

# **TOWN OF MILLIS**

## **GENERAL BYLAWS**

**November 2020**

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## ARTICLE I. TOWN MEETINGS

### 1. Date

The Annual Town Meeting for the transaction of business will be held on the first Monday of May and the Annual Meeting for the election of officers and such other matters as may be voted on the official ballot will be held on the second Monday in May. A second Annual Town Meeting, to be called the "Fall Annual Town Meeting" shall be held on the first Monday in November. (May 9, 2005) (November 2020).

### 2. Posting Warrant

All Town Meetings shall be warned by posting attested copies of the warrant calling for same in not less than four public places in the Town fourteen (14) days, at least, before the time of holding the meeting. (5/11/81) (9/26/95)

### 3. Notice of Recessed Meeting

Notice of every recessed or adjourned Town Meeting shall be posted by the Select Board in four or more conspicuous public places in the Town. In addition thereto, they shall, if practical, publish the same in any newspaper published in the Town at least twenty-four (24) hours before the time of said recessed or adjourned meeting. All such notices shall also state briefly the business to be acted on at such meetings and shall include notice of any proposed reconsideration. (3/8/71)

### 4. Notice Mailed to Residents

The Select Board shall mail to each residence of the Town a notice of each annual, special town meeting or special election at least seven days prior to the first session of the meeting or election thereof. (5/13/91)

### 5. Quorum Requirement for Special Town Meeting

Four percent (4%) of the then legal voters shall constitute a quorum for the transaction of any business at any special Town Meeting except that a number less than a quorum may adjourn same. (5/10/99)

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## ARTICLE II. FINANCE COMMITTEE

### 1. Appointment

Within forty-five (45) days after adjournment of the Annual Town Meeting, the Moderator shall appoint a committee of nine who shall be known as and constitute the Finance Committee. They shall be appointed from among the legal voters of the Town who do not hold an elective office in the Town. Within forty-five (45) days after the adjournment of each Annual Town Meeting, the Moderator shall appoint three members to serve for terms of three (3) years. Any vacancy that shall occur in the membership of said Finance Committee shall be filled by the Moderator, and the appointee shall serve for the balance of the term in which such vacancy occurred. It shall be the duty of this committee to consider and investigate all articles included in the warrant for each Town Meeting and to make a written report of its findings and its recommendations. The Committee may require the attendance of any Town officer to furnish it with the necessary information. The Committee shall advertise and hold a public hearing previous to the Annual Town Meeting and may do so previous to any Special Town Meeting. (3/25/63)

### 2. Annual Report

In addition to its other duties and responsibilities, the Finance Committee shall review the cash management and investment policies of the Town, and report on an annual basis to the Town on its findings and recommendations including the impact of policies on the revenues of the Town. (5/13/91)

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### ARTICLE III. SELECT BOARD

1. Authority

The Select Board shall exercise a general supervision over all matter affecting the interest or welfare of the Town. They shall have full authority, as agents of the Town, to appear and defend suits brought against the Town and suits involving the rights and interests of the Town unless some other person or persons shall be designated to act as such agent. They may also employ counsel when deemed necessary by them.

2. Annual Report

The Select Board shall, in their annual report, state in detail what action they have taken in the year preceding. They shall give full reports in regard to all suits against the Town with all the circumstances relating thereto. They shall consider all claims made against the Town for damages or breach of contract and may, with the advice of counsel, settle the same, provided that in no case shall settlement be made by a payment of more than two thousand dollars (\$2,000) without authority from the Town. (5/11/76)

3. Transmit Warrant

The Select Board, after drawing the warrant for the Town Meeting, shall immediately transmit a copy of the same to each member of the Finance Committee and the Town Moderator.

4. Printing of Annual Report

It shall be the duty of the Select Board to have the printed Annual Report of the Town ready for distribution not later than one week prior to the Annual Meeting.

5. Solid Waste Disposal Areas

The Select Board shall procure, with the approval of the Board of Health, and maintain a suitable place for the disposal of solid waste where the inhabitants of the Town shall have the right, under suitable regulations to be made from time to time by the Select Board, to deposit such rubbish as may be permitted by the Select Board with approval of the Board of Public Health. Said facility shall be under the care and supervision of the Select Board. (3/13/72) (5/15/90)

6. Insurance

The Select Board shall act as sole agents for the placing of all types of insurance for and on behalf of the Town for all committees, boards and departments. (5/18/87)

7. Public Auction

The Select Board are authorized to sell at public auction all or any of its property acquired by virtue of sale for non-payment of taxes, which sale has been confirmed by the land court or the tax commissioner, and to give deed therefor. (5/18/87)

8. Excavated Material/Town Projects

All surplus excavated material from Town-sponsored projects shall be deposited under direction of the Select Board. (5/18/87)

9. Recycling

The Select Board may establish a recycling program for the purpose of recycling any type of solid waste, including, but not limited to, paper, glass, metal and plastics, in accordance with such rules and regulations as the Select Board may make from time to time. Such rules and regulations may also require the separation of designated recyclable material or materials from other solid waste, may specify the point at which ownership of such designated recyclables shall vest in the Town, may prohibit removal, without authorization by the Select Board, of such designated recyclables has vested in the Town, and may establish fines for such violations of such rules and regulations not to exceed fifty dollars (\$50) per violation. (5/13/91)

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## ARTICLE IV. MUNICIPAL CHARGES, RECORDS AND REPORTS

### 1. Payments Due

All charges and bills from the Town shall be due and payable within thirty (30) days after the date of mailing. If such charges remain unpaid after said thirty (30) days, interest shall accrue at the rate at which interest may be charged on tax bills under the provisions of Section 57 of Chapter 59 of the Massachusetts General Laws. (10/24/88)

### 2. Record Books

All boards, standing committees and officers of the Town shall cause records of their doings and accounts to be kept in suitable books. Said books shall be given proper protection against fire and theft and shall be open to the inspection of citizens of the Town at any reasonable time but shall remain, during such inspection, under the supervision of the board, committee or officer designated to keep charge thereof. Within thirty (30) days of the completion of its task, every standing and special committee shall turn over all of its public records to the Select Board for storage. (5/2/79)

### 3. Expenditure Records

All boards, standing committees, special committees or officers of the Town having charge of the expenditure of money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures and shall make therein such recommendations as they deem proper.

### 4. Printing

All reports mentioned in Sections 2. and 3. shall be placed in the hands of the Select Board for printing and publishing not later than the 15<sup>th</sup> day of January of each year.

### 5. Town Equipment Inventory

An inventory of all Town equipment shall be prepared each year by the Town Administrator and shall be presented to the Select Board. (5/15/90)

### 6. Municipal Official and Employee Records

All records relative to financial and permitted transactions undertaken by municipal officials and employees acting in their private capacities, excluding payroll records but including and not limited to tax abatements and exemptions, requests for variances, special permits, and building permits, shall be retained by the appropriate department for a period of ten (10) years, unless such records are required to be retained for a longer period pursuant to the provisions of an applicable statute or records disposal schedule. For purposes of this bylaw, the term municipal officials shall mean all elected officials of the Town and all appointed members of boards and committees created by the Town Charter, Bylaws, or state law. For purposes of this bylaw, the term employees shall mean those persons who receive compensation for full time or part time services provided to the Town. Pursuant to Section III-2 of the Town of Millis Charter, the Select Board may enact regulations to implement the provisions of the bylaw. **(November 3, 2008)**

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## ARTICLE V. TOWN OFFICERS

### 1. Payments to Treasurer

All Town officers, whether elected or appointed by the Select Board, unless expressly ordered, shall on or before the fifth (5<sup>th</sup>) day of each month pay to the Town Treasurer all sums collected by them during the month previous.

2. Town Clerk/Notify Appointees

In addition to the duties required by law, the Town Clerk shall, immediately following the adjournment of any Town Meeting, notify in writing any person named either by election or by appointment to serve as a member of a committee by said Town Meeting. The appointing authority shall notify all appointees named subsequent to any Town Meeting. (3/8/71)

3. Town Seal

The Town Clerk shall have the custody of the Town Seal and shall keep a true copy in book (to be kept for such purpose alone) of all deeds or conveyances executed on behalf of the Town by any Town officer. It shall be the duty of the Town Clerk to see that every conveyance to the Town of any interest in real estate is properly recorded in the Registry of Deeds.

4. Town Meeting Records

The Town Clerk shall furnish for publication in the Annual Town Report an abstract of the official records of all Town Meetings held during the preceding year. He/she shall also furnish for the same purpose an abstract of the vital statistics for the previous year.

5. Town Clerk/Custody

The Town Clerk shall have the custody of all books, papers, plans and records belonging to the Town if no other disposition of such books, papers, plans and records is made by law or bylaw. (3/8/71)

6. Town Treasurer/Custody

The Town Treasurer shall have the custody of all funds belonging to the Town except funds for which other provision has been made by law, and he/she shall pay no money from the treasury except upon a warrant signed by a majority of the Select Board.

7. Repealed March 8, 1971.

8. Insurance Policies

The Town Treasurer, in his/her annual report, shall show a list of all insurance policies held by the Town, which list shall include a statement of property covered, the names of the companies, the amount and the date of expiration of every policy in his/her custody.

9. Repealed March 8, 1971.

10. Water-Sewer Collector Bond

The Water and Sewer Collector shall be bonded under the Town's Public Employees Blanket Bond. (5/15/90)

11. Publication of Tax List

In addition to the duties required by law, the Assessors shall publish the full valuation and tax list assessed within the Town or upon which taxes are paid to the Town at such times when the Town shall instruct them to do so. (5/15/90)

12. DP/Daily Record

The Department of Public Works shall keep an accurate account of all money expended and all work done under their supervision upon the public ways and bridges of the Town, including a daily record of the number of persons, trucks and teams employed, the extent and nature of the work done, and the time spent doing such work.

A payroll shall be kept of the employees of the Department of Public Works and of the owners of trucks and teams employed therein and a detailed account of all parties furnishing material therefor, the rate of wages, the amount and cost of materials furnished. (3/13/72)

13. DPW/Notify Police

The Department of Public Works shall notify the Police Department of the Town of any vehicle interfering with the removal or plowing of snow, or the removal of ice from the way, of the Town. (5/14/90)

14. Plumbing/Gas Inspectors

The Plumbing Inspector and Deputy Plumbing Inspector appointed by the Town Administrator pursuant to the provisions of the General Laws or any bylaw will also serve as Gas Inspector and Deputy Gas Inspector respectively during the term of their appointment. (3/13/72) (5/12/03)

15. Absentee Members

Members absent during any calendar year from one-third (1/3) or more of the regular meetings of any appointed board, committee or commission may be removed during a regular meeting by a two-thirds (2/3) vote of the other members present and voting, and notice is to be given forthwith to the Town Clerk and the appointing authority of the vacancy thereby existing. (3/19/73) (7/3/73)

16. Drainage Committee

The Select Board shall annually appoint a committee of three members to review surface drainage problems within the Town of Millis and report its recommendation to the Select Board. (3/19/73) (5/15/90)

17. Insurance Committee

The Select Board shall appoint a permanent insurance committee composed of five members to advise the Select Board and the Town in all insurance matters.

Upon acceptance of this bylaw, the Select Board shall appoint two members for three years, two members for two years and one member for one year. Successor members shall be appointed for three-year terms. Any vacancy that shall occur in the membership shall be filled by the Select Board, and the appointee shall serve for the balance of the term in which such vacancy occurs. (5/16/77)

18. Planning Board

A Planning Board, to consist of five (5) members, shall be established in the manner prescribed by Chapter 41, Section 81A. The Planning Board shall be elected in accordance with the provisions of Chapter 41, Section 81A of the Massachusetts General Laws. (2/16/53) (5/18/87)

19. Repealed 5/15/90

Sales of Town Property Repealed 5/15/90

20. Street Numbering

Street numbers shall be provided for each dwelling and each business, industrial and other building in the Town of Millis by the owner of such structures by June 5, 1962, in accordance with the following specifications: Numbers shall be made of permanent weatherproof material at least three (3) inches in height and shall be clearly visible from the street or roadway fronting the dwelling or building. Numbers shall be placed on each structure or on a suitable support near the main entrance and shall be assigned to each structure in accordance with the survey completed by the Planning Board and on file with the Town Clerk. In addition, it shall be the responsibility of each property owner to install the number assigned in accordance with the provision of this bylaw within three months of the notification of the assigned number by the Planning Board. (5/16/62) (5/18/87)

21. Self-supporting Water Department

If, in any calendar year, the aggregate amount received for water revenue, including revenue received for hydrant service, exceeds the aggregate amount appropriated for the water department by the Town, such excess shall be set up on the books of the Town for water purposes. If the aggregate amount appropriated for the water department exceeds the aggregate amount of such water revenue, the deficit shall be considered a charge due from the water department, and the water commissioners shall take such action, either by the increase of water charges, the reduction of expenses, or the recommendation to reimburse

the Town for the amount due. If a deficit exists, any unexpended balance of water maintenance appropriations at the close of the year shall be applied toward the reduction of such deficit. If there is no deficit, such balance shall be credited to "water available surplus." (3/25/63) (5/18/87)

22. Civil Defense Commission

The Select Board shall appoint a Civil Defense Commission consisting of three members to serve on an annual basis and who will select one of its members as the Civil Defense Director. (5/18/87)

23. Capital Improvement Planning Committee

- a. There shall be a Capital Planning Committee (the "Committee") appointed by the Select Board consisting of seven voting members, including one member of the Select Board, one member of the Finance Committee, and one member of the School Committee. Members shall serve for a term of two years. The Town Administrator shall also serve on the Committee as an ex-officio non-voting member.
- b. Definition: For the purposes of this bylaw, a capital improvement shall be defined to include, but not be limited to, all equipment, vehicles, buildings, roads and bridges with expected cost in excess of \$10,000 per item. At the discretion of the Town Administrator and/or Select Board, certain items less than \$10,000 may be considered by the Committee as capital improvements.
- c. Administration:
  1. The Committee shall develop forms on which each department's capital budget shall be submitted.
  2. By August 1<sup>st</sup>, the Town Administrator shall provide the Committee with a calendar of relevant events for the fiscal year.
  3. Each department shall submit its capital budget recommendations to the Town Administrator annually at an agreed upon date. Upon receipt of each department budget, the Town Administrator shall immediately transmit a copy of the capital budget request to the Committee.
  4. The Town Administrator shall include capital budget recommendations in the budget plan submitted to the Finance Committee and Select Board. The Committee shall submit their recommendations to the Select Board and Finance Committee by a date determined by the Town Administrator. The Committee's recommendation shall include:
    - i. A summary of its contents;
    - ii. A list of all capital improvements proposed to be undertaken during the next five (5) years, with supporting information as to the needs of each such capital improvement;
    - iii. Cost estimates, possible methods of financing, recommended priorities and time schedules and expected useful life for each improvement; and
    - iv. The estimated annual cost of operating and maintaining each facility and the price and cost of maintenance of all major equipment involved.
    - v. This information, including priorities, is to be revised annually with regard to the capital improvements still pending and/or in the process of being acquired, improved or constructed and capital equipment to be purchased and maintained.
- d. Report: The resulting review and summary shall be known as the Annual Capital Improvement Summary. This summary, along with the Finance Committee's relevant recommendations, shall be included in and published as a separate section in the Town Report

(May 14, 2018)

24. Recreation Department

The Select Board shall annually appoint a permanent Recreation Committee of five to seven (5-7) members to promote and foster a year-round recreation program for citizens of both sexes and all ages. (5/9/88)

25. Youth Commission

The Select Board shall appoint a Youth Commission consisting of seven (7) members in accordance with the provisions of Massachusetts General Laws, Chapter 40, Section 8E. A member of the Commission so appointed may, after a public hearing, if requested, be removed for cause by the Select Board. The Youth Commission may receive gifts of property, both real and personal, in the name of the Town, subject to the approval of the Select Board, such gifts to be managed and controlled by the Commission for the purposes of said Section 8E. (5/9/88)

26. Permanent Building Committee

There shall be a permanent building committee appointed by the Select Board consisting of five (5) members. In making the original appointments, the Board shall appoint two members for three-year terms, two members for two-year terms, and one member for a one-year term. Thereafter, when annual appointments are made, the Board shall appoint one member or two members as may be required for a term of three years to fill the places of such members whose terms have expired. No member shall be deemed ineligible to serve successive terms. The Board may make interim appointments as required to fill unexpired terms of any members ceasing to serve.

The Permanent Building Committee shall consider the request of any department, board, Town officer or the Town Meeting for the construction, renovation, or addition to Town buildings and other park, recreation or school facilities, and report promptly to each such request and the recommendation of the Committee to Town Meeting.

The Permanent Building Committee, following Town Meeting approval and appropriation for any construction, renovation or addition to Town buildings or facilities, will have the general supervision and review of construction project for which the Town Meeting has made an appropriation. (6/20/89).

All Municipal Inspection Fees related to inspections of Municipal and School Projects which are under the general supervision and review of the Permanent Building Committee shall be waived. However, the actual cost of such inspections (if any) shall be borne by the project. (May 2021)

27. DPW Management by Town Administrator

The Town Administrator, with the approval of the Select Board, shall appoint a Director of Public Works, who shall exercise and perform the duties of said office under the supervision and direction of the Town Administrator. The Director of Public Works shall be specially fitted by education, training and experience to perform the duties of said office, and may or may not be a resident of the town. The Select Board shall have the power to make all policy decisions related to public works matters within the Town and shall be authorized to act as Water and Sewer Commissioners. The Select Board shall have the responsibility for carrying out all public works functions of the Town, including, but not limited to, the following: highway, water and sewer maintenance, solid waste disposal, park and playground maintenance, maintenance of all town buildings (except those under the School Department and Library Trustees), surface drainage problems and other operations as may be deemed necessary or desirable. (5/15/90) (5/13/91) (May 14, 2018)

28. Water and Sewer Advisory Committee

The Select Board shall have the authority to appoint a water and sewer Advisory Commission. Such Commission shall have the power to provide advice and information to the Select Board and the Town Administrator on matters relating to the operations of the water and sewer systems of the Town. The Commission shall consist of three members, each of whom shall serve a three-year term so arranged that the term of one member expires each year. (5/15/90)

## 29. Millis Community Preservation Committee

### A: Establishment

There is hereby established a permanent committee of the Town of Millis to be known as the Community Preservation Committee, consisting of nine (9) voting members, pursuant to G.L. c. 44B, § 5. The composition of the committee, the appointing authority and the term of office for the committee members shall be as follows

- (1) One member of the Conservation Commission as designated by the Commission;
- (2) One member of the Historical Commission as designated by the Commission;
- (3) One member of the Planning Board as designated by the Board;
- (4) One member of the Housing Authority as designated by the Authority;
- (5) One member of the Select Board acting as the Board of Park Commissioners, as designated by the Select Board;
- (6) One member of the Recreation Committee as designated by the committee;
- (7) Three at large members, residents of Millis, appointed by the Select Board;

The Finance Committee may appoint a liaison to participate, but not vote, in Community Preservation Committee discussions regarding matters within the jurisdiction of the Community Preservation Committee.

Each at large member of the Committee shall serve for a term of three years; provided, however, that one at large member shall be appointed for an initial term of one year; one at large member shall be appointed for an initial term of two years; and one at large member shall be appointed for an initial term of three years. Each other member of the Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. Vacancies shall be filled in the manner of the initial appointment for the remainder of the unexpired term. Should any of the officers and commissions, boards, or committees who have appointing authority under this bylaw be no longer in existence for whatever reason, the Select Board shall appoint a suitable person to serve in their place.

Any member of the Committee may be removed for cause by their respective appointing authority after hearing.

### B: Duties

(1) The community preservation committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the department of public works, and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one annual public informational hearing, or more at its discretion, on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

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

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

(4) In every fiscal year, the community preservation committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for open space (not including land for recreational use); not less than 10%

of the annual revenues in the Community Preservation Fund for historic resources; and not less than 10% of the annual revenues in the Community Preservation Fund for community housing.

**C: Exemptions**

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

**D. Effective Date**

This bylaw shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of G.L. c.40, §32 have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments. (May 14, 2007)

**30. Finance Department**

The Finance Department shall be managed by the Finance Director appointed by the Select Board under the supervision of the Town Administrator and, with respect to school finances, the Superintendent of Schools. The Finance Director shall be responsible for the operations of the Finance Department and shall oversee the activities of and be responsible for day to day supervision of the following offices:

1. Accounting
2. School Finance
3. Treasury
4. Tax Collection
5. Assessing
6. Data Processing/IT

(May 14, 2018)

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**ARTICLE VI. APPROPRIATIONS**

**1. Purchases**

Purchases of goods, services and materials by Town Departments shall conform to M.G.L. Chapter 30B, Chapter 149, and Chapter 30, section 39M, as amended from time to time. (5/14/01)

**2. Contracting Authority**

**1. Awarding and Executing Contracts**

- a. Contracts for purchases under \$3,000.00 shall be awarded and executed by Department Heads.
- b. Contracts for purchases between \$3001.00 and \$10,000.00 shall be awarded and executed by the Chief Procurement Officer; except School Department contracts which shall be awarded by the Superintendent of Schools and executed by the Chief Procurement Officer.
- c. Contracts exceeding \$10,001.00 shall be awarded by the Select Board and executed by the Chief Procurement Officer; except School Department contracts which shall be awarded by the School Department and executed by the Chief Procurement Officer.
- d. For the purposes of this bylaw, the Chief Procurement Officer shall be the Town Administrator or his/her designee.

**2. Notwithstanding the foregoing:**

- a. School instructional supplies contracts shall be procured pursuant to this bylaw and shall be awarded and executed by the School Committee.
- b. Public Library audio, visual, and reading materials shall be procured pursuant to this bylaw and shall be awarded and executed by the Library Trustees. (5/14/01)

**3. Repealed May 3, 1973.**

**4. Approval of Bills**

No bill, charge or account against the Town shall be paid without the approval, in writing, first obtained of the person, persons, board or committee contracting same.



5. Expenditures Exceeding Appropriation

No Town Officer, having control of the expenditure of the public money, shall incur any debt or obligation on account of the Town in any department beyond the amount appropriated therefor by the Town. No order or warrant shall be drawn by the Select Board or other boards upon the Treasurer without an appropriation by vote of the Town nor against any appropriation in excess of same, except that such payments may be made as are required to protect the Town where it may be liable in action at law for damages.

6. Unexpended Appropriations

Any portion of any appropriation remaining unexpended at the close of the financial year shall revert to the Town Treasury unless otherwise provided by law.

7. (Repealed 5/14/01)

8. Illegal Appropriations

Any article pertaining to bills not within a legal appropriation which are in violation of Section 31 of Chapter 44 of the Massachusetts General Laws shall be so designated in the warrant. (2/18/52) (5/18/87)

9. Length of Contract for Wages/Salaries

No contract for wages and/or salaries shall be negotiated, agreed on, or signed by any Town board if the length of the term of the contract exceeds the length of the regular term of a regularly elected member of said board. (5/13/85) (5/18/87)

10. Transfer between Unnumbered Budget Sub-Items

Each numbered line account of the annual budget shall be a separate appropriation. Any transfers between such numbered line accounts shall be made only by vote of the Town Meeting, except as otherwise provided by statute.

Expenditures from unnumbered sub-items listed for annual budget line accounts shall be limited to the use and amounts listed except as specified in Section C hereof.

The Town Administrator may, with the approval of the Select Board, authorize transfers between unnumbered sub-items of the annual budget. No expense shall be incurred until notice of said transfer has been made to the Finance Committee. (5/11/87) (5/13/91) (5/12/03)

11. Budget Procedure

Operating budgets:

By September 1<sup>st</sup> of each fiscal year, the Finance Committee and the Town Administrator shall develop forms on which each department's budget shall be submitted.

Between September 1<sup>st</sup> and October 20<sup>th</sup> of each fiscal year, the Town Administrator shall instruct each department in the preparation of the budget forms, and the Town Accountant shall provide each department with a prior year budget history.

On November 1<sup>st</sup> of each fiscal year, the Town Administrator shall submit budget forms to all departments. All departments shall prepare their budgets and submit them to the Town Administrator by December 1<sup>st</sup>.

The Town Administrator, after consulting with the Town Accountant and the Town Treasurer, shall develop revenue projections for the succeeding fiscal year.

After analyzing the revenue projections and consulting with each department head, the Town Administrator shall transmit a set of balanced budget recommendations to the Select Board and Finance Committee by January 1<sup>st</sup>.

Miscellaneous articles:

Petitioners who submit Annual Town Meeting articles which require an appropriation, but are not considered operating or capital budget expenses, are encouraged to submit such articles by December 1<sup>st</sup> so that they may be included in the financial plan for the next fiscal year. (5/13/91)

## 12. Revolving Funds

1. There are hereby established in the Town of Millis pursuant to the provisions of M.G.L. Chapter 44, §53E½, the following Revolving Funds, from which the specified department head, board, committee, or officer may incur liabilities against and spend monies from without appropriation in accordance with the limitations set forth in this by-law.
2. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
3. No liability shall be incurred in excess of the available balance of the fund.
4. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting or any increase therein as may later be authorized by the Select Board and Finance Committee in accordance with M.G.L. Chapter 44, §53E½.
5. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the General Fund.
6. Authorized Revolving Funds

| REVOLVING FUND PROGRAM<br>OR PURPOSE  | DEPARTMENT<br>RECEIPTS TO<br>BE CREDITED<br><br>TO FUND | REPRESENTATIVE<br>OR BOARD ENTITY<br>AUTHORIZED<br><br>TO SPEND |
|---------------------------------------|---------------------------------------------------------|-----------------------------------------------------------------|
| Oak Grove Farm Maintenance Fund       | User Fees/Sale of Bricks                                | Oak Grove Farm<br>Commission                                    |
| Animal Control Shelter Fund           | Operation Receipts                                      | Select Board                                                    |
| Fire Alarm Fund                       | Fees/Fines                                              | Select Board                                                    |
| Historical Commission Fund            | User Fees                                               | Historical Commission                                           |
| Ambulance Department Fund             | User Fees                                               | Select Board                                                    |
| Council on Aging/Transportation Fund  | User Fees                                               | Select Board                                                    |
| VMB Custodial/Maintenance Fund        | User Fees                                               | Select Board                                                    |
| Food Service Fund                     | Inspection Fees                                         | Board of Health                                                 |
| Stormwater Management Fund            | Connection/Inspection<br>Fees                           | Select Board                                                    |
| BOH Medical Services/Vaccination Fund | Vaccine<br>Reimbursement                                | Board of Health                                                 |
| BOH Rabies Clinic/Program Fund        | Vaccine Fees                                            | Board of Health                                                 |
| Continuing Education Fund             | Drivers/Continuing<br>Education Fees                    | School Committee                                                |
| School Athletic Fields Fund           | Fundraising Proceeds                                    | School Committee                                                |
| School Extracurricular Fund           | Receipts/Donations                                      | School Committee                                                |
| Library Special Use Fund              | User Fees                                               | Library Trustees                                                |

and this by-law, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established and authorized by this by-law.

And, further, to establish the following fiscal year spending limit for such funds:

| AUTHORIZED REVOLVING FUNDS | FISCAL YEAR<br>EXPENDITURE LIMIT |
|----------------------------|----------------------------------|
|----------------------------|----------------------------------|

|                                       |             |
|---------------------------------------|-------------|
| Oak Grove Farm Maintenance Fund       | \$35,000.00 |
| Animal Control Shelter Fund           | \$ 3,000.00 |
| Fire Alarm Fund                       | \$10,000.00 |
| Historical Commission Fund            | \$12,000.00 |
| Ambulance Department Fund             | \$20,000.00 |
| Council on Aging Transportation Fund  | \$ 5,000.00 |
| VMB Custodial/Maintenance Fund        | \$ 6,000.00 |
| Food Service Fund                     | \$ 4,500.00 |
| Stormwater Management Fund            | \$10,000.00 |
| BOH Medical Services/Vaccination Fund | \$ 8,500.00 |
| BOH Rabies Clinic/Program Fund        | \$ 2,500.00 |
| Continuing Education Fund             | \$50,000.00 |
| School Athletic Fields Fund           | \$35,000.00 |
| School Extracurricular Fund           | \$ 8,000.00 |
| Library Special Use Fund              | \$10,000.00 |
| (Amended June 5, 2017)                |             |

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## ARTICLE VII. TOWN ACCOUNTANT

### 1. Duties

The duties of the Town Accountant shall be as prescribed in the Town Accountant Act, Sections 55 to 61, Chapter 41 of the Massachusetts General Laws.

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## ARTICLE VIII. POLICE REGULATIONS

### 1. Chief of Police Reports

It shall be the duty of the Chief of Police to report in writing annually, or at such other times as become necessary, upon all matters pertaining to his department, with recommendations as to the same, to the Select Board.

### 2. Grazing Animals

No owner or person having the care of any sheep, swine, horse, oxen, cow or other grazing animals shall permit or allow them to go at large or to graze on any street, lane, common square or other public place within this Town or permit any such animals to go or stand upon any sidewalk therein.

### 3. Obstruction of Public Way

No person without permission from the Select Board shall place, or cause to be placed, upon any public way or sidewalk any lumber, wood, bale, box, crate, barrel, can, package or other thing and allow the same to remain for more than one hour, or more than ten minutes after being notified to remove the same by a constable, police officer or Select Board member. No person without written permission of the Select Board shall park a vehicle or trailer on any sidewalk. No person shall leave said vehicle or trailer on said sidewalk for longer than ten minutes after being ordered to do so by a Police Officer, the Select Board member or their designee. (3/13/72) (5/12/03)

4. Littering

No person shall throw or deposit upon any public way or place any bottle, glass, metal or any article or any substance which may cause injury. (3/13/72)

5. Refuse Transport

No person shall carry in or through any of the streets, squares, courts, lanes, avenues, roads, places or alleys within the Town of Millis, any house dirt, ashes, garbage, or house offal, either animal or vegetable, or any grease or bones, or any refuse substance from any of the dwelling houses or other buildings or places in the Town, except upon such terms and conditions as the Board of Health may deem the health and interest of the Town requires.

6. Refuse Disposal

No person shall, without the permission of the Board of Health, throw into or leave in or upon any street, court, square, alley, lane, road, public square, public enclosure, pond or body of water or vacant lot within the limits of the Town where it would be offensive or injurious to health, any dead animal, dirt, sawdust, soot, ashes, cinders, shavings, hair, shreds, manure, oyster, clam or lobster shells, waste water, rubbish or filth of any kind, or any refuse, animal or vegetable matter whatsoever.

7. No Coasting

No person shall coast in any street or public way except as are publicly designated for that purpose by the Select Board.

8. Animals Disturbing the Peace

No person shall keep any bird, fowl, dog or other animal, which barks, howls or makes other noises, disturbing the peace and quietness of any resident of the Town.

9. Parades/Public Meetings

No person or persons shall play or perform on any musical instrument, sing, parade, hold a public meeting, make a public address, march or congregate in any public way or public place, except in connection with a funeral, without a written permit from the Select Board.

10. Littering

No person shall deposit advertising circulars or other printed matters on the streets, or team manure, rubbish, liquid or other material in such manner, or deposit the same in any place as to litter, pollute or injure the streets.

11. No Riding on Sidewalks

No person shall ride, drive, draw or push any motorcycle, automobile, cart, wagon, sled (except invalids or children's hand carriages) upon any public sidewalk or footpath.

12. No Obstruction of Sidewalks

No person shall stand or remain on any sidewalk or in any public place in such manner as to obstruct a free passage for foot passengers after a request to move on by a constable, police officer or Select Board member, and any such violation of this Section shall constitute of breach of the peace. (5/11/81)

13. Discharge of Firearms

No person shall fire or discharge any firearm within the limits of any park, playground or other public property, except with the consent of the Select Board, or hunt or fire or discharge any firearm on any private property except with the consent of the owner or legal occupant thereof. This bylaw shall not apply to the lawful defense of life or property or to any law enforcement officer acting in the discharge of his/her duties. Any person violating any of the provisions of this bylaw shall be punished by a fine that is provided under Article 9. (5/19/75)

14. Junk Shop

No person shall collect, deal in or keep a shop for the purchase, sale or barter of junk, old metals or secondhand articles within the limits of the Town, unless licensed by the Select Board.

15. Snow/Ice on Public Places

No owner, tenant, occupant or agent in charge of an estate used wholly or in part for stores, offices or places of public resort shall place any snow or ice on a sidewalk on which such store, office or place of public resort abuts, nor suffer it to remain thereon for more than five hours between sunrise and sunset. If snow or ice, through weather conditions, is evenly spread over a sidewalk and frozen thereto so as to be difficult for removal, it may remain until it can be more easily removed, if the sidewalk be kept in safe condition by sanding or otherwise. No person other than a department of public works or school department employee or an independent contractor working for the town shall push, plow, deposit, throw, or pile snow or ice onto any public way, public property, public easement, or public sidewalk. (5/12/03)

16. Playing Ball

No person shall play at any game of ball, or football, or throw balls or stones or snowballs within any of the streets or public places of the Town.

17. Driving over Fire Hose

No person shall drive any carriage or other vehicle upon or over any hosepipe, when placed in any street or highway of the Town by orders of the Chief Engineer or any other officer of the Fire Department.

18. Indecent Exposure

No person shall bathe or swim in any public place in the Town in an indecent or nude condition.

19. Sign Restrictions

No person shall place or maintain any signboard, marquee, awning, shade, canopy, flagpole or similar object or construction so as to project into or overhang any way, street, sidewalk, alley, lane, court, park or other publicly used place without a permit from the Select Board. Application for such permit shall be made annually, and such permit may be revoked at any time upon a finding by the Select Board that there is a danger to the public, a nuisance or a violation of any applicable law or regulation. All such structures shall be constructed, and when attached to a building shall be connected therewith, in accordance with the requirements of the Building Inspector. No such permit shall be issued until and unless the applicant has filed with the Town a certificate of liability insurance in an amount to be set by the Select Board protecting the Town and the Select Board from all liability and damages including the costs of defense of any actions deriving from the issuance of the permit. (5/18/87)

20. Digging of Street or Public Ways

No person, other than a duly authorized officer or employee, shall dig a trench or lay a pipe in, or in any way disturb the earth or materials on, in or under any street or public way, without a permit in writing given by the Select Board upon application by said person made to said Board; and whenever such a permit is so issued, the person or persons to whom it shall be issued shall, whenever a pipe, drain, or any other structure is placed in, along or under such a street or public way, file with said Board a plan of the same showing the location and elevation of such pipe, drain or other structure, said plan to be of such size and standard as said Board may require. In granting a permit hereunder, the Board may impose reasonable conditions specially designed to safeguard the neighborhood, and the Town may make suitable rules and regulations and set suitable fees from time to time with respect to said excavations. The Board shall require a bond or other security to insure compliance with its conditions unless, in a particular case, it specifically finds that such security is not warranted and so states its decision giving the reasons for its findings. (9/25/78)

No permits shall be issued between November 15<sup>th</sup> and April 1<sup>st</sup> unless the Select Board finds that there are special emergency circumstances. (6/20/89) (5/9/94)

21. Disorderly Conduct

No person shall behave in a rude, indecent or disorderly manner, or use any indecent, profane or insulting language, in any public place or on any street or sidewalk in the Town or near any dwelling/house or other building therein, or upon any doorstep, portico, or other projections from any such house or other buildings, to the annoyance or disturbance of any person.

22. Outward Swinging Gates

No owner or occupant of property shall permit any gate leading to premises abutting on any public way in the Town to swing outwardly upon such public way.

23. Street Construction Warnings

No person shall, without proper authority, extinguish or remove any light or sign placed to denote an obstruction or defect in a street or way.

24. Graffiti

No person shall make any indecent figures or write any indecent or obscene words upon any fence, building or structure in any public place or commit any nuisance upon any sidewalk or against any tree, building or structure adjoining same.

24a Posting of Signs

No person or persons shall post or cause to be posted any poster, sign, flyer or any advertising whatever on any tree, telephone or telegraph pole, post or stake, or public building, in any public place or along any public way without first obtaining written permission from the Select Board designating the type and location of each sign and poster. (3/11/57)

25. Soliciting and Canvassing

1. PURPOSE: This section is adopted to establish registration requirements and specific operation requirements for persons intending to engage in door to door canvassing or soliciting in the town of Millis in order to:
  - a. protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud and crimes and;
  - b. allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.
2. DEFINITIONS:
  - a. "Soliciting" shall mean and include any one or more of the following activities:
    - 1) selling or seeking to obtain orders for purchases of goods, services, or materials for any kind of consideration;
    - 2) selling or seeking to obtain prospective customers for the application for the purchase of insurance of any kind;
    - 3) seeking to obtain subscriptions to books, magazines, periodicals, newspapers, or other publications;
    - 4) seeking to obtain gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any organization, corporation, business, or project;
    - 5) seeking to obtain information relative to the background, occupation, affiliation, attitudes, viewpoints, or the like of occupants of a residence for the purpose of using or selling such data, wholly or in part for commercial purposes.
  - b. "Canvassing" shall mean and include any one of the following activities:
    - 1) person to person distribution of literature, periodicals, or other printed materials, but not including placing or dropping off printed materials on the premises.
    - 2) Seeking to enlist membership in any organization.
    - 3) Seeking to present organizational information in person
  - c. "Residence" shall mean and include every individual dwelling unit occupied for residential purposes.

- d. "Registered Solicitor" shall mean any person who has obtained a valid certificate of registration from the Town as required hereunder.

3. REGISTRATION: Every person or organization intending to engage in commercial soliciting or canvassing in the town of Millis must register with the Millis Police Department at least three days in advance of the intended date of solicitation or canvassing by filing a registration application with the department. Application forms shall include the following:

- a. The name and address of the organization or individual applying for registration and the names and addresses of the organizations' principal officers.
- b. The name, title, and telephone number of the person filing the application form.
- c. The names, addresses, and telephone numbers of the person(s) supervising the solicitation or canvassing operation for the organization or individual in the Town of Millis.
- d. A list of names, addresses, and telephone numbers of all individuals who shall conduct the canvassing or solicitation.
- e. The period of time for which the certificate of registration is needed. (No certificate shall be granted for longer than 30 days.)
- f. The names of the last three communities in which the organization or individual conducted a solicitation or canvassing.
- g. A recent passport sized photograph of the person(s) conducting the operation, which shall be affixed to their registration card.

#### 4. REGISTRATION CARDS

- a. Upon completing a review of the application(s) for registration, the Police Chief shall furnish each person engaged with a registration card containing the following information:
  - 1. The name of the person.
  - 2. The photograph required under section 3.g. above.
  - 3. The name of the organization which the person represents.
  - 4. A registration approval signature by the Chief or his designee.
  - 5. The time period covered by the registration certificate.
- b. Persons engaged in solicitation or canvassing must carry the registration card at all times and present the card to any person upon request.
- c. Registration cards are valid only for the time periods specified and for no longer than 30 days.
- d. The Police Chief may refuse to register an organization or individual whose registration has been revoked for violation of this bylaw within the previous two-year period.

#### 5. EXCEPTIONS

- a. Registration shall not be required for officers, employees or agents of the Town, County, State, or Federal government while on official business.
- b. Individual registration shall not be required for persons under eighteen years of age while canvassing or soliciting for non-profit organizations or for newspapers/publications.

#### 6. DUTIES OF SOLICITORS/CANVASSERS

- a. All solicitors and canvassers shall examine each property visited for notices prohibiting canvassing or soliciting. If said notice is present, they shall immediately depart from the premises.
- b. Solicitors and canvassers shall immediately depart from a property when requested to do so by the occupant.
- c. Upon gaining entrance to a property or premises, each solicitor or canvasser shall present their registration card to the occupant, provide the opportunity to the occupant to read the card, and inform the occupant who they are representing and inform the

- occupant in clear and unambiguous language of the purpose and nature of their visit and the organization.
- d. Police Department must be notified daily as to the specific area of Millis in which soliciting or canvassing will take place.

7. RESTRICTIONS ON METHODS OF SOLICITATION: Solicitors and canvassers shall not:

- a. Falsely represent that the solicitation is being done on behalf of a governmental organization.
- b. Solicit or canvass at any residence where there are posted signs prohibiting solicitations without the prior permission of the occupant.
- c. Solicit or canvass at any residence without express prior permission of an occupant before 9:00 AM or after 9:00 PM where there is no sign posted otherwise limiting canvassing or solicitation or the hours of solicitation or canvassing.

8. PENALTIES

- a. Any persons or organization that, after being provided a copy of this bylaw, violates any of its provisions shall be subject to a fine not to exceed \$300 for each offense.
- b. Any person or organization who violates this bylaw or provides false information to the Police Department, or who conducts themselves in a threatening, abusive, or illegal manner, shall be subject to the revocation of their registration after a hearing conducted and properly noticed to the individual or organization by the Chief of Police. The Chief may suspend registrations until such time as a hearing may be conducted.

9. SEVERABILITY: The invalidity of any individual section of this bylaw shall not affect the validity of the bylaw as a whole.” (5/14/2001)

26. Unregistered Vehicles

No person in charge or control of any lot in a residential commercial and industrial, but excepting those businesses licensed by the Select Board to sell motor vehicles, district within the Town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any unregistered, partially dismantled, non- operating, wrecked, junked or discarded motor vehicle or parts thereof to remain in the front yard of said lot; and no person in charge or control of any lot in a residential commercial and industrial, but excepting those businesses licensed by the Select Board to sell motor vehicles, district within the Town, whether as owner, tenant, occupant, lessee or otherwise, shall allow more than one unregistered, partially dismantled, non- operating, wrecked, junked or discarded motor vehicle or parts thereof to remain on any other part of said lot unless permission to do so has been given in writing by the Select Board after investigation and written report thereof by the Board of Health, except that this Section 26 shall not apply to vehicles or parts thereof stored in an enclosed building. The meaning of the words “lot,” “residential district” and “front yard” under this Section 26 shall be as defined in the Zoning Bylaws of the Town as amended from time to time. (12/1/75) (5/12/03)

27. Alcoholic Beverages in Public Places

No person shall have in his possession any open vessel containing an alcoholic beverage upon any public place or to which the public has the right of access, including the interior of a motor vehicle moving or parked while upon such a place. Such public place and places to which the public has the right of access shall include, but not be limited to, all streets and highways of every nature and description, parks, cemeteries, schools and school grounds. Any violation of this section shall constitute a breach of the peace. (5/19/75) (5/11/81)

Any activity prohibited by the provisions of this bylaw shall be exempt therefrom if carried on pursuant to the provisions of a license duly granted by the Select Board under the provisions of Chapter 138 or any other applicable provisions of the Massachusetts General Laws.



28. Fencing of Swimming Pools

No person shall allow any outdoor swimming pool to be constructed on, or to remain on, his/her property whether or not the same be filled with water, unless said is completely surrounded at all times by a fence or wall not less than five feet in height, except that fences or walls legally in existence at the time this ordinance becomes effective shall satisfy this requirement if they are not less than four feet in height. Each such fence or wall shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension except for doors and gates and except for picket fences in which case, however, the gaps between pickets shall not exceed four inches.

All fences shall be of wood or chain link or approved equal. Every fence shall be substantially anchored. A building may be used as part of such enclosure.

All gates or doors opening through such enclosures shall be of not less than the same height as fence or wall and shall be equipped with a closing or latching device located not more than one foot below the top of the fence or wall for keeping the door gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Each such gate or door shall be kept locked at all times when the swimming pool enclosure is not in use.

For the purposes of this section of the bylaws, a swimming pool is defined as a body of water contained in an artificial or semi-artificial receptacle, whether in or above the ground, or created by artificial means from a natural watercourse, used or intended to be used for swimming, wading or recreational bathing, but not including portable pools incapable of containing a depth of water exceeding twenty-four inches at any point. (5/19/75)

29. Juice Bar

No owner, tenant or occupant of any property shall permit the premises to be used in whole or in part as a juice bar. A juice bar is a place of business for the retail or wholesale sale of beverages derived wholly or in part from cereals or substitutes therefore and containing less than one-half of one percent of alcohol, sales of unfermented grape juice, ginger ale, root beer, sarsaparilla, tonic, pop, artificial mineral waters, carbonated waters or beverages, all other so-called soft drinks, fruit juices or frozen concentrates thereof and non-intoxicating beverages of any kind, whether pursuant to an admission charge or not, and whether designated a public gathering place, a private club or otherwise, and whether entertainment of any kind is provided or not, into which patrons are either allowed or encouraged to bring their own liquor, beer, wine or other spirituous beverages. The term "juice bar" shall not include those premises licensed as common victualers pursuant to M.G.L. Chapter 140, Sections 1 through 21, inclusive, those premises licensed for the sale of certain non-intoxicating beverages pursuant to M.G.L. Chapter 140, Sections 21A through 21D, inclusive, or premises licensed for the dispensing of alcoholic beverages pursuant to M.G.L. Chapter 138. (5/22/79)

30. Driveway Access to Public Street

No driveway or other access to a public street shall be constructed or altered at the point of intersection with such street unless a written permit is first obtained from the Director of the Department of Public Works. No building permit shall be issued for the construction of a new building or structure unless such access permit has first been obtained. (5/19/80)

31. (Repealed 5/11/98)

32. Transportation of Trash

No person shall transport in a vehicle on a public way any refuse, waste, garbage, leaves or trash which is not completely enclosed within the vehicles or which is not completely secured so as to prevent any littering from the vehicle. (5/13/85)

33. Motorized Vehicles on Town Property

No person shall use or operate a motor vehicle, trail bicycle, motor bicycle or similar motorized vehicle which is eligible for registration under Chapter 90B of the General Laws of the Commonwealth, or a snow

vehicle or recreation vehicle as defined in Section 20 of said Chapter in any park or other Town owned property, except public roads and streets, without the prior written consent of the Town board having the responsibility for the management of such property. Any such consent shall be temporary in nature, shall specify the period of time during which it is in force and shall only be granted where the proposed use or operation will not, in the judgment of the board granting the same, be detrimental to the purpose for which such property is owned. Notwithstanding anything to the contrary herein above contained, parking areas established for use in connection with such part or such other public property may be used for parking purposes without prior consent.

No person shall use or operate any such vehicle on or over any private property within the limits of the Town without the written consent of the owner of such property.

Any person violating this bylaw shall be punished by a fine of not less than five dollars or more than fifty dollars.

### 34. Burglar Alarm System

#### A. Definitions

1. The term "burglar alarm system" means an assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a 110 volt AC line arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. The provisions of Section C of this bylaw shall apply to all users. Fire alarm systems and alarm systems which monitor temperature, smoke, humidity and any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this bylaw.
2. The term "false alarm" means: (a) the activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or his/her employees or agents; (b) any signal or automatic dialing device transmitted to the Police Department requesting or requiring or resulting in a response on the part of the Police Department when, in fact, there has been no unauthorized intrusion, robbery or burglary, or attempted threat. For the purposes of this definition, activation of alarm systems for the purposes of testing with prior approval by the Police Department, or by an act of God, including, but not limited to, power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.
3. The term "automatic dialing device" refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designated to detect.

#### B. Control and Curtailment of Signal Emitted by Alarm System

1. Every alarm user shall submit to the Police Chief his/her name, address and telephone number, and the names and telephone numbers of at least two other persons who are authorized to respond, after notification by the Police Department, to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed. It shall be incumbent upon the owner of said premises to immediately notify the Millis Police Department of any changes in the list of employees or other persons authorized to respond to alarms.
2. All alarm systems installed after the effective date of this bylaw which use an audible horn or bell shall be equipped with a device that will shut off such bell or horn within fifteen (15) minutes after activation of the alarm system. All existing alarms within the Town of Millis must have a shut-off device installed within six (6) months of passage of this bylaw.
3. Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7:00 p.m. and 6:00 a.m. which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him/her under paragraph (1) of this Section, and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continued and

uninterrupted signal, the Police Department shall endeavor to contact the alarm user under paragraph (1) of this Section in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

4. No alarm system which is designated to transmit emergency messages or signals to the Police Department will be tested until the Police Department has been notified.
5. The provisions of this bylaw shall not apply to premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle or trailer.

C. Penalties

1. The user shall be assessed fifty dollars (\$50) as a false alarm service fee for each false alarm in excess of three (3) occurring within a calendar year. The Police Chief shall notify the alarm user either by certified mail or by service in hand by a police officer of such violation, and said user shall submit payment within fifteen (15) days of said notice to the Town Treasurer for deposit to the General Fund.
2. The owner of a system which occasions six (6) or more false alarms within a calendar year or fails to pay the fine after said notice may be ordered to disconnect and otherwise discontinue the use of the same by the Select Board after a public hearing. (5/18/87)

35. Overnight Street Parking

A ban on overnight parking shall be in effect from 9:00 p.m. until 6:00 a.m. starting on November 15<sup>th</sup> and continuing through April 15<sup>th</sup>. During these times, the Police Department of the Town shall have the authority to remove, or cause to be removed, to some convenient place, including in such terms a public garage, any vehicle interfering with the work of the Department of Public Works in removing or plowing of snow or in removing of ice from the ways of the Town.

The owner of any such vehicle so removed by towing or other means shall be liable for reasonable costs of such removal and storage. Delivery of the vehicle to said owner may be withheld until such reasonable costs shall be paid. (5/14/90)

36. Requirements for Handicapped Parking Spaces

No person shall park a motor vehicle, motorcycle or like means of transportation in a designated parking space that is reserved for vehicles owned or operated by disabled veterans or by handicapped persons unless said vehicle bears the distinctive number plates authorized by Section 2 of Chapter 90 of the Massachusetts General Laws. Any person or body that has lawful control or a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping malls, theaters, auditoriums, sporting or recreation facilities, cultural centers, residential dwellings, or for any other place where the public has the right of access as invitees or licensees shall reserve parking spaces in said off- street parking areas for any vehicle owned or operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by Section 2 of Chapter 90, according to the following formula:

If the number of parking spaces in any such area is:

|           |                        |      |                                    |
|-----------|------------------------|------|------------------------------------|
| more than | 15 but not more than   | 25   | - one parking space                |
| more than | 25 but not more than   | 40   | - 5% but not less than 2 spaces    |
| more than | 40 but not more than   | 100  | - 4% but not less than 3 spaces    |
| more than | 100 but not more than  | 200  | - 3% but not less than 4 spaces    |
| more than | 200 but not more than  | 500  | - 2% but not less than 6 spaces    |
| more than | 500 but not more than  | 1000 | - 1.5% but not less than 10 spaces |
| more than | 1000 but not more than | 2000 | - 1% but not less than 15 spaces   |
| more than | 2000 but not more than | 5000 | - .75% but not less than 20 spaces |
| more than | 5000                   |      | - .5% but not less than 20 spaces  |

Parking spaces designated as reserved under the provisions of this bylaw shall be identified by use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped

Parking: Special Plate Required - Unauthorized Vehicles May Be Removed At Owner's Expense" and shall be as near as possible to a building entrance or walkway, shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to handicapped person, and shall be twelve feet wide or two eight foot wide areas with four feet of cross hatch between them.

Unauthorized vehicles shall be prohibited within parking spaces designated for use by disabled veterans or handicapped persons as a means of egress to a street or public way.

The penalty for violation of this bylaw shall be as follows:

- |                                      |                                                                                                                                                                  |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| • First offense                      | One Hundred and fifty dollars (\$150)                                                                                                                            |
| • Second and each subsequent offense | One Hundred and fifty dollars (\$150)<br>and the vehicle may be removed according to the provisions of Section 120D of Chapter 266 of the General Laws (5/13/02) |

**Amended May, 2008**

**37. Water Meter Tampering**

No person shall tamper with a meter which measures the water consumed from the Town of Millis water system. Any person found by the Department of Public Works to have tampered with a meter will be subject to a fine of one hundred and fifty dollars (\$150). Any person so charged by the Department shall have the right to appeal the Department's decision to the Select Board, whose decision shall be final. (5/12/92)

**38. Water Management Policy**

**A. Authority**

This bylaw was adopted by the town under its police powers to protect public health and welfare to regulate water use under M.G.L. C. 40, §21 et seq. and implements the town's authority to regulate water use pursuant to M.G.L., C. 41, §69B. This bylaw also implements the town's authority under M.G.L., C. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection (DEP).

**B. Purpose**

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a state of water supply conservation or state of water supply emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

**C. Definitions**

Person shall mean any individual, corporation trust, partnership or association or other entity.

State of Water Supply Emergency shall mean a state of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L.C. 21G, §15-17.

State of Water Supply Conservation shall mean a state of water supply conservation declared by the town pursuant to section 4 of this bylaw.

Water Users or Water Consumers shall mean all public and private users of the town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

**D. Declaration of State of Water Supply Conservation**

The town, through its Select Board, may declare a State of Water Supply Conservation upon a determination of a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section F. of this bylaw before it may be enforced.

E. Restricted Water Use

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions, or requirements shall be included in the public notice required under section F.

- a) Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Even numbered addresses are restricted to even numbered days.
- b) Outdoor Watering Ban: Outdoor watering is prohibited.
- c) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and notice thereof.
- d) Filling swimming pools: Filling of swimming pools is prohibited.
- e) Automatic sprinkler use: The use of automatic sprinkler systems is prohibited.

F. Public Notification of a State of Water Supply Conservation: Notification of DEP

Notification of any provision, restriction, requirement, or condition imposed by the town as part of State of Water Supply Conservation shall be published in a newspaper of general circulation within the town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under section E. shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

G. Termination of State of Water Supply Conservation: Notice

State of Water Supply Conservation may be terminated by a majority vote of the Select Board, upon a determination that the water supply shortage no longer exists. Public notification of the termination of State of Water Supply Conservation shall be given in the same manner required by section F.

H. State of Water Supply Emergency: Compliance with DEP Orders

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the DEP, no person shall violate any provision, restriction, condition, requirement or any order approved or issued by the DEP intended to bring about an end to the State of Emergency.

I. Penalties

Any person violating this bylaw shall be liable to the town in the amount of \$50 for the first violation and \$100 for each subsequent violation which shall insure to the town for such uses as the Select Board may direct. Fines shall be recovered by indictment or on complaint before the District Court, or by non- criminal disposition in accordance with section 21D of chapter 40 of the general laws. Each day of violation shall constitute a separate offense.

J. Severability

The invalidity of any portion of provision of this bylaw shall not invalidate any other portion or provision thereof.

(5/8/00)

39. Proposed bylaw tabled. (5/13/96)

40. Regulations Affecting Smoking in Certain Places

A. Whereas, there exists conclusive evidence that tobacco smoke causes cancer, respiratory diseases, various cardiac diseases, negative birth outcomes, allergies and irritations to the eyes, nose and throat to both the smoker and non-smoker exposed to secondhand smoke; and, whereas, evidence demonstrates that tobacco is extremely addictive; and, whereas, more than 70% of all smokers begin smoking before the age of eighteen and more than three thousand young people begin smoking every day in this nation; and, whereas, Massachusetts youths are beginning smoking at very young ages; this bylaw is hereby enacted.

B. Definitions:

1. Bar means an area which is primarily dedicated to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.
2. Employee means any individual who performs services for an employer in return for wages and profit.
3. Employer means any individual, partnership, association, corporation, trust or other organized group of individuals which regularly uses the services of two (2) or more employees, with the exception of Veterans' organizations which are not covered by this article.
4. Restaurant means any establishment serving food for consumption on the premises which maintains tables for use of its customers. This includes cafeterias in the workplace, with the exception of private functions and outdoor facilities.
5. Smoking means the lighting of any cigar, cigarette, pipe or other tobacco product or having possession of any lighted cigar, cigarette, pipe or other tobacco product.

No owner, tenant, employee or employer of any property used for restaurant purposes shall allow smoking in any area where the preparation or serving of food to patrons is performed. In bar areas separated by a door or wall from food service areas, smoking may be allowed at the discretion of the Board of Health. (5/13/96)

41. Water Discharge

1. Preamble: It is recognized that during winter months, the flow of water onto a public way can freeze and cause unsafe travel conditions on roads and sidewalks. It is also recognized that the flow of water onto a public way can deteriorate the roadway surface and subsurface and pose a safety hazard to motorists and pedestrians.

2. Now, therefore, no person shall discharge water onto a public way between November 15 through April 15 without permission of the Department of Public Works. For the purpose of this article, discharge shall mean the physical act of draining, diverting by mechanical means, or pumping water from the persons' or others' property to a public way. This bylaw shall not apply to instances of natural overland flow.

3. Effective on the date of passage, no property shall be altered such that said alteration causes the flow of stormwater or groundwater from private property onto public ways. This provision shall not apply to existing altered properties as of the date of passage but shall not limit the Town in enforcing other rights it possesses to eliminate hazards on public ways. (5/14/01)

42. Work by Private Contractors in the Public Way

Before undertaking any work, including but not limited to construction, repair, maintenance, or reconstruction within or affecting a public way, the person responsible for said work or the person in charge of persons performing said work, shall review such work with the Chief of Police or his/her designee to determine whether such work will result in the disruption of the normal flow of vehicular or pedestrian travel or cause a safety hazard to pedestrian or vehicular traffic.

If the Chief or his/her designee determines that such work will result in the disruption of vehicular or pedestrian travel, or will cause a safety hazard to pedestrian or vehicular traffic, the person responsible for said work or the person in charge of persons performing said work shall observe the safety precautions ordered by the Chief or his/her designee. Said precautions shall include, but not be

limited to, placement of police officers where necessary to minimize the hazards associated with said work, the placement of warning or advisory signs, and the advertisement of work schedules and detour routes in local newspapers determined by the Chief.

No work shall commence in, within, or affecting the public way until the requirements of this section have been complied with. Violations of this section shall be subject to a fine of \$200.00 per violation. Each and every day said violation exists shall constitute a separate violation. (5/14/01)

43. Obstruction of Fire Lanes

No person shall wait, stand, or park a motor vehicle in any area marked as a fire lane. (5/13/02)

44. Utility Poles, Wires, etc.

a. Upon the grant of location, or alteration thereof, for utility poles, lines, wires, conduits, piers, or abutments erected for the purposes of constructing, reconstructing, or moving utility lines, wires, poles, conduits, piers, abutments, under or across a public way or way maintained by the Town, or public property, all installations, construction, reconstruction or other work related thereto shall be completed by the owners of said utility within ninety days of the vote by the Select Board authorizing said work.

b. Double poles shall be removed within 90 days of installation of a new pole except in the case of a commercial or industrial construction project when they shall be removed within six months of installation of a new pole. (5/12/03)

c. The penalty for violation of this bylaw shall be \$100 per day, with each day constituting a new violation. (5/13/02)

45. Theft of Water

No person shall connect to the municipal water system without receiving a permit to do so from the Town. (5/12/03)

46. Trench Safety

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

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

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

Now Therefore, the Select Board is hereby designated as the local "permitting authority" for issuing trench permits under the regulations.

2. Definitions:

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

3. Authority:

- a. The Select Board may designate by vote certain Building Department and Department of Public Works staff to act as their agent for permit processing and approval and for the enforcement of trench rules and regulations and conditions of permits.

- b. The Select Board may, from time to time, and after a public hearing, enact fees to cover the costs of processing said permits and for enforcement thereof.
- c. The Select Board may, from time to time, and after a public hearing, enact local rules and regulations consistent with Chapter 82A relative to the trench permitting process, the standard and special conditions for issued permits, and the enforcement of issued permits.  
**(November 3, 2008)**

#### 47. Overweight Vehicle Travel on Town Roads and Land

The Select Board may enact regulations governing the passage of overweight vehicles on and over Town roads, Town land, or private property in which the Town has a property interest, including the permitting thereof, and may establish fees therefore pursuant to and consistent with the provisions of G.L.

c. 85, §. 30, G.L. c. 90, §§ 18 and 19A, and any other applicable general or special laws. The Select Board may consult with the Police Chief, Fire Chief, and any other state or local officials in determining the conditions of such permits.

“Overweight Vehicles” shall be defined in accordance with the above-referenced statutes, as amended or superseded, to include:

3 Axle: 60,000 max. With a reducible load, a permit can be issued for up to 73000 lbs (+5%) 4

Axle 60,000 max. With a reducible load, a permit can be issued for up to 87000 lbs (+5%) TT

Unit 80,000 max With a reducible load, a permit can be issued for up to 99000 lbs (+5%)

**(Added November 1, 2010)**

#### 48. Construction Noise

It shall be unlawful for any person or persons to create, assist in creating, continue, or allow to continue any loud noise related to non-public construction activities as outlined below prior to 7:00 am and after 6:00 pm on weekdays, Saturdays, or any state or federal holiday which either annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose or the health and safety of others within the Town. Additionally, it shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any excessive, unnecessary, or unusually loud noise related to non-public construction activities as outlined below on Sundays and the following holidays: New Year’s, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Christmas, and any other Norfolk County holidays.

Construction shall mean those activities requiring a building permit, and shall also include any site preparation, earth removal, grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of private streets, structures, utilities, or similar non-public property. Construction noise shall be that noise generated by manual or mechanical activities associated with construction. This bylaw shall not be construed to prevent or restrict in any way public construction activities carried out by, or on behalf of, the Department of Public Works.

Noise associated with Emergency Work or Emergency Vehicles is exempt from the provisions of this Bylaw. Emergency Work shall mean any work performed in an effort to protect, provide, or restore public safety, or work by private or public utilities when restoring utility service. Emergency Vehicles shall mean any vehicle operated in an effort to protect, provide, or restore public safety including, but not limited to, ambulances, police vehicles and fire vehicles.

Noise associated with construction activities during the restricted hours described in this section may occur only with prior written authorization of the Police Chief when necessary to continue or complete a project, and shall be exempt from the provision of this Bylaw. The Police Chief shall grant such prior written authorization only upon a showing of good cause.



The restrictions set forth in this bylaw shall not apply to construction activity where there is no evidence of such activity audible at the property line of the property where construction is taking place.

Notwithstanding the foregoing, nothing in this section shall limit the authority of a Special Permit Granting Authority, where applicable, to set or limit construction hours as part of the issuance of a special permit. **(Added May 9, 2016)**

#### 49. Marijuana License

No person shall carry on the business cultivate, process, package, deliver, obtain, manufacture, process, package, brand, sell or otherwise transfer, or test marijuana or marijuana products, or otherwise operate a Marijuana Establishment as defined by Massachusetts General Laws Chapter 94G within the Town unless first duly licensed thereof by the Select Board .

The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

Applicants for a license shall file an application on a form by the Select Board, signed under the penalties of perjury by the applicant, containing such information as the Select Board may reasonably require from time to time. Each applicant shall pay an application fee as may be reasonably determined from time to time by the Select Board.

The Select Board must act upon the application at one of their next two regularly scheduled meetings, holding a public hearing thereon, with due written notice provided to the applicant of the time, date and location where such hearing will be heard.

The Select Board may approve, deny or approve the application with conditions. Such decision shall be based on the evidence taken at the public hearing, consistent with the protection of the health, safety and welfare of the public, and consistent with the regulations promulgated by such board.

The Select Board may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any Order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said initial fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Select Board may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

Home Rule Amendment [art. 89 of the Amendments to the Massachusetts Constitution]; Charter, Article III, Section III-2, Massachusetts General Laws, Chapter 94G, § 3, 935 CMR 500.000.

**(Added November 5, 2018)**

#### 50. Public Consumption of Marijuana Or Tetrahydrocannabinol

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. 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 area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; any place accessible to the public.

**This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21 or by noncriminal disposition pursuant to G.L. c. 40, § 21D, by the Select Board, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C § 32L.**

**(Added November 5, 2018)**

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**ARTICLE IX. PENALTIES**

1.

Whoever violates any provision of the Town bylaws shall, in cases not otherwise provided for, forfeit and pay for each offense a fine not exceeding fifty dollars (\$50). Each day or portion of a day that any violation of any provision of the Town bylaws is allowed to continue would constitute a separate offense.

Such fines shall be recovered by indictment or on complaint before a district court or by non-criminal disposition in accordance with Massachusetts General Laws, Chapter 40, Section 21D.

2.

As provided in said Section 21D, the enforcing person may give to the offender a written notice, on a form prescribed by the District Court, to appear on a date not later than twenty-one days later than the date on the notice, before a clerk of the District Court. Any person notified to so appear may pay the fine by mail or in person to the Clerk. If the person so notified to appear desires to contest the violation, he/she may, within said twenty-one days, request a hearing in writing.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following bylaws or sections of bylaws and municipal rules and regulations, are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be the enforcing person for such sections. Each day on which any violation exists shall be deemed to be a separate offense.

Zoning Bylaws

Maximum Fine Allowed:	\$300
Enforcement Agent:	Building Inspector
Fine Schedule:	1 <sup>st</sup> offense - \$25
	2 <sup>nd</sup> offense - \$50
	3 <sup>rd</sup> and subsequent offense - \$100 increments
	up to \$300 maximum per day per violation

Town Bylaws - ARTICLE VIII.

Except as noted below, enforcing agents may issue a warning for a first offense, a fine of \$25 for the second offense, and \$50 for the third and each subsequent offense."

**(Amended May, 2002) (Amended May, 2008)**

		Enforcing Agent	Maximum Fine
Section 2	Animals at Large	Police and Animal Control Officer	\$50
Section 3	Obstructing Public Way/Sidewalk	Police	First offense \$25

			Second offense \$25 Each subsequent offense \$50
Section 4	Throwing Injurious Articles on Public Way	Police	\$50
Section 6	Littering	Police	\$50
Section 7	Coasting	Police	\$50
Section 8	Animals Disturbing the Peace	Police and Animal Control Officer	\$50
Section 9	March or Congregate	Police	\$50
Section 10	Advertising Matter on Streets	Police	\$50
Section 11	Riding or Drive on Public Sidewalks	Police	\$50
Section 12	Obstructing Free Passage	Police	\$50
Section 13	Discharging Firearms	Police	\$50
Section 14	Junk Dealing Without a License	Police	\$50
Section 15	Snow or ice on Sidewalk	Police	\$50
Section 16	Throwing Balls, Stones, Snowballs	Police	\$50
Section 17	Driving over Fire Hose	Police and Fire	\$50
Section 19	Unpermitted Signs	Police and Building Inspector	\$50
Section 20	Digging Trench	Police	\$50
Section 21	Profane/Insulting Language in Public	Police	\$50
Section 22	Outward Swinging Gates	Police and Building Inspector	\$50
Section 23	Removal of Safety Signal/Lights	Police	\$50
Section 24	Nuisance Writing in Public Place	Police	\$50
Section 24a	Posting Unpermitted Advertising	Police and Building Inspector	\$50
Section 25	Unpermitted Soliciting	Police	\$50
Section 26	Unregistered Vehicles	Police and Building Inspector	\$50
Section 27	Open Vessel in Public Place	Police	\$50
Section 28	Fencing of Swimming Pools	Police and Building Inspector	\$50
Section 29	Juice Bar	Police	\$50
Section 32	Transport Uncovered Material	Police	\$50
Section 33	Motorized Vehicle on Town Land	Police	\$50
Section 35	Overnight Street Parking (5/14/90)	Police	First offense \$25 Second Offense \$25 Each subsequent offense \$50
Section 37	Water Meter Tampering (5/12/92)	Dept. of Public Works	\$150
Section 38	Water Management	Police and Dept of Public Works	First offense \$50 Second and each subsequent offense \$100 (Amended May, 2008)
Section 43	Obstructing Fire Lanes	Police	First Offense \$50 Second and each subsequent offense

			\$50

#### TOWN BYLAWS - ARTICLE III.

Maximum Fine Allowed: \$50

Enforcement Agent: Police and Dept. of Public Works

Fee Schedule:	1 <sup>st</sup> Offense:	Warning
	2 <sup>nd</sup> Offense:	\$25
	3 <sup>rd</sup> Offense:	\$ 50

#### TOWN BYLAWS - ARTICLE XIX

Maximum Fine Allowed: \$ 200

Enforcement Agent: Conservation Commission

#### 3.

Violations of any municipal public health bylaws of the Town and violations of any Board of Health regulations promulgated pursuant to Massachusetts General Laws, Chapter 111, §30 may be enforced by non-criminal disposition pursuant to Massachusetts General Laws, Chapter 40, §21D. Fines for violations of the Board of Health regulations shall be assessed as prescribed by the Board of Health in each of said regulations but shall not exceed three hundred dollars (\$300) per violation. Each day that such a violation exists may constitute a separate violation. Enforcing agents under this bylaw shall be Police Officers and/or the Board of Health or any of its agents.

#### Board of Health Rules and Regulations

Maximum Fine Allowed: \$300

Enforcement Agent: Board of Health and Designated Agents

Fine Schedule:

1 <sup>st</sup> offense - warning
2 <sup>nd</sup> and each subsequent offense - \$50
increments up to \$300 maximum
per day per violation

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### ARTICLE X. TIME OF TAKING EFFECT

These bylaws shall take effect on their approval and publication as required by law, and all bylaws heretofore adopted by the Town are hereby repealed on the date on which these bylaws become legal and binding.

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### ARTICLE XI. DOG CONTROL

#### 1. License fees, Exemptions for Seeing-Eye Dogs, Refund of Fees

The annual fee for every dog license, except as otherwise provided by law, shall be one dollar in addition to that provided for by the General Laws, unless a certificate of a registered veterinarian who performed the operation that such female dog has been spayed and has thereby been deprived of the power of propagation has been shown to the Town Clerk, in which case the fee shall be the same as that charged for a male dog. A certified copy of such certificate on file in the office of any City or Town Clerk within the Commonwealth may be accepted as evidence that such operation has been performed. If the Town Clerk is satisfied that the certificate of the veterinarian who spayed the dog cannot be obtained, he/she may accept in lieu thereof a statement signed under the penalties of perjury by a veterinarian registered and practicing

in the Commonwealth describing the dog and stating that he/she has examined such dog and that it appears to have been and, in his/her opinion has been, spayed and thereby deprived of the power of propagation. No fee shall be charged for a license for a dog specially trained to lead or serve a blind person, provided that the Division of the Blind certifies that such dog is so trained and actually in the service of a blind person. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Commonwealth of other disposal of the dog. All fees collected pursuant to the provisions of this section and not otherwise committed by General Law or bylaw shall be turned over to the Animal Control Officer as collected for his/her own use.

## 2. Disturbing the Peace

No person shall own or keep in the Town any dog which by biting, excessive barking, howling or in any other manner disturbs the quiet of the public. No person shall own or keep in the Town any dog unless it is restrained at all times while off the owner's or keeper's premises by a leash no greater than ten feet in length. Any owner or keeper of a dog in violation of this section shall be fined as follows:

1 <sup>st</sup> offense:	\$25 or written warning
2 <sup>nd</sup> offense:	50
3 <sup>rd</sup> offense:	50
all subsequent offenses:	50

Said funds collected shall be refunded to the Town. (5/9/94)

## 3. Complaints of Nuisance

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

## 4. Restraint by Dog Officer

The Animal Control Officer may restrain or muzzle, or issue an interim order to restrain or muzzle, until the next available Select Board meeting, any dog for any of the following reasons:

For having injured any person;

If found at large or un-muzzled, as the case may be, while an order for the restraint of such dog is in effect;

If found is a school, school-yard or public recreational area;

For having killed or maimed or otherwise damaged any other domesticated animal;

For chasing any vehicle upon any public way or way open to public travel in the Town;

For any violation of Section 2.

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

## 5. Appeal of Restraint or Muzzling

The owner or keeper of any dog that has been ordered to be restrained or muzzled, or has been restrained under this article, may file a request in writing with the Animal Control Officer that the restraining order be vacated or that the dog be released; and after investigation by the Animal Control Officer, such officer

may vacate such order or release such dog, if the order of restraint was issued by him/her. If the order was imposed by the Select Board, the Animal Control Officer shall submit a written report of his/her investigation, with his/her recommendations, to the Select Board, who may vacate such order. Any person aggrieved by any order made by the Select Board pursuant to this bylaw may appeal to the District Court under the provisions of Section 157 of Chapter 140 of the General Laws.

6. Fine

Any owner or keeper of a dog who shall fail to comply with any order of the Animal Control Officer or Select Board issued pursuant to this article shall be punishable by a fine of fifty dollars (\$50).

7. Failure to License Fine

Any owner or keeper of a dog who shall fail to purchase a dog license within thirty days of the due date shall be fined an additional twenty-five dollars (\$25) per license. (3/23/70) (5/16/88)

8. Vaccination

Any owner or keeper of a dog age six months or older shall properly vaccinate said dog against rabies and shall display a proper metal rabies tag bearing expiration date on collar at all times.

Failure to comply with the order of this section (and Massachusetts General Laws, Chapter 140, Section 137, 137A, 145B and 330, Commonwealth of Massachusetts Regulations) shall be punishable by a fine of fifty dollars (\$50). (5/12/92) (5/10/93)

9. Posted Public Property

Any owner or keeper of a dog shall not allow the dog on the premises of public property which is posted with signs stating, 'No Dogs Allowed.' Violators shall be subject to fines as listed in section 2. This provision shall not apply to dogs specially trained to lead or serve a handicapped person. (5/14/01)

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**ARTICLE XII. COUNCIL ON AGING**

(Adopted in accordance with Chapter 40, Section 8B, M.G.L.)

1. Appointment

The Select Board shall appoint a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in cooperation with programs of the Commission on Aging established under Chapter 6, Section 73 of the Massachusetts General Laws.

2. Membership

The Select Board shall appoint the Council on Aging consisting of seven (7) members. Upon acceptance of this bylaw, the Board shall appoint three (3) members for three (3) years, two (2) members for two (2) years and two (2) members for one year terms.

3. Vacancy

Whenever a vacancy shall occur in the membership of the Council by reason of death, resignation, inability to act for any other reason, the vacancy shall be filled by appointment by the Select Board for the remainder of the term.

4. Election of Officers

The Council on Aging at its first annual meeting and thereafter annually in April of each year shall elect from its membership a president, first vice president, second vice president, secretary and treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Council shall hold a special meeting for the purpose of electing one of its members to fill such a vacancy.

5. Annual Report

The Council shall prepare and submit an annual report of its activities to the Town and shall send a copy thereof to the Commission on Aging.

6. Appointment of Clerks

The Personnel Director shall advertise position vacancies pursuant to the Town of Millis Personnel Plan. The Personnel Director or his/her designee, and representatives of the Council as determined by the Chairman, shall interview and recommend candidates for employment to the Appointing Authority under the Millis Personnel Plan. (5/8/00)

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**ARTICLE XIII. PERSONNEL ADMINISTRATION PLAN**

1. Personnel Administrator

The Town Administrator shall serve as Personnel Director to the Town and develop plans, policies and procedures for Select Board approval, and participate in the collective bargaining process.

2. Duties and Authority of the Personnel Director

The Personnel Director shall administer the Personnel Administration Plan. He/She shall establish for this purpose such policies, procedures and regulations consistent with the Plan as he considers desirable, except that no action of the Director may take effect unless approved by the Select Board.

The Town Accountant and Department Heads shall keep such records of the employees of the Town as the Personnel Director may require. The Personnel Director shall keep such records of his/her own as he/she considers appropriate.

All records of the Town by whomsoever kept pertaining to the Town's employees shall be opened to inspection by the Personnel Director at all reasonable times.

The Personnel Director shall prepare and maintain written job descriptions of the positions of all employees in the service of the Town, whether full or part-time, seasonal, casual, special, civil service or others, except those positions filled by popular election and those under control of the School Committee. Descriptions shall be classified by titles and into groups. Each group shall include those positions which involve substantially similar work or which have substantially equal scope of responsibility. These descriptions are not to be interpreted as limiting the scope of any position; and employees in the future, subject to provisions of the Plan, shall perform any incidental duties assigned by department heads, supervisors or other administrative authority. Said descriptions, titles and groups shall be established by the Town at the town meeting and shall become a part of this Personnel Administration Plan as Schedule A, entitled "Classification Plan." The title of a position in the Classification Plan shall be used to designate that position in all payrolls, budget estimates, official reports, memorandum, records or other matters involving the personnel or fiscal processes of the Town.

The Personnel Director shall recommend to the Select Board, for its approval, the minimum or maximum salaries, or single rate salaries, for the groups and positions in the Classification Plan. Said salaries shall be presented in an appropriate form to be approved by vote at the town meeting and shall become part of this Personnel Administration Plan as Schedule B entitled "Salary Plan."

The Personnel Director shall review, every three years, or more often if he/she considers it advisable:

All positions subject to the Classification Plan to determine whether each group continues to include those positions which involve substantially similar work to which have substantially equal scope of responsibility; and

The Salary Plan to determine whether it sets forth fair and equitable pay levels.

After each such review, the Personnel Director shall recommend to the Select Board the action which he/she considers advisable.

The Personnel Director, with the approval of the Select Board, may tentatively add a new position to the Classification Plan or reclassify an existing position to a different group. Any such action shall cease to be effective after the close of the next following town meeting unless adopted by an amendment to the Classification Plan at that meeting.

No action of the Personnel Director may be construed as authorization to spend money for salaries or wages to employees in addition to that which has been lawfully appropriated for that purpose at a town meeting or which is lawfully otherwise available.

Upon recommendation of the Personnel Director, the Select Board may propose amendments to other Town bylaws or amendments to this Personnel Plan, which may affect the effective operation of the Personnel Administration Plan.

The Personnel Director shall summarize his/her activities annually in a report, which shall be published in the Finance Committee report.

3. Civil Service Law

Nothing in this Personnel Administration Plan shall be construed to conflict with the Civil Service Laws of the Commonwealth of Massachusetts.

4. Amendments

This Personnel Administration Plan may be amended by majority vote of town meeting.

5. Reclassification of Employees

No employee may be reclassified to a position in the same or in another group, either higher or lower, unless the Personnel Director and the Select Board determine that the reclassification will be consistent with all the provisions of this Plan.

6. Incidental Benefits

The Personnel Director shall investigate and prepare for presentation to the Select Board and the Town such incidental benefits as paid holidays, sick leave, vacations and authorized time off with pay as he may deem desirable for the effective operation of this Plan. Upon approval by the Select Board and a majority vote of the Town, such incidental benefits shall become a part of this Personnel Administration Plan as Schedule C entitled "Employee Benefits."

7. Personnel Policies and Procedures

The Personnel Director shall prepare such Personnel Policies and Procedures as he deems appropriate and recommend their adoption to the Select Board and at the town meeting as Schedule D of the Plan entitled "Policies and Procedures."

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**ARTICLE XIII. TEMPORARY REPAIRS ON PRIVATEWAYS**

The Select Board may cause temporary minor repairs to be made on private ways in the Town provided that the following conditions are met:

The type and extent of said temporary minor repairs shall include only the filling of holes or depressions in the subsurface of such ways with sand, gravel or other suitable materials where practical to be the same as or similar to those used for the existing surface of such ways and grading, but shall not include surfacing or permanent construction of said ways. The scope of the work, which can be performed, will be no greater than that which has been done on the way previously. There will be no change in the character of the way and no permanent expansion or improvement therein.

Existing drainage, when determined by the Select Board to be the cause of such repairs, may be included within the scope of maintenance work.



A determination is made by vote of the Select Board that public necessity requires said repairs. Such repairs can only be made upon petition by the abutter who owns fifty percent (50%) of the linear footage of such total way and one hundred percent (100%) of the abutters adjacent to the affected area on which the work is to be done.

Betterment charges shall not be assessed.

The Town, its officers, agent and employees, in making repairs under this Section, shall not be liable on account of any damage caused by such repairs. Said repairs shall not be undertaken unless the Board has in its possession agreements executed by all abutting owners of the affected area to release and save the Town, its officers, agents and employees, harmless on account of any damage whatever caused by such repairs. Such agreements to release and save harmless shall be deemed to be covenants running with the land and shall be binding upon all subsequent owners thereof.

Said private way shall have been opened to public use for six years or more, and in such cases, Section 25 of Chapter 84 of the M.G. L. shall not apply.

No cash deposit shall be required for said repairs.

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#### **ARTICLE XIV. HAZARDOUS MATERIALS BYLAW**

##### **1. Authority**

This bylaw is adopted by the Town of Millis under its home rule powers, its police powers to protect the public health and welfare, and its authorization under Massachusetts General Laws, Chapter 40, Section 21.

##### **2. Purpose**

This bylaw is intended to protect the public health, safety and welfare, and the environment, as well as preserve and maintain existing and potential groundwater supply, groundwater recharge areas, and surface waters within the Town from contamination with hazardous materials.

##### **3. Definitions**

The following definitions shall apply in the interpretation and implementation of this bylaw.

- *Hazardous materials* mean a product of waste or combination of substances which because of quantity, concentration, or physical or chemical, or infectious characteristics may reasonably pose, in the determination of the enforcing authority, a substantial present or potential hazard to the human health, safety or welfare, or the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. Any substance which may create a special hazard in the event of a spill, leak, fire or exposure and all substances deemed a hazardous waste in Massachusetts General Laws, Chapter 21C shall also be considered a hazardous material for the purpose of this bylaw.
- *Contingency Plan* means a document setting an organized planned and coordinated course of action to be followed in case of fire, explosion or release of hazardous materials which could threaten public health, safety or welfare or the environment.
- *Materials Safety Data Sheet* means the form containing data on physical characteristics, flammability, explosiveness, reactivity and the health and safety hazards of specific chemicals, as well as information relative to procedures recommended for spills and leaks of specific chemicals and special protections and precautions to be taken in the handling of specific chemicals.
- *Reportable Discharge* means all discharge greater than three gallons liquid volume or five pounds dry weight, or any discharge which would potentially threaten the public health and safety or the environment by entering surface water, groundwater, or water recharge areas, or by emitting toxic fumes or gases into the air. Discharges which are in compliance with all

federal, state and local regulations, or which are permitted by governing federal, state or local agencies are not considered reportable discharges.

4. Severability

Each provision of this bylaw shall be construed as separate to the end, that if any provision, sentence or clause or phrase thereof shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

5. Hazardous Materials Not Subject to Regulation by this Bylaw

The following materials are not within the scope of authority of this bylaw:

Domestic sewage;

Household waste including garbage, trash and septage from single and multiple residences, hotels and motels;

Wastes generated from the growing of agricultural crops and the raising of animals, including manure which are returned to the soil as fertilizer.

6. Registration Requirements

Every owner or operator of a commercial or industrial establishment (including municipal, state and federal operations) which stores, transports, uses, handles or otherwise manages hazardous materials excluding fuel oil stored for the purpose of heating buildings located on site totaling more than five (5) gallons liquid volume or twenty-five (25) pounds dry weight shall register with the Board of Health.

Registration includes the following:

Submission of a map or written description locating areas where hazardous materials are stored, handled or in use, specifying approximate average quantities of materials in each location and the special handling required in a fire, leak, spill or exposure. Areas must also be identified which store emergency equipment including medical supplies, along with a brief description of the capabilities of the equipment.

Submission of names, addresses and telephone numbers of all qualified "Emergency Coordinators" who are individuals identified by owners or operators of commercial or industrial establishments which must register in accordance with this bylaw. "Emergency Coordinators" must be knowledgeable in the types of hazardous materials used at the establishment, proper storage and handling of those materials, familiar with the establishment's *Emergency Contingency Plan* and authorized as on-site coordinator in the event of an emergency.

Keep on file at all times in an on-site location known and accessible to the "Emergency Coordinators" *Material Safety Data Sheets* on all hazardous materials manufactured, stored or used at the establishment. These *Material Safety Data Sheets* must be available to the Board of Health and the Head of the Fire Department during routine inspections, investigations and in the event of an emergency.

Keep on file at all times in on-site location known and accessible to all "Emergency Coordinators" an *Emergency Contingency Plan* which identifies "Emergency Coordinators" and details the areas where and ways in which the emergency could come about, the techniques and procedures to be used for prevention and control of such emergencies, the emergency equipment available on-site, outside agencies and organizations who should be notified and/or may provide services in an emergency, an evacuation plan for personnel, and an inventory of the types, approximate quantities and methods of storage, transportation and disposal of all hazardous materials.

6.1 - Effective Date of Registration Requirement

Registration required by Section 6. shall be initially submitted by October 1, 1984 and annually thereafter within thirty days of January 1 each year. Records required in Subsection 6. to be kept on file at each establishment should be upgraded as frequently as necessary to ensure proper handling of hazardous materials and adequate procedures to minimize emergencies and the damage which would result from such emergencies.

Owners and operators of commercial and industrial establishments who have not previously registered in accordance with Subsection 6. shall, if they meet the registration requirements, register initially within thirty (30) days of meeting such requirements and thereafter within thirty (30) days of January 1 each year.

#### 6.2 - Updating of Registration Information

All information required under Subsection 6. of this bylaw must be kept current to reflect substantial changes in quantities or types of hazardous materials on-site.

### 7. Hazardous Materials Generally

All hazardous materials within the Town of Millis must be stored, handled and transported in such a way as to minimize discharges and to ensure maximum protection of the environment and the public health, safety and welfare.

#### 7.1

The discharge of hazardous materials within the Town of Millis is prohibited. All hazardous material within the Town of Millis must be stored, handled, transported and used in such a way as to ensure maximum protection of the environment and the public health, safety and welfare. The proper application of state approved fertilizers and pesticides shall be stored and disposed of in compliance with this and other town and state laws.

#### 7.2

All commercial and industrial establishments registered in accordance with Subsection 6. of the bylaw must keep sufficient records to detect losses greater than five (5) gallons of hazardous materials and provide best estimates of quantities of hazardous materials on-site.

#### 7.3

All locations where hazardous materials are stored or used in quantities that could cause a substantial hazard in the event of a spill, leak, fire or exposure shall be designated with legible warning signs of bright yellow or other equally conspicuous color, indicating the potential danger and how to overcome or avoid such danger.

#### 7.4

All hazardous materials shall be held in product tight containers. All containers of hazardous materials which permit leakage or spillage shall be disposed of or repaired to its original product tight state.

#### 7.5

Every owner of a commercial or industrial establishment (including municipal, state or federal operations) shall comply with all federal, state and municipal laws and regulations relative to hazardous materials.

### 8. Aboveground Storage of Hazardous Materials

Aboveground containers of hazardous materials shall be kept in an orderly manner, shall be adequately marked to identify the hazard and shall be stored on a surface impervious to the material being stored. The storage area shall be enclosed by a permanent dike of impermeable construction. The volume of the area enclosed by the dike shall be equal to or greater than the capacity of the containers within the dike.

There shall no storage of incompatible chemicals (those which react to another to create a special hazard) in the same area.

Drainage and ventilation of storage areas containing hazardous materials shall be constructed and maintained so as to control spills, fumes, noxious gases and other potential sources of contamination.

### 9. Underground Storage

The following provision shall apply to all underground liquid hazardous material storage systems.

9.1

Owners shall file with the Board of Health the size, type, age (if known) and location of each tank, and the type of hazardous materials stored in each, on or before October 1, 1984. A standard form provided by the Board of Health shall be used.

9.2

Owners of tanks for which evidence of installation is not available shall, at the order of the Board of Health, have such tanks tested. If either the Board of Health or the Head of the Fire Department determines that the tank is not product tight, it shall be repaired or disposed of under the direction of the Board of Health and the Head of the Fire Department.

9.3

All tanks shall be tested the day of installation and thereafter at intervals in accordance with 527 CMR 9.00.

9.4

All newly installed tanks subject to this bylaw shall be protected from internal and external corrosion and shall be of a design approved by the Board of Health and the Head of the Fire Department.

9.5

All leaking tanks must be emptied by the owner or operator within twelve (12) hours of leak detection and repaired to a proper tight condition or removed by the owner or operator in a time period to be determined by the Board of Health.

10. Effective Date

All storage provisions contained in Subsections 7., 8., and 9. must be complied with by July 1, 1985.

11. Reporting Requirements

Any person having knowledge of a reportable discharge of hazardous material shall immediately report the discharge to the Board of Health and, if involving flammable or explosive materials, to the Head of the Fire Department.

12. Protection of Public Water Supplies

In order to protect and preserve existing drinking water sources, the following uses are prohibited within one thousand feet (1,000') of the head of a gravel packed well used as a source of municipal drinking water unless exempted by a variance in accordance with Subsection 14. of this bylaw:

- Automotive service and repairs shops, junk and salvage yards, and car washes;

- Storage of road salts or other deicing materials unless in an approved shed;

- Use of chemicals for deicing unless deemed necessary for public safety;

- The discharge of hazardous materials;

- Commercial or industrial uses which require registration in accordance with Subsection 6. of this bylaw;

- Commercial or industrial uses which discharge process waste waters on site, excluding discharges permitted in accordance with all applicable state and federal regulations which are shown to contain no contaminants;

- Commercial and industrial uses which recharge storm-water to groundwater without passage through oil and grease traps and sediment traps, constructed, operated and maintained to minimize groundwater contamination.

13. Permits Required

A permit shall be required and obtained from the Board of Health for all new commercial or industrial establishments requiring registration in accordance with Subsection 6.2., prior to

the operation of said establishment, to determine that the provisions of this bylaw have been met.

A permit shall also be required and obtained from the Board of Health for all establishments requiring registration in accordance with Subsection 6. who seek to install additional aboveground or underground hazardous materials storage tanks.

14. Variances

The Board of Health may vary the application of any provision of this bylaw, unless otherwise required by law, in any case, when, in its opinion, the applicant has demonstrated that an equivalent degree of environmental protection required under this bylaw will still be achieved. The applicant at his expense must notify all abutters by certified mail at least ten (10) days before the Board of Health meeting at which the variance request will be considered. The notification shall state the variance request will be considered. The notification shall state the variance sought and the reasons thereof. Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for denial. The Board of Health may, as an alternative to denial of a variance, impose such conditions as it deems necessary to contribute to the environmental protection required under this bylaw.

15. Enforcement

The Board of Health or its agent(s) shall be the enforcing authority of the bylaw.

The Board of Health or its agent(s) may enter upon privately owned property for the purpose of performing their duties under this bylaw.

16. Penalty

Any person who violates any provision of this bylaw shall be punished by a fine of not more than three hundred dollars (\$300). Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. This bylaw may be enforced pursuant to Massachusetts General Laws, Chapter 40, Section 21D by a Millis Police Officer or other officer having police powers.

17. Fees

Any person registering storage of hazardous materials pursuant to Subsection 6. shall pay the Town of Millis an annual registration fee of fifteen dollars (\$15). Such a fee shall be due on the same date as the annual registration. Failure to pay shall constitute a violation and shall be subject to the penalties of Subsection 16. of the bylaw. (5/15/84) (5/18/87) (5/15/90)

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**ARTICLE XV. STORAGE TANKS**

The following shall apply to all underground single and multiple tanks of any volume and all aboveground single and multiple tanks which have a capacity of at least six hundred (600) gallons including fuel oil tanks for use on commercial and noncommercial premises which contain gasoline, kerosene, fuel oil (all grades) or other hydrocarbon liquids or other fluid which may cause contamination of a water supply.

For aboveground tanks, the term vault as used herein shall be defined as a walled area having a base and being of sufficient volume to hold the entire volume of the enclosed tank or tanks.

All tanks and associated piping situated in aquifer recharge areas as defined in the Groundwater Protection Bylaw shall have secondary containment. Such secondary containment shall be in accordance with 527 CMR 9.00 and other requirements that the Board of Health may require.

**A. New Tanks**

Section 1. - All tanks newly installed in the Town of Millis shall be a Sti-P3 tank or an Enviro-Tank (dual containment tank) or equal as required by CMR 527 9.00.

Section 2. - Filling, dispensing and venting piping systems for new tanks shall be installed within a conduit sloped to drain to the vault. The conduit shall be constructed of corrosion-resistant materials which are impervious to the solution stored.

Section 3. - Construction details and materials shall be subject to the approval of the Fire Chief and the Board of Health or its agent.

Section 4. - A set of plans shall be submitted to the Fire Chief for his approval prior to installation work and to the Board of Health or its agent.

Section 5. - An application for a license for new tanks must be made with the Select Board. The fee for such license is as follows:

|        |   |                 |         |
|--------|---|-----------------|---------|
| 1      | - | 999 gallons     | 0       |
| 1,000  | - | 4,999 gallons   | \$20.00 |
| 5,000  | - | 9,999 gallons   | 30.00   |
| 10,000 | - | 49,999 gallons  | 50.00   |
| 50,000 |   | or more gallons | 100.00  |

B. Existing Tanks

Section 1. - All such existing above and below ground tanks, including the filling, dispensing and venting pipe systems, shall be tested for integrity by a Massachusetts State approved tank system tightness test by December 31, 1987.

Section 2. - The test shall be performed by qualified persons in accordance with standard practices in the presence of the Fire Chief and Board of Health member or its agent. The owner shall be responsible for all costs (including town personnel time), and the test results shall be furnished to the Fire Chief and the Board of Health as soon as they are available.

Section 3. - Any existing tank which fails the Kent-Moore Hydraulic test shall be:

- a. Immediately replaced with a vaulted tank;
- b. If vaulted, immediately repaired; or
- c. Suitably dismantled or abandoned with its contents removed.

Removal, repair or abandonment shall be done with the approval of the Fire Chief and/or issuance of a permit by him/her where required by state regulations.

C. All Tanks

Section 1. - A perpetual inventory of the total product received, the total dispensed and the total in storage shall be maintained for each tank in the Town of Millis. A continuous loss for a period of five (5) days shall be immediately reported to the Fire Chief and the Board of Health or its agent.

Section 2. - Continued operation of licensed storage tanks is governed by Section 13 of Chapter 148 of the Massachusetts General Laws requiring annual registration of such licenses; the renewal fee is one-half (1/2) of license fee.

Section 3. - Annual registration applications shall be accompanied by the tank contents for the preceding year and evidence of registration with the Board of Health.

Section 4. - A tank that has been installed for fifteen (15) years or more shall be inspected once a year.

Failure to adhere to any of the bylaw shall constitute a breach of Town bylaws and shall be cause for such penalty as may be prescribed by the Select Board - i.e., revocation or suspension of license, fine or fines, or both. (5/15/84) (5/13/85) (5/18/87)

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**ARTICLE XVI. HISTORICAL PROPERTIES**

The Millis Historical Commission shall file with the Select Board and the Building Inspector, annually, a current list of all the known Millis historical properties (the term shall include bridges, structure and historical sites - i.e., King Philip Trees) and properties being studied and considered for such designation as historical properties.

The Building Inspector shall notify the Historical Commission in writing immediately upon receipt of an application to demolish any property that is included on said list. The Select Board shall notify the Historical Commission of any projects which might result in the demolition or alteration of any property that is included on said list.

Pursuant to Section 114.1 of the State Building Code, the Building Inspector shall wait thirty (30) days from the date of the application to issue a permit to demolish a building. (5/18/87)

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#### **ARTICLE XVII. GRANTING OR RENEWING CERTAIN LICENSES AS AFFECTED BY NONPAYMENT OF LOCAL TAXES, FEES, ETC.**

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

The licensing authority may deny, revoke or suspend any license or permit, including renewals or transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of the law, and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterment or other municipal charges, payable to the municipality as the date of issuance of said certificate.

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

The Select Board 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/her

immediate family, as defined in Chapter two hundred and sixty-eight (268) in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits:

- Open burning under M.G.L. Section thirteen (13) of Chapter forty-eight (48);
- Bicycle permits under Massachusetts General Laws Section 11A of Chapter 85;
- Sales of articles for charitable purposes under M.G.L. Section 33 of Chapter 101;
- Children work permits under M.G.L. Section 69 of Chapter 149;
- Clubs, associations dispensing food or beverage licenses under M.G.L. Section 21E of Chapter 140;
- Fishing, hunting, trapping licenses under M.G.L. Section 12 of Chapter 131;
- Marriage licenses under M.G.L. Section 28 of Chapter 207; and
- Theatrical events, public exhibition permits under M.G.L. Section 181 of Chapter 140. (5/9/88) (5/9/94)

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## **ARTICLE XVIII.     WEIGHTS AND MEASURES**

The Sealer of Weights and Measures shall inspect those measuring devices required under Massachusetts General Laws Chapter 98. For the performance of said tests, the Town may collect fees from the owner of the tested measuring device according to a fee schedule adopted by the Select Board, who shall adopt said fee schedule after holding a duly published public hearing. **(May 10, 2004)**

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## **ARTICLE XIX                     WETLANDS PROTECTION BYLAW**

### 1.     Membership

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

### 2.     Purpose

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

- A. The promotion and development of natural resources and protection of watershed resources of the Town;
- B. The advertising, preparation and distribution of books, maps, charts, plans and pamphlets which, in its judgment, it deems necessary for its work;
- C. The receiving of gifts, bequests of devices or personal property or interests in real property in the name of the Town subject to the approval of the Select Board;
- D. The acquisition, in the name of the Town, by option, purchase, lease or otherwise the fee in such land or water rights, conservation restrictions, easements of other contractual rights as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces in land and water uses within the Town and the management and control of same;
- E. The regulation and protection of wetlands, related water resources and adjoining land areas in the Town of Millis, including the authority to regulate or prohibit the removal, filling, dredging or altering of any area likely to have a significant effect upon public or private



water supply, groundwater, flood control, storm drainage prevention, erosion, prevention of pollution, wildlife habitat or recreation.

### 3. Jurisdiction

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon, or alter the following resource areas: land within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp; land within 100 feet of any bank, beach, dune or flat; any lake, river, pond, stream or estuary, or any land under said waters.

No person shall remove, fill, dredge, or alter any bank, freshwater wetland, marsh, wet meadow, bog or swamp or lands bordering on any estuary, creek, river, stream, pond or lake, or any land subject to flooding, other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, drainage, telephone, telegraphs and the telecommunications service, without filing written notice of his/her intention so to remove, fill, dredge or alter and without receiving and complying with an order of conditions and provided all appeal periods have elapsed. Such notice shall be sent by certified mail or hand delivered to the Millis Conservation Commission, including such plans as may be necessary to describe such proposed activity and its effect on the environment. The same notice, plans and specifications required to be filed by an applicant under Massachusetts General Laws, Chapter 131, Section 40, and 310 C.M.R. 10 et. Seq., as amended, may be accepted as fulfilling the requirements of this bylaw. The said commission, in its discretion, may hear any oral presentation under this bylaw at the same public hearing required to be held under the provisions of said Chapter 313, Section 40, of the Massachusetts General Laws.

### 4. Application for Permits and Requests for Determinations

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

The Commission shall accept as the application and plans under this bylaw the Notice of Intent and plans filed under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40.

At the time of application or request, the applicant shall pay a filing fee specified in regulations of the Commission. This fee is an addition to that required by the Wetlands Protection Act, M.G.L. Chapter 131, Section 40.

When reviewing an application for permit, the Commission may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of the project's significant effect upon the values the Commission is authorized to protect, all as set forth in this article. The Commission may require that applicants pay the cost of engaging an outside consultant to assist the Commission in the review of the application. The Commission may also require, as a condition of approval, payment covering the cost of this hiring of an outside consultant to inspect work to insure compliance with the previously granted permit.

Outside consultants shall be acceptable to the Commission. The standards of qualification shall consist of Massachusetts certification or license in the field at issue or references mutually acceptable to the Commission and the applicant, showing expertise and experience in the field at issue.

The consultant shall be paid directly by the applicant, who shall be responsible for any and all costs usual and customary for the services performed by the consultant.

## 5. Notice and Hearings

Any person filing an application or a request for determination with the Commission shall, at the same time, give written notice thereof, by certified mail or hand delivery, to the Inspector of Buildings of the Town of Millis. The notice shall include a general description of the proposed work to be performed and state that an application has been filed with the Conservation Commission.

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

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

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

The Commission may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40.

The Commission shall have authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant, and deemed necessary by the Commission in its discretion. In the event the applicant objects to continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

## 6. Permits, Determinations and Conditions

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

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

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

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

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

No work proposed in any application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded at the registry of deeds or, if the land affected thereby is registered

land, in the section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the permit has been so recorded.

#### 7. Regulations

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

#### 8. Enforcement

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

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

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

Any person who violates any provisions of this bylaw, regulations thereunder, shall be punished by a fine of not more than two hundred dollars (\$200). Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations, or permit violated shall constitute a separate offense.

In the alternative to criminal prosecution the Commission may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Chapter 40, Section 21D.

#### 9. Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the wetland values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

#### 10. Relation to the Wetlands Protection Act

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and Home Rule Statutes, independent of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and regulations thereunder.

#### 11. Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

#### 12. Definitions

The following definitions shall apply in the interpretation and implementation of this bylaw:

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents or assigns.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- A. Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind;
- B. Changing of preexisting drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns or flood retention characteristics;
- C. Drainage or other disturbance of water level or water table;
- D. Dumping, discharging or filling with any material which may degrade water quality;
- E. Placing of fill or removal of material which would alter elevation;
- F. Driving of piles, erection or repair of buildings, or structures of any kind;
- G. Placing of obstructions or objects in water;
- H. Destruction of plant life including cutting of trees;
- I. Changing water temperature, biochemical oxygen demand or other physical or chemical characteristics of water;
- J. Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater;
- K. Application of pesticides or herbicides.

Except as otherwise provided in regulations of the Commission, the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, or act in any manner relating thereto. (May 13, 1991) (Corrected Article XIX 3/22/04)

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## **ARTICLE XX. FIRE ALARM SYSTEMS**

### **1. Definitions**

- A. Central Station Operating Company: A company equipped to receive a fire alarm signal from each of its customers and which then transmits to the Millis Fire Department the location of any such alarm the central station operating company receives.
- B. Fire Alarm System: Any heat activated, smoke activated, flame energy activated or other such automatic device capable of transmitting a fire alarm signal to either a central station operating company or directly to the Millis Fire Department by way of a master box.
- C. Fire Alarm System Malfunction: The transmittal of a fire alarm to a central station operating company or directly to the Millis Fire Department by way of a master box which alarm is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reason that causes a fire alarm to sound even though there is no actual fire or situation that could reasonably evolve into a fire.
- D. Fire Alarm System Owner: An individual or entity who owns the title to and/or has on his/her business or residential premises a fire alarm system equipped to send a fire alarm signal to a central station operating company or directly to the Millis Fire Department by way of a master box.
- E. Fire Chief: The Chief of the Millis Fire Department.
- F. Master Box Owner: An individual or entity who has on his/her business or residential premises a fire alarm system equipped to send a fire alarm signal directly to the Millis Fire Department by way of a master box, which is a municipal fire alarm box.

### **2. Connection of Fire Alarm System to the Millis Fire Department by way of a master box.**

- A. Before any fire alarm system is connected to the Millis Fire Department, the master box owner shall provide the Fire Chief with the following information:
  - 1. The name, address, home and work telephone numbers of the master box owner;
  - 2. The street address where the master box is located;
  - 3. The names, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected to the master box;

4. The names, addresses, home and work telephone numbers of at least two persons other than the owner who can be contacted twenty-four hours a day who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located; and
5. Such other information as the Fire Chief may require. If, at the passage of the bylaw, a fire alarm system has already been connected to the Millis Fire Department by way of a master box, the master box owner shall comply with the requirements of this Section within sixty (60) days after the Millis Fire Department has sent him/her notice by first class mail of the requirements of this Section. If the master box owner fails to comply with this Section, the Fire Chief may assess a fine of fifty dollars (\$50) for each day of noncompliance.

### 3. Connection of Central Station Operating Companies to the Millis Fire Department

- A. Every central station operating company which has a direct connection Millis Fire Department on the effective day of this bylaw shall pay the following fee:

Annual Fee.....\$200

Before any central station operating company is connected with the Millis Fire Department, it shall provide the Fire Chief with the following information:

1. The name, address and telephone numbers of the central station operating company;
2. The names, addresses, home and work telephone numbers of at least two persons, other than the owner, who can be contacted twenty-four hours a day who are authorized by the central station operating company to respond to an alarm and who have access to the premises where the alarm signal is emitting to the central station operating company;
3. The names, addresses, home and work telephone numbers and locations of the premises of each customer of the central station operating company who has a fire alarm system equipped to send a fire alarm signal to the central station operating company;
4. Such other information as the Fire Chief may require.

If, at the passage of the bylaw, a central station operating company already has a direct connection to the Millis Fire Department, the central station operating company shall comply with the requirements of this section within sixty (60) days after the Millis Fire Department has sent him/her notice by first class mail of the requirements of this section.

If a central station operating company fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50) for each day of noncompliance.

### 4. Updating Information

Every master box owner and every central station operating company shall be responsible for updating the information herein required to be provided to the Chief. If the information provided changes, the master box owner and the central station operating company shall provide the Fire Chief with the updated information and shall pay the fee, if any, required by this bylaw.

If a master box owner or a central station operating company fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50).

### 5. Fire Alarm System Malfunction - Fines

If there is a fire alarm system malfunction, as defined herein, the Fire Chief may assess a fine against a fire alarm system owner for each malfunction per fiscal year according to the following schedule:

- A. First through third malfunction: No charge.  
Upon the recording of the third false alarm by the Fire Department, the Fire Chief shall notify the owner of the building, in writing and by certified mail, of such fact and, at the time, inform the owner of the department's policy with regard to charging for false alarms.
- |                                       |                              |
|---------------------------------------|------------------------------|
| Fourth through sixth malfunction:     | \$100 plus cost of apparatus |
| Seventh through eleventh malfunction: | \$200 plus cost of apparatus |
| Each malfunction after the eleventh:  | \$300 plus cost of apparatus |
- B. Private firm alarms systems connected to the Millis Fire Department by other automatic means or through a central station system shall be subject to the above conditions.
- C. Any false fire alarm which is the result of the failure of the property owner, occupant or their agents to notify the Millis Fire Department of repair, maintenance or testing of the internal fire alarm system within the protected premises shall cause a penalty to be assessed in accordance with Section 4.
- D. For the purposes of this regulation, a false fire alarm shall be defined as follows:
1. The operation of a faulty smoke or heat detection device;
  2. Faulty control panel or associated equipment;
  3. A water pressure surge in automatic sprinkler system;
  4. Accidental operation of an automatic sprinkler system;
  5. An action by an employee of an owner or occupant of the protected premises or a contractor employed by the owner of occupant, causing accidental activation of the internal fire alarm system.
- E. Property owners will be billed once a month for the previous month's malfunction activity.
- F. If the bill is not paid within thirty (30) days, a second notice will be sent. If the bill is not paid after another 30-day period, a final notice will be sent informing the owner and/or occupant that the master box will be disconnected and the insurance company notified.

#### 6. Restrictions on Tape Dialers and Similar Automatic Telephone Devices

No fire alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm message to any telephone lines of the Millis Fire Department. If, at the passage of the bylaw, a fire alarm system is equipped with such a tape dialer or similar automatic telephone device, the fire alarm owner shall have sixty (60) days, following the approval of this bylaw by the Attorney General, to disconnect such tape dialer or similar automatic telephone device. If a fire alarm owner fails to comply with this action, the Fire Chief may assess a fine of fifty dollars (\$50).

#### 7. Appeal Procedure

Any fire alarm system owner who is aggrieved by any action taken by the Fire Chief under this bylaw may, within ten (10) days of such action, file an appeal, in writing, with the Select Board of the Town of Millis ("the Board"). After notice, the Board shall hold a hearing, after which it shall issue a decision in which it affirms, annuls or modifies the action taken by the Fire Chief, giving its reason therefor. The Board shall send its decision to the owner by first class mail within ten (10) days after the hearing. The decision of the Board shall be a final administrative decision.

#### 8. Regulations and Enforcement

The Select Board may promulgate such regulations as may be necessary to implement this bylaw.

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## **ARTICLE XXI. RIGHT TO FARM**

### **Section 1 Legislative Purpose and Intent**

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

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

### **Section 2 Definitions**

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

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

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.
- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-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;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

### Section 3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Millis.

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

### Section 4 Disclosure Notification

“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, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

A copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

### Section 5 Resolution of Disputes

Any person having a complaint about a farm or farming activity or practice is encouraged to seek an amicable solution directly with the owner or operator of the farm at issue. Such person may also, notwithstanding the pursuit of other available remedies, file such complaint with the Select Board. The Select Board shall forward the complaint to the Agricultural Commission, and other board or officer deemed appropriate, and request that recommendations for resolution be provided within an agreed upon time frame. Notwithstanding any other provision of this section, however, the Select Board shall not be required to forward a complaint filed in accordance herewith or to take any other action whatsoever with regard hereto.

### Section 6 Severability Clause

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

**Added May 12, 2008**

## **ARTICLE XXII. DOMESTICATED FOWL OR RABBIT REGULATIONS**

1. Purpose – The purpose of this Article is to insure that the raising or keeping of domesticated fowl or rabbits for private purposes by the owner(s) of residential property is done in a safe and appropriate manner so as not to create a nuisance or detriment to the health, safety and/or welfare of the community. Accordingly, the raising or keeping of domesticated fowl or rabbits shall be subject to the provisions set forth below in addition to and notwithstanding any other applicable local and state regulations.



The provisions of this bylaw shall not apply to farm properties or agricultural operations recognized under MGL Ch. 40A, Section 3.

2. Definitions –“Domesticated fowl” shall mean chickens, geese, ducks, peafowl, turkeys and the like.

3. Regulations - All domesticated fowl or rabbits governed by this by-law shall be raised and kept in a safe and humane manner, consistent with best agricultural practices and as required under all applicable state and local regulations, including, but not limited to, the below. Regulations for the raising and keeping of domesticated fowl or rabbits in Millis under this bylaw may be promulgated by the Board of Health which shall include, but which shall not be limited to, the following. The failure of the Board of Health to adopt regulations under this section shall not waive or invalidate the provisions set forth below:

Regulations for the raising or keeping of domesticated fowl or rabbits shall include, but are not limited to, the following minimum standards:

- A. Enclosure & Shelter. Domesticated fowl or rabbits shall be confined with fencing or other enclosure sufficient to prevent access to the animals by dogs or other predators. Said enclosure shall contain a minimum of ten (10) square feet of open area per adult animal. Within or attached to any such enclosure shall be provided a covered, predator -proof shelter or roosting structure (e.g. coop, dovecote, hutch, or shed, as appropriate) that is thoroughly ventilated, of sufficient size to admit free movement of the animals, designed to be easily accessed, cleaned and maintained by the owners, and at least 2 square feet per animal in size. As appropriate to the species, animals may be required to be shut into the shelter coop at night, from sunset to sunrise.
- B. Feed Storage. Feed shall be stored in a secure, rodent- and predator-proof container in a manner that will not attract pests.
- C. Waste. Waste shall be collected and stored in a covered container and removed from the property at suitable intervals, or composted on site in a manner that will not attract pests or promote disease. No animal waste may be put into household trash.

Odors & Noise. Odors from domesticated fowl or rabbits, their waste, compost, or other related substances shall not be perceptible at the property boundaries. It shall be a violation of these regulations for the owner, custodian, or keeper of any animal governed under these regulations to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure; and noise of a loud and persistent and habitual nature.

4. Registration & Inspections - Prior to acquiring any domesticated fowl or rabbit, the property owner of the proposed site shall file with the Millis Health Department an application describing fully and accurately his or her proposal to raise and keep domesticated fowl or rabbits, and identifying the property involved. If an applicant is anyone other than the owner of the proposed site, the application shall contain the owner’s signature and approval.

The Health Director may require that such applications be made on forms provided by the Millis Health Department. All registration applications shall be reviewed and approved, denied, or approved with conditions by the Health Director after consultation with the Animal Control Officer. Any approval holder, or owner of property subject to such approval, shall thereafter abide by the provisions of the best practice regulations established hereunder and any specific condition(s) imposed under said approval, and, consistent with the laws of the Commonwealth, shall permit annual inspections and such other inspections of the premises as may be required under the provisions of MGL Ch. 129, Section 7.

Applicants shall provide, at their own expense, a copy of a certified abutter's list obtained from the Assessors identifying each direct abutter to the property for which the application is filed, along with the applicant's written notice of his/her intent to raise or keep domesticated fowl or rabbits. At the applicant's expense, the Health Director shall send, by certificate of mailing, written notice of the application to the abutters identified by the Assessors, which notice shall fully and accurately describe the location and the proposed number and type of animals, as well as all associated structures and facilities. This notice shall also indicate that direct abutters have the right to file with the Health Director written comments in support of or objection to the application, and shall indicate the deadlines, as set forth below, for submission of comments.

5. Fees - Under the provisions of MGL. Ch. 40, Section 22F, the Health Director is authorized to set reasonable fees for registration and such inspections as may be required hereunder. There shall be no reimbursement or pro-rating of application or inspection fees.

6 . Administrative Hearing - The Health Director shall not act on said application until more than fourteen (14) working days have passed since the mailing of notice to abutters. If at the end of that period the Health Director has received written comments whereby the owner(s) of a majority of the abutting properties have expressly requested so in writing, the Health Director shall schedule and hold, within thirty (30) days of the deadline for receiving abutter comment, an administrative hearing for the purpose of taking public testimony regarding the proposal.

The Health Director shall give written notice of the time and place of the hearing, not less than seven (7) days prior to the hearing to the applicant by certified mail, to abutters by certificate of mailing, and by posting with the Town Clerk.

7 . Decision – Following the close of an administrative hearing, the Health Director shall within five (5) working days render a decision in writing based upon compliance of the proposal with best practices and such other factors of public health and welfare as the Health Director may deem appropriate. In approving an application, the Health Director may, following consultation with the Animal Control Officer, impose any reasonable conditions, safeguards and limitations including conditions above and beyond those specified in the best practices regulations developed under this section, as well as those which may be required under existing zoning and/or other regulations.

8 . Violations – Violation of this Article may be subject to a penalty of \$25.00 for each offense, with each day the violation continues constituting a separate offense. In the alternative or in addition to the foregoing, this Article may be enforced by any means available at law or equity.

9. Enforcement – Enforcing persons shall be the Animal Control Officer or the Health Director.

10. To the extent any of the provisions herein conflict with or are determined to conflict with state law, state law shall prevail, however the remaining provisions of this Article shall remain in full force and effect.  
(Added November 4, 2013) (Amended June 8, 2015)

## **XXIV PLASTIC BAG REDUCTION BYLAW.**

The Purpose of this Bylaw is to eliminate the usage of thin-film single-use plastic bags by all retail stores in the Town of Millis and to promote the use of reusable bags.

The Town is committed to protecting the environment and the public health, safety and welfare of its citizens. This Bylaw will help reduce the common use of plastic checkout bags and encourage the use of reusable bags by consumers, thereby reducing local land and aquatic pollution, which add to the potential death of marine and other wildlife through ingestion and entanglement; clogging of storm drainage systems; impeding of solid waste reduction; increased litter around Millis streets, parks, public places and local waterways.

### **Definitions**

1. Check out bag - Any bag that is provided at the point of sale to a customer by an establishment for use to transport or carry away purchased items, including but not limited to merchandise, goods and/or food.
2. Enforcing Authority - Millis Board of Health
3. Recyclable Paper Bag - A paper bag that is:
  - a. 100 percent recyclable, including any handles
  - b. contains at least 40% post-consumer recycled paper content; and
  - c. displays the words “recyclable” (or a suitable symbol indicating that the bag is recyclable) and “made from 40% post-consumer recycled content” (or other applicable amount) in a visible manner on the outside of the bag.
4. Retail Establishment - Any retail operation located in the Town which sells goods, food or provides personal services to the public, including restaurants.
5. Reusable checkout bag - A bag with or without handles specifically designed for multiple reuse; and is either made of cloth or machine washable fabric or made of durable, non-toxic plastic generally considered a food-grade material. A Reusable checkout bag may not be constructed of polyethylene or polyvinyl chloride.
6. Thin-film single use plastic bag - typically with plastic handles and a thickness of 2.5 mils or less and are intended for single-use transport of purchased products.

### **Use Regulation**

Single use plastic bags shall not be distributed, used or sold for checkout or other purposes at any Retail Establishment within the Town of Millis on or after July 1, 2020.

If a Retail Establishment provides or sells checkout bags to customers, the bags must be one of the following:

1. Recyclable paper bags, or
2. Reusable checkout bags

Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores.

Retail or grocery stores are strongly encouraged to make Reusable checkout bags available either at no cost or for sale to customers at a reasonable price.

Thin-film, single-use plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, may be distributed, used or sold at any retail or grocery store.

Effective Date: This Bylaw shall take effect six (6) months following approval of the Bylaw by the Attorney General or July 1, 2020, whichever is later.

#### **Enforcement Process**

This Bylaw will be enforced by the Board of Health through non-criminal disposition.

Any retailer distributing plastic checkout bags in violation of the Bylaw shall be subject to a non-criminal disposition fine as defined below. Any such fines shall be paid to the Town of Millis.

Violation of the Bylaw

|                          |         |
|--------------------------|---------|
| 1st offense              | Warning |
| 2nd offense              | \$50    |
| 3rd                      | \$100   |
| and subsequent offenses. |         |

**(Added November 4, 2019)**

## **ARTICLE XXIII. STORMWATER MANAGEMENT UTILITY:**

### **SECTION 1.0 GENERAL PROVISIONS**

#### **10.1. Title**

This By-Law shall be known as the Stormwater Utility Administration By-Law of the Town of Millis, Massachusetts, hereinafter referred to as "this by-law."

#### **10.2. Responsibility for Administration**

The Select Board (the "Board") shall administer, implement, and enforce this by-law unless otherwise provided in this by-law. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to its employees or agents.

#### **10.3. Purpose**

The Select Board shall administer the stormwater management program of the Town. It shall be funded by revenue collected through the Stormwater Utility fee and such other revenue as may, from time to time, be appropriated. The stormwater management program, described in part through Articles I and II of the Town's Stormwater Management Regulations, is designed to promote the health and safety of the public, to protect property from flooding and the damage caused by stormwater runoff and to protect and manage water quality by controlling the level of pollutants in stormwater runoff and the flow of water as conveyed by manmade and by natural stormwater management systems and facilities.

### **SECTION 2.0 Authority**

This by-law is adopted in accordance with the authority granted, inter alia, by Amendment Article 89 to Article II of the Massachusetts Constitution (the Home Rule Amendment), Section sixteen of Chapter 83 of the General Laws of the Commonwealth of Massachusetts and such other powers as granted to cities in the said General Laws.

### **SECTION 3.0 DEFINITIONS**

The following words, terms and phrases, when used in this by-law, shall have the meanings as described to them in this section, except where the context clearly indicates a different meaning:

(1) Credit means a reduction in the amount of a Storm water Utility fee charged to the owner of a particular property where that property owner owns, maintains and operates on-site or off-site storm water management systems or facilities, or provides services or activities that reduce or mitigate the

Town's cost of providing storm water management services, in accordance with the Town's approved credit policy.

(2) Developable shall mean a parcel of land, as designated by the Assessor or other local jurisdictional authority, that can be altered from its natural state to include impervious surface area.

(3) Developed means property altered from its natural state by construction or installation of greater than or equal to two hundred (200) square feet of impervious surfaces.

(4) Drainage system shall mean natural and manmade channels, swales, ditches, swamps, rivers, streams, creeks, wetlands, branches, reservoirs, ponds, drainage ways, inlets, catch basins, gutters, pipes, culverts, bridges, head walls, storm sewers, lakes, and other physical works, properties, and improvements that transfer, control, convey or otherwise influence the movement of storm water runoff.

(5) General Laws means the General Laws of the Commonwealth of Massachusetts.

(6) Impervious surface includes any material or structure on below or above the ground that prevents water infiltrating the underlying soil. Impervious surfaces include, without limitation, roads, paved parking lots, rooftops, buildings or structures, sidewalks, driveways, and other surfaces which prevent or impede the natural infiltration of storm water runoff which existed prior to development.

(7) Storm water is surface water that results from precipitation and that travels over natural or developed land surfaces to discharge into a drainage system or surface water body. Storm water includes stormwater runoff, snow melt runoff, and surface water runoff and drainage.

(8) Stormwater management services mean all services provided by the Town which relate to the:

(a) Transfer, control, conveyance or movement of stormwater runoff through the Town;

(b) Maintenance, repair and replacement of stormwater management systems and facilities owned, controlled, or maintained by the Town;

(c) Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs;

(d) Regulation, oversight, and enforcement of the use of stormwater management services, systems and facilities;

(e) Compliance with applicable State and Federal stormwater management regulations and permit requirements including, but not limited to, public education and outreach. Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

(9) Stormwater management systems and facilities mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, headwalls, storm sewers, outfalls and other physical works, properties and

improvements which transfer, control, convey, detain, retain, treat or otherwise influence the movement of stormwater runoff.

(10) Stormwater Utility fee means the periodic user fee imposed pursuant to this by-law by the Town of Millis which will be dedicated to the provision of public stormwater management services.

(11) Undevelopable land is all land including crops, forest land, pasture, conservation or recreation as designated by the Assessor.

(12) Undeveloped land shall mean all land that is not altered from its natural state to an extent that results in greater than two hundred (200) square feet of impervious surface area.

#### **SECTION 4.0 STORMWATER UTILITY FEE AND ENTERPRISE FUND ESTABLISHED; BILLING; DEPOSIT TO STORMWATER ENTERPRISE FUND**

(a) Pursuant to Section 16 of Chapter 83 of the General Laws, the Town hereby establishes a charge for the use of the stormwater management services of the Town to be known as the Stormwater Utility fee. Stormwater charges shall be established such that they will provide sufficient funds, proportionately calculated and assessed, to construct, operate, maintain, and regulate the systems and facilities in the Town of Millis.

(b) The Stormwater Utility fee is assessed to each developed parcel, whether occupied or not. The fee shall be calculated on an annual basis and billed to the record title owner of the property.

(c) The Town shall establish a dedicated Stormwater Enterprise Fund in the Town budget and an accounting system for the purpose of managing all funds collected for the purposes and responsibilities of the stormwater program. All revenues and receipts of the Stormwater Utility shall be placed in the Stormwater Enterprise Fund, which shall be separate from all other funds, and only expenses of the stormwater program shall be paid by the fund as provided in G.L. c.44,s. 53 F1/2.

(d) Expenditure of funds may consider both stormwater quality and quantity management needs, and can be used as described in Section 7.0.

(e) The Deputy Director of Public Works under the general supervision of the Select Board, shall within forty-five (45) days after the close of each fiscal year, prepare an annual report of the change in cash balances which shall detail the cash receipts and disbursements for the year and which shall be submitted to the Town Administrator and Select Board.

#### **SECTION 5.0 RATES**

(a) The Select Board shall establish reasonable rates to defray the cost of administering and implementing the stormwater management program of the Town. The initial rates, and any later modifications, shall be based upon recommendation of staff and shall be set by the adoption of a Stormwater Fee Schedule by vote of the Select Board. The schedule of said rates shall be on file in the office of the Town Clerk of the Town of Millis.

(b) The billing rate structure shall consist of a uniform flat rate based on billing units of 1,000 square feet of impervious area on a developed parcel.

(c) Impervious area per parcel is determined by the Town of Millis by utilizing available GIS data layers to calculate the area of building footprints, building structures, driveways, pathways, pools, sport courts, and parking areas. Any impervious areas within the town-owned right-of-way will not be attributed to the parcel and will not be considered as part of the total impervious area of the parcel.

## **SECTION 6.0 SCOPE OF RESPONSIBILITY FOR STORMWATER MANAGEMENT SYSTEMS AND FACILITIES**

(a) The Town owns or otherwise has rights which allow it to operate, maintain, improve and access those stormwater management systems and facilities which are located:

(1) Within public road rights-of-way;

(2) On private property but within easements granted to, and accepted by, the Town of Millis, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or such other lawful means to allow for operation, maintenance, improvement and access to the stormwater management system facilities located thereon;

(3) On public land which is owned by the Town and/or land of another governmental entity upon which the Town has agreements providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon.

(b) Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the Town, and for which the Town lacks a lawful right of entry, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by state and federal laws and regulations.

## **SECTION 7.0 PURPOSES OF THE STORMWATER UTILITY FUND**

Receipts from the Stormwater Utility fee, to the extent consistent with G.L. c. 44, s. 53 F1/2, shall be used for the following purposes:

(a) The acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate, and maintain stormwater management systems and facilities;

(b) All costs of administration and implementation of the stormwater management program, including the cost of labor and equipment attributable to the stormwater management program and the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;



- (c) Payment on principal and interest on debt obligations;
- (d) Engineering and design, debt service and related financing expenses, construction costs for new facilities (including costs for contracted services) and enlargement or improvement or existing facilities;
- (e) Operation and maintenance of the stormwater system, including catch basin cleaning, ditch maintenance, street sweeping, pipe repairs, and stormwater facility repairs;
- (f) Capital investments including stormwater best management practices (BMPs) and components (e.g., purchase of plants, soils, and other amenities to support stormwater management alternatives utilizing vegetation);
- (g) Illicit discharge detection and elimination;
- (h) Monitoring, surveillance, and inspection of stormwater control devices;
- (i) Water quality monitoring and water quality programs;
- (j) Retrofitting developed areas for pollution control;
- (k) Inspection and enforcement activities;
- (l) Billing and related administrative costs; and
- (m) Other activities which are reasonably necessary, including costs related to regulatory compliance.

## **SECTION 8.0 STORMWATER UTILITY FEE EXEMPTIONS**

(a) The Town of Millis finds that all developed property in the Town contributes to runoff and either uses or benefits from the maintenance of the stormwater system. Therefore, except as provided in this section or otherwise provided by law, no developed public or private property located in the Town of Millis shall be exempt from the Stormwater Utility fee charges. No exception, credit, offset, or other reduction in stormwater utility fee charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the cost of providing stormwater management services and facilities.

(b) The Town establishes exemptions to the Stormwater Utility fee as follows:

(1) Undevelopable land.

(2) Railroad rights-of-way (tracks). However, railroad stations, maintenance buildings, and/or other developed property used for railroad purposes shall not be exempt from Stormwater Utility fee charges.

(3) Public streets, highways and rights-of-way. However, maintenance buildings and/or other developed property used for road maintenance purposes shall not be exempt from Stormwater Utility fee charges. All other State, Federal, and County properties are subject to the user fee charges on the same basis as private properties.

## **SECTION 9.0 STORMWATER UTILITY FEE CREDITS**

(a) The Director of Public Works or his or her designee (the “Director”) (or their designee) is hereby authorized to grant credits to property owners to be applied against the Stormwater Utility fee based on the technical and procedural criteria set forth in the Stormwater Utility Credit Manual (Credit Manual) to be developed, maintained and, from time to time, amended by the Board. The Credit Manual shall be implemented during the first year of the Stormwater Utility and shall be available for inspection by the public at the Department of Public Works.

(b) The percentages for credits shall reflect the extent to which the subject properties reduce the peak rate of runoff from the property, or avoid other costs incurred by the stormwater management program in the delivery of services, and shall be approved by the Board (or their designee). The maximum possible credit for properties shall be detailed in the Credit Manual.

(c) Any credit allowed against the Stormwater Utility fee is conditioned on continuing compliance with the Town's design and performance standards as stated in the Credit Manual and/or upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. The Board or Director may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Credit Manual or this by-law.

(d) In order to obtain a credit, the property owner must make application to the Town on forms provided by the Town for such purpose. The forms are to be fully completed in accordance with the procedures outlined in the Credit Manual.

(e) When an application for a credit is deemed complete by the Director, the Director may either grant the credit in whole, grant the credit in part, or deny the credit. Credits applied for by the property owner and granted in whole or in part, shall apply to all Stormwater Utility fees in accordance with the terms defined in the Credit Manual.

## **SECTION 10.0 STORMWATER UTILITY FEE BILLING, DELINQUENCIES, COLLECTIONS AND ABATEMENTS**

(a) Failure to receive a Stormwater Utility bill is not justification for non-payment. The property owner, shall be obligated to pay the appropriate Stormwater Utility fee for that property. If a property is unbilled, or if no bill is sent for a particular parcel of developed land, the Town may back bill for the fees as applicable for a period not to exceed six years of charges, but no late fees or delinquency charges of any kind shall be charged or recovered from any property owner so back billed.

(b) Stormwater Utility bills shall be committed to the Treasurer/Collector for collection. The Treasurer/Collector shall notify the Board (or their designee) of the amounts collected, and shall keep records of all paid and unpaid Stormwater Utility bills.

(c) In any case of nonpayment of a Stormwater Utility bill for sixty (60) days after the same is due, the Treasurer/Collector shall send a notice to the delinquent, and shall inform the Board (or their designee) in writing that such notice has been sent.

(d) In accordance with Sections 16A through 16F of Chapter 83 of the General Laws, charges for the Stormwater Utility fee, together with interest thereon and costs relative thereto, shall be a lien upon the real estate for which the charge was billed. Such lien shall take effect by operation of law on the day immediately following the due date of such charge and, unless dissolved by payment or abatement, shall continue until such charge has been added to or committed as a tax in accordance with the requirements of Section 16C of Chapter 83 of the General Laws, and thereafter, unless so dissolved, shall continue as provided in Section 37 of Chapter 60 of the said General Laws.

(e) In addition to the method of collection specified in Sections 16A through 16F of the General Laws, the overdue charge may be collected through any other lawful means.

(f) In the event that a property owner believes the Stormwater Utility fee is improperly calculated or is otherwise incorrect, the property owner may, within thirty (30) days from the date of issuance of the Stormwater Utility bill, and after payment of the bill in full, apply to the Director for an abatement. The Director shall have sixty (60) days to consider the request for abatement and render a written decision which may deny the abatement, grant the abatement in full or grant the abatement in part.

## **SECTION 11.0 APPEALS AND HEARINGS**

(a) In the event that a property owner is aggrieved by a written decision of the Director denying an application for abatement in whole or in part, or denying an application for a credit, in whole or in part, the property owner shall have thirty (30) days from the date of the written decision to file an appeal to the Board. The appeal shall be in writing and shall specify the grounds thereof. Upon the filing of the notice of appeal, the Board shall make available all documents constituting the record upon which the particular decision was made. The Board shall set a date for hearing which shall be within ninety (90) days of the date of the filing of the appeal and notice thereof setting forth the place, date and time of hearing shall be sent to the property owner no less than ten (10) days prior to the hearing date. The Board shall render a written decision within thirty (30) days of the conclusion of the hearing affirming the action or reversing the action. If reversing the denial of an abatement, the decision shall specify the sum to be abated, which shall not exceed the amounts paid. If reversing the denial of a credit, the decision shall specify the credit to be applied prospectively against future charges unless the property owner has paid the full amount of the Stormwater Utility fee as charged and has also requested an abatement.

## **SECTION 12.0 SEVERABILITY**

The invalidity of any section, provision, paragraph, sentence, or clause of this by-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

## SECTION 13.0 EFFECTIVE DATE

(Approved November 6, 2017)

### ACTS ACCEPTED

|                                                                                     |                   |
|-------------------------------------------------------------------------------------|-------------------|
| An Act Authorizing Cities and Towns to Lay Out Public Parks<br>Within Their Limits  | May 24, 1889      |
| Superintendent of Schools<br>Chapter 431, Acts of 1888                              | April 6, 1891     |
| Public Libraries<br>Chapter 347, Acts of 1890                                       | December 15, 1894 |
| Annual Election of Moderator<br>Chapter 346, Acts of 1902                           | April 21, 1906    |
| Election of Select Board - Three Year Term<br>Chapter 11, Section 339, Revised Laws | March 2, 1908     |
| Election of Overseers of the Poor - Three Year Term<br>Chapter 11, Section 339      | March 2, 1908     |
| Tenement Houses<br>Chapter 635, Act of 1912 - Chapter 145, M.G.L.                   | March 1, 1915     |
| Sewer Construction<br>Chapter 129, Special Acts of 1918                             | June 28, 1918     |
| Licensing Taxis<br>Chapter 293, Acts of 1916                                        | June 28, 1918     |
| Collection of Water Rates<br>Chapter 391, Acts of 1923                              | June 7, 1923      |
| Betterment Act - Land Taking for Highway Purposes<br>Chapter 80, Revised Laws 1921  | June 14, 1924     |
| Smoke Nuisance<br>Chapter 140, Sections 132 through 136, M.G.L.                     | February 2, 1925  |

|                                                                                                                          |                   |
|--------------------------------------------------------------------------------------------------------------------------|-------------------|
| Certain Sports Permitted on Lord's Day<br>Chapter 136, Sections 21 through 28, M.G.L.                                    | February 9, 1925  |
| Sale of Certain Park Land<br>Chapter 30, Acts of 1928                                                                    | February 11, 1929 |
| Town Accountant Appointed by Select Board<br>Chapter 41, Section 55 through 61, M.G.L.                                   | February 11, 1929 |
| Slaughtering Licenses<br>Chapter 94, Section 120, M.G.L.                                                                 | February 13, 1933 |
| Slaughtering Licenses<br>Chapter 496, Act of 1924                                                                        | February 13, 1933 |
| Chief of Police - Civil Service<br>Special Acts of 1935                                                                  | February 11, 1935 |
| Trapping<br>Chapter 131, Section 105B, M.G.L.                                                                            | February 11, 1935 |
| Town Caucus - Abolished<br>Chapter 53, Section 121, M.G.L.                                                               | February 8, 1937  |
| Absentee Voters<br>Chapter 77, Sections 1 through 6, M.G.L.                                                              | February 14, 1938 |
| Water Department - Chapter 40, Sections 42A through 42F as amended<br>by Chapter 415, Sections 1 through 7, Acts of 1918 | February 12, 1940 |
| Workmen's Compensation<br>Chapter 403, Acts of 1936                                                                      | February 12, 1940 |
| Veterans' Department<br>Chapter 723, Acts of 1945                                                                        | February 11, 1946 |
| Retirement Fund<br>Chapter 32, Sections 1 through 28, M.G.L.                                                             | November 5, 1946  |
| Licensing Bowling Alleys on Lord's Day<br>Chapter 207, Acts of 1946                                                      | February 17, 1947 |
| Police and Firemen's Uniforms<br>Chapter 40, Section 6B, M.G.L.                                                          | February 19, 1951 |
| Establishment of Police Department<br>Chapter 41, Section 97A, M.G.L.                                                    | February 16, 1953 |
| Planning Board<br>Chapter 41, Section 81A, M.G.L.                                                                        | February 16, 1953 |
| Pensions<br>Chapter 624, Section 5, Act of 1952                                                                          | February 16, 1953 |

|                                                                                                  |                   |
|--------------------------------------------------------------------------------------------------|-------------------|
| Industrial and Development Commission<br>Chapter 40, Section 8A, M.G.L.                          | February 20, 1956 |
| Civil Defense Classed as Town Employees<br>Chapter 401, Acts of 1956                             | March 11, 1957    |
| Norfolk County Mosquito Control<br>Chapter 341, Acts of 1956                                     | March 11, 1957    |
| Liability Insurance, Public Vehicles<br>Chapter 40, Section 5(1), M.G.L.                         | March 11, 1957    |
| Indemnify Town Employees<br>Chapter 41, Section 100(a), M.G.L.                                   | March 11, 1957    |
| Group Insurance<br>Chapter 32B, M.G.L.                                                           | March 2, 1959     |
| Civil Service (Police)<br>Chapter 2, Acts of 1959 (Changed Nov 7, 2016)                          | March 2, 1959     |
| Special Assessments (Water Pipes)<br>Chapter 40, Sections 42G through 42I, M.G.L.                | March 14, 1960    |
| Water Liens<br>Chapter 40, Sections 42A through 42F, M.G.L.                                      | March 14, 1960    |
| Pensions (Retired Personnel)<br>Chapter 493, Acts of 1959                                        | March 14, 1960    |
| Premium on Retired Employees<br>Chapter 32B, Section 9A, M.G.L.                                  | March 6, 1961     |
| Sale of Town Property<br>Chapter 40, Section 21(11), M.G.L.                                      | March 13, 1961    |
| Conservation Commission<br>Chapter 40, Section 8C, M.G.L.                                        | March 19, 1962    |
| Housing Authority<br>Chapter 121, Section 26K, M.G.L.                                            | March 18, 1963    |
| State Assessment System, Chapter 59, Sections 7A through 7E,<br>M.G.L., rescinded March 14, 1966 | March 18, 1963    |
| Superintendent of Sewers<br>Chapter 41, Section 4A (Special Act, Chapter 746, 1962)              | June 27, 1963     |
| Increase of Pensions<br>Chapter 478, Acts of 1963                                                | March 16, 1964    |
| Premium on Retired Employees (Retired before 1961)<br>Chapter 32B, Section 11B, M.G.L.           | March 2, 1964     |

|                                                                                                                                     |                   |
|-------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Workmen's Compensation Insurance<br>Chapter 401, Acts of 1966                                                                       | March 25, 1968    |
| Pedestrian Regulations, Selectmen Authorized to Adopt<br>Chapter 90, Section 18A, M.G.L.                                            | March 10, 1969    |
| Establishment of Department of Public Works<br>Chapter 41, Sections 69C through 69F, M.G.L.<br>Revoked ATM May 15, 1990, Article 63 | March 23, 1970    |
| Historical Commission<br>Chapter 40, Section 8D, M.G.L.                                                                             | March 23, 1970    |
| Removal of Snow from Private Ways<br>Chapter 40, Section 6C, M.G.L.                                                                 | March 1, 1971     |
| Removal of Snow and Ice<br>Chapter 40, Section 7, M.G.L.                                                                            | March 15, 1971    |
| Assessment of Cost of Snow Removal<br>Chapter 85, Section 6, M.G.L.                                                                 | March 15, 1971    |
| Making Repairs on Private Ways<br>Chapter 40, Section 6F, M.G.L.                                                                    | March 15, 1971    |
| Beano<br>Chapter 20, Section 38, M.G.L.                                                                                             | March 6, 1972     |
| State Assessment System<br>Chapter 58, Section 7, M.G.L.                                                                            | March 13, 1972    |
| Statewide Insurance - Retired Teachers<br>Chapter 32B, Section 11E (vote of Selectmen)                                              | April 10, 1972    |
| Police Revolving Fund<br>Chapter 44, Section 53C, M.G.L.                                                                            | November 13, 1972 |
| Retired Employee Insurance<br>Chapter 32B, Section 19F (vote of Selectmen)                                                          | February 26, 1973 |
| One-Half Premium - Surviving Spouse<br>Chapter 32B, Section 9D, M.G.L.                                                              | March 5, 1973     |
| Police Incentive Pay - Chapter 41, Section 108L, as inserted<br>by Chapter 835 of the Acts of 1970                                  | March 19, 1973    |
| Regional Vocational Technical School District<br>Chapter 71, Sections 16 through 16I, M.G.L.                                        | April 23, 1973    |
| Bicycle Regulations - Registration<br>Chapter 85, Section 11A, M.G.L.                                                               | May 7, 1973       |
| Repetitive Appeals - ZBA<br>Chapter 40, Section 20, M.G.L.                                                                          | May 20, 1970      |

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| Establish Fire Department<br>Chapter 48, Section 42A, M.G.L.                                                                           | May 19, 1975      |
| Defer Payment of Betterment Assessments of Elderly<br>Chapter 80, Section 13B, M.G.L.                                                  | May 10, 1978      |
| The Zoning Act<br>Chapter 808, Acts of 1975 (Chapter 40A, M.G.L.)                                                                      | May 10, 1978      |
| Collection of Sewer Charges<br>Chapter 586, Acts of 1977                                                                               | May 16, 1978      |
| Recreation Revolving Fund<br>Chapter 44, Section 53D, M.G.L.                                                                           | May 16, 1979      |
| Indemnity of Municipal Officials<br>Chapter 258, Section 13, M.G.L.                                                                    | May 5, 1980       |
| Adult Education Revolving Fund<br>Chapter 71, Section 71E, M.G.L.                                                                      | May 14, 1980      |
| Smoke or Heat Detectors<br>Chapter 148, Section 26C, M.G.L.                                                                            | May 14, 1980      |
| Real Estate Tax Exemptions for Widows, Orphans, Elderly<br>Chapter 59, Section 5, Clause 17C, M.G.L.                                   | May 9, 1983       |
| Real Estate Tax Exemptions for Blind<br>Chapter 59, Section 5, Clause 41B, M.G.L.                                                      | May 9, 1983       |
| Real Estate Tax Exemptions for Elderly<br>Chapter 59, Section 5, Clause 41B, M.G.L.                                                    | May 9, 1983       |
| Authority and Duties of Water Commissioners<br>Chapter 41, Section 69B, M.G.L.                                                         | May 9, 1983       |
| Motor Vehicle Excise Tax Exemption of Former Prisoners of War, Chapter 597<br>Section 1, Acts of 1982 (Chapter 60A, Section 1, M.G.L.) | May 15, 1984      |
| Single Tax Payment Not Exceeding Twenty-five Dollars<br>Chapter 55, Acts of 1984                                                       | May 13, 1985      |
| Certain Property/Persons Exempt from Taxation<br>Chapter 59, Section 5, Clause 41C, M.G.L.<br>(Amended Nov. 7, 2016)                   | November 17, 1986 |
| Certain Property/Persons Exempt from Taxation<br>Chapter 59, Section 5, Clause 17D, M.G.L.                                             | November 17, 1986 |
| Direct Deposit for Town Employees<br>Chapter 41, Section 41B, M.G.L.                                                                   | May 12, 1987      |
| Smoke Detectors in Residential Dwellings                                                                                               |                   |



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| Chapter 148, Section 26E, M.G.L.                                                                               | May 18, 1987     |
| Interest on Unpaid Real Estate and Personal Property Taxes Not Exceeding \$50, Chapter 59, Section 57B, M.G.L. | May 9, 1988      |
| Municipal Charges Liens<br>Chapter 40, Section 28, M.G.L.                                                      | May 9, 1988      |
| Youth Commission<br>Chapter 40, Section 8E                                                                     | May 9, 1988      |
| Denial of Licenses/Permits due to Unpaid Taxes/Fees<br>Chapter 40, Section 57, M.G.L.                          | May 9, 1988      |
| Local Scholarship Fund via Check-off on Tax Bills<br>Chapter 194, Acts of 1986                                 | May 9, 1988      |
| Defer Charges for Water Use for Tax Exempt Properties<br>Chapter 40, Section 42J, M.G.L.                       | October 24, 1988 |
| Defer Charges for Sewer Use for Tax Exempt Properties<br>Chapter 83, Section 16G, M.G.L.                       | October 24, 1988 |
| Towing of Vehicles<br>Chapter 40, Section 22D, M.G.L.                                                          | May 8, 1989      |
| Set Fines for Improper or Illegal Parking<br>Chapter 90, Section 20A-1/2 M.G.L.                                | May 8, 1989      |
| Construction Bond Money<br>Chapter 41, Section 81U M.G.L.                                                      | May 8, 1989      |
| Final Date to Obtain Nomination Papers<br>Chapter 53, Section 9A M.G.L.                                        | May 14, 1990     |
| Enhanced 911 Service<br>Chapter 136, Section 7A, M.G.L.                                                        | May 13, 1991     |
| Appeal Process for Chapter 136<br>Chapter 136, Section 7A, M.G.L.                                              | May 10, 1993     |
| An Act for Providing for Recall Elections<br>Chapter 251, Acts of 1992                                         | May 10, 1993     |
| Retirement System Funding Schedule<br>Chapter 32, Section 22D, M.G.L.                                          | May 10, 1993     |
| Part-Time Building Inspectors Obtain Permits<br>Chapter 143, Section 3Z, M.G.L.                                | May 9, 1994      |
| Mutual Aid Programs for Police Departments<br>Chapter 40, Section 8G, M.G.L.                                   | May 12, 1997     |
| Mutual Aid Programs for Police Departments                                                                     |                  |

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| Chapter 40, Section 8G, M.G.L.                                                                                                           | May 11, 1998     |
| Agreement with One or More Governments to Perform Jointly<br>Chapter 40, Section 4A, M.G.L.                                              | May 11, 1998     |
| Senior Citizen Property Tax Work Off Abatement Program<br>Chapter 59, Section 5, M.G.L. (Amended Nov. 7, 2016)                           | May 8, 2000      |
| Quarterly Tax Bills<br>Chapter 653 of the Acts of 1989                                                                                   | May 13, 2002     |
| Indemnification of Retired Police and Firefighters<br>Chapter 41, Section 100B, M.G.L.                                                   | May 12, 2003     |
| Installation of Sprinkler Systems<br>Chapter 148, Section 26G                                                                            | May 10, 2004     |
| Annuity Payments for Firefighters/Police Officers Killed<br>in the Line of Duty Chapter 32, Section 89B, M.G.L.                          | May 9, 2005      |
| Enrolling Medicare Eligible Retirees in Medicare Supplement<br>Health Insurance Plans Chapter 32B, Section 18, M.G.L.                    | May 8, 2006      |
| Community Preservation Act<br>Chapter 44B, Sections 3 through 7 inclusive M/G.L.                                                         | May 8, 2006      |
| Community Preservation Act<br>Received affirmative November 7, 2006 referendum vote                                                      | November 7, 2006 |
| Allowing One Absence of Voting Member of Board, Committee,<br>or Commission Chapter 39, Section 23D, M.G.L.                              | November 6, 2006 |
| Allowing Additional Exemption for eligible real estate exemptions<br>Chapter 59, Section 5, M.G.L.                                       | May 14, 2007     |
| Board of Health to Charge Reasonable Fees Recreational Camp<br>Inspections Chapter 40, Section 22F M.G.L.                                | May 14, 2007     |
| Establishment of Water Service and Sewer Service Enterprise Funds<br>Chapter 44, Section 53.F.1/2 M.G.L.                                 | May 12, 2008     |
| Special Legislation authorizing appointment of retired Millis Police<br>Officers as Special Police Officers subject to M.G.L. Chapter 32 | June 15, 2009    |
| Allow sale of alcohol at 10 :00 am on Sundays and other specific days<br>M.G.L. Chapter 138, Section 33B                                 | November 7, 2011 |
| Allow Respite Day Program Revolving Fund under M.G.L.<br>Chapter 44 Section 53 <sup>E</sup>                                              | November 7, 2011 |
| Expedited Permitting under M.G.L. Chapter 43D as amended<br>pursuant to Section 11 of Chapter 205 of the Acts of 2006.                   | November 5, 2012 |
| Authorizes establishment of an Other Post-Employment Benefits                                                                            |                  |

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| Liability Trust Fund («OPEB Trust Fund ») under M.G.L.<br>Chapter 32B, Section 20.                                                         | May 13, 2013     |
| Veterans Property Tax Work Off Abatement Program<br>Chapter 59, Section 5N                                                                 | November 4, 2013 |
| Accepted 'Stretch Energy Code' Appendix 115.AA of the<br>Massachusetts Building Code, 780 CMR                                              | November 2, 2015 |
| Allow increase gross receipts for senior citizen tax exemption<br>Chapter 59, Section 5, Clause 41C                                        | November 7, 2016 |
| Allow tax exemption amounts to increase annually with<br>Consumer Price Index Chapter 59, Sec 5, Cl 41D                                    | November 7, 2016 |
| Establish Commission on Disability<br>Chapter 40, Section 8J                                                                               | November 7, 2016 |
| Special Legislation to Exempt Town of Millis from Civil Service Law<br>Chapter 31                                                          | November 7, 2016 |
| Allow Select Board to establish speed limit 25 mph in certain areas<br>Chapter 90, Section 17C                                             | November 6, 2017 |
| Allow Select Board to designate 20 mph « safety zones »<br>Chapter 90, Section 18B                                                         | November 6, 2017 |
| Amend Senior Tax Work Off Program to allow approved representative<br>Chapter 59, Section 5k amendment                                     | November 6, 2017 |
| Accepted Authorize Consolidation of Financial Functions of the School<br>Committee with those of the town<br>M.G.L. Chapter 71 Section 37M | May 14, 2018     |
| Allow sale a 3% sales tax on the sale or transfer of marijuana or marijuana products.<br>M.G.L Chapter 64N Section 3                       | May 14, 2018     |