.

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(d) No alarm system which is designated to transmit emergency messages or signals to the Police Department will be tested until the Police Dispatcher has been notified.

(e) The provision of this section 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.

Section 3. Penalties

(a) The user shall be assessed a false alarm service fine for each false alarm in excess of one (1) occurring within a calendar year according to the following schedule:

- 1) Second false alarm fifty dollars (\$50)
- 2) Third and subsequent false alarms one hundred dollars (\$100)

(b) The Police Chief shall notify the alarm user by mail or by service in hand by a police officer of such violation and said user shall submit payment to the Town Treasurer for deposit to the General Fund within fifteen (15) days of the notice.

(c) The owner of a system which causes six (6) or more false alarms within a calendar year, or who fails to pay the fee after said notice, may be ordered by the Board of Selectmen, after a public hearing, to disconnect and otherwise discontinue the use of such system.

(Approved 5/8/2007)

ARTICLE XLI STORMWATER MANAGEMENT AND LAND DISTURBANCE

A. Purpose

The purpose of this by-law is to control the adverse impacts of increased post-development stormwater runoff, nonpoint source pollution associated with development and redevelopment as well as erosion and sedimentation associated with land disturbance and construction. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of: impairment of water quality and flow, contamination of drinking water supplies, erosion of stream channels, alteration or destruction of habitat and flooding.

This bylaw seeks to meet the following objectives:

- Minimize damage to public and private property and infrastructure;
- Safeguard the public health, safety, environment and general welfare;
- Protect water resources and prevent contamination of drinking water supplies;
- Require practices that limit soil erosion and sedimentation on construction sites;
- Require practices that control volume and rate of stormwater runoff resulting from land disturbance activities;
- Establish the Town of Holliston's legal authority to ensure compliance with the provisions of this by-law through permitting, inspection, monitoring and enforcement.

B. Authority

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, pursuant to the regulations of the federal Clean Water Act, found at 40 CFR 122.34. This bylaw is intended to meet certain provisions of the Town's requirement to comply with the National Pollutant discharge Elimination System (NPDES) Regulations (Phase I and II Rules).

C. Applicability

No person shall undertake an activity which may include clearing, grading, excavation or other site work that will result in a land disturbance exceeding any of the following thresholds, without a Land Disturbance Permit from the Planning Board:

1. Any activity that will result in soil disturbance of 10,000 s.f. or more, or more than 25% of the parcel or lot, whichever is less;
2. Paving in excess of a total of 500 s.f. of commercial and industrial driveways, parking lots and other impervious non-roadway surfaces;
3. Any activity that will disturb over 250 s.f. of land with 10% or greater slope.
4. An alteration, redevelopment or conversion of land use involving the following: auto fueling, service and sale facilities, fleet storage yards, commercial nurseries and landscaping facilities.

D. Exemptions

1. Projects which require a Special Permit, Site Plan Review or Definitive Subdivision approval from the Planning Board or which require an Order of Conditions from the Conservation Commission.*, or requires Board of Health approval of a septic system upgrade.
2. Normal maintenance and improvement of land in agricultural or logging use which is consistent with MGL, c. 40A, s. 3 and 310 CMR 10.04.
3. Construction of utilities other than drainage, which will not alter terrain or drainage patterns.
4. Maintenance of existing dwellings, including landscaping, utility connections and driveways, provided such maintenance does not alter drainage patterns.
5. Repairs to any stormwater treatment facility deemed necessary by the Planning Board and maintenance, reconstruction or resurfacing of any public way.

* For projects and/or activities within the currently regulated jurisdiction of the Conservation Commission or Planning Board as noted above, those specific application submission requirements, public notices, and fee requirements shall apply.

E. Administration

1. Authority. The primary authority for the administration, implementation, and enforcement of this bylaw lies with the Planning Board.
2. Land Disturbance Permits. The Planning Board shall have the authority to issue a permit for projects subject to this bylaw. Any such permit requirements may be defined and included as part of any Regulations promulgated as a result of this bylaw.
3. Regulations. The Planning Board shall adopt and periodically amend Regulations which establish and collect permit application fees, inspection fees, and in special cases, consultant fees for review of applications. Such regulations shall elaborate on the terms, conditions, definitions, enforcement, procedures and administration of this bylaw. For execution of the provisions of this bylaw, the Planning Board will utilize the policy, criteria and information, including specifications and standards of the latest editions of the Massachusetts Stormwater Management Policy and Technical Handbooks and Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas, or local equivalents based on improvements in engineering, monitoring and local maintenance experience. The regulations shall be adopted after a public hearing.
4. Waiver. The Board may waive strict compliance with any requirement of this by-law where such action is allowed by federal, state and local statutes and/or regulations, is in the public interest, and is not inconsistent with the purpose and intent of this by-law.
5. Delegation of Authority. The Planning Board may choose to delegate, in writing, its authority in whole or in part, to a qualified representative.

F. General Permit Procedures and Requirements

1. Entry. Filing an application for a permit grants the Planning Board and its agents permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
2. Fee Structure. The Board shall obtain with each submission an Application Fee established by the Board to cover expenses connected with the public hearing and application review.
3. Permits. The Planning Board shall, within 30 days of the receipt of a completed application:
 - a. Approve the application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this bylaw;
 - b. Approve the permit with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this bylaw;
 - c. Disapprove the application if the proposed plan will not protect water resources or fails to meet the objectives or requirements of this bylaw.

After an application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of drives, no grading of lots or land, no excavation except for purposes of soil testing, no dredging or filling, and no construction of buildings or structures shall commence on any part of the development site until the application has been reviewed and approved in accordance with this by-law and its' implementing regulations.

4. Failure of the Planning Board to take final action upon an application within 30 calendar days of receipt of a complete application shall be deemed to be approval of such application. Upon certification by the Town Clerk that the allowed time has passed without action by the planning Board, the Permit shall be issued.
5. Project Completion. At completion of the project, the permittee shall submit as-built drawings of all structural stormwater controls and treatment best management practices required for the site. This requirement may be waived at the Planning Board's discretion. No occupancy permit shall be granted unless and until the construction of all site improvements are complete or the work remaining to be done is secured.

G. Appeals. A decision of the Planning Board shall be final.

H. Enforcement. The Planning Board or an authorized agent shall enforce this bylaw and its implementing regulations and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any regulations promulgated as permitted under this bylaw.

I. Severability If the provisions of any portion of this by-law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of the by-law.

(Accepted 5/5/2008)

A true record

Attest:

Jacqueline S. Dellicker, Town Clerk

CHAPTER 94 OF ACTS OF 1994 – AN ACT ESTABLISHING A SELECTMEN-ADMINISTRATOR FORM OF GOVERNMENT IN THE TOWN OF HOLLISTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. To the extent that the provisions of this act modify or repeal existing General Laws and special acts or that body of law which constitutes the town charter under Section 9 or Article LXXXIX of the Amendments to the Constitution of the Commonwealth, this act shall govern. For the purposes of this act, all references to officers, employees or other personnel shall be read as applying equally to males and females regardless of the gender or pronoun used.

SECTION 2. The Board of Selectmen of the town of Holliston, by an affirmative vote of at least a majority of the full membership of the board shall appoint a Town Administrator for an indefinite term and shall fix the compensation for such person within the amount annually appropriated for that purpose. The position of Town Administrator shall not be subject to the by-laws of the town relative to personnel, nor shall it be included in any certification of any collective bargaining unit.

SECTION 3. The Town Administrator shall be appointed solely on the basis of executive and administrative qualifications and shall be a person of proven professional ability especially fitted by education, training and previous full-time paid experience in business or public administration to perform the duties of the office. The person shall not have served in an elective office in or for the town of Holliston for at least thirty-six months prior to his appointment. The person shall devote full time to the office and shall not hold any other public office, elective or appointive, nor shall engage in any other business, occupation, or profession during the term of office, unless such action is approved in advance, in writing, by the Board of Selectmen. The town may, from time to time, by by-law, establish such additional qualifications it seems necessary and appropriate. The Board of Selectmen may enter into a formal contract with the Town Administrator consistent with the provisions of this act which shall take precedence over any personnel by-laws. The Town Administrator shall be a citizen of the United States of America and need not be a resident of the town of Holliston. The Board of Selectmen shall evaluate annually the performance of the town administrator, based on mutually established predetermined goals, standards or criteria for performance and the evaluation shall, at least in summary form, be a public record.

SECTION 4. Before entering upon the duties of his office, the Town Administrator shall be sworn in the presence of a majority of the Selectmen, to the faithful and impartial performance thereof by the town clerk or a notary public. The Town Administrator shall execute a bond in favor of the town of Holliston for the faithful performance of his duties in such sum and with such surety or sureties as may be fixed by the selectmen. The cost of said bond shall be paid by the town.

SECTION 5. The Town Administrator shall appoint, based upon merit and fitness alone and remove subject to the provisions of the General Laws and town by-laws where applicable, the Treasurer/Collector, Accountant, Building Inspector and Senior Center Director. The Town Administrator shall approve, upon the recommendation of department heads under the jurisdiction of the Board of Selectmen, the appointment and removal of all employees and subordinates, subject to the provisions of the General Laws and town by-laws where applicable. Department heads shall

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select, on merit and fitness alone, all department employees for such recommendation. Appointments to permanent positions made by the Town Administrator shall become effective on the fifteenth day following the day notice of the appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall, within that period, by a majority of all members, vote to reject any such appointment. The Town Administrator shall consider the recommendations of committees and commissions when making any appointments within their respective areas. The Town Administrator shall be responsible for the initial screening of all applicants and recommend to the Board of Selectmen finalists for the positions of Fire Chief, Police Chief and Highway Superintendent. The Town Administrator shall supervise all department heads and employees under the jurisdiction of the Board of Selectmen.

SECTION 6. In addition to other powers and duties provided for in this act, the Town Administrator shall have the following powers and duties:

(a) The Town Administrator shall be the Chief Administrative Officer of the town and shall be responsible to the Board of Selectmen for the efficient administration, supervision and coordination of all departments, commissions, boards and offices that come under the jurisdiction of the Board of Selectmen. He shall not, however, exercise any control over the discretionary power vested by statute in any such department, commission, board or office. He also shall coordinate all activities of town departments under the jurisdiction of the Board of Selectmen with the activities of departments under the control of officers, boards or commissions elected directly by the voters of the town.

(b) The Town Administrator shall be responsible for the implementation of all policies, directives and votes of the Board of Selectmen.

(c) The Town Administrator shall administer the town personnel system, including but not limited to personnel policies, and practices, rules and regulations and standards, including provisions for an annual employee performance review, the consolidated personnel by-law and shall prepare the job compensation plan for consideration of town meeting if necessary. The personnel board shall act as a final board of appeal for personnel decisions rendered by the Town Administrator. The Town Administrator shall be the Selectmen's agent for collective bargaining and may employ special counsel to assist him in the performance of those duties.

(d) The Town Administrator shall be responsible for the preparation of the annual operating budget for all town departments and agencies under the jurisdiction of the Board of Selectmen. He shall prepare a uniform budget document in a format which is acceptable to the Finance Committee. He shall compile, within a time fixed by agreement between the board of Selectmen and the Finance Committee, the comprehensive annual operating budget and the annual capital improvements program for all town departments, agencies, boards and commissions and submit the same with his recommendations to the Finance Committee. For the purpose of compiling the comprehensive annual operating budget and the annual capital improvements program, all town departments, agencies, boards and commissions shall submit copies of their budgets and capital improvements requests to the Town Administrator within the time fixed by agreement between the Board of Selectmen and the Finance Committee.

(e) With the assistance of the Town Accountant, the Town Administrator shall keep the Board of Selectmen and Finance Committee informed as to the financial condition and needs of the town and shall make such recommendations to the Board of Selectmen and Finance Committee as he deems necessary or expedient.

(f) The Town Administrator shall be responsible for the review of all current by-laws, regulations and policies that affect the departments and agencies under the jurisdiction of the Board of Selectmen, and shall make such recommendations for changes as he deems necessary.

(g) The Town Administrator shall be responsible for the negotiation of all contracts and grants which the Board of Selectmen is authorized by law to enter into. Such proposed contracts and grants shall be subject to final approval and execution by the Board of Selectmen.

(h) The Town Administrator shall act as the liaison and represent the Board of Selectmen before state, federal and regional authorities.

(i) The Town Administrator shall act as the Chief Procurement Officer and be responsible for the approval of the purchase of all supplies, materials, equipment and other services for all departments or agencies under the Selectman's jurisdiction, pursuant to the Uniform Procurement Act. He may make purchases for departments and activities not under his supervision upon and in accordance with a requisition duly signed by the head of any such department.

(j) The Town Administrator shall be responsible for the use, maintenance, repair and rental of all town facilities and equipment and property under the jurisdiction of the Board of Selectmen. He shall be responsible for the preparation of plans and the supervision of work on all construction, reconstruction, alterations, improvements and other undertakings authorized by the Selectmen.

(k) The Town Administrator may recommend to the Board of Selectmen, consistent with the provisions of this act and the General Laws, measures to reorganize, consolidate, create, divide or abolish boards, departments, agencies, committees, commissions or offices under the jurisdiction of the Board of Selectmen, in whole or in part; measures to establish such new boards, departments, agencies, committees, commissions or offices as he deems necessary; and for such purpose, measures to transfer the duties and powers of one board, department, agency, committee, commission or office to another.

(l) The Town Administrator shall develop and maintain a full and complete inventory of all town owned real and personal property.

(m) The Town Administrator shall see that all provisions of General Laws, by-laws, and other votes of the town meeting and votes of the Board of Selectmen which require enforcement, direction and supervision of the Town Administrator office are faithfully carried out and performed.

(n) The Town Administrator shall keep the Board of Selectmen fully advised as to the needs of the town and shall recommend to the Selectmen for adoption such measures requiring action by them or by the town as he may deem necessary or expedient. In addition, the Town Administrator shall have access to all town books, papers and documents for information necessary for the proper performance of his duties.

(o) The Town Administrator shall keep full and complete records of his office and shall render as often as may be required by the Board of Selectmen a full report of all operations during the period reported on.

(p) The Town Administrator shall attend all regular and special meetings of the Board of Selectmen, unless requested and allowed to be excused, and shall have a voice but not vote in all its discussions. Said administrator shall be accessible and available for consultation to the Board of Selectmen and shall make accessible and available to them all such data and records of his office as may be requested in connection with their official duties.

(q) The Town Administrator shall attend all sessions of the town meeting and shall be available to answer all questions concerning warrant articles which are directed to the office and relate to matters under the person's general supervision.

(r) The Town Administrator shall perform such other duties, consistent with his office, as may be required of him by the by-laws of the town, a majority vote of the Board of Selectmen or a vote of town meeting.

SECTION 7. Any vacancy in the office of Town Administrator shall be filled as soon as possible by the Board of Selectmen. Pending the appointment of a Town Administrator or the filling of any

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vacancy, the Board of Selectmen shall, within seven days, appoint a suitable person to perform the duties of the office.

SECTION 8. The Town Administrator may designate, subject to the approval of the Board of Selectmen, by letter filed with the Town Clerk, a qualified officer of the town to perform his duties during his temporary absence or disability. In the event of failure of the administrator to make such designation, the Board of Selectmen may, by resolution, designate an officer of the town to perform the duties of the administrator until he shall return or his disability shall cease.

SECTION 9. The Selectmen may remove the Town Administrator by the affirmative vote of at least a majority of the full membership of the board. At least thirty days before such proposed removal shall become effective, the Board of Selectmen shall file a preliminary written resolution of removal with the Town Clerk setting forth in detail the specific reasons for the proposed removal. The Town Clerk shall forthwith deliver a copy of such resolution to the Town Administrator or mail the same to him by registered mail at his last known address. The Town Administrator may, within ten days of service of such resolution, reply in writing to the resolution and may request a public hearing. If the administrator so requests, the Board of Selectmen shall hold a public hearing not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, and after full consideration, the Board of Selectmen, by affirmative vote of a least a majority of the full membership of the board, may adopt a final resolution of removal. In the preliminary resolution, the Board of Selectmen may suspend the Town Administrator from duty, but in any case, his salary shall continue to be paid until the expiration of at least one month and not more than three months after the date of the final resolution of removal, as the Selectmen shall deem proper.

SECTION 10. This act shall take effect upon its passage.

(Approved August 16, 1994)

A True Record

Attest:

Jacqueline S. Dellicker
Town Clerk