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## **Article I – General Provisions**

- Section 1. The following provisions shall constitute the Revised General By-Laws of the Town of Templeton, which shall be in lieu of all by-laws heretofore in force. Starting in the year 1951, the By-Laws shall be published every five years in booklet form, together with amendments, additions and deletions thereto.
- Section 2. The repeal of a by-law shall not thereby have the effect of reviving any by-law theretofore repealed.
- Section 3. Words and phrases specifying or naming any officer, board or committee of the town, shall be construed as including the lawful successor, or the person or persons having the powers and performing the duties of such officers, board or committee.
- Section 4. Whoever violates any of the provisions of these by-laws whereby any act or thing is enjoyed or prohibited, shall, unless other provisions are expressly made, forfeit and pay a fine not exceeding twenty dollars for each offense.  
**Sections 1-4 Passed 3-5-51**

## **Article II – Town Meetings**

- Section 1. The Annual Town Meeting for the election of town officers shall be held on the first Monday of May of each year.  
**Passed 3-5-51, Amended 3-10-73, Approved by A/G 7-27-73**
- Section 2. All business of the Annual Town Meeting, except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting to be held on the second Saturday thereafter, at a time and place designated by the Board of Selectmen.  
**Passed 11-14-85, Amended 5-16-13**
- Section 3. The polls shall be opened at eleven (11:00) o'clock in the morning and shall remain open until seven (7:00) o'clock in the evening. The place of voting in each precinct shall be designated by the Selectmen in the town warrant.
- Section 4. Notice of every Town meeting shall be given by posting attested copies of the warrant therefore in a public place in each Precinct as directed by the Selectmen not less than seven (7) days before the day fixed for the Annual Town Meeting, and not less than fourteen (14) days before the day fixed for a Special Town Meeting, and notice of said Town Meeting shall be published in a local newspaper and on the town website.  
**Passed 8-31-78, Amended 5-16-13**
- Section 5. Warrants for Annual Town Meeting and Special Town Meetings shall be open for a minimum of 14 days before closing and posting the warrants.  
**Passed 5-12-04**

Section 6. All articles in any warrant for a town meeting shall be referred to the Advisory Committee for its consideration. The Selectmen after drawing any such warrant shall transmit immediately a copy thereof to the chairman of said committee. A public hearing shall be held, upon all such articles, unless a public hearing by some other tribunal is required by law, and a notice of such hearing shall be given by inserting in the local newspaper. Said committee shall, after due consideration of the subject matter of such articles, report thereon to the town meeting, in writing, such recommendations as it deems best for the interests of the town and its citizens. Copies of the report of the Advisory Committee shall be made available to the voters at least two days before town meetings and at all town meetings.

Section 7. The Selectmen shall appoint checkers, who shall permit only registered voters to enter upon the floor of the Annual or any town meeting; the balcony shall be opened to the public.

Section 8. Articles of the warrant shall be acted upon in the order in which they appear unless otherwise determined by the vote of the meeting.

Section 9. All motions having to do with the expenditure of money shall be presented in writing; other motions shall be in writing if so directed by the Moderator.

Section 10. Any person who is employed as an attorney by another interested in any matter under discussion at a town meeting shall disclose the fact of his employment before speaking thereon.

Section 11. When a question is put, the sense of the meeting shall be determined by the voices of the voters and the Moderator shall declare the vote as it appears to him. If the Moderator is unable to decide the vote by the sound of the voices, or if his decision is immediately questioned by seven or more voters rising in their places for that purpose, he shall determine the vote by ordering a show of hands, and he may appoint tellers to make and return the count. Passed 3-5-51 On Matters requiring a Two-Thirds Vote by statue a count need not be taken unless the vote so declared is immediately questioned by the Moderator or seven or more voters as provided in MGL, Chapter 39, Section 15.

**Passed 5-13-97, Approved by A/G 11-24-97**

Section 12. The meeting may order that the vote on any motion shall be taken by a "Yes" and "No" ballot.

Section 13. No vote of the meeting shall be reconsidered unless notice of intention to ask for reconsideration shall have been given within one hour after the vote to which such notice relates has been passed. When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be reconsidered more than once; nor shall any vote be reconsidered on a motion to adjourn, to lay on the table, or for the previous question.

Section 14. All committees shall report as directed by the Town. If no report is made within a year after its appointment, a committee shall be discharged unless, in the meantime, the town shall have granted an extension of time.

Section 15. No motion, the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant therefor has been duly considered and acted upon, but this shall not preclude the postponement of consideration of any article to an adjournment of the meeting at a stated time and place.

Section 16. A motion to “pass over” an article in the warrant shall not be entertained until a motion incorporating the substance of said article is before the meeting and at least one voter has spoken in favor thereof, unless, after a reasonable opportunity so to do, no voter makes such motion or speaks in favor thereof. A motion to “pass over” shall be debatable as to its merits but not as to the merits of the article.

Section 17. The most current issue of TOWN MEETING TIME is to be considered the general guideline for all procedures of town meetings, except those procedures already provided for by the by-laws.

**Amended 10-15-82**

Section 18. The Templeton Board of Selectmen shall post all By-Laws and Town Meeting Warrants on the official Town website, within 1 business day of posting warrants or within 3 business days following notification of acceptance by the Attorney General of Massachusetts for By-Laws. By-Laws existing prior to the passage of this By-Law shall be posted on the official Town Website by the end of the fiscal year following passage of this article.

**Passed 05-12-04**

Section 19. The Templeton Board of Selectmen shall designate an official Town website, for the posting town business, and provide for its maintenance, security, and improvement through a specific budget line item in the fiscal year following passage of this article.

**Passed 5-12-04**

**Sections 3, 6-10, 12-16 Passed 3-5-51**

### **Article III – Town Officers**

Section 1. The Selectmen shall have the general direction and management of the property and affairs of the town in all matters not otherwise provided for by laws or these By-Laws.

(a) Selectmen shall not serve in any other elected capacity within the Town or Municipal Light Department as recommended in 2009 DOR Financial Management Review. **Passed 5-16-13**

Section 2. It shall be the duty of the Town Clerk immediately after every town meeting to notify in writing all members of committees who may be elected or appointed at such meeting, stating the business upon which they are to act and the names of the persons composing the committees.

Section 3. The Selectmen shall annually in June, choose and appoint all necessary town officers, Trustees for Boynton Public Library, and the Gilman Waite Memorial Field, and Trustees for the Jehu Richardson Fund, the Masonic Fund, and the Waldo N. Haskell Fund, to serve from July 1, to the following June 30.

**Section 1 & 2 Passed 3-5-51, Section 3 Passed 8-31-78**

Section 4: Town Administrator-

“The Board of Selectmen is authorized and empowered to appoint a town administrator who may be appointed for a term of one or three years, and to remove the town administrator at their discretion. The town administrator appointed under the provisions of this section shall be sworn to the faithful performance of the duties of the office. During the time that the town administrator holds office the town administrator shall hold no elective town office, but may be appointed by the Board of Selectmen or, with their approval, by any other town officer, board, committee or commission, to any other town office or position consistent with the town administrator’s office. The Town Administrator shall receive such aggregate compensation, not exceeding the amount appropriated therefore, as the Board of Selectmen may determine. The Town Administrator shall act by and for the Board of Selectmen in any matter which the Board may assign to the town administrator relating to the administration of the affairs of the town or of any town office or department under their supervision and control, or, with the approval of the Board of Selectmen, may perform such other duties as may be requested by any other town officer, board, committee or commission.”

**Passed 5-16-13, Approved by A/G 8-22-13**

#### **Article IV – Advisory Committee**

Section 1. There shall be an Advisory Committee consisting of seven legal voters of the town who shall be appointed by the Moderator as hereinafter provided. No elective or appointive town officer or town employee shall be eligible to serve on said committee, except that a representative from the Advisory Committee shall be entitled to serve as a member of the Capital Planning Committee and the Insurance Committee.

**Amended 5-13-03 & 5-11-11**

Section 2. The Moderator of the town meeting when this By-Law is adopted shall, within thirty days after such by-law becomes effective, appoint 2 members of said committee for terms of one year, 2 members for terms of two years, and 3 members for terms of three years. At each Annual Town Meeting thereafter the Moderator thereof shall appoint 3 members of said committee for terms of three years. The terms of office of said members shall commence immediately upon qualification and shall expire at the close of final adjournment of the Annual Town Meeting at which their successors are appointed. Said committee shall choose its own officers and shall serve without pay, except the chairman who shall receive such amount as voted upon at the Annual Town Meeting, and it shall cause to be kept a true record of its proceedings.

**Amended 5-11-11**

Section 3. The said committee shall fill any vacancy which may occur in its membership, by vote, attested copy of which shall be sent by the secretary to the Town Clerk. If any member is absent from five consecutive meetings of said committee, except in case of illness, his position shall be deemed to be vacant and shall be filled as herein provided. The term of office of any person so chosen to fill a vacancy shall expire at the final adjournment of the next succeeding Annual Town Meeting, and the Moderator thereof shall appoint his successor to complete the unexpired term of the member in whose office such vacancy originally occurred.

Section 4. It shall be the duty of the Advisory Committee annually to consider the expenditures in previous years and the estimated requirements for the ensuing year of the several boards, officers and committees of the town, as prepared by them in such form and detail as may be prescribed by said committee. The said committee shall add to such statement of expenditures and estimates another column, giving the amounts which in its opinion should be appropriated for the ensuing year, and shall further add thereto such explanations and suggestions relating to the proposed appropriations as it may deem expedient, and report thereon as provided in section five of Article II.

Section 4a. All articles, other than those deemed by the Board of Selectmen to constitute an emergency, sought to be inserted in the Town Warrant for the Annual Town Meeting shall be filed with the Board of Selectmen, and referred by them to the Advisory Committee on or before April 10<sup>th</sup> and all articles sought to be inserted in the Warrant for a Special Town Meeting shall be referred by the Board of Selectmen to the Advisory Committee at least 14 days before the date set for such meeting.

**Amended 5-16-13**

Section 5. In the discharge of its duty, said committee shall have free access to all books of record and accounts, bills and vouchers on which money has been or may be paid from the town treasury. Officers, boards, and committees of the town shall, upon request, furnish said committee with facts, figures, and any other information pertaining to their several activities.

Section 6. It shall be the duty of the Advisory Committee to make an annual report of its doings, with recommendations relative to financial matters and the conduct of town business, to be contained in the annual town report.

**Sections 1-4, 5, 6 Passed 3-5-51,  
Section 4a Passed 3-9-57, Amended 3-10-73, Approved by A/G 7-27-73  
Sections 1 & 2 Amended 5-11-11, Approved by A/G 5-17-11**

### **Article V- Financial Affairs**

- Section 1. The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the town except interest on investments of trust funds.
- Section 2. Except as otherwise provided by law, the Treasurer shall have custody of deeds, bonds, contracts, insurance policies, and other similar documents owned by the Town, except that the bonds given by the Treasurer and the Collector of Taxes to the Town shall be in the custody of the Selectmen.
- Section 3. Every officer shall pay into the treasury of the town all amounts received by him on behalf of the town, except as otherwise provided by law, and shall make a true return thereof to the Town Accountant, stating the accounts upon which such amounts were received.
- Section 4. The Selectmen are authorized to sell any parcels of land acquired by the Town for non-payment of taxes by public auction only; notification of auction to be published in a local newspaper of general circulation at least ten (10) days prior to date set for said auction.
- Section 5. The Selectmen are authorized to sell obsolete town equipment to the highest bidder, or bidders, only; bid invitation to be published in a local newspaper of general circulation at least ten (10) days prior to date set for opening bids.  
**Sections 1-3 Passed 3-5-51, Sections 4-6 Passed 8-31-78, Section 6 deleted 5-16-13**

### **Article VI – Contracts by Town Officers**

- Section 1. Unless otherwise provided by the General Laws or a vote of Town Meeting, the Board of Selectmen is authorized to enter into any contract for the exercise of the Town's corporate powers on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, no Board, Committee, Commission or Town officer shall contract for any purpose, on any terms or under any conditions inconsistent with any applicable provision of any general or special law. (G.L. c. 40, section 4, Town Meeting designation of contracting authority).
- Section 2. Every contract for the purchase of supplies or services, for the disposition of surplus tangible property, or for the acquisition or disposition of interests in real property shall be subject to the procurement procedures of General Laws, Chapter 30B. No contract shall be split or divided for the purpose of evading the provisions of this section.
- Section 3. Every contract for the construction, reconstruction, alteration, remodeling or repair of any public work, or for the purchase of any material therefore, or for the



design or construction, reconstruction, installation, demolition, maintenance or repair of any building by the Town, shall be procured in compliance with all applicable provisions of the General Laws, including but not limited to, G.L. c. 30, section 39M, G.L. c. 7, section 38A1/2-38O, G.L. c. 149, section 44A-44J. No contract shall be split or divided for the purpose of evading the provisions of this section.

**Sections 1-3, Passed 3-5-51, amended 5-11-05, Approved by A/G 9-14-05**

### **Article VII – Legal Affairs**

Section 1. The Selectmen shall be agents of the town to institute, prosecute and defend any and all claims, actions and proceedings to which the town is a party or in which the interests of the town are or may be involved.

Section 2. The Selectmen may at their discretion compromise or settle any claim or suit to which the town is a party, which does not require the payment by the town of an amount in excess of one thousand dollars. No settlement of a claim or suit obligating the town in an amount in excess of one thousand dollars shall be made, except as authorized by law, without the consent of the town meeting.

Section 3. The Selectmen in their annual report shall state what actions have been brought against and on behalf of the town, what cases have been compromised or settled, and the current standing of all suits at law involving the town or any of its interests.

Section 4. The Selectmen shall annually in June appoint a Town Counsel, who is a member of the bar in good standing, to serve for the term of one year from the first day of July following and until his successor is appointed and enters upon the performance of his duties. They shall likewise fill any vacancies in said office for the unexpired term, and may employ special counsel to assist the said Town Counsel whenever, in their judgement, necessity therefore arises. **Amended 8-31-78**

Section 5. It shall be the duty of the Town Counsel to conduct the prosecution, defense or compromise of claims, actions and proceedings to which the town is a party, and the prosecution of actions or proceedings by or on behalf of any town officer, board or committee as such; to conduct the defense of any action or proceedings brought against any town officer, board or committee as such when the Selectmen, having determined that any right or interests of the town are or may be involved therein, shall so request, to conduct proceedings brought by or against the Assessors before the Board of Tax Appeals; to assist in the prosecution of complaints for violation of any by-law of the town, when requested so to do by the board of officer enforcing the same, to examine and report upon titles to all land to be acquired by the town; to prepare or approve contracts, bonds, deeds, and other legal instruments in which the town is a party or in which any right or interest of the town is involved; to appear at any and all hearings on behalf of the town whenever his services may be required; and generally to advise and act for the town officers, boards and committees upon and in legal matters touching the duties of their respective officers.

**Sections 1-5 Originally Passed 3-5-51**

## **Article VIII – Records and Reports**

Section 1. All officers, boards, and committees of the town, shall cause records of their doings and accounts to be kept in suitable books. Said books shall be kept in their respective places in the town offices, and shall not be removed therefrom. Said books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under supervision of the officer, board, or committee having custody thereof.

Section 2. All officers, boards, standing committees, and special committees of the town having charge of the expenditure of town 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, referring, however, to the report of the Town Accountant for statements in detail of receipts and payments, and may make therein such recommendations as they deem proper. Such reports shall be submitted to the Selectmen for inclusion in the Annual Town Report on or before the thirty-first (31) day of January of each year.

Section 3. It shall be the duty of the Selectmen to publish the Annual Report, to be made available in the Office of the Town Clerk on the Monday preceding the first Monday in May.

**Amended 8-31-78, Amended 5-16-13**

Section 4. The Annual Town Report shall contain, in addition to the reports of officers, boards, and committees as hereinbefore provided, a detailed report of all moneys received into and paid out of the town treasury in the financial year next preceding, showing separately payments made from the proceeds of loans as capital outlays for permanent improvements; the report of the collector of taxes, of receipts, payments and abatements; statements of all funds belonging to the town or held for the benefit of its inhabitants; a statement of the liabilities of the town on bonds, notes, certificates of indebtedness, or otherwise, and of indebtedness authorized but not incurred, and the purpose thereof: a statement of transfers made to or from any appropriation: abstracts of the records of the meetings of the town held since publication of the last annual report; a complete list of town officers and appointees for the municipal year: and such other matters as the said report is required by law to contain, or as may be inserted by the Selectmen under the discretion granted them by law.

Section 5. The Selectmen, or the Town may direct that the Assessors' valuation list, standing votes of the town, and the rules or regulations adopted by any officer, board or committee, be printed either separately or as part of the Annual Town Report.

**Sections 1-5 Originally Passed 3-5-51**

**Article IX – Originally Parking & Traffic Control  
(Repealed in its entirety on 11-4-87)**

**Article IX – Abandoned Wells**

Section 1. "The owner of land whereon is located an abandoned well or well in use shall provide a covering capable of sustaining a weight of three hundred pounds, or fill the same with fill to the level of the ground. The penalty for violation of this by-law shall be a fine of not less than one hundred dollars or more than five hundred dollars."

**Passed 10-30-61, Approved by A/G 12-6-61**

**Article X – Licensing of Junk Collectors**

Section 1. The Selectmen may after public hearing license suitable persons to be collectors of or dealers in junk, old metal, used cars, and make any such additional rules, regulations, and restrictions as they may deem necessary, not inconsistent with the law or of these by-laws.

Section 2. Such collector or dealer shall put up and maintain in a suitable and conspicuous place in his junkyard or place of business a sign having his name and occupation legibly inscribed thereon in large letters.

Section 3. Every junk yard or other place of business, for the sale, purchase, or barter of junk, old metals, or used cars shall be closed between the hours of 11:00 P.M. and 7:00 A. M. and no keeper thereof and no junk collector shall purchase any of such articles between said hours.

Section 4. Every keeper of junk yards or other place of business of and for the sale, purchase or barter of junk, old metals, or used cars, shall keep a book in which shall be written at the time of each purchase, a description thereof, the name, age and residence of the person from whom, and the day and hour when purchase was made, and such book shall at all times be open for inspection of the Selectmen or of any person designated by them or by law authorized to make such inspection.

Section 5. No keeper of such a junk yard and no collector of junk shall directly or indirectly purchase or receive by way of barter or exchange from a minor any of the articles mentioned in Section 1 of the Article.

**Sections 1-5 Passed 3-10-62, Approved by A/G 5-16-62**

**Article XI – Storing of Unused Motor Vehicles**

Section 1. No person, except the holder of a license granted under Section 58 of Chapter 140 of the General Laws, or a junk dealer duly licensed under the Town By-Laws, said licenses issued by the Board of Selectmen, shall keep or permit to keep exposed on his premises, unused or unregistered motor vehicles within 150 feet of a public way or within 50 feet of a property line, unless authorized to do so by a permit issued by the Board of Selectmen.

**Passed 5-8-62, Amended 3-12-66, Approved by A/G 6-30-66**

**Article XII – Removal of Sand and Gravel**

- Section 1. The removal of soil, loam, sand or gravel from any parcel of land not in public use in the Town of Templeton except as hereinafter provided, shall be allowed only after a written permit therefor is obtained from the Board of Selectmen after a public hearing of which due notice is given.
- Section 2. No permit shall be required for the continuous operation of any parcel of sand or gravel pit in operation at the time this by-law is adopted, provided such operation is not thereafter discontinued for more than one year; and no permit shall be required for the removal of soil, loam, sand or gravel from any parcel of land when incidental to and in connection with the construction of a building on the parcel.
- Section 3. In issuing a permit under this by-law, the Board of Selectmen may impose such conditions not specifically provided for herein as it may deem necessary for the adequate protection of the neighborhood and the Town. Any conditions imposed by the Board shall be attached to and made a part of the permit. The Board may, in its discretion, require a bond, certified check or other security for compliance with said conditions or as evidence of good faith as to the completion of any proposed construction. The Board may, after a public hearing on proof of violation of any condition, revoke any permits so issued. No permit shall be issued under the provisions of this by-law for a period of more than three years.
- Section 4. Sand and gravel may be removed from any parcel of land, except within 300 feet of a street or way, and the Board shall issue a permit thereof, provided, however, that the Board shall impose such reasonable conditions as to the disposition of top soil and re-establishment of ground levels and grades as it may deem necessary.
- Section 5. Soil or loam may be removed from any parcel of land within such parcel determined by the Board to be unsuited to agricultural use, and the Board may issue a permit for such removal; provided, however, that the Board shall in making such decision, obtain the recommendations of the appropriate Soil Conservation District Supervisors or the County Extension Director or Agent, or their successors, and their recommendations shall be made a part of the records of the Board. In issuing a permit, the Board may impose reasonable conditions as to the re-establishment of ground levels and grades.
- Section 6. Notwithstanding the provisions of the above, the Board may issue a permit for the removal of soil or loam from any parcel of land in the Town where such removal is necessarily incidental to and in connection with the construction of a road or other facility involving a permanent change in the use of the land. The Board shall issue no such permit unless it is reasonably satisfied that the construction will be completed and evidence thereof shall be made a part of the records of the Board.

Section 7. Soil, loam, sand, or gravel may be removed from any parcel of land within such parcel lying within 300 feet of any street or way, provided a permit thereof has been issued by the Board after satisfactory evidence that such removal will not be seriously detrimental or injurious to the neighborhood, provided further that the Board shall impose reasonable conditions as to the method of removal, the re-establishment of ground levels and grades and the planting of the area to suitable cover, as it may deem necessary. Removal of soil or loam under authority of this section shall be further subject to the provisions of Section III.

Section 8. No gravel shall be removed closer to spring high water table that would preclude its subsequent re-use according to existing public health standards. This elevation shall be established from a test pit and the level related to a permanent monument on the property. This information shall show on the topographic plan.

Section 9. No area shall be excavated so as to cause accumulation of free standing water. Permanent drainage shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into streams or ponds. All topsoil and subsoil shall be stripped from the operation area and stock piled for use in restoring the area after the removal operation has ceased. Any temporary shelters or buildings erected on the premises for use by personnel or storage of equipment shall be screened from public view as much as possible. These structures shall be removed from the premises within thirty (30) days after they are no longer needed.

Section 10. Upon completion of the operation and the final grading has been accomplished the applicant shall supply the Selectmen with a plan of the area showing contours at two (2) foot intervals of the finished site drawn by a registered engineer or surveyor.

Section 11. No excavation not intended for approved building purposes will be closer than fifty (50) feet from a wetland, stream, or pond.

Section 12. The penalty for violation of this by-law shall be as follows:

For the first offense----- \$50.00

For the second offense----- \$100.00

For each subsequent offense- \$200.00

**Sections 1-7, & 12 Passed 3-9-63, Approved by A/G 5-23-63**

**Sections 8-11 Passed 5-8-82**

### **Article XIII – Appointment of Gas Inspector**

“The Selectmen shall annually appoint an inspector of gas piping and appliances for a term of one year, immediately following final adjournment of the Annual Town Meeting, whose duties shall be as described in Chapter 737 of the Acts of 1960”

**Passed 5-18-64, Approved by A/G 6-24-64**

#### **Article XIV – Trailer Permits**

- Section 1. No person shall establish a trailer as a residence or mobile home without first obtaining a permit for the same from the Board of Selectmen. The Board of Selectmen may grant a permit under the rules and regulations set forth by town by-laws, Article XXI – Zoning for parking of a trailer used as a residence or a mobile home. Amended 5-8-82
- Section 2. This By-Law shall not apply to properly organized and regulated trailer parks nor to any trailers used as residences or mobile homes at the time of the approval of this By-Law or to any improvement or replacement of trailers already in existence and used as residences or mobile homes in substantially the same condition as they now exist. **Passed 3-7-66, Approved by A/G 6-30-66**

#### **Article XV – Building Permits**

**Deleted 4-20-78, see Article XXI – Zoning, Section 5, Paragraph A  
Deleted 5-14-02 from Article XXI-Zoning**

#### **Article XVI – Regulation of Driveways**

- Section 1. No person shall build or rebuild a driveway at a point where such driveway enters onto any Town Way without first obtaining permission from the Highway Superintendent who shall grant such permission and may specify the requirements for said building or rebuilding of such driveway at the point where it enters a Town Way. **Passed 3-11-67, Approved by A/G 4-3-67**

#### **Article XVII –Sick Leave For Full-time Town Employees**

- Section 1. “All fulltime town employees shall be entitled to ten days sick leave in any one year which may be accumulated to a total of sixty days.” **Passed 3-9-68, Approved by A/G 4-18-68, Amended 10-28-82**

#### **Article XVIII – Restraining of Dogs**

- Section 1. “All dogs owned or kept within the Town of Templeton shall be placed under restraint and controlled from going at large by the owner or keeper thereof.” **Passed 9-30-69, Approved by A/G 10-7-69, Amended 5-11-74**
- Section 2. The use of a ticket system is hereby authorized for violation of Section 1 of Article XVIII of the town by-laws, and of the MGL, Chapter 140 as amended, as it relates to the licensing and vaccinating of dogs. Whoever violates the provisions of this by-law shall be subject to a fine of \$25.00 for each offense.”
- Section 3. The annual dog license fees required under the MGL, Chapter 140, Section 139, will be increased by one (1) dollar as authorized by Section 173 of said Chapter.

**Sections 2 & 3 Passed 6-20-81, Approved by A/G 9-28-81  
Section 2 amended 6-24-92**

- Section 4. (a) "Dog" shall mean all animals of canine species, regardless of sex.  
(b) "Owner" shall mean any person or persons, firm, association or corporation owning, or harboring a dog, as herein defined.  
(c) "Public Nuisance" any dog shall be deemed a public nuisance when attacking persons or domestic animals while said dog is on property other than that of the dog owner, when destroying property; or on a public ground, when not under restraint; or it is persistently, and prolonged barking or howling for more than 15-20 minutes at a time or two consecutive days in a row. Each twenty-four period thereafter shall constitute a separate violation.

Further, any unspayed female dog, while in season, shall be deemed a public nuisance when not confined in a limited access structure by an owner thereof, or housed in a veterinary hospital or registered kennel.

Impounding

- Section 5. It shall be the duty of the Animal Control Officer to apprehend any dog determined to be a public nuisance and to impound such dog in a suitable place or to order the owner thereof to restrain said dog.

Notice to owner and redemption

- Section 6. If such dog is impounded and has upon it the name and address of the owner thereof, or if the name of said owner is otherwise known, then the dog officer shall immediately notify the owner of such impounding.

The owner of any dog so impounded may reclaim such dog upon payment of the sum of \$15.00 for the first twenty-four hour period herein known as a pick up fee, and \$10.00 per day care or any part thereof that the dog is held. If the dog is not licensed, then before release of the dog to any person, a license, as required by law, shall be secured. This shall apply to all animals that are held at the kennels for quarantine purposes and shall be the responsibility of the owner to pay fees before release of said animal, as well as vaccinating and licensing such animal.

Adoption of Animals: An Adoption fee of \$30.00 minimum plus any additional fees up to the amount the Town has invested in the animal shall be paid to the Town for care and handling of animals. This covers the \$10.00 a day care and handling fee.

Public Safety

Section 7. If any dog is deemed a constant problem in regards to injury to domestic animals, wildlife and livestock, or is a threat to public safety, the owner/keeper may surrender said dog to the dog officer for disposal. All penalties and fees to be paid by the owner.

#### License Renewals

Section 8. All dog license renewals are subject to payment of outstanding fines. All fines are to be paid to the Town Clerk and turned in to the Treasurer. Failure to comply with the above may result in license revocation and possible impounding of said dog.

#### Non-Criminal Disposition

Section 9. (A) Criminal Complaint – Whoever violates any provision of these rules and regulations may be penalized by indictment or on complaint brought in District Court. Except as may otherwise be provided by law, and as the District Court may see fit to impose, the maximum penalty for any violation of these provisions shall be \$300.00 for each offense.

(B) Non-Criminal Complaint – Whoever violates any provision of these rules and regulations may, at the discretion of the Dog Officer and/or the Board of Selectmen, be penalized by non-criminal complaint pursuant to the provisions of MGL Chapter 40, Section 21D. For the purpose of this provision, the penalty to apply in the event of a violation shall be as follows: \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense; and \$200.00 for the fourth and any subsequent offense. Each day on which a violation exists shall be deemed to be a separate offense.

#### Disposition of Unclaimed Dogs

Section 10. Any dog, which has been impounded and has not been deemed by the owner within ten days, shall be disposed of as provided by Section 152, Chapter 14C of the MGL and any amendments thereto, or sold to anyone as long as that person pays a license and impounding fees as provided in Section 8 above.

All animals before being disposed of shall have a description placed in the paper, listing the breed of the animal and brief description of said animal.

#### Disposal of Animal Waste

Section 11. The purpose of this bylaw is to promote a sanitary environment, free of unintended contamination through contact with animal waste for all Templeton residents and non-residents. The owner, keeper, or any person in control of a dog, or other animal, shall be responsible for the prompt removal and proper disposal of any feces deposited by such dog, or other animal, upon any public ways, such as streets, roads, avenues, lanes, circles,



highways, paths, sidewalks, trails, etc. or upon any public land within ten (10) feet of such public ways or upon any public land designated as parks, playgrounds, cemeteries, school yards, golf courses, recreation areas, or any other municipal or government building and/or grounds, all within the Town of Templeton, as well as on property public or private and neither owned or occupied by said person. Further more no persons who owns, possesses, or controls such dog, or other animal, shall appear with such dog, or other animal, on any of the aforementioned areas without the means of removal of any animal feces left by such dog, or other animal. Additionally, disposal of said animal feces in Town trash receptacles, or in storm drains prohibited. For the purposes of this bylaw, the means of removal shall be any tool, implement, or device carried for the purpose of removal or containment of such feces. This bylaw shall not apply to a physically challenged person in sole custody of a dog, or other animal, or to any individual using a guide/service dog. Enforcement shall be by the Animal Control Officer, Board of Health or any other duly appointed law enforcement officer. Penalty for violation of this bylaw will be by non-criminal disposition pursuant to MGL, Chapter 240, Section 21D. For the purpose of this bylaw, the penalty to apply in the event of a violation shall be as follows:

FIRST OFFENSE	\$25.00
SECOND OFFENSE	\$50.00
THIRD OFFENSE	\$100.00
FOURTH AND ANY SUBSEQUENT OFFENSE	\$200.00

Each occurrence of a violation on any day shall be deemed to be a separate offense.

**Sections 4-10 Passed 5-12-98, Approved by A/G 6-24-98**

**Section 6 amended 5-14-08, Approved by A/G 6-18-08**

**Section 11 Passed 6-24-03, Approved by A/G 10-6-03**

### **Article XIX – Fencing of Swimming Pools**

Section 1. All outdoor swimming pools having a capacity of 4000 gallons or more shall be completely surrounded at all times by a fence or wall not less than 4 feet in height above grade. The pool wall itself may serve as a fence. All gates or doors opening through such enclosure shall be of not less than four feet in height and shall be equipped with a self-closing and self-latching device located at least four (4) feet above the underlying ground and inaccessible from the outside to small children. Every such gate or door shall be kept locked at all times when the swimming pool is not in use, and any ladders shall be removed.

**Passed 3-7-71, Approved by A/G 3-19-71**

### **Article XX – Power Boats**

“Power boats with motors exceeding ten (10) horsepower are prohibited for usage on Partridgeville Pond, also known as Templeton Fish and Game Club Pond.”

**Passed 5-10-72, Approved by A/G 9-13-72**

## **Article XXI – Marijuana or Tetrahydrocannabinol on Town Property**

1. No person, whether in or upon a vehicle, motor vehicle, conveyance, or on foot, shall burn, 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 area owned by or under the control of the Town, including but not limited to, any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, school, school grounds, cemetery, or parking lot; or in or upon any place to which the public has a right of access as invitees or licensees.

2. Any marijuana or tetrahydrocannabinol burned, smoked, ingested, or otherwise used or consumed in violation of this bylaw shall be seized, held, and disposed of in accordance with G.L. c. 94C, § 47A.

3. Whoever is found in violation of this bylaw shall, when requested by an official authorized to enforce this bylaw, state his true name and address to said official.

4. This bylaw 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 non-criminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen or its duly authorized agents, or any police officer.

5. The fine for a violation of this bylaw shall be three hundred dollars (\$300.00) for each offense. A penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L. In case any section, paragraph or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

**Passed 5-10-11, Approved by A/G 5-27-11**

## **Article XXIII – Use of Sanitary Landfill**

“For the benefit of the community and in the best interest of the health and welfare of the people of Templeton, the Sanitary Landfill on Route 202, Templeton, shall be used only by residents, commercial business and industries located within the geographical limits of the Town of Templeton. **Passed 5-10-1975, Approved by A/G 9-2-75**. Notwithstanding said limitations, individuals, and/or businesses, upon application and issuance of a waiver by the Templeton Board of Health, may use the Sanitary Landfill for garbage and/or refuse of residents, commercial businesses and industries located within the geographical limits of the Town of Templeton. Excluded shall be the transportation of garbage and refuse from out of town areas to the Templeton Landfill and/or any other properties in the Town of Templeton”.

**Amended 9/28/82, Amended 6/18/02, Amended 02/19/04**

## **Article XXIV – Sewers**

Section 1. “The Selectmen, or Sewer Commissioners if duly qualified, may declare any sewer or drain laid in any land or way, public or private, open or proposed to be open for public travel, to be a common sewer, and that connections shall not be made with any common sewer, except by authorization from Selectmen or Sewer Commissioners, whichever the case may be, shall have the power to regulate the use of common sewers and connections which may be made with them, by regulations duly enacted.”  
**Passed 5-10-75, Approved by A/G 9-2-75**

Section 2. To amend the present common sewer by-law, Article XXIV, by adopting as town by-law the rules and regulations regarding the use of common sewers as outlined and stated in Publication No: 5541 of the Massachusetts Water Resources Commission 1969, revised 1974, entitled “Suggested Rules and Regulations Regarding the use of Common Sewers for the Cities and Towns of the Commonwealth of Massachusetts.”  
**Amended 10/28/76**

## **Article XXV – Intoxicating Beverages**

No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1, of the MGL, nor shall have in his possession any open containers, or containers whose seal has been broken and recapped of such beverages, while on, in, or upon any public way or sidewalk, or upon any way to which the public has a right of access or any place to which the members of the public have access as invitees or licensees, park or playground, or private land or place, without the consent of the owner or person in control thereof. The burden of proving such consent shall be on the defendant. All alcoholic beverages being used in violation of this by-law shall be seized and safely held until final adjudication of the charge against the person(s) so arrested or summonsed before the court, at which time they shall be disposed of as directed by the court. The penalty for violation of the by-law shall not exceed fifty dollars (\$50.00) for each offense.

**Passed 5-8-76, Approved by A/G 9-6-76, Amended 5-10-86**

## **Article XXVI –Anti-Loitering and Curfew**

Section 1. Town of Templeton real property may be posted by order of the Selectmen to ban loitering thereon or to provide for a curfew for its use.

Section 2. Any person who violates the provisions of Section 1 shall be subject to penalties as provided by Chapter 266, Section 120, of the MGL.

**Passed 9-22-81, Approved by A/G 12-30-81**

## **Article XXVII – Automatic Amusements**

In each establishment within the geographical limits of the Town of Templeton automatic amusement devices will be limited to five (5) units of which a maximum of three (3) may be video games and/or pinball machines.

**Passed 5-8-82, Approved by A/G 9-28-82**

### **Article XXVIII – Snow and Ice and Water Drainage**

Section 1. No person shall throw or put or cause to be thrown or put any snow or ice, rubbish, waste materials or leaves from any privately owned land into any public way, sidewalk, catch basin or Town owned land.

Section 2. The Highway Superintendent or any other person authorized by the Highway Superintendent, for the purpose of removing or plowing snow, or removing ice from any way, may remove or caused to be removed to some convenient place any vehicle which interferes with such work, and in the event of the removal of any vehicle in accordance with the terms hereof, the actual cost of removing said vehicle and any storage charges that may be incurred as a result thereof, may be enforced by the town in any manner provided by law for the collection of a debt based upon contract.

**Passed 6-20-81, Approved by A/G 10-15-82**

Section 3. No person shall drain water or cause water to be drained from any privately owned property into any public way, sidewalk, catch basin or Town owned land without the authorization of the Highway Superintendent. This section shall not be enforced to prohibit individuals from washing or cleaning their own vehicle or private property as long as said drain water does not create a safety hazard.

Section 4. No person shall hook up or cause any flow into the Town's storm water drainage system without the approval of the Highway Superintendent.

Section 5. Whoever violates Sections 1, 3, 4, or 5 of this by-law shall be punished by a fine of fifty dollars (\$50.00) for each offense.

**Sections 1, 3-5 Passed 6-24-92**

### **Article XXIX – Recreation Tracks**

Purpose: To protect abutters from ill conceived construction of a recreation track or tracks in the absence of zoning for residential, commercial, agricultural, industrial or open land areas.

Regulations:

- A. A permit for the construction of a recreation track or tracks presently proposed or to be constructed, will be required; fee to be set by vote of licensing authority, being the Board of Selectmen.
- B. The applicant for a permit must follow the procedures set forth below:
  1. Apply for the permit from the licensing authority in writing.
  2. Submit a plot plan showing proposed location of track, listing setbacks from boundary lines.
  3. Obtain approval for track location from the Planning Board, Conservation Commission, Board of Health and Police Department.

4. Obtain approval for the driveway entrance from the Highway Superintendent.
5. Specify hours that the tracks will be in use for practice or races.
6. Obtain a certified list of abutters from the Assessors.
7. Notify all abutters by certified mail, return receipt, of hearing date set by the Board of Selectmen, at least seven (7) days before the hearing.

Administration and Enforcement:

The provisions of this by-law shall be enforced by the Board of Selectmen. Whoever shall construct a recreation track or tracks, without a permit shall be punished by a fine of twenty-five dollars (\$25.00) for each day of the offense.

Validity: This by-law shall take effect on date of approval by the Town of Templeton subject to approval by the Attorney General.

Definition: Recreation Track(s) - Recreation Track(s) as used in this by-law shall be land, all or part, used by vehicles as defined under Chapter 90, or as "Recreation Vehicles (s)" and/or "Snow Vehicles (s)" under Chapter 90B, Section 20, and used by persons or animals for sporting or recreational events.

**Passed 5-7-82, Approved by A/G 7-20-82**

**Article XXX – Class III Licenses**

The Selectmen are hereby authorized to limit the number of Class III Licenses in effect in the Town at any one time; said number not to exceed 4.

**Passed 5-11-85**

**Article XXXI – Class II Licenses**

The number of Class II used car dealer licenses in effect in the Town at any one time is not to exceed 21, with said number to be apportioned among the 4 precincts.

**Passed 11-14-85**

**Article XXXII –Licenses and Permits of Delinquent Taxpayers**

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

Section B. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers or any party whose name appears on said list furnished to the licensing authority from the tax collector, provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie for 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 license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

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

Section D. The Board of Selectmen may waive such denial, suspension, or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholder, if any, or members of his immediate family, as defined in Section 1, Chapter 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, Section 13, Chapter 48; sales of articles for charitable purposes, Section 33, Chapter 101; children work permits, Section 69, Chapter 149; clubs, associations dispensing food or beverage licenses, Section 21E, Chapter 140; dog licenses, Section 137, Chapter 140; fishing, hunting trapping license, Section 12, Chapter 131; marriage licenses, Section 28, Chapter 207; theatrical events, public exhibition permits, Section 181, Chapter 140; bicycle permits, Section 11A, Chapter 85.

**Passed 9-18-86**

### **Article XXXIII –Quarry**

Section 1. Definition of a Quarry: Any property which may primarily be used as a source of mined products from the earth when the removal of such products required the use of explosives to facilitate such removal.

Section 2. The Town of Templeton will not allow any Quarry to operate or open within the Town (Temporary not included).

**Passed 5-12-92**

### **Article XXXIV – Street Numbers**

Street numbers shall be attached to each dwelling, business, industry and other buildings in the Town of Templeton.

- A. The number shall be made of permanent, weather-proof materials, in contrasting color, shall be at least three (3) inches in height, and shall be clearly visible from the street or roadway upon which the structure fronts.
- B. Any structure that is not visible from the street or roadway shall have the assigned number posted on a suitable support at the entrance to the driveway that services such structure.
- C. The numbers posted shall be those assigned to each structure by the Board of Assessors. The said Board shall advise the owners of the property of the assigned or reassigned number in writing at the property's tax address.
- D. It shall be the responsibility of each property owner in the Town to obtain, display, and maintain the assigned street number within ninety (90) days after the effective date of this By-Law.
- E. This By-Law shall be enforced by the Police Department. Failure to comply with this By-Law shall subject property owners to a fine of not more than twenty dollars (\$20.00) for each offense. Each day shall constitute a separate offense.

**Passed 6-23-93, Approved by A/G 11-2-93**

### **Article XXXV – Mandatory Recycling**

#### Article 1. Purpose

This by-law will significantly reduce the amount of municipal solid waste that will need to be landfilled in Templeton, thus reusing natural resources and preserving landfill space for nonreusable goods, as well as meet the state's 25% recycling requirement set down at 310 CMR li.038 (2) (d).

#### Article 2. Definitions

- A. "Commercial Hauler" shall mean any person licensed by the Board of Health who, for a fee, collects and/or hauls solid waste that is generated within the Town of Templeton.
- B. "Solid Waste" shall mean any household, residential, or commercial solid waste.
- C. "Composting" shall mean a process of accelerated biodegradation and stabilization of organic material under controlled conditions yielding a product which can be safely used.
- D. "Designated Material" shall mean those recyclable goods including but not limited to types and grades of metal, paper, glass or plastic and those compostable materials including but not limited to types and grades of leaves, yard waste and food waste designated by the Department of Environmental Protection pursuant to regulations to be source separated.

- E. "Disposal" shall mean the dumping, landfilling or placement of solid waste into or on any land or water or the incineration of solid waste for energy recovery or otherwise.
- F. "Person" shall mean any individual, partnership, association, firm, company, corporation, department, agency, group or public body generating solid waste.
- G. "Recycle" shall be construed to mean the diversion of material, product, or byproduct from disposal to: (a) reuse, or (b) employ as an ingredient or feedstock in an industrial or manufacturing process to make a marketable end product, or (c) employ in a particular function or application as an effective substitute for a commercial product or commodity. Recycle does not mean to recover energy from the combustion of designated materials.
- H. "Source Separate" shall be construed to mean to separation of designated recyclable or compostable materials from solid waste at the place where the materials or waste are generated through the use or consumption of goods.

Article 3. Use of Landfill/Recycling Center

Any person using the Landfill/Recycling Center must first obtain a permit issued by the Board of Health and sign an agreement stating that they have received a copy of the recycling regulations. A small fee will be charged to cover the printing of the permits and regulations. Any person wishing to use only the Recycling Center may do so at no cost.

Article 4. Use of Landfill/Recycling Center by Commercial Haulers

Any commercial hauler using the Landfill/Recycling Center must also obtain a sticker issued by the Board of Health and agree to provide source separated pick-up for their customers. The list of recyclables commercial haulers must pick up will be limited by regulation of the Board of Health to no more than six (6) types of material in order to prevent implementation from becoming an impossible task.

Article 5. Recycling of Designated Materials

- (a) After January 1, 1994, no person and no commercial hauler shall place solid waste in the Templeton Landfill unless the following designated materials have been source separated from the solid waste prior to placement or delivery of the waste for disposal: leaves, yard waste, newspaper, magazines, cardboard, recyclable paper, aluminum, metal, glass containers, scrap metal, batteries and white goods.
- (b) After July 1, 1994, no person and no commercial hauler shall place solid waste in the Templeton Landfill unless, in addition to the materials designated pursuant to Article V, Section (a), the following designated materials have been source separated from the solid waste prior to placement or delivery of the waste for disposal: single polymer plastics.  
The Board of Health may from time to time, by regulation, redesignate the types of materials required to be recycled.



All recyclable material must be separated from all other solid waste. It must be clean. Food and beverage containers must be rinsed out. Materials must be placed in their designated areas at the Recycling Center. The elderly and handicapped will be assisted by an attendant.

- (c) All separated recyclable materials deposited at the Recycling Center shall become the sole property of the Town of Templeton. All separated recyclable materials being brought to the Recycling Center shall be brought at hours designated by the Board of Health.

Article 6. Disposal

No person who collects, transports, disposes or otherwise manages solid waste or designated materials shall mix, co-mingle, or otherwise contaminate source separated designated materials with solid waste or other contaminants.

Article 7. Supervision

The Landfill/Recycling Center attendant shall inspect any and all solid waste presented for disposal. No person shall dispose of any designated materials other than as set forth in this by-law. Persons in violation of this by-law shall be notified of such violations in writing by the Board of Health, which writing shall include the date of such violation; the nature of such violation, the penalty imposed thereby, and shall inform the violator of the right to request a hearing as set forth below. Any violating this by-law shall be fined \$25.00 for the first violation and \$50.00 for the second violation. All such fines shall be paid within ten (10) days of receipt of said written notice. Failure to pay such fine or any subsequent violation may, in the discretion of the Board of Health, result in the revocation of the violator's permit to use the Landfill/Recycling Center.

Any person in receipt of a notice of violation may, with ten (10) days of receipt of such notice, request a hearing before the Board of Health (Board). Such request shall be made in writing and shall state any reasons why the penalty set forth in the notice of violation should not be imposed. Within fourteen (14) days of receipt of such request for hearing, the Board shall schedule such hearing and notify the person requesting the hearing of the date and time thereof. The Board shall have the authority to waive or reduce the penalty stated in the notice of violation if it finds good cause following such hearing. The Board of Health shall make its decision within fourteen (14) days of such hearing and shall notify the person requesting such hearing of its decision, in writing, within fourteen (14) days thereof. The Board's decision shall be final.

**Passed 6-23-93, Approved by A/G 11-2-93**

**Article XXXVI – Street Acceptance**

No Private Street shall be accepted by the Town Meeting as a Public Way unless all of the following conditions have been met:

1. The Way shall have a minimum pavement width of not less than twenty-four (24) feet for its entire length;
2. The Way shall be shown on a definitive plan endorsed by the Planning Board, and shall be actually constructed in accordance with the specifications of the definitive plan approval; and
3. The Way shall have been completed in accordance with said definitive plan for a period of at least twelve (12) months in order to ensure that the way may withstand severe winter weather.

Notwithstanding the above, the Town Meeting may accept as a Public Way a way that does not meet all of the conditions set forth above, upon a recommendation, by majority vote, from the Planning Board to waive such condition(s).

**Passed 9-11-96, Approved by A/G 12-9-96**

### **Article XXXVII – Non-Criminal Disposition of By-Law Violations**

Section 1. Scope Authority – This By-Law provides for a non-criminal disposition of a violation of health related Town By-Laws or any rules or regulations adopted by the Board of Health of which is subject to a penalty not to exceed \$300.00. This By-Law is enacted in accordance with MGL, Chapter 40, Section 21-D, as it may be amended from time to time (herein called Section 21-D).

Section 2. Enforcing Person – “Enforcing Person” used in this By-Law shall mean the Board of Health, Board of Health Agent or other designee, each with respect to violation of By-Laws or rules and regulations within their respective jurisdiction over a given authority to adopt rules and regulations for the enforcement of this By-Law within respective areas of their jurisdiction.

Section 3: Violation – An Enforcing Person taking cognizance of a violation of said By-Law, rules or regulations may, as an alternative to instituting criminal proceedings, give the offender a written notice to appear before the clerk of the Gardner District Court for non-criminal disposition of the violation, accordance with Section 21-D. The provisions of Section 21-D are incorporated by reference herein.

Section 4: Proceedings – Proceedings pursuant to this By-Law and Section 21-D shall not be deemed to be criminal proceedings.

**Passed 6-22-94, Approved by A/G 9-12-94**

### **Article XXXVIII – Compensation to Incapacitated Call & Volunteer Firefighters and Rescue Squad Volunteers**

“A Call Firefighter, a member of the Town’s Volunteer Fire Department, or a member of the Templeton Rescue Squad, who is disabled or incapacitated because of injuries sustained in the performance of his/her duties, without fault of his/her own, and is thereby unable to perform the usual duties of his/her regular occupation at the time such injury of incapacitation was incurred, shall receive during the period of his/her incapacity an

amount equal to the compensation paid to a permanent member of the fire force for the first year of service therein, or if there are no regular or permanent members of the fire force, at a rate of Three Thousand Dollars (\$3,000.00) per annum, as provided under MGL Chapter 32, s 85H.”

**Passed 6-22-94, Approved by A/G 9-12-94**

### **Article XXXIX – Interest Charge for Water & Sewer Bills**

The Town shall charge an interest rate of 1% per month for all Water & Sewer bills unpaid after the due date, as authorized under MGL Chapter 40, Sec 21E.

**Passed 5-11-99, Approved by A/G 6-9-99**

### **Article XL – Wireless Communication Facilities & Towers**

#### General Purpose

The purpose of this section shall be to regulate the placement, design, construction, removal, and modifications of wireless communication facilities and towers and to protect Templeton’s historic, cultural, natural, and aesthetic resources.

#### **Special Permit Granting Authority shall be the Planning Board**

#### **Special Permit Review Criteria**

- (A) No wireless communications facility shall be erected, constructed, installed or operated without first obtaining a special permit from the Town of Templeton Planning Board. A special permit is required for new tower construction (or major modification of a preexisting tower) and for all new wireless communications facilities (or major modification of a preexisting facility) to be mounted on a tower or structure.
- (B) All applications will be reviewed by the Board of Health & Conservation Board who will submit their written recommendations within 45 days.
- (C) A building permit is required per CMR 780.
- (D) A public hearing shall be held within 90 days with all costs accrued paid by the applicant
- (E) Exemptions: The following types of wireless communications facilities and towers are exempt:
  - (1) Amateur radio tower – construction or use of an antenna structure by a federally licensed amateur radio operator as exempted by M.G.L. Chapter 40A, Section 3.
  - (2) A tower or antenna erected by the Town exclusively for municipal public safety communications purposes.

(3) Pre-existing towers and antennas

This by-law is exempt from Article XXI Section 3, lot size, frontage, and setback requirements of the town by-laws

### **Consistency with Federal Law**

These regulations are intended to be consistent with Section 704 of the 1996 Telecommunications Act.

### **Definitions:**

**Abandoned Tower:** A tower not being used for the purpose it was permitted for a period of twelve months.

**Adequate Coverage:** Coverage is adequate within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be signal strength of at least  $-90$  dBm. It is acceptable for there to be minor temporary loss of signal within the area of adequate coverage. The outer boundary of the area of adequate coverage is that location past which the signal does not regain uniformity.

**Antenna:** A device used to transmit and/or receive electromagnetic waves, which is attached to a tower or other structure.

**Antenna Support Structure:** Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

**Available Space:** The space on a tower or structure to which antennas of a wireless communication provider is both structurally able and electro magnetically able to be attached.

**Base Station:** The primary sending and receiving site in a wireless communication facility network. More than one base station and/or more than one variety of wireless communication provider may be located on a single tower or structure.

**Building-Mounted Antenna Support Structure:** Any antenna support structure mounted on, erected on, or supported in whole or part by a building or structure occupied and/or used for purposes other than wireless telecommunications.

**Building For Equipment Shelter:** An enclosed structure used to contain batteries, electrical equipment, telephone lines, transmitters, etc. used by the carriers on the towers.

**Channel:** The segment of the radiation spectrum to or from an antenna, which carries one signal. An antenna may radiate on many channels simultaneously.

**Co-location:** Locating the wireless communications equipment of more than one provider on a single tower.

**Communication Tower:** A monopole or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving wireless communications. A Tower and its equipment are considered a main use of property.

**Consultant:** A registered professional engineer (electrical communication specialty) licensed by the Commonwealth of Massachusetts, hired at the expense of the applicant to review the application and verify that the new tower is necessary at the proposed site, or any other review required under this bylaw.

**Carrier:** A company that provides wireless service as defined by Section 704 of the 1996 Telecommunications Act.

**dBm:** Unit of measure of the power level of a signal expressed in decibels referenced to one milliwatt.

**EA:** See Environmental Assessment

**Emergency Power:** Electrical Generators usually powered by propane gas or diesel fuel so as to provide uninterrupted service in the case of electrical utility failure, provided that any generators used may not emit more than 50 decibels over the ambient noise level at the property line.

**Environmental Assessment:** An EA is the document required by the FCC and NEPA when personal wireless facility is placed in certain designated areas.

**FAA:** Federal Aviation Administration:

**Facility Site:** A property, or any part thereof, which is owned or leased by one or more wireless communications facility(s) and where required landscaping is located.

**Fall Zone:** The area on the ground within a prescribed radius from the base of a tower, typically the area within which there is a potential hazard from falling debris or collapsing material. The fall zone shall be equal to the tower height.

**FCC:** Federal Communications Commission

**Frequency:** The number of cycles completed each second by an electromagnetic wave, measured in hertz (Hz), megahertz (MHz), or one million hertz, or gigahertz (GHz, one billion hertz).

**Hertz:** One hertz (Hz) is the frequency of an electric or magnetic field, which reverses polarity once each second, or one cycle per second.

**Lattice Towers:** A type of mount that is self-supporting with multiple legs and cross bracing of structural steel. See Communication Tower.

**Major Modifications:** The changing or alteration of any portion of a wireless communication facility from its description in a previously approved permit, including any addition that increases the height of the tower size of the building for equipment shelter.

**Monitoring:** The measurement, by the use of instruments in the field, of non-ionizing radiation exposure from wireless communications facilities, towers, antennas, or repeaters.

**Monopole:** A type of tower that is self-supporting with a single shaft of wood, steel, or concrete.

**NEPA:** National Environmental Policy Act

**Preexisting Towers and Antennas:** any tower or antenna that was lawfully erected before the effective date of these regulations.

**Repeater:** A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas that are not able to receive adequate coverage directly from a base or primary station.

**RFI:** Radio Frequency Interference

**RFR:** Radio Frequency Radiation

**Scenic View:** A scenic view is a wide angle or panoramic field of sight and may include natural and/or manmade structures and activities which may be seen from a stationary viewpoint or as one travels along a roadway, waterway, or path, and may be an object nearby or in the distance such as a mountain, or historic building or a pond.

**Self-Supporting Tower:** A communications tower that is constructed without guy wires.

**Spectrum:** Relating to any transmissions or reception of electromagnetic waves.

**Stealth Tower:** A structure designed to blend with or be hidden by surrounding terrain, architectural design, or buildings.

**Structurally Able:** The determination that a tower or structure is capable of carrying the load imposed by the proposed new antenna(s) under all reasonable predictable conditions as determined by professional structural engineering analysis.

**Tower:** A vertical structure for antenna(s) that provide wireless communications services.

**Tower Height:** The vertical distance measured from the base of the tower support structure to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the tower height.

**Wireless Communications Facility:** All equipment, buildings and locations of equipment (real estate) with which a wireless communications provider transmits and receives the waves that carry their services. This facility may be owned and permitted by the provider or another owner or entity.

**Wireless Communications Provider:** An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

**Wireless Services:** Commercial mobile services, unlicensed wireless exchange access services, including cellular services, personal communications services, specialized mobile radio services, and paging services.

**Permit Application Requirements:**

(A) An applicant for a wireless communications tower or facility permit must be a wireless communications provider or must provide a copy of its executed contract to provide land or facilities to an existing wireless communications provider at the time that an application is submitted. A permit shall not be granted for a tower or facility to be built on speculation.

(B) Applicants for wireless communications towers or facilities shall include the following supplemental information in their filings for special permit approval:

(1) Location Map: The location of the proposed structure on the most recent United States Geological Survey Quadrangle map, showing the area within at least a three-mile radius of the proposed tower site.

(2) A map or *sketch* of the property proposed to be developed, prepared by a registered land surveyor drawn to scale and with the area to be developed clearly indicated.

(3) A report from qualified and licensed professional engineers (consultants) that:

- a) Describes the facility height, design, and elevation not to exceed 190 feet.
- b) Documents the height above grade for all proposed mounting positions for antennas to be colocated on a wireless communications tower or facility and the minimum separation distances between antennas.
- c) Describes the tower's proposed capacity, including the number, height, and type(s) of antennas that the applicant expects the tower to accommodate.
- d) Documents steps the applicant will take to avoid interference with any established public safety wireless communications, and includes both an intermodulation study that predicts no likely interference problems and

certification that the study has been provided to the appropriate public safety agencies.

- e) Describes existing and proposed coverage. In the case of new tower proposals, the applicant shall demonstrate that existing wireless communications facility sites and other existing structures within Templeton, in abutting towns, and within a 10 mile radius of the proposed site cannot reasonably be modified to provide adequate coverage and/or adequate capacity to the Town of Templeton.
  - f) Describes potential changes to those existing facilities or sites in their current state that would enable them to provide adequate coverage, and proves a detailed computer generated Actual Received Level propagation model that describes coverage of the existing and proposed facilities.
  - g) Describes the output frequency, number of channels and power output per channel for each proposed antenna.
  - h) Includes a written five-year plan for use of the proposed wireless communications facility, including reasons for seeking capacity in excess of immediate needs if applicable, as well as plans for additional development and coverage within the Town of Templeton.
  - i) Demonstrates the tower's compliance with the municipality's setbacks for towers and support structures.
  - j) Provides proof that at the proposed site the applicants will be in compliance with all FCC regulations, standards, and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR). The Town of Templeton may hire independent engineers to perform evaluations of compliance with the FCC regulations, standards, and requirements on an annual basis at unannounced times. The Town may allocate to the applicant any reasonable expenses incurred or authorized by it in retaining independent engineers to perform these evaluations.
- (4) Commitment to Share Space: A letter of intent committing the tower owner and his or her successors to permit shared use of the tower if the additional user agrees to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards, and requirements and the provision of this by-law.
- (5) Existing Structures: For wireless services to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure must be submitted.
- (6) Environmental Assessment: To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft of final report describing the probable



impacts of the proposed facility shall be submitted to the Planning Board prior to the issuance of a building permit.

- (7) Vicinity Map: A topography map and a priority resource map showing the entire vicinity within a 1000 foot radius of the tower site, including the wireless communications facility or tower, public and private roads and buildings and structures, water bodies, wetlands, landscape features, and historic sites. The map shall show the property lines of the proposed tower site parcel and all easements or rights of way needed for access from a public way to the tower.
  - (8) Proposed site plans of the entire wireless communications facility, professionally drawn to scale, showing all improvements including landscaping, utility lines, screening, and roads.
  - (9) Elevations showing all facades and indicating all exterior materials and color of towers, buildings, and associated facilities.
  - (10) Where the proposed site is forested, the approximate average height of the existing vegetation within 200 feet of the tower base.
  - (11) Construction sequence and estimated time schedule for completion of each phase of the entire project.
  - (12) Any additional information requested by the Planning Board.
- (C) Plans shall be drawn at a minimum at the scale of one (1) inch equals fifty (50) feet. The permit application shall be signed under the penalties of perjury.
- (D) All permit requests shall be submitted during a regular scheduled meeting.

#### **Tower and Antenna Design:**

- (A) **Protection of Scenic Character:** Proposed facilities shall not unreasonably interfere with any scenic views, paying particular attention to such views from the downtown business area, public parks, natural scenic vistas or historic buildings or districts. Towers shall, when possible, be sited off ridgelines and where their visual impact is least detrimental to scenic views and areas. In determining whether the proposed tower will have an undue adverse impact on the scenic beauty of a ridge of hillside, the Town shall consider, among other things, the following:
- (1) The period of time during which the proposed tower will be viewed by the *traveling* public on a public highway, public trail, or public body of water;
  - (2) The frequency of the view of the proposed tower by the *traveling* public;
  - (3) The degree to which the view of the tower is screened by existing vegetation, the topography of the land, and existing structures;

- (4) Background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
- (5) The distance of the tower from the viewing vantage point and the proportion of the facility that is visible above the skyline;
- (6) The number of travelers or vehicles traveling on a public highway, public trail, or public body of water at or near the critical vantage point, and
- (7) The sensitivity or unique value of the particular view affected by the proposed tower.

To assist the town in its review it may require the applicant to fly or raise a three-foot diameter balloon at the maximum height of the proposed facility at a location within fifty (50) horizontal feet of the center of the proposed facility. The applicant shall provide photographs of the balloon test taken from at least four vantage points previously designated by the planning board.

- (B) **Lighting, Bulk, Height, Glare:** All wireless communications facilities, including towers and antennas, shall be designed and constructed so as to minimize the visual impact of height and mass of said tower. Materials utilized for the exterior of any structure shall be of a type, color, and style so as to minimize glare and blend into the environment. Towers shall not be artificially illuminated.
- (C) **Transmitter Building:** Facilities buildings shall be built to accommodate all anticipated tenants on a tower.
- (D) **Landscaping and Screening:** Base of tower as well as the building accessory to the tower shall be screened from view by a suitable vegetation screen that is consistent with existing vegetation. A planted or existing vegetative screen shall be maintained. Existing on-site vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless disturbance is demonstrated to result in less visual impact on the facility from surrounding properties and other vantage points.
- (E) **Height Limitations:** In order to protect public safety and to preserve the scenic, rural character and appearance of Templeton, antennas and all related facilities shall not exceed 190 feet.
- (F) **Fencing and Signage:** The area around the tower shall be completely fenced for security to a height of 8 feet and gated. Use of multiple strands of barbed wire is required. A painted sign no greater than two square feet stating the name of the facility's owner and a 24 hours emergency number shall be posted on the entry gate. In addition, "No Trespassing" and any other mandated warning signs shall be posted and maintained at the site. No commercial signs or lettering shall be placed on a tower. The tower must be equipped with an anti-climbing device. The wireless communications facility owner shall maintain adequate insurance on all wireless communications facilities.
- (G) **Utilities:** All utilities must be routed underground via conduit from public road to site where feasible.

- (H) **Access Road:** Vehicle access to site shall be required and shall conform to all Conservation Commission guidelines and be at least 18 feet wide. A sturdy, posted swinging, lockable gate must be installed which is more than 15 feet and less than 30 feet off the public road upon which said access is situated, A KNOX box or keys shall be provided to a designated town official for municipal access. Finish grade must be approved by the Highway Superintendent. Easements shall be provided to the Town of Templeton for access and removal in the case of facility/tower abandonment.
- (I) **Removal of Abandoned Antennas and Towers:**
- (1) The owner of a facility/tower shall annually, by January 15, file a declaration with the Town of Templeton Planning Board certifying the continuing safe operation of said facility/tower installed subject to these regulations. Failure to file a declaration shall mean that the facility/tower is no longer in use and shall be considered abandoned.
  - (2) A facility/tower shall also be considered abandoned when it has not been used for the purpose for which it was permitted, for a period of twelve months.
  - (3) The applicant or subsequent owners shall provide and maintain a financial surety bond in the amount of \$50,000.00 (fifty thousand dollars) payable to the Town of Templeton to cover the costs of removal of each wireless communications facility applied for and the remediation of the landscape, should the facility be deemed abandoned. The bond shall not limit the applicant's financial liability to the Town for said facility/tower removal. The bond amount shall be reviewed every year by the planning board and shall be adjusted if deemed necessary. If the bond is deemed to be adjusted the applicant shall have 90 days from notice to provide an adjusted bond.
    - a) The owner of a facility/tower shall have 90 (ninety) days to removal said tower from the date it is deemed abandoned as stated above.
    - b) The town may exercise its option to remove said facility/tower at its own discretion upon notification of owner, any time after the 90 (ninety) day waiting period.
- (J) **Emergency Power:** Emergency power shall emit no more than 50 decibels over ambient noise level at all property lines.
- (K) **Noise:** Noise at the site perimeter from the operation of any machinery or equipment shall be minimized.
- (L) **Property Consideration:** An applicant shall demonstrate that all municipally-owned property in the geographic area was considered.
- (M) This section deleted by A/G

(N) **Distance of Tower or Repeaters:**

- (1) No repeater shall be located less than 25 feet, nor more than 70 feet above ground.
- (2) No tower or personal wireless service facility with the exception of repeaters shall be located:
  - (a) Within any of the following prohibited areas:
    - (i) Massachusetts or Federally regulated wetlands
    - (ii) A Massachusetts Certified Vernal Pool
  - (b) Within 100 feet horizontally of any Massachusetts regulated wetland.
  - (c) Within 200 feet of any existing permanently occupied residential dwelling.
  - (d) Within 200 feet of an existing property line unless incorporated within an existing building, tower, or steeple.

(O) **Documentation:** Engineering and Environmental Assessment impact as well as FAA notice of determination of no hazard of flight zone shall be submitted with any application.

(P) **Colocation Requirements:** An application for a new (non co-located) wireless communications tower shall not be approved unless the Planning Board finds that the wireless communications facility planned for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:

- (1) The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.
- (2) The proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts and such interference cannot be prevented at a reasonable cost.
- (3) The proposed antennas and equipment, along or together with existing facilities, equipment, or antennas, would create RFI in violation of federal standards or requirements.

- (4) The proposed antennas and equipment, alone or together with existing facilities, equipment or antennas, would create RFR in violation of federal standards or requirements.
  - (5) Existing or approved towers and structures cannot accommodate the planned equipment at a height necessary to function, or are too far from the area of needed coverage to function reasonably, as documented by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts.
  - (6) Aesthetic considerations make it unreasonable to locate the planned wireless communications equipment upon an existing or approved tower or building.
  - (7) There is no existing or approved tower in the area in which coverage is sought.
  - (8) Other unforeseen specific reasons make it unreasonable to locate the planned wireless communications equipment upon existing or approved tower or building.
- (Q) Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's and additional antennas when overall permitted height allows.
- (R) Wireless communication towers shall be a minimum distance of two and one half (2.5) miles from each other unless it is determined by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts that a closer proximity is need for "Adequate Coverage" as defined under definitions Under no circumstances shall any wireless communications tower be within a distance of one (1) mile of each other unless such tower is a stealth tower and the applicant's technology cannot be used on an existing tower as determined by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts.

**Modifications to Existing Wireless Communications Facilities Special Permit:**

An alternation or addition to a previously approved wireless communications facility shall require an additional special permit when any of the following are proposed:

- (A) A change in the number of buildings or facilities permitted on the site;
- (B) Changes in technology used by the wireless communications facility;
- (C) An addition or change of any external equipment or an increase in the height of the tower, including profile of additional antennas, not specified in the original application;  
or
- (D) Change in ownership.

### **Continuing Obligations:**

- (A) Upon receiving a permit, the permittee shall annually, by January 15, document that the facility is in compliance with all FCC standards and at the same time the permittee shall provide a list of the most recent RFR readings at the site, their distances from the tower/transmitter, dates of the readings, and the name of the person or company who took the readings.
- (B) All payment and non-payment of taxes shall fall under the Templeton By-Law article XXXII

#### **Fees:**

The Town shall establish a schedule of fees to cover permitting and monitoring costs. Fees may include the reasonable costs of an independent technical assessment of the application by a consultant.

#### **Severability:**

If a court of competent jurisdiction holds any portion of this by-law unconstitutional or invalid, the remainder of this by-law shall not be affected.

#### **Conflicts:**

If any definition or term as used in this by-law is inconsistent with or would result in a conflict with an applicant's compliance with any FCC regulation or licensing requirement, the FCC regulation or licensing requirement shall control.

#### **Waivers:**

Strict compliance with these requirements may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the Templeton By-Laws.

**Passed 5-1-00, amended 9-26-00, approved by A/G 12-12-00**

## **Article XLI – Water Use Restriction By-Law**

### **Section 1. Authority**

This By-law is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and its powers pursuant to 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 by-law 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.

### **Section 2. Purpose**

The purpose of this by-law 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 Massachusetts Department of Environmental Protection.

### **Section 3. Definitions**

**Agriculture** shall mean farming in all its branches and agriculture, as defined at G.L. c. 128, § 1A.

**Board** shall mean the Board of Light and Water Commissioners.

**Department** shall mean the Massachusetts Department of Environmental Protection.

**Outdoor watering** shall mean any residential, municipal, industrial, or commercial watering of decorative lawns, trees or shrubbery.

**Person** shall mean any individual, corporation trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

**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 by-law.

**Water Users or Water Consumers** shall mean all persons using water from the Town's public water source irrespective of that person's responsibility for billing purposes for use of the water.

### **Section 4. Declaration of a State of Water Supply Conservation**

The Town, acting through its Board of Light and Water Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists of such a degree that 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 6 of this by-law before it may be enforced.

### **Section 5. Restricted Water Uses**

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 except as provided in Section 11. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 6.

- a) Odd/Even Day Outdoor Watering: Outdoor watering on property having an odd numbered address is restricted to odd numbered days. Outdoor watering on property having an even numbered address is restricted to even numbered days.
- b) Off-Peak Outdoor Watering: Outdoor watering is limited to between particular hours on particular days as specified in the notice.
- c) Outdoor Watering Method Restriction: Outdoor watering is restricted to bucket, can or hand held hose watering with automatic shutoff nozzle.
- d) Outdoor Watering Ban: Outdoor watering is prohibited.
- e) 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 public notice thereof.
- f) Swimming Pool Filling Prohibition: Filling and topping off of swimming pools is prohibited.
- g) Automatic Sprinkler Use Prohibition: The use of automatic sprinkler systems is prohibited.
- h) Car Washing Prohibition: Car or vehicle washing is prohibited.

**Section 6. Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency; Notification of Department**

Notification of any provision, including any restriction, requirement or condition imposed by the Town as part of a 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. Notification of a State of Water Supply Emergency declared by the Department shall be provided by furnishing a copy of the Notice to radio and television stations serving the area served by the public water system as soon as possible, but no later than 48 hours after the public water system receives notice of the Department's declaration. Any restriction imposed under Section 5 of this by-law or in the Department's declaration of emergency or Order shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be provided to the Department at the same time that public notice is given.

**Section 7. Termination of a State of Water Supply Conservation; Notice**

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Light and Water Commissioners upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required for notice of the Town's declaration of its State of Water Supply Conservation.



### **Section 8. State of Water Supply Emergency; Compliance with Department Orders**

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. The notice prescribed by this section shall be in writing and shall be published once in a newspaper of general circulation within the town where it is to be effective. Such notice shall summarize the provisions of the Declaration of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this section shall be sufficient for enforcement of the requirements of such Declaration on and after the date following newspaper publication.

### **Section 9. Penalties**

The Town, through its Board of Light and Water Commissioner, the manager of the Municipal Light and Water Plant, or local police may enforce this by-law. Any person violating this by-law shall be liable to the Town in the amount of \$ 50.00 for the first violation and \$ 100.00 for each subsequent violation. 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.

### **Section 10. Severability**

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

### **Section 11. Exemptions**

The water use restrictions adopted under this by-law shall not apply to the specific uses outlined below provided the user meets applicable eligibility criteria as determined by the Board of Light and Water Commissioners.

- a. Commercial agriculture;
- b. Water to sustain animal life;
- c. Swimming pools used as a primary means of exercise, therapy or rehabilitation located at a medical or rehabilitation facility;
- d. Commercial car or vehicle washing facilities.

**Passed 9-10-02, Approved by A/G 9-29-03**

## **Article XLII – Capital Planning By-Law**

### **Section 1: Capital Improvements Committee:**

The Board of Selectmen is hereby authorized to establish and appoint a Capital Improvements Committee, to be composed of five members, for a term of one year.

The following Boards and Committees shall nominate one of their members to serve annually:

- The Advisory Board

- The Board of Selectmen
- The School Committee
- The Planning Board
- A Member from the community, (preferable with some relevant experience in purchasing or general business practices)
- The Town Administrator (or Town Accountant) as ex-officio member

The Committee shall choose its own officers.

Section 2: Committee duties:

To facilitate the reasonable acquisition and replacement of capital items (defined as assets and projects with a useful life of five or more years, and a cost of more than \$10,000.00), the Committee shall have the following duties and responsibilities:

- Annually collect all proposed capital improvements for the coming six years from all departments, on forms designed for that purpose.
- Consider all requests and the relative need and impact of these requests on the Town’s financial position.
- Establish and annually update a five year Capital Improvement Plan, based on this information.
- Annually, prepare a report prioritizing capital needs for the coming fiscal year, and recommend a Capital Improvement Budget for that fiscal year.
- Submit this annual report and their recommendations for purchases or improvements, in the form of a separate capital article, to the Board of Selectmen for its consideration and approval.

Upon endorsement by the Board of Selectmen, the Capital Budget shall be included on the Annual Town Meeting Warrant for consideration.

It is the intent of this bylaw that all capital improvements requested by a Town Department or Board should be considered in the Committee’s report before presentation to the Town for appropriation. It is the responsibility of the Committee to submit an explanation of the omission of any request. This explanation is to be provided to the Board of Selectmen before any vote for appropriation takes place on the omitted request.

The Committee’s report and the Selectmen’s recommended Capital Budget shall be made available to the Advisory Board for review and inclusion in the annual recommendations of the Advisory Board.

**Passed 9-26-00, Approved by A/G 11-28-00**

**Article XLIII – Time Limit for Submitting Warrant Articles**

Warrants for Annual Town Meeting and Special Town Meetings shall be open for a minimum of 14 days before closing and posting the warrants.

**Passed 5-12-04, Approved by A/G 6-9-04**

### **Article XLIV – Official Town of Templeton Website**

The Templeton Board of Selectmen shall designate an official Town website, for the official posting of town business, meeting notices, and agendas of all boards, committees and commissions; as well as provide for its maintenance, security, and improvement through a specific budget line item in the fiscal year following the passage of this article.

**Passed 5-12-04, Approved by A/G 6-9-04, Amended 5-16-13**

### **Article XLV – Posting of Warrants and By-Laws**

The Templeton Board of Selectmen shall post all By-Laws and Town Meeting Warrants on the official Town website, within 1 business day of posting warrants or within 3 business days following notification of acceptance by the Attorney General of Massachusetts for By-Laws. By-Laws existing prior to the passage of this By-Law shall be posted on the official Town Website by the end of the fiscal year following passage of this article.

**Passed 5-12-04, Approved by A/G 6-9-04**

### **Article XLVI – Right to Farm By-Law**

#### **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 Templeton restate and republish these rules 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 Templeton by allowing agricultural uses and related activities to function with minimum conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town of Templeton.

#### **Section 2. Definitions**

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

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

farming in all its branches and the cultivation and tillage of the soil; dairying;

production, cultivation, growing, and harvesting of any agricultural, mycological, 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 furbearing animals.

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

operation and transportation of slow-moving farm equipment over roads within the Town;  
control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;  
responsible application of manure, fertilizers and pesticides; applications to take into consideration minimizing non-point source pollution created by excess application;  
conducting agriculture-related educational, and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;  
conducting agriculture-related research to promote and enhance agricultural output and marketing;  
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 Templeton. 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 protection of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

### **Section 4. Disclosure Notification**

The Town will provide a copy of the following notice annually to Templeton property owners, and will include the notice and copy of the bylaw on the Town's official website. "It is the policy of the Town of Templeton 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 property owners that their property 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. Owners, 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."

**Section 5. Resolution of Disputes**

Dispute resolution will be the responsibility of the Board of Selectmen, or its designee(s), until at which time an Agricultural Commission is formed by the Town and empowered to resolve disputes arising from this bylaw.

**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 Templeton hereby declares the provisions of this By-law to be severable.

**Passed 5-10-05, Approved by A/G 6-7-05**

**Article XLVII – Personnel By-Law**

Copies of the Personnel By-Law may be obtained at the Town Clerk's office.

**Passed 5-10-05, Amended 5-9-06**

**Article XLVIII – Protect & Preservation of Town-owned  
Parks, Commons & Cemeteries**

"There shall be no unauthorized digging within the confines of any Town-owned cemetery, park, or ball field. Flowers and/or shrubbery may be planted at designated locations within the cemeteries according to the Cemetery Department Rules and Regulations on file in the Town Clerk's office. All other digging must be approved in writing by the Cemetery Department or performed by the Cemetery Department.

This bylaw shall carry a fine of not less than \$100.00 and no more than \$300.00. This bylaw may also be enforced by any police officer of the Town of Templeton in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. Any person who violates any provision of this bylaw shall be subject to a penalty of \$100.00 for the first offense, \$200.00 for the second offense, and \$300.00 for the third and each subsequent offense. Each day that a violation exists shall be deemed a separate offense."

**Passed 5-16-06, Approved by A/G 7-31-06**

**Article XLIX - Governing Illicit Connections and Discharges to  
The Storm Drain System:**

**SECTION 1. PURPOSE:**

The purpose of this bylaw is to regulate illicit connections and discharges to the storm drain system, which is necessary for the protection of Templeton water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. This bylaw is a requirement of the federal National Pollutant Discharge Elimination System Stormwater General Permit issued to the town of Templeton.

The objectives of this by-law are:

1. To prevent pollutants from entering the Templeton municipal separate storm sewer system (MS4);
2. To prohibit illicit connections and unauthorized discharges to the MS4;
3. To require the removal of all such illicit connections;
4. To comply with state and federal statutes and regulations relating to Stormwater discharges; and
5. To establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.
6. To prevent contamination of drinking water supplies.
- 7.

**SECTION 2. DEFINITIONS:**

For the purposes of this bylaw, the following shall mean:

**AUTHORIZED ENFORCEMENT AGENCY:** The Templeton Board of Selectmen, (The Board) its employees or agents designated to enforce this bylaw.

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

**CLEAN WATER ACT:** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

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

**GROUNDWATER:** Water beneath the surface of the ground.

**ILLEGAL DISCHARGE:** Any direct or indirect non-stormwater discharge to the municipal storm drain system, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Stormwater Discharge Permit or a

Surface Water Discharge Permit, pursuant to Section 8, subsection 15, of this by-law or resulting from emergency fire fighting activities.

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

**IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil.

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

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

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

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

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

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;

- (9) rock, sand, salt, soils;
- (10) construction wastes and residues;
- (11) and noxious or offensive matter of any kind.

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

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

**STORMWATER:** Runoff from precipitation and snowmelt.

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

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

**WATERCOURSE:** A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

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

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

**SECTION 3.           APPLICABILITY:**

This by-law shall apply to flows entering the municipal storm drainage system in the town of Templeton.

**SECTION 4.           AUTHORITY:**



This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act and G.L. c. 83 Sec. 1 and 10, as amended by St. 2004, c. 149 Subsections 135-140, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

**SECTION 5. RESPONSIBILITY FOR ADMINISTRATION:**

The Board of Selectmen (“The Board”) shall administer, implement and enforce this bylaw. Any powers granted to, or duties imposed upon, the Board may be delegated in writing by the Board to employees or agents of the Board.

**SECTION 6. REGULATIONS:**

The Board may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

**SECTION 7. PROHIBITED ACTIVITIES:**

Illegal Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of Stormwater into or out of the municipal storm drain system without prior written approval from the Board.

**SECTION 8. EXEMPTIONS:**

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system and that any discharges to the public storm drain shall conform to the standards set forth in the DEP administered regulations: 314 CMR 9.00 (401 Water Quality Certification), 314 CMR 3.00 (Surface Water Discharge Permit Program), 314 CMR 4.00 (Surface Water Quality Standards, and 314 CMR 5.00 (Groundwater Discharge Permit Program, as currently in effect.

**Amended 5-17-10**

- (1) Municipal waterline flushing
- (2) Discharge from landscape or agricultural irrigation or lawn watering
- (3) Water from individual residential car washing and temporary fund-raising car washes

- (4) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (5) non-emergency fire fighting activities
- (6) Discharge from street sweeping;
- (7) Non-Stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations
- (8) Rising groundwater
- (9) Natural flow from riparian habitats and wetlands
- (10) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation
- (11) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater
- (12) Flow from potable water sources
- (13) Springs

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system, and a written permit is approved by the Board of Selectmen or its agent:

- (1) Diverted stream flow
- (2) Dye testing, provided verbal notification is given to the Board prior to the time of the test;
- (3) Uncontaminated groundwater discharge from a sump pump
  - a. The connection of the building sump pump to the public storm drain shall conform to the requirements of the building and plumbing code and/or other applicable rules and regulations of the Town. The portion of a private drain connection that is located within the applicant's own property is privately owned, while the portion that is constructed within the public way becomes the property of the Town, with all costs of construction, connection, and repair borne by the applicant. A dual backflow preventer or other device that makes it possible for the Town to shut off the flows from the private drain connection into the storm drain if conditions of the permit are violated will be made a part of the drain system.
  - b. The applicant for the building drain permit shall notify the Board of Selectmen when the drain is ready for inspection and connection to the public storm drain. No connection shall be put to use and no backfilling is allowed until all appropriate inspections are made by the Board's representative inspector(s).
- (4) Discharge for which advanced written approval is received from the Board of Selectman or agents designated to enforce this bylaw, as necessary to protect public health, safety, welfare or the environment of Templeton.

## **SECTION 9. EMERGENCY SUSPENSION OF**

## **STORM DRAINAGE SYSTEM ACCESS:**

1. The Board may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Board or its authorized agent may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.
2. Any person discharging to a municipal storm drain system in violation of this bylaw may have their storm drain system access terminated if such termination would abate or reduce an illicit discharge. The Board, or its agent, will notify a violator of the proposed termination of storm drain system access. The violator may petition the Board for reconsideration and hearing. A person commits an offense if the person reinstates storm drain system access to premises terminated pursuant to this section, without prior approval from the Board.

## **SECTION 10. NOTIFICATION OF SPILLS:**

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

## **SECTION 11. ENFORCEMENT:**

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

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

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

- (a) elimination of illicit connections or discharges to the MS4;
- (b) termination of access to the storm drainage system;
- (c) performance of monitoring, analyses, and reporting;
- (d) that unlawful discharges, practices, or operations shall cease and desist; and
- (e) remediation of contamination in connection therewith. If the Board or its authorized agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board of Selectman within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, s57 after the thirty-first day at which the costs first become due.

**Criminal Penalty.** Any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$ 500.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**Non-Criminal Disposition.** As an alternative to criminal prosecution or civil action, the town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40 Sec. 21D, and this bylaw of the Town of Templeton, in which case the Board or its authorized agent shall be the enforcing person. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$200.00. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**Entry to Perform Duties Under this Bylaw.** To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be

made such examinations, surveys or sampling as the Board or its authorized agent deems reasonably necessary.

Appeals. The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.

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

**SECTION 12. SEVERABILITY:**

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

**SECTION 13. TRANSITIONAL PROVISIONS:**

Residential property owners shall have 120 days from the effective date of the bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

**Passed 5-16-07, Approved by A/G 6-18-07**

**Section 8 amended 5-17-10, Approved by A/G 8-210**

**Article L - Templeton Community Preservation  
Committee Bylaw**

**Chapter 1: Establishment**

There is hereby established a Community Preservation Committee (“CPC”),

consisting of nine (9) voting members pursuant to MGL Chapter 44B (the “Act”). The composition of the CPC, the appointment authority and the term of office for the CPC members shall be as follows:

One member of the Templeton Conservation Commission as designated by that Commission.

One member of the Templeton Historical Commission as designated by that Commission.

One member of the Templeton Housing Authority as designated by that Authority.

One member of the Templeton Recreation Committee as designated by that Committee.

One member of the Templeton Planning Board as designated by that Board.

One member of the Templeton Board of Assessors as designated by that Board.

Three members to be elected at large from the registered voters of the Town.

Appointed members of the CPC shall serve for two-year terms or until they no longer serve on the appointing body, whichever comes first. A vacancy in an appointed position shall be filled for the remainder of the unexpired term by the appointing Commission, Committee, Board or Authority. Persons appointed to fill a vacancy in an appointed position shall be sworn into office no later than fourteen (14) days after appointment or such appointment will expire and the appointing Commission, Committee, Board of Authority shall make a new appointment.

Elected members of the CPC shall serve for three-year alternating terms; provided, however, that upon the effective date of this bylaw, the Board of Selectmen shall appoint three members to serve until their successors are elected and qualified at the next Annual Town Election, and such positions shall be placed upon the ballot at such election for initial terms of one, two and three-years. A vacancy in an elected position shall be filled in accordance with G.L. c.41, §11.

Vacancies in elected positions are filled in accordance with G.L. c.41, §11. General Laws c.41, §11 requires that the Committee at issue give notice to the Board of Selectmen of the vacancy within one month thereof, and that the Board of Selectmen and remaining members of the Committee make a joint appointment to the position, after one week's notice of the joint meeting. If the Committee fails to give notice, the Board of Selectmen may fill the vacancy on its own.

The terms of all appointed and elected members of the CPC shall commence on June 1; provided, however, that the terms of the initial appointments made hereunder shall commence after appointments have been made in accordance with Section 7 and the appointees have qualified in accordance with the requirements of G.L. c.41, §107.

Should any of the Commissions, Boards, Authorities, or Committees who have appointment authority under this Chapter cease to exist for what ever reason, the appointment authority for that Commission, Board, Authority, or Committee shall become the responsibility of the Board of Selectmen.

Any appointed member of the CPC may, after a public hearing, be removed for cause by majority vote of the appointing Commission, Committee, Board or Authority.

## **Chapter 2: Duties**

(1). The Community Preservation Committee shall study the needs, possibilities, and resources of the town regarding community preservation. The CPC shall consult with existing municipal boards, including the Conservation Commission, the Historical

Commission, the Planning Board, the Recreation Committee, the Open Space Committee and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the CPC shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town. The CPC will provide an annual report on its activities for inclusion in the Templeton annual report.

(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, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of 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 CPC shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

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

(4). The Community Preservation Committee shall work within the provisions of the Community Preservation Act as it may be amended from time to time.

### **Chapter 3: Requirement for a quorum and cost estimates**

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

### **Chapter 4: Amendments**

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

### **Chapter 5: Exemptions**

Applications for an exemption from the Community Preservation surcharge shall be filed with the Board of Assessors no later than 90 days following the issuance of the actual tax bill.

## **Chapter 6: Severability**

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

## **Chapter 7: Effective Date**

Provided that the Community Preservation Act is accepted by the voters at the 2007 or 2008 Annual Town Election, this bylaw shall take effect upon approval by the Attorney General of the Commonwealth and after all the requirements of G.L. c.40, §32 have been met. Each appointing authority shall have 30 days after approval by the Attorney General to make its initial appointments.

**Passed 5-16-07, Approve by A/G 6-18-07**

### **Article LI - Recreation Commission**

The Board of Selectmen shall appoint a Recreation Commission consisting of seven (7) members: three (3) members to be appointed from Precinct A, three (3) members to be appointed from Precinct B, and one (1) member to be appointed at-large. The term for each shall be one year. Any seat that becomes vacant during the one-year term shall be filled by the appointing authority for the remainder of the unexpired term.

**Passed 11-29-07, Approved by A/G 3-4-08**

### **Article LII - Emergency Radio Communications**

#### **1. Emergency Communications Ability Required:**

The construction of a new building or structure; a) containing a floor area equal to or greater than 12,000 square feet, b) substantial renovation or alteration of an existing building containing 12,000 square feet or more, or which, after such renovation or alteration, will contain 12,000 square feet or more, shall provide for “public emergency radio communication” as required hereunder. For purposes of this bylaw “public emergency radio communications” shall provide the unimpeded ability for emergency responders to communicate with each other over public emergency radio frequencies from any point within the building to any other point within the building, and from any point within the building to any area exterior of the building within 200 feet of the building.

#### **2. Building Permit Review:**

As a part of and in addition to any existing Fire Department building permit application review, all building permit applications for structures that are or will be required to comply with obligation to provide “public emergency radio communication” in



accordance with Section 1, above, shall undergo a review by the Fire Department to determine whether the design and construction materials, as proposed, are consistent with the obligation to provide unimpeded communications between and among emergency responders in accordance with Section 1, above. Should the Fire Department have cause to believe that there is likelihood that such design or construction materials may be inconsistent with the obligation to provide unimpeded communication between and among emergency responders; the applicant shall be required to engage an independent radio engineer, acceptable to the Fire Department, at the applicant's sole and exclusive expense, to provide a written evaluation addressed to the Fire Department, based upon commonly accepted engineering standards, of the likelihood that the building design and construction materials, as proposed, will provide unimpeded communications between and among emergency responders, in accordance with Section 1, above. In addition, such report shall contain recommendations for changes or modifications to the building design or construction materials in order to ensure such unimpeded communications. prior to Fire Department approval of any such building permit application, the application shall incorporate any and all changes or modifications to the building design and/or construction materials as recommended by such independent radio engineer.

### **3. Existing Buildings:**

Existing buildings shall only be required to comply if they undergo substantial renovations or alterations as defined in the Massachusetts State Building Code.

### **4. New Construction:**

All new construction, regardless of use or occupancy, over 12,000 square feet shall meet the requirements.

### **5. Equipment:**

Any "public emergency radio communication system" installed in accordance with this bylaw shall comply with all applicable rules and regulations, as amended from time to time, issued by the Federal Communication Commission, or of any other local, state, or federal agency having jurisdiction over such communication systems. The design of such system must be occupancy-based, and must be engineered and designed taking into account the machinery and equipment to be used by the occupant(s) of such building. Any such communications system that requires a power source shall have a battery backup power source that provides power for no less than two (2) hours without an external power source. All "public emergency radio communication systems" must be powered from circuits that are separate and distinct and not subject to being tripped by other equipment. All power cords to devices in the system must be restrained in a manner acceptable to the Fire Department to prevent accidental or easy removal. All equipment must be installed by licensed vendors who have secured the necessary permits. All such installations shall meet applicable sections of the National Electrical Code, as amended from time to time.

All power-sourced equipment shall be protected from access thereto and shall contain such safeguards as are acceptable to the Fire Department to prevent such equipment from being accidentally turned off. Any cabinet used for Emergency Radio equipment must be locked and such cabinets or equipment used for emergency radio communication shall be

marked "Authorized Personnel Only." The applicant shall supply a copy of the key to any such equipment cabinet and a key to any room where equipment is stored. Such keys shall be kept in the building's lock box.

Any system installed in accordance with this bylaw shall provide an audible device and white strobe light, both of which shall be activated by the failure of the system. Any amplifier equipment powering the audible device shall have a monitoring system that monitors amplifier operation and primary power. The system may permit the audible signal to be silenced during a failure, but such system shall not permit the strobe light to be turned off during a failure and it shall remain illuminated at all times until the fault has been corrected. The strobe light shall be located in an accessible location authorized by the Fire Department. The applicant shall cause a sign to be located at the strobe light with the name and telephone number of the equipment maintenance contractor. The Fire Department must be notified of any failures that extend past the two (2) hour time limit. No secondary usage of any emergency radio equipment shall be permitted without written approval of the Fire Department. Such secondary usage shall not interfere with or degrade the operational ability of the system. To the extent that such secondary use interferes with or degrades the operation of the system for the public safety purposes set forth in this bylaw, such use shall cease immediately regardless of any approval that may have been granted by the Fire Department.

#### **6. Compliance Testing:**

Prior to the Fire Department approval of a request for an occupancy permit for any building requiring a "public emergency radio communication system" in accordance with Section 1, above, the Fire Department shall test the system for compliance with the requirements of this bylaw. Such compliance testing shall be done upon completion of construction and prior to occupancy using then existing equipment in use by the town. No occupancy certificate shall be issued until and unless the system is tested and determined to be in compliance with the requirements of this bylaw.

Adequate radio coverage is defined as meeting a minimum of 3 and 3 for signal strength and intelligibility as is defined below:

##### Signal Strength-

- 0 – No detectable signal
- 1 – Barely detectable
- 2 – Detectable with difficulty
- 3 – Detectable at all times
- 4 – Strong signal, detectable at all times
- 5 – Any increase in signal would overload the system

##### Intelligibility-

- 0 – Unintelligible
- 1 – Intelligible with extreme difficulty (many repetitions required)
- 2 – Intelligible with difficulty (repetition required)
- 3 – Intelligible (repetition seldom required)
- 4 – Intelligible at all times
- 5 – Hard to imagine how it could be better (super hi-fi)

#### **7. Annual Testing:**

The Fire Department shall conduct annual compliance testing of all “public emergency radio communication systems” installed in accordance with this bylaw. Any system requiring battery backup shall be tested on battery for no less than one (1) hour to verify that it will operate during an actual power outage. The Fire Department shall provide written notice to the building owner of any noncompliance of such system with the requirements of this bylaw, as amended from time to time. Any such non-compliance shall be fully remedied to the satisfaction of the Fire Department within thirty (30) days of such notice. Upon request of the Fire Department, the building owner shall provide a written report from an independent radio engineer, acceptable to the Fire Department, at the applicant’s sole and exclusive expense, to provide a written evaluation addressed to the Fire Department, based upon commonly accepted engineering standards, that the proposed remedy will bring the system into compliance with the requirements of this bylaw.

**8. Modifications:**

No modifications to the “public emergency radio communication system” shall be made without the prior written authorization of the Fire Department. Upon completion of any such approved modifications, a performance test shall be conducted by the Fire Department in addition to any yearly performance test.

**9. Responsibilities:**

The building owner shall be solely responsible for maintaining the “public emergency radio communication system” and assuring its compliance with the requirements of this bylaw. The owner shall maintain a contract with a qualified radio service contractor for all systems that require power, which contract shall provide for next day service for such systems.

The owner of the building must notify the Fire Department with regard to any change to its Emergency Radio Equipment maintenance contract.

To the extent that the owner fails to maintain such systems and/or to ensure compliance of such systems with this bylaw, the town may, after due notice, undertake such repairs to bring such system into compliance with the requirements of this bylaw. Any costs incurred by the town in bringing such systems into compliance with this bylaw shall constitute a municipal lien against such real property.

**10. Violations and Penalties:**

Any person violating any provision of this bylaw shall be fined not more than \$300 for each offense per day until appropriate compliance is reached. The Fire Chief shall be the enforcement authority.

**Passed 11-29-07, Approved by A/G 3-4-08**

**Article LIII - NPDES PHASE II PERMIT STORMWATER  
MANAGEMENT BYLAW**

**STORMWATER MANAGEMENT**

**Section 1. Purpose and Intent.**

Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of the Town of Templeton's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated Stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, and groundwater which result in the; contamination of drinking water supplies; erosion of stream channels; alteration or destruction of aquatic and wildlife habitat; and flooding. This by-law establishes minimum storm water management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be born by abutters, townspeople and the general public.

This by-law requires local review and approval of a Stormwater management plan for all development and redevelopment projects that disturb one (1) acre or more. In addition to this by-law, the Owner and/or developer is also obligated to meet the requirements of the Federal Environmental Protection Agency's (EPA) regulations for Stormwater management.

**Section 2. The objectives of this by-law are:**

- a. To require practices to control the flow of Stormwater from new and redeveloped sites into the town's storm drainage system in order to prevent flooding and erosion;
- b. To protect groundwater and surface water from degradation;
- c. To promote groundwater recharge;
- d. To prevent pollutants from entering the town's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
- e. To ensure adequate long-term operation and maintenance of structural Stormwater best management practices so that they work as designed;
- f. To comply with state and federal statutes and regulations relating to storm water discharges; and
- g. To establish Templeton's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

**Section 3. Applicability**

No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land, without a permit from the Permit Granting Authority. Construction activity does not include routine maintenance that is performed to maintain the original line and grade,

hydraulic capacity or the original purpose of the site. Construction activities that are exempt are:

- a. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 or the improvement or preparation of land for agricultural use outside the jurisdictional areas of the Wetlands Protection Act, provided that the activity is undertaken in such a manner as to prevent erosion and siltation of wetlands and surface waters in accordance with U.S. Department of Agriculture "Guidelines for Soil and Water Conservation: and is conducted in accordance with Federal and State laws.
- b. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
- c. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
- d. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
- e. Work activities of municipal, state, or federal agencies or their agents outside of the Phase II boundaries as shown on the latest U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) Phase II maps.
- f. As authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the activities identified in Section 3 that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this by-law.

#### **Section 4. Permits and Procedures**

- a. The Permit Granting Authority (PGA) under this bylaw shall be the Templeton Planning Board. Such a permit shall be granted if the PGA determines, with the advice and recommendations of the Zoning Enforcement Officer, Conservation Commission, and the Highway Department, that the intent of this bylaw, as well as specific criteria, is met. The PGA shall not grant a permit under this section unless the petitioner's application materials include, in the PGA's opinion, sufficiently detailed definite and credible information to support positive findings in relation to the standards given in this section. The PGA shall document the basis for any departures from the recommendations of the other town boards or departments in its decision.
- b. The site owner or his agent shall file with the PGA, ten (10) copies of a completed application package for a Stormwater Management Permit (SMP). Permit issuance is required prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SMP Application package shall include:

- (1) A completed Application Form with original signatures of all owners;
- (2) Ten (10) copies of the Stormwater Management Plan and project description as specified in Section 5.
- (3) Ten (10) copies of the Operation and Maintenance Plan as required by Section 6 of this by-law;
- (4) Payment of the application and review fees.
- (5) A list of abutters (owners of property within 300 feet of the boundaries of the site), as certified by the Assessors.

c. Entry. To the extent permitted by state law, filing and application for a permit grants the PGA or its planning agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit.

d. Other Boards. The PGA shall give one copy of the application package to the designated technical reviewers, which include the Zoning Enforcement Officer, Conservation Commission, and Highway department, for the purpose of reviewing the permit application. The PGA may also engage the services of a peer review engineer at the applicant's expense if, in the opinion of the PGA, such review is necessary for assessing technical information supplied by the applicant and assessing the adequacy of proposed Stormwater control measures.

e. The PGA shall obtain with each submission an Application Fee established by the PGA. If the PGA retains a Registered Professional Engineer or other professional consultant for technical review, additional review fees will be required. Applicants must pay review fees before the review process may begin.

f. Public Hearing. The PGA shall hold a public hearing within 60 days of the receipt of a complete application, and shall take final action within 60 days from the close of the public hearing, unless such time is extended by agreement between the applicant and the PGA. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town, by posting at Town Hall, and by first-class mailings to abutters at least 7 days prior to the hearing. The PGA shall make the application available for inspection by the public during business hours at the Town offices.

g. Actions. The PGA's action, rendered in writing, shall consist of either:

- (1) Approval of the Stormwater Management Permit Application based upon determination that the proposed plan meets the Standards in Section 5 b. and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this by-law;

(2) Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the PGA which will ensure that the project meets the Standards in Section 5 b. and adequately protect water resources, set forth in this by-law;

(3) Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not meet the Standards in Section 5 b. or adequately protect water resources, as set forth in this by-law.

h. Project Completion. At completion of the project the permittee shall submit as-built record drawings of all structural Stormwater controls and treatment best management practices (BMP's) required for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

### **Section 5. Contents of Stormwater Management Plan**

a. Application. The Stormwater Management Plan shall contain sufficient information for the PGA to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from Stormwater. The plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in the current edition of the Department of Environmental Protection guidelines and policies. The plan shall be designed to also meet the policy standards of the PGA. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:

- (1) Locus map,
- (2) The existing zoning, and land use at the site,
- (3) The proposed land use,
- (4) The location(s) of existing and proposed easements,
- (5) The location of existing and proposed utilities,
- (6) The site's existing and proposed topography with contours at 2 foot intervals,
- (7) The existing site hydrology,
- (8) A description and delineation of existing Stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which Stormwater flows.
- (9) A delineation of 100-year flood plains, if applicable

(10) Estimated high groundwater elevation in areas to be used for Stormwater retention, detention, or infiltration.

(11) The existing and proposed vegetation and ground surfaces with runoff coefficient for each,

(12) A drainage area map showing pre and post construction watershed boundaries, drainage area, and Stormwater flow paths,

(13) A description and drawings of all components of the proposed drainage system including:

(i) Locations, cross sections, and profiles, of all brooks, streams, drainage swales and their method of stabilization,

(ii) All measures for the detention, retention, or infiltration of water,

(iii) All measures for the protection of water quality,

(iv) The structural details for all components of the proposed drainage systems and Stormwater management facilities

(v) Notes on drawings specifying materials to be used, construction specifications, and typicals, and

(vi) Expected hydrology with supporting calculations.

(14) Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,

(15) Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,

(16) Plans to minimize soil erosion and control sedimentation during construction, including interim and permanent soil stabilization measures, management of on-site construction and waste materials, and prevention of off-site transport of sediment,

(17) A maintenance schedule for the period of construction, and

(18) Any other information requested by the PGA..

b. Standards. Projects shall meet the **Standards of the Massachusetts Stormwater Management Policy** as are currently in effect.



- c. Project Changes. The permittee, or their agent, shall notify the PGA in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the PGA determines that the change or alteration is significant, based on the design requirements listed in Section 5 and accepted construction practices, the PGA may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or deviation from the Stormwater Management Permit occurs during a project, the PGA may require the installation or interim measures before approving the change.

## **Section 6. Operation and Maintenance Plans**

An Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this by-law and that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00 are met in all seasons and throughout the life of the system. The Operation and Maintenance Plan shall remain on file with the PGA and shall be an ongoing requirement. The O&M Plan shall include:

- a. The name(s) of the owner(s) for all components of the system
- b. Maintenance agreements that specify:
  - (1) The names and addresses of the person(s) responsible for operation and maintenance.
  - (2) The person(s) responsible for financing maintenance and emergency repairs.
- c. Maintenance Schedule for all drainage structures, including swales and ponds.
- d. List of easements with the purpose and location of each.
- e. The signature(s) of the owner(s).
- f. Evidence that the owner has sufficient legal authority and necessary property rights to access and maintain all aspects of the Stormwater control system.
- g. Changes to Operation and Maintenance Plans
  - (1) The owner(s) of the Stormwater management system must notify the PGA of changes in ownership or assignment of financial responsibility.
  - (2) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the PGA and the Responsible Parties. Amendments must be in writing and

signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

### **Section 7. Surety**

The PGA may require the permittee to post before the start of land disturbance or construction activity, a surety bond, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the PGA to ensure that the work will be completed in accordance with the permit. If the project is phased, the PGA may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the PGA has received the final inspection report as required by Section 8 g. and issued a Certificate of Completion.

### **Section 8. Inspections**

At the discretion of the PGA, periodic inspections of the Stormwater management system construction may be conducted by the Town or a professional engineer approved by the PGA. Written reports shall include:

- a. Inspection date and location.
- b. Evaluation of compliance with the Stormwater permit.
- c. Any variations from approved specifications or any violations of the Stormwater Management Plan.

At a minimum, the PGA or its agent/engineer may inspect the project site at the following stages:

- d. Initial Site Inspection: prior to approval of any plan.
- e. Erosion Control Inspection: to ensure erosion control practices are in accord with the filed plan.
- f. Bury Inspection: prior to backfilling of any underground drainage Stormwater conveyance structures.
- g. Final Inspection. After the Stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual Stormwater management system as installed. The PGA or its agent may inspect the system to confirm its “as built” features. This inspector may also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the PGA which will issue a Certificate of Completion. As-built plans shall be full size

plans that include all final grades, prepared by a Professional Engineer. All changes to project design should be clearly depicted on the as-built plans.

h. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the system does not comply with the Plan, the permittee shall be notified in writing of the violation and the required corrective actions. A Stop Work order shall be issued until any violations are corrected and all work previously completed has received approval by the PGA.

## **Section 9. Waivers**

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

(1) Such action is allowed by federal, state, and local statutes and/or regulations,

(2) Is in the public interest, and

(3) Is not inconsistent with the purpose and intent of this by-law.

b. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-laws does not further the purposes or objectives of this by-law.

c. All waiver requests shall be discussed and voted on at the public hearing for the project.

d. If in the PGA's opinion, additional time or information is required for review of a waiver request, the PGA may continue the hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

## **Section 10. Certificate of Completion**

The PGA will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this by-law.

## **Section 11. Enforcement**

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

b. Orders.

(1) The PGA or an authorized agent of the PGA may issue a written order to enforce the provisions of this by-law or the regulations hereunder, which may include requirements to:

(i) Cease and desist from construction or land disturbing activity until there is compliance with the by-law and the Stormwater management permit;

(ii) Repair, maintain, or replace the Stormwater management system or portions thereof in accordance with the operation and maintenance plan.

(iii) Perform monitoring, analysis, and reporting;

(iv) Remediate adverse impact resulting directly or indirectly from malfunction of the Stormwater management system.

(v) If the PGA or authorized agent of the PGA determines that the abatement or remediation of adverse impacts is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Templeton may, at its **option**, undertake such work, and the property owner shall reimburse the town's expenses.

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

c. Criminal Penalty. Any person who violates any provision of this by-law, regulation, order or permit issued hereunder, shall be punished by a fine of not more than \$ 300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

d. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40 Sec. 21D, and this bylaw of the Town of Templeton, in which case the PGA or its authorized agent shall be the enforcing person. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$200.00. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

## **Section 12. Rules and Regulations**

The PGA may adopt, and periodically amend, rules and regulations to effectuate the purposes of this by-law. Failure by the PGA to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law or any permits issued pursuant to the by-law.

## **Section 13. 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.

**Passed 3-6-08, Approved by A/G 5-29-08**

## **Article LIV - Excessive Junk and Debris**

### **Public Nuisance**

Section 1. No owner or tenant shall keep in the public view, on any lot, in any residential district, any substantial amount of junk or debris for more than sixty days.

Section 2. The objectives of this by-law are:

- a. To prevent the depreciation of surrounding residences assessed value;
- b. To protect the health, safety and welfare of the public;
- c. To prevent pollutants from entering the ground water

Section 3. Definitions.

- a. "Junk and Debris" shall mean scrap metal, unsafe and dilapidated accessory buildings, rags, plastics, scrap rubble, debris, building salvage, abandoned autos, machinery, wreckage, batteries, paper, trash, furniture, and other similar items, which are not active for any purpose authorized in a residential district.

- b. "A Substantial Amount" shall mean a quantity of material which occupies more than 375 cubic feet in the aggregate on any lot.

Section 4. Conditions existing at the date of the by-law enactment, which meet the definition of substantial amounts of junk or debris, must be brought into compliance within ninety (90) days of the date of approval of this by-law.

Section 5. Enforcement.

- a. The Building Inspector, in conjunction with the Board of Health Director, shall be charged with the interpretation and enforcement of the by-law.
- b. Anyone found in violation may be fined \$50.00 for each day the violation persists beginning sixty (60) days after notice of violation.

Section 6. Action taken hereunder shall not bar any separate action initiated by any other Town department for health, safety or other violations. Provisions of this by-law are to be interpreted consistently with State and Federal laws and regulations relating to storage/contamination.

**Passed 5-11-10, Approved by A/G 8-23-10**