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The Code

Part I, General Bylaws

Chapter 1 General Provisions

[HISTORY: Adopted by the Town of Salisbury as indicated in article histories. Amendments noted where applicable.]

Article I Construction and Penalties

[Adopted 3-22-1958 ATM by Art. 50 as Arts. I, XV, XVI and XVII of the 1958 General Bylaws]

§ 1-1 Definitions.

In construing these bylaws, the following words shall have the meaning herein given unless a contrary intention clearly appears:

DRIVER

Shall mean the person having the charge, operation or control of the vehicle, horse or other animal upon a street.

PUBLIC PLACE

Shall include all parks, playgrounds and public lands belonging to or in charge of the Town, or any of its departments, and those portions of public squares and places which do not form travelled parts of public ways.

STREET

Shall include highways, Town ways, public ways and all public streets, road, bridges, alleys, courts and sidewalks, and those portions of public squares and places which form travelled parts of public ways.

VEHICLE

Shall include all vehicles and conveyances (except street or trolley cars), whether on wheels or runners, however drawn, propelled or moved, and any animal harnessed thereto.

§ 1-2 Severability.

[Amended 10-23-2006 ATM by Art. 2]

If any provision of this bylaw is declared unconstitutional or illegal by final judgment, order or decree of the Supreme Judicial Court of the Commonwealth or any other court of competent jurisdiction, the validity of the remaining provisions of this bylaw shall not be affected thereby.

§ 1-3 Amendments.

[Amended 10-23-2006 ATM by Art. 2]

Except as otherwise required by law, these bylaws may be added to, amended or repealed by a majority vote at any Town Meeting, regular or special, provided that an article is included in the warrant therefor calling for the same. **Notwithstanding the previous sentence, the Town Clerk shall be authorized to make non-substantive changes to the numbering of various bylaws within the Code of the Town of Salisbury in order that the numbering of amendments thereto and other consequent renumbering changes resulting therefrom be in compliance with the numbering format of said Code.**

§ 1-4 When effective.

All bylaws or parts of bylaws heretofore in force shall become effective when the latter are approved and published as required by statute.

§ 1-5 Violations and penalties.

[Amended 5-16-1978 ATM by Art. 30]

Any person or persons, firm or corporation violating any of the provisions of these bylaws shall be punished therefor by a fine of ~~\$50 minimum and not exceeding \$200~~ **\$300** for each offense unless some different penalty is imposed by law.

§ 1-6 Noncriminal disposition.

[Added 5-14-1984 ATM by Art. 18]

- A. Any person taking cognizance of a violation of a specific ordinance, bylaw, rule or regulation which he is empowered to enforce, hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the clerk of the district court having jurisdiction thereof at any time during office hours, not later than 21 days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific offense charged, and the time and place for his required appearance. Such notice shall be signed by the enforcing person, and shall be signed by the offender whenever practicable in acknowledgement that such notice has been received.
- B. The enforcing person shall, if possible, deliver to the offender a copy of said notice at the time and place of the violation. If it is not possible to deliver a copy of said notice to the offender at the time and place of the violation, said copy shall be mailed or delivered by the enforcing person or by his commanding officer or the head of his department or by any person authorized by such commanding officer, department or head to the offender's last known address, within 15 days after said violation. Such notice as so mailed shall be deemed a sufficient notice, and a certificate of the person so mailing such notice that it has been mailed in accordance with this section shall be prima facie evidence thereof.
- C. At or before the completion of each tour of duty, or at the beginning of the first subsequent tour of duty, the enforcing person shall give to his commanding officer or department head those copies of each notice of such a violation he has taken cognizance of during such tour which have not already been delivered or mailed by him as aforesaid. Said commanding officer or department head shall retain and safely preserve one copy and shall, at a time not later than the next court day after such delivery or mailing, deliver the other copy to the clerk of the court before which the offender has been notified to appear. The clerk of each district court and of the Boston Municipal Court shall maintain a separate docket of all such notices to appear.
- D. Any person notified to appear before the clerk of a district court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by

mailing to such clerk with the notice such specific sum of money not exceeding ~~\$200~~ **\$300** as the Town shall fix as penalty for violation of the ordinance, bylaw, rule or regulation. Such payment shall if mailed be made only by postal note, money order or check. The payment to the clerk of such sum shall operate as a final disposition of the case. An appearance under this subsection shall not be deemed to be a criminal proceeding. No person so notified to appear before the clerk of a district court shall be required to report to any probation officer, and no record of the case shall be entered in any probation records.

- E. If any person so notified to appear desires to contest the violation alleged in the notice to appear and also to avail himself of the procedure established pursuant to this section, he may, within 21 days after the date of the notice, request a hearing in writing. Such hearing shall be held before a district court judge, clerk, or assistant clerk, as the court shall direct, and if the judge, clerk, or assistant clerk shall, after hearing, find that the violation occurred and that it was committed by the person so notified to appear, the person so notified shall be permitted to dispose of the case by paying the specific sum of money fixed as a penalty as aforesaid, or such lesser amount as the judge, clerk, or assistant clerk shall order, which payment shall operate as a final disposition of the case. If the judge, clerk, or assistant clerk shall, after hearing, find that the violation alleged did not occur or was not committed by the person notified to appear, that finding shall be entered in the docket, which shall operate as a final disposition of the case. Proceedings held pursuant to this subsection shall not be deemed to be criminal proceedings. No person disposing of a case by payment of such a penalty shall be required to report to any probation officer as a result of such violation, nor shall any record of the case be entered in the probation records.
- F. If any person so notified to appear before the clerk of a district court fails to pay the fine provided hereunder within the time specified or, having appeared, does not confess the offense before the clerk or pay the sum of money fixed as a penalty after a hearing and finding as provided in the preceding subsection, the clerk shall notify the enforcing person who issued the original notice, who shall determine whether to apply for the issuance of a complaint for the violation of the appropriate ordinance, bylaw, rule or regulation.

Article II Adoption of Code

[At the Annual Town Meeting on October 23, 2006, under Articles 1 through 5, it was voted to accept the renumbering of the General Bylaws and Zoning Bylaw as set forth in Parts I and II of this Code and to adopt certain changes to the General Bylaws and Zoning Bylaw. Copies of Articles 1 through 5 on are file in the office of the Town Clerk.]

Chapter 7 Alarms

[HISTORY: Adopted by the Town of Salisbury as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. **86**.

Police Department — See Ch. **182**.

Article I

Connection to Municipal Fire Alarm System

[Adopted 10-22-1990 ATM by Art. 12]

§ 7-1 **Fee established.**

A fee of \$150 per year is established for a private connection to the Municipal Fire Alarm System, said fee to provide four tests per year as well as maintenance and supervision, said fee to be assessed to privately owned businesses only, with schools, churches, Town-owned buildings, and other nonprofit organizations being exempt.

Article II False Alarms

[Adopted 5-15-2000 ATM by Art. 19]

§ 7-2 **Prohibited acts.**

It shall be unlawful for any person to intentionally call in or cause to be called in or in any way reported a false fire or medical emergency alarm knowing the same to be false, and it shall be unlawful for any person to intentionally tamper with any device designed to give or transmit a fire or medical emergency alarm with the intention of disabling said device or causing said device to transmit a false alarm. It shall be unlawful for any person to intentionally turn off and/or silence a fire alarm device or system.

§ 7-3 **Parental liability.**

Any parent or legal guardian having by law responsibility for the care and supervision of a minor child under the age of 18 years shall be liable for violation of this bylaw committed by such minor child provided such violation is the second or subsequent offense committed by said child and provided further that said person has received written notice of the previous violation from the Fire Department or other responsible public officer or official; provided, however, such parental liability shall be enforced only through the noncriminal enforcement procedures established under this bylaw.

§ 7-4 **Violations and penalties; enforcement.**

Whoever violates this bylaw shall be punished by a fine of \$200 for each offense. Said provisions of this bylaw may be enforced by the Fire Chief, or his duly authorized designee, as well as all officers of the Town of Salisbury having police powers.

Article III Alarm Systems

[Adopted 5-15-2000 ATM by Art. 20]

§ 7-5 **Requirements for off-premises alarms.**

Any building which has a fire alarm system or other fire protection system or medical alarm which transmits an alarm off premises shall:

- A. Be required to have the following: permit to install or alter system.
- B. Provide a secure key box installed in a location accessible to the Fire Department in case of emergency. The key box shall contain keys to the door(s), fire alarm control panel and any other keys necessary to operate or service fire protection or medical systems. The key box shall be a "SupraSafe" type and shall be located and installed as approved by the Chief.
- C. Display a placard on the outside of the building within 10 feet of the main entrance and/or master box as outlined in National Fire Protection (NFPA) Standard 704, to be determined by the Fire Chief.

§ 7-6 **Violations and penalties.**

Any building owner violating this bylaw, after receiving due notice by the Fire Department, shall be subjected to a fine of \$100.

§ 7-7 **Existing systems.**

Existing systems will have six months, after adoption of this bylaw, to bring premises up to code.

Chapter 12

Amusement Centers and Devices

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 5-16-1983 by Art. 18. Amendments noted where applicable.]

§ 12-1 **Purpose.**

[Amended 10-23-2006 ATM by Art. 2]

The purpose of this bylaw is to license and regulate the use and employment of amusement centers and devices in the Town of Salisbury.

§ 12-2 **Definitions.**

As used herein:

AMUSEMENT CENTER

Shall mean any premises having thereon five or more amusement devices where such devices are the principal or primary source of income derived from said premises.

AMUSEMENT DEVICE

Shall mean any electric or mechanical device which, upon the insertion of a coin, token, or disc, may be operated by the public for use as a game, entertainment or amusement, whether or not registering a score, and whether or not skill is employed in operating said device. This term shall not apply to any device which, upon the insertion of a coin, solely dispenses a physical product, or to any devices which solely produce music.

GAMBLING DEVICES

Shall mean any electronic or mechanical device which provides "points" or "bets" in a proportional relationship to the number of coins inserted, whether or not a bonus or prize may be rendered, which in the opinion of the licensing authority lends itself to a scheme whereby a player may expect remuneration from the person maintaining the device based upon points accrued.

LICENSING AUTHORITY

Shall mean the Board of Selectmen for the Town of Salisbury.

PERSON

Shall mean any natural person, profit or nonprofit corporation, foundation, trustee, partner or partnership, proprietor, or association owning, maintaining, or operating amusement devices, or amusement centers.

§ 12-3 **Amusement device license.**

- A. No person shall operate or maintain or permit to be operated or maintained on his premises any amusement device without first obtaining a license to operate such device from the licensing authority.
- B. Any application for an amusement device license shall be accompanied by a statement setting forth the following:
- (1) Name and address of owner of device.
 - (2) Name and address of applicant.
 - (3) Age and occupation of applicant.
 - (4) Address and current use of premises upon which device is to be permitted.
 - (5) The maximum number of amusement devices to be on the premises during the license period.
- C. License fee. Any person applying to obtain an amusement device license shall, prior to receipt of same, pay a fee of \$100 for each amusement device to be maintained on the premises during the license period [Subsection **B(5)** above]. The applicant may substitute and "rotate" devices without an additional fee provided the maximum number of devices is unchanged. If additional devices are installed during the license period, the applicant must notify the licensing authority within 30 days of installation and pay an additional fee of \$100 for each additional amusement device up to four. No fee or portion thereof shall be refunded in the event a lesser number of machines is maintained than applied for during the license period. Any person applying to obtain an amusement center license or a license for five or more amusement devices shall, prior to receipt of said license, pay a fee of \$1,000. Upon the issuance of the license, no portion of said fee shall be refundable.
- D. License posted. A license issued for the maintenance or operation of amusement devices or amusement centers must bear the signature of ~~two~~ **a majority** of the members of the licensing authority and shall be posted and maintained in a place where it is clearly visible to the general public and/or patrons of the premises where such devices are maintained throughout the license period.

§ 12-4 **Amusement center license.**

- A. No person shall operate or maintain an amusement center, as described herein, without first being licensed to do so.
- B. Application procedure. Any person filing to obtain an amusement center license after the effective date of this bylaw shall be required to submit an application setting forth the following:
- (1) Location of premises to be used.
 - (2) Owner of premises and current use of premises.
 - (3) Applicant, address, occupation, and age.
 - (4) Scale drawing of premises showing proposed location of devices.
 - (5) A statement that the premises conform to the State Fire Code and may be occupied by a stated maximum number of people at any time.
 - (6) A statement that the proposed use on the proposed premises is not in violation of the Zoning Bylaw

for the Town or that the Zoning Bylaw does not apply to the proposed premises.

Comment [1]: Editor's Note: See Ch. 300, Zoning.

- (7) A management plan (in written format) showing how many employees are to be on the premises during the day until closing, the hours of operation, and the measures to be taken to minimize traffic and crowding.
 - (8) A statement that the information provided with the application is true to the knowledge and belief of the applicant and the applicant's signature or the signature of one empowered to bind the applicant.
- C. Any such application must be submitted with the signature of the Fire Chief and the Building Inspector, whose signatures shall constitute their agreement regarding Subsection **B(5)** and **(6)** above.

§ 12-5 Issuance or refusal of license.

- A. Amusement devices. The licensing authority may issue an amusement device license without a hearing provided it is not endorsed as an amusement center.
- B. The licensing authority may issue a license providing for fewer than the applied for number of amusement devices if it determines that the license as applied for would impose a detriment to public safety, convenience, or to the character of the area where the premises are situated.
- C. The licensing authority may restrict the hours of operation of amusement devices on any license issued, where it deems such restriction would serve public safety, convenience, and the character of the area.
- D. The licensing authority may refuse to issue an amusement license, if it determines that any of the following conditions exist:
- (1) That the application fails to include the information required by this bylaw.
 - (2) That, in the case of amusement centers, the management plan fails to address or show by a preponderance of the available evidence that its operation will not impose public inconvenience, a public safety risk, or a substantial detriment to the character of the neighborhood in which such center is to be placed.
- E. In the event of an application seeking to maintain or operate an amusement center, at the request of any abutter as defined in the Zoning Bylaw for the Town of Salisbury, or on the licensing authority's own motion, a public hearing shall be held by the licensing authority, after publishing notice at least one week prior to the hearing date, to determine whether or not such license shall issue. The hearing shall afford all present the opportunity to present evidence and be heard but may be conducted in a limited-time-per-speaker format if the licensing authority sees fit. Written notice of the licensing authority's action shall be given to the applicant within 30 days of any such hearing or the license is deemed to be issued upon payment of the fee. If a license is issued after hearing, publication costs or administrative costs of the hearing shall be assessed against the applicant as part of the license fee.
- F. Any application for an amusement device license, with or without an "amusement center" endorsement, must be put on the agenda of the licensing authority and must be publicly posted with other matters on such agenda.

Comment [2]: Editor's Note: See Ch. 300, Zoning.

§ 12-6 Suspension or revocation of license.

- A. The licensing authority may, after written notice to a license holder, at the address set forth on the license application, setting forth the violation or noncompliance, hold a public hearing no less than 10 days after the date when such notice was sent, to determine whether or not a violation or noncompliance with this bylaw has been committed by the person licensed.

- B. If, after a hearing at which the license holder has been afforded the opportunity to examine those presenting adverse evidence and present evidence of his own, the licensing authority determines a violation has been committed by the license holder, the license may be revoked or suspended as the licensing authority sees fit.
- C. If, after a hearing, the licensing authority determines to suspend or revoke a license, it shall notify the license holder in writing, setting forth the action taken by the licensing authority and the reasons therefor, within 14 days of the hearing date.
- D. In the event of a suspension or revocation, the licensing authority shall set a starting date, not earlier than 30 days after the hearing, for such suspension or revocation to begin.

§ 12-7 Prohibited practices; violations and penalties.

- A. Prohibited practices.
 - (1) Gambling devices, as described herein, are not permitted in the Town of Salisbury. Any operation or maintenance of a gambling device is a violation of this bylaw. Each day such violation exists shall be a separate violation of the bylaw punishable as herein provided.
 - (2) Operation, installation or maintenance of an unlicensed amusement device or amusement center or operation or maintenance without having a license posted in an area clearly visible to the public is a separate violation for each day such operation continues.
 - (3) Any knowing misrepresentation in a license application is a violation which shall be punishable, after hearing, by revocation of the license.
- B. Penalties. Any violation of this bylaw shall be punishable by a fine of \$50. Any violation of the bylaw may be punishable under § 12-6 of this bylaw.

§ 12-8 Existing amusement devices and centers.

- A. Upon the expiration of any current preexisting license to operate an amusement device or amusement center (as described herein), the licensing authority, upon submission of a copy of said license and the fee as herein set forth, shall issue a new license under the provisions of this bylaw without holding a hearing or inquiring into the operation of amusement devices at the previously licensed location.
- B. Upon the issuance of said license, the amusement devices, premises, and persons shall be governed under the provisions of this bylaw.

§ 12-9 Severability; construal of provisions.

- A. Each separate provision of this bylaw is to be independent of any other provisions. In the event any one provision of this bylaw is later found to be invalid, then all the other provisions shall remain in full force and effect.
- B. This bylaw is, wherever possible, to be construed as consistent with other bylaws of the Town of Salisbury and the Massachusetts General Laws. This bylaw shall take precedence over previously enacted inconsistent bylaws of the Town.

Chapter 17

Animals

[**HISTORY: Adopted by the Town of Salisbury as indicated in article histories. Amendments noted where applicable.**]

GENERAL REFERENCES

Peace and good order — See Ch. 170.

Article I

Dogs

[Adopted 3-16-1968 ATM by Art. 32]

§ 17-1 **Leash required.**

[Amended 3-30-1981 STM by Art. 1; 10-26-1998 ATM by Art. 8; 12-12-2005 ATM by Art. 17]

No person shall own or keep in the Town of Salisbury, outside of the confines of the owner's or keeper's property, any dog which is not held firmly on a leash. Failure to comply with this bylaw shall be punishable as follows: first offense, \$25; second offense, fine of \$50; third and subsequent offenses, a fine of \$100; each twenty-four-hour period shall constitute a separate offense.

§ 17-2 **Removal of waste.**

[Added 10-26-1998 ATM by Art. 7]

- A. It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by said dog on any sidewalk, street or other public area in the Town. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any private property neither owned nor occupied by said person.
- B. No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog. Furthermore, no person who owns, possesses or controls such dog shall appear with such animal on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog. Disposal in Town trash barrels or bins or in storm drains is prohibited.
- C. For the purposes of this bylaw, the means of removal shall be any tool, implement or other device carried for the purpose of picking up or containing such feces.
- D. This bylaw shall not apply to a physically handicapped person in sole custody or control of a dog or to any individual using a guide dog.
- E. The fines for violation of this bylaw shall be: first offense, \$25; second offense, \$50; third offense, \$100. [Amended 12-12-2005 ATM by Art. 17]

~~§ 17-3~~ (moved to 17-6(E))

Article II

Nuisances

[Adopted 10-23-1995 ATM by Art. 7]

§ 17-4 **Disturbing the peace.**

[Amended 5-14-2012 ATM by Art. 25]

No person shall own or keep any animal which by biting or in any other manner endangers the safety of any person or which by barking, howling, crowing, squealing, or in any other manner commits a nuisance or disturbs the peace and quiet of any neighborhood for more than 15 minutes constantly, or which commits a nuisance or disturbs the peace and quiet of any neighborhood by virtue of being left unattended outside a home, residence, or place of business within the Town limits.

§ 17-5 **Violations and penalties.**

[Amended 12-12-2005 ATM by Art. 17]

The fines for violation of this bylaw shall be: first offense, \$50 per day; second offense: \$100 per day; third offense: \$100 per day and a public hearing before the Board of Selectmen.

Article III
Dog Licenses

[Adopted 10-27-2014 ATM by Art. 21]

§ 17-6 **License required; fees; exemption; late fees**

- A. All dogs six months of age and older shall be inoculated against rabies and licensed with the Town of Salisbury, as required by Massachusetts General Laws, Chapter 140, § 137.
- B. The fee for dog licenses shall be as follows:
 - (1) Neutered males and spayed females: \$10.
 - (2) Unaltered males and unspayed females: \$15.
- C. Proof of spaying or neutering shall be shown at the time of licensing.
- D. There shall be no licensing fee for "service dogs" as defined by the Americans with Disabilities Act or regulations promulgated thereunder.
- E. **Late fees.**
[Added 10-27-1986 STM by Art. 12; amended 6-11-1991 STM by Art. 12; 12-12-2005 ATM by Art. 17; 10-28-2013 ATM by Art. 6]

Any person who is the owner or keeper of a dog or kennel within the Town of Salisbury and who fails to obtain a license for said dog or kennel, as required by MGL c. 140, within 30 days of the date on which the license fee is due, shall pay, in addition to the regular fee for such license, a penalty of \$5 per each additional month from the first day following the due date. The penalty fees herein required shall be payable to the Town of Salisbury. Residents aged 65 or older shall be exempt from paying these penalty fees.

Article IV
Kennels

[Adopted 10-26-2015 ATM by Art. 5]

§ 17-7 **Definition.**

KENNEL — A pack or collection of dogs on a single premises, including a commercial boarding or

training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel, or veterinary kennel, as defined in MGL c. 140, § 136A

§ 17-8 **Requirements and license fees.**

- A. Kennel licenses are issued by the Town Clerk. The license period for kennels shall run from April 1 to March 31, inclusive of both dates. All owners and operators of kennels shall license such kennels annually by March 31 or shall be subject to a late fee stated in Chapter 17, § 17-3 of the Town Bylaws.
- B. No kennel license shall be issued or renewed until the premises have been inspected and approved by the Animal Control Officer.
- C. All owners and operators of kennels must operate said kennels in accordance with MGL c. 140, §§ 137A through 137C.
- D. No commercial boarding or training kennel, commercial breeder kennel, or veterinary kennel licenses shall be issued unless the applicant demonstrates compliance with any other applicable laws concerning the operation of a business or commercial enterprise from the subject premises.
- E. Fees.
 - (1) Personal kennel.
 - (a) Two to four dogs: \$40.
 - (b) Five to nine dogs: \$60.
 - (c) Ten or more: \$100.
 - (2) Commercial boarding or training kennel: \$100.
 - (3) Commercial breeding kennel: \$100.
 - (4) Veterinary kennel: \$100.
 - (5) Domestic charitable corporation kennel: exempt.

Chapter 23

Automobile Dealers and Repair Shops

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 5-16-1983 by Art. 19. Amendments noted where applicable.]

§ 23-1 **Purpose; effect on other laws.**
[Amended 10-23-2006 ATM by Art. 2]

The purpose of this bylaw is to impose uniformity and regulation in the issuance and supervision of automobile and auto part and salvage dealers' licenses within the Town of Salisbury. This bylaw is intended to be consistent with MGL c. 140, § 59, and other applicable provisions of the Massachusetts General Laws, as well as being consistent with other bylaws for the Town of Salisbury. Where, however, an earlier adopted bylaw for the Town is found to be in direct conflict with this bylaw, this bylaw shall be

controlling.

§ 23-2 **Severability.**

In the event that any one provision hereof is found to be invalid by a court of competent jurisdiction, then the remaining provisions hereof are deemed severed therefrom and shall continue in full force and effect.

§ 23-3 **Applicability; license classification.**

- A. Licensed activity. This bylaw specifically relates to the sale of motor vehicles (as described in MGL c. 90), the extraction and sale of secondhand motor vehicle parts, and salvage businesses engaged in purchasing and stripping or otherwise converting secondhand motor vehicles.
- B. License classification. The three classes of licenses to be recognized hereunder are those specifically set forth in MGL c. 140, § 58. This bylaw specifically adopts each and every provision of said MGL c. 140, § 58, and any subsequent amendments thereto, with regard to distinctions between and prerequisites for classification among the three license classifications set forth, which shall be referred to herein as follows:
 - (1) New motor vehicle dealer: Class I.
 - (2) Secondhand motor vehicle dealer: Class II.
 - (3) Junk and salvage motor vehicle dealer: Class III.
- C. Licensing authority. The licensing authority shall be the Board of Selectmen for the Town of Salisbury or any elected or appointed officer, board or agent of the Town that it shall appoint.
- D. An applicant shall be any firm, corporation, business association, or natural person making application for a license to carry on a licensed activity hereunder.

§ 23-4 **Application procedures.**

- A. Original application procedure. Application for any class of license shall consist of:
 - (1) Submission of a completed application form provided by the Registry of Motor Vehicles for the Commonwealth of Massachusetts.
 - (2) Submission of an application fee of \$125 (~~\$75 of which will be refunded if the application is not approved~~). **[Amended 10-23-2006 ATM by Art. 2]**
 - (3) Submission of a completed form provided by the licensing authority, which form shall provide the following:
 - (a) A statement, signed by the Chief of Police, stating that the applicant, or its principal officers, has not been convicted of a felony or a crime or moral turpitude in the ten-year period preceding the date signed.
 - (b) The names and addresses of three persons who will vouch for the integrity and good business character of the applicant.
 - (c) A statement setting forth other businesses engaged in by the applicant and the percentage (either in time or operating budget) of total work input devoted to each such business.
 - (d) A statement setting forth the percentage of the applicant's total work (operating budget or time) to be devoted to the licensed activity applied for.

Comment [3]: Editor's Note: See Ch. 300, Zoning.

- (e) A statement, signed by the Building Inspector for the Town of Salisbury, stating that the licensed activity applied for is a permitted use at the location set forth in the application, or that the current Zoning Bylaw does not apply to that location, setting forth the reason why such law does not apply.
 - (f) A statement signed by the applicant that all of the information provided by him, in such application procedure, is true to the best of his knowledge and belief.
 - (4) Submission of two scale drawings of the premises, showing in one drawing the premises as they are prior to application and, in the second drawing, showing the premises as they will be if the licensed activity is conducted thereon. Each such drawing may be rejected if it is not approximately to scale, if it fails to show those portions of the premises to be used for the licensed activity in a highlighted or distinguishing manner, or if it fails to adequately set forth roadways, boundaries, landmarks, buildings or dimensions.
- B. Renewal application procedures. Applications for renewal of existing licenses shall consist of the following:
- (1) Submission of a completed form provided by the Registrar of Motor Vehicles for such license.
 - (2) Submission of a copy of the most recently allowed license.
 - (3) Submission of a license fee of \$125. **[Amended 10-23-2006 ATM by Art. 2]**
 - (4) Submission of a statement, signed by the applicant, stating that there has been no substantive change in the nature of or the manner in which business is conducted on the licensed premises, or submission of a statement, signed by the applicant, that a substantial change in situation is proposed or intended by the licensee and that a permit is requested to encompass such change, in which case the licensing authority may require such additional information as is required for an original application before approving or denying such permit.

§ 23-5 Issuance of licenses.

- A. The licensing authority shall keep, as part of its regular agenda, a schedule of license applications, which shall be posted in a public place with the regular agenda, and in the case of an original or renewal application, shall set forth the name and business address of the applicant, the class of license applied for, whether or not such application is for original or renewal purposes, and the date set for the licensing authority to act on the application.
- B. Class I and II original applications. At the written request of two abutters (as defined in the Salisbury Zoning Bylaw), the applicant or on its own motion, the licensing authority shall hold a public hearing to be held not less than seven days after posting notice thereof in a public place, to determine whether or not to issue the license requested. In all other instances, Class I and II licenses may be issued or denied without the requirement of a hearing, upon receipt of a completed application.
- C. Class III original application. Class III licenses may be issued only after a public hearing, to be held not less than seven days after written notice has been given to the owners of the property abutting the premises to be licensed, and notice thereof shall have been posted in a public place.
- D. Renewal applications, all classes. Renewal licenses may be issued by the licensing authority without a hearing for any class of license provided there is no substantial change in situation set forth on the application. If there is a proposed substantial change in situation, then, for the purposes of hearing requirements, the application shall be treated as an original application.
- E. Criteria for issuance. The licensing authority may issue a license in the class applied for only after finding the following:

Comment [4]: Editor's Note: See Ch. 300, Zoning.

- (1) That the applicant is a proper person, firm, or corporation for the proposed licensed activity; and
- (2) That the proposed licensed activity shall be the licensee's principal business; and
- (3) That the premises specified in the application are suitable for the proposed licensed activity.

F. Term. Any license issued hereunder shall expire on the first day of January next following its issuance date.

G. ~~Number of licenses. The number of licenses issued for all classes of licenses shall be limited. No licenses shall be issued which shall increase the number of any class of licenses above the following limits: Class II, 17. These limits shall not restrict licenses issued prior to October 25, 1996. [Added 10-28-1996 ATM by Art. 4; amended 10-26-2010 ATM by Art. 12]~~

§ 23-6 Substantial change in situation.

Prior to effecting any substantial change in situation, the licensee must apply to the licensing authority for a permit which will encompass the proposed change, if such change involves any of the following:

- A. Sale, transfer, or any change in ownership of the licensed premises.
- B. Incorporation or other business organization procedures which may distribute ownership and/or liability of such business in a manner different than as set forth in the current business organization of the licensee.
- C. Expansion of that portion of the premises occupied by the licensee to be designated or devoted to the licensed activity beyond the boundaries designated and highlighted in the plan submitted with the original application.
- D. Removal of a substantial portion of the licensed activity to different premises than those set forth in the previous license.
- E. A change in the licensed activity which constitutes a substantial portion of the licensed activity being conducted in a license classification for which the licensee is not licensed.
- F. A change in the principal business activity of the licensee.

§ 23-7 Revocation or suspension of license.

A. A petition for revocation of any class of license may be heard:

- (1) On the licensing authority's own motion, if there exists a question as to whether or not the licensee is in compliance with this bylaw or MGL c. 140, §§ 57 to 59.
- (2) On petition of 10 or more residents of the Town stating that the licensee is engaged in or is permitting unlawful activity on the licensed premises, or engaged in the licensed activity in such a manner as to be continually or repeatedly in violation of MGL c. 93A, §§ 2 through 11 (consumer protection statute) and any of the Attorney General's rules promulgated thereunder, and is therefore not a suitable person to be licensed. **[Amended 10-23-2006 ATM by Art. 2]**
- (3) On complaint of the Chief of Police for the Town of Salisbury that an unlawful activity is being engaged in on the premises.

B. The licensing authority shall not hold any hearing as to revocation or suspension of a license without first giving 10 days' written notice to the licensee, at the address on the license application, and posting notice of such hearing in a public place at least seven days in advance of such hearing. Any

notice of revocation proceedings given to a licensee must include the following:

- (1) The names of those complaining against the licensee.
 - (2) The specific complaints or charges to be addressed at such hearing.
 - (3) The date and time of such hearing.
 - (4) A statement that such hearing will be a public hearing, at which the licensee may be represented by counsel and may confront and examine evidence and witnesses against him as well as introduce evidence and witnesses on his own behalf.
- C. The licensing authority, in any such hearing, may appoint Town Counsel or any other appointed officer of the Town to act as hearing officer, to conduct such hearing and report his or her findings to the licensing authority.
- D. The licensing authority shall notify the licensee, in writing, at the address on the license application, within 14 days after such hearing, as to any decision to revoke or suspend a license. Such notification shall state the following:
- (1) The findings of the licensing authority or hearing officer, deduced from the evidence offered at the hearing.
 - (2) The decision of the licensing authority to either revoke or suspend the license for a specific period of days beginning at the 30th day following the hearing date.
- E. Failure of the licensing authority to give such written notice within 14 days of the hearing shall be deemed a waiver and forfeiture, on the part of the licensing authority, of any right to suspend or revoke a license as a result of the evidence at that hearing.

§ 23-8 Violations and penalties.

In addition to suspension or revocation proceedings set forth in § 23-7 hereof, the following violations shall be punishable by a fine ~~of not exceeding~~ \$50 for each day such violation may persist:

- A. Engaging in a licensed activity without a license or with a license purporting to cover a different licensed activity. [**Amended 10-23-2006 ATM by Art. 2**]
- B. Failing to report a substantial change as set forth in § 23-6 hereof, within 10 days of such change.
- C. Failure to comply with MGL c. 140, §§ 57 to 59.

§ 23-9 Preexisting licenses.

Licenses previously issued by the Town or its Board of Selectmen under MGL c. 140, §§ 57 to 59 shall be deemed to be lawfully issued licenses for the purposes of this bylaw, and provided there is no substantial change as set forth in § 23-6 hereof, such licenses, upon expiration, shall be reissued without a requirement for hearing, provided that:

- A. A copy of such preexisting license must be submitted with the renewal application specified in this bylaw.
- B. Upon renewal, after the effective date of this bylaw, every preexisting license, so renewed, shall be governed by and subject to the provisions of this bylaw.

§ 23-10 **Rules and regulations.**

The Board of Selectmen for the Town of Salisbury, by majority vote, may promulgate any rules and regulations as to applications and/or hearing requirements that are not inconsistent with MGL c. 140, §§ 57 to 59. Any such regulation shall become effective only after notice of a proposed regulation has been publicly posted and placed on the regular agenda for hearing before the Board and the Board votes favorably upon such regulation, or a regulation substantially similar to that for which such notice was posted.

§ 23-11 **Storage of unregistered motor vehicles.**

[Added 10-27-1986 STM by Art. 9; amended 5-16-1990 ATM by Art. 21]

Except as hereinafter provided, no more than two unregistered motor vehicles may be stored, kept or maintained on privately owned premises within the Town unless stored, kept or maintained in fully enclosed garages or other inside storage facilities. This section is to be enforced by the Zoning Enforcement Officer of the Town of Salisbury. Penalty: \$50 for each such unregistered vehicle in excess of two for each day of continuing violation.

§ 23-12 **Automobile repair and body shops.**

[Added 10-27-1986 STM by Art. 9; amended 5-16-1990 ATM by Art. 21]

- A. Any person, firm or corporation engaged in the business of automobile repair and/or auto body repair and refinishing, for a fee or charge, shall obtain a license for such business from the Board of Selectmen.
- B. Licensing procedure.
 - (1) A person, firm or corporation desiring a license to conduct an auto repair or auto body repair business shall file an application with the Board of Selectmen including the following information:
 - (a) Business owner's name and address;
 - (b) Property address, and if leased property, property owner's address;
 - (c) A plan detailing the property lines, the location and size of any structure, number of service bays, parking areas, water, gas and sewer lines, septic systems, wells, underground fuel, storage areas and setbacks of structures from the property lines;
 - (d) A statement as to types of commercial or industrial chemicals including lacquer, paint and petroleum products to be stored on the premises, including the storage vessels and disposal procedures for each such chemical;
 - (e) A statement as to the maximum number of vehicles to be on the premises at any one time and the manner in which the premises are to be secured, including fencing, chains and/or security systems;
 - (f) A statement as to the days and hours of operation, including noise abatement/prevention measures and material;
 - (g) Written certification from the Fire Chief or Deputy Chief that adequate provision has been made in the applicant's plan for the storage of flammable materials;
 - (h) In the case of new buildings or alterations to existing buildings to accommodate such use, a statement from the Building Inspector that the proposed plan and use conform to the zoning and building laws of the Town.

- (2) Any such application shall be accompanied by a nonrefundable fee of \$100 and shall not be scheduled for action by the Board of Selectmen until such application is complete as provided above. Upon submission of a completed application the Board of Selectmen shall schedule a review of the application on its regular agenda within 30 days of submission and take the following action:
- (a) In the event of an application being filed by an existing auto repair or auto body shop, the Board shall review and approve a license with such reasonable conditions as it sees fit to impose, to ensure continued safety to the public and to the environment, including adequate provisions for fire prevention, hazardous material storage, noise abatement, security and general appearance of the premises.
 - (b) In the event of an application being filed by a new or proposed auto repair or auto body repair business, the Board shall schedule a hearing to be held after notice to abutters and publication, but in no event later than 45 days after submission, at which hearing the Board shall hear the applicant and/or his representative and any interested abutters or other persons or officials of the Town and shall approve the application or approve the application with conditions, provided the Board finds:
 - [1] That the premises are suitable premises for such business and adequate provisions are made for public safety and protection for the environment;
 - [2] That the proposed use will not work a substantial detriment to the character of the neighborhood by way of excessive noise or unsightly appearance;
 - [3] That the business to be conducted is the principal business of the applicant and is consented to by the owner of the premises.
 - (3) The Board of Selectmen may deny such application if it finds that any of the above criteria are not satisfied and that such criteria may not be satisfied by the imposition of reasonable conditions and limitations on a license.
 - (4) Upon approval of an application, the Board shall issue a license with such conditions as are provided for herein, which license shall be in effect no later than December 31 of the year in which it is issued. Such license shall be posted in a conspicuous place on the premises and shall provide as a condition thereof that such premises are available for inspection by the Board, or its agents, during regular business hours. A licensee shall be permitted to maintain as many vehicles, registered or unregistered, as are provided for in such license upon the licensed premises.
 - (5) Any such license may be suspended or revoked after reasonable notice to the licensee at the business address and an opportunity to be heard with counsel and to present evidence and examine witnesses has been afforded to the licensee at a regularly scheduled meeting of the Board of Selectmen to be held not earlier than 10 days after such notice. Such license may be suspended or revoked only if the Board finds that the licensee's business has been operated in violation of the terms and conditions of the license or that the premises do not comply and conform with the plan and statements filed with the license application.
- C. Nonapplicability. This bylaw shall not apply to licensed Class I, Class II or Class III automobile dealers, or to repair facilities maintained by the Town of Salisbury on Town-owned property.
- D. Severability. To the extent that any provision of this bylaw is determined to be void or unenforceable by the Attorney General for the Commonwealth or by a court of competent jurisdiction, the remaining provisions hereof shall continue in full force and effect.

§ 23-13 **Fencing requirement for Class III licenses.**
[Added 10-24-2011 ATM by Art. 16]

An applicant for a new Class III license or for renewal of an existing Class III license shall designate an area on the licensed premises for storage of all vehicle parts and all junk or salvage vehicles that have not been repaired and are not available for sale. Such storage area shall either be inside a building or be enclosed by a solid or opaque fence of sufficient height to conceal all such parts and vehicles so they are not visible from any roadway and are not visible from the first floor of any residential dwelling. Such storage area shall be shown on a scale drawing of the licensed premises that is submitted with the application.

Chapter 30

Boards, Committees and Commissions

[**HISTORY: Adopted by the Town of Salisbury as indicated in article histories. Amendments noted where applicable.**]

GENERAL REFERENCES

Zoning Board of Appeals — See Ch. **300**.
Licensing Board regulations — See Ch. **450**.

Planning Board regulations — See Ch. **465**.

Article I

Board of Health

[**Adopted 3-22-1958 by Art. 50 as Art. VII of the 1958 General Bylaws**]

§ 30-1 Control of Health Department.

The Health Department shall be under the charge and control of the ~~Board of Health~~ **Director of Public Health, who shall be appointed by the Town Manager.** ~~which shall and may exercise all the powers of the Board of Health in all matters relating to the health and safety of the Town.~~

§ 30-2 Adoption of regulations.

The Board of Health may, in a manner consistent with the laws of the Commonwealth of Massachusetts, make such regulations, including ~~regulations regarding plumbing and laying of drains~~ regulations for recreational camps, overnight camps or cabins and trailer parks; regulations for the control or removal and transportation of garbage; and such other regulations as are permitted by the laws of the Commonwealth of Massachusetts in connection with the health of the Town.

§ 30-3 Report to Selectmen and Manager.

[**Amended 5-16-1990 ATM by Art. 40**]

The Board of Health must present to the Selectmen and Town Manager in the printed annual report of the Town a full and comprehensive statement of all its acts during the preceding year. ~~and an estimate of the appropriations needed for the coming year.~~

~~§ 30-4 Annual review of sanitary conditions.~~

~~The Board of Health shall make an annual review of the sanitary conditions in the Town, particularly in reference to the sewerage conditions of the Town, and make a report annually to the Town.~~

§ 30-5 Membership increased.

[Added 5-17-2004 ATM by Art. 13]

The membership of the Board of Health is increased from three to five, effective January 1, 2005, such new members to serve for the following terms of office: one new member to serve for a term expiring December 31, 2006, and one other new member to serve for a term expiring December 31, 2007, so that the terms of no more than two members of the Board of Health will expire in any given year.

**Article II
Warrant Advisory Committee**

[Adopted 3-22-1958 by Art. 50 as Art. XIV of the 1958 General Bylaws; amended 5-16-1990 ATM by Art. 40; 10-30-2007 ATM by Art. 1]

§ 30-6 Membership; terms of office.

[Amended 10-22-1990 ATM by Art. 3; 5-16-1994 ATM by Art 21; 10-30-2007 ATM by Art. 1]

There shall be a Warrant Advisory Committee consisting of five citizens of the Town, other than Town officers; members shall be appointed annually by the Town Moderator to serve three-year terms, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year, appointments to be made no later than July 1. In the event of any vacancy in the Warrant Advisory Committee, the Secretary of the Committee shall notify the Town Moderator in writing, who shall thereupon fill such vacancy. Effective January 1, 2008, the membership of the Warrant Advisory Committee shall be increased to include one alternate member, to be appointed by the Town Moderator. The initial alternate member appointee shall serve for a three-year term to expire on June 30, 2010. Successor terms for this position shall likewise be for three years.

§ 30-7 Qualifications for membership; officers; compensation.

Any member of said Committee who shall be appointed or elected to any Town office shall forthwith upon his qualification in such office, and any member who shall remove from the Town shall upon such removal, cease to be a member of said Committee. Said Committee shall choose its own officers, and the members thereof shall serve without salary.

§ 30-8 Time frame for start of work.

The Committee shall begin its work not later than January 15 in the municipal year.

§ 30-9 Recommendations; investigations; subcommittees.

All recommendations of the Committee made to the Town shall be recommendations of a majority of the entire Committee, but this shall not be construed to prevent recommendations by a minority as such. The Warrant Advisory Committee shall have authority at any time to investigate the books, accounts and management of any department of the Town. It may appoint subcommittees and delegate to them such of its powers as it deems expedient.

§ 30-10 Actions requiring Committee report.

No action shall be taken at any meeting appropriating or involving the expenditure of money, the creation of debt, or the disposal of property of the Town until the proposition has been referred to the Warrant Advisory Committee and report made thereon.

§ 30-11 Current members.

The enactment of these bylaws shall not affect the tenure of persons already appointed as members of the Warrant Advisory Committee.

Article III

Sewer Commission

[Adopted 4-9-1990 STM by Art. 4]

§ 30-12 **Commission abolished; transfer of powers.**

In accordance with Article 5, § 1 of the Town Charter, the Sewer Commission is hereby abolished effective July 1, 1990. The policy, rate setting and executive powers of said Commission are hereby placed under the jurisdiction of the Board of Selectmen.

Article IV Town Manager Screening Committee

[Adopted 10-28-1991 ATM by Art. 22]

§ 30-13 **Formation.**

Whenever the office of Town Manager shall become vacant or when a pending vacancy in the office of Town Manager is known, the Board of Selectmen shall declare that a Screening Committee be formed and shall meet and organize within 30 days.

§ 30-14 **Duties.**

The Screening Committee shall solicit, receive and evaluate applications for the position of Town Manager.

§ 30-15 **Membership.**

The Screening Committee shall consist of 11 persons who shall be chosen as follows: all five members of the Board of Selectmen, the Town Moderator, four appointed by the Moderator and one member of the Warrant Advisory Committee.

§ 30-16 **Advertising for candidates.**

The Screening Committee shall use any and all means available to advertise for candidates whose qualifications shall be defined by Town bylaw.

§ 30-17 **Screening process.**

The Screening Committee shall review all applications received by it, screen all such applicants by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems necessary, desirable, or expedient.

- A. Within 90 days following the date on which the Committee was formed the Screening Committee shall submit to the Board of Selectmen the names of not fewer than three, nor more than five, persons whom it believes to be the best suited to perform the duties of Town Manager.
- B. Within 30 days following the date the list of nominees is submitted to it, the Board of Selectmen shall choose one of the said nominees to serve as Town Manager. In the event that the Board of Selectmen shall fail to make an appointment within the said 30 days, the Screening Committee shall forthwith appoint the Town Manager.
- C. If, before the end of the thirty-day period, a majority of those whose names have been submitted to the Board of Selectman shall have removed themselves from consideration, it shall be at the option of the Board of Selectmen to request additional names from the Screening Committee. Upon such request, the thirty-day period is suspended until such time as the Screening Committee submits a list of candidates as set forth in Subsection **A** of this section. The Screening Committee may use its discretion in supplying these candidates.

§ 30-18 Termination.

Upon the appointment of a Town Manager the Committee established hereunder shall be considered discharged.

Article V
Agricultural Commission

[Adopted 5-17-2010 ATM by Art. 15]

§ 30-19 Commission established.

The Agricultural Commission shall serve as facilitators for encouraging the pursuit of agriculture in Salisbury and promote agricultural-based economic opportunities in the Town. The Commission shall consist of five members, appointed by the Board of Selectmen. The Commission shall consist of a minimum of three members who are actively involved in farming in Salisbury and another two members who are interested in farming. The initial appointments shall include three members who shall be appointed for a term of three years and two members for a term of two years. Thereafter, all appointments shall be made for three-year terms. The Board of Selectmen, as the appointing authority, shall fill any vacancy on the Commission based on the unexpired term of the vacancy in order to maintain the cycle of appointments.

Article VI
Cemetery Commission

[Adopted 5-20-2013 ATM by Art. 15]

§ 30-20 Commission established; membership; terms.

There shall be a Cemetery Commission of five members, to be appointed by the Town Manager, in consultation with the Board of Selectmen, with two of the initial members to be Trustees of the Long Hill Cemetery. The Cemetery Commissioners shall be appointed for a five-year term, with the initial appointment of the Commissioners to be staggered so that one Commissioner's term expires each year.

§ 30-21 Powers and duties.

To the extent delegated by the Town Manager, the Cemetery Commission shall have care, custody, management and control of all Town cemeteries and the powers set forth in MGL c. 114, §§ 23 through 26, inclusive.

Chapter 34 **Boat Storage**

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 5-19-1975 by Art. 51. Amendments noted where applicable.]

§ 34-1 License required; conditions.

The storage of an excess of five boats by the owner, operator or lessee of the property upon which said boats are to be stored shall require a general license to be issued by the Board of Selectmen subject to the approval of the Building Inspector and the Fire Chief. The Building Inspector and the Fire Chief may require that certain standards must be complied with in the interest of public safety.

§ 34-2 Violations and penalties.

Failure to comply with the requirements of the license, or failure to obtain a license when required, shall

constitute a violation of this bylaw. The Board of Selectman shall serve written notice of any violation on the license holder or person in violation. If the holder of said license or the person in violation fails to correct the violations within a forty-eight-hour period after receipt of written notice, a fine not exceeding \$100 shall be imposed for each offense. Each succeeding twenty-four-hour period shall constitute a separate offense.

Chapter 39 (Reserved)

[Former Ch. 39, Body Piercing, adopted 5-20-1996 ATM by Art. 19, was repealed 10-27-2008 ATM by Art. 7.]

Chapter 45 Budget

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 11-7-1991 by Art. 29. Amendments noted where applicable.]

§ 45-1 Title; purpose.

This bylaw shall be known as the "Budget Preparation Timetable Bylaw." The purpose of the bylaw is to set the dates and procedure for adoption of the Annual Town Budget and any ancillary budgets such as the **water and** sewer enterprise funds. The time periods and procedure shall be in accordance with the procedure found in the Charter of the Town of Salisbury. Any conflict between this bylaw and the Charter shall be resolved in favor of the Charter.

§ 45-2 Submission of proposed budgets.

- A. General government. The head of each department ~~and the chairman of any board, commission or committee~~ shall submit no later than January 15 the proposed budget for the next fiscal year to the Town Manager or his designee on a form prescribed by him.
- B. Triton Regional School District Committee. The Chairman of the Triton Regional School District Committee shall submit no later than March 15 the proposed budget for the next fiscal year to the Town Manager or his designee.

§ 45-3 Review by ~~Selectmen~~ and Warrant Advisory Committee.

- A. ~~Board of Selectmen. The Town Manager shall submit no later than March 1 his proposed budget to the Board of Selectmen for its comment and policy direction and simultaneously a copy to the Warrant Advisory Committee. The Board shall conduct at least one workshop meeting to develop its comment and policy direction. The results of this workshop shall be forwarded to the Town Manager no later than March 21.~~
- B. Warrant Advisory Committee.
 - (1) The Town Manager shall submit his preliminary ~~reviewed~~ proposed budget to the Warrant Advisory Committee no later than April 1 for its review and the preparation of its report for the Annual Town ~~Budget~~ Meeting to be held in May.
 - (2) The final budget submitted by the Town Manager ~~on April 1~~ to the Warrant Advisory Committee

shall be the one upon which it holds the public hearing required by the Charter. Prior to such public hearing the Committee may review the budget with the Town Manager. It may request to meet with department heads, and the Town Manager shall secure their presence.

§ 45-4 **Capital improvement plan.**

- A. ~~Department heads. On or before December 1, the department heads and the chairman of any board, commission or committee shall submit a capital improvement plan prepared according to the provisions of the Charter and on a form prescribed by the Town Manager. In their budget presentations due in January the lack of inclusion of any capital item listed in the plan shall be explained.~~
- B. Town Manager. On or before April ~~January~~ 1, the Town Manager shall submit to the Board of Selectmen and the Warrant Advisory Committee the capital plans for the next five years. ~~In his budget preparation the lack of inclusion of any capital item listed in the plan shall be explained.~~

Chapter 49 Building Construction

[HISTORY: Adopted by the Town of Salisbury as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Numbering of buildings — See Ch. **54**.

Earth filling — See Ch. **77**.

Fire prevention — See Ch. **86**.

Sewers — See Ch. **209**.

Wetlands protection — See Ch. 266.

Zoning — See Ch. **300**.

Planning Board regulations — See Ch. **465**.

Article I Building Permits

[Adopted 11-7-1991 ATM by Art. 28; amended 10-24-1994 ATM by Art. 12]

§ 49-1 **Approval of certain Town agencies required.**

The Sewer Commission/Board of Selectmen, Board of Health, Fire Department and Conservation Commission shall approve all building permits that involve land alteration or construction of a dwelling by having the Chairman or his designee sign and date the application. The applicant shall secure the signatures of the boards, departments and committees mentioned above.

Chapter 54

Buildings, Numbering of

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 5-18-1987 ATM by Art. 12. Amendments noted where applicable.]

§ 54-1 **Authority of Selectmen; size of numbers.**

The Board of Selectmen shall require the numbering of every dwelling, building or structure, whether existing on the date of adoption of this bylaw or which may exist in the future, on all public or private ways located in the Town of Salisbury, the owner of said buildings to place on the building or at the entrance of said property, if the structure is not readily visible from the way, such number so as to be plainly visible from the street which abuts the main entrance to such property. House numbers shall be no less than two inches in height.

Chapter 59 Business Registration

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 5-16-1990 by Art. 22. Amendments noted where applicable.]

§ 59-1 **Annual registration required.**

No corporation, foreign or domestic (and no person, partnership or association not required by law to obtain a license for the conduct of its business), shall within the Town of Salisbury conduct any retail or wholesale business involving the sale or rental of goods without first having registered annually with the Board of Selectmen.

§ 59-2 **Inspections.**

Prior to the commencement of a new business, relocation of an existing business, or a change of business, the premises shall be inspected by the Electrical and Building Inspectors, Fire Chief, and Health Agent, as necessary.

§ 59-3 **License required.**

All such businesses are to be licensed annually with such licenses issued by the Board of Selectmen.

§ 59-4 **Business certificate.**

A current business certificate is required to be on file with the Town Clerk.

§ 59-5 **Fees.**

Fees are to be determined by the Board of Selectmen.

§ 59-6 **Failure to pay fee.**

[Added 10-27-2008 ATM by Art. 10]

- A. Failure to comply with this bylaw by April 1 of any calendar year shall be subject to a fine in the amount of \$25, and thereafter to a fine of \$25 for each succeeding calendar month in which such license fee is not paid.
- B. Any police officer of the Town shall be considered an enforcing person for purposes of noncriminal enforcement of this bylaw under MGL c. 40, § 21D, and § 1-6 of the general bylaws of the Town, or to take any other action relative thereto.

~~Chapter 68~~

~~Curfew~~

~~[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 3-23-1959 by Art. 52. Amendments noted where applicable.]~~

~~§ 68-1 Curfew established.~~

~~No child under the age of 16 shall be abroad in any public way or in any public place after 9:30 p.m., unless accompanied by a responsible adult, who cannot give a proper or reasonable account of him/herself.~~

~~§ 68-2 Responsibility of parents and guardians.~~

~~No parent or other person having custody of any child under the age of 16 years shall allow such child to be abroad in any public way or in any public place after 9:30 p.m., unless accompanied by a responsible adult.~~

~~§ 68-3 Violations and penalties.~~

~~Whoever violates any provisions of this law shall be punished by a fine not exceeding \$10 for each violation thereof.~~

Chapter 77

Earth Filling

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 10-27-2003 by Art. 4. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 49.

Wetlands protection — See Ch. 266.

Zoning — See Ch. 300.

Planning Board regulations — Ch. 465.

§ 77-1 Purpose.

The purpose of this bylaw is to regulate earth filling operations for the protection of human health, public safety, welfare, and the integrity of the natural resources of the Town of Salisbury.

§ 77-2 Applicability.

The filling of any lot or lots as part of a single project or series of related projects with greater than 500 cubic yards in total of topsoil, borrow, rock, sod, loam, peat, humus, clay, sand or gravel ("earth material") within any twenty-four-month period shall be done only in accordance with this bylaw. Filling includes transporting earth material from one location (inside or outside of the Town) and depositing the earth material in another location in the Town. Filling does not include redistributing earth material within a single site. No solid or hazardous waste, refuse, junk, industrial waste, volatile, explosive or flammable materials, garbage, building materials, construction and demolition debris, glass, metal, toxic, infectious, radioactive, corrosive, or reactive material or waste may be used as fill in the Town.

§ 77-3 **Exemptions.**

- A. Five hundred cubic yards or less. Filling of any lot or lots with 500 cubic yards or less of earth material within any twenty-four-month period is permitted without an earth fill permit (but is subject to other requirements of law and other Town bylaws and regulations).
- B. Five hundred cubic yards to 2,000 cubic yards. Filling of any lot or lots with more than 500 cubic yards and less than 2,000 cubic yards in total within any twenty-four-month period is permitted without an earth fill permit (but is subject to other requirements of law and other Town bylaws and regulations), if such filling is directly related and entirely incidental to:
 - (1) Work done in accordance with a valid order of conditions or other approval issued by the Town Conservation Commission or the Massachusetts Department of Environmental Protection (DEP).
 - (2) The construction of a building or structure for which a valid building permit has been issued and filling is directly related and entirely incidental to the construction, provided that site preparation filling prior to issuance of a building permit is not exempt.
 - (3) The construction of ways within subdivisions that have been approved by the Planning Board, provided that other site preparation filling within subdivisions is not exempt.
 - (4) The construction or reconstruction of a septic system the design of which has been approved by the Board of Health.
 - (5) Utility construction in public and private ways or incidental to municipal operations and activities.
 - (6) The routine landscaping (not including significant changes in topography) of a lot with a one- or two-family residence thereon by the resident owner thereof so long as the existing topography of the parcel in no location exceeds a fifteen-percent grade.

§ 77-4 **Permit requirements.**

- A. **Permits.** The permit granting authority shall be either the Town Manager or the Board of Selectmen, according to the volume of fill for which a permit is sought. All non-exempt filling between 500 cubic yards and 2,000 cubic yards shall require a small project filling permit from the Town Manager. Filling in excess of 2,000 cubic yards shall require a large project filling permit from the Board of Selectmen.
- B. **Small project filling permit.** Any person planning any filling activity requiring a small project filling permit from the Town Manager shall submit an application, on a form to be provided by the Town Manager. Where deemed necessary by the Town Manager when considering issuance of a small project filling permit (or the Building Inspector when considering issuance of a building permit), an applicant may be required to submit a site plan showing the area to be filled. If the Town Manager requires submission of a site plan, the application shall not be deemed complete until the site plan is submitted to the Town Manager.
- C. **Large project filling permit.** Any person planning any filling activity requiring a large project filling permit from the Board of Selectmen shall submit an application on a form approved by the Board of Selectmen, a soil management plan satisfying the requirements of this bylaw, and a site plan prepared and certified by a registered land surveyor or engineer.
- D. **Application submission.** The applicant shall submit three copies of the application, any required soil management plan and any required site plan to the permit granting authority and shall at the same time submit one copy to each of the Building Inspector, the DPW Director, the Conservation Commission, the Health Officer and the Planning Board, for their records. Each of them may forward to the permit granting authority their comments, observations and recommendations. To

allow other Town officials time to comment on applications, the permit granting authority shall wait at least 20 days after submission of a complete application before issuing a permit.

- E. Site plan requirements. Where a site plan is required it shall meet the requirements of § **77-5B** of this bylaw.
- F. Performance bonds. Where deemed necessary by the permit granting authority a performance bond in the amount determined and on the terms specified by the permit granting authority shall be posted in the name of the Town assuring satisfactory performance in the fulfillment of the requirements of this bylaw and such other conditions as the permit granting authority may impose as conditions to the issuance of the filling permit or any subsequent changes to such conditions. No such bond shall be released, nor shall the applicant be deemed to have complied with the conditions provided for herein, until the applicant has filed with the permit granting authority a written certification from the Massachusetts licensed site professional who approved the original soil management plan that said conditions and the soil management plan have been complied with and a final, engineered record site plan showing the finished site as required under § **77-6J** of this bylaw and the permit granting authority issues a letter authorizing release of the bond. The permit granting authority shall act on a requested release of bond within 65 days after the applicant submits a written request for such release.
- G. Hearings. Before granting or materially modifying a large project filling permit, the Board of Selectmen shall hold a public hearing within 30 days after receipt of a completed application and shall give due consideration to the location of the proposed earth filling, to the general character of the neighborhood surrounding such location, to the protection of water supplies and aquifers, to the safety of the public on the public ways in the vicinity, and to the recommendations of the Building Inspector, the DPW Director, the Conservation Commission, the Health Officer and the Planning Board. At least seven days prior to said hearing, the applicant shall publish notice of the hearing in a local daily newspaper and notify all owners of land abutting or within 300 feet of the property line of the land where the earth filling is proposed (including, but not limited to, owners of land directly opposite said land on any public or private street or way, and in another municipality or across a body of water) by certified mail as to the time, place and purpose of the hearing. The notification shall be at the applicant's expense. The applicant shall provide the Board of Selectmen with proof of such publication and notification prior to the hearing.
- H. Other approvals. If any proposed earth filling for which a permit is required under this bylaw also requires an order of conditions from the Conservation Commission and/or a site plan review by the Planning Board and/or any approval by any other Town board or official, the permit granting authority may grant a permit that is conditional on receipt of the other required approval(s).
- I. General permit terms. If the applicant is not the owner of the property to be filled, the owner of the property shall also sign the application as an applicant and shall guarantee performance of the other applicant(s). Permits for earth filling under this bylaw shall be transferable only to a person who agrees in writing to assume all of the obligations of the permit holder and who is approved as an assignee by the permit granting authority. Permits shall be issued for a term not to exceed two years. A permit may be renewed upon reapplication. The public hearing may be waived by the permit granting authority for large project filling permit renewals.
- J. Approval deadlines. The Town Manager shall act on completed applications for small project filling permits within 45 days after the date of submission of a complete application, including any required site plan. If the Town Manager fails to act within such forty-five-day period, the application shall be deemed to be approved. The Board of Selectmen shall act on completed applications for large project filling permits within 45 days after the closing of the public hearing on the application. If the Board of Selectmen fails to act within such forty-five-day period, the application shall be deemed to be approved.

§ 77-5 Large project filling permit application requirements.

Each copy of an application for a large project filling permit to the Board of Selectmen shall be accompanied by a written statement describing the proposed regulated activity, together with the following information:

A. Soil management plan.

- (1) The soil management plan shall be signed by a Massachusetts licensed site professional (LSP). The LSP shall specifically state that "The subject plan meets the requirements of Salisbury's Earth Filling Bylaw and any other applicable federal or state law or regulation pertaining to the transport, use and/or disposal of earth and other materials for fill."
- (2) The soil management plan must contain sufficient detail to document that the requirements of this Earth Filling Bylaw will be met. The plan shall specifically require that bills of lading in the form specified by the Board of Selectmen and procedures approved by the Board of Selectmen will be exclusively used for the transport and acceptance of earth materials for fill.
- (3) The soil management plan shall include the following at a minimum and shall include any other information required by the Board of Selectmen:
 - (a) Complete descriptions of pre-fill environmental conditions and findings and sample locations;
 - (b) Procedures for verification of fill material origin and acceptance;
 - (c) Recordkeeping practices;
 - (d) Site security, fill operation inspection and site control;
 - (e) Transport routes, times and days of operation, locations of equipment parking and storage and duration of fill activities;
 - (f) Qualifications of applicant personnel responsible for adhering to the soil management plan and this bylaw;
 - (g) Erosion, dust, and stormwater controls and inspection and maintenance thereof;
 - (h) Effects of the filling on groundwater recharge;
 - (i) Quality assurance/quality control procedures;
 - (j) Emergency response and notification procedures, including telephone numbers and contact individuals/firms;
 - (k) Total proposed earth material fill volume;
 - (l) Daily personnel procedures and operation management procedures, including types, numbers, locations and hours of operation of any processing equipment on site;
 - (m) Environmental monitoring plan to maintain protection of human health, public safety, welfare and the environment during and following fill operations; and
 - (n) Cover material, revegetation, erosion and pollution control, and monitoring and maintenance plan.

B. Site plan. If filling involves more than 2,000 cubic yards of fill, a registered land surveyor or

engineer shall prepare the site plan. The site plan shall depict the following information:

- (1) Existing conditions, including grades, man-made features, elevations, property boundaries, dimensions, owners of land who are entitled to notice under § 77-4G of this bylaw, access points, water bodies and watercourses, wetlands, and environmental sample locations;
- (2) Process diagrams indicating fill sequence, transport routes, and security measures;
- (3) Drainage, water flow and sedimentation control before and after the proposed filling and stormwater and erosion control and groundwater recharge structures and features to be utilized during fill operations;
- (4) Final grade plans depicting proposed finish fill elevations, slopes, permanent stormwater and erosion control and groundwater recharge structures and features, the methods of final stabilization of fill material and the proposed cover material and cover vegetation;
- (5) Unless otherwise determined by the permit granting authority, map scales shall be no more than 60 feet to the inch and elevation contour intervals shall not exceed two feet. Elevation contours are required only for areas of fill, 100 feet beyond the perimeter of the fill areas and along abutting property lines. Appropriate permanent benchmarks with elevations marked thereon and referenced to the National Geodetic Vertical Datum (NGVD) shall be placed in the field and shown on the plans.

§ 77-6 Standards for filling.

- A. Permitted fill materials. All fill materials shall include only clean sand, gravel, clay, stone, quarried rock or other subsurface products free from solid waste, with an aggregate size of six inches or less, and have no solid waste, refuse, junk, industrial waste, or volatile, explosive or flammable materials. The fill material shall have no concentration of oil or hazardous material, toxic substance or infectious biological material greater than federal, state or local reportable or action criteria or materially greater than pre-fill conditions prevailing in the area to be filled. The fill material shall also be free from organic material such as trees, stumps, garbage, building materials, and construction and demolition debris and shall contain 15% or less of total organic carbon by lab analysis.
- B. Site preparation. The area to be filled shall be cleared of stockpiled or otherwise disposed of organic and inorganic materials, such as fallen trees and brush, tree stumps, rubbish, junk, building/construction/demolition materials, and any other accumulated debris. Topsoil shall also be removed from the area to be filled prior to filling. The area to be filled corresponds to the horizontal limits of the fill activity as represented on a plan view drawing. **[Amended 5-14-2012ATM by Art. 17]**
- C. Fencing and gates. Temporary fencing, where deemed appropriate by the permit granting authority for the protection of the general public during fill operations, shall be at least six feet high with suitable gates to exclude unauthorized persons from the site.
- D. Groundwater recharge and drainage. Provision shall be made for promoting groundwater recharge, for preventing increased runoff from the site and for safe drainage of water, for preventing excessive water accumulation, and for preventing wind or water erosion from carrying material onto adjoining properties.
- E. Cleaning of vehicles, roads and streets; covering of loads. Provisions shall be made for the cleaning of all vehicles before they leave the site and for daily cleaning of all public roadways in the vicinity of the site that have been affected by vehicles engaged in filling activity. Provisions also shall be made for covering loads in vehicles traveling on public roadways.

- F. Dust control. Dust shall be controlled through watering or other appropriate means.
- G. Buffer strips. The permit granting authority may require that a twenty-foot buffer strip shall be maintained at all boundaries and not disturbed.
- H. Screening of processing equipment. The visibility, sound, and airborne particulates from processing equipment shall be screened from adjacent premises through the design and location of such equipment and through use of natural vegetation, planting, overburden piles, and surge piles as screening.
- I. Final cover. All filling shall require coverage with a minimum of four inches of organic topsoil and shall be seeded and mulched to stabilize the fill material. Where filling is incidental to facilitate parking of vehicles, the fill material shall be covered by a suitable binding material to prevent airborne dust and erosion.
- J. Finish elevations and grading. The permit granting authority may specify finished grades, elevations and contour intervals which filling will conform to. Final fill material grades shall conform in contour, slope, and elevation to the natural topography of the surrounding area or preexisting contours as evidenced by historical maps or photographs. Final grading shall incorporate stabilization measures and slopes of no more than 15% to prevent erosion, structural failure of fill materials, ponding of water, or excessive stormwater drainage onto abutting properties.
- K. Additional conditions. The permit granting authority may set reasonable conditions in addition to the above, including but not limited to duration of the permit, hours of the day during which filling may take place, maximum load sizes, truck routes to be used to access the site, and grasses, shrubs and trees to be planted.
- L. Permit terms; inspection; suspension and revocation. No permit shall be issued under the provisions of this bylaw to extend for a term of more than two years. Prior to filling and at any time during a permitted filling activity, inspection of the premises may be made by the permit granting authority or its agents on reasonable advance notice to determine whether or not the provisions of the Town bylaws and any permit are being complied with. If the permit granting authority determines that the provisions of the bylaw or the provisions of any permit are being violated, the permit granting authority may issue a temporary cease and desist order, which shall remain in effect until terminated in writing by the permit granting authority. If, after notice to the permit holder(s) and a public hearing, the permit granting authority determines that the conditions of any large or small project filling permit are not being complied with, the permit granting authority may revoke the permit, after which the operation shall be discontinued and the area restored in accordance with the orders of the permit granting authority.
- M. Inspections, certifications, reports and tests. While considering an application and/or as a condition of issuing a permit, the permit granting authority may require such borings and test pits, inspections, monitoring, certifications, reports and tests by licensed site professionals, engineers, laboratories and/or other qualified persons as are deemed by the permit granting authority to be needed to evaluate the application and/or to monitor performance under a permit and/or to establish compliance with the conditions of a permit and this bylaw. It shall be a condition of all permits that the applicant pay for all such borings and test pits, inspections, monitoring, certifications, reports and tests and that they be conducted by persons selected by and responsible to the permit granting authority. Payments received from applicants for such borings and test pits, inspections, monitoring, certifications, reports and tests shall be deposited into a revolving fund authorized annually by Town Meeting pursuant to MGL c. 44, § 53E 1/2. Failure of any applicant or permit holder to make timely payment of any application fee or of any fees for any borings and test pits, inspection, certification, monitoring, report or test or to carry out any step or to submit any information required by the permit granting authority shall be grounds for denial of a permit and/or for issuance of a cease and desist

order and/or for revocation of the permit.

§ 77-7 Documentation requirements.

- A. Permit required to commence filling operations. No fill operations are to commence until a letter indicating the granting of a permit and, if required, receipt and acceptance of the soil management plan and the site plan has been issued to the applicant by the permit granting authority.
- B. Bills of lading and LSP letters. Each permit holder shall file a bill of lading with the Town Manager for each load of fill placed within the Town. Each bill of lading document shall be accompanied by a signed and dated letter from an LSP which specifies:
 - (1) The point of origin of the material and the receiving location for the material;
 - (2) That the material is not otherwise prohibited from use as fill material in accordance with this bylaw or other applicable federal or state laws, regulations, standards or guidelines; and
 - (3) That the LSP has compared analytical results of testing of the fill materials to the existing, pre-fill conditions at the fill location and determined:
 - (a) That the concentration of the substances in the materials intended for use as fill are not significantly greater than existing, pre-fill conditions for that location; and
 - (b) That the fill material complies with the requirements of § 77-6A of this bylaw.
- C. Weekly documentation requirements. Copies of bill of lading documents and required LSP letters covering all fill placed during each week of filling operations are to be provided to the Town Manager by the end of business on the fifth business day following each week of active operation. Failure to provide these records on a weekly basis will result in suspension of fill activities.

§ 77-8 Enforcement; violations and penalties; fees.

- A. Enforcement action. The Town Manager of the Town is hereby designated as the officer charged with the enforcement of this bylaw. The Town Manager, upon a written complaint of any Town citizen or property owner or upon such officer's own initiative (in either case after consultation with the Board of Selectmen), shall institute any appropriate action or proceedings in the name of the Town to prevent, correct, restrain or abate violation of this bylaw. In the case where the Town Manager is requested in writing to enforce this bylaw against any person allegedly in violation of the same and the Town Manager declines to act, the officer shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefor.
- B. Fines. Violation of this bylaw shall be punishable by a fine of \$100 for each offense. Each day that such violation continues shall constitute a separate offense. Fines shall be recovered by indictment or on complaint before the district court initiated by the Town Manager, or, as an alternative to initiating criminal proceedings, the Town Manager may give the offender a written notice to appear before the clerk of the district court not later than 21 days after the date of such notice for a noncriminal disposition in accordance with MGL c. 40, § 21D.
- C. Other laws or regulations. This bylaw shall not be construed to authorize the use of any land or structure for any purpose that is prohibited by any other provision of the General Laws or by any other bylaw, rule or regulation of the Town, nor shall compliance with any such provision authorize the use of any land in any manner inconsistent with this bylaw, except as required by the General Laws.
- D. Validity and severability. The invalidity of one or more sections, subsections, clauses or provisions of this bylaw shall not invalidate or impair the bylaw as a whole or any other part thereof.

E. Fees. The following fees shall apply to applications under this bylaw: **[Amended 5-20-2013 ATM by Art. 17]**

- (1) For permits allowing filling of from 500 to 2,000 cubic yards in any twenty-four-month period, the application fee shall be established by the Town Manager and approved by the Board of Selectmen.
- (2) For permits allowing filling over 2,000 cubic yards, the application fee shall be established by the Board of Selectmen.

§ 77-9 Transitional rules.

All earth filling that takes place after the effective date of this bylaw shall be subject to the requirements of this bylaw. All persons engaged in non-exempt earth filling of any lot in the Town when this bylaw becomes effective shall file an application for a permit under this bylaw within 30 days thereafter. If the Town Manager determines in his reasonable discretion that such a person has not filed a required application on time, the Town Manager may issue a temporary order to suspend or limit such operations. Any such temporary order shall remain in effect until terminated or modified by the Town Manager or a permit is granted by the Town Manager or Board of Selectmen. Any fill placed in the Town pending the granting of a permit under this bylaw shall be subject to the documentation requirements of § 77-7B and C of this bylaw and to the fees provided for under § 77-8E.

Chapter 82

Farm Preservation

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 5-17-2010 by Art. 16. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 300.

§ 82-1 Purpose and intent.

- A. The purpose and intent of the bylaw 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 MGL c. 40A, § 3, Paragraph 1, MGL c. 90, § 9, MGL c. 111, § 125A, and MGL c. 128, § 1A. We the citizens of Salisbury 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").
- B. This general bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within the Town of Salisbury by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This bylaw shall apply to all jurisdictional areas within the Town.

§ 82-2 Definitions.

- A. The word "farm" shall include any parcel or contiguous parcel of land, of more than five acres, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.
- B. 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, 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.

C. "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;
- (4) Conducting agricultural-related educational and farm-based recreational activities, including agritourism, 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.

§ 82-3 Right to farm declaration.

The right to farm is hereby recognized to exist within the Town of Salisbury. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise and odors associated with normal, generally 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 bylaw are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with normal, generally acceptable agricultural practices. Moreover, nothing in this Right To Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing or amending any land use regulation, which is properly the subject of state statute, regulation, or local zoning bylaw.

§ 82-4 Disclosure notification.

The Town will provide a copy of the following notice to Salisbury property owners, and will include the notice and copy of the bylaw on the Town's official website, the Town Library, Assessor's office and Town Clerk's office. "It is the policy of this community to conserve, protect and encourage the

maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise and odors. Buyers or occupants are also informed that the buyer's property within the Town may be impacted by commercial agricultural operations."

§ 82-5 **Precedence of federal or state law.**

In the event of conflict between this bylaw and federal or state law, federal or state law shall take precedence respectively.

§ 82-6 **Resolution of disputes.**

Dispute resolution will be the responsibility of the Board of Selectmen, or its designee(s).

§ 82-7 **Severability.**

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

Chapter 86

Fire Prevention

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 3-22-1958 by Art. 50 as Art. XII of the 1958 General Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Alarms — See Ch. 7.

Numbering of buildings — See Ch. 54.

Property maintenance — See Ch. 188.

Underground storage tanks — See Ch. 244.

§ 86-1 **Inspections and orders.**

[Amended 10-23-2006 ATM by Art. 2]

It shall be the duty of the Chief of the Fire Department to inspect or cause to be inspected by Fire Department officers or members, as often as may be necessary, but not less than once a year in outlying districts and twice a year in the closely built portions of the Town, all buildings, except private dwellings, premises, and public thoroughfares for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any bylaw or regulation of the Town affecting the fire hazard. Whenever any officer or member shall find in any building or upon premises or other place, except private dwellings, combustibles or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of wastepaper, boxes, shavings, or any other highly inflammable materials especially liable to fires, and which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the Fire Department or egress of occupants in case of fire, he shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupants of such premises or buildings, subject to appeal within 24 hours to the Selectmen, who shall within 10 days

review such order and file its decision thereon, and unless the order is revoked or modified it shall remain in full force and be obeyed by such owner and occupant.

- A. Any owner or occupant failing to comply with such order within 10 days after said appeal shall have been determined, or if no appeal is taken, then within 10 days after the service of said order, shall be liable to a penalty as hereinafter stated.
- B. The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a true copy of such order, or if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address.

§ 86-2 Oily waste or rags

No person shall keep or permit to be kept on the premises any oily waste or oily rags, unless at all times when not actually in use such oily waste and oily rags are kept in a metal can with self-closing cover and riveted joints, standing on metal legs which raise the bottom of the container at least five inches above the floor.

§ 86-3 Right of entry

All owners or occupants of buildings, except private dwellings, are required to permit the Chief of the Fire Department to inspect their buildings to see if the above is complied with, and it is hereby made the duty of the Fire Department to make or cause to be made such inspections whenever it may suspect a violation of the foregoing bylaw.

§ 86-4 Open burning.

[Amended 10-24-1994 ATM by Art. 8]

- A. It shall be unlawful for any person or persons to cause, suffer, allow or permit the open burning of any combustible material in the Town of Salisbury except during the period between January 15 and May 1 of each year, or at such other time as the Department of Environmental Protection may deem outside burning to be permissible, when the burning of brush, cane, driftwood, and forestry debris excluding grass, hay, leaves and stumps is allowed provided that the open burning shall be conducted:
 - (1) On land proximate to the place of generation;
 - (2) At a location greater than 75 feet from any dwelling;
 - (3) Between the hours of 10:00 a.m. and 4:00 p.m.;
 - (4) During period of good atmospheric ventilation;
 - (5) Without causing a nuisance;
 - (6) With smoke-minimizing starters if starting aids are used; and
 - (7) Under the provisions of a properly executed permit issued under the provisions of MGL c. 48, § 13 by the Chief of the Fire Department or his designee.
- B. Open burning for commercial or institutional land clearing for nonagricultural purposes shall not be

permitted under this bylaw.

- C. The provisions of the bylaw shall not apply to open burning conducted primarily for cooking purposes or for open burning for the purpose of combating or backfiring an existing fire by persons affiliated with an official fire-fighting agency.

§ 86-5 Fireworks.

No person shall sell, set off, explode or cause to explode any fireworks or firecrackers within the Town except under such regulations as the Selectmen or other persons they may authorize may prescribe.

§ 86-6 Annual report of Fire Chief.

[Amended 10-1-1973 STM by Art. 8]

The Fire Chief shall make an annual report stating the amount of the receipts and expenditures of the Fire Department together with the doings of the Department during the year and the recommendations for the ensuing year. Such report shall be printed in the Annual Report of the Town.

§ 86-7 Adoption of state regulations.

[Added 5-15-2000 ATM by Art. 18]

- A. In order to protect and enhance public safety by reducing the risk of fire hazard, the provisions of the Code of Massachusetts Regulations (CMR) 527 CMR 1.00, et seq., the Massachusetts Comprehensive Fire Code, as from time to time amended, are hereby incorporated in and made a part of this bylaw, and any violation of any provision thereof shall constitute a violation of this section. **[Amended 10-26-2015 ATM by Art. 9]**
- B. Violation and penalty. Whoever violates any provision of this bylaw shall be punished by a fine of \$50 for each offense. In the case of any continuing violation, each day said violation continues shall constitute a separate offense. Said section shall be enforceable by the head of the Fire Department or his authorized designee.

§86-8 Truss construction identification of residential, commercial and industrial buildings.

A. Introduction. This section provides that residential, commercial and industrial buildings that utilize truss-type construction shall be marked by an emblem that informs persons conducting fire control and other emergency operations of the existence of truss construction.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

RESIDENTIAL, COMMERCIAL AND INDUSTRIAL BUILDINGS AND STRUCTURES
Those buildings and structures classified as such by the Building Inspector using the classification system found in 780 CMR (the Massachusetts State Building Code) or its successors.

TRUSS CONSTRUCTION

A fabricated structure of wood, steel or combination thereof, made up of a series of members connected at their ends to form a series of triangles to span a distance greater than would be possible with any of the individual members on their own. Truss-type construction shall not include:

(1) Individual wind or seismic bracing components which form triangles when diagonally connected to the main structure system.

C. Enforcement.

Comment [5]: Editor's Note: This article also provided for the deletion of original §§ 7 and 8 of this bylaw which dealt with a Board of Fire Engineers.

- (1) All new construction or transfer of ownership of building, whether residential, commercial or industrial, shall comply with the requirements of this bylaw. The Building Inspector shall only release certificates of occupancy to those new structures found to be in compliance with the requirements of this section.
- (2) The Fire Chief or his or her designee shall be responsible for ensuring the proper placement of emblems on buildings or structures covered by this section.
- (3) All multifamily residential buildings and all commercial and industrial businesses in operation at the time this bylaw is adopted shall be required to have an emblem or emblems placed in the locations identified by the Fire Chief within six months of adoption. All existing one- and two-family dwellings shall allow for the placement of this identifying emblem when undergoing additions or alterations requiring permitting or when such construction type is otherwise identified.

(3) Any person who fails to permit the posting of a structure as set forth in this section, or who removes or willingly obstructs from view the fire official's designated posting, shall be punished by a fine of \$50 for each offense. Every day that a violation continues after its abatement has been ordered by the Town and sufficient time has elapsed to permit abatement shall constitute a new offense.

(4) The emblems shall be made available by the Salisbury Fire Department at a cost to the building owner/manager.

D. Emblems. The shape of the emblem shall be square, measuring nine inches by nine inches, and in such form and of such materials as shall be determined from time to time by the Fire Chief.

E. Truss designations. The following letters shall be printed on the emblem identifying the existence of truss construction using the alphabetic designation for the structural components that are of truss construction, as follows:

"F" shall mean floor framing, including girders and beams.

"R" shall mean roof framing.

"FR" shall mean floor and roof framing.

Or special lettering as required by the Fire Chief or his or her designee.

F. Emblem locations.

(1) Emblems identifying the existence of truss construction shall be permanently affixed in the locations directed and in a manner approved by the Fire Chief.

(2) Table No. 1 will be used as an emblem location guide for fire officials. Every effort shall be made not to interfere with advertising or graphic designs located on the doors, windows or face of the buildings covered by this section.

~~Chapter 97~~ ~~Handbills~~

~~[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 11-7-1991 by Art. 24. Amendments noted where applicable.]~~

~~§ 97-1 Posting restricted; violations and penalties.~~

~~No person shall post any handbill on private property without the consent of the owner, and any person who violates this bylaw may be fined no more than \$300, and as an alternative means of enforcement, this bylaw may be enforced pursuant to MGL c. 40, § 21D, by means of noncriminal disposition. Any police officer of this Town may enforce this bylaw. The noncriminal fine shall be \$50.~~

Chapter 102

Harbor Regulations

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 10-25-2004 by Art. 6. Amendments noted where applicable.]

GENERAL REFERENCES

Boat storage — See Ch. 34.

Article I

Harbor Commission

§ 102-1 Composition; appointment.

The Selectmen shall appoint a Harbor Commission that shall consist of seven members, who must be ~~electors~~ **registered voters** and residents of the Town when appointed. In addition, there shall be appointed two alternate members. The Harbormaster shall serve as an ex officio member of the Commission without vote.

§ 102-2 Compensation.

[Amended 10-23-2006 ATM by Art. 2]

No regular or alternate member of the Harbor Commission shall receive compensation for service as a Commissioner, but members may be reimbursed for any necessary expenses. The Harbormaster and/or Assistant Harbormasters may receive compensation for any prescribed duties.

§ 102-3 Terms of office.

[Amended 5-18-2009 ATM by Art. 23]

The term of all members shall run for three years, except that the initial terms shall be staggered so that the terms of not more than three members shall terminate in any single year. Alternate members shall be appointed for three years. If a member resigns or is removed for any reason before his term expires, a replacement shall be sought for appointment within one month of termination by the Selectmen in accordance with § **102-1** to complete that term.

§ 102-4 Officers.

The Harbor Commission shall elect a Chairperson, Vice Chairperson and Secretary. The Commission may form subcommittees to address specific duties of the Commission.

§ 102-5 Jurisdiction.

The Harbor Commission shall have jurisdiction within the area located in the waters of the Town and bounded by the projection of the boundary line of neighboring towns and from the mean low-water mark to three miles out to sea.

§ 102-6 Powers and duties.

[Amended 5-18-2009 ATM by Art. 23]

The purpose of the Harbor Commission shall be to prepare and administer a proposed harbor management plan and to provide for the annual review of the plan. In addition, the Commission may exercise any of the following powers, duties and responsibilities:

- A. Recommend bylaws, for adoption by the Town Meeting, consistent with any harbor management plan ultimately adopted.
- B. Advise the Harbormaster on operational policy, the assignment of moorings, the placement of floats or rafts held by bottom moorings, the management of mooring and anchorage areas, and the collection of fees. [Amended 10-27-2014 ATM by Art. 26]
- C. Review an operating budget for the Harbormaster using funds from sources which may include, but are not limited to, local appropriation, grants, awards, donations, service charges, waterways permit fees, dinghy fees, mooring fees, violation fines or a harbor management revolving fund established by Town Meeting and make fiscal recommendation to the Town Manager.
- D. Review and make recommendation to the Town Manager and Selectmen on proposed water use activities contiguous to the waterfront and within the waters delineated in § 102-5 that are received for review by other Town agencies.
- E. Review, for consistency with any harbor management plan, any public notice of and application for a local, state or federal permit for an activity taking place within the Commission's jurisdiction as described in § 102-5 and respond in a timely fashion with recommendations to the regulating agencies.
- F. Conduct or cause to be conducted studies of the conditions and operations in and adjacent to the Town's waters and present to the office of the Town Manager proposals for the harbor's efficient operation.
- G. Manage the Town Pier in regards to establishing operational policy and coordinating periodic maintenance, repair and improvements with the Department of Public Works.

Article II
Harbormaster

§ 102-7 Appointment; term of office; duties.

- A. Term of office. The Harbormaster shall be appointed by the Town Manager and shall serve for a period of three years.
- B. Duties and authority. The Harbormaster shall be responsible for enforcing state and Town laws, collecting fees, maintaining Town-owned equipment assigned to the Harbor Department and other duties as directed.

§ 102-8 Duties of Assistant Harbormasters.

[Amended 5-18-2009 ATM by Art. 23]

The Assistant Harbormasters shall have the authority as defined by MGL c. 120 § 20 and be responsible for enforcing state and Town laws, collecting fees, maintaining Town-owned equipment assigned to the Harbor Department and other duties as directed by the Harbormaster.

§ 102-9 **Dockmaster.**

A Dockmaster may be appointed for a term of one year, expiring December 31, and shall be responsible for the care and maintenance of the Town Pier, floats and parking area at the Town Dock, under the direction of the Harbormaster.

Article III
Use Regulations

§ 102-10 **Purpose; applicability.**

- A. It is the intent of this article to establish regulations for marine activities within the harbors, waterways and tidal waters of the Town in order to ensure safety of persons and property, to promote availability and use of a valuable public resource and to provide for safe navigation.
- B. Regulations governing the safe operation of vessels in the harbor and regulations protecting the environment are also contained herein.
- C. These regulations apply in all parts of Salisbury waters which are under the jurisdiction of the Salisbury Harbormaster as defined in MGL c. 90B and in § 102-5 above. **[Amended 5-18-2009 ATM by Art. 23]**
- D. The regulations promulgated herein are in addition to the requirements of state and federal law.

§ 102-11 **Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CHANNEL

See "navigable channel."

COMMERCIAL MOORING

Shall mean any mooring place in the Salisbury waters for which a rental or service fee may be charged.

DESIGNATED MOORING

As permitted by the Army Corps of Engineers and/or Salisbury Harbormaster.

[Amended 5-18-2009 ATM by Art. 23]

DETACHED FUEL TANKS

A fuel tank not connected by hose or line to an outboard motor. An example of a detached tank would be a separate, portable tank (for refilling).

[Amended 5-18-2009 ATM by Art. 23]

DINGHY

A vessel not exceeding 12 feet in overall length, used primarily for access to a moored vessel.

FAIRWAY

Shall mean locally designated channels to improve passage through the mooring field and is shown on the Official Salisbury Harbor Map approved by the Harbormaster.

[Amended 5-18-2009 ATM by Art. 23]

GROUP MOORING

Shall be any group of moorings for which a single permit is issued, except designated moorings.

HARBORMASTER

Shall be considered to be the Harbormaster, Assistant Harbormaster or any authorized agent.

HEADWAY SPEED

The minimum speed at which a vessel may be operated and maintain steerage way, with minimal wake, not to exceed six miles per hour.

[Amended 5-18-2009 ATM by Art. 23]

INDIVIDUAL MOORING

Shall mean any mooring placed in Salisbury waters for the owner's private use.

LENGTH OVERALL (LOA)

Shall be the length of a vessel inclusive of bowsprits, booms and boomkins, pulpits, swim platforms, engines or extensions.

MOORING

Shall mean any structure or apparatus including buoys, vessels, floats and rafts held by anchors (including helical) or bottom moorings.

[Amended 5-18-2009 ATM by Art. 23]

NAVIGABLE CHANNEL

Shall mean that area of water in the Merrimack River buoyed by the U.S. Coast Guard.

OPERATOR

Shall mean any person engaged in the operation or navigation of a vessel.

PERSON

Shall include individuals, corporations, clubs, associations, and partnerships, including their agents.

SALISBURY HARBOR

Shall be all tidal waters under the jurisdiction of the Salisbury Harbormaster and lying within the boundaries of the Town.

SMALL BOAT FACILITY

Shall include all properties as leased to the Town of Salisbury by the MBTA for a boating facility.

[Added 5-18-2009 ATM by Art. 23]

TOWN DOCK

Shall include the Town Pier, parking area, bulkhead and floats and all appurtenances.

VESSEL

Shall include any ship, boat or any other type of watercraft including personal watercraft being used as a means of transportation on the water and other floating structures such as barges and rafts.

§ 102-12 Fees.

- A. Establishment. The Harbor Commission shall establish fees and may amend them, from time to time, for all the facilities governed by this article. The Commission shall establish fees, subject to approval of the Board of Selectmen. The fee schedule shall be published and available to the public upon request.
- B. Accounts and appropriations. All of the fees collected under Subsection A above and any money generated through this article shall be deposited into a revolving fund as designated by the Town Meeting for the sole purpose of returning the fees to the management and operation of the harbor. Revenues shall not be appropriated from these accounts for any expense except harbor operation, maintenance to the harbor, educational activities related to boating and boating safety, capital improvements to the harbor and its assets, and for matching state and local grants for harbor-related projects. Approval of the Harbor Commission shall be necessary to appropriate these funds for harbor-related operations. **[Amended 5-18-2009 ATM by Art. 23]**

§ 102-13 Violations and penalties.

- A. Violations of the foregoing sections of these regulations shall be punished by a fine of ~~not less than \$50 and not more than \$300~~ per violation. Each day of violation ~~may~~ **shall** constitute a separate offense. **[Amended 5-18-2009 ATM by Art. 23]**
- B. Prosecution shall be under MGL c. 102, CMR 90B, **CMR 323, this chapter, and all applicable laws.** **[Amended 5-18-2009 ATM by Art. 23]**
- C. Any fees, which are not paid, may be converted to a civil assessment payable to the Town.
- D. Nonpayment of waterways or mooring fees and/or removal of vessels for nonpayment of same shall result in loss of permanently assigned berthing for a minimum of one twelve-month period.

Comment [6]: Editor's Note: See MGL c. 90B

§ 102-14 Operation of vessels.

[Amended 5-18-2009 ATM by Art. 23]

- A. Speed.
- (1) It shall be unlawful to operate or permit the operation of any motorboat or other vessel propelled by machinery at a speed exceeding six miles per hour and/or causing a disturbing wake in any designated mooring areas of the Salisbury waters within Town limits. **[Amended 10-27-2014 ATM by Art. 26]**
- (2) Wake and speed. Notwithstanding the speed limit established in Subsection A(1) above, no vessel shall create a wake or operate at a speed which endangers life, safety or property of any person in Salisbury waters. In narrow channels, designated mooring areas, or where posted, the speed of all vessels shall be reduced to the minimum speed required for safe steering of the vessel.
- (3) All stand-up paddleboard users in Salisbury waters, when not in a bathing, swimming, or surf zone, are required to have a Type I, II, or III personal flotation device (PFD) on board, or be wearing a Type V inflatable device. **[Added 10-27-2014 ATM by Art. 26]**
- B. Unlawful pollution and discharges. No oil, petroleum products, chemicals, untreated sewage, rubbish, debris or garbage shall be disposed of within Salisbury waters. No cleaning of fish is permitted on Town facilities except where designated by the Harbormaster.

C. Windsurfing; waterskiing; personal water craft (PWC) operation kayaking and canoeing.

- (1) Windsurfers and water skiers are not to operate in the navigable channel of the river or in mooring areas from the Ice Breaker to west of Carr Island.
- (2) Personal water craft may operate in the channel at a no-wake speed not to exceed six miles per hour. Operators of personal water craft must be in a seated or kneeling position and must proceed in a direct route without switching back and forth in the channel. Jumping of wake is prohibited.
- (3) If a windsurfer or water skier is obligated to cross the marked channel he shall do so at right angles and with due care to the traffic flow in the marked channel so as not to create a hazard to river traffic.

D. Safety regulations.

- (1) No person shall operate a vessel in Salisbury waters so as to endanger the lives, safety or property of others.
- (2) No person shall operate a vessel in Salisbury waters while under the influence of intoxicating liquors or drugs.
- (3) No person shall operate a motorized vessel within 150 feet of any beach or swimming area, or within 300 feet of any oceanfront beach. This restriction extends to 300 feet from any oceanfront beach or swimming area while towing water skiers, aquaplanes or similar devices. **[Amended 10-27-2014 ATM by Art. 26]**

E. Obstructions. Obstructions to safe navigation of the Salisbury waters, including but not limited to derelict and/or abandoned vessels, shall be subject to removal by the Harbormaster without notice. Obstructions removed and stored by the Harbormaster shall be at the expense of the owner, said expenses shall include all costs and labor.

F. Races, marine events, and regattas.

- (1) No boat race, marine event, or regatta shall be held in Salisbury waters without first obtaining a U.S. Coast Guard permit and notifying the Harbormaster and providing the Harbormaster with a copy of the Coast Guard permit for the race or regatta.
- (2) All races, marine events, and regattas in Salisbury waters must be operated under the supervision of a race or regatta committee. All such committees shall, prior to their activity, file a written statement with the Harbormaster, two months prior to the event, containing the following information:
 - (a) The identity, address and telephone number of the group or organization sponsoring the activity.
 - (b) A brief description of the activity, time of commencement, an estimate of hours and/or days, location specifying the course to be run, date of the activity and any alternative dates in the event of a weather postponement, and a listing of the fees to be charged.
 - (c) A roster of the names and addresses and phone numbers of the members of the committee responsible for the organization and conduct of the activity.
 - (d) A brief statement of the efforts by the committee to publicize the activity sufficiently such as will give reasonable notice to the boating public of the time, date, place and nature of the activity and thereby warn the public of courses to be run by participants and areas to be closed to the public during the activity. Warning the public can be accomplished through notice to marinas. All races and

regattas shall be accompanied by at least one motor-powered committee vessel. Committee boats must keep a constant monitor on VHF Channel 12 and have the ability to monitor on VHF Channel 16 for the duration of the race.

G. Fueling.

- (1) Fueling is permitted only at licensed fuel docks in accordance with the State Fire Marshal Code 527 CMR 1 through 50; fueling from portable containers will not be allowed at the Town Dock. Refueling at other than licensed fuel docks is a violation.
- (2) No detached fuel tanks or containers shall be stored on board vessels tied at the Town Dock.

§ 102-15 **Town liability.**

The Town assumes no responsibility on account of fire, theft or damage of any nature to any vessel or property connected therewith, nor for personal injury to any person arising out of the use of waterways under the jurisdiction of the Town or any facility in or related to the waterways. Any person using any Town facility for the conduct of a permitted activity shall file a statement with the Harbor Commission indemnifying and holding the Town harmless from any lawsuit arising out of the conduct of the permitted activity by anyone.

§ 102-16 **Excise tax, waterway permit fees, and other fees.**

[Amended 5-18-2009 ATM by Art. 23; 10-27-2014 ATM by Art. 26]

No mooring or waterways permit shall be assigned to any person who is in arrears on any boat excise tax, mooring, waterways permit fees, or pump-out fee, due and payable to the Town, for any year present or previous. Proof of the payment shall be submitted with application for a mooring or waterways permit.

§ 102-17 **Accidents.**

- A. The operator of a vessel involved in an accident shall render all practical and necessary assistance to persons affected by the accident to the extent possible without serious danger to life, crew, passengers or the vessel.
- B. The Harbormaster shall be notified within 24 hours of all accidents which are required to be reported by MGL c. 90B, § 9, and shall also be notified of any accident which results in environmental damage or navigational obstructions. The Harbormaster should be notified as soon as possible of the accident. A written report shall be submitted within five days of the accident if the accident results in loss of life, injury requiring medical attention, loss of consciousness, property damage in excess of \$200 or disappearance of any person on board under circumstances which suggest the possibility of injury or death. The operator and owner of the vessel(s) are responsible for this report. A copy of the report required by MGL c. 90B, § 9 filed with the Harbormaster will satisfy the written report requirement. **[Amended 10-23-2006 ATM by Art. 2; 5-18-2009 ATM by Art. 23]**
- C. No vessel, mooring or other object shall be abandoned, sunk or placed where it may constitute a hazard to navigation.
- D. Any vessel, mooring or object constituting a hazard to navigation, and any vessel or object improperly secured, swamped, sunk, washed ashore or found in a restricted area, may be removed or relocated at the direction of the Harbormaster if corrective action is not taken by the owner immediately upon being notified by the Harbormaster.
- E. The expense of such removal or relocation and liability therefor shall be the responsibility of the owner.
- F. Nothing in these sections shall restrict earlier action by the Harbormaster or an Assistant

Harbormaster, with or without notifying the owner, if, in his judgment, such action is necessary to protect life or property.

§ 102-18 **Mooring, vessels, floats and other structures.**

A. Waterways, mooring and dinghy permits generally.

- (1) Terms and requirements. Waterways, mooring and dinghy permits for slips, floats, moorings or other docking mechanisms shall be issued by the Harbormaster according to the terms and requirements of the applications and available space in accordance with Subsection **F**.
- (2) Fees. Fees for waterways, mooring and dinghy permits issued by the Harbormaster shall be those authorized under § **102-12**.
- (3) Waterways permit fees shall apply to all vessels moored or berthed in Salisbury waters for a period of two weeks or more during a calendar year.
- (4) Failure to display a current waterway permit is a violation of this bylaw. [**Added 10-27-2014 ATM by Art. 26**]

B. Individual mooring permits.

- (1) Annual permit required; applications.
 - (a) No person shall establish or maintain a mooring or float (including temporary floats) within the waters of Salisbury harbor without first obtaining an annual mooring permit from the Harbormaster. Applications for mooring permits may be submitted to the Harbormaster after January 1 of any calendar year and shall contain such information as prescribed by the Harbormaster. Applications may be obtained from the Harbormaster.
 - (b) Floats, rafts, and mooring of boats held by anchors or bottom mooring installed without permission from the Harbormaster shall be considered a public nuisance and may be removed by the Harbormaster at the expense of the owner in the event he/she fails to remove same after notice from the Harbormaster. For the purpose of this section, "temporary" shall mean not longer than to the end of any given calendar year.
 - (c) No permit shall be issued without prior payment of all appropriate fees by the applicant, including, but not limited to, prior years' waterways fees, mooring fees, and boat excise tax if applicable.
 - (d) Dinghies tied to the Town floats shall not exceed 12 feet in overall length, except by special permit issued by the Harbormaster.
- (2) Issuance; waiting list.
 - (a) Permits will be denied if the Harbormaster determines that the mooring will constitute a hazard to navigation, will not conform to the requirements of these regulations, or will otherwise not conform to the requirements of law or rights of the public. Permits will be issued for one calendar year only.
 - (b) Individual mooring permits are not transferable.
 - (c) Upon issuance of a permit, the Harbormaster will assess a mooring location and specify the marking and number.
 - (d) The Harbormaster will keep a chart available for public inspection at the Town Hall which clearly indicates the mooring areas permitted.

(e) The Harbormaster shall keep a waiting list of boaters requesting available space and shall not discriminate against any person based upon race, religion, sex or other illegal distinction. Continuation on a waiting list requires annual payment of a wait list fee to be qualified for selection. Priority for the issue of permits to persons on the waiting list will be to qualified boaters in this order: date of application and assignment to the waiting list, and subject to the size and type of boat related to the space available. Copies of the up-to-date waiting list must be made available to the public by the Harbormaster upon request. **[Amended 5-18-2009 ATM by Art. 23]**

C. Group mooring permits.

- (1) In lieu of obtaining individual permits, boating clubs or other organizations, such as yacht clubs and marinas, may apply annually to the Harbormaster for a group mooring permit for a specified mooring area.
- (2) Commercial and group permits may be transferred with the approval of the Harbormaster and such approval shall not be unreasonably withheld, provided that the Harbormaster shall find the transfer in the public interest.
- (3) The facilities of any marina located within the Town shall be available for use by the general boating public, providing they abide by the marina's fee structure and all lawful regulations of the marina.
- (4) The maximum term of any contract or agreement relating to slip facilities shall not continue beyond December 31 of any year of issue.
- (5) Group permit/marinas or slip owners shall provide to the Harbormaster a list of the renters of moorings and/or slips to include name, address, and telephone number of the owner, name of the vessel, registration of documentation numbers, length overall, year of manufacture, private and business address and phone numbers of renters by July 1 of each year. The Harbormaster shall send a copy of this list to the Town Assessors to ensure imposition of the boat excise tax.
- (6) Vessel owners at slips or moorings who have not paid their boat taxes shall be subject to fines.

D. Guest moorings. The Harbormaster will designate mooring sites to be used by transient guests. The length of stay shall be limited to 72 hours. Extensions shall be at the discretion of the Harbormaster. The fee shall be as outlined in § **102-12**.

E. Forfeiture of permit; abandoned mooring tackle.

- (1) A permittee may relinquish his permit at any time upon notification to the Harbormaster. Any mooring tackle not removed within 30 days after receipt of such notification shall be considered abandoned and may be removed pursuant to Subsection **E(3)** below.
- (2) A permittee may be deemed to have forfeited his/her permit by reason of any of the following not corrected within 48 hours:
 - (a) Locating the mooring at a place other than that specified on the permit.
 - (b) Failure to pay annual mooring fee or excise tax when due.
 - (c) Failure to repair or replace a mooring within 30 days after being advised, by the Harbormaster, that the mooring is defective or within such lesser time as specified by the Harbormaster if circumstances should require.
 - (d) Failure to otherwise comply with the terms, conditions or restrictions placed on the permit by the

Harbormaster. Upon written notification of forfeiture by the Harbormaster, the permittee shall remove or otherwise dispose of the mooring.

- (3) Any abandoned or forfeited mooring, or any mooring installed in the waters of Salisbury harbor without the permission from the Harbormaster, shall be considered a public nuisance and may be removed by the Harbormaster at the expense of the owner in the event he fails to remove same within 48 hours after notice in writing from the Harbormaster. The notice shall be secured to the mooring and mailed to the owner's address as given in the owner's mooring permit application, if available.

F. Installation and inspections.

- (1) General regulations for placement of moorings, floats and other structures.
 - (a) Setbacks. All structures shall be set back a minimum of 25 feet from the projected property line to provide a swing area unless a lesser setback is mutually agreed upon by the adjacent property owner and submitted, in writing, to the Harbor Commission for approval. All structures shall be set back a minimum of 20 feet from a federal channel, navigable channel or fairways.
 - (b) Structures requiring an Army Corps of Engineers general permit. All structures requiring a general permit from the Army Corps of Engineers (including boats) shall project not more than 200 feet into the Merrimack River from the shore (to be measured perpendicular from the mean high-water mark of the outermost portion of the property). In certain geographic locations, constraints posed by narrowness or shallowness of the channel and/or severity of the current may not allow the project to extend the full 200 feet into the river. The Harbor Commission shall review for approval all general permits on a case-by-case basis. Holders of Army Corps of Engineers/MGL c. 91 permits shall provide a copy of said permit to the Harbormaster within 10 working days of written notification.
 - (c) Structures requiring individual permit from the Army Corps of Engineers. All structures requiring an individual permit from the Army Corps of Engineers will be reviewed for approval on a case-by-case basis by the Harbor Commission to determine maximum projections into the river. The setback between structures shall be as required in Subsection **F(1)(a)** above.
- (2) Moorings/dockage specifications and inspections.
 - (a) Mooring specifications. The suitability of mooring tackle for a particular installation will be judged on a case-by-case basis with reference to the standard set forth in the most recent edition of Chapman's "Piloting and Seamanship."
 - (b) Owner inspections. Each permittee shall inspect or shall cause his/her mooring to be inspected each season. Winter logs or metal kegs shall not be used in the harbor.
 - (c) Harbormaster inspections. All moorings are subject to Harbormaster inspections at any time. No notice is required for underwater inspections. Notice of at least five working days will be given if a mooring is to be hauled for inspections. Mooring installations found to be defective will be subject to loss of mooring permit if not corrected within the time specified by the Harbormaster. The maximum time allowed shall be 48 hours. All costs incurred shall be the responsibility of the mooring permit holder.
 - (d) All mooring buoys shall be white with a blue stripe, as designated by the Harbormaster, and marked with the mooring number assigned.
- (3) Mooring float systems.

- (a) Mooring float systems shall be stand-alone floats not connected to the shore.
- (b) Floats shall be six to eight feet wide and no more than 20 feet long unless otherwise approved by the Harbormaster. **[Amended 5-18-2009 ATM by Art. 23]**
- (c) Mooring float systems controlled by marinas and commercial operators shall be approved by the Harbormaster prior to installation and shall not exceed 40 feet in length.
- (d) All new float flotation shall be polyethylene tanks filled with contained flotation material to prevent contamination of the estuary environment.
- (e) Floats must be stable and safe for walking.
- (f) Floats shall, at all times, be kept free of appurtenances.
- (g) Mooring tackle shall be a minimum of one-half-inch galvanized chain, bottom anchored at two points, fore and aft.
- (h) Mooring chain length shall be 15 feet plus the length of the depth of the water at mean high tide.
- (i) Floats shall be used for dockage only. Storage of fishing gear, materials, or any other objects shall not be allowed. **[Amended 5-18-2009 ATM by Art. 23]**
- (j) No more than two boats shall be moored to a single mooring float system without Harbormaster permission. **[Amended 5-18-2009 ATM by Art. 23]**
- (k) No deep draft boats shall be allowed to moor at mooring floats without Harbormaster permission. **[Amended 5-18-2009 ATM by Art. 23]**
- (l) All mooring float systems shall be approved by the Harbormaster prior to installation.
- G. Nonpayment of waterways or mooring fees shall be a violation of this bylaw and may result in fine and/or the removal of vessels. All costs incurred shall be the responsibility of the vessel owner. **[Added 10-27-2014 ATM by Art. 26]**

Comment [7]: Editor's Note: Former Subsection F(4) through (11) was redesignated as Subsection F(3)(e) through (l), respectively, 5-18-2009 ATM Art. 23.

Chapter 118

Junk Dealers and Junkyards

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 3-22-1958 by Art. 50 as Art. X of the 1958 General Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Peddling and soliciting — See Ch. 175.

Zoning — See Ch. 300.

§ 118-1 License required; authority of Selectmen.

The Selectmen shall license suitable persons to be collectors of, dealers in or keepers of shops for the purchase, sale or barter of junk, old metals or secondhand articles and may make such rules and regulations relative to their business and may provide for the supervision thereof. All licenses granted under this section shall contain such rules, regulations and restrictions as the Selectmen have made. No

person shall be a dealer or a keeper of such shop without such license.

§ 118-2 **Restrictions on storage.**

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

§ 118-3 **Junkyard fencing and setback.**

All junkyards in the Town shall be enclosed by a solid fence of sufficient height to conceal all materials used in connection with the junk business, so that none of the junk material shall be seen from any highway. All such junkyards shall be at least 50 feet from any Town way or state highway.

§ 118-4 **Distance from dwellings.**

[Added 3-13-1965 ATM by Art. 43]

All junkyards in the Town shall be located a minimum distance of 500 yards in all directions from the lot line of a dwelling house. The provisions of this section shall not affect the renewal of any heretofore properly licensed junkyard.

§ 118-5 **Inspections.**

[Added 5-16-1990 ATM by Art. 27]

The Selectmen may require that any place, vehicle, or receptacle used for the collecting or keeping of said articles may be examined at any time by said Selectmen or their agents

Chapter 132

Licenses and Permits

[HISTORY: Adopted by the Town of Salisbury as indicated in article histories. Amendments noted where applicable.]

Article I

Denial, Revocation or Suspension for Nonpayment of Taxes and Charges

[Adopted 10-27-1986 STM by Art. 10]

§ 132-1 **Authority.**

Notwithstanding the provisions of any Salisbury bylaw providing for local licensing of certain businesses, the Town, by its Board of Selectmen or other licensing authority, may deny an application for a license or suspend or revoke a current license, as hereinafter provided.

§ 132-2 **Delinquent tax list.**

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 petition before the Appellate Tax Board.

§ 132-3 **Hearing; notice; findings.**

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 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any finding made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this article shall not be reissued or renewed until the license 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 the date of issuance of said certificate.

§ 132-4 Payment agreements.

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

§ 132-5 Waiver.

[Amended 10-23-2006 ATM by Art. 2]

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 MGL c. 268A, § 1, in the business or activity conducted in or on said property.

§ 132-6 Exceptions.

[Amended 10-23-2006 ATM by Art. 2]

This bylaw shall not apply to the following licenses and permits: open burning, MGL c. 48, § 13; bicycle permits, MGL c. 85, § 11A; sales of articles for charitable purposes, MGL c. 101, § 33; children work permits, MGL c. 149, § 69; clubs, associations dispensing food or beverage licenses, MGL c. 140, § 21E; dog licenses, MGL c. 140, § 137; fishing, hunting trapping license, MGL c. 131, § 12; marriage licenses, MGL c. 270, § 28; and theatrical events, public exhibition permits, MGL c. 140, § 181.

§ 132-7 Application and interpretation.

[Added 5-15-1989 STM by Art. 12]

- A. This bylaw shall apply to licensed business enterprises conducted by any person, association, corporation, or other entity on the land of any other person or party who has for 12 consecutive months refused or neglected to pay any local taxes, fees, assessments, betterments, or other municipal charges provided that the local licensing authority finds a direct or indirect business or family relationship between the licensee/applicant and the property owner with respect to the licensed business activity, except such relationship as may have been established exclusively under a lease executed prior to the effective date of this bylaw.
- B. Except as otherwise expressly provided by law, any local licensing authority engaged in a licensing proceeding wherein the suitability of the premises for the licensed activity is to be determined shall accept the Tax Collector's list showing taxes on the proposed premises unpaid for the immediately preceding 12 months as evidence that the proposed premises are not suitable for the proposed licensed activity. Upon a finding by the local licensing authority that ownership of the business interests in the licensed activity has been separated from ownership of the premises for the purpose

of avoiding the consequences of this bylaw, the local licensing authority may deny the application for or renewal of the license sought by the applicant.

Chapter 145

Mobile Home Parks

[HISTORY: Adopted by the Special Town Meeting of the Town of Salisbury 1-4-1989 by Art. 11. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 300.

Planning Board regulations — See Ch. 465.

§ 145-1 Definitions.

When used in this bylaw, unless the context otherwise requires, the following terms shall have the following meanings:

CAPITAL IMPROVEMENT

Any substantial rehabilitation, addition or improvement which appreciably adds to the value of the property or prolongs its life, or both, but not including ordinary repairs and maintenance.

HOUSING SERVICES

Services or facilities provided by an owner or required by law or by the terms of a rental housing agreement to be provided by an owner to a tenant in connection with the use and occupancy of any mobile home park accommodation, including without limitation snowplowing, sanding of roadways, landscaping, landscaping maintenance, furniture, furnishings and equipment; repairs, decorating and maintenance; provision of light, heat, hot water, cold water, telephone, kitchen, bath, and laundry facilities and privileges; use of yard and other common areas; janitor service, refuse removal, parking facilities, and any other benefit, privilege, or facility connected with the use or occupancy of any mobile home park accommodations; or any other said service that the Rent Board may allow under its rate case hearings. Housing services to a mobile home park accommodation shall include a proportionate part of services provided to common facilities of the mobile home park in which the mobile home park accommodation is contained.

MOBILE HOME

A dwelling unit built on a chassis and containing complete electrical, plumbing, and sanitary facilities, and designed to be installed on a temporary or permanent foundation for permanent or temporary living quarters.

MOBILE HOME PARK

A park licensed by the Board of Health pursuant to MGL c. 140, § 32B.

MOBILE HOME PARK ACCOMMODATIONS

The lot or space in a mobile home park upon which is located a mobile home not owned by the holder of the license of said park and used and occupied as a single dwelling unit.

OPERATING AND MAINTENANCE EXPENSES

The expenses of reasonable and necessary services to a mobile home park, including, but not limited to, maintenance, repair, management fee, real estate broker's commission to someone other than the owner, insurance, and utilities, but not including mortgage interest and amortization nor an allowance for obsolescence or depreciation.

OWNER

The individual who holds a license granted pursuant to MGL c. 140, § 32B, to conduct, control, manage or operate directly or indirectly a mobile home park in any manner, including, but not limited to, a partnership, corporation, or trust; for purposes of this bylaw, the rights and duties of the owner hereunder shall be the obligation of anyone who manages, controls, or customarily accepts rent on behalf of the owner.

RENT

The consideration, including any bonus, benefit, gratuity, or charge, contingent or otherwise, demanded or received for, or in connection with, the use or occupancy of a mobile home park accommodation or for housing services or for the transfer of a lease of a mobile home park accommodation, exclusive of the tax collected by the owner and paid to the Town under MGL c. 140, § 32G; excluding therefrom, however, the consideration paid by a shareholder of a cooperative housing corporation organized pursuant to MGL c. 157B for a share of said corporation, a proprietary lease, and any maintenance fees associated therewith.

RENTAL HOUSING AGREEMENT

An agreement, verbal, written, or implied, between an owner and a tenant for use and occupancy of a mobile home park accommodation and for housing services, specifically excluding, however, any agreement for occupancy of a mobile home park accommodation between a cooperative housing corporation as defined in MGL c. 157B and a shareholder of said corporation.

RENT BOARD

The Mobile Home Park Rent Control Board established by § 145-2.

TENANT

A tenant, subtenant, lessee, sub-lessee, or other person entitled under the terms of a rental housing agreement to the use and occupancy of any mobile home park accommodation, excepting from this definition, however, any person who occupies a mobile home park accommodation pursuant to a proprietary lease as defined in MGL c. 157B, § 4 as a shareholder of a Chapter 157B cooperative housing corporation.

§ 145-2 Rent Board.

A. Composition.

- (1) There shall be in the Town a Mobile Home Park Rent Control Board, and known as the "Rent Board," consisting of three members, all of whom are to be residents of Salisbury, none of whom to be a mobile home park owner or mobile home park tenant, appointed by the Board of Selectmen. Members of the Rent Board shall be appointed for a maximum of three years. Initially, one member shall be appointed for a one-year term, one member for a two-year term, and one member for a three-year term. Should any vacancy occur in membership, the member appointed to fill said vacancy shall serve for the remaining portion of the term of the member creating the vacancy.
- (2) Any action taken by the Rent Board shall require a majority thereof. Within seven days after the appointment and confirmation of the Rent Board as aforesaid, the Rent Board shall meet and elect

one of its members a Chairperson to serve in that capacity for a term of one year.

- B. The Rent Board shall, as provided in §§ **145-3**, **145-5** and **145-6**, establish and adopt the maximum rent that may be charged for mobile home park accommodations, shall grant or deny certificates of eviction as provided under §§ **145-10** and **145-11**, and shall bring such proceedings as may be necessary to enforce the provisions of this bylaw or to enforce any policy, rule, ruling, regulation, or order promulgated or issued by the Rent Board under this bylaw. The Rent Board may refer any appropriate matter to the Assessing, Health, Fire, and Building Inspection Departments, or other appropriate departments, and may, at the request of any owner, render a binding advisory opinion as to the permissible impact of a proposed capital improvement on the rents.
- C. The Rent Board may make such studies and investigations, conduct such hearings, and obtain such information as is deemed necessary in promulgating any regulation, rule or order under this bylaw, or in administering and enforcing this bylaw and regulations and orders promulgated hereunder.
- D. The Rent Control Board will hold one annual meeting in June for the purpose of re-organization and at any other time as needed upon written request or by posted meeting of the Rent Control Board. **[Amended 10-24-2011 ATM by Art. 15]**
- E. The Rent Board may make rules and regulations, sue and be sued, compel attendance of persons and the production of papers and information, and issue appropriate orders which shall be binding on both the owner and tenant of such mobile home park accommodations.

§ 145-3 Maximum rent.

The maximum rent of a mobile home park accommodation shall be the rent charged the tenant for the month of April 1988. If the mobile home park accommodation was unoccupied at that time but was occupied at any time prior to the effective date of this bylaw, the maximum rent shall be the rent charged therefor for or during the month closest to April 1988. If the maximum rent is not otherwise established, it shall be established by the Rent Board. Any maximum rent may be subsequently adjusted under the provisions of §§ **145-5** and **145-6**.

§ 145-4 Registration required.

- A. The Rent Board shall require registration of all mobile home park accommodations on forms approved by it. The registration form shall identify each mobile home park accommodation and specify the maximum rent provided by this bylaw for such mobile home park accommodation and shall contain such other information as the Rent Board shall require. No petition for an upward adjustment of maximum rent shall be accepted by the Rent Board until all statements and information required to be filed under this section have been filed, and any such petition received prior to such filing shall be dismissed. The registration form shall be signed by the owner under the penalties of perjury.
- B. The owner shall give written notice to all tenants and prospective tenants concerning the following matters:
 - (1) The nature of the zoning or use permit under which the mobile home park operates. If the mobile home park is operating pursuant to a permit subject to a renewal or expiration date, the relevant information and dates should be included in the notice.
 - (2) The duration of any lease of the mobile home park, or any portion thereof in which the park owner is a lessee.
 - (3) Any contracts or leases between tenants and the owner of the park currently in effect.
 - (4) If a change occurs concerning the zoning or use permit under which the park operates, or a lease in

which the management of the park is a lessee, or a contract between tenants and park owner, all tenants shall be given written notice within 30 days of such change. A prospective tenant shall be notified prior to the inception of tenancy.

- (5) In addition to the notice required by MGL c. 140, § 32P, which shall be included in the park rules, the management/owner of the park shall add the following language: "You may also be evicted if the park owner seeks to change the use of his land. Current state law requires a minimum of two years' notice prior to seeking an eviction. Other state or local laws may also pertain to this situation."

§ 145-5 **Regulating rents.**

- A. The Rent Board established under the provisions of § 145-2 shall make such individual or general adjustments of rents, either upward or downward, of the maximums established by § 145-3 and by this section for any mobile home park accommodation or any class of mobile home park accommodations as may be necessary to assure that rents for mobile home park accommodations are established at levels which will yield to owners a fair net operating income for such accommodations. For the purposes of this section, the word "class" shall include all mobile home park accommodations within said Town of Salisbury, or any categories of such mobile home park accommodations based on size, age, construction, rent, geographic, or other common characteristics providing such Board has by regulation defined any such categories.
- B. The following factors, among other relevant factors which such Rent Board by regulation may define, shall be considered in determining whether a controlled rental unit yields a fair net operating income:
- (1) Increases or decreases in property taxes;
 - (2) Unavoidable increases or any decreases in operating and maintenance expenses;
 - (3) Capital improvement of the housing accommodation as distinguished from ordinary repair, replacement and maintenance;
 - (4) Increases or decreases in living space, services, or equipment;
 - (5) Substantial deterioration of the dwelling units, other than as a result of ordinary wear and tear, attributable to the park owner; and
 - (6) Failure to perform ordinary repair, replacement and maintenance.
- C. The Rent Board by regulation may establish further standards and rules consistent with the foregoing. The Rent Board may promulgate a schedule of standard rental increases or decreases for improvement or deterioration in specific services and facilities.
- D. Notwithstanding any other provision of this section, the Rent Board may refuse to grant an upward adjustment of maximum rent if it determines that the affected mobile home park accommodation does not comply with the State Sanitary Code or the Town of Salisbury Building Code, or any other applicable municipal code, bylaw, or state law, regulating the conditions of housing accommodations, and if it determines that such lack of compliance is due to the failure of the owner to provide normal and adequate repairs and maintenance. The Rent Board may refuse to make a downward adjustment of maximum rent if it determines that the tenant is more than 60 days in arrears in payment of rent unless such arrearage is due to a withholding of rent under the provisions of MGL c. 239, § 8A, or if the tenant is in substantial violation of any enforceable rule of the mobile home park, or if the tenant is in violation of any laws or bylaws which protect the health and safety of other mobile home park residents.

§ 145-6 Rent adjustment proceedings.

- A. Individual adjustment of maximum rent. The Rent Board shall consider an adjustment of rent for an individual mobile home park accommodation upon receipt of a petition for adjustment filed by the owner or tenant of such mobile home park accommodation or upon its own initiative. Such petition shall be made on a form approved by the Rent Board. The Rent Board shall notify the owner if the petition was filed by the tenant, or the tenant if the petition was filed by the owner, of the receipt of such petition and of the right of either party to request a hearing in writing within 15 calendar days of receipt of such notice, or the Rent Board may schedule a hearing on its own initiative. If a hearing is timely requested by either party, or if the action is undertaken on the initiative of the Rent Board, notice of the time and place of the hearing shall be furnished to the owner and tenant and the hearing shall be conducted before the Rent Board. The Rent Board may consolidate petitions and actions taken under its own initiative relating to mobile home park accommodations in the same mobile home park, and all such petitions and actions may be considered in a single hearing.
- B. General adjustment of maximum rent by regulation. On its own initiative, the Rent Board may make a general adjustment, by percentage or otherwise, of the rental levels for mobile home park accommodations subject to such conditions, if any, as the Rent Board shall determine. Prior to making such adjustment, a public hearing shall be held before the Rent Board. Notice of the time, place, and purpose of such hearing shall be published three times in a newspaper having a general circulation in the Town.
- C. Limitation of petitions for individual adjustment. Notwithstanding any other provision of this section, the Rent Board may, without holding a hearing, refuse to adjust the maximum rent for an individual mobile home park accommodation and may dismiss any petition for adjustment if a decision has been made with regard to the maximum rent for such mobile home park accommodation within 12 months or if the Rent Board finds that the petition for adjustment is filed for purposes of harassment or for other purposes not intended by this bylaw.
- D. Hearings required under Subsection A shall be conducted in accordance with the provisions of § 145-7.

§ 145-7 Incorporation of Administrative Procedure Act.

The provisions of MGL c. 30A shall be applicable to the Rent Board, established under § 145-2, as if said Rent Board were an agency of the Commonwealth, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas, as well as those provisions relating to judicial review of an agency order.

§ 145-8 Conference of jurisdiction.

- A. The Newburyport District Court shall have original jurisdiction, concurrently with the Superior Court and the Housing Court Departments, of all petitions for review brought pursuant to MGL c. 30A, § 14.
- B. The Superior Court and the Housing Court Departments shall have jurisdiction to enforce the provisions of this bylaw and may restrain by injunction violations thereof.

§ 145-9 Information statement.

Upon receipt by the Rent Board of a tenant petition for adjustment of maximum rent, or upon action initiated by the Rent Board for adjustment of maximum rent, the owner shall furnish to the Rent Board, within a reasonable time after a written demand therefor, an information statement on forms approved by the Rent Board.

§ 145-10 Evictions.

- A. No owner shall bring any action to recover possession of a mobile home park accommodation unless:

- (1) The tenant has failed to pay the rent to which the owner is entitled.
 - (2) The tenant is in substantial violation of an enforceable rule of the mobile home park.
 - (3) The tenant is in violation of a law or bylaw which protects the health or safety of other mobile home park residents.
 - (4) There is a discontinuance in good faith by the owner of the use of part or all of the land owned and licensed as a mobile home park subject to any existing contractual rights between the owner and the tenant located in the mobile home park. No such discontinuance shall be valid for any mobile home sold by the licensee and for which a mobile home site was made available at the time of the said sale, by the licensee, for a period of five years from the date of said sale.
 - (5) The tenant is committing or permitting to exist a nuisance in, or is causing substantial damage to, the mobile home park accommodation or is creating a substantial interference with the comfort, safety, or enjoyment of the owner or other occupants of the same or any adjacent accommodations.
- B. An owner seeking to recover possession of a mobile home park accommodation shall apply to the Rent Board for a certificate of eviction. Upon receipt of such an application, the Rent Board shall send a copy of the application to the tenant of the mobile home park accommodation together with a notification of all rights and procedures available under this section. If the Rent Board finds that the facts attested to in the owner's petition are valid and in compliance with Subsection A, the certificate of eviction shall be issued.
- C. An owner who seeks to recover possession of a mobile home park accommodation without a certificate of eviction shall be deemed to have violated this bylaw.
- D. The provisions of this section shall be construed as additional restrictions on the right to recover possession of a mobile home park accommodation. No provision of this section shall entitle any person to recover possession of such a mobile home park accommodation. Upon a decision of the Rent Board concerning the granting or withholding of a certificate of eviction, either party concerned may appeal to the Newburyport District Court, the Superior Court, or the Housing Court Department within 30 calendar days after such decision.

§ 145-11 Defense to summary process for possession.

The Rent Board may issue orders which shall be a defense to an action of summary process for possession and such orders shall be reviewable as herein provided.

§ 145-12 Violations and penalties.

A violation of this bylaw or of any order of the Rent Board shall be punishable by a fine of not more than \$1,000 for any one offense.

§ 145-13 Discontinuance permits.

- A. The provisions of this section regarding the discontinuance of the use of part or all of the land owned and licensed as a mobile home park shall apply to all mobile home parks and mobile home park accommodations.
- B. When used in this bylaw the term "discontinuance" shall include any change of use or discontinuance of the use of part or all of the land owned and licensed as a mobile home park requiring a two-year notice pursuant to MGL c. 140, § 32L(8). The term "discontinuance" shall include, but is not limited to, the licensee's conversion of the mobile home park, or part thereof, to a condominium or cooperative corporation.
- C. It shall be unlawful for any person to discontinue the use of part or all of the land owned and

licensed as a mobile home park without having first obtained a discontinuance permit from the Board of Selectmen subject to the provisions contained in this bylaw.

D. Application for discontinuance permit.

- (1) The Board of Selectmen shall consider an application for a discontinuance permit for a mobile home accommodation upon receipt of an application filed by the licensee or other authorized person. The Board of Selectmen shall forward said application within 14 days to the Rent Control Board.
- (2) The Rent Control Board shall schedule a public hearing within 65 days of receipt of the application. Notice of the time and place of such public hearing, and of the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the Town of Salisbury once in each of two successive weeks, the first publication to be not less than 14 days before the date of the public hearing, and by posting such notice in a conspicuous place in Town Hall for a period of not less than 14 days before the day of said hearing. The Rent Control Board shall also notify all tenants living in the affected mobile home accommodations of the time, place and subject matter of the public hearing. No defect in the form of any notice under this section shall invalidate any grant or denial of a discontinuance permit unless such defect is found to be misleading.
- (3) No vote by the Board of Selectmen to grant or deny a discontinuance permit shall be taken until a report with recommendations by the Rent Control Board has been submitted to the Board of Selectmen or 21 days after said hearing have elapsed without submission of such report. After such notice, hearing and report, or after 21 days shall have elapsed after such hearing without submission of such report, the Board of Selectmen may vote to grant or deny the discontinuance permit. If the Board of Selectmen fails to vote on the proposed discontinuance permit within 90 days after such hearing, no action shall be taken thereon until after subsequent public hearing is held with notice and report as above provided.
- (4) No discontinuance permit may be granted except by a majority vote of the Board of Selectmen.
- (5) Notwithstanding any other provisions of this section, the Rent Control Board may, without holding a hearing, recommend the denial of a discontinuance permit if a decision has been made with regard to the discontinuance of a mobile home park accommodation within the preceding 12 months, and if the park licensee fails, in the new application, to allege a substantial change of circumstances since the previous hearing which would merit the Rent Control Board in hearing new evidence. In addition, the Rent Control Board may recommend denial of the discontinuance permit without holding a hearing if the application is not in conformance with the requirements of this section or other applicable regulations.

E. In determining whether to recommend that the Board of Selectmen grant or deny a discontinuance permit the Rent Control Board shall consider the aggravation of the shortage of safe, decent and affordable mobile home park accommodations in the Town of Salisbury which may result from the discontinuance, especially for tenants of low and moderate income and handicapped or elderly persons on fixed incomes.

- (1) In making such determination the Rent Control Board shall make findings of the following factors:
 - (a) The benefits and detriments to the persons whom this bylaw and this section seek to protect;
 - (b) The hardships imposed on the tenants residing in the mobile home accommodations proposed to be discontinued;
 - (c) Circumstances demonstrating hardship and inequity to the licensee seeking a discontinuance permit;

- (d) The rate of vacancy of mobile home accommodations in the Town of Salisbury at the time the licensee applies for a discontinuance permit and the average rental rates for said available accommodations;
- (e) The availability of land zoned and otherwise suitable for development or expansion of mobile home parks.
- (2) The Rent Control Board, in its discretion, may also review other relevant factors in making its report and recommendations.
- (3) For the purposes of this section, the "vacancy rate" shall be defined as that percentage of the mobile home park accommodations which is empty of mobile homes and is offered for rental to mobile home tenants. Further, to be considered a "vacancy" the rental offer of the mobile home park accommodation must be without entrance fee, without restrictions as to the age, size or character of the mobile home, and without a requirement that the prospective tenant purchase a mobile home from the park owner.
- (4) In its report, the Rent Control Board shall determine the current vacancy rate for comparable mobile home park accommodations in the Town of Salisbury. Any parties involved may submit evidence presented to the Rent Control Board at the public hearing.

F. General provisions.

- (1) The licensee or applicant seeking a discontinuance permit must make application to the Board of Selectmen for said permit within 30 days of serving the tenants with the notices required under the provisions of MGL c. 140, § 32L(8).
- (2) Notwithstanding the above, no eviction certificate shall be issued by the Rent Control Board because of the discontinuance of the use of all or a part of a mobile home park unless a discontinuance permit has been issued by the Board of Selectmen.
- (3) The provisions of this bylaw shall not apply to mobile home parks which have sent out notices of a change of use or discontinuance under the provisions of MGL c. 140, § 32L(8) prior to the effective date of this bylaw.

§ 145-14 **Rent Board personnel exempt from civil service.**

The personnel of the Rent Board established under the provisions of § 145-2 shall not be subject to the provisions of MGL c. 30, § 9A or c. 31.

§ 145-15 **When effective.**

This bylaw shall take effect as provided by law.

§ 145-16 **Severability.**

If any provision of this bylaw or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this bylaw and the application of such provision to other persons or circumstances shall not be affected thereby.

Chapter 150

Motorized Scooters

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 5-19-2003 by Art. 7.]

Amendments noted where applicable.]

§ 150-1 Description.

Described as the following: motorized scooter - unregistered, two wheels, with handle grips, powered by a gasoline two-stroke or four-stroke engine. Motorized bicycles or motorcycles, as defined in MGL c. 90, § 1, are not motorized scooters.

§ 150-2 Operation restrictions.

It shall be unlawful for any person to operate or permit to operate the defined motorized scooter within the Town of Salisbury under any of the following circumstances:

- A. On public sidewalks.
- B. On public and private roadways by a person not possessing a valid driver's license or learner's permit.
- C. In public parks and recreational areas.
- D. On public school property.
- E. On private property without the prior written consent of the owner or occupant of said property. No written consent shall be required for operation of any motorized scooter upon the property of any private club or other organization that permits the use of similar recreational vehicles by the club members.
- F. In such a manner as to create loud or unnecessary noise as to unreasonably disturb or interfere with persons in the peaceful and quiet enjoyment of their property. To this end, no person shall operate a scooter before the hour of 9:00 a.m. and after the hour of 7:00 p.m.
- G. To have a second rider on the same scooter.
- H. Failing to wear protective headgear conforming to Registry of Motor Vehicles standards.

§ 150-3 Conformance with traffic regulations.

Any person legally entitled to operate a motor scooter, as set forth herein, must conform with all traffic laws and regulations of the commonwealth.

§ 150-4 Violations and penalties.

Any violation of the within bylaw shall be subject to a twenty-five-dollar fine for the first offense and a fifty-dollar fine for all subsequent offenses.

Chapter 160

Officers and Employees

[HISTORY: Adopted by the Town of Salisbury as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Boards, committees and commissions — See Ch. 30.

Police Department — See Ch. 182.

Article I
Clerk, Treasurer and Collector

[Adopted 3-22-1958 ATM by Art. 50 as Art. V of the 1958 General Bylaws]

§ 160-1 Duties of Clerk.

- A. The Town Clerk shall perform the duties which, by the laws of the commonwealth, town clerks are required to exercise and perform. He shall keep the book of records for the sole purpose of recording the location of all highways and Town ways within the Town with an index thereof. ~~He shall see to it that every conveyance to the Town of any interest in land is properly recorded in the Registry of Deeds, and after recording the deeds shall be turned over to the Town Treasurer in whose custody they shall remain.~~
- B. ~~The Town Clerk shall notify immediately in writing all committees that may be elected or appointed at any Town Meeting and the nature of the business upon which they are expected to act. He shall notify the chairmen of all boards and standing committees not later than the 10th day of January in each year that a report of their doings must be submitted to the Selectmen on or before the 31st day of January each year. He shall notify the chairmen of the departments and committees and officers of votes pertaining to their respective departments.~~

§ 160-2 Bond required.

The Town Clerk, Treasurer and Collector shall ~~within 15 days after election to office~~ file bonds which shall be safely kept and retained by the authorities of the Town.

~~Article II
Counsel~~

~~[Adopted 3-22-1958 ATM by Art 50 as Art. XI of the 1958 General Bylaws]~~

~~§ 160-3 Appointment; term of office.~~

~~[Amended 5-16-1988 ATM by Art. 17; 5-16-1990 ATM by Art. 40]~~

~~The Town Manager shall appoint an attorney to act as Town Counsel for any care of years up to a maximum term of three years.~~

~~§ 160-4 Duties.~~

~~The Town Counsel shall draft all deeds, leases, obligations, conveyances and other legal instruments. When required by the boards or any committee of the Town, he shall furnish any legal opinion submitted to him and he shall at all times furnish legal advice to any officer of the Town who may require his opinion upon any subject concerning the duties incumbent upon said officer by virtue of his office.~~

~~§ 160-5 Compensation.~~

~~[Added 5-16-1983 ATM by Art 17; amended 5-16-1990 ATM by Art. 40]~~

~~The Town Manager shall fix the amount of and determine the services to be rendered pursuant to any retainer. Compensation payable to Town Counsel for services not covered by retainer shall be at a rate determined by the Town Manager to be reasonable in light of prevailing rates in the Newburyport-Salisbury-Amesbury area for attorneys with similar qualifications and experience.~~

~~§ 160-6 Civil actions and criminal proceedings.~~

~~[Added 5-16-1983 ATM by Art 17; amended 5-16-1990 ATM by Art. 40]~~

Comment [8]: Editor's Note: Original § 2, which immediately followed this section and was amended 5-16-1990 ATM by Art. 40, was deleted 10-23-2010 ATM by Art. 2. Said section is now covered by § 2(q) of the Charter.

Any civil action or criminal proceeding initiated by or against the Town shall be prosecuted or defended, as the case may be, by Town Counsel, unless for adequate cause shown, the Town Manager shall determine otherwise.

~~Article III~~
Highway Surveyor

~~[Adopted 3-22-1958 ATM by Art 50 as Art. XIII, §§ 1 to 6 of the 1958 General Bylaws]~~

~~§ 160-7 Jurisdiction.~~

~~A. The Highway Surveyor shall have exclusive control of all the repairs of the highways of the Town. The Highway Surveyor shall remove whatever obstructs the public way and shall cause snow to be removed in such manner as to make all ways reasonably safe and convenient for public traveling.~~

~~B. The Selectmen and Highway Surveyor shall have control of all new construction of highways and resurfacing of the same and the Highway Surveyor shall have full charge of the work.~~

~~§ 160-8 Street obstructions and excavations.~~

~~No person shall obstruct any street or way or any part thereof or break or dig the ground in the same without first obtaining a permit from the Selectmen therefor. The provision shall not apply to the Board of Selectmen or the Highway Surveyor. All persons having a permit to break or dig the ground of any way shall cause to be constructed and at all times keep a suitable railing around the paths of such sidewalk or way so long as the same shall be unsafe or inconvenient for travelers and shall keep said railing adequately lighted every night from twilight in the evening until one hour after sunrise or shall take such steps as to keep such place safe in such manner as the Selectmen or the Superintendent of Streets or the Highway Surveyor shall direct.~~

Comment [9]: Editor's Note: See also Ch. 170 Peace and Good Order.

~~§ 160-9 Records.~~

~~The Highway Surveyor shall keep an accurate account of all money expended and all work done on the public ways of the Town, the extent and nature of the work done and the amount expended in each street or way.~~

~~§ 160-10 Financial matters.~~

~~The Highway Surveyor shall keep a payroll of all the employees of the Street Department and the owners of vehicles employed thereon and a detailed account with all parties furnishing materials therefor, the time for which payment is to be made; the rate of wages; the amount and cost of materials furnished; and the amount due in each case.~~

~~§ 160-11 Annual report of highway work.~~

~~The Highway Surveyor shall furnish an annual report in detail of the work performed on the highways to be printed in the Annual Town Report.~~

~~Article IV~~
List of Properties

~~[Adopted 3-22-1958 ATM by Art 50 as Art. XIII, § 7 of the 1958 General Bylaws]~~

~~§ 160-12 Annual report to Selectmen.~~

~~The Highway Surveyor, Chief of Police, Chief of the Fire Department, Moth Agent and Sealer of Weights and Measures shall annually during the first week in January furnish to the Board of Selectmen a detailed list of all properties used in their departments and the condition of the same at the time of making said report.~~

~~Article V~~
Plumbing/Gas Inspector

~~[Adopted 3-16-1963 ATM by Art. 12]~~

~~§ 160-13 Appointment; duties; compensation.~~

~~[Amended 5-16-1990 ATM by Art. 40; 10-23-2006 ATM by Art. 2]~~

~~The Town Manager shall annually, prior to April 1, appoint a person to the position of Plumbing/Gas Inspector in buildings whose duty shall be the enforcement of rules and regulations and the law established under MGL c. 25, § 12H, as amended. He shall also receive such compensation as the Town Manager may determine from time to time subject to any vote of the Town.~~

Comment [10]: Editor's Note: Section 12H of MGL c. 25 was repealed by St. 1977, c. 843.

Article VI
Indemnification

[Adopted 5-20-1985 ATM by Art. 10]

§ 160-14 **Authorization and conditions.**

The Town shall indemnify its elected and appointed officers and agents from personal financial loss and expenses, including legal fees and costs, if any, in an amount not to exceed \$1,000,000, arising out of any claim, action, award, compromise, settlement, or judgment by reason of an intentional tort, or by reason of any act or omission which constitutes a violation of the civil rights of any person under any federal or state law, if such official at the time of such intentional tort or such act or omission was acting within the scope of his or her official duties or employment; provided, however, that no such official shall be indemnified for a violation of any such civil rights if he or she is found to have acted in a grossly negligent, willful or malicious manner.

Article VII
Collection of Fees

[Adopted 5-16-1988 ATM by Art 29]

§ 160-15 **Payment.**

[Amended 10-23-2006 ATM by Art. 2]

Except as otherwise provided by law, all fees collected by any officer of the Town shall be paid into the Town treasury and a true return thereof shall be made to the Finance Director/Town Accountant stating the accounts upon which amounts were received.

Chapter 170

Peace and Good Order

[HISTORY: Adopted by the Town of Salisbury 5-20-1985 ATM by Art. 19. Amendments noted where applicable.]

GENERAL REFERENCES

Alarms — See Ch. 7.

Amusement centers — See Ch. 12.

Animals — See Ch. 17.

Curfew — See Ch. 68.

Peddling and soliciting — See Ch. 175.

§ 170-1 **Severability.**

In the event any one or more provisions of this bylaw are found to be unconstitutional, or contrary to law, and therefore unenforceable, the validity of the remaining provisions shall not be affected by such finding.

§ 170-2 **Repeal or amendment.**

The provisions of this bylaw may be amended or repealed in whole or in part by majority vote of a regular or special Town Meeting provided an article in the warrant for such meeting provides notice of any such proposal to amend or repeal.

§ 170-3 **Violations and penalties.**

Penalties for violation of the provisions of this bylaw shall be as specified in each section, or if not specified, by a fine ~~of not exceeding~~ \$300 dollars for each offense.

§ 170-4 **Excessive and obtrusive noise.**

[Amended 2-1-1986 STM by Art. 11; 5-19-2014 ATM by Art. 24]

Any person in control of any premises within the Town who causes or permits loud and obtrusive noise to emanate from such premises between the hours of 11:00 p.m. and 8:00 a.m., after being requested to abate such noise by a police officer of the Town, shall be punished by a fine of \$100. However, this bylaw shall apply to the following establishments only between the hours of 1:00 a.m. and 8:00 a.m.: all nightclubs, restaurants, or bars in the Town, plus the amusement park area of the beach in the general beach center area of Salisbury Beach as bounded by and inclusive of Central Avenue at the junction of North End Boulevard, then southerly along North End Boulevard and continuing along Cable Avenue to Ocean Street, then easterly along Ocean Street to Railroad Avenue, then southerly along Railroad Avenue to Vermont Street to its terminus at Ocean Front.

A. Unnecessary noise prohibited. No person shall make any loud, obtrusive or unnecessary noise from a motor vehicle, in a public space or in a residential neighborhood as defined within this section.

B. Definitions:

LOUD, OBTRUSIVE OR OTHER UNNECESSARY NOISE

Shall include any noise occasioned by one or more of the following actions of any individual:

- (1) Loudspeakers, jukeboxes or public address systems: It is unlawful to use, operate or permit the operation of any loudspeaker, jukebox, public address system, or other similar device amplifying sound therefrom on a public right-of-way or way to which the public has right of access for any commercial purpose if said amplified sound can be heard from a distance of further than 200 feet or if said sound crosses a real property boundary.
- (2) The playing of radios, television sets, musical instruments, cassette tapes, discs or other similar devices at any time of the day or night in such a manner as to create an objectionable noise disturbance across a real property boundary.
- (3) Misuse of power exceeding the tire traction limits in acceleration, sometimes known as "peeling rubber"; or

- (4) Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency; or
- (5) Racing engines by manipulation of the accelerator, gas pedal or carburetor or gear selection, whether the vehicle is in motion or standing still; or
- (6) The excessive blowing of any horn except as a warning signal, or the use of any other noise-making device, whether the vehicle is in motion or standing still, in such a manner as to create a continuing noise disturbance at 100 feet from such device when operated in or on a motor vehicle on a public right-of-way or public space or on any space whatsoever.

PUBLIC SPACE

Shall mean any area which the public has right to access, that is open and accessible to all citizens, including most streets, the pavement, Town squares or parks, government buildings, including but not limited to public libraries and schools, and any public restroom.

RESIDENTIAL NEIGHBORHOOD

Shall mean any area of the Town of Salisbury as defined in the Town of Salisbury Zoning Bylaw as a residential neighborhood.

VEHICLE

Shall mean and include the following: any antique motor vehicle, motorcycle, bus, truck, construction equipment, private passenger vehicle, recreational vehicle, snowmobile, ATV, dirt bike, or any other motor vehicle as defined by MGL c. 90, § 1.

- C. Penalty. Violations of this bylaw may be enforced through any means available in law or in equity, including noncriminal disposition in accordance with MGL c. 40, § 21D, in accordance with § 1-5 (Violations and penalties) and § 1-6 (Noncriminal Disposition) of the Town Bylaws. For purposes of § 1-5, the fine for each violation shall be \$200. For purposes of § 1-6, the fine for the first violation shall be \$100 and the fine for the second and subsequent violations shall be \$200. When acting under § 1-6, the enforcing person shall be the Police Chief or any police officer of the Town of Salisbury.

§ 170-5 Use of public streets for business.

[Amended 10-23-2006 ATM by Art. 2]

No person without first having obtained written permission from the Director of Public Works ~~Selectmen~~ shall stand in any public street for the exercise of any business or calling, after being requested to desist therefrom by any police officer of the Town. Penalty: fifty-dollar fine.

§ 170-6 Obstruction of ways.

No person shall, without written permission from the Director of Public Works ~~Selectmen~~, place or cause to be placed upon any sidewalk any coal, bale, box or trunk, crate, cask, barrel, garbage can, package, or anything so as to obstruct the same. ~~for more than one hour, or more than 10 minutes after being notified by a constable, police officer, or Selectman to move it.~~ Penalty: twenty-five-dollar fine.

§ 170-7 Use of streets to store building materials.

[Amended 10-23-2006 ATM by Art. 2]

Every person intending to erect, repair or take down any building on land abutting on any street or way which the Town is required to keep in repair, and who desires to make use of any portion of said street or way for the purpose of placing therein building materials or rubbish, shall give written notice thereof to the Director of Public Works ~~Selectmen~~. The Director of Public Works ~~Selectmen~~ may grant a permit

Comment [11]: Editor's Note: See also Ch. 170B, § 170B:01 Peddling and Soliciting.

to occupy a portion of said street or way, and such permit shall be upon the condition that the permittee shall keep a sufficient number of lighted lanterns at or near the parts of the street or way obstructed or unsafe and shall keep a railing or guard around the same, while such obstruction shall continue. If such obstruction is more than a temporary condition, the permittee shall place a safe, temporary walk around said obstruction and at the completion of the work shall restore the street or way to the satisfaction of the Selectmen.

§ 170-8 **Street excavations.**

[Amended 10-23-1995 ATM by Art. 10; 10-23-2006 ATM by Art. 2]

Comment [12]: Editor's Note: See also Ch. 16 Art. III, Highway Surveyor.

No department of the Town, other than the Public Works Department, shall dig up or cause to be dug up any street or way in Town without a permit from the **Director of Public Works** ~~Board of Selectmen~~ or ~~its~~ **his** designee, except in cases of emergency, and such department shall, on completion of the work, restore the street or way to the satisfaction of the **Director of Public Works** ~~Board of Selectmen~~ or ~~its~~ **his** designee. Penalty: one-hundred-dollar fine.

§ 170-9 **Town to be indemnified.**

[Amended 10-23-2006 ATM by Art. 2]

Before being issued a permit as specified in the preceding sections, the person applying for the same shall execute a written agreement to indemnify and save harmless the Town against and from all damages by reason of cost or expense it may suffer or be put to by reason of any claim for damages or by reason of any proceeding, criminal or civil, on account of the existence of such obstruction or excavation.

§ 170-10 **Grazing animals.**

No owner or person, having charge of any horse, cow, swine, sheep, goat or other grazing animal, shall permit the same to pasture in any street or way within the Town, whether with or without a keeper. Penalty: twenty-five-dollar fine.

§ 170-11 **Littering.**

[Amended 11-27-1989 STM by Art. 17]

Whoever shall throw, discard or deposit any litter, dirt, rubbish, garbage, or human waste upon any public way, place or square or upon any part of the public beach shall be punished by a fine of \$300 for each such offense. Any police officer of the Town shall be empowered to enforce this bylaw and shall be deemed an enforcing person for purposes of noncriminal enforcement of this bylaw under MGL c. 40, § 21D and the Town's Noncriminal Disposition of Bylaw Violations Bylaw.

Comment [13]: Editor's Note: See Ch. 1, General Provisions, § 1-6.

§ 170-12 **Throwing objects or playing games in streets.**

No person shall throw stones, snowballs, sticks, or other missiles, or kick a football, or play at any game in which a ball is used, or fly kites or balloons, or shoot with or use a bow and arrow, in any of the public ways of the Town. Penalty: twenty-five-dollar fine.

§ 170-13 **Discharging firearms.**

No person shall fire or discharge any gun, fowling piece, pistol or other firearm or fireworks within any street, public way, place or square in this Town; provided, however, that this section shall not apply to any firing in accordance to law at any military exercises or reviews, or any firing permitted by the Board of Selectmen. Penalty: fifty-dollar fine.

§ 170-14 **Hazards in public ways.**

No person shall throw or cause to be thrown or placed on a sidewalk, street or highway of the Town any nails, spikes, screws, glass, tin cans, or other similar articles. Penalty: fifty-dollar fine.

§ 170-15 **Tampering with streetlights or warning lights.**

No person shall extinguish any streetlight or extinguish or remove any light placed on public or private property to warn the public against an obstruction or a defect in any street or way, unless such person is authorized by those having charge of such lights, or the street or way, so to do. Penalty: fifty-dollar fine.

§ 170-16 **Unregistered vehicles and sleds and skis.**

No person shall sled, coast, ski or otherwise use a motorized or unmotorized vehicle, excepting bicycles, that is not properly registered upon ways in the Town, except for the purpose of crossing such ways. Penalty: twenty-five-dollar fine.

§ 170-17 **Skates and skateboards.**

No person shall roller-skate or use skateboards or any similar device on any public way or sidewalk in the general beach center area of Salisbury Beach as bounded by and inclusive of Central Avenue at the junction of North End Boulevard; then southerly along North End Boulevard and continuing along Cable Avenue to Ocean Street; then easterly along Ocean Street to Railroad Avenue; then southerly along Railroad Avenue to Vermont Street; then easterly along Vermont Street to its terminus at Ocean Front. Penalty: twenty-five-dollar fine.

§ 170-18 **Towing of vehicles.**

- A. The Director of Public Works, for the purpose of removing or plowing snow, or removing ice from any way, is authorized to remove any vehicle interfering with such work to some convenient place, which term shall include a public garage, and the owner of any vehicle so removed shall be liable for the cost of such removal and the storage charges, if any, resulting therefrom. **[Amended 10-23-2006 ATM by Art. 2]**
- B. The provisions of MGL c. 40, § 22D as most recently added by Chapter 322 of the Acts of 1961 authorize the towing of vehicles from Town ways where such vehicles are parked in violation of parking prohibitions.

§ 170-19 **Alcoholic beverages.**

[Amended 5-18-2009 ATM by Art. 17]

No person shall use or consume any alcoholic beverages, as defined in MGL c. 138, § 1, while on or upon any public way in which the public has a right of access or any place to which the members of the public have access as invitees or licensees, park or playground, or private land, building, structure or place without the consent of the owner or person in control thereof. All alcoholic beverages being used in violation of this bylaw shall be seized and safely held until final adjudication against the person or persons arrested or summoned before court, at which time they shall be returned to the persons entitled to lawful possession. Penalty for violation of this bylaw shall be a fine of \$300 for each offense. Each citation or arrest shall constitute a violation.

§ 170-20 **Tampering with fire hydrants.**

No person or persons, unless authorized by the **Director of Public Works**, ~~managers or their designees of the Salisbury Water Supply Company and the Ring's Island Water District~~ or the Fire Chief or his designees, shall willfully open or tamper with any fire hydrants within the Town of Salisbury to cause damage and/or to allow water to flow on any public or private property. Penalty for each offense in violation of this bylaw shall ~~be not exceed~~ \$200. It is the intent of this bylaw that each unauthorized opening or tampering of a hydrant shall be treated as a separate offense.

§ 170-21 **Traffic control devices; speeding.**

- A. Any person who willfully disobeys any lawfully placed traffic control signal or sign upon a way in the Town shall be punished by a fine ~~of not exceeding~~ \$50.
- B. No person operating a motor vehicle on any Town way shall run it at a rate of speed greater than is

reasonable and proper, having regard to traffic and the use of the way and the safety of the public.

§ 170-22 **Parking violations.**

[Amended 5-15-1989 ATM by Arts. 36, 37 and 38]

- A. There shall be a fifteen-dollar fine for each violation of overtime parking on parking meters. **[Amended 5-18-2009 ATM by Art. 17]**
- B. There shall be a twenty-dollar fine for each of the following offenses; each traffic ticket issued shall constitute a separate violation: **[Amended 5-18-2009 ATM by Art. 17]**
- (1) Any motor vehicle parked within 10 feet of a fire hydrant.
 - (2) Any motor vehicle parked on a crosswalk.
 - (3) Any motor vehicle left running and unattended.
 - (4) Any motor vehicle parked in a restricted area, in a taxi stand or a bus stand, in a tow area, or posted emergency vehicle area, or handicapped area.
 - (5) Any motor vehicle parked in a driveway or obstructing a driveway or fire station.
 - (6) Any motor vehicle parked on a sidewalk.
 - (7) Any motor vehicle parked against traffic.
 - (8) Any motor vehicle parked in the wrong direction.
 - (9) Any motor vehicle obstructing traffic or snow removal.
 - (10) Any motor vehicle parked over 12 inches from curb.
 - (11) Any motor vehicle overlapping parking space lines.
 - (12) Any motor vehicle parked less than 20 feet from a corner.
 - (13) Any motor vehicle double parked.
 - (14) Any motor vehicle parked in violation of a "No Parking" sign.
- C. There shall be a one-hundred-dollar fine for any motor vehicle parked in a designated handicapped space or blocking a wheelchair ramp without proper license plate designation. **[Amended 10-23-2006 ATM by Art. 2]**

§ 170-23 **Beach regulations.**

- A. No person shall start or maintain an open fire on any part of the public beach. Penalty: one-hundred-dollar fine.
- B. No person shall operate or use any motor vehicle or motorized bicycle, except for emergency vehicles, on any part of the beach. Penalty: one-hundred-dollar fine.
- C. All persons engaged in any sporting activities or games, including fishing and surfing, shall do so only in areas designated by the lifeguards and shall discontinue such activity for public safety if instructed by the lifeguard or a police officer. Penalty: fifty-dollar fine.

- D. No persons shall throw or cause to be thrown any ball, missile, projectile or other object, except in areas designated by the lifeguards between May 15 and September 15 of each year, all dates inclusive. Penalty: fifty-dollar fine.
- E. No persons may camp, tent or sleep on any part of the public beach between the hours of 11:00 p.m. and 6:00 a.m. of each day. Penalty: fifty-dollar fine
- F. No person, being the owner or person in control of a dog or any other animal, shall allow said dog or other animal to be on any part of the public beach between May 15 and September 15 of each year, all dates inclusive. Penalty: fifty-dollar fine.
- G. No person shall bathe or swim without personal covering in any public place; no person shall parade, run, walk, sit or stand on any public or private way unless properly robed; and no person shall disrobe in any vehicle, public way or place to which the public has the right of access or view. Violation of this regulation of the Town of Salisbury shall be punished by a fine not to exceed \$50.

§ 170-24 **Motorboats and other vessels.**

[Added 5-20-1991 ATM by Art. 18]

Comment [14]: Editor's Note: See also Ch. 10 Harbor Regulations.

A. The following are adopted:

- MGL c. 90B, § 2 Numbering of motorboats (unregistered boats), 323 CMR 2.03
- MGL c. 90B, § 3 Display of numbers, registration in possession, etc.
- MGL c. 90B, § 4 Lost, destroyed or mutilated certificates
- MGL c. 90B, § 5 Classes of motorboats, required lighting and equipment, 323 CMR 2.06(1), (3) and (4); 323 CMR 2.07(2), (4), (8a) or (9); 323 CMR 2.08
- MGL c. 90B, § 5A Life saving devices (PFDs), 323 CMR 2.07(10)
- MGL c. 90B, § 6 Mufflers, 323 CMR 2.06(2)
- MGL c. 90B, § 7 Livery boats, requirements for, 323 CMR 4.04
- MGL c. 90B, § 9 Filing accident reports, 323 CMR 2.05
- MGL c. 90B, § 12 Failure to stop for an officer, failure to allow inspection
- MGL c. 90B, § 12A Termination of trip, overloaded or other unsafe conditions
- MGL c. 90B, § 13A Display of scuba diver's flag

The above sections will be assessed a fine of \$50

- BB Negligent operation or use of waterskis in the nighttime
- BC No observer on boarding ladder while towing skier

BE Operating negligently, recklessly or leaving the scene of an accident, 323 CMR 2.08, 323 CMR 2.07(1), (3), (5), (6), (7), (8b), (8c), (11), (12) and (13)

The above sections will be assessed a fine of \$100

- B. Any police officer or Harbormaster of the Town shall be empowered in enforcing this bylaw and shall be deemed an enforcing person for purposes of noncriminal enforcement of this bylaw under MGL c. 40, § 21D, and the Town's Noncriminal Disposition of Bylaw Violations Bylaw.

Comment [15]: Editor's Note: See Ch. 1, General Provisions, § 1-6.

§ 170-25 Public consumption of marihuana or tetrahydrocannabinol.
[Added 5-18-2009 ATM by Art. 18]

- A. No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in MGL c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any land designated for active or passive recreational use by the Town of Salisbury, the Commonwealth or Massachusetts or other governmental subdivision located within the Town of Salisbury; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.
- B. This bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, noncriminal disposition pursuant to MGL c. 40, § 21D, by the Board of Selectmen, the Town Manager, or their duly authorized agents, or any police officer. The fine for violation of this bylaw shall be \$300 for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under MGL c. 94C, § 32L.

§ 170-26 Parks, playgrounds and rail trails.
[Added 10-27-2008 ATM by Art. 8]

- A. Public parks, playgrounds and rail trails in the Town of Salisbury, including associated parking areas, shall be open to the use of the public between the hours of 5:00 a.m. and 9:00 p.m. and during Town-sanctioned athletic events. Anyone found on said premises between the hours of 9:00 p.m. and 5:00 a.m. (except those attending Town-sanctioned athletic events) shall be considered a trespasser and subject to a fine of \$25 for the first offense and \$50 for the second and each subsequent offense. Rail trails in the Town of Salisbury shall include, but not be limited to, the Old Eastern Marsh Trail between the Merrimack River and the Massachusetts/New Hampshire State Line and the Salisbury Point Ghost Trail between Lion's Park and the Salisbury/Amesbury Town Line.
- B. No person shall operate any motorized vehicle in any public park or playground or on a rail trail in the Town of Salisbury, except in a designated parking area or as provided herein; provided, however, that authorized persons may operate motorized vehicles in parks and playgrounds and on the trails for construction, maintenance, inspection, management, police, fire and emergency purposes. For purposes of this bylaw, the term "motorized vehicles" shall include, but not be limited to, any automobile, truck, all-terrain vehicle, off-road vehicle, snowmobile, moped, motorbike, minibike, pocket bike or motorcycle. The term "motorized vehicles" shall not include motorized wheelchairs needed for access to the parks, playgrounds or trails by persons with disabilities. Violators shall be subject to a fine of \$100 for the first offense and \$200 for the second and each subsequent offense. Further, any unauthorized motor vehicle found in a Salisbury park or playground or on a Salisbury rail trail shall be subject to towing and storage upon the order of a law enforcement officer.
- C. No person shall discharge any firearm or release any arrow in any public park or playground or upon or across any rail trail within the Town of Salisbury or within 150 feet of any such park, playground

or rail trail. Violators shall be subject to a fine of \$100 for the first offense and \$200 for the second and each subsequent offense.

- D. No person shall remove, destroy, damage, deface or vandalize any fence, sign, bench, building or other structure or amenity installed or used as part of any public park, playground or rail trail in the Town of Salisbury and no person shall intentionally damage the surface of any park, playground, playfield or trail. Violators shall be subject to a fine of \$100 for the first offense and \$200 for the second and each subsequent offense.
- E. Any police officer of the Town shall be considered an enforcing person for purposes of noncriminal enforcement of this bylaw under MGL c. 40, § 21D, and § 1-6 of the general bylaws of the Town.

Chapter 175

Peddling and Soliciting

[HISTORY: Adopted by the Town of Salisbury as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Business registration — See Ch. 59.

Handbills — See Ch. 97.

Junk dealers and junkyards — See Ch. 118.

Peace and good order — See Ch. 170.

Article I

Solicitors and Canvassers

[Adopted 5-20-1991 ATM by Art. 9]

§ 175-1 License required; exceptions.

[Amended 10-23-2006 ATM by Art. 2]

It shall be unlawful for any solicitor or canvasser as defined in this bylaw to engage in such business within the Town without first obtaining a license therefor in compliance with the provisions of this bylaw. The provisions of this bylaw shall not apply to any person exempted under MGL c. 101, or to any person duly licensed under MGL c. 101, or to any person exempted by any other General Law, nor shall this bylaw be construed to prevent route salesmen or other persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon prospective customers to solicit an order for future periodic route deliveries.

§ 175-2 Definition.

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 place to place, from house to house, or from street to street, taking or attempting to lease or take orders for retail sale of goods, wares, merchandise, or services, including, without limiting, the selling, distributing, exposing for sale or soliciting 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 or whether he is collecting advance payment on such retail sales.

§ 175-3 Application for license.

- A. Applicants for a license shall file with the Chief of Police, on a form issued by the Police Department, a written application, signed under penalties of perjury, containing the following information:
- (1) Name of applicant.
 - (2) Address of applicant (local and permanent home address).
 - (3) Applicant's height, weight, and eye and hair color;
 - (4) Applicant's social security number.
 - (5) The length of time for which the right to do business is desired.
 - (6) A brief description of the nature of the business and the goods to be sold.
 - (7) The name and home office address of the applicant's employer. If self-employed it shall no state.
 - (8) A photograph of the applicant which picture shall be submitted by the applicant and be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
 - (9) If operating a motor vehicle: the year, make, model, motor number, registration number, state of registration, vehicle's owner and address.
- B. At the time of filing the application, each applicant shall pay a fee of \$25.

§ 175-4 Investigation; issuance or denial of license.

- A. Upon receipt of the application, the Chief of Police shall investigate the applicant's reputation as to morals and integrity.
- B. After an investigation of the applicant's morals and integrity, but within seven business days of the filing of the applicant, the Chief of Police shall endorse on such application his approval or disapproval. Failure of the Police Chief to act on said permit within seven business days of the applicant's filing shall constitute approval. If disapproved, the applicant shall have the right of appeal to the Board of Selectman in writing within seven business days of the denial by the Chief of Police. The Board of Selectman must act upon the appeal at one of its next two regularly scheduled meetings. Failure to so act shall be deemed approval.
- C. Such license when issued shall contain the signature of the Chief of Police or the Board of Selectman 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 Police Department shall keep a record of all licenses issued for a period of six years. Solicitors and canvassers when engaged in the business of soliciting or canvassing are required to display an identifying badge issued by the Police Department, by wearing said on an outer garment. Each licensee is required to possess an individual license.

§ 175-5 Enforcement; licenses not transferable.

[Amended 10-23-2006 ATM by Art. 2]

The police officers of the Town shall enforce this bylaw. No license shall be transferred.

§ 175-6 **Revocation of license.**

The Chief of Police is hereby vested with the jurisdiction over the revoking of licenses. Any person aggrieved by such revocation may appeal to the Board of Selectmen within seven business days, and a hearing will be scheduled for one of the next two regularly scheduled meetings of the Board of Selectmen. Licensing may be revoked for cause, including, but not limited to, any violation of any local law, state or federal statute, or falsification in applying for a license.

§ 175-7 **Expiration of license.**

Each license issued under the provisions of this bylaw shall continue in force from the date of issue until the 31st day of December following, unless sooner revoked.

§ 175-8 **Renewal of license.**

A license issued under the provisions of this bylaw may be renewed by Chief of Police. An applicant requesting a renewal of a license must apply in person for such license renewal and provide such information as is required to obtain an initial license.

§ 175-9 **Misrepresentation.**

- A. No solicitor or canvasser, licensed or exempted from license, may misrepresent, in any manner, the buyer's right to cancel as stipulated in MGL c. 93, c. 93A and c. 255D.
- B. No solicitor or canvasser, licensed or exempted from license, may use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office or other establishment with the purpose of making a sale of consumer goods or services. **[Amended 10-23-2006 ATM by Art. 2]**

§ 175-10 **Trespassing.**

[Amended 10-23-2006 ATM by Art. 2]

It shall be unlawful for any canvasser or solicitor to enter the premises of a resident or business who or which has displayed a "no trespassing" or "no soliciting" sign or poster. Further, it shall be unlawful for canvassers or solicitors to ignore a resident's or businessperson's no solicitation directive or remain on private property after its owner has indicated that the canvasser or solicitor is not welcome.

§ 175-11 **Violations and penalties.**

Any person violating any provision of this bylaw shall, upon conviction thereof, be punished by a fine not to exceed \$50 for each and every offense.

§ 175-12 **Exemptions.**

Charitable, benevolent, fraternal, political or religious organizations shall be exempt from this bylaw.

Article II Hawkers, Peddlers and Transient Vendors

[Adopted 5-20-1996 ATM by Art 20]

§ 175-13 **License required.**

- A. No hawker and peddler or transient vendor as defined by MGL c. 101 shall conduct such business within the Town of Salisbury without first having obtained a license required under MGL c. 101 and a local hawker and peddler's license or transient vendor's license issued by the Board of Selectmen.
- B. Any person receiving a transient vendor's license or hawker and peddler's license will not need a general business license.

§ 175-14 **Application for license.**

- A. Applications for either a hawker and peddler's license or a transient vendor's license shall be made to the Board of Selectmen.
- B. All applications must be filled out in their entirety to be considered.
- C. All applications for a transient vendor's license must contain a plan of the proposed vending location. The plan shall be to scale and shall clearly show:
 - (1) Boundaries of the property.
 - (2) Location and size of vending booth and merchandise displays.
 - (3) Entrances and exits to property.
 - (4) Location of parking for employees and customers.
 - (5) Proposed location and sketch of all signs.
- D. All applications shall contain a signed and notarized statement from the property owner granting permission to the vendor to so use the property.
- E. All applications shall contain the applicant's federal identification number or social security number.
- F. If a motor vehicle is to be used in the vending business, a description of the vehicle and the motor vehicle registration number and license number shall be submitted.
- G. All applications shall contain the anticipated days of the week and the proposed hours of operation.
- H. Any other factor relating to the applicant, location, merchandise sold, or method of operation may be requested on the application.

§ 175-15 **Standards.**

- A. General standards.
 - (1) Hawkers and peddlers or transient vendors may only sell the items indicated on the application approved by the Board of Selectmen. The sale of products or services not indicated on the application shall be deemed to be a violation of this bylaw. Only the Selectmen may amend their previous approval of the hawker and peddler's license or the transient vendor's license to allow any additional products or services to be sold.
 - (2) No application shall be approved unless the proposed use and location meet all applicable bylaws of the State of Massachusetts and the Town of Salisbury.
 - (3) All vendors must meet all of the minimum standards of this bylaw prior to the issuance of the permit by the Board of Selectman.
 - (4) Vending activities shall not occur prior to 8:00 a.m. nor after 9:00 p.m.
 - (5) Hawker and peddlers' licenses and transient vendors' licenses are nontransferable. Any license issued under the provisions of this bylaw may not be transferred or assigned to any other person or used by any person other than the person to whom it had been issued.
- B. Signs.

(1) All signs must be attached to the tent, truck, or structure used by the transient vendor. No signs may project in any direction from these structures. The total area of these signs shall not exceed 32 square feet.

(2) Only one additional portable sign may be allowed not to exceed 12 square feet.

(3) Internally illuminated signs or signs with changeable letters are prohibited.

C. Health regulations for the sale of food.

(1) No hawker and peddler's license or transient vendor's license shall be issued for the sale of food until the Health Officer inspects or otherwise consults with the applicant as to the manner of food storage, preparation, and sale. The **Director of Public Health** ~~Officer~~ must sign the application prior to the license being issued by the Board of Selectmen. **[Amended 10-23-2006 ATM by Art. 2]**

(2) Adequate provisions shall be made for cleaning and sanitizing of food preparation and serving surfaces.

(3) Adequate provisions shall be made to ensure that potentially hazardous foods are stored at the proper temperatures.

(4) All applicable Massachusetts health regulations and Town of Salisbury Board of Health rules and regulations must be met prior to the **Director of Public Health** ~~Officer~~ signing the application. **[Amended 10-23-2006 ATM by Art. 2]**

D. Appearance.

(1) All transient vending locations shall be kept in a clean and neat condition.

(2) Provisions shall be made for the collection and removal of refuse. All refuse shall be removed from the property by the close of business each day.

(3) All outdoor display shall be on merchandise display racks or tables. Merchandise shall not be hung on trees, utility poles, clothes lines, etc.

E. Location.

(1) Transient vendor licenses may only be issued for property which is commercially zoned.

(2) Hawkers and peddlers shall not conduct business along the public way in the following locations.

(a) Beach Commercial District.

(b) Route 110.

(c) Route 1.

(d) Beach Road.

(e) Route 286.

(f) Route IA. N. End Boulevard.

(3) Flea markets and bazaars may only be located in the Commercial 1 and the Commercial 2 Zoning

Districts.

F. Transient vendor standards.

- (1) All vending activities shall comply with the setback requirements of the Town of Salisbury Zoning Bylaw.
- (2) All parking must be provided at the vending location and must be off the street or right-of-way.
- (3) At least one parking space shall be provided on the site for the vendor and one additional parking space for each employee of the vending operation.
- (4) There shall be at least two parking spaces provided for every 50 square feet of merchandise display area.

Comment [16]: Editor's Note: See Ch. 300, Zoning.

G. Flea markets and bazaars.

- (1) Flea markets and bazaars shall mean any location where more than three transient vendors are proposed to be located on a single parcel of land.
- (2) Flea markets and bazaars shall meet all of the transient vendor standards in this bylaw.
- (3) The operator of the flea market or bazaar shall be the individual responsible for obtaining a transient vendor's license for the entire event.
- (4) The operator shall provide as part of its application all names of proposed vendors and the type of merchandise or services to be sold by each vendor.
- (5) The operator of the facility shall be responsible to pay the fees as required in the fee schedule of this bylaw.

§ 175-16 Fees.

- A. A nonrefundable filing fee of \$25 shall accompany each application.
- B. If the application is approved the following fees shall apply: **[Amended 10-23-2006 ATM by Art. 2]**

Days	Fee
1 to 30	\$200
31 to 60	\$350
61 to 90	\$450
91 to 120	\$600
121 to 360	\$1,000

- C. The number of days shall run consecutively from the start date indicated on the application submitted to the Selectmen.
- D. The operator of a licensed flea market or bazaar shall pay to the Town the fee required under

Subsection **B** plus an additional \$50 per vendor for each thirty-day period.

§ 175-17 **Display of license.**

- A. All transient vendors' licenses shall be displayed by the transient vendor in a conspicuous place and manner at the permitted vending location.
- B. Any person who fails, neglects or refuses to exhibit his license when the same is demanded of him by any person shall be subject to the same penalty as if he had no license.

§ 175-18 **Exceptions.**

- A. Charitable events. Permits shall not be required for yard sales, auctions and fund-raising events by nonprofit organizations and charitable groups if the event will run for no more than three consecutive days or for no more than 12 days within any twelve-month period. [**Amended 10-23-2006 ATM by Art. 2**]
- B. Yard sales. The provisions of this bylaw shall not apply to individuals holding bona fide yard sales on their own property not more than three days at any time and not more than 12 days in any twelve-month period.
- C. For good cause shown, the Selectmen may waive permit requirements, fees, or any other provisions of this bylaw.

§ 175-19 **Appeals.**

Any person aggrieved by his or her inability to obtain or retain a transient vendor's license or a hawker and peddler's license may file an appeal in writing within 30 days of such decision to the Board of Selectmen.

§ 175-20 **Enforcement; violations and penalties.**

- A. It shall be the duty of the Board of Selectmen or its designee to administer this bylaw.
- B. Whoever violates the provisions of this bylaw shall be punished by a fine of \$300, and each day a violation occurs shall be considered a separate offense.

§ 175-21 **Severability.**

In the event any one or more provisions of this bylaw are found or determined to be illegal or unenforceable by the Massachusetts Appeals Court or the Massachusetts Supreme Judicial Court, then the illegality of any such provision shall not affect the validity of any other provision of this bylaw which provisions will remain in full force and effect.

Chapter 182 Police Department

[**HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 3-22-1958 by Art. 50 as Art. VIII of the 1958 General Bylaws. Amendments noted where applicable.**]

GENERAL REFERENCES

Alarms — See Ch. 7.

§ 182-1 **Composition and duties.**

[**Amended 5-16-1990 ATM by Art 40; 10-23-2006 ATM by Art. 2**]

The Police Department shall consist of a Chief of Police and regular and special officers. It shall be their duty to enforce all the laws of the Commonwealth of Massachusetts and all the bylaws of the Town of Salisbury. ~~It shall be the duty of the Chief of Police to report in writing annually to the Board of Selectmen and Town Manager.~~

§ 182-2 **Regulation of traffic.**

The Police Department shall have the duty of regulating traffic upon the highways of the Town of Salisbury, as they are set forth under the traffic regulations of said Town.

Chapter 188

Property Maintenance

[**HISTORY: Adopted by the Special Town Meeting of the Town of Salisbury 11-25-1961 by Art. 1. Amendments noted where applicable.**]

GENERAL REFERENCES

Boat storage — See Ch. 34.

Building construction — See Ch. 49.

Earth filling — See Ch. 77.

Fire prevention — See Ch. 86.

Junkyards and junk dealers — See Ch. 118.

Peace and good order — See Ch. 170.

§ 188-1 **Appointment and duties of Building Inspector.**

The ~~Town Manager~~ ~~Selectmen of the Town of Salisbury~~ shall appoint a Building Inspector who shall ~~serve at the pleasure of the Selectmen to carry out all the following duties prescribed by law. The~~ ~~Building Inspector at the request of the Selectmen of the Town of Salisbury shall inspect any and all~~ buildings and premises. Said Inspector shall make a written report to the Board of Selectmen as to the storage or placing of any materials, debris, junk or anything which will make the inspected premises detrimental to the health, safety and public good.

~~§ 188-2 **Review by Selectmen.**~~

~~The Board of Selectmen, upon receipt of the Building Inspector's written report, shall determine whether or not the facts stated in said report constitute a hazard to the public health, safety and good.~~

~~§ 188-3 **Permit required for storage of certain materials.**~~

~~[Amended 10-23-2006 ATM by Art. 2]~~

No person shall store or place any iron, ashes, dirt, rubbish, bricks, tin, scrap metals, wood, lumber, garbage, or any other refuse, material or thing which, in the judgment of the Selectmen, would constitute a hazard to the public health, safety and good without first obtaining a permit from the Selectmen of the Town of Salisbury.

§ 188-4 **Determination of fire hazard.**

A. The Building Inspector shall also examine all buildings at the request of the Town Manager

Comment [17]: Editor's Note: For storage of automobiles see Ch. 23, § 23-11.

~~Selectmen of the Town of Salisbury~~ to determine if they are uninhabited and a fire hazard. He shall make his report in writing to the **Town Manager** ~~Selectmen~~ as to the facts and conditions that he finds.

- B. ~~The Selectmen, after the receipt of the Building Inspector's report under Subsection A, shall determine whether or not said building or buildings constitute a fire hazard and whether or not the public health, safety and good are endangered.~~
- C. No person shall maintain on his premises any building or buildings which are uninhabited or which have been determined by the **Building Inspector** ~~Selectmen~~ to be fire hazard and detrimental to the public health, safety and good.

§ 188-5 **Notice of dangerous conditions.**

If after the report of the Building Inspector ~~and in the judgment of the Selectmen they~~ **it is** determined that any conditions exist in accordance with the spirit of this bylaw which would constitute a threat and danger to the public health, safety and good, ~~the Selectmen, through~~ the Building Inspector shall cause a notice to be posted on the premises and a notice be sent to the address of the owner of the said premises, as appearing on the books of the Assessors of the Town of Salisbury, requesting that said person fulfill the requirements as set forth by **this bylaw** ~~the Selectmen~~ pertaining to said premises.

§ 188-6 **Violations and penalties.**

If within 48 hours after the posting, mailing and receipt of said notice no action is taken by the owner, tenant or occupant of said premises to fulfill the requirements as set forth by the **Building Inspector** ~~Selectmen~~, the said owner, tenant or occupant shall forfeit a fine of ~~not less than \$50 and not more than \$100~~ for each violation thereof.

§ 188-7 **Enforcement.**

The enforcement of this bylaw shall be by the Building Inspector.

Chapter 209

Sewers

[HISTORY: Adopted by the Town of Salisbury as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sewer Commission — See Ch. 30, Art. III.

Article I

Sewer Service Zones

[Adopted 5-19-1980 ATM by Art. 19]

§ 209-1 **Official map to be adopted.**

Sewer service shall be provided only for service zones defined by an official service zone map as adopted by vote of the Town.

§ 209-2 **Petition for additional zones.**

Residents of the Town desiring to establish additional sewer service zones shall be required to petition the Sewer Commission for said service. The Sewer Commission, if it determines that a new service zone may

be needed, shall conduct the necessary engineering and financial studies to determine the facility's needs, economic feasibility and appropriate boundaries of the service zone. The Sewer Commission shall be required to conduct a public hearing on a proposed sewer service zone prior to the making of any recommendation for the approval of said service zone.

§ 209-3 **Establishment of zones.**

Sewer service zones shall be established only by recommendation of the Sewer Commission with approval by vote of the Town at a regular or special Town Meeting.

§ 209-4 **Payment of costs.**

[Amended 5-19-2008 ATM by Art. 6]

Cost of treatment and transmission facilities and trunk and local sewers serving a sewer service zone shall be paid for by users served within the established boundaries of the zone, and all cost-sharing arrangements for construction of said sewerage facilities to serve a sewer service zone shall be established by the Sewer Commission in accordance with the following provisions:

- A. The Board of Selectmen acting as sewer commissioners shall utilize the assessment methods set forth herein to assess 100% of the cost to the Town of sewer projects upon the properties that benefit from each project, unless Town Meeting votes a different percentage with respect to particular projects.
- B. The Selectmen may assess the cost of sewer projects by means of betterment assessments by the so-called uniform unit method under MGL c. 83, § 15, or by means of privilege fees under MGL c. 83, §§ 17 and 20 also by the uniform unit method, and may determine what portion of the cost to be assessed for each project shall be assessed as a betterment or as a privilege fee.
- C. The Selectmen may assess privilege fees upon properties that were not subject to betterment assessment with respect to a particular project if the properties later receive a benefit from the project by being allowed to connect to the project, and may also assess privilege fees upon properties that were previously assessed a betterment assessment or a privilege fee if, after such assessment, due to construction of a new structure or reconstruction, enlargement, alteration or renovation of a structure existing at the time of the betterment or privilege fee assessment, or change of a then-existing use, the Selectmen determine that the maximum sewage flow from the improvements upon the property or the change of use would increase above the maximum sewage flow previously calculated for that property under the uniform unit method, or to take any other action relative thereto.

Article II Sewer Use

[Adopted 4-9-1990 STM by Art. 5]

§ 209-5 **Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this bylaw shall be as follows:

ACT or THE ACT

The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended (33 U.S.C. § 1251 et seq.).

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER

Either:

- A. A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
- B. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
- C. A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facility from which the discharge of wastewater originates.

BOD (denoting "biochemical oxygen demand")

Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN

Shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER

Shall mean the extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER

Shall mean a sewer receiving both surface runoff and sewage.

COMMISSION

Shall mean the Board of Sewer Commissioners of the Town of Salisbury, or its authorized deputy, agent, or representative.

DOMESTIC WASTEWATER

Shall mean normal water-carried household and toilet wastes discharged from any improved property, excluding ground-, surface, or storm water.

EPA

Shall mean the Environmental Protection Agency of the U.S. Government.

EXCESSIVE

Shall mean amounts or concentrations of any constituent of a wastewater which in the judgment of the Town will cause damage to any wastewater facility, which will be produced in excessive quantities in the sludge produced at the wastewater treatment plant, which will be harmful to a wastewater treatment process, which cannot be removed in the wastewater treatment works of the Town to the degree required to meet the limited stream classification standard of the receiving water, which can otherwise endanger life, limb, the environment or public property, or which can constitute a nuisance.

FACILITIES

Shall include structures and conduits for the purpose of collecting, treating, neutralizing, or

disposing of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of structures and conduits, including treatment and disposal works, necessary intercepting, outfall, and outlet sewers, and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

GARBAGE

Shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

IMPROVED PROPERTY

Shall mean any property located within the Town upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure domestic wastewater and/or industrial wastes shall be or may be discharged.

INCOMPATIBLE POLLUTANT

Shall mean any pollutant, other than biochemical oxygen demand, suspended solids, pH, coliform bacteria, or additional pollutants identified in the permit, which the treatment works was not designed to treat and does not remove to substantial degree.

INDUSTRIAL ESTABLISHMENT

Shall mean any room, group of rooms, building or other enclosure used or intended for use in the operation of one business enterprise for manufacturing, processing, cleaning, laundering, assembling or preparing any product, commodity or article or from which any process waste, as distinct from domestic wastewater, may be discharged.

INDUSTRIAL USER

Shall mean a manufacturing, processing, or other nonresidential facility (such as hospitals, commercial laundries, and tank and barrel cleaning operations) that discharges nonsanitary wastes to a public sewer.

INDUSTRIAL WASTES

Shall mean the liquid or solid wastes from industrial processes, trade, or business as distinct from sanitary sewage.

INTERFERENCE

Means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both inhibits or disrupts the POTW, the POTW's treatment processes or operations, and the POTW's processes for, use of, or disposal of sludge or of sludge products, including ash. "Interference" includes any inhibition or disruption which causes or contributes to a violation of any requirement of the Town's NPDES permit (including an increase in the magnitude or duration of a violation) or causes or contributes to the prevention of sewerage sludge or sludge product use or disposal by the Town in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) [including Title II, or commonly known as the "Resource Conservation and Recovery Act (RCRA)," and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA], the Clean Air Act, the Toxic Substances Control Act and the Marine Protection Research and Sanctuaries Act.

INVERT

Shall mean the bottom inside of the sewer pipe.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD

Shall mean any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of users.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

NATURAL OUTLET

Shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

OWNER

Shall mean any person vested with ownership, legal or equitable, sole or partial, or possession of any improved property.

PASS-THROUGH

The passage of pollutants through the POTW into receiving waters in quantities or concentrations which, alone or in conjunction with discharges from other sources, are a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON

Shall mean any individual, firm, company, association, society, corporation, or group.

pH

Shall mean the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

POLLUTANT

Any material or substance that may cause an alteration of the chemical, physical, biological or radiological integrity of the POTW or its receiving waters.

POTW (PUBLICLY OWNED TREATMENT WORKS)

The treatment works operated by the Town and its agents, including any devices and systems, whether owned by the Town or under its control, used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature and also including, without limiting the generality of the foregoing, the Town's wastewater treatment plant and appurtenances, the sewers, pipes, pumping stations and other devices conveying wastewater to the treatment plant, and sludge processing systems whether operated by the Town directly or by a contractor or agent of the Town.

PRETREATMENT or TREATMENT

The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained

by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6(d).

PRETREATMENT REQUIREMENTS

Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on a user.

PROPERLY SHREDDED GARBAGE

Shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PROPERTY, PARCEL or LOT

Shall mean an area of land as marked on the assessment drawings in the office of the Town Assessor, Salisbury, Massachusetts.

PUBLIC SEWER

Shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

RECEIVING WATER QUALITY STANDARDS

The Massachusetts Quality Standards, as provided by MGL c. 21, § 27.

RECEIVING WATERS

Shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or ground water receiving discharge of wastewaters.

SANITARY SEWER

Shall mean a sewer which carries sewage and to which storm-, surface, and ground waters are not intentionally admitted.

SEPTAGE

The wastes, primarily of sewage origin, that are removed from a cesspool, septic tank, or similar receptacle.

SEWAGE

Shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground-, surface, and storm waters as may be present.

SEWAGE WORKS

Shall mean all facilities for collecting, pumping, treating and disposing of sewage.

SEWER

Shall mean a pipe or conduit for carrying sewage.

SEWER ZONE

Shall mean those areas of the Town of Salisbury which have public sewer as defined on the Town of Salisbury Simplified Sewerage Zone Map as amended from time to time.

SHALL

Is mandatory; "may" is permissive.

SLUG LOADINGS

Shall mean:

- A. Pollutants which create a fire or explosion hazard in the POTW;
- B. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;
- C. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
- D. Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
- E. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C. (104° F.).

SPILL

Shall mean the release, accidental or otherwise, of any material not normally released to the facilities which by virtue of its volume, concentration or physical or chemical characteristics creates a hazard to the facilities, their operation or their personnel. Such characteristics shall include, but are not limited to, volatile, explosive, toxic, or otherwise unacceptable materials.

STORM DRAIN or STORM SEWER

Shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUSPENDED SOLIDS

Shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering and are referred to as "nonfilterable residue" in the laboratory test procedures prescribed by the US EPA.

TOWN

Shall mean the Town of Salisbury, in the County of Essex, Commonwealth of Massachusetts.

TOXIC POLLUTANT

Shall mean a pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA.

UNPOLLUTED WATER

Is water not containing any pollutants limited or prohibited by the effluent standards in effect, or

water whose discharge will not cause any violation of receiving water quality standards.

USER

Shall mean any person who contributes, causes, or permits the contribution of sewage into the sewage works.

WASTES

Shall mean substances in liquid, solid or gaseous form that can be carried in water.

WASTEWATER TREATMENT PLANT

Shall mean any arrangement of devices and structures used for treating sewage.

WATERCOURSE

Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

WELL

A private source of water utilized by a person.

§ 209-6 **Prohibited discharges.**

[Amended 10-23-2006 ATM by Art. 2; 5-14-2012 ATM by Art. 16]

- A. It shall be unlawful to discharge to any municipal storm sewer or natural outlet within the Town of Salisbury, or in any area under the jurisdiction of said Town, and the Water Resources Commission, Commonwealth of Massachusetts, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this bylaw.
- B. Sewer construction in new developments.
 - (1) The developer of subdivisions approved by the Salisbury Planning Board after enactment of this bylaw and within 500 feet of an existing sewer shall connect into the existing sewer. Said subdivision shall be located within the Town of Salisbury Simplified Sewerage Zone Map. The cost of the sewer connection shall be borne by the developer.
 - (2) If the requirements of Subsection **B(1)** exist in the proposed subdivision, the developer shall provide sewers in the proposed streets or rights-of-way. The cost of installation of these sewers shall be borne by the developer.
 - (3) Connection to each house, building or property erected shall be in compliance with the provisions of this bylaw. The cost of such connections shall be borne by the developer.
 - (4) When a developer installs sewers in proposed streets or rights-of-way in anticipation of the extension of the public sewer, the cost of installing any subsequent building connections shall be borne by the developer.
 - (5) The design of any proposed sewer construction under this Subsection **B** shall be approved by the Commission prior to issuance of a permit.
 - (6) Subsequent to any construction provided by this Subsection **B**, no backfill shall be placed until the work has been inspected by the Commission or its representative.

§ 209-7 **Building sewers and connections.**

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Commission. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Commission at least 45 days prior to the proposed change or connection, and in the case of industrial users, apply or reapply for an industrial sewer permit under § **209-8K**.
- B. There shall be six classes of building sewer permits: one for residential (Attachment I) and five for all other services; see § **209-8L** (Attachment II). In all cases, the owner or his agent shall make application on a special form furnished by the Commission.
- C. All costs and expenses incident to the installation and connections of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Commission, to meet all requirements of this bylaw.
- F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code and other applicable rules and regulations of the Town, including the Sewer Commission. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.
- G. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Commission before installation.
- J. The applicant for the building sewer permit shall notify the Commission when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Commissioner or its representative.
- K. Well user. In the event a well is a source of a commercial/industrial Class III user's water and the building is connected to the public sewer, said user shall install and connect a meter, at his expense, from which the Town may monitor the use of the sewer.

§ 209-8 Use of the public sewers.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, or uncontaminated cooling water to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Commission. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Commission, and after receipt of all appropriate state and federal discharge permits, to a storm sewer or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the POTW.
 - (3) Any waters or wastes having a potential to produce a pH lower than 6.0 or in excess of 9.0, unless specifically permitted by the Board of Sewer Commissioners, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, and milk containers, either whole or ground by garbage grinders.
 - (5) Any liquid or vapor having a temperature higher than 104° F. (40° C.).
 - (6) Any substance which will cause the Commission to violate its NPDES and/or state permit or the receiving water quality standards or otherwise violate any federal or state law, regulation, or administrative rule or order.
 - (7) Any substance which may cause the sewerage system effluent or any other product of the system, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the sludge disposal process. In no case shall a substance discharged to the sewer system cause the Commission to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act, or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used. In no case shall a substance discharged to the sewer system cause the Commission to incur additional expense for the handling, treatment or disposal of wastewaters or sludge because of the nature or characteristics of the discharged substance.
- D. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes:
- (1) Any sewage containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters or sludges of the sewage treatment plant or to exceed the limitation set forth in a categorical pretreatment standard or national requirement. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to

Section 307(a) of the Act (33 U.S.C. § 1347).

- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, having a maximum concentration in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Commission.
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (5) Any waters or wastes containing materials identified in the composite sewage which exceed the limits established by the Commission for such materials. The Commission hereby establishes the following limits for wastes discharged into the sewers:

Effluent Characteristics	Maximum Day (mg/l)	Maximum Day* (lbs/day)
Cyanide (Total)	0.65	0.027
Cadmium	0.1	0.21
Silver	0.43	0.09
Lead	0.4	0.84
Aluminum	10.0	0.21
Calcium	50.0	1.05
Chromium (Tot)	2.77	0.058
Chromium (Hex)	0.25	0.053
Sodium	500.0	10.5
Copper	2.7	0.0567
Zinc	2.6	0.0546
Iron	10.0	0.21
Magnesium	10.0	0.21
Selenium	1.0	0.021
Nickel	3.6	0.0756

Effluent Characteristics	Maximum Day (mg/l)	Maximum Day* (lbs/day)
Beryllium	0.2	0.042
Mercury	0.1	0.021
Arsenic	1.0	0.084
Tin	4.0	0.170
Other heavy metals not above	2.0	0.042
Total Solids	1,000.0	42.0
BOD	300.0	12.5
TSS	350.0	7.35
Oils and Greases	100.0	2.1
Pet. Hydrocarbons	25.0	0.525
TPP	5.0	0.105
TTO	2.0	0.042
Phenols	0.1	0.021
Sulfate	20.0	0.42
Sulfite	2.0	0.042
Sulfide	20.0	0.42
Chloride	500.0	10.5
Ammonia-Nitrogen	25.0	0.525

*For industrial users discharging 2,500 gpd or less.

- (a) The Town may develop or revise these limitations as may be necessary to enforce the general discharge provisions of this bylaw.
- (b) Except where expressly authorized to do so by an applicable categorical pretreatment standard, no user shall ever increase the use of processed water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the categorical pretreatment standard.

- (c) Mass limitations may be imposed on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.
- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Commission as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commission in compliance with applicable state or federal regulations.
- (8) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but not limited to, dye substances and vegetable tanning solutions).
 - (c) Unusual BOD, chemical oxygen demand, or chlorine demand requirements in such quantities as to constitute a significant load on the sewage treatment plant.
 - (d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- E. Upon the promulgation of the national categorical pretreatment standards for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under this bylaw for sources in the subcategory, shall immediately supersede the limitations imposed under this bylaw. The Sewer Commission shall notify all affected users of the applicable reporting requirements under Subsection **M** of this section. State requirements and limitations on discharges shall apply in any case where they are more stringent than national requirements and limitations or those in this bylaw.
- F. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsections **C** and **D** of this section, and which in the judgment of the Commission may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters or sludges, or which otherwise create a hazard to life or constitute a public nuisance, the Commission may, in addition to the remedies set forth in § **209-11**:
 - (1) Halt or prevent the discharge subject to the enforcement procedures in § **209-11**.
 - (2) Modify the industrial sewer discharge permit.
 - (3) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (4) Require control over the quantities and rates of discharge and/or require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection **K** of this section.
 - (5) Require the development of a compliance schedule by each industrial user for the installation of

technology required to meet applicable pretreatment standards and requirements. If the Commission permits the pretreatment or equalization of waste flows, the design, installation, or modification of the plants and equipment shall be subject to the review and approval of the Commission, and subject to the requirements of all applicable codes, ordinances, and laws.

- G. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Commission, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Commission and shall be located as to be readily and easily accessible for cleaning and inspection.
- H. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- I. When required by the Commission, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable monitoring station together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such monitoring station, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Commission. The monitoring station shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times to the Town personnel. Users that discharge wastes with a pH lower than 6.0 or in excess of 9.0, unless specifically permitted by the authority, or having any other corrosive property capable of damaging the structures, equipment, or personnel of the POTW, will be required to install a holding tank at their expense, so that representative sampling of the effluent may be taken by the Town's engineers for analysis. A primary flow measurement device must be installed in such a manner that it is the final collection point for wastes before joining sanitary discharge points entering the Town sewerage system.
- J. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Commission and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and making the results of such monitoring available to the Commission. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this bylaw shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, EPA test methods listed in 40 CFR 136, or suitable procedure adopted by the US EPA, and shall be determined at the monitoring station provided, or upon suitable samples taken at said monitoring station. In the event that no special monitoring station has been required, the monitoring station shall be a location to be determined by the Sewer Commission or an individual appointed by it. Sampling shall be carried out by customarily accepted methods to reflect the twenty-four-hour, flow-proportioned representative characteristics of the user's discharge, and the effect of constituents upon the sewage works, and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH, oil, grease, chromium (+6) or volatile compound measurements are determined from periodic grab samples. Monitoring and analysis of effluent to determine compliance with national categorical pretreatment standards must be done as specified in the appropriate federal regulation.
- K. All industrial or commercial users shall obtain an industrial sewer discharge permit. All new facilities or facilities under new ownership shall obtain an industrial sewer discharge permit before connecting to or contributing to the sewage works. Users required to obtain an industrial sewer permit shall complete and file with the Town an application in the form prescribed by the Town. Existing users shall apply for a sewer permit within 30 days after the effective date of this bylaw,

and proposed new users shall apply at least 90 days prior to connecting to or contributing to the sewer system. Permits shall be issued for a specific time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Commission during the term of the permit as discharge standards or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Industrial sewer discharge permits are issued to a specific user for a specific operation. An industrial sewer discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Commission.

L. Commercial/industrial users will receive a permit based on the following classifications:

- (1) Class I. The sole discharge from the facility(ies) is of a sanitary (domestic) type of wastewater. The only special requirement is a letter annually to the Commission stating that the discharge has not changed from a sanitary type only and the quantity has not changed beyond permit limits.
 - (2) Class II. The discharge from the facility is both of a sanitary and commercial/industrial nature but does not require pretreatment to meet federal, state or local discharge limits. The only special requirement other than those required if the industry is a categorical industry limit is an annual letter stating that the discharge from this facility has not changed in quantity or quality within the last year.
 - (3) Class III. The discharge from this facility requires pretreatment to meet the discharge standards set by federal, state or local regulations.
 - (a) Class IIIA. If the facility has either a low flow or the discharge only requires treatment of a compatible pollutant the Sewer Commission may place the user in this category. The user must comply with the reporting requirements set forth in Subsection **M** of this section and install a pretreatment device or negotiate with the Commission for a fee to pay for treatment by the Commission. The user must establish a sampling point and installation of a water meter on all incoming waterlines.
 - (b) Class IIIB. If the facility discharges less than 2,500 gallons per day the Commission may place it in this category where discharge limits may be based on mass limits instead of concentration. See Subsection **D(5)**. The user must comply with the reporting requirements set forth in Subsection **M** of this section and must install a monitoring station and water meters on all incoming waterlines.
 - (c) Class IIIC. All industries discharging one or more pollutants above EPA, DEP or local limits. Special requirements are identical to categorical industries. The user must comply with the reporting requirements in Subsection **M** of this section and is also required to install a water meter on all incoming waterlines.
- M. Users subject to categorical pretreatment standards and requirements are required to submit to the Commission records and reports as required and defined by 40 CFR 403.12 and state regulations and to comply with other reasonable requests for information from the Commission. All industrial users are required to submit to the Commission information regarding Subsection **M(1)(d)** through **(g)** below. All reports submitted to the Town must be signed by a responsible corporate officer of a corporation, a general partner of a partnership, the sole proprietor of a sole proprietorship or a duly authorized representative of an individual.
- (1) Such reports include but are not limited to:

- (a) Baseline report (including compliance schedule) due within 180 days after the effective date of an applicable categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later.
- (b) Report on compliance with categorical pretreatment standard deadline due within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new user, following commencement of the introduction of wastewater into the sewage treatment plant.
- (c) Periodic reports on continued compliance due during the months of June and December, unless required more frequently by the Commission or in the categorical pretreatment standard.
- (d) Notice of slug loading or any other potential problem or condition of violation. The industrial user must submit the following information within 24 hours of becoming aware of the violation (if this information is provided orally, a written submission must be provided within five days):
 - [1] A description of the discharge and cause of the violation;
 - [2] The period of the violation, including exact dates and times or, if not corrected, the anticipated time the violation is expected to continue;
 - [3] Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the violation.
- (e) Continuous pH measurement records as per the attached operation, maintenance and reporting requirements.
- (f) Records pertaining to changes in the level or nature of business activity, production capacity, staffing or other activity which significantly alters the amount of wastewater produced, or the characteristics of the discharge.
- (g) Records of on-site storage (inventories) of all toxic or hazardous substances present at the facility, including the type and maximum quantity for each material located on the premises.
- (h) Records of generation rates and disposal shipments for all special and hazardous wastes, including residual substance produced or concentrated by any wastewater pretreatment systems or processes.
- (i) Training records and other documentation of qualifications for all personnel involved in the handling of hazardous wastes, special wastes and wastewater pretreatment residuals.
- (j) Purchasing records and logs for certain materials which have a bearing on the proper operation and maintenance of any wastewater pretreatment system. Such materials may include purchased acids, bases, polymers, filtration aids, media replacement cartridges, etc. The Town may also request the documentation of material throughout for any compounds or substances determined to be of particular concern because of interference, inhibition, pass-through, toxicity or safety to the public treatment works, the workers or the environment.
- (k) Water consumption records, such as meter readings, log books, line drawings and process schematics which describe the water-using processes, the sources and final discharge points for water, including an itemization of water used in sanitary, process, cooling or product uses.
- (l) Water treatment additive dosage calculations and records, particularly any toxic additives such as biocides and antifouling agents.
- (m) Wastewater collection and treatment operation and maintenance records.

- (n) Records of any related permits, such as direct discharge permits for cooling water disposal, hazardous waste permits, etc.
 - (o) Laboratory analysis records of effluents discharged into the Town sewer and any materials hauled off site for resource recovery or disposal.
 - (p) Records of any and all enforcement actions, notices of violation, compliance schedules, pretreatment system approval letters, etc.
 - (q) Documentation of design flows, capacities, rated efficiencies and settings for all pollution control devices and systems, including but not limited to the wastewater pretreatment system components such as pumps, tanks, mixers, clarifiers, filter presses, centrifuges, and pH meters, recorders, flow meters and primary flow measurement devices.
- (2) Any industrial user subject to the reporting requirements established in this section shall be required to maintain for a minimum of three years all records of monitoring activities and results and shall make such records available for inspection and copying by the EPA and the Commission. The period of retention shall be extended during the course of any unresolved litigation in which the industrial user is involved. Information and data obtained from reports and other information supplied by any category of user shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate that the release of such information would divulge trade secrets or secret processes. Any user able to make that demonstration is entitled to have those portions of reports and other requested information which would reveal trade secrets and secret processes withheld from the public, but other governmental entities may receive such information upon written request. Wastewater constituents and characteristics will not be recognized as confidential information under any circumstances.

§ 209-9 **Protection from damage.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§ 209-10 **Powers and authority of inspectors.**

- A. The Commission and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, reviewing records, procedures and testing in accordance with the provisions of this bylaw. The Commission or its representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in Subsection A, the Commission or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 209-8I.
- C. The Commission and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement,

sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 209-11 **Enforcement.**

- A. The Commission may suspend the wastewater treatment service and/or an industrial sewer discharge permit when such suspension is necessary, in the opinion of the Commission, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW, causes the Town to violate any condition of its NPDES permit, or causes the Town to violate any federal or state law, regulation, or administrative rule or order. Any person notified of a suspension of the wastewater treatment service and/or the industrial sewer discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Commission shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Commission shall reinstate the industrial sewer discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Commission within 15 days of the date of occurrence.
- B. Any user who violates the following conditions of this bylaw or applicable state and federal regulations is subject to having its permit revoked, after a hearing before the Commission:
- (1) Failure of a user to factually report the wastewater constituents and characteristics of its discharge;
 - (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
 - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
 - (4) Violation of conditions of the permit.
- C. At any time the Town Counsel may commence an action for appropriate legal and/or equitable relief in order to halt a discharge in violation of this bylaw, the Town's NPDES permit, or any federal or state law, regulation, or Town administrative rule or order, or otherwise to enforce any provision of this bylaw.

§ 209-12 **Violations and penalties.**

- A. Any person found to be violating any provision of this bylaw except § 209-10 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who is found to have failed to cease all violations as defined in Subsection A, whether intentionally, unintentionally or accidentally, may be assessed a civil penalty of up to \$5,000 per day. In addition, any violation of this bylaw shall be punishable of a fine of \$50 per day. Each day in which any such violation shall continue shall be deemed a separate violation for purposes of both the civil penalty and the fine provisions of this section. Exceeding daily pretreatment standards will be deemed a separate violation as to each effluent characteristic listed in § 209-8 of this bylaw or regulated by federal or state categorical pretreatment standards.
- C. Any person violating any of the provisions of this bylaw shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation.

- D. In exercising its authority to halt or prevent discharges under § **209-8D(1)** or enforce applicable penalties, the Commission will follow the guidelines of 40 CFR 403.8.
- E. The Commission, pursuant to a filing by the Town of a certificate of acceptance of conditions for the issuance of a sewer charge lien with the Essex County Registry of Deeds, may place a lien upon the property or premises for which sewer user charges, service charges, fines, fees or penalties, as provided for in this section, are more than 60 days overdue. Notwithstanding such lien, any overdue sewer user charge or service charge may be collected through any legal means, including the shutting off of a sewer connection, which may be deemed advisable.
- F. Schedule of penalties:
 - (1) Failure to submit reports as required: \$1,000.
 - (2) Failure to submit reports on time: \$500.
 - (3) Failure to perform required testing: \$1,000.
 - (4) Failure to report slug discharge (verbal): \$10,000.
 - (5) Failure to submit slug discharge report within 48 hours: \$2,500.
- G. Any person who knowingly makes false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this bylaw, or permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this bylaw, shall be penalized according to the established enforcement and penalty provisions of this bylaw.
- H. The Commission will publish at least once a year a list of industrial users which, during the previous 12 months, were significantly violating applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, a significant violation is a violation which remains uncorrected 45 days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve-month period; which involves a failure to accurately report noncompliance; or which resulted in the Commission exercising its emergency authority under Subsection **A** of this section.

§ 209-13 Fees.

- A. A sewer user charge shall be paid by each user in accordance with rules and regulations approved by Sewer Commission.
- B. Users subject to pretreatment standards and requirements will be charged for monitoring and analytical testing and reporting conducted by the Salisbury Sewer Department. The service charge will be calculated by allocating each user a proportional share of the total cost of the pretreatment program taking into consideration the number of sampling site visits and the number and type of analytical tests required.
- C. For Contracts 1 to 8, a connection permit and inspection fee of \$350 for each initial sewer permit and connection shall be paid to the Town at the time the application is filed. **[Amended 10-23-2006 ATM by Art. 2]**
- D. This subsection provides for surcharges for concentrations of BOD in excess 300 mg/l and total suspended solids in excess of 350 mg/l. These surcharges are sufficient to recoup cost of treatment for such excessively strong wastewaters. These are to be \$10 per hundred pounds of BOD and \$13.50 per hundred pounds of suspended solids in excess of allowable concentrations.

§ 209-14 **When effective.**

This bylaw shall be in force and effect from and after its passage, approval, recording, and publication as provided by law.

§ 209-15 **Severability.**

The invalidity of any section, clause, sentence, or provision of this bylaw shall not affect the validity of any other part of this bylaw which can be given effect without such invalid part or parts.

Article III
Sewer Connections

[Adopted 4-9-1990 STM by Art. 13]

§ 209-16 **Connection to common sewer required.**

[Amended 10-23-2006 ATM by Art. 2]

Except as otherwise prohibited by the general bylaws of the Town of Salisbury or any order or directive of any federal or state agency, the owner or occupant of any building upon land abutting on a public or private way in which there is a common sewer or in which a common sewer is located within 100 feet of the property line and there exists an easement or other lawful access to the public way allowing the construction of a connection to the common sewer shall, within two years of the effective date of this bylaw, connect the same therewith by a sufficient drain.

§ 209-17 **Variances.**

- A. A variance from this requirement may be granted by the Board of Health on the condition that the land, by reason of its grade or level or any other cause, cannot be drained into such sewer until such incapacity is removed, and further provided that a private septic system is installed which meets the requirements of the Board of Health.
- B. The variance will be for only as long as the septic system continues to meet those requirements as they may be amended or revised.

Article IV
Sewer Grant Conditions

[Adopted 5-16-1990 ATM by Art. 26]

§ 209-18 **Purpose.**

The purpose of this bylaw is to implement sewer construction grant conditions relative to the discharge of wastewater into the Town of Salisbury's POTW that originates from buildings located in a wetland, floodplain or on the barrier beach.

§ 209-19 **Definitions.**

As used throughout this bylaw, the following words and phrases shall have the following meanings:

BARRIER BEACH

Shall have the meaning as defined in 310 CMR 10.29(2).

BUILDING

Shall mean a structure or group of structures built or otherwise constructed, erected, or placed as defined in 780 CMR 207.

COMMERCIAL BUILDING

Shall mean any building that is not used, designed or equipped to be primarily used for residential dwelling.

CONSTRUCTED

Shall mean built or otherwise constructed, erected, or placed.

DISCHARGE WASTEWATER TO THE POTW

Shall mean to discharge wastewater to the Town of Salisbury's municipal sewer collection and treatment system, either directly or indirectly, by means of an interceptor sewer, internal sewer, collection sewer or other drainage line, public or private, or by other means.

LIVING SPACE

Shall mean space suitable for human habitation and shall not include porches, decks, garages or sheds.

POTW (PUBLICLY OWNED TREATMENT WORKS)

Shall mean the wastewater treatment works owned or operated by the Town and its agents, including any devices and systems, whether owned by the Town or under its control, used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature and also including the Town's wastewater treatment plant and appurtenances, the sewers, pipes, pumping stations and other devices conveying wastewater to the treatment plant.

SEWER AUTHORITY

Shall mean the board empowered by the Town to exercise the powers and duties of the Sewer Authority.

§ 209-20 Restrictions on discharges.

- A. No person shall discharge wastewater to the POTW if such wastewater originates from any building located in whole or in part upon land which is defined as a floodplain in 310 CMR 10.57(2), unless the Sewer Authority determines that such development meets the requirements of Executive Order 11998 and is otherwise consistent with any applicable provisions of the Clean Water Act and the state's federally approved Coastal Zone Management Plan.
- B. No person shall discharge wastewater to the POTW if such wastewater originates from any building located in whole or in part upon land which is defined as a wetland under the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, unless the Sewer Authority determines that such development meets the requirements of Executive Order 11990, Protection of Wetlands, is authorized pursuant to a federally issued permit under Section 404 of the Clean Water Act, and is consistent with 40 CFR Part 230 or any other requirements of the Clean Water Act and state and local law regulations, including but not limited to MGL c. 131, § 40.

§ 209-21 Applicants for building permits.

All persons applying for a building permit must conform to procedural guidelines established specifically for Salisbury's wetlands, floodplain, and barrier beach areas as relates to the Zoning Board of Appeals, Conservation Commission, Planning Board, Sewer Authority and Building Inspector/Zoning Enforcement Officer.

§ 209-22 Buildings on the barrier beach.

- A. Discharge of wastewater to the POTW shall be allowed from any building constructed on a lot located on the barrier beach which was lawfully in existence and laid out as evidenced by a recorded

Comment [18]: Editor's Note: As originally adopted, the words "tion, society, cooperation or group" appeared between the definitions of "living space" and "POTW." The missing text which this fragment related could not be located.

deed or a plan approved under the Subdivision Control Law prior to the effective date of this bylaw.

Comment [19]: Editor's Note: See MGL c. 41A, §§ 81K to 81GG.

- B. A person shall be permitted to increase the amount of living space in any building located on the barrier beach which is discharging wastewater to the POTW or which is capable of discharging wastewater to the POTW by virtue of the building being connected, directly or indirectly, to the POTW, provided that such flowage does not exceed 440 average daily gallons per living unit in accordance with Massachusetts Title Five EQR guidelines and/or metered usage.
- C. Any person shall be permitted to increase the amount of square footage in any commercial building located on the barrier beach which is discharging wastewater to the POTW or which is capable of discharging wastewater to the POTW by virtue of the building being connected, directly or indirectly, to the POTW to the extent allowed under commercial zoning provisions of the Zoning Bylaw and subject to the limitations in Subsection D.
- D. The Sewer Authority may only allow daily flow from the barrier beach, exclusive of the state park, to a maximum average daily flowage capacity of 680,000 gallons and with a yearly growth limitation of 4%. The existing properties to be sewered on the North Beach (known as Projects 10 and 10A) are excluded from the four-percent growth limitations.

Comment [20]: Editor's Note: See Ch. 300, Zoning.

Chapter 214

Signs

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 5-20-1996 by Art. 23. Amendments noted where applicable.]

GENERAL REFERENCES

Handbills — See Ch. 97.

Zoning — See Ch. 300.

§ 214-1 Purpose.

The purpose of this bylaw is to regulate, restrict and place such limitations on the size, location, type, illumination and other characteristics of all signs to assure that they will be appropriate to the land, building or use to which they are appurtenant; be uniform within zoning districts; be protective of property values and the safety of the public; and serve the informational purposes for which signs are intended while not detracting from the aesthetic qualities and characteristics of the Town of Salisbury. Terms used in this bylaw that are not defined herein shall have the meanings given in the Salisbury Zoning Bylaw.

Comment [21]: Editor's Note: See Ch. 300, Zoning.

§ 214-2 Permit required.

- A. No sign shall be erected, altered or relocated without a permit issued by the Building Inspector, except as otherwise provided herein.
- B. The applicant proposing to erect, alter or relocate a sign shall submit to the Building Inspector a completed sign permit application, together with the required application fee and sketches of all proposed signs. The drawings shall specify the building and sign dimensions, colors, attachment methods, location of the signs, method of illumination and any other pertinent information which may be required.

§ 214-3 Definitions.

AWNINGS — An awning with lettering or logo advertising the name of the business shall constitute a

sign. All such awnings over doorways and windows shall only count as one sign.

CHANGEABLE COPY SIGNS

Signs with letters which can be manually or mechanically moved in order to change the message or wording of the sign.

DIRECTIONAL SIGNS

Shall be solely for pedestrian or vehicular traffic. Directional signs shall indicate parking entrances, exits, trail signs, etc. They shall not include any other information or advertising, except for logos.

ELECTRONIC MESSAGE BOARDS

Electronically controlled signs which can change messages without the physical movement of the letters.

FREESTANDING SIGN

Any sign supported by a structure permanently anchored to the ground which is independent from any building.

PORTABLE SIGNS

A sign or advertising display that is not permanent, affixed to a building, structure or the ground.

PUBLIC EVENTS

An entertainment event open to the general public such as outdoor concerts, winter carnivals, parades, etc.

SHOPPING CENTER SIGNS

Where more than one business is located in a building only one freestanding sign may be erected, which shall serve all of the businesses at that location.

SIGN

Any device designed to inform or attract the attention of the public which either conveys a commercial message to the public or intends to advertise, direct, invite, or call attention to a use conducted, goods, products, services, or available facilities, either on the lot or on any other premises. This shall include but not be limited to banners, flags, freestanding signs, roof signs, wall signs, etc.

§ 214-4 **General regulations.**

A. **Measurements.**

- (1) The measurement of a sign's area shall be the area as measured by the product of its total height and total width and shall be considered to include all lettering or elements of a sign but not including any support framework or bracing which is incidental to the sign and which is not designed to attract attention.
- (2) The area of one side of a double-faced sign shall be regarded as the total area of the sign.

B. **Dimensional and display requirements.**

- (1) Portable signs. The maximum size of any portable sign shall be 12 square feet, with a limit of one

portable sign per business facility (including multiple attached businesses). All portable signs shall be removed from public view when the business is not open.

- (2) Projecting signs. The size of a projecting sign shall be measured as a percentage of the business wall it is attached to. Where a building houses more than one business, only the wall of the business using the projecting sign shall be included in determining maximum size. If businesses share such a sign, the total area of the walls of the businesses shall be included in determining permitted size. If walls cannot be attributed directly to businesses in shared buildings, then the sign shall be based on the proportionate share of the business share of the gross floor space of the building.
- (3) Public event banners. Maximum of two per event, each being no greater than 120 square feet. They may be displayed for not more than 21 days prior to the event.
- (4) Shopping center signs. If a freestanding sign is used for a shopping center, the sign shall be no larger than the square footage allowed for the zone in which the sign is located plus five square feet per additional business, up to a total of 100 square feet. The maximum size of any freestanding sign, if allowed, shall be 100 square feet.
- (5) Wall signs. Where there is more than one wall sign on a wall, the total area of all wall signs on the business wall shall not exceed the allowable percentage for wall signs. All conforming wall signs on any one wall shall be counted as one sign.

C. Location.

- (1) Signs must be placed, with the exception of the freestanding sign, at the location of the business requesting the sign permit. Exceptions shall be made for temporary signs advertising the sale of the property, and other signs specifically allowed by this bylaw.
- (2) No more than one freestanding sign shall exist on an individual parcel unless specifically allowed by this bylaw.
- (3) Directional signs must be located on the premises of the business.

§ 214-5 Sign schedule.

Sign Types	Beach Com-		Other Com-		All Resi-	
	mercial Zone	Square Feet	mercial Zones	Square Feet	dential Zones	Square Feet
Awnings	1	—	1	—	1	—
Banners	0	—	1	32	0	—
Flags (non governmental)	0	—	1	12	0	—
Freestanding	0	—	1	36	1	16
Portable	0	—	1	12	0	—
Projecting signs	1	10%	1	4%	1	9

Sign Types	Beach Com-		Other Com-		All Resi-	
	mercial Zone	Square Feet	mercial Zones	Square Feet	dential Zones	Square Feet
Roof sign	1	40	1	40	0	—
Wall signs	1	25%	1	20%	1	20
Maximum number allowed	3		4		2	

§ 214-6 **Sign types and materials.**

A. Internally illuminated signs.

- (1) All permitted signs in the Beach Commercial District may be internally illuminated.
- (2) Internally illuminated signs are prohibited in all residential districts.
- (3) In all other commercial districts:
 - (a) Only one internally illuminated sign is allowed per business.
 - (b) Internally illuminated signs must be located at the business location and may only be either a wall sign or freestanding sign.
 - (c) The maximum size of an internally illuminated sign or the internally illuminated portion of a wall or freestanding sign may not exceed 24 square feet.

B. Neon signs.

- (1) Neon signs are prohibited in all residential districts.
- (2) All permitted signs in the Beach Commercial District may be neon.
- (3) In all other commercial districts businesses may have one neon sign not to exceed 24 square feet.

C. Changeable copy signs.

- (1) Only one changeable copy sign is allowed per business and only within the Commercial District. **[Amended 10-23-2006 ATM by Art. 2]**
- (2) Changeable copy signs must be located at the business location and may only be on a freestanding or wall sign.
- (3) The maximum size of a changeable copy sign or portion of a permitted sign with changeable copy may not exceed 12 square feet.

D. Luminescent paint. The use of luminescent paint for any part of a sign or its structure is prohibited.

§ 214-7 **Exempt signs.**

The following signs are allowed without a permit.

- A. One sign advertising the sale, lease, or rental of the premises upon which the sign is located, which sign shall not exceed six square feet in area.
- B. One sign not exceeding 32 square feet on a building or project under construction, repair, or renovation identifying the contractor, architect, and/or owner.
- C. Window display signs.
- D. Political signs, erected in accordance with state law.
- E. Signs that are not intended to be read from the highway and/or adjacent property. These include, but are not limited to, head-in parking, rest room signs, trail markers, "keep off the grass," etc.

§ 214-8 **Prohibited signs.**

The following signs are prohibited:

- A. Any sign which is positioned or lighted such that street traffic would be endangered by obscuring a clear view or by confusion with official street signs and signals.
- B. Any freestanding sign which exceeds 20 feet above the road grade of the entrance to the property, in commercial/industrial districts, and eight feet above road grade in residential districts.
- C. Any sign extending two feet above the roof ridge of the building to which it is affixed.
- D. Any sign placed on any public right-of-way or on and above any public road. The only exception shall be public event banners.
- E. Electronic message boards.
- F. Inflatable signs and tethered balloons, except for three-day public events.
- G. Signs attached to, in, or on top of parked vehicles.
- H. Any flashing or oscillating signs, or signs with visible or not visible moving parts of intermittent lighting which creates the visual effect of movement except in the Beach Commercial District.
- I. Pennants, streamers, spinners or similar devices shall not be permitted.

§ 214-9 **Removal of signs.**

- A. All signs shall be maintained in good condition and appearance or they shall be removed.
- B. Any sign that pertains to an abandoned or former use or business later than 30 days after discontinuance of that use or business must be removed.
- C. Any sign which is neglected and/or dilapidated in which more than 50% of the sign's area requires repairs must be removed. These signs may only be replaced if they are in conformance with this bylaw.
- D. Any sign which is insecure, in danger of falling, or is otherwise deemed unsafe by the enforcement officer shall be removed.

§ 214-10 **Nonconforming signs.**

All nonconforming signs shall be removed or altered to conform with the provisions of this bylaw when the following conditions occur:

- A. When a nonconforming sign is changed or modified in shape or size.
- B. When the business changes and the wording of the signs is modified.
- C. On May 1, 1997, all nonconforming portable signs shall be removed.
- D. On January 1, 1999, all nonconforming freestanding signs erected prior to May 1, 1979, or those erected without a permit shall be removed.

§ 214-11 **Administration; violations and penalties.**

- A. It shall be the duty of the Building Inspector to administer this bylaw.
- B. Whoever violates the provisions of this bylaw shall be punished by a fine not to exceed \$200, and each day a violation occurs shall be considered a separate offense.

§ 214-12 **Appeals.**

- A. Any person aggrieved by his or her inability to obtain or retain a sign permit may file for a special permit in writing within 30 days of such decision to the Zoning Board of Appeals.
- B. The applicant of the appeal for the relaxation of these bylaws and the issuance of a special permit must be able to prove to the satisfaction of the Board:
 - (1) There is a hardship of the condition of the land or preexisting building location which necessitates the granting of the special permit.
 - (2) The granting of the special permit will not have a negative effect on surrounding property values.
 - (3) Sign scale is appropriate in relation to development scale, viewer distance and travel speed and sign sizes on adjacent properties.
 - (4) Sign materials, colors, lettering style and form are compatible with building design and use.
 - (5) The issuance of the special permit is not contrary to the purpose of this bylaw.
- C. All conditions must be met for the appeal to be granted.

§ 214-13 **Severability.**

In the event any one or more provisions of this bylaw are found or determined to be illegal or unenforceable by the Massachusetts Appeals Court or the Massachusetts Supreme Judicial Court, then the illegality of any such provision shall not affect the validity of any other provision of this bylaw which provisions will remain in full force and effect.

Chapter 225

Taxicabs

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 5-14-1984 by Art. 19. Amendments noted where applicable.]

§ 225-1 **License required.**

No person shall be engaged in the Town in the business of picking up and transporting of passengers for hire without having a license from the Town to do so, nor shall any vehicle be used for such business

unless it meets the requirements hereinafter stated, nor shall the owner of such vehicle or the proprietor of the taxi business in which such vehicle is being used allow any person to operate such vehicle who is not licensed as hereinafter provided.

§ 225-2 **Location of taxi business.**

All taxi businesses so licensed shall maintain an office in the Town and all vehicles licensed and used as taxis shall be garaged in the Town.

§ 225-3 **Vehicles to be registered and insured.**

Each vehicle to be used as a taxi shall be registered and insured as a taxi and bear taxi registration plates. All documents and permits relating to the vehicle's use as a taxi shall be carried within said vehicle.

§ 225-4 **Certificate of insurance.**

Each taxi business shall **keep a copy of its file** a certificate of insurance covering all its taxis **on file at its Town office and provide a copy to** with the Town Clerk on or before January 2 of each year. In the event of cancellation of insurance, written notice must be submitted to the Town Clerk within seven days.

§ 225-5 **Identification of vehicles.**

All vehicles licensed and used as taxis shall display identifying signs in letters not less than four inches high indicating business name, telephone number, and unit designation (e.g., Car 1, 2, etc.), as well as an illuminated roof light identifying the vehicle as a taxi.

§ 225-6 **Safety equipment and cleanliness.**

All vehicles licensed and used as taxis shall be inspected periodically by the Salisbury Police Department for safety equipment and cleanliness. Besides standard equipment for normal inspection, vehicles shall also contain a fire extinguisher, first aid kit and flares or safety markers. The interior and exterior of all vehicles should present a clean and respectable appearance.

§ 225-7 **Information to be posted.**

The name of the owner of the vehicle, registration number of the vehicle, and the rates of fare duly established shall be conspicuously posted on a printed card in every vehicle. The rates of fare duly established shall also be posted on a printed card in the office of every taxi business.

§ 225-8 **Rates.**

- A. Taxicab rates shall be in such amounts as are set from time to time by order of the Board of Selectmen.
- B. The rates charged to passengers by owners or drivers shall be standard for all who are in the business of operating a taxi service within the limits of the Town. Any changes in the fare schedule (in Town only) require the prior approval of the Board of Selectmen.

§ 225-9 **Driver identification card.**

Every driver of a licensed taxi shall at all times when driving or waiting for employment display an identification card with taxi operator's number, as issued by the **Police Department** ~~Town Clerk~~.

§ 225-10 **License fees.**

For every taxi business license granted by the Board of Selectmen, there shall be paid to the Town Clerk the sum of \$50 plus \$25 per taxi vehicle and \$10 for each license granted to a driver of a taxi.

§ 225-11 **Expiration and transfer of license.**

[Amended 10-23-2006 ATM by Art. 2]

All licenses granted under these rules and orders shall expire on December 31 after the date thereof. No

license can be transferred to another person without the consent of the Board of Selectmen and the payment of \$50.

§ 225-12 **Minimum age for operators.**

No person under 18 years of age will be granted a taxi operator's license.

§ 225-13 **Procuring alcohol for minors.**

Any owner or driver of a taxi convicted of procuring any alcoholic beverage for a minor shall lose his taxi license.

§ 225-14 **Receipts.**

The driver of any taxi shall, upon request by any passenger, issue a receipt for the amount charged. Such receipt should indicate the name of the taxi owner, the registration number of the vehicle, amount of the fare charged and date of transaction.

§ 225-15 **Refusal of service.**

The owner or licensed driver of a taxi shall not unreasonably refuse to carry a passenger for hire within the limits of the Town of Salisbury.

§ 225-16 **Revocation of license.**

Any license granted under the provisions of these rules and orders may be revoked by the Board of Selectmen for cause after notice and reasonable opportunity of the licensee to be heard.

§ 225-17 **Violations and penalties.**

- A. Any person who violates these rules and orders shall be fined \$50 for each offense, **except that any person who operates a vehicle as a taxicab in violation of §225-1 without a license shall be subject to a fine of \$300 for each offense.**
- B. Whoever procures transportation within the Town in any licensed taxicab and who willfully refuses to pay upon demand the sum due and payable for such transportation under the provisions of this bylaw shall be liable for a penalty ~~not exceeding~~ of \$50 for each offense.

Chapter 233 Town Meetings

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 3-22-1958 by Art. 50 as Arts. II, III and IV of the 1958 General Bylaws. Amendments noted where applicable.]

§ 233-1 **Holding of Annual Town Meetings; quorum.**

[Amended 10-1-1973 STM by Art. 1; 5-18-1974 ATM by Art. 39; 3-15-1976 STM by Art. 1; 5-16-1990 ATM by Art. 40]

The Annual Town Meeting for the election of officers and for such referenda as are to be voted on by all the voters shall be held on the second Tuesday of May each year; all matters to be considered at the Annual Town Meeting other than the election of officers and voting on such referenda as are properly before all the voters shall be brought before the Town at a meeting to be held within the seven days following the second Tuesday of May at a time and place to be selected by a majority of the Board of Selectmen. A second regular Town Meeting shall meet the fourth Monday in October at a time and place to be selected by a majority of the Board of Selectmen. One hundred twenty-five legal voters shall constitute a quorum for the transaction of business at any Town Meeting, except those parts of the Annual Meeting as are devoted exclusively to the election of Town officers and the determination of referenda.

§ 233-2 Notice.

[Amended 3-20-1971 ATM by Art. 53]

Notice of every Town Meeting shall be given by posting an attested copy of the warrant in at least 10 public places over two consecutive Sundays at least before the time of holding said meeting.

§ 233-3 Requests for articles.

[Amended 3-9-1971 ATM by Art. 21; 11-27-1972 STM by Art. 11; 5-19-1986 ATM by Art. 30; 5-16-1990 ATM by Art. 40]

The Selectmen shall append to each article the name of the first person signing said request and the names and the words "and others." Said request shall be filed and kept by the Selectmen until after the final adjournment of any Town Meeting, at which any action can be taken under said article.

§ 233-4 Procedural rules.

The proceedings of Town Meeting shall be governed by rules of practice contained in Robert's Rules of Order, except as modified by law or by the following sections.

§ 233-5 Articles to be taken up in order.

All articles in a warrant shall be taken up in the order of their arrangement unless otherwise decided by a two-thirds vote.

§ 233-6 Disorderly behavior.

No person shall address the Town Meeting without leave of the Moderator, and all persons shall at the request of the Moderator be silent. If a person after a warning from the Moderator persists in disorderly behavior, the Moderator may order a police officer or constable or any other person to remove him from the meeting.

§ 233-7 Motions.

- A. No motions shall be received and put until they are seconded, and all motions shall be reduced to writing by the person making them when requested to do so by the Moderator.
- B. When a motion is before the Meeting the following motions, to wit, to adjourn to a specified time, to adjourn, to lay on the table, for the previous question, to postpone to a time certain, to commit, recommit or refer, to amend, and to postpone indefinitely, shall be received and shall have precedence in the foregoing order, and the first four shall be decided without debate.

§ 233-8 Adjourned meetings.

The first business in order at each adjourned meeting shall be the reading of the records of the previous meeting by the Town Clerk unless dispensed with by vote.

§ 233-9 Questions of order.

All questions of order shall be decided by the Moderator subject to an appeal to the Meeting, and the question on appeal shall be submitted before any other.

§ 233-10 Declaration of vote.

The Moderator shall declare all votes, and whenever his declaration of vote is immediately questioned by seven or more voters present, a count shall be had by tellers appointed by the Moderator. **On matters requiring a majority or two-thirds vote, the vote need not be counted. However, if the vote declared by the Moderator is immediately doubted by seven or more voters, or if a four-fifths or nine-tenths vote is required by statute and the vote is not unanimous, a counted vote shall be ordered. For a counted vote, the Moderator shall request all persons in the house to be seated and may appoint tellers.**

§ 233-11 **Admission of nonvoters.**
[Amended 5-16-1990 ATM by Art. 40]

Any persons, other than Town Counsel, Town Manager, and other Town officials, who are not voters of the Town may be admitted to the meeting by a two-thirds vote. The Town Counsel, Town Manager and other Town officials, however, shall be allowed at every Town Meeting.

§ 233-12 **Disclosure of employment.**

Any person who is employed to discuss a matter at Town Meeting shall inform the Meeting of the fact of his employment and by whom he is employed.

§ 233-13 **Limitation on speaking.**

No person shall speak upon a question more than once when any other person desires to be heard, nor more than twice on the same question without permission of the Meeting. No person speaking shall be interrupted except by a call to order.

§ 233-14 **Reports of committees.**

- A. The report of all committees shall be made at the Annual Town Meeting next after they were appointed or as otherwise directed by a vote of the Town.
- B. The report of a committee shall be deemed to be properly before the Meeting when it has been placed in the hands of the Moderator.
- C. A vote to accept the report shall discharge the committee but shall not be equivalent to a vote to carry out its action thereon without a special vote to adopt it.

§ 233-15 **Motion to dissolve.**

No motion the effect of which would be to dissolve a Town Meeting shall be in order until every article in the warrant has been duly considered and acted upon, but this shall not prevent the postponement of action on, or the consideration of, any article to an adjournment of the meeting to a stated time.

§ 233-16 **Reconsideration of vote.**

No vote shall be reconsidered at any adjourned session of a ~~unless, at the~~ meeting unless notice of the intent to reconsider was given to the Town Clerk at the session of the meeting at which ~~it~~ the vote was passed. ~~notice shall be given to the Town Clerk, and announced at said meeting, of a purpose to make such motion for reconsideration at any adjournment of the meeting.~~ The Town Moderator shall, prior to accepting a motion to adjourn, announce receipt of any such notice. Reconsideration of a matter once acted upon shall be only by a two-thirds vote.

§ 233-17 **Poll hours.**

[Amended 10-19-1970 STM by Art 1]

At that portion of Town Meetings concerned with the election of Town officers and with action on such other matters as are required by law to appear on the official ballot, the polls shall be opened at 10:00 a.m. and shall close at 8:00 p.m., unless the Meeting by majority vote determines otherwise.

Chapter 244

Underground Storage Tanks

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 10-22-1990 by Art. 13. Amendments noted where applicable.]

Comment [22]: Editor's Note: Original § 13 of Art. II, which immediately followed this section and dealt with appointment of committees, was deleted 5-16-1990 ATM by Art. 40.

GENERAL REFERENCES

Fire prevention — See Ch. 86.

§ 244-1 **Permit fee.**

There is established a fee of \$200 for a permit for the removal or relocation of an underground storage tank and for keeping or storage of gasoline in accordance with the provisions of MGL c. 148, § 38A.

Chapter 260

Waterfront Property

[HISTORY: Adopted by the Annual Town Meeting of the Town of Salisbury 12-12-2005 by Art. 19. Amendments noted where applicable.]

§ 260-1 **Existing driveways, walks and pads.**

Beach area residents or property owners are allowed the right to repair, replace or resurface in kind 100% or any part of an existing bituminous or concrete driveway, walk or pad that is on their property without restriction. The above shall be taken to include any other existing impervious material used for those driveways, walks or pads.

Chapter 266

(Reserved)

[Former Ch. 266, Wetlands Protection, adopted 11-27-1989 STM by Art. 16, was repealed 5-19-2008 ATM by Art. 22.]