

General Bylaws

BELMONT GENERAL BYLAWS

Chapter 10

GENERAL PROVISIONS

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

ARTICLE 1

Construction and General Penalty
[Adopted as Art. 1 of the 1981 Bylaws]**§ 10-100. Organization of bylaws.**

- A. The bylaws of the Town of Belmont shall consist of two parts, as follows:
 - (1) Part I, General Bylaws.
 - (2) Part II, Zoning Bylaw.
- B. The Zoning Bylaw, as amended, in force on the effective date of this codification of the General Bylaws, shall remain in force and shall not be affected by any provisions of the General Bylaws except as may be specifically provided therein.

§ 10-105. Repealer.

All bylaws of the Town in force prior to the effective date of these General Bylaws, except the Zoning Bylaw, are hereby repealed, subject to the provisions of the following § 10-110.

§ 10-110. Effect of repeal.

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or established, any action, suit or proceeding commenced, or any punishment, penalty or forfeiture incurred under such repealed bylaw.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

§ 10-115. Construction of General Bylaws.

- A. If any of the provisions of the General Bylaws shall affect matters addressed in a statute to which the Town is subject, a reasonable effort shall be made to construe such provisions consistently with the statute. In case of conflict between the provisions of a statute and any provision of the General Bylaws, the statute shall control, but only to the extent of such conflict.
- B. Words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular, and words of one gender may be construed to include the other gender and the neuter. **[Added 5-29-2013 STM, approved 10-8-2013]**
- C. Headings and captions are for reference purposes only as an editorial aid to the reader and are not substantive provisions of the bylaws. They are not legally adopted parts of the bylaws as voted by Town Meeting and shall not be used in the interpretation of the bylaws. **[Added 5-29-2013 STM, approved 10-8-2013]**
- D. Historical information (adoption and approval dates) and cross-references appearing in brackets and footnotes are not part of the bylaws and have been inserted for reference purposes only. **[Added 5-29-2013 STM, approved 10-8-2013]**
- E. The General Bylaws may be adopted, repealed, or amended at any Town Meeting in accordance with law. At the direction of the Bylaw Review Committee, the Town Clerk shall assign appropriate alphanumeric references to chapters, articles, sections, subsections, paragraphs, and subparagraphs of the General Bylaws and, in each case, the assignment of references shall be identified by a footnote

or other convention. **[Added 5-4-2015 ATM, approved 8-2-2015]**

§ 10-116. Select Board [Added 4-30-2019 ATM,¹ approved 9-5-2019]

The "Board of Selectmen" referred to in MGL c. 41 shall be known in Belmont as the "Select Board," and "Selectmen" shall be known as "Members" of the Select Board, and the Select Board and its Members shall have all the powers and duties conferred upon Boards of Selectmen and Selectmen, respectively, by the General Laws or any special law pertaining to the Town of Belmont.

§ 10-120. General penalty. [Amended 5-29-2013 STM, approved 10-8-2013]

Any person violating any provision of the General Bylaws shall be subject to a fine of \$100 for each offense, unless the bylaw specifically provides for a different amount.

1. Editor's Note: Pursuant to this Town Meeting article, the General Bylaws were amended to change the word "Selectmen" and the phrase "Board of Selectmen" to "Select Board" wherever they appear.

BELMONT GENERAL BYLAWS

Chapter 20

ELECTED OFFICIALS

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

ARTICLE 1

Moderator

[Adoption of a bylaw pertaining to the Moderator is pending. This article is reserved for the inclusion of that bylaw following its adoption.]

ARTICLE 2
Town Clerk
[Adopted as Art. 5 of the 1981 Bylaws]

§ 20-200. General powers and duties.

- A. The Town Clerk shall have all the powers and perform all the duties of town clerks under the General Laws, any special laws applicable to the Town, including the Representative Town Meeting Act,² the General Bylaws and the Zoning Bylaw of the Town.
- B. The Town Clerk shall be the keeper of the Town Seal.
- C. The Town Clerk shall have stated hours for the transaction of business on all days on which the Town offices are open and shall give public notice thereof.
- D. A schedule of fees fixed by the Town Clerk shall be posted in a conspicuous place in the Clerk's office and may be revised from time to time as the Clerk sees fit, in accordance with the provisions of MGL c. 40, § 22F. **[Amended 4-25-2005 ATM, approved 6-8-2005]**

§ 20-205. Town records.

- A. The Town Clerk shall:
 - (1) Keep a file of all Town reports, reports and records of boards and committees of the Town and all original documents relating to the affairs of the Town which come into the Town Clerk's custody. The Town Clerk shall suitably index all such reports, records and documents in a manner convenient for reference and examination.
 - (2) Maintain a list of the names and addresses of the current members of all Town boards, committees and commissions.
 - (3) Annually furnish the Select Board, for publication in the Annual Town Report, a copy of the motions presented and the action taken thereon under all articles in the warrant for every Town Meeting held during the preceding year.
 - (4) Keep a true copy of all deeds or conveyances executed by the Select Board in a book to be kept for that purpose alone.
- B. It shall be the duty of the Town Clerk to see that every conveyance to the Town of an interest in land is properly recorded in the Registry of Deeds.

§ 20-210. Town Meeting.

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

2. Editor's Note: See Ch. A201, Representative Town Meeting Act.

such voter with a record of the whole or any part of the proceedings of any Town Meeting, provided such voter shall pay the stenographer in advance therefor, at the customary rates charged by such stenographer.

§ 20-215. Town Election.

- A. Not later than 60 days before the date of the Annual Town Election at which the term of office of any Town Meeting Members will expire, the Town Clerk shall notify all such Town Meeting Members of the expiration date of their term and shall make available to them a form of written notice of their intent to run for reelection pursuant to the provisions of MGL c. 53, § 10. **[Amended 5-29-2013 STM, approved 10-8-2013]**
- B. As soon as practicable after each Town Election, the Town Clerk shall notify each person who was duly elected to a Town office of such election.

ARTICLE 3
Town Treasurer
[Adopted as Art. 6 of the 1981 Bylaws]

§ 20-300. General powers and duties.

A. The Town Treasurer shall:

- (1) Be the Collector of Taxes and shall have all the powers and perform the duties imposed by law on town treasurers and collectors of taxes.
- (2) Have stated hours for the transaction of business on all days on which Town offices are open and shall give public notice thereof.
- (3) Have custody of all funds belonging to the Town, except funds for which other provision is made by law or these bylaws.
- (4) Annually make a report of the activities of the office, which report shall include a detailed statement of all trust and other funds in his charge, together with a statement of the Town debt, and shall be printed in the Annual Town Report.

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

§ 20-305. Licenses and permits. [Added 4-25-1994 ATM, approved 10-12-1994]

- A. The Town Treasurer shall annually furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve-month period, and that such party has not filed in good faith a pending application for an abatement of such taxes or a pending petition before the Appellate Tax Board.
- B. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Town Treasurer or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Town Treasurer; provided, however, that written notice is given to the party and the Town Treasurer, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Town Treasurer shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Town Treasurer that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Town as of the date of issuance of said certificate. **[Amended 5-29-2013 STM, approved 10-8-2013]**

- 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.
- D. The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property.
- E. This section shall not apply to the following licenses and permits described in the General Laws: open burning (MGL c. 48, § 13); sales of articles for charitable purposes (MGL c. 101, § 33); children work permits (MGL c. 149, § 69); clubs or associations dispensing food or beverage licenses (MGL c. 140, § 21E); dog licenses (MGL c. 140, § 137); fishing, hunting and trapping license (MGL c. 131, § 12); marriage licenses (MGL c. 207, § 28); and theatrical events or public exhibition permits (MGL c. 140, § 181.). **[Amended 5-29-2013 STM, approved 10-8-2013]**

Chapter 30**TOWN MEETINGS**

[HISTORY: Adopted by the Annual Town Meeting of the Town of Belmont as Art. 2 of the 1981 Bylaws. Amendments noted where applicable.]

§ 30-100. Definitions.

As used in the General Bylaws, the words "Town Meeting" shall mean a Representative Town Meeting, unless the context requires otherwise. The words "Town Election" shall mean that part of the Annual Town Meeting at which Town officers and Town Meeting Members are elected and matters to be acted upon and determined by ballot are acted upon and determined. A "Town Election" shall also mean any special meeting for the election of a Town officer or officers or for acting upon and determining matters to be acted upon and determined by ballot, including referenda.

§ 30-105. Schedule. [Amended 4-26-1999 ATM, approved 10-18-1999; 1-18-2012 STM, approved 3-22-2012; 5-14-2012 STM, approved 9-11-2012]

The Annual Town Election shall be held on the first Tuesday of April in each year and the Annual Town Meeting shall be held on the fifth Monday of April, if any, or otherwise the first Monday of May in each year. The Annual Town Election and the Annual Town Meeting may be called pursuant to a single warrant or separate warrants may be used, at the discretion of the Select Board.

§ 30-110. Warrant and notice.

A. Unless a different time or method is prescribed by law, notice of all Town Meetings and Town Elections shall be given by posting an attested copy of the warrant therefor on the Town Clerk's official bulletin board in the Town Hall at least seven days before the date fixed for the Annual Town Election or Annual Town Meeting and at least 14 days before the date fixed for a Special Town Meeting or Special Town Election. The Town Clerk shall notify the Town Meeting Members of the time and place at which Representative Town Meetings are to be held, the notice to be sent by mail or distributed electronically at least seven days before the meeting. Compliance with this subsection shall constitute full legal notice of any Town Meeting or Election. **[Amended 4-25-1994 ATM, approved 10-12-1994; 4-26-2010 ATM, approved 9-30-2010; 4-25-2011 ATM, approved 6-22-2011]**

(1) Pursuant to MGL c. 53, § 10, the last day for filing, with the Town Clerk, nomination papers for election as Town Meeting Member shall be the 35th day before the Annual Town Election. Any incumbent Town Meeting Member may become a candidate for reelection by giving written notice thereof to the Town Clerk not later than 35 days prior to the last day and hour for filing nomination papers. The Town Clerk shall give incumbent Town Meeting Members at least 14 days' notice of the deadline for filing notices of their intent to run for reelection.

B. At least seven days prior to the date of any Annual or Special Town Meeting, the Town Clerk shall cause a copy of the warrant therefor to be sent by mail, distributed electronically, or delivered to the Town Meeting Members. Copies of the warrant shall be made available to the public at the Town Clerk's office and public libraries before the date fixed for Town Meeting. **[Amended 4-25-1994 ATM, approved 10-12-1994; 4-25-2011 ATM, approved 6-22-2011]**

C. Notice of every adjourned Town Meeting, except a stated adjournment of the Annual Town Election to the first business session of the Annual Town Meeting, shall be posted by the Town Clerk in five

or more public places in the Town as soon as practicable after the adjournment. The notices so posted shall state briefly the business to be acted upon and shall include notice of any proposed reconsideration. **[Amended 4-25-1994 ATM, approved 10-12-1994]**

D. Copies of the warrant shall be made available at all Town Meetings.

§ 30-115. Procedural rules. [Amended 6-16-1986 STM, approved 10-8-1986; 4-28-1997 ATM, approved 8-11-1997; 11-8-2010 ATM, approved 12-16-2010; 5-29-2013 STM, approved 10-8-2013]

The Moderator shall determine the procedural rules to be followed at all Town Meetings, subject to the following provisions of this section:

- A. At any Town Meeting, if the Moderator or a vote of the Meeting so orders, no person who is not a Town Meeting Member, other than a press reporter or the official stenographer, shall be admitted to that portion of the meeting place which is reserved for Town Meeting Members. The Moderator shall determine the limits of the reserved area.
- B. Articles in the warrant shall be acted upon in their order, unless the Meeting votes otherwise.
- C. All motions that involve the expenditure of money shall be submitted in writing. Any report, motion or resolution shall be reduced to writing if the Moderator so directs.
- D. Every person desiring to speak shall first be recognized by the Moderator and shall stand while speaking unless the Moderator shall otherwise direct. A Town Meeting Member who speaks upon any matter in which the speaker or his or her immediate family has a direct financial interest shall first disclose such interest to the Meeting. The words "direct financial interest" shall include, but not be limited to, employment as attorney or consultant with respect to the matter.
- E. Unless the Meeting consents, no person shall speak more than twice upon any question, except to correct an error or to make an explanation. No person shall speak for more than five minutes when speaking for the second time and then only after others who have not spoken upon the question shall have had the opportunity to speak.
- F. Counting and recording of votes: **[Amended 6-3-2013 ATM, approved 10-9-2013; 11-13-2019 STM, approved 2-18-2020]**
 - (1) As used in this section, the words "electronic" and "electronically," when used in reference to voting or the counting of votes at Town Meeting, shall refer to the use of computer software to record votes transmitted from wireless handheld mobile devices distributed and assigned to each Town Meeting Member in attendance. The Moderator shall review proper use of the mobile devices and direct a test of the electronic system at the beginning of each Town Meeting session.
 - (2) Except as otherwise provided in this section or by any other applicable law, all votes shall be taken in the first instance by electronic roll call vote.
 - (3) Electronic roll call votes not required: Electronic roll call votes shall not be required on motions that are privileged, subsidiary, incidental, or non-binding; in these cases the vote shall be taken in the first instance by a "YES" and "NO" voice vote. If the Moderator is in doubt as to the vote, or if any Town Meeting Member immediately doubts the vote, the Moderator shall count the vote electronically, provided that at the beginning of each session of Town Meeting, at least 2/3 of the Town Meeting Members present and voting have approved a motion to allow electronic counting of non-roll call votes for that session of Town Meeting.

- (4) If an electronic roll call vote is taken as provided in this subsection, the Town Clerk shall cause the operator of the electronic voting system to preserve the electronic file recording the "YES," "NO," and "ABSTAIN" votes of each individual Town Meeting Member who shall have voted, and such record shall be made available to the public at the office of the Town Clerk and on the Town's web page within two business days of the vote, and shall be printed in the Town Annual Report. The individual roll call votes of Town Meeting Members shall be displayed contemporaneously to the Meeting.
- (5) In the event that an electronic voting system is not available, then:
 - (a) In all cases where an electronic vote would otherwise be required under these Bylaws, the Moderator shall direct the "YES" and "NO" voters to stand and be counted by the tellers; and
 - (b) In all cases where an electronic roll call vote is required under these Bylaws, the Town Clerk shall call the roll, record the vote, "YES," "NO," or "ABSTAIN" of each Town Meeting Member and make such record available as provided in Subsection F(4).

G. Motions.

- (1) When a question is before the Meeting, the following motions shall be received and shall have precedence in the following order:
 - (a) To adjourn.
 - (b) To lay on the table.
 - (c) For the previous question.
 - (d) To postpone to a time certain.
 - (e) To commit, recommit or refer.
 - (f) To amend.
 - (g) To postpone indefinitely.
- (2) Motions to adjourn, to lay on the table or for the previous question shall be decided without debate.

H. A motion to reconsider any vote must be made before the dissolution of the meeting at which the vote was passed, but such motion to reconsider shall not be made at an adjourned Meeting unless the mover has given notice of his intention to make such a motion, either at the session of the Meeting at which the vote was passed or by written notice delivered to the Town Clerk by 12:00 noon on the first business day following the commencement of such session. If the vote to be reconsidered was taken by roll call vote, a motion to reconsider will not be in order unless it is made by a Town Meeting Member who had voted with the prevailing side. There can be no reconsideration of a vote once reconsidered or after a vote not to reconsider it. No article in the warrant shall be reconsidered after it has been disposed of, unless 2/3 of the Town Meeting Members present shall so vote. **[Amended 11-13-2019 STM, approved 2-18-2020]**

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

BELMONT GENERAL BYLAWS

Chapter 40

BOARDS, COMMISSIONS AND COMMITTEES

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

ARTICLE 1

General Provisions**[Adopted as Art. 3 of the 1981 Bylaws]****§ 40-100. Applicability; definitions.**

- A. Except as otherwise provided by law, or by these bylaws, or by specific vote of the Town Meeting, all Town boards shall be subject to the provisions of this article.
- B. As used in this article, the following terms shall have the following meanings: **[Amended 5-29-2013 STM, approved 10-8-2013]**

APPOINTED BOARD — A board any of the members of which are appointed by an appointing authority.

APPOINTING AUTHORITY — The Moderator, the Select Board or any other officer or board of officers, or combination thereof, responsible for the appointment of members of an appointed board.

BOARD — Any board, committee, commission or other body of the Town, however named or constituted, which is composed of two or more members and has been or is established pursuant to statute, these bylaws, vote of the Town Meeting or vote of the Select Board.

ELECTED BOARD — Any board the members of which are elected by all the voters of the Town at the Town Election.

PERMANENT APPOINTED BOARD — An appointed board the purpose of which is ongoing and is not limited to one or more specifically defined objects culminating in the filing of a report or the completion of an authorized or delegated assignment.

RESIDENT — A natural person who resides in the Town; a Post Office Box address or address used exclusively for mailing purposes is not sufficient. **[Added 5-2-2022 ATM, approved 9-26-2022]**

§ 40-105. Term of office for members of permanent appointed boards.

The members of each permanent appointed board shall be appointed for a term of three years ending on June 30 of the third year following the year of appointment, except that, when appointing the initial members of a newly established permanent appointed board or when appointing the members of a permanent appointed board established prior to the effective date of this article the members of which had been appointed for a term of one year, the appointing authority shall appoint as nearly 1/3 of the members as possible for terms expiring on June 30 of the first, second and third years, respectively, following the year of appointment. The members of permanent appointed boards shall serve until their respective successors are appointed and qualified.

§ 40-110. Vacancies on appointed boards.

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

§ 40-115. Officers; records; annual report; conduct of meetings.

- A. Every board, including every elected board, shall annually select a chair, a clerk or secretary and such other officers, if any, as the board shall deem necessary. The clerk or secretary may, but need not, be a member of the board.

- B. The clerk or secretary shall keep an accurate record of each meeting of the board and shall file such records with the Town Clerk following their approval by the board. All rules and regulations adopted by a board shall likewise be filed with the Town Clerk.
- C. Every board shall annually file a report of its activities, in form suitable for printing in the Annual Town Report, on or before such date as may be fixed by the Select Board.
- D. Every board shall conduct its meetings in accordance with the Open Meeting Law of the Commonwealth.³ **[Amended 5-29-2013 STM, approved 10-8-2013]**

§ 40-120. Grounds for removing members from appointed boards. [Amended 5-2-2022 ATM, approved 9-26-2022]

- A. Failure to attend meetings. The chair of each appointed board shall report to the appointing authority the name of any member who fails to attend any three successive meetings of the board. The appointing authority may thereupon declare the office of such member vacant and appoint a successor to fill such vacancy in accordance with § 40-110.
- B. Failure to comply with Conflict of Interest training requirement. If, under State law members of a board are required to comply with the training requirements of the State Conflict of Interest (Ethics) Law (MGL c. 268A, § 28, or law of like import or effect), the Town Clerk shall notify the members of such requirements, and shall report to the appointing authority the name of any member who fails to comply with such requirements. The Town Clerk shall make at least two documented attempts to secure compliance by the member before making such report. Upon receipt of such report, the appointing authority may thereupon declare the office of such member vacant and appoint a successor to fill such vacancy in accordance with § 40-110.
- C. Failure to maintain resident status. Only a Resident, as defined in § 40-100B, may be a member of an appointed board, unless the written charge of the board allows for an exception. A member of an appointed board who ceases to be a Resident shall promptly notify the board's appointing authority. Upon receipt of such report, or upon otherwise learning that a member of a board has ceased to be a Resident, the appointing authority shall thereupon declare the office of such member vacant and appoint a successor to fill such vacancy in accordance with § 40-110.
- D. Inapplicability to ex officio members. Subsections 40-120A through C shall not apply to board members who are paid or unpaid employees or officers of the Town, and serving as members of the board in question solely because of their other Town employment or office.
- E. Notice and hearing. Before removing any board member pursuant to the provisions of § 40-120A, B or C, the appointing authority shall provide the board member reasonable notice and an opportunity to be heard on whether grounds for removal as set forth in this section are present.

§ 40-125. Use of Town materials.

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

3. Editor's Note: See MGL c. 30A, §§ 18 to 25.

ARTICLE 2

Elected Boards, Commissions and Committees
[Adopted as Arts. 4, 8, 9 and 10 of the 1981 Bylaws]**§ 40-200. Select Board.**

- A. The Select Board shall consist of three members elected by ballot at the Annual Town Election for a term of three years. One member shall be elected in each year.
- B. The Select Board shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law or by these bylaws.
- C. The Select Board may appear, either personally or by the Town Counsel or by special counsel duly employed by them, before any court, committee of the Legislature or any state or county board or commission or other tribunal to protect the interests of the Town.
- D. All conveyances of land or interests in land which may hereafter be authorized by vote of the Town or otherwise, except land held under tax titles, shall be signed by a majority of the Select Board, unless otherwise provided by law or these bylaws or by special vote of the Town, and the same shall be sealed with the Town Seal.
- E. The Select Board shall specify the date when the warrant for any Town Meeting shall close and shall set the date for any Special Town Meeting or Special Town Election.
- F. The Select Board shall annually cause to have printed an annual report of the Town. Reports of all boards, commissions, committees or officers which are to be published in the Annual Town Report shall be delivered to the Select Board as soon after the first day of January as possible, but not later than January 30 unless the Select Board shall fix another date therefor.⁴
- G. The Select Board shall have the following appointment powers:
 - (1) The Select Board shall annually, and whenever a vacancy shall exist, choose some competent lawyer to act as Town Counsel. He shall be paid such compensation as the Select Board may determine and they may remove him at pleasure. The Town Counsel shall provide such legal services concerning the affairs of the Town as may be required of him by any Town officer, board, committee or commission. **[Amended 4-26-2004 ATM, approved 8-19-2004]**
 - (2) As provided in Chapter 376 of the Acts of 2010, there shall be a Police Chief appointed by the Select Board who shall have and exercise all the powers and discharge all the duties conferred by law generally upon police chiefs. The Chief shall appoint such police officers as the Chief deems necessary, and may remove the same at any time for cause after a hearing. The Chief shall have full and absolute authority in the administration of the Police Department, including the appointment and removal of special and auxiliary police officers and other personnel, shall make all rules and regulations for the Department's operation, shall report to the Select Board from time to time as the Board may require, and shall annually report to the Town the condition of the Department with the Chief's recommendations thereon. The Chief shall fix the compensation of all members of the Department, subject to the approval of the Select Board. The Chief shall be in immediate control of all Town property used by the Department, and of the police officers, whom the Chief shall assign to their respective duties and who shall obey the Chief's orders. **[Amended 4-29-2013 ATM, approved 10-9-2013]**

4. Editor's Note: Original § 4.7, which immediately followed this subsection, was repealed 4-29-2013 ATM, approved 10-9-2013.

- (3) The Select Board shall appoint a permanent Fire Chief who shall be in charge of the Fire Department.
 - (4) The Select Board may appoint a Town Administrator for a term of one or three years and may remove the Town Administrator so appointed at its discretion. The Town Administrator shall be sworn to the faithful performance of his or her duties. During the time that he or she holds office the Town Administrator shall hold no elective Town office but may be appointed by the Select Board or, with its approval, by any other Town officer, board, committee or commission to any other Town office or position consistent with the office. The Town Administrator shall receive such aggregate compensation, not exceeding the amount appropriated therefor, as the Select Board may determine. The Town Administrator shall act by and for the Select Board in any matter which they may assign to him or her relating to the administration of the affairs of the Town or of any Town office or department under its supervision and control and, with the approval of the Select Board, may perform such other duties as may be requested of him or her by any other Town officer, board, committee or commission. **[Added 6-7-1993 ATM, approved 8-20-1993]**
 - (5) The Select Board may appoint and prescribe the duties of a Director of Public Works who shall be especially fitted by education, training, and experience to perform the duties of said office. Such Director shall not be subject to the provisions of MGL c. 31. The term of office of the Director shall be determined by the Select Board and said Director shall serve at the pleasure of the Select Board. **[Added 4-28-2003 ATM, approved 10-16-2003]**
 - (6) The Select Board shall appoint such other officers and the members of such other boards, committees, commissions or other bodies of the Town as may be required by law, these bylaws or vote of the Town. It may establish and appoint or provide for the appointment of the members of any board, committee or commission for which other provision is not made and which, in its judgment, is required to assist the Select Board or the Town on any matters subject to the Select Board's jurisdiction.
- H. Except as otherwise provided by law or these bylaws, the Select Board shall have the power to issue all licenses and permits required by law or these bylaws and to establish reasonable fees therefor. The Select Board may from time to time adopt rules, regulations and restrictions relative to the business of persons licensed by them under the General Laws or these bylaws and to the supervision thereof, including the imposition of lawful penalties for violations of such rules, regulations and restrictions. The rules, regulations and restrictions adopted by the Select Board shall be provided in writing to all applicants for such licenses.⁵ **[Amended 4-28-1986 ATM, approved 7-23-1986]**
- I. Upon the certification of any department head that such department has within its control tangible personal property of the Town which has become obsolete or is no longer of practical value to the Town, the Select Board shall authorize the sale thereof. The terms of the sale shall be fixed by the Select Board, provided that where the fair value of such property exceeds the sum of \$500, it will only be sold to the highest responsible bidder after competitive bids have been invited by published notice.
- J. The Select Board shall act as the Town's Board of Park Commissioners.
- K. ⁶The Select Board shall act as the Board of Survey pursuant to Chapter 141 of the Acts of 1903.

5. Editor's Note: Original §§ 4.9.1 to 4.9.6, which were included in this subsection, have been moved and included as § 60-900, Business licenses issued by Select Board.

6. Editor's Note: Former Subsection K, designating the Select Board to act as the Municipal Light Board, was repealed 5-3-2021 ATM,

- L. The Select Board shall promulgate regulations establishing addressing standards and governing the numbering of properties. All properties, buildings and structures are required to have a valid address. **[Added 4-25-2011 ATM, approved 6-22-2011]**
- (1) The regulations promulgated by the Select Board shall designate a Town official(s) as the sole authority to assign and modify addresses for all taxable and nontaxable properties.
 - (2) The Town will maintain an up-to-date Master Address Table using the addresses assigned by the Select Board's designated Town official(s) and parcel identification numbers for all taxable and nontaxable properties. No one may publicly use or list an address for a property, building, or structure located within the Town of Belmont, for any purpose, unless that address is included in the Master Address Table.⁷

§ 40-205. School Committee

(Reserved)

§ 40-210. Board of Assessors.

(Reserved)

§ 40-215. Board of Cemetery Commissioners. [Amended 4-28-2003 ATM, approved 10-16-2003]

- A. The Board of Cemetery Commissioners shall consist of three members elected by ballot at the Annual Town Election for a term of three years. One member shall be elected in each year. No sooner than five years from the date of passage of that certain special act entitled "Home Rule Petition for Belmont, An Act To Reorganize the Public Works Functions in the Town of Belmont," the Select Board may request Town Meeting to convert the Board of Cemetery Commissioners to an appointive body. Upon a two-thirds vote of Town Meeting, the Select Board shall establish and appoint a three-member Board of Cemetery Commissioners, consisting of the incumbent elected members for the duration of their term. Should an incumbent member choose not to serve in an appointive capacity, the Select Board shall appoint a new Commissioner to fill the remainder of that term. Upon the expiration of the initial terms of appointment, the Select Board shall appoint Commissioners in a manner consistent with Article 1 of this chapter.
- B. The Board of Cemetery Commissioners shall have the following duties and responsibilities:
- (1) To educate the Select Board, Town administration and the citizens of Belmont regarding the need for burial space and cemetery services;
 - (2) To advocate on behalf of the citizens of Belmont for burial space and cemetery services, including expansion, maintenance, and beautification of existing facilities;
 - (3) To establish policies and regulations relating to the cemetery, including but not limited to the terms and conditions of burial rights, the prices for sale of lots and graves and other services and the erection of monuments and ornamentation;
 - (4) To identify and advocate for major capital and facility improvements, including expansion, to meet the long-term needs of the cemetery system and to work cooperatively with the Town's

approved 2-4-2022]

7. Editor's Note: Original § 4.14, which immediately followed this subsection and provided for the appointment of a sealer and the fees of the sealer, added 11-17-2003 STM and approved 1-20-2004, was repealed 5-29-2013 STM, approved 10-8-2013.

staff to develop an appropriate financing plan for such improvements;

- (5) To develop an appropriate marketing strategy to sell cemetery lots as required to meet financial requirements of cemetery needs;
- (6) To certify and recommend for Town Meeting appropriation the amount and use of proceeds from the sale of cemetery lots paid into the Town treasury for reimbursement to the Town for the cost of the land, its care, improvement and embellishment, or the enlargement of the cemetery;
- (7) To report annually, in cooperation with the Director of Public Works and the Town Treasurer, on the status of the Perpetual Care Fund and on progress in implementing the capital improvement plan. In cooperation with the Town Accountant, to certify and recommend for Town Meeting appropriation the amount of perpetual care interest income to offset the cost of routine cemetery maintenance; and
- (8) To assume jurisdiction and representation of applicable provisions of that certain Memorandum of Agreement dated November 22, 1999, relating to the use of land in Belmont formerly owned by McLean Hospital, including, without limitation, Attachment B2 - Conservation Restriction, Attachment E - Land Use and Management Plan, and Attachment K - Cemetery Agreement.

§ 40-220. Board of Health.

- A. The Board of Health shall consist of three members elected by ballot at the Annual Town Election for a term of three years. One member shall be elected in each year.
- B. The Board shall make and publish from time to time such regulations as it deems necessary for the public health and safety and shall cause the same to be printed in suitable form for public distribution.
- C. The Board shall have charge of all appropriations made by the Town for health and sanitary purposes which are not especially entrusted to any other department.
- D. The Board shall annually make a report to be printed in the Annual Town Report showing in detail the statistics of the health and sanitary condition of the Town with recommendations for its improvement, together with a full and comprehensive statement of its work and that of its appointees during the previous year. The report shall also contain a detailed statement of the amounts expended by the Board during the year.
- E. The noncriminal disposition of violations of any Town bylaw within the jurisdiction of the Board of Health, or any rule or regulation of the Board of Health, is hereby authorized in accordance with the provisions of MGL c. 40, § 21D ("§ 21D"). **[Added 4-23-1990 ATM, approved 8-13-1990]**
 - (1) "Enforcing person" as used in this Subsection E shall mean any police officer of the Town, the Health Director, any member of the Board of Health and any other Town employee designated by the Board of Health as an enforcing person.
 - (2) An enforcing person taking cognizance of a violation of any bylaw, rule or regulation hereunder may, as an alternative to instituting criminal proceedings, give the offender written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with § 21D. The provisions of § 21D are incorporated herein by this reference.

§ 40-225. Trustees of the Public Library

- A. The Board of Trustees of the Public Library shall consist of six members elected by ballot at the Annual Town Election for a term of three years. Two members shall be elected in each year.
- B. The Trustees shall have the sole care and management of the public library and any branch or branches thereof which the Town may establish and the custody of the books and other property thereof and may adopt regulations for governing the libraries and their use.
- C. The Trustees shall appoint a Librarian and such other employees as they deem expedient, determine their duties and remove them at pleasure.
- D. The Trustees shall have charge of all appropriations made by the Town for library purposes and shall expend the same for the purchase of such books and materials as they shall select and in the maintenance, support and promotion of the libraries and their facilities.
- E. The Trustees shall annually make a report to be printed in the Annual Town Report showing in detail their work and that of their appointees and the condition of the libraries.

ARTICLE 3

Boards and Commissions Appointed by the Select Board
[Adopted as Arts. 7, 14, 15, 17, 18, 29 and 31 of the 1981 Bylaws]**§ 40-300. Conservation Commission. [Added 4-28-2003 ATM, approved 10-16-2003]**

- A. There shall be a Conservation Commission for the Town in accordance with MGL c. 40, § 8C ("§ 8C"), for the promotion and development of the natural resources and for the protection of watershed resources of the Town.
- B. The Conservation Commission shall consist of seven members appointed by the Select Board for terms of three years in accordance with the provisions of § 8C.
- C. The Conservation Commission shall make and publish from time to time such rules and regulations as it deems necessary and shall cause the same to be printed in suitable form for public distribution.
- D. The noncriminal disposition of violations of any rules or regulations promulgated by the Conservation Commission is hereby authorized in accordance with the provisions of MGL c. 40, § 21D ("§ 21D").
 - (1) "Enforcing person" as used in this Subsection D shall mean any police officer of the Town, any member of the Conservation Commission and any other Town employee designated by the Conservation Commission an enforcing person.
 - (2) An enforcing person taking cognizance of a violation of any rule or regulation hereunder may, as an alternative to instituting criminal proceedings, give the offender written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with § 21D. The provisions of § 21D are incorporated herein by this reference.

§ 40-305. Council on Aging.

- A. There shall be a Council on Aging for the Town in accordance with MGL c. 40, § 8B.
- B. The Council on Aging shall consist of 11 members appointed by the Select Board for terms of three years arranged so that the terms of no more than four members shall expire in any year.
- C. The Council on Aging shall have the following powers and duties:
 - (1) To identify the total needs of the Town's elder population;
 - (2) To educate and enlist support and participation of all citizens concerning these needs;
 - (3) To design, promote or implement services to fill these needs or coordinate existing services in the Town;
 - (4) To promote and support any other programs for the elderly in the Town; **[Amended 5-29-2013 STM, approved 10-8-2013]**
 - (5) To cooperate with the State Department of Elder Affairs or its successor state agency; and **[Amended 5-29-2013 STM, approved 10-8-2013]**
 - (6) To be cognizant of federal and state legislation concerning funding, information exchange and program planning designed to promote better community planning for the elderly.

§ 40-310. Disability Access Commission. [Added 4-23-2007 ATM, approved 8-16-2007]

- A. There shall be a Disability Access Commission for the Town in accordance with MGL c. 40, § 8J, which was accepted by the Annual Town Meeting of April 26, 1993.
- B. The Disability Access Commission shall consist of seven regular and two alternate members appointed by the Select Board. A majority of the Commission members, including a majority of the regular members, shall consist of people with disabilities, one regular member shall be a member of the immediate family of a person with a disability, and one regular member shall be an elected or appointed official of the Town. The terms of regular and alternate members shall be three years and arranged so that the terms of 1/3 of the members expire each year. Upon the expiration of the term of a member, that member or a successor shall be appointed to a term of a duration which is consistent with the foregoing provisions of this subsection. **[Amended 5-29-2013 STM, approved 10-8-2013]**
- C. In the case of the absence, inability to act or conflict of interest of a regular member, or in the case of a vacancy on the Commission until the vacancy is filled in accordance with MGL c. 40, § 8J, the Chair of the Commission may designate an alternate member to serve.
- D. The purpose of the Disability Access Commission shall be to provide for the full integration and participation of people with disabilities in the Town of Belmont.
- E. The Disability Access Commission shall have all of the powers and duties of disability commissions established pursuant to MGL c. 40, § 8J.

§ 40-315. Historic District Commission.

- A. There is established under the Historic Districts Act, MGL c. 40C, a Belmont Historic District Commission consisting of seven members to be appointed by the Select Board, including one member, where possible, from two nominees submitted by the Belmont Historical Society; one member, where possible, from two nominees, one of whom shall be submitted by the chapter of the American Institute of Architects covering Belmont and one of whom shall be submitted by the Boston Society of Landscape Architects; and one member, where possible, from two nominees of the Board of Realtors covering Belmont. One or more of the foregoing shall be a resident of an historic district established in Belmont pursuant to the Historic Districts Act. The Select Board shall also appoint three alternate members of the Commission. **[Amended 4-22-1991 ATM, approved 6-3-1991]**
- B. There is established under the provisions of the Historic Districts Act, as amended, an historic district to be known as the "Wellington Historic District," bounded as shown on a map entitled "Plan Showing Wellington Historic District, Pleasant Street, Belmont, Mass.," dated December 16, 1971, prepared by the Town Engineer, which shall be a part of this bylaw.
- C. There is established under the provisions of the Historic Districts Act, as amended, an historic district to be known as the "Richardson Farm Historic District," bounded as shown on a map entitled "Plan Showing Richardson Farm Historic District, Washington Street, Blanchard Road, and Glenn Road Belmont, Mass.," dated March 15, 2013, prepared by the Town Engineer, which shall be a part of this bylaw. **[Added 4-29-2013 ATM, approved 10-9-2013]**
- D. Thaddeus Frost House Historic District. There is established, under the provisions of MGL c. 40C, as amended, an historic district to be known as the "Thaddeus Frost House Historic District," bounded and described as shown on the map entitled "Plan Showing Thaddeus Frost House Historic District, 291 Brighton Street, Belmont, Mass.," dated February 7, 2018, prepared by the Town Engineer, which shall be a part of this section. **[Added 4-30-2018 ATM, approved 9-5-2018⁸]**

- E. The Commission established hereunder shall have all of the powers and duties of the Belmont Historical Commission, as provided in MGL c. 40, § 8D, and, upon the establishment of the Commission hereunder, the former Belmont Historical Commission shall cease to exist.
- F. The Commission shall have all of the powers and duties of an historic district commission and all of the powers and duties of an historical commission (and may in the exercise of any of the powers and duties accept money gifts and expend the same and, subject to appropriation or receipt of such gifts, employ clerical and technical assistants or consultants), and the aforesaid powers and duties shall include without limitation the following:
- (1) To conduct a survey of Belmont buildings for the purpose of determining those of historic significance, architecturally or otherwise, and pertinent facts about them, acting in collaboration with the Planning Board and the Belmont Historical Society to the extent either may from time to time be able to undertake such work, and to maintain and from time to time revise detailed listings of historic sites and buildings in Belmont and data about them appropriately classified with respect to national, state or local significance, to period or field of interest, or otherwise;
 - (2) To propose from time to time as it deems appropriate the establishment, in accordance with the provisions of the Historic Districts Act, of additional historic districts and changes in historic districts;
 - (3) To determine an appropriate system of markers for selected historic sites and buildings not already sufficiently marked, to arrange for preparation and installation of such markers and to arrange for care of historic markers;
 - (4) To arrange for preparation and publication of maps and brochures and descriptive material about Belmont historic sites and buildings, arrange for convenient walks or tours, or otherwise;
 - (5) To cooperate with and advise the Planning Board, the Highway Department and other Town departments in matters involving historic sites and buildings;
 - (6) To cooperate with and enlist assistance for Belmont from the National Park Service, the National Trust for Historic Preservation, the Society for the Preservation of New England Antiquities, and other agencies, public and private, from time to time concerned with historic sites and buildings; and
 - (7) To advise owners of historic buildings in Belmont on problems of preservation.
- G. The Commission may recommend to the Select Board as needed appointment of advisory committees of historians and persons interested in architecture or other arts or in historic restoration or preservation to assist in a manner comparable to the National Park Service Advisory Board or Consulting Committee.
- H. The Commission shall adopt rules and regulations for the conduct of its business not inconsistent with the provisions of the Historic Districts Act, the provisions of MGL c. 40, § 8D (the Historical Commission Act), or this section, as the case may be. **[Amended 5-29-2013 STM, approved 10-8-2013]**
- I. When taking action under the provisions of Section 11 of the Historic Districts Act,⁹ the Commission shall make its determination within 45 days after the filing of the application for a certificate of

8. Editor's Note: This article also redesignated former Subsections D through I as Subsections E through J, respectively.

9. Editor's Note: See MGL c. 40C, § 11.

appropriateness or hardship or such further time as the applicant may in writing allow.

- J. In case any subsection, paragraph or part of this section is for any reason declared invalid or unconstitutional by any court, every other subsection, paragraph or part shall continue in full force and effect. **[Amended 5-29-2013 STM, approved 10-8-2013]**

§ 40-320. Planning Board.

- A. The Planning Board established under MGL c. 41, § 70, shall consist of five members who shall be appointed by the Select Board; provided, however, that nothing in this subsection shall be construed to limit the authority of the Select Board, pursuant to Section 7 of the Zoning Bylaw, to appoint an associate member for the purposes set forth therein. **[Amended 11-8-2010 ATM, approved 12-16-2010]**
- B. In the performance of its duties prescribed by law, the Planning Board shall from time to time confer with the Select Board, the Inspector of Buildings, and any other Town board or committee which the Planning Board determines would be able to provide information or assistance to it. **[Amended 5-29-2013 STM, approved 10-8-2013]**

§ 40-325. Recreation Commission.

- A. There shall be a Recreation Commission consisting of nine members appointed by the Select Board.
- B. The Select Board acting as the Board of Park Commissioners shall be responsible for the operation of the Recreation Department and shall appoint a Director of the Department. **[Amended 4-27-2009 ATM, approved 10-1-2009]**
- C. The Commission shall be responsible for the establishment of policies for the use of all playgrounds and recreation facilities of the Town which are not under the control of the School Department. The Commission and the School Department shall cooperate to the end that optimum use may be made of all of the Town's recreation facilities. **[Amended 4-27-2009 ATM, approved 10-1-2009]**
- D. The Commission shall be responsible for the formulation of Recreation Department policy in the areas of:
- (1) Facilities and maintenance;
 - (2) Recreation programs; and
 - (3) Long-range planning.
- E. The Commission shall establish such reasonable fees for use of any recreation facilities and programs as it deems to be consistent with recreation policy.
- F. The Commission shall prepare an annual budget for the Recreation Department to be submitted to the Select Board for approval on a schedule to be established by the Select Board.
- G. The recreation revolving fund established pursuant to MGL c. 44, § 53D, shall be subject to annual authorization by a vote of the Annual Town Meeting. **[Added 6-14-1993 ATM, approved 8-20-1993]**
- H. Pursuant to MGL c. 45, §§ 5 and 14, and this section, the Select Board, acting in its capacity as the Board of Park Commissioners, and the Recreation Commission are authorized to jointly promulgate such rules and regulations for the use and government of all public parks, playgrounds, and recreation

centers within the Town of Belmont as they deem necessary. **[Added 4-27-2009 ATM, approved 10-1-2009; amended 5-29-2013 STM, approved 10-8-2013]**

- (1) Violation of any rule or regulation adopted under Subsection H shall be punished by a fine of \$100 and may also be enforced by noncriminal disposition as provided in MGL c. 40, § 21D ("§ 21D"). The penalty under said § 21D for such violation shall be \$50 for each offense.
- (2) An enforcing person taking cognizance of a violation of any rule or regulation adopted under Subsection H shall give the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provisions of § 21D. The provisions of § 21D are incorporated herein by this reference.
- (3) "Enforcing person" as used in Subsection H(2) shall mean any police officer of the Town and any other Town employee designated by the Board of Park Commissioners or the Recreation Commission as an enforcing person.

§ 40-330. Water Advisory Board. [Amended 4-28-2003 ATM, approved 10-16-2003]

- A. There shall be a Water Advisory Board consisting of three members appointed by the Select Board in a manner consistent with Article 1 of this chapter.
- B. The Water Advisory Board shall serve as the principal advocate for Town actions, policies, operational management, financial practices and capital investments that will result in the sustained provision of high-quality water service. In carrying out these responsibilities, the Water Advisory Board, acting in an advisory role to the Select Board, shall:
 - (1) Oversee the preparation of a Water Capital Plan that identifies system capital needs, prioritizes and schedules projects and specifies methods of financing and implementing the Water Capital Plan. Preparation and implementation of the Water Capital Plan shall provide for the coordination of projects with the work of other public agencies and private utilities. The Water Capital Plan shall be effective upon its adoption by the Select Board and approval by the Capital Budget Committee. The Water Capital Plan shall be reviewed and revised not less than every five years;
 - (2) Recommend to the Select Board the scope of work for any professional engineering work relating to preparing or implementing the Water Capital Plan. The Director of Public Works shall consult with the Water Advisory Board on the selection of a professional engineer;
 - (3) Advocate for actions, consistent with the priorities of the Select Board, to implement the Water Capital Plan in the annual Town budget process and for such other programs and activities that in its judgment will enhance the quality, efficiency or effectiveness of the water service;
 - (4) Serve as the steward of the financial condition of the Belmont water system by recommending rates, charges and fees for water services provided by the Town that will fully recover the cost of providing water services and that are fair and equitable. In carrying out this responsibility, the Water Advisory Board shall annually examine the revenue requirements of the water function. During the annual Town budget process it shall make specific recommendations to the Select Board for a revenue structure that will be adequate to provide for the financial needs of the water function in the next fiscal year;
 - (5) Establish policies for the adjustment of bills by the Director of Public Works due to disputes, hardship or error. These policies shall be effective upon approval by the Select Board. In

addition, the Water Advisory Board shall serve as the appeals board for citizens aggrieved by the implementation of adjustment policies by the Director of Public Works unless the Select Board votes to assume this responsibility;

- (6) Develop and monitor a cost allocation plan for indirect and overhead costs and any other charges that are charged to the Town's Water Special Revenue Fund. Develop and monitor a cost recovery plan to secure payment from non-water functions for the use of equipment and labor funded by the Water Special Revenue Fund. The cost allocation plan and cost recovery plans shall be effective upon approval by the Select Board. Indirect and overhead costs shall not be charged to the Water Special Revenue Fund in a manner inconsistent with the cost allocation plan recommended by the Water Advisory Board and approved by the Select Board. Equipment and labor funded by the Water Special Revenue Fund shall not be utilized for non-water functions until a cost recovery plan has been recommended by the Water Advisory Board and approved by the Select Board; and
 - (7) Prepare an annual report in order to inform and educate the citizens of Belmont about the physical and financial condition of the water system. The annual report shall include comprehensive information on the income and expenses of operating the water function, the effect of the cost allocation and cost recovery plans on the Water Special Revenue Fund, the status of the Water Special Revenue Fund, progress in implementing the Water Capital Plan and other information the Water Advisory Board deems relevant to citizen understanding of the water system. This report shall be included in the Annual Town Report.
- C. All of the duties and responsibilities of the Water Advisory Board shall be carried out in consultation with the Director of Public Works. The Director of Public Works shall provide reasonable clerical and professional staff support to the Water Advisory Board in the execution of its responsibilities.
 - D. The Water Advisory Board shall assume additional responsibilities from time to time as may be determined by the Select Board.

ARTICLE 4

Other Appointed Committees**[Adopted as Arts. 12, 13, 16, 19, 25 and 33 of the 1981 Bylaws]****§ 40-400. Bylaw Review Committee. [Added 4-25-1983 ATM, approved 8-2-1983]**

- A. There shall be a Bylaw Review Committee consisting of the Town Clerk and four members appointed by the Moderator.
- B. It shall be the duty of the Committee to consider all articles in the warrant for any Town Meeting which propose an amendment or addition to the General Bylaws.
- C. The Committee Chair or some members of the Committee designated by the Chair shall report to the Town Meeting such recommendations, if any, as the Committee shall consider appropriate with respect to any article in the warrant which proposes an amendment or addition to the General Bylaws. The Moderator shall call upon the Committee for such report prior to the discussion or vote on such article.
- D. Whenever practicable, the Select Board shall submit to the Committee all proposed amendments or additions to the General Bylaws prior to their inclusion in the warrant for any Town Meeting. The Committee shall meet and review all such proposed amendments and additions and shall report to the Select Board its recommendations as to their form and consistency with existing provisions of the General Bylaws and as to their placement in the General Bylaws.
- E. The Committee may propose to the Select Board for inclusion in the warrant for the next Annual or Special Town Meeting any amendments or additions to the General Bylaws which the Committee determines should be made so as to resolve inconsistencies with other provisions or with applicable law. The Committee shall propose to the Select Board, for inclusion in the warrant for the next Annual or Special Town Meeting, any amendments or additions to the General Bylaws which have been requested of it by any Town board or officer.
- F. The Committee may consult with Town Counsel as to the legality of any provisions or proposed provisions of the General Bylaws.
- G. The Committee shall assist the Town Clerk in preparing the publication from time to time of appendices and supplements to the General Bylaws, including all amendments and additions thereto. **[Amended 5-29-2013 STM, approved 10-8-2013]**
- H. Failure to observe any provision of this section shall not affect the validity of any change in the General Bylaws which has been duly adopted by vote of the Town Meeting. **[Amended 5-29-2013 STM, approved 10-8-2013]**

§ 40-405. Comprehensive Capital Budget Committee. [Amended 4-22-1996 ATM, approved 8-6-1996; 4-29-2013 ATM, approved 10-9-2013; 5-3-2021 ATM, approved 10-4-2021; 5-2-2022 ATM, approved 9-26-2022]

- A. The Capital Budget Committee shall henceforth be named "Comprehensive Capital Budget Committee" ("the Committee") composed of nine voting members and two non-voting members: the Vice-Chair of the Select Board (or a member of that Board designated by its Vice Chair), the Chair of the Warrant Committee (or a member of that Committee designated by its Chair), the Chair of the Energy Committee (or a member of that Committee designated by its Chair), the Chair of the School Committee (or a member of that Committee designated by its Chair), and five registered voters of the

Town who shall be appointed by the Moderator. The Moderator-appointed members shall serve for staggered three-year terms and shall be eligible for reappointment. The Town Administrator and the Superintendent of Schools, or their designees, shall serve as the non-voting members.

- B. The Committee shall prepare (and annually update) a Long-Term Capital Improvement Plan ("the Plan"). As used in this § 40-405, the term "capital improvement" shall refer to spending to acquire, lease, construct, rehabilitate, or upgrade long-lived assets such as buildings, infrastructure, vehicles, major pieces of equipment, and technology, and the acquisition by purchase or taking of land, easements, and other long-term interests in real estate, and such projects are referred to in this § 40-405 as "Capital Projects."
- C. The Plan shall include one-year, five-year, and thirty-year components, as hereinafter described. The Plan's one-year component shall include recommended appropriations for the next fiscal year, which shall consider the capital expenditure requests from each department head made through the Town Administrator and the Superintendent of Schools. The Plan shall also specify a program of capital expenditures by fiscal year over a period of five years. The Plan for one year and five years shall include recommendations for sources of funds the Town can utilize to pay for Capital Projects. Beginning with the second Long-Term Capital Improvement Plan, each Plan shall also include the Committee's analyses and recommendations for the anticipated major capital improvement needs over a thirty-year period following the date of the Plan.
- D. The Committee shall coordinate with the Town Administrator to implement the Plan in accordance with the Town's Comprehensive Financial Policies and other governing plans of the Town adopted by the Select Board, as they may be amended from time to time. The Committee shall create procedures to be used by the Town and the Committee to review and prioritize Capital Project requests and ensure that full life-cycle costs and potential funding sources are identified for each Capital Project, including the establishment and updating of a comprehensive inventory of capital assets, and including coordination with related Town committees.
- E. The Long-Term Capital Improvement Plan shall be provided annually to Town Meeting, including specific recommendations for appropriations and funding sources for the following fiscal year. The Plan shall be submitted to the Town Clerk in sufficient time for distribution to Town Meeting Members at least 14 days prior to the commencement of the Town Meeting session at which the capital budget is to be considered. The Plan shall be available at the Town Clerk's office and posted on the Town's website for distribution to the public. The Plan shall also be included in the Town of Belmont Annual Report.

§ 40-410. Community Preservation Committee. [Added 4-25-2011 ATM, approved 6-22-2011]

- A. There is hereby established, pursuant to MGL c. 44B (the Community Preservation Act, hereafter in this section referred to as "the Act"), a Community Preservation Committee (hereafter in this section referred to as "the Committee") consisting of nine members. **[Amended 5-29-2013 STM, approved 10-8-2013]**
 - (1) The Committee shall consist of the following members:
 - (a) One member of the Board of Park Commissioners as designated by the Board;
 - (b) One member of the Conservation Commission as designated by the Commission;
 - (c) One member of the Historic District Commission as designated by the Commission;

- (d) One member of the Housing Authority as designated by the Authority;
 - (e) One member of the Planning Board as designated by the Board;
 - (f) One member of the Recreation Commission as designated by the Select Board; and
 - (g) Three at-large members as designated by the Select Board.
- (2) Members appointed to the Committee pursuant to Subsection A(1)(a) through (e) above are referred to hereafter in this section as "the statutory members."
- (3) With respect to initial statutory members and the initial member from the Recreation Commission, members appointed pursuant to Subsection A(1)(a) and (b) shall be appointed for one-year terms, members appointed pursuant to Subsection A(1)(c) and (d) shall be appointed for two-year terms and members appointed pursuant to Subsection A(1)(e) and (f) shall be appointed for three-year terms or, in the case of each initial statutory member, if sooner occurring, until such member no longer serves on the appointing board, commission or authority or, in the case of the initial member from the Recreation Commission, if sooner occurring, until such member no longer serves on the Recreation Commission. After the initial appointments, all statutory members and the member from the Recreation Commission shall serve for terms of three years or, if sooner occurring, until the statutory members no longer serve on the appointing board, commission or authority or, in the case of the member from the Recreation Commission, until such member no longer serves on that Commission.
- (4) With respect to initial at-large members, one member shall be appointed for a one-year term, one for a two-year term and one for a three-year term. After the initial appointments, all at-large members shall be appointed for three-year terms. At-large members shall include persons who have expertise or demonstrated interest in open space, recreation, historic preservation or affordable housing.
- (5) Mid-term vacancies in the office of at-large member, statutory member or member from the Recreation Commission shall be filled by the board, commission or authority that made the original appointment, and members appointed to fill a vacancy shall serve for the remainder of the unexpired term.
- B. The Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with other Town boards, commissions, committees and authorities, including, among others, the Conservation Commission, the Historic District Commission, the Housing Authority, the Planning Board and the Recreation Commission, and with the Belmont Housing Trust in conducting such studies. As part of its studies the Committee shall hold one or more public information hearings on the needs, possibilities and resources of the Town regarding community preservation, notice of which shall be posted publicly on the Town's web page at least two weeks prior to the date of the hearing and published in each of two weeks preceding the week in which the hearing is to be held in a newspaper of general circulation in the Town. The Committee shall file an annual report of its activities with the Town Clerk.
- (1) The Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, rehabilitation, restoration and preservation of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided in the Act. With respect to community housing, the

Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

- (2) The Committee may include in its recommendations 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 funds are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.
- C. The Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Committee shall constitute a quorum. The Committee shall approve its actions by majority vote of the quorum. Recommendations to the Town Meeting shall include their anticipated costs.
- D. The Select Board shall insert one or more articles in the warrant for each Annual Town Meeting, and for any Special Town Meeting, upon the written request of the Committee, to enable Town Meeting to make appropriations or take other actions for community preservation purposes recommended by the Committee for the current or next fiscal year.
- E. At all times this section shall be interpreted and implemented in a manner consistent with the Act, as amended. In case any subsection, paragraph or part of this section is for any reason declared invalid or unconstitutional by any court of last resort, every other subsection, paragraph or part shall continue in full force and effect. **[Amended 5-29-2013 STM, approved 10-8-2013]**

§ 40-415. Permanent Audit Committee.

- A. There shall be a Permanent Audit Committee of seven members consisting of the Chair of the Select Board or a member of that Board designated by its Chair, the Town Treasurer, the Town Accountant and four members who shall be appointed by the Select Board.
- B. At periodic intervals as requested by the Select Board, but not less often than triennially, the Committee shall assist the Select Board in the selection of an auditor who, when selected, shall perform an audit of the accounts of the Town. The Committee shall monitor the accomplishment of the selected auditor and shall participate in the review and discussion of the auditor's findings with the Select Board.
- C. The Committee shall annually report to the Select Board, which report shall discuss the matters presented in the auditor's report and shall recommend such changes or alterations in accounting practices and procedures as the Committee sees fit. The auditor's report shall be published in the Annual Town Report.

§ 40-420. Permanent Building Advisory Committee. [Added 12-13-1999 STM, approved 3-9-2000]

- A. There shall be a Permanent Building Advisory Committee of seven members who shall be residents of the Town, one of whom shall be appointed by the Select Board and six of whom shall be appointed by the Town Moderator. To the extent possible, the Town Moderator shall appoint members who have experience in architecture, engineering, building construction, law or finance.
- B. Notwithstanding other provisions of these bylaws, it shall be the responsibility of the Committee to oversee all projects for the design, construction, reconstruction, alteration or enlargement of any building or other facilities owned by the Town, or undertaken on land owned, leased or operated by the Town, with an expected construction value of \$50,000 or more, except as the Town Meeting may

authorize the appointment of a building or project committee with respect to a particular project. The Committee may also review projects with an expected value of less than \$50,000.

- C. Any building or project committee authorized by Town Meeting shall include one or more Committee members designated by the Committee. Committee members serving on any such building or project committee shall serve as full voting members for the duration of said building or project committee. In the event that the Town Meeting does not authorize the appointment of a building or project committee with respect to a particular project, the Committee shall have the sole authority to procure engineering and architectural services, to award bids for construction and to administer contracts for construction services in accordance with applicable law.
- D. Except as otherwise provided by vote of the Town Meeting, the Committee shall assume the responsibility for any project in progress as of December 13, 1999, except the Town Hall and Town Hall Annex projects and the new Municipal Light Department project. **[Amended 5-29-2013 STM, approved 10-8-2013]**

§ 40-425. Warrant Committee.

- A. There shall be a Warrant Committee of 17 members, consisting of the Chair of the Select Board or a member of that Board designated by its Chair, the Chair of the School Committee or a member of that Committee designated by its Chair, and 15 other voters of the Town who shall be appointed by the Moderator. A majority of the entire Committee shall always be voters of the Town who hold no Town office. For purposes of these bylaws, Town Meeting Members shall not be considered holders of a Town office. The Committee shall serve without pay. **[Amended 4-27-2009 ATM, approved 10-1-2009]**
- B. It shall be the duty of the Committee to consider for all Town Meetings all articles in the warrant which involve an appropriation of money and to report thereon at the Town Meeting. The Select Board shall, immediately upon voting to include in the warrant any such article, transmit a copy thereof to the Committee which shall thereupon take the same under consideration. On the copies of the warrant provided by the Select Board for the Town Meeting Members at each Town Meeting, there shall appear a short statement of the report and recommendations of the Committee. The Committee shall also consider and report upon other warrant articles and other matters which, in the Committee's judgment, affect the financial interests of the Town. **[Amended 4-25-1983 ATM, approved 8-2-1983]**
- C. The Committee Chair or some member designated by the Chair shall attend each Town Meeting and shall present or read to the Town Meeting the vote of the Committee containing its recommendations with reference to each article in question, including the number in favor or against the same. Said report shall be presented or read as above before any debate shall be in order on said article.
- D. The various Town officers and boards charged with expenditure of Town money shall submit their recommendations for appropriations to the Committee on a schedule established by the Committee. The Committee may give one or more public hearings regarding every proposed appropriation and shall give public notice of the time and place of such hearing or hearings. The various Town officers and boards may be required by the Committee to attend such hearing or hearings and give such evidence and explanation as may be required of them concerning their recommendations for appropriations.
- E. The Committee shall duly consider all matters before it and shall report in writing its approval or disapproval of the articles in the warrant within the scope of its investigation hereunder. The Select

Board shall include said report in the Annual Town Report.

- F. Nothing in this section shall be construed so as to prevent the Town from appropriating money or taking any other action according to law, without the matter first having been acted upon and recommendations and report made thereon by the Committee. **[Amended 4-25-1983 ATM, approved 8-2-1983; 5-29-2013 STM, approved 10-8-2013]**

TOWN ADMINISTRATION

Chapter 50

TOWN ADMINISTRATION

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

ARTICLE 1

Position Classification Plan

[Adopted as Art. 11 of the 1981 Bylaws; amended 4-27-2009 ATM, approved 10-1-2009]

§ 50-100. Classification Plan, Salary Plan and Personnel Policy Guide.

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

ARTICLE 2
Revolving Funds
[Adopted 11-13-2017 STM, approved 2-27-2018¹⁰]

§ 50-200. Purpose.

This article establishes and authorizes revolving funds for use by specified Town departments, boards, committees, agencies, or officers in connection with the operation of programs, or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by MGL c. 44, § 53E½.

§ 50-205. Expenditure limitations.

The specified department or agency head, board, committee, or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this article without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Select Board and Warrant Committee.

§ 50-210. Interest.

Interest earned on monies credited to a revolving fund established by this article shall be credited to the general fund.

§ 50-215. Procedures and reports.

Except as provided in MGL c. 44, § 53E½ and this bylaw, the laws, bylaws, rules, regulations, policies, or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this article. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency, or officer on appropriations made for its use.

§ 50-220. Authorized revolving funds.

- A. Senior Programs Fund: funds derived from Council on Aging course and program fees, charges or other receipts to be expended by the Council on Aging to fund courses and programs for Fiscal Year 2018 and subsequent years.
- B. Art Gallery Fund: funds derived from commissions on art sales, to be expended by the Belmont Cultural Council for gallery exhibits and event expenses, including administrative costs and part-time

10. Editor's Note: This article also changed the title of this Ch. 50 from "Position Classification and Compensation Plan" to its current title.

wages, for Fiscal Year 2018 and subsequent years.

- C. Rock Meadow Restoration and Maintenance Fund: funds derived from rental fees from garden plots, to be expended by the Conservation Commission for costs associated with the restoration and maintenance of the Rock Meadow conservation area, including part-time wages, for Fiscal Year 2018 and subsequent years.
- D. Library Lost Book and Copying Fund: funds derived from lost book fees and fees for printing and copying, to be expended by the Board of Library Trustees for the replacement of lost books and for copier and printer supplies and maintenance for Fiscal Year 2018 and subsequent years.
- E. Stormwater Improvement Fund: funds derived from payments made in lieu of on-site stormwater facilities, under the Stormwater Management and Erosion Control Bylaw, to be expended by the Director of the Office of Community Development for design, construction, and maintenance of public or shared stormwater facilities, for Fiscal Year 2018 and subsequent years.
- F. Martin Luther King Day Breakfast Fund: funds derived from ticket sales for the annual Martin Luther King Day Breakfast, to be expended by the Human Rights Commission for event expenses for Fiscal Year 2018 and subsequent years.
- G. Non-School Property Maintenance Fund: funds derived from the rental of Town properties not under the control of the School Department, to be expended by the Select Board for the maintenance and repair of such properties.
- H. Stormwater Consulting Fund: funds derived from consultant fees paid by applicants for stormwater permits, to be expended by the Director of the Office of Community Development for peer review consultant services for Fiscal Year 2018 and subsequent years.
- I. Recreation Revolving Fund: funds derived from recreation programs and activities to be expended by the Director of the Recreation Department for costs associated with recreation programs, including part-time wages, for Fiscal Year 2025 and subsequent years. **[Added 5-1-2023ATM by Art. 5]**

BELMONT GENERAL BYLAWS

Chapter 60

PUBLIC HEALTH, SAFETY, WELFARE AND ENVIRONMENTAL PROTECTION

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

ARTICLE 1

Alcohol, Tobacco and Firearms**[Adopted as §§ 20.8, 20.9, 20.10, 20.14 and 20.15 of the 1981 Bylaws]****§ 60-100. Alcoholic beverages.**

- A. No person shall drink or have in his or her possession an opened container of any alcoholic beverage as defined in MGL c. 138, § 1, while upon any public way or upon any way to which the public has a right of access as invitees or licensees or any park or playground or private land or place without consent of the owner or person in control thereof.
- B. All alcoholic beverages being used in violation of Subsection A shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to original possession.

§ 60-105. Tobacco products. [Amended 11-8-2010 ATM, approved 2-10-2011; 5-29-2013 STM, approved 10-8-2013]

No person shall smoke or otherwise use a tobacco product on any public school playground or athletic field nor any Recreation Department playground or athletic field. For purposes of this section the following definitions shall apply:

SMOKING — Inhaling, exhaling, or burning any tobacco product.

TOBACCO PRODUCT — Cigarettes, cigars, pipe tobacco or tobacco in any of its forms.

§ 60-107. Marijuana establishments. [Added 5-2-2018 STM, approved 7-9-2018¹¹]

- A. Consistent with MGL c. 94G, § 3(a)(2), all types of marijuana establishments, except for marijuana retailers, both as defined in MGL c. 94G, § 1, shall be prohibited within the Town of Belmont; provided, however, that a Registered Marijuana Dispensary shall not be deemed to be a marijuana establishment.
- B. Consistent with MGL c. 94G, § 3(a)(2), the number of Marijuana Retailers in Belmont shall not exceed a number that is equal to 20% of the number of licenses issued within the Town of Belmont for the retail sale of alcoholic beverages not to be drunk on the premises where sold under MGL c. 138, § 15, as implemented in Belmont pursuant to Chapter 16 of the Acts of 2014, as amended by Chapter 147 of the Acts of 2017, and, if that number is not a whole number, it shall be rounded up to the next higher whole number.

§ 60-110. Discharge of firearms.

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

§ 60-115. Violations and penalties. [Amended 11-8-2010 ATM, approved 2-10-2011]

In addition to the provisions for enforcement described above, the provisions of §§ 60-100A and 60-105 of this article and any regulations promulgated thereunder may also be enforced by noncriminal disposition as provided in MGL c. 40, § 21D ("§ 21D"). The penalty for such violation shall be \$300 for each offense.

11. Editor's Note: This article was also approved at the 9-25-2018 Special Town Election.

Each day or part thereof shall constitute a separate offense.

- A. "Enforcing person" as used in this section shall mean any police officer of the Town, the Director of Public Works and any other Town employee designated by the Select Board as an enforcing person.
- B. An enforcing person taking cognizance of a violation of § 60-100A or 60-105 or any rule or regulation adopted thereunder shall give the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provisions of § 21D. The provisions of § 21D are incorporated herein by this reference.

ARTICLE 2

Animals

[Adopted as § 20.11 and Art. 28 of the 1981 Bylaws; amended in its entirety 5-5-2014 ATM, approved 9-21-2014]

§ 60-200. Pets and other animals.

- A. Licensing of dogs and cats. No person shall own or keep a dog or cat, six months of age or older, within the Town unless a license for such dog or cat is obtained from the Town Clerk. The license period shall be from January 1 through December 31; provided, however, that all applications for license renewals shall be submitted by March 15 of each year, or the licensee may be subject to late fees. Nonrefundable license and late fees shall be established from time to time by the Town Clerk, unless Town Meeting approval is required pursuant to MGL c. 140, § 139, or other applicable law. License fees for dogs and cats owned or kept by residents who are age 60 or older shall be at a discounted rate of at least 25% less than the established fee. All license fees shall be waived for dogs and cats that serve as service animals as defined by the Americans with Disabilities Act or regulations promulgated thereunder. Not more than three dogs over three months of age shall be kept in any household without complying with the kennel licensing provisions set forth in § 60-205. All dogs and cats are required to wear their license tags at all times.
- (1) No dog or cat six months of age or older shall be licensed unless a valid rabies vaccination certificate is presented to the Town Clerk at the time of licensing.
 - (2) No dog or cat six months of age or older shall be licensed unless there is presented to the Town Clerk at the time of licensing either:
 - (a) Proof that the dog or cat has been spayed or neutered;
 - (b) A statement signed by a veterinarian stating why spaying or neutering has been delayed; or
 - (c) A statement signed by the owner or keeper of the dog or cat that a decision has been made not to spay or neuter the dog or cat.
 - (3) A special breeder's license shall be obtained for any dog or cat with respect to which a statement is presented that a decision has been made not to spay or neuter pursuant to § 60-200A(2)(c).
- B. The owner of any dog or cat that is sold or given away, or whose custody is otherwise transferred, to any other resident of the Town shall obtain from the Town Clerk and furnish to such other resident a copy of this section of the General Bylaws or a summary thereof.
- C. No person who owns, keeps or controls a dog shall allow the dog to run free when not restricted to the premises of said person, except as permitted by the Board of Health. Except as otherwise provided in this section, such dogs shall be leashed and curbed when off such premises.
- D. Removal of feces.
- (1) Each person who owns, keeps or controls a dog within the Town shall remove and dispose of any feces left by such dog on any sidewalk, street, park or other public area or on any private property that is not owned or lawfully occupied by such person.
 - (2) No person who owns, keeps or controls a dog within the Town shall permit such dog to be on any sidewalk, street, park or other public area unless such dog is accompanied by a person

carrying a device that is suitable for picking up and containing feces, unexposed to such person and to the general public.

- (3) For purposes of this subsection, feces may be disposed of only at a place suitable and regularly reserved for the disposal of human feces or otherwise designated as appropriate by the Board of Health.
 - (4) Subsection D(1), (2) and (3) of this subsection shall not apply to a dog accompanying any person who, by reason of a handicap, is physically unable to comply with their requirements.
[Amended 5-4-2015 ATM, approved 8-2-2015]
- E. No person within the Town shall possess, maintain, propagate, cultivate or deal in wild or exotic animals within the meaning of MGL c. 131, § 23, unless notice thereof has been filed with the Board of Health and all permits required by said § 23 or otherwise have been obtained.
- F. No person within the Town shall feed any wild animals, including, without limitation, ducks, geese and raccoons, or any homeless dogs or cats, except birds through freestanding bird feeders or bird feeders attached to a private residence. Persons feeding their own domestic animals shall do so only in a sheltered space inaccessible to wild or roaming animals. This subsection shall not apply to the feeding of homeless dogs or cats if done in a sheltered place inaccessible to wild or roaming animals with the express purpose of befriendng the dog or cat in order later to have it vaccinated, spayed or neutered, and ultimately adopted.
- G. Nuisance or dangerous dogs or other animals.
- (1) No person shall permit any dog, cat or other household pet that by biting, barking, howling, scratching or crying, or in any other manner, disturbs the peace and quiet of any neighborhood, destroys private property, endangers the safety of any person, or otherwise acts as a nuisance or dangerous dog as defined by MGL c. 140, § 136A.
 - (2) The Animal Control Officer, or any other Town officer tasked with the enforcement of this section, shall respond to complaints and reports of a violation of Subsection G(1).
 - (3) All bites by dogs, cats, other domestic animals or wild or exotic animals shall be reported to the Board of Health and the Animal Control Officer by the person bitten or by the owner or keeper of the animal, as soon as possible after the incident.
 - (4) Any person, including the Animal Control Officer, may make a complaint to the Board of Health, the Town's Hearing Authority pursuant to MGL c. 140, concerning a nuisance or a dangerous dog as defined by MGL c. 140, § 136A. Upon the receipt of such a complaint, the Board of Health shall conduct a public hearing to gather evidence and testimony with respect to the allegation made in the complaint. At the close of the public hearing and after deliberation, the Board of Health may dismiss the complaint, or deem the dog a nuisance or dangerous dog. If the Board of Health deems the dog a nuisance or a dangerous dog, it may order any of the remedies available to it under MGL c. 140, § 157.
- H. The operator of a motor vehicle that strikes and injures or kills a dog or cat within the Town shall report such incident to the owner or keeper of such dog or cat or to a police officer of the Town.
- I. Except as the Board of Health may otherwise permit, no dogs, except those dogs that serve as service animals as defined by regulations issued pursuant to the Americans with Disabilities Act, 28 CFR 35.104, will be allowed in the following areas of the Town: all cemetery land, all public school playgrounds and athletic fields and all Recreation Department playgrounds and athletic fields. Nor

may any dog be allowed inside food establishments, retail businesses or public buildings. **[Amended 5-4-2015 ATM, approved 8-2-2015]**

- J. Violations of this section shall be disposed of, in the discretion of the Board of Health, either in the manner provided in § 40-220E or, if applicable, pursuant to the provisions of MGL c. 140, § 173A. For all violations of this section other than violations of the licensing subsections, a noncriminal citation will be issued on the following schedule: first offense, \$50; second offense, \$100; third offense, \$300; fourth and each succeeding offense \$500. Any violation of the licensing subsections shall result in a fine of \$50 per such violation and, for violations continuing 30 days past licensing deadlines, an additional fine of \$100 per such violation. **[Amended 4-29-2019 ATM, approved 9-5-2019]**

§ 60-205. Kennels.

- A. Definitions. As used in this section, the following words and terms have the following meanings:

KENNEL — A pack or collection of dogs on a single property, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel, or veterinary kennel, as defined in MGL c. 140, § 136A.

KENNEL INSPECTOR — The Town's Animal Control Officer, the Police Chief, or such other qualified party as may be designated by the Select Board.

KENNEL LICENSE — An annual license permitting a kennel to operate within the Town, issued to a kennel that has demonstrated compliance with the requirements of this section.

LICENSE PERIOD — The time between January 1 and the following December 31, both dates inclusive.

- B. Licenses; fees; requirements; violations.

- (1) No person shall operate a kennel within the Town without first obtaining a kennel license from the Town Clerk in accordance with the provisions of this section. Possession of a kennel license shall not demonstrate compliance with any other provision of the bylaws of the Town of Belmont.
- (2) The Town Clerk shall determine the amount of the nonrefundable fee for a kennel license for each license period. The Town Clerk may charge an increased fee for applications for kennel license renewals received after March 15 for that license period.
- (3) The location and operation of any kennel shall be appropriate for housing the number of dogs allowable under the terms of its kennel license and may not be detrimental to the health and safety of dogs or persons.
- (4) All kennels shall be operated in a safe, sanitary, and humane condition, as provided in MGL c. 140, § 137C.
- (5) No kennel that provides overnight boarding of dogs may keep more than 25 dogs for overnight stays on the premises. Dogs that are on the premises for medical or surgical treatment or observation shall not be counted in this number.
- (6) No kennel may contract with security dog firms or other businesses to board protection or security dogs, or dogs in training to be protection or security dogs on the premises. A security dog kept on the premises for the kennel's own security purposes is permitted.

- (7) Kennel operations, including the exercising of dogs, shall be in an indoor enclosed area, except that individual dogs may be exercised one at a time in a prescribed outdoor area.
- (8) Every kennel shall at all times keep and maintain accurate records of the number and identities of all dogs kept on the premises, and the identities of persons who have purchased dogs from the kennel.
- (9) In addition to the requirements of this section, the provisions of § 60-200C and Article 6 of this chapter shall apply to all kennels.
- (10) Any violation of this section shall result in a fine of \$500 for a first offense, and a fine of \$1,000 for a second or subsequent offense. Violations shall be administered in accordance with the provisions of MGL c. 140, §§ 137A through 137C. **[Amended 4-29-2019 ATM, approved 9-5-2019]**

C. Application process; license issuance; renewals.

- (1) Any person or entity seeking a kennel license or renewal or reinstatement thereof shall complete and submit to the Town Clerk a kennel license application, in a form prescribed by the Town Clerk. The application shall include a statement that the applicant acknowledges receipt of a copy of the provisions of this section and agrees to comply with all applicable provisions.
- (2) Upon receipt of a completed application, the Town Clerk shall so notify the kennel inspector who shall forthwith conduct an inspection of the applicant's kennel as provided in Subsection D. The Town Clerk shall also give notice of the application to direct abutters to the proposed kennel location and provide such abutters 14 days to submit written comments on the application.
- (3) The Town Clerk shall review the completed application, all comments received within 14 days of the notice to abutters given pursuant to Subsection D(2), and the kennel inspector's report. The Town Clerk shall determine whether the proposed kennel is in compliance with the requirements of this section and MGL c. 140, §§ 137C and 137D, and, if so, shall issue a kennel license to the applicant. If the Town Clerk finds that the proposed kennel is not in compliance with such requirements, the Town Clerk shall deny the application and state the reasons for such denial. **[Amended 5-4-2015 ATM, approved 8-2-2015]**
- (4) Any application for renewal of a kennel license shall be submitted to the Town Clerk on or before March 15 for that license period.

D. Inspections. The kennel inspector, the Police Chief, the Select Board, or the Town's Animal Control Officer may at any time inspect a kennel or cause the inspection of a kennel to ascertain whether the kennel complies with the requirements of this section and applicable state statutes.

E. Suspension or revocation of kennel license; reinspections.

- (1) If the Town Clerk denies a kennel license application or renewal application, the applicant or kennel license holder may request a reinspection of the proposed kennel after reasonably demonstrating to the kennel inspector that the proposed kennel has been brought into compliance with the requirements of this section and applicable state statutes. The kennel inspector shall thereafter, as soon as is practicable, reinspect the proposed kennel and make a report to the Town Clerk, who shall, within a reasonable time, review the application in accordance with Subsection C. The Town Clerk may set fees for reinspections performed pursuant to this subsection.

- (2) If the kennel inspector, Police Chief, Select Board, or the Town's Animal Control Officer inspects or causes to be inspected a kennel and, in the judgment of the person or entity that performed the inspection, the kennel operator is not maintaining the kennel in compliance with this section and applicable state statutes, then the kennel inspector, Police Chief, Select Board, or the Town's Animal Control Officer shall, by order, revoke or suspend the kennel license, in accordance with MGL c. 140, § 137C.
 - (3) If a kennel license is suspended, the kennel license holder may apply for reinstatement by requesting a reinspection of the kennel after reasonably demonstrating to the kennel inspector that the kennel has been brought into compliance with this section and applicable state statutes, and that the license holder has satisfied the terms of the suspension order. The kennel inspector shall thereafter, as soon as is practicable, reinspect the kennel and make a report to the Town Clerk who shall, within a reasonable time, review the application in accordance with Subsection C. The Town Clerk may set fees for reinspections performed pursuant to this subsection.
 - (4) If a kennel license is revoked, the kennel license holder may apply for a new kennel license in accordance with Subsection C. The Town Clerk may set fees for reinspections performed pursuant to this subsection.
- F. Petitions to declare a kennel a nuisance. Any group of 25 citizens may file a petition with the Select Board setting forth that they are aggrieved, or annoyed to an unreasonable extent, by one or more dogs maintained in the Town due to excessive barking or other conditions connected with a kennel constituting a nuisance, as provided in MGL c. 140, § 137C. The Select Board shall request that the kennel inspector investigate and provide a report for the parties' review prior to the public hearing provided in MGL c. 140, § 137C.

ARTICLE 3

Buildings and Construction¹²**[Adopted as §§ 20.13 and 20.15 and Arts. 24 and 32 of the 1981 Bylaws]****§ 60-300. Alarms. [Amended 4-26-2004 ATM, approved 8-19-2004]**

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

- B. Definitions. For the purpose of this bylaw the following definitions shall apply:

ALARM DEVICE — Any device which when activated by a criminal act, fire or other emergency calling for Police or Fire Department response transmits a signal to the Town of Belmont's Public Safety Communications Center, transmits a signal to a person who relays information to the Town of Belmont's Public Safety Communications Center, or produces an audible or visible signal to which the Police or Fire Department is likely to respond. Excluded from this definition and the scope of this bylaw are devices which are designated to alert or signal only persons within the premises in which the device is installed.

ALARM USER — The owner of any premises on which an alarm device is used, provided that an occupant who expressly accepts responsibility for an alarm device by registration pursuant to Subsection E shall be deemed the alarm user.

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

CONTRACTOR — Any firm or corporation in the business of supplying and installing alarm devices or servicing the same.

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

MASTER BOX — A device either wired or wireless designed to transmit a signal to the Town of Belmont Public Safety Communications Center via municipal alarm circuits or radio receiving equipment.

MUNICIPAL MASTER BOX — A master box owned by the Town of Belmont, Belmont public schools, Belmont Municipal Light Department or facilities owned or operated by the Belmont Housing Authority.

- C. Administrator.

12. Editor's Note: See also Art. 6, Noise, of this chapter.

- (1) There shall be in the Town an administrator for alarm devices who shall have the power and duties granted under this bylaw.
- (2) The Police Chief or his designee shall be the administrator under the direction and control of the Select Board which is authorized to adopt regulations for the administration of this bylaw. **[Amended 5-29-2013 STM, approved 10-8-2013]**

D. Alarm Appeal Board.

- (1) There shall be in the Town an Alarm Appeal Board which shall have the powers and duties granted to it under this bylaw.
- (2) The Alarm Appeal Board shall consist of the Select Board.

E. Registration required. Each alarm user shall register his alarm device or devices with the administrator prior to use and annually as described below. **[Amended 5-29-2013 STM, approved 10-8-2013]**

F. Registration procedure.

- (1) The administrator will provide a registration form which states the terms of use of alarm devices in Belmont. A person wishing to use an alarm device is required to agree to these terms. The registration form will include the user's name, the name of the user's alarm contractor, if any, and any reasonable information required by the administrator. Alarm devices in use on the effective date of this bylaw must be registered within 60 days of that date. New alarm devices must be registered before use. Alarm devices must be registered each year by June 5 for the year beginning the following July 1. The administrator will provide registrants evidence of proper registration.
- (2) It shall be the responsibility of each alarm user to notify the administrator in writing of changes in registration information.¹³

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

H. Automatic dial alarm; interconnection to Town of Belmont's Public Safety Communications Center.

- (1) No automatic dial alarm may be installed without the prior approval of the administrator. **[Amended 5-29-2013 STM, approved 10-8-2013]**
- (2) Within six months after the effective date of this bylaw, all automatic dial alarms presently in use shall be reprogrammed to dial a designated number within the Town of Belmont's Public Safety Communications Center. The automatic dial alarm shall be regulated so as not to repeat the message more than two times. Service for having automatic dial alarms reprogrammed and regulated shall be at the user's expense.

I. Exterior audible devices.

- (1) Unless required by law, no alarm device which produces an exterior audible signal shall be

13. Editor's Note: Original § 24.6.3, which immediately followed this subsection and provided registration fees, was repealed 5-29-2013 STM, approved 10-8-2013.

installed unless its operation is automatically restricted to a maximum of 20 minutes. Any alarm device in use as of the effective date of this bylaw must comply with this subsection within 180 days of such date.

- (2) Where an audible alarm continues beyond the maximum period or its activation is triggered repeatedly within a short time, the officer in charge of the Police Department may order the audible alarm to be silenced if it causes a disturbance of the peace unless the alarm user can correct the problem immediately. Reasonable efforts shall be made to notify the alarm user before taking this action.
- J. Discontinuing alarm response. Where false alarm activations occur repeatedly at an address in the course of a day, the officer in charge of the Fire Department, for fire alarms, or the officer in charge of the Police Department, for other alarms, may order that police or fire response to the location in response to alarm activations be discontinued temporarily. When responses to alarm activations are discontinued, the police or fire officer in charge giving the order shall make reasonable efforts to inform the alarm user of this action so the alarm user may take corrective measures immediately.
- K. Reporting of false alarms. The Police Department and Fire Department shall determine false alarms and report false alarms to the administrator.
- L. Alarm charges.
- (1) When the administrator receives notice that the Police Department or Fire Department has responded to a false alarm, the administrator shall impose a charge on the responsible alarm user according to the following schedule:
 - (a) For the first false alarm within the Town's fiscal year: no charge;
 - (b) For the second such alarm: \$10;
 - (c) For the third such alarm: \$25; and
 - (d) For the fourth and subsequent such alarms: \$50.
 - (2) In addition to the provisions of Subsection L(1), there shall be no charge for the first false alarm occurring within one month after installation of an alarm device, and such false alarms shall not be considered in determining charges in accordance with the schedule set forth in Subsection L(1).
 - (3) Where the administrator determines that the Police Department or Fire Department has responded to an unregistered alarm, the administrator shall impose a charge of \$25 on the alarm user in addition to any false alarm charges that may be appropriate.
- M. Notification and appeal.
- (1) False alarm charges.
 - (a) The administrator shall notify the responsible alarm user of any false alarm charge by mail. Within 30 days after mailing of such notice, the alarm user may file with the administrator information to show that the alarm was not a false alarm within the meaning of this bylaw;
 - (b) The administrator shall consider such information, reaffirm or rescind the false alarm charge, and notify the alarm user of his decision by mail. Within 30 days after the mailing of such notice, the alarm user may file with the Alarm Appeal Board an appeal in writing;

and

- (c) In addition, for good cause shown, the administrator may reduce to one charge multiple charges that are due because of alarm activations occurring during a twenty-four-hour period.
 - (2) Appeal to the Alarm Appeal Board. Upon receipt of a timely appeal from a false alarm charge, the Alarm Appeal Board shall hold a hearing to consider it and shall mail notice of the time and place of said hearing to the alarm user taking the appeal at his last known address at least 15 days before the hearing. On the basis of information provided by the alarm user and other information introduced at the hearing, the Board shall affirm the charge if it finds that the charge was properly imposed or rescind the charge if the charge was not properly imposed.
 - (3) Notice to include instructions. Each notice of a false alarm charge or the reaffirmation of such a charge by the administrator shall refer to and provide instruction concerning the alarm user's right to further recourse by filing information with the administrator or an appeal with the Alarm Appeal Board, as the case may be.¹⁴
- N. Charges and fees paid into general fund. Charges for false alarms, registration fees and appeal fees will be collected by the administrator and deposited in the general fund.
- O. Town assumes no responsibility for alarm devices. Notwithstanding the provisions of this bylaw, the Town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm device or of the alarm monitoring facilities at the Town of Belmont's Public Safety Communications Center. No liability whatsoever is assumed for the failure of such alarm devices or monitoring facilities, or for failure to respond to alarms or for any other act or omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents and employees from liability in connection with the alarm user's alarm device.
- P. Penalty for certain violations. Any person who performs or causes to be performed any one of the following acts shall be subject to a fine of \$100 for each such act: **[Amended 5-29-2013 STM, approved 10-8-2013]**
- (1) Intentional causing of a false alarm;
 - (2) Failure to register an alarm device or give notice of changes in registration information as required by this section; each day of such failure shall constitute a separate violation;
 - (3) Use of automatic dial alarm or an exterior audible alarm device in violation of the provisions of this bylaw; each day of such use shall constitute a separate violation; and
 - (4) Failure to pay a charge levied by the administrator acting under Subsection L within 30 days after the mailing of a notice of charge unless reconsideration is sought pursuant to Subsection M(1)(a); if reconsideration is denied, failure to pay such charge within 30 days of the administrator's decision on reconsideration unless an appeal is sought pursuant to Subsection M(1)(b); and if an appeal is denied, failure to pay such charge within 15 days of the Alarm Appeal Board's mailing of its decision affirming the charge.
- Q. Enforcement of this bylaw.

14. Editor's Note: Original § 24.14, Appeal fees, which immediately followed this subsection, was repealed 5-29-2013 STM, approved 10-8-2013.

- (1) The Town, at the election of the administrator, may institute civil or criminal proceedings to enforce the provision of this bylaw.
 - (2) The administrator may order that response to alarm activations at a location be discontinued when an alarm user fails after notice to register an alarm device and fails to appear in response to criminal or civil action taken against the alarm user; an alarm user fails to pay a charge or charges due and fails to appear in response to civil or criminal action taken against the alarm user; or the alarm user repeatedly fails, after notice from the alarm administrator, to correct defects in the alarm device or mistakes made in the use of an alarm device and the administrator determines that the purpose of this bylaw as set forth in Subsection A will be best served by discontinuing response.
 - (3) The administrator may order that a master box be disconnected from the Town's municipal wires or removed from receiving equipment when an alarm user fails after notice to register an alarm device and fails to appear in response to criminal or civil action taken against the alarm user; an alarm user fails to pay a charge or charges due and fails to appear in response to civil or criminal action taken against the alarm user; the alarm user repeatedly fails, after notice from the alarm administrator, to correct defects in the alarm device or mistakes made in the use of an alarm device; or where the alarm user's master box or equipment causes interference with other users and the administrator determines that the purpose of this bylaw as set forth in Subsection A will be best served by disconnecting the master box.
 - (4) The administrator shall take reasonable steps to inform the alarm user in advance that responses will be discontinued or the master box will be disconnected and the actions that the alarm user must take in order to prevent alarm response from being discontinued or the master box from being disconnected. **[Amended 5-29-2013 STM, approved 10-8-2013]**
- R. Exceptions. The provisions of this bylaw shall not apply to alarm devices on premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle or trailer.
- S. Severability. The invalidity of any part or parts of this bylaw shall not affect the validity of the remaining parts.

§ 60-305. Emergency personnel communication facilitation. [Amended 4-26-2010 ATM, approved 9-30-2010]

The Select Board may promulgate regulations relative to the construction or substantial renovation of buildings to facilitate the operation of communications equipment by emergency personnel. Single-family and two-family residences shall not be subject to these regulations.

§ 60-310. Specialized Energy Code. [Added 4-25-2011 ATM, approved 6-22-2011; amended 5-29-2013 STM, approved 10-8-2013; 11-6-2023STM, approved 3-4-2024]

- A. Purpose. The purpose of the Specialized Energy Code is to provide a more energy-efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline Massachusetts Energy Code, applicable to the relevant sections of the State Building Code for new construction.
- B. Applicability. This § 60-310 applies to residential and commercial buildings.
- C. Specialized Energy Code. The Specialized Energy Code codified by the entirety of 225 CMR 22.00 and 23.00 including Appendices RC and CC, and including any future editions, amendments, or modifications, is herein incorporated by reference into this § 60-310.

- D. Enforcement. The Specialized Energy Code is enforceable by the Inspector of Buildings. This section § 60-310 shall be effective January 1, 2025.

§ 60-315. Violations and penalties. [Amended 11-8-2010 ATM, approved 2-10-2011]

In addition to the provisions for enforcement described above, the provisions of § 60-305 of this article and any regulations promulgated thereunder may also be enforced by noncriminal disposition as provided in MGL c. 40, § 21D ("§ 21D"). The penalty for such violation shall be \$300 for each offense. Each day or part thereof shall constitute a separate offense.

- A. "Enforcing person" as used in this section shall mean any police officer of the Town, the Director of Public Works and any other Town employee designated by the Select Board as an enforcing person.
- B. An enforcing person taking cognizance of a violation of § 60-305 or any rule or regulation adopted thereunder shall give the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provisions of § 21D. The provisions of § 21D are incorporated herein by this reference.

§ 60-320. Demolition delay. [Added 11-4-2013 STM, approved 1-30-2014; amended 5-2-2016 ATM, approved 7-21-2016; 5-1-2017 ATM, approved 9-20-2017; 5-2-2022 ATM, approved 9-26-2022]

- A. Intent and purpose. This section is adopted for the purpose of preserving and protecting significant buildings within the Town of Belmont that constitute or reflect distinctive features of the architectural, cultural, economic, political, or social history of the Town; and to limit the detrimental effect of demolition on the character of the Town. Through this section, owners of preferably preserved buildings are encouraged to seek out and consider alternative options that will preserve, rehabilitate or restore such buildings; and residents of the Town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, this section promotes the public welfare by making the Town a more attractive and desirable place in which to live and work. To achieve these purposes, the Belmont Historic District Commission is authorized to advise the Inspector of Buildings with respect to demolition permit applications.

- B. Definitions. For the purposes of this section, the following terms shall have the following definitions:

APPLICANT — Any person or entity that files an application for a demolition permit.

APPLICATION — An application for a demolition permit.

BUILDING — A roofed structure enclosing useful space.

COMMISSION — The Belmont Historic District Commission.

DEMOLISH — To engage in demolition of a building.

DEMOLITION — The removal or dismantling of a building in whole or substantial part, with or without the intent to replace the construction so affected.

DEMOLITION PERMIT — The permit required by the Inspector of Buildings for demolition of a building.

INSPECTOR OF BUILDINGS — The person authorized by law to issue demolition permits within the Town of Belmont.

LIST — A list of buildings, entitled Belmont's Significant Historic Buildings Subject to Demolition Delay Bylaw, prepared by the Commission and filed with the Town Clerk, on March 30, 2017, modified and filed with the Town Clerk on April 3, 2018, subject to deletions pursuant to Subsection

C(3).[Amended 5-2-2022 ATM, approved 9-26-2022]

PREFERABLY PRESERVED BUILDING — Any significant building that the Commission determines, following a public hearing, should be preserved or rehabilitated rather than demolished.

SIGNIFICANT BUILDING — A building that is listed on the list.

STRUCTURE — Anything constructed or erected, the use of which requires fixed location on the ground.

C. The list of buildings.

- (1) Additional buildings shall not be added to the list.
- (2) Buildings that are located within the McLean Hospital National Historic District, the Common Street Historic District, the Pleasant Street Historic District and the Richardson Farm Historic District, as well as the Belmont Center Fire Station and Waverley Square Fire Station and all municipal buildings shall be ineligible for inclusion on the list.
- (3) The demolition of a significant building following the issuance of a demolition permit shall automatically result in the removal of such building from the list. Demolition permits issued for significant buildings shall expire six months after their issuance, and a significant building that is not demolished within such period shall remain on the list, and shall be subject to the review procedure set forth in Subsection E.

D. Exclusions. Subsection E shall not apply to:

- (1) The removal of a building to another site within the Town of Belmont;
- (2) Routine maintenance of a building;
- (3) Interior renovations of a building;
- (4) Removal, replacement, renovation, or construction of a building's porches, entryways, entry platforms and accompanying roofs, decks, dormers, or other architectural elements;
- (5) Removal or replacement of a building's roofing materials, siding, railings, or windows; or
- (6) Removal or destruction of a substantial addition to a significant building that, in the determination of the Commission, does not contribute to the historic character of the building.

E. Review procedure.

- (1) No demolition permit for a significant building shall be issued until the provisions of this subsection have been satisfied.
- (2) An applicant proposing to demolish a significant building shall file with the Inspector of Buildings an application containing the following information:
 - (a) The address of the building to be demolished;
 - (b) The owner's name, address, relevant contact information and telephone number;
 - (c) A description of the building; and
 - (d) Photographs of the building and of neighboring properties.

If the applicant is not the owner of the building, the application shall demonstrate the owner's assent to the filing of the application.

- (3) The Inspector of Buildings shall, within seven days of receipt of such application, forward a copy thereof to the Commission.
- (4) Within 35 days of receipt of a copy of the application from the Inspector of Buildings, the Commission shall hold a public hearing to determine if it is in the public interest for a significant building to be preserved or rehabilitated rather than demolished and, based on such determination, whether the significant building is a preferably preserved building. Public notice of the time, place and purpose of the hearing shall be posted in the same manner as meeting notices posted in Belmont under the Open Meeting Law, MGL c. 30A, § 20, for a period of not less than seven days prior to the hearing date. The Inspector of Buildings, the applicant and the owner of the significant building (if different from the applicant) shall be notified in writing of the meeting time and place no less than 14 days prior to the hearing date.
- (5) Within 10 days of the first date of such public hearing, the Commission shall provide written notification to the Inspector of Buildings and the applicant of its determination as to whether the significant building is a preferably preserved building. If agreed to in writing by the applicant, the determination of the Commission and notification to the Inspector of Buildings may be postponed to a specified date. If the Commission does not provide written notification to the Inspector of Buildings and the applicant of its determination in writing by such deadline, then the Inspector of Buildings may issue the demolition permit.
- (6) If the Commission determines that the significant building is not a preferably preserved building, the Commission shall so notify the Inspector of Buildings and applicant in writing. The Inspector of Buildings may then issue the demolition permit.
- (7) If the Commission determines that the significant building is a preferably preserved building, a demolition permit may thereafter be issued no sooner than 12 months after the date that the application was filed with the Inspector of Buildings, unless a shorter time is otherwise authorized by the Commission based on its finding that the intent and purpose of this section, as provided in Subsection A hereof, will be adequately served.

F. Responsibility of owners and applicants.

- (1) The owner of a significant building for which a demolition permit is being sought shall:
 - (a) Provide such information as is reasonably requested by the Commission in connection with its consideration of whether the significant building is a preferably preserved building;
 - (b) Allow exterior access to the property on which the significant building is located, as reasonably requested by the Commission; and
 - (c) Secure the significant building, if vacant, to the satisfaction of the Inspector of Buildings until a demolition permit is issued.
- (2) An applicant who has applied for a demolition permit for a preferably preserved building shall:
 - (a) Participate in the investigation of preservation options for the preferably preserved building; and

- (b) Reasonably cooperate with the Commission and any interested parties in seeking alternatives to the demolition of the preferably preserved building.
- (3) If the owner of a significant building fails to secure the building to the satisfaction of the Inspector of Buildings, the subsequent destruction of the building through any cause shall be considered a voluntary demolition in violation of this section if such destruction could have been prevented by the required security measures.

G. Emergency demolition.

- (1) Nothing in this section shall restrict the Inspector of Buildings from ordering the immediate demolition, in accordance with applicable law, of any building in the event of imminent danger to the safety of the public. In the event that the Inspector of Buildings is informed that a significant building is dangerous to life or limb, or otherwise may be subject to a removal order, the Commission shall be notified and, where practicable, the Commission or its designee shall be allowed to accompany the Inspector of Buildings during the inspection of the building.
- (2) As soon as practicable after the Inspector of Buildings has issued an emergency demolition order for a significant building, a copy of such order shall be provided to the Commission, together with copies of all documentation relevant thereto.

H. Administration, enforcement and remedies.

- (1) The Commission may adopt such rules and regulations as are necessary to administer the provisions of this section, but may not increase the length of the delay period stated herein.
- (2) In computing any period of time prescribed in this section, the day of the act, event, or default after which the designated period begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next business day.
- (3) The Commission and the Inspector of Buildings are each specifically authorized to institute any and all actions and proceedings, in law or equity, as either of them may deem necessary and appropriate to obtain compliance with the requirements of this section or to prevent a threatened violation thereof.
- (4) Any owner of a significant building that is demolished without first obtaining a demolition permit in accordance with the provisions of this section shall be subject to a penalty of \$300. Each day that such violation exists until a faithful restoration of the demolished significant building or other remediation or remediation plan has been approved by the Commission shall constitute a separate offense. The Inspector of Buildings may enforce this section by noncriminal disposition as provided in MGL c. 40, § 21D.
- (5) If a significant building is voluntarily demolished without first obtaining a demolition permit in accordance with the provisions of this section, no building permit authorizing construction on the lot on which the building was located or on any adjoining lot under common ownership therewith shall be issued for a period of two years from the date of the demolition, unless agreed to by the Commission.

§ 60-325. Stormwater management and erosion control. [Added 5-8-2013 ATM, approved 10-9-2013 (Art. 34 of the 1981 Bylaws); amended 5-29-2013 ATM, approved 10-8-2013; 5-4-2015 ATM, approved 8-2-2015; 5-2-2022 ATM, approved 9-26-2022]

A. Purposes. The purposes of this § 60-325 are:

- (1) To prevent pollutants from entering the Town of Belmont's Municipal Separate Storm Sewer System ("MS4");
- (2) To prohibit illicit connections and unauthorized discharges to the MS4 and to require the removal of all such illicit connections and unauthorized discharges;
- (3) To comply with state and federal statutes and regulations relating to stormwater discharges, including Total Maximum Daily Load requirements, and comply with the General Permit for Stormwater Discharges from Small Municipal Separate Stormwater Systems in Massachusetts, issued by the U.S. Environmental Protection Agency ("EPA") and the Massachusetts Department of Environmental Protection ("MS4 Permit");
- (4) To establish the legal authority to ensure compliance with the provisions of this bylaw through permitting, inspection, monitoring, and enforcement;
- (5) To control runoff and prevent soil erosion and sedimentation resulting from construction site stormwater runoff;
- (6) To promote infiltration and the recharge of groundwater;
- (7) To protect, maintain, and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to manage stormwater runoff; and
- (8) To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

B. Definitions. For the purposes of this § 60-325, the following definitions shall apply:

ALTERATION — Any activity that will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, without limitation, construction of new structures, earthmoving, paving, and modification of existing vegetation.**[Amended 4-29-2024, approved 9-26-2024]**

BEST MANAGEMENT PRACTICES (BMPs) — Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent or minimize increases in stormwater volumes and flows, reduce point-source and nonpoint-source pollution, and promote stormwater quality and protection of the environment.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.) as it may hereafter be amended.

CONSTRUCTION AND WASTE MATERIALS — Excess or discarded building or site materials that may adversely impact water quality, including without limitation concrete truck "washout," chemicals, litter, and sanitary waste at a construction site.

CONSTRUCTION SITE — Any site where activity is proposed or occurs that involves the alteration of more than 2,500 square feet of land.

DEPARTMENT — Town of Belmont Department of Public Works, or such other department, division, or administrative unit of the Town that the Select Board may designate from time to time to administer all or any portion of this § 60-325.**[Added 4-29-2024, approved 9-26-2024]**

HAZARDOUS MATERIAL — Any material that, 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. Hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious material, acid and alkali, and any substance defined as Toxic or Hazardous under M.G.L. c. 21C and c. 21E, or the regulations at 310 CMR 30.000 or 310 CMR 40.0000.

ILLCIT CONNECTION — A surface or subsurface drain or conveyance that allows an Illicit Discharge into the MS4, including any connection from an indoor drain, sinks, toilet, or laundry facility, regardless of whether the connection was previously allowed, permitted, or approved before the effective date of this § 60-325.

ILLCIT DISCHARGE — Any direct or indirect discharge to the MS4 or the Waters of the Commonwealth that is not composed entirely of stormwater, including, without limitation, any discharge of a pollutant, sewage, process wastewater, or wash water, except as exempted in Subsection E(3). The term does not include a discharge in compliance with an NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

IMPERVIOUS SURFACE — Any material or structure on, above or below the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces may include, without limitation: paved surfaces, parking lots, sidewalks, driveways, roof tops, and swimming pools.

LOW IMPACT DEVELOPMENT or LID — Site planning and design strategies that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and associated aquatic habitat. LID employs principles to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product, such as preserving and recreating natural landscape features and minimizing effective imperviousness. LID practices include without limitation bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

MS4 (MUNICIPAL SEPARATE STORM SEWER SYSTEM) — The system of conveyances, owned or operated by the Town of Belmont, that is 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, natural or man-made or altered drainage channel, swale, culvert, channel, catch basin, outfall, outlet, reservoir, or other drainage structure.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ("NPDES") STORMWATER DISCHARGE PERMIT — A permit issued by the EPA or jointly with the state that authorizes the discharge of stormwater containing pollutants into waters of the United States.

NEW DEVELOPMENT — Any Alteration creating any impervious cover that occurs on a lot or parcel that has not previously been developed.

NON-STORMWATER DISCHARGE — A discharge into the MS4 that is not composed entirely of stormwater.

NONPOINT SOURCE POLLUTION — Any water pollution having a source that is not a "point source."¹⁵

OPERATION AND MAINTENANCE PLAN — A plan setting the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

15. Editor's Note: The former definition of "OCD," which immediately followed this definition, was repealed 4-29-2024, approved 9-26-2024.

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

POINT SOURCE — Any discernible, confined and discrete conveyance, including, without limitation, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. The term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

POLLUTANT — Any element or characteristic 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 Belmont's MS4 or waters of the Commonwealth. Pollutants shall include, but are not limited to:

- (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, ordinances, accumulations and floatables;
- (5) Excess Pesticides, herbicides, and fertilizers;
- (6) Hazardous materials and wastes;
- (7) Sewage, fecal coliform and pathogens;
- (8) Dissolved and particulate metals;
- (9) Animal wastes;
- (10) Rock, sand, salt, silt, soils;
- (11) Construction wastes and residues; and
- (12) Noxious or offensive matter of any kind.

RECHARGE — The process by which groundwater is replenished by precipitation.

REDEVELOPMENT — Development, rehabilitation, expansion, demolition, construction, land alteration, or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites.

RUNOFF — The water from rain, snowmelt, or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into the MS4 or streams or other surface waters or land depressions.

SANITARY SEWER SYSTEM — A separate underground conveyance system specifically for transporting sanitary waste operated separately and independently from the MS4, to which storm, surface, and ground waters are not lawfully admitted.

STORMWATER — Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT — The use of structural or non-structural practices that are

designed to reduce and control stormwater runoff pollutant loads, discharge volumes or peak flow discharge rates. Stormwater Management includes the use of Low- Impact Development (LID) management practices.

STORMWATER MANAGEMENT AND EROSION CONTROL PERMIT — A permit issued by the Department, approving a system that is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff. **[Amended 4-29-2024, approved 9-26-2024]**

STORMWATER MANAGEMENT STANDARDS — The Stormwater Management Standards and accompanying Stormwater Handbook(s) issued by the Massachusetts Department of Environmental Protection or any successor agency, as such Standards and Handbooks may be hereafter superseded or amended.

SUBSTANTIAL DEMOLITION — The demolition of at least 50% of an existing principal structure, measured by the area of the footprint of the structure on the lot.

TOTAL MAXIMUM DAILY LOAD or TMDL — Section 303(d) of the Clean Water Act authorizes the EPA to assist states, territories, and authorized tribes in listing impaired waters and developing a Total Maximum Daily Load ("TMDL") for each of these waterbodies. A TMDL establishes the maximum amount of a pollutant that a waterbody can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL includes Waste Load Allocations for point source discharges, Load Allocations for nonpoint sources, and natural background and must include a margin of safety and account for seasonal variations.

VEGETATION — Trees, shrubs, bushes, and ground cover, including grass.

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.

C. Administration.

- (1) The Select Board shall adopt, and may periodically amend, rules and regulations relating to the requirements, procedures, administration, and enforcement of this § 60-325, after conducting a public hearing to receive comments on any proposed rules and regulations.
- (2) The Department shall be responsible for the day-to-day administration of this § 60-325 and shall be the Stormwater Management and Erosion Control Permit Granting Authority. **[Amended 4-29-2024, approved 9-26-2024]**
- (3) The Department shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges. **[Amended 4-29-2024, approved 9-26-2024]**

D. Permit process. **[Amended 4-29-2024, approved 9-26-2024]**

- (1) A completed application for a Stormwater Management and Erosion Control Permit shall be filed with the Department. A permit shall be obtained prior to the commencement of any work regulated by § 60-325.
- (2) Some permit applications may require the Department to secure the services of a Licensed Professional Engineer with expertise in stormwater management and erosion control to assist with the administration of § 60-325. These services shall be paid for by the Applicant prior to the issuance of the Stormwater Management and Erosion Control Permit.

- (3) The Department shall take final action on an application for a Stormwater Management and Erosion Control Permit within 30 days from the receipt of a complete application. The Department may approve the application; approve the application with conditions; or disapprove the application. Failure by the Department to take final action on an application within 30 days following the receipt of a complete application shall be deemed to be approval of the application, unless this timeframe is extended by mutual agreement of the Department and applicant.
- (4) The applicant, or an agent thereof, shall obtain the approval of the Department prior to any change or modification of an activity authorized in a Stormwater Management and Erosion Control Permit. The Department may approve the request if it determines that the change or modification is consistent with the Regulations promulgated pursuant to Subsection E of § 60-325, the Stormwater Management Standards and Best Management Practices. The Department has the right to amend the existing permit and require additional stormwater runoff and erosion control measures prior to approval of the change or modification.

E. Discharges to the Municipal Separate Storm Sewer System (MS4).

- (1) Applicability. This Subsection E shall apply to all direct or Indirect Discharges to the municipal storm drain system and to any activities that might obstruct the municipal storm drain system.
- (2) Prohibited activities.
 - (a) Illicit discharges. No person shall commence, allow, conduct, or continue any Illicit Discharge into the MS4 or into the Waters of the Commonwealth. Nothing in this § 60-325 shall be construed to exempt stormwater discharges from regulation under the National Pollutant Discharge Elimination System ("NPDES") stormwater program where applicable.
 - (b) Illicit connections. No person shall construct, use, allow, maintain, or continue any Illicit Connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.
 - (c) Obstruction of municipal storm drain system. No person shall obstruct or interfere with the normal flow of Stormwater into or out of the MS4 without prior written approval from the Department. **[Amended 4-29-2024, approved 9-26-2024]**
- (3) Regulated activities. No person shall connect a pipe or other appurtenance to the Town of Belmont Sanitary Sewer System or the MS4, or otherwise perform any modification, repair, rehabilitation, or replacement work on either system, without a Sanitary Sewer and Storm Drain Connection Permit.
- (4) Exemptions. The following Non-Stormwater Discharges are exempt from the requirements of Subsections D and E of this Section except if the Department determines, after notice and an opportunity for hearing, that the source is a significant contributor of a Pollutant to the MS4 or Waters of the United States: **[Amended 4-29-2024, approved 9-26-2024]**
 - (a) Water line flushing;
 - (b) Landscape irrigation;
 - (c) Diverted stream flows;

- (d) Rising ground waters,
 - (e) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005[20]);
 - (f) Uncontaminated pumped ground water;
 - (g) Discharges from potable water sources;
 - (h) Foundation drains;
 - (i) Air conditioning condensation;
 - (j) Irrigation water and springs;
 - (k) Water from basement, cellar, and crawl space pumps;
 - (l) Footing drains;
 - (m) Lawn watering;
 - (n) Car washing undertaken by individual residents at their homes;
 - (o) Flows from wetland resource areas;
 - (p) De-chlorinated swimming pool discharges;
 - (q) Street wash water and residential building wash waters, without detergents;
 - (r) Discharges or flows from firefighting activities;
 - (s) Dye testing, if written approval is given by the Department prior to the time of the test;
 - (t) Non-Stormwater Discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the U.S. Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
 - (u) Discharges necessary to protect public health, safety, welfare or the environment, for which advanced written approval is received from the Department.
- (5) Emergency Suspension of Storm Drain System Access. The Department may suspend MS4 access to any person or property without prior written notice when such suspension is determined to be necessary to prevent or terminate a threatened or actual discharge of Pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event that any person fails to comply with an emergency suspension order issued pursuant to this section, the Department may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare, or the environment. **[Amended 4-29-2024, approved 9-26-2024]**
- (6) Additional prohibited pollutants.
- (a) Pet waste. The Town of Belmont is subject to a Pathogen TMDL, and dog feces is a major component of stormwater pollution. In addition to the requirements of § 60-200, dog feces shall not be disposed in any public or private storm drain, catch basin, wetland, or water body or on any paved or impervious surface.

F. Stormwater management and erosion control.

- (1) Regulated activities. A Stormwater Management and Erosion Control Permit shall be required prior to undertaking any land disturbance that involves:
 - (a) An alteration that will result in land disturbances of 2,500 square feet of total area or more, or that is part of a common plan of development that will disturb 2,500 square feet or more;
 - (b) An alteration that will increase the amount of a lot's impervious surface area to more than 25% of the lot's total area; or
 - (c) Storage or permanent placement of more than 100 cubic yards of excavated material, fill, snow or ice.
- (2) Exempt activities. Alteration on lots with one, two, or three-dwelling units existing as of the effective date of the Article shall be exempt from Subsections D and F, except for Alteration on any such lot greater than one acre of land or associated with the Substantial Demolition of such dwelling unit(s) and Alteration on such lot thereafter. In addition, the following activities shall be exempt from Subsection F:
 - (a) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw;
 - (b) Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, or the use, expansion, or reconstruction of existing structures for the primary purpose of agriculture, horticulture, floriculture, or viticulture, to the extent protected under the Zoning Act, MGL c. 40A, § 3;
 - (c) Customary cemetery management;
 - (d) Stormwater discharges that are authorized by an Order of Conditions issued by the Conservation Commission that meet the requirements of the Massachusetts Stormwater Standards;
 - (e) Customary landscaping, gardening, and lawn care activities;
 - (f) Activities not expressly regulated by Subsection F(1);
 - (g) Normal maintenance of Town-owned public land, ways, public utilities, and appurtenances; and
 - (h) Emergency activities necessary to protect public health or safety.
- (3) General requirements. **[Amended 4-29-2024, approved 9-26-2024]**
 - (a) An Operation and Maintenance Plan shall be submitted to the Department for approval prior to the issuance of a Stormwater Management and Erosion Control Permit. The Operation and Maintenance Plan shall be designed to ensure compliance with the Stormwater Management and Erosion Control Permit, this Section, and the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, in all seasons and throughout the life of the system.
 - (b) As-built drawings shall be submitted to the Department at the completion of a project. The as-built drawings must depict all on-site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site.

- (c) The Department may require the applicant to contribute to the cost of design, construction, and maintenance of a public or shared stormwater facility in lieu of an on-site stormwater facility where the Department determines that there are not sufficient site conditions for on-site Best Management Practices that will satisfy the design criteria set forth in Subsection F(4) of this bylaw and the performance standards set forth in the regulations promulgated under this bylaw. Funds so contributed may be used to design, construct, and maintain stormwater projects that will improve the quality and quantity of surface waters in Belmont by treating and recharging stormwater from existing impervious surfaces that is now discharged to said waters with inadequate treatment or recharge. The amount of any required contribution to the fund shall be determined by the Department pursuant to standards established in the Regulations adopted pursuant to this Section.
- (4) Design criteria. Each New Development and each Redevelopment shall satisfy the following design criteria:
 - (a) Compliance with all applicable provisions of the Stormwater Management Standards, regardless of the proximity of the development to resource areas or their buffer zones, as defined by the Wetlands Protection Act, MGL c. 131, § 40, and its implementing regulations.
 - (b) Erosion and sediment controls must be implemented to prevent adverse impacts during disturbance and construction activities.
 - (c) There shall be no change to the existing conditions of abutting properties from any increase in peak flows or volumes of stormwater runoff or from erosion, silting, flooding, sedimentation or impacts to wetlands, ground water levels, or wells.
 - (d) When any proposed discharge may have an impact upon streams, wetlands, or storm sewers, the Department may require minimization or elimination of this impact based on site conditions and existing stormwater system capacity. **[Amended 4-29-2024, approved 9-26-2024]**
 - (e) Compliance with all applicable provisions of the MS4 Permit, including performance standards for New Development and Redevelopment.
- G. Severability. If any provision of this § 60-325 shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Section shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Subsection A.
- H. Enforcement. The Department shall enforce this bylaw, and any regulations, orders, violation notices, and enforcement orders made pursuant to this § 60-325, and may pursue all civil and criminal remedies for such violations. **[Amended 4-29-2024, approved 9-26-2024]**
 - (1) The Department may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include (but are not limited to) an order to:
 - (a) Eliminate illicit connections or discharges to the MS4;
 - (b) Perform monitoring, analyses, and reporting;
 - (c) Cease and desist unlawful discharges, practices, or operations; and

- (d) Remediate contamination in connection therewith.
- (2) If the Department 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 Department may, at its option, authorize such work, and the expenses thereof shall be charged to the violator in an amount not exceeding the penalty specified in Subsection H(5).
 - (3) If the Department performs the work described in Subsection H(2), the violator and the property owner shall be notified of the costs incurred by the Department, including administrative costs, within 30 days after completing all measures necessary for the abatement or remediation. Within 30 days of receipt of such notification, the violator or property owner may file with the Town Administrator a written protest objecting to the amount or basis of the costs incurred. Upon receipt of such a protest, the Town Administrator may adjust the amount of the costs to be charged to the violator pursuant to Subsection H(2).
 - (4) If a person violates the provisions of this bylaw, or any regulation, permit, notice, or order issued thereunder, the Department, with the approval of the Select Board, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.
 - (5) As an alternative to criminal remedies set forth in this Section, the Department may elect to utilize non-criminal disposition procedures set forth in MGL c. 40, § 21D. The penalty for the first violation shall be \$100. The penalty for the second violation shall be \$200. The penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
 - (6) To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this section and regulation, and may make or cause to be made such examinations, surveys, or sampling as the Department deems reasonably necessary.
 - (7) The remedies set forth in this Subsection H are not intended to be exclusive of any other remedies available under applicable federal, state, or local law.

ARTICLE 4

Door-to-Door Solicitation and Canvassing**[Adopted 4-25-2005 ATM, approved 6-8-2005 (Art. 30 of the 1981 Bylaws)]****§ 60-400. Purpose. [Amended 5-29-2013 STM, approved 10-8-2013]**

This article establishes registration requirements and specific operational requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Belmont in order to protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes and to allow for reasonable access to residents in their homes by persons or organizations who or which wish to communicate either commercial or noncommercial messages.

§ 60-405. Definitions. [Amended 5-29-2013 STM, approved 10-8-2013]

For the purpose of this bylaw, the following definitions shall apply:

CANVASSING — Includes any one or more of the following door-to-door activities:

- A. Person-to-person distribution of literature, periodicals, or other printed materials for commercial purposes, but shall not include placing or dropping off printed materials on the premises;
- B. Seeking to enlist membership in any organization for commercial purposes; and
- C. Seeking to present, in person, organizational information for commercial purposes.

CHARITABLE ORGANIZATION, PROFESSIONAL SOLICITOR and COMMERCIAL CO-VENTURER — Shall be defined as set forth in MGL c. 68, § 18.

REGISTERED SOLICITOR — Any person who has obtained a valid certificate of registration from the Town as required by this bylaw.

RESIDENCE — Includes every individual dwelling unit occupied for residential purposes by one or more persons.

SOLICITING — Includes any one or more of the following door-to-door activities:

- A. Selling or seeking to obtain orders for the purchase of goods or services, including advertising in any type of publication, for any kind of consideration whatsoever;
- B. Selling or seeking to obtain prospective customers for application for purchase of insurance of any kind;
- C. Selling or seeking to sell subscriptions to books, magazines, periodicals, newspapers or any other type of publication;
- D. Seeking to obtain gifts or contributions of money or any valuable thing for the support or benefit of any association, organization, corporation or project wholly or in part for commercial purposes or by a professional solicitor or commercial co-venturer for a charitable or other noncommercial organization; and
- E. Seeking to obtain information on the background, occupation, economic status, political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly or in part, for commercial purposes.

§ 60-410. Registration. [Amended 5-29-2013 STM, approved 10-8-2013]

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

A. Organization application forms shall include the following information:

- (1) The name and address of the organization applying for registration, and the names and addresses of the organization's principal officers. If the organization is a charitable organization, a certification that the most recent annual registration statement required to be filed with the Attorney General's Division of Public Charities has been so filed. If the organization is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon;
- (2) The name, title and phone number, IRS or social security (optional) number and valid driver's license or other government-issued photo identification of the persons filing the application form;
- (3) The name and address of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Belmont;
- (4) A list of the names, addresses, and dates of birth of all individuals who will be employed in solicitation or canvassing by the applicant;
- (5) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a ninety-day period);
- (6) Names of the last three communities (if any) in which the organization has conducted a solicitation or canvassing operation, complete with the date of issue and expiration date of any permit or registration issued by those communities; and
- (7) Insurance information and license, if applicable.

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

- (1) Name and address of the present place of residence and length of residence at that address; if less than three years' residence at present address, the address of residence(s) during the past three years;
- (2) Date of birth;
- (3) Name, address and telephone number of the person or organization which the applicant represents and the length of time the applicant has been associated with or employed by that person or organization. If the individual is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract, if any, with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will

be taken thereon;

- (4) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a ninety-day period);
- (5) Name of the last three communities (if any) in which the applicant has solicited or canvassed door to door, complete with the date of issue and expiration date of any permit or registration issued by those communities;
- (6) Valid driver's license or other government-issued photo identification; and
- (7) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

§ 60-415. Registration fee.

There shall be no application fee or charge for an individual registration card. Each organizational applicant for registration or reregistration shall pay to the Town an application fee of \$25.

§ 60-420. Registration cards.

- A. The Police Chief, after a review, but in no event more than seven business days after receipt of a fully completed application, shall furnish each person with a registration card which shall contain the following information:
 - (1) The name of the person;
 - (2) A recent photograph of the person;
 - (3) The name of the organization (if any) which the person represents;
 - (4) A statement that the individual has been registered with the Town of Belmont Police Department but that registration is not an endorsement of any individual or organization; and
 - (5) Specific dates or period of time covered by the registration.
- B. Persons engaged in solicitation or canvassing as defined in this bylaw must carry the registration card while soliciting or canvassing and present the card to any person solicited or upon the request of any police officer.
- C. Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days.
- D. The Police Chief shall routinely grant registrations without further inquiry but shall refuse registration to an organization or an individual whose registration has been revoked for violation of this bylaw within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, or larceny over \$250, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to register a person who is a sex offender required to register with the Sex Offender Registry Board and who is finally classified as Level 2 or Level 3 sex offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

§ 60-425. Exceptions.

- A. Registration shall not be required for officers or employees of the Town, county, state or federal government when on official business.
- B. Individual registration shall not be required for minors under the age of 17.
- C. Nothing in this bylaw shall be construed to impose any registration requirement or otherwise restrict or in any way regulate any activity for religious, political, newspaper distribution or public policy purposes or other noncommercial purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting or canvassing.

§ 60-430. Duties of persons going door to door.

- A. Upon going into any residential premises in the Town of Belmont, every solicitor, canvasser or other person must first examine any notice that may be posted prohibiting solicitation or other activities. If such a notice is posted, the solicitor, canvasser or other person shall immediately and peacefully depart from the premises.
- B. Any solicitor, canvasser or other person who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
- C. Immediately upon gaining entrance to any residence, each solicitor or canvasser as defined in this bylaw must do the following:
 - (1) Present his registration card for inspection by the occupant;
 - (2) Request that the occupant read the registration card; and
 - (3) Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization.

§ 60-435. Restrictions on methods of solicitation, canvassing or other door-to-door activities.

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

- A. Falsely represent, directly or by implication, that the solicitation, canvassing or other activity is being done on behalf of a governmental organization or on behalf of any municipal employee or elected official;
- B. Solicit, canvass or conduct any other activity at any residence where there is a posted sign prohibiting the same, without express prior permission of an occupant;
- C. Solicit, canvass or conduct any other activity at any residence without express prior permission of an occupant, before 9:00 a.m. or after 9:00 p.m., where there is no sign posted otherwise limiting solicitation or the hours of solicitation or such other activities; **[Added 10-24-2005 STM, approved 11-16-2005]**
- D. Utilize any form of endorsement from any department head currently employed or serving the Town of Belmont; and
- E. Solicit, canvass or conduct any other activity at any residence in an illegal fashion.

§ 60-440. Violations and penalties. [Amended 5-29-2013 STM, approved 10-8-2013]

- A. Any person or organization who or which shall violate any of the provisions of this bylaw or any applicable state or federal laws governing soliciting or canvassing, including but not limited to MGL c. 68, shall be subject to a fine of \$300 for each offense.
- B. Any person or organization who or which for himself, itself, or through its agents, servants or employees is found after investigation by a police officer to have violated any provision of § 60-430 or 60-435 of this bylaw, or any applicable state or federal laws governing soliciting or canvassing, including but not limited to MGL c. 68, or knowingly provided false information on the registration application shall have his, her or its registration revoked by the Police Chief by written notice delivered to the holder of the registration in person or sent to the holder by certified mail at the address set forth in the application.

§ 60-445. Appeals.

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

§ 60-450. Severability.

Invalidity of any individual provision of this bylaw shall not affect the validity of the bylaw as a whole.

ARTICLE 5

Flammable Fluids, Solids and Gases
[Adopted as Art. 22 of the 1981 Bylaws]**§ 60-500. License required.**

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

§ 60-505. Classification of flammable fluids.

Flammable fluids are classified in the following manner:

- A. Class A (highly flammable fluids): any flammable fluid having a flash point below 100° F., to be ascertained by any standard closed-cup instrument.
 - (1) Gasoline.
 - (2) Benzene.
 - (3) Methyl alcohol.
- B. Class B (less flammable fluids): any flammable fluid having a flash point of not less than 100° F. nor higher than 187° F., to be ascertained by any standard closed-cup instrument.
 - (1) Fuel oil.
 - (2) Diesel fuel.
 - (3) Kerosene.
 - (4) Naphtha, coal tar.
 - (5) Acetic acid.
- C. Class C (relatively safe flammable fluids): any flammable fluid having a flash point above 187° F., to be ascertained by any standard closed-cup instrument.
 - (1) Creosote.
 - (2) Pine oil.
 - (3) Phenol (carbolic acid).¹⁶

§ 60-510. Annual registration.

On or before April 30 of each year, each holder of a license shall file with the Town Clerk a certificate of registration setting forth the name and address of the holder of such license. The fee for such registration

16. Editor's Note: Original § 22.3, which immediately followed this section and provided a fee schedule, was repealed 5-29-2013 STM, approved 10-8-2013.

shall be 1/2 of the fee for such a license. Failure to register annually will be grounds for revocation of the license.

ARTICLE 6

Noise

[Adopted as Art. 23 of the 1981 Bylaws; amended 4-22-2002 ATM, approved 8-30-2002]

§ 60-600. Declaration of policy.

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

§ 60-605. Definitions. [Amended 5-29-2013 STM, approved 10-8-2013]

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

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

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

dBA — The A-weighted sound-pressure level expressed in decibels and referenced to 20 micropascals.

EMERGENCY VEHICLE — Any vehicle operated in an effort to protect, provide or restore public safety, including but not limited to ambulances, police vehicles and fire vehicles.

EMERGENCY WORK — Any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service.

ENFORCING PERSON — Any police officer of the Town or any other Town employee designated by the Select Board for this purpose. For complaints under § 60-620, "enforcing person" shall also include any authorized employee of the Office of Community Development.

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

INTRUDING NOISE — The total sound level created, caused, maintained by, or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.

Leq EQUIVALENT SOUND LEVEL — The level of a constant sound which, in a given situation and time period, would convey the same sound energy as does the actual time-varying sound during the same period, as measured with a sound-level meter measuring Leq.

PERSON — A person, firm, association, copartnership, joint venture, corporation or any entity recognized by applicable law, public or private in nature.

RESIDENTIAL PROPERTY — A parcel of real property which under the Belmont Zoning Bylaw is in whole or in part in a Single Residence A, Single Residence B, Single Residence C, Single Residence D, General Residence or Apartment House District or Senior Living or Residential Subdistrict.

SOUND LEVEL — The instantaneous A-weighted sound-pressure level, in decibels, as measured with a sound-level meter set to the "A" weighting scale, slow response.

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

§ 60-610. Designated noise zones.

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

- A. Noise Zone I: All residential properties and the grounds of any school, hospital or similar health care institution, house of worship or library while the same is in use, and any Cemetery or Open Space Subdistrict.
- B. Noise Zone II: All other properties.

§ 60-615. Exterior noise standards.

- A. It shall be unlawful for any person at any location within the area of the Town to create any loud noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person, which causes the sound level when measured on any other property to exceed the greater of:
 - (1) The maximum allowable exterior sound level outlined in Table I; or
 - (2) Five dB over the background sound level.

Table I, Maximum Allowable Exterior Sound Level

Noise Zone	Daytime Level 7:00 a.m. to 10:00 p.m.	Nighttime Level 10:00 p.m. to 7:00 a.m.
I	55 dBA	45 dBA
II	65 dBA	60 dBA

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

§ 60-620. Construction noise standards.

- A. Noise associated with construction is permitted between 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays provided the sound level from:
 - (1) Non-impact devices does not exceed 70 dBA as measured over a time interval of 10 minutes with a sound-level meter set to Leq located on any other property, but at least 50 feet from the construction activity; and

- (2) Impact devices does not exceed 90 dBA as measured with a sound-level meter set to slow response located on any other property, but at least 50 feet from the construction activity.
- B. Between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and Saturday, and at any time on Sunday or a legal holiday, noise associated with construction shall be limited by the standards of § 60-615.

§ 60-625. Maintenance noise standards.

- A. Noise associated with maintenance is permitted between 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays and between the hours of 9:00 a.m. and 8:00 p.m. on Sunday, provided the sound level does not exceed 80 dBA as measured with a sound-level meter set to slow response on any other property, but at least 50 feet from the maintenance activity.
- B. If it is not possible to make an accurate sound-level measurement at the specified distance of 50 feet, measurements made at an alternate distance can be used, if the level is recalculated for an equivalent expected sound level at 50 feet. Calculations shall be made in accordance with established engineering practices for noise measurement and assessment, including those established or recommended by the United States Environmental Protection Agency (USEPA).
- C. Between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and Saturday, and between the hours of 8:00 p.m. and 9:00 a.m. on Sunday or a legal holiday, noise associated with maintenance shall be limited by the standards of § 60-615.

§ 60-630. Exemptions.

Noise associated with the following activities shall be exempted from the provisions of this bylaw:

- A. Emergency work or emergency vehicles;
- B. The operation of any vehicular alarm, provided it terminates within 15 minutes of the initially recorded complaint;
- C. Activities, other than construction, conducted in public parks and playgrounds, and on public or private school grounds so long as authorized by the appropriate jurisdiction, including but not limited to school athletic and school entertainment events;
- D. Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events, provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events;
- E. Snow removal performed by snowblowers, snow throwers or snowplows when appropriately outfitted with a muffler; and
- F. Any activity to the extent regulation thereof has been preempted by state or federal law.

§ 60-635. Prima facie violation.

Any measured noise exceeding the sound-level standards as specified in §§ 60-615, 60-620 and 60-625 shall be deemed to be prima facie evidence of a violation of the provisions of this bylaw.

§ 60-640. Violations and penalties.

- A. Violations under this article, in the discretion of the enforcing person, may be enforced by

noncriminal disposition as provided in MGL c. 40, § 21D ("§ 21D").

- B. The penalty for a violation under § 60-615 or 60-625 shall be \$25 for a first offense next after the first warning, \$100 for a second offense, \$200 for a third offense, and \$300 per offense, without limit, for each succeeding offense. Each day or part thereof shall constitute a separate offense.
- C. The penalty for a violation under § 60-620 shall be \$50 for a first offense next after the first warning, \$100 for a second offense, and \$300 for a third offense and each succeeding offense. Each day or part thereof shall constitute a separate offense. Additionally under § 60-620, at the discretion of the enforcing person, all construction activities may be suspended following initial warning until the violation is cleared to the reasonable satisfaction of the enforcing person.
- D. An enforcing person taking cognizance of a violation of this article or any rule or regulation adopted hereunder shall give the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provision of § 21D. The provisions of § 21D are incorporated by this reference.

§ 60-645. Manner of enforcement.

- A. Violations of this article shall be prosecuted in the same manner as other violations of the Belmont General Bylaws; provided, however, that in the event of an initial violation of the provision of this article, a written notice shall be given the alleged violator which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken in the event the cause of the violation has been removed or fully corrected within the time period specified in the written notice.
- B. In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his last known address or at the place where the violation occurred, in which event the specified time period for abating the violation shall commence at the date of the day following the mailing of such notice. Subsequent violations shall result in the immediate filing of a complaint. **[Amended 5-29-2013 STM, approved 10-8-2013]**

§ 60-650. Severability.

- A. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision hereof.
- B. Nothing in the bylaw shall preclude the Select Board and Planning Board from establishing a construction plan for a particular large-scale development that is more stringent than the existing bylaw.

ARTICLE 7

Recycling Program**[Adopted 4-24-1991 ATM, approved 7-3-1991 (Art. 26 of the 1981 Bylaws)]****§ 60-700. Program established.**

There is hereby established a recycling program for certain solid waste pursuant to MGL c. 40, § 8H.

§ 60-705. Purposes.

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

§ 60-710. Definition.

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

§ 60-715. Separation of recyclables for collection.

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

§ 60-720. Failure to comply.

The Town or a solid waste collector authorized by the Select Board may refuse to collect the solid waste of any person who fails to comply with § 60-715. In such case, such person shall remove such solid waste from curbside no later than 8:00 a.m. on the day following such refusal. Any person who fails so to remove such solid waste shall be subject to a fine not exceeding \$50 for each offense. Each day or part thereof any violation continues shall constitute a separate offense.

§ 60-725. Removal of recyclables placed at curbside.

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

§ 60-730. Rules and regulations.

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

§ 60-735. Enforcement.

The noncriminal disposition of violations of this article or any rule or regulation of the Select Board adopted hereunder is hereby authorized in accordance with the provisions of MGL c. 40, § 21D ("§ 21D").

- A. "Enforcing person" as used in this section shall mean any police officer of the Town, the Highway Superintendent, and any representative of the Highway Superintendent, and any other Town employee designated by the Select Board as an enforcing person.
- B. An enforcing person taking cognizance of a violation of this article or any rule or regulation of the Select Board adopted hereunder shall give the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with § 21D. The provisions of § 21D are incorporated herein by reference.

§ 60-740. Severability.

The invalidity of any parts of this bylaw shall not affect the validity of the remaining parts.

ARTICLE 8

Streets and Sidewalks

[Adopted as §§ 20.1 to 20.7, 20.12 and 20.15 and Arts. 21 and 27 of the 1981 Bylaws]

§ 60-800. Public ways, sidewalks and rights-of-way.

- A. No person, other than an authorized Town agent, shall place or throw or cause to be placed or thrown onto any public sidewalk, street, fire hydrant, or highway or upon any of the common lands of the Town any snow, dirt, gravel or foreign substance, including excrement or noxious or slippery liquids or material, or suffer the same to remain thereon after being notified by a police officer to remove the same. **[Amended 4-26-1999 ATM, approved 10-18-1999; 5-29-2013 STM, approved 10-8-2013]**
- B. Other than for official Town or conservation purposes, no person shall place or cause to be placed on any public sidewalk, street or highway, or upon any of the common lands of the Town, any refuse containers to be collected for disposal of refuse by the Town or any other collector of refuse and suffer the same to remain thereon for more than 24 hours prior to the time said containers are scheduled to be collected for disposal of refuse or for a period of time terminating at 8:00 a.m. on the day following the said collection. In connection with a project for construction, demolition or repair of any building or any other construction for which disposal of refuse cannot be effected in accordance with the preceding sentence, the owner of the property upon which such construction, demolition or repair is undertaken may apply to the Select Board or its designee for a written permit which the Board or its designee may in its discretion issue subject to such terms and conditions, including a bond, as may be deemed necessary and appropriate to protect the public safety. **[Amended 4-23-1984 ATM, approved 7-30-1985]**
- C. No person shall erect, set up or maintain any fence, portico, platform or doorstep extending into or on any public sidewalk or way.
- D. Obstructions. **[Amended 4-28-2008 ATM, approved 12-23-2008]**
- (1) No person shall permit a tree, branch thereof, hedge, bush or shrubbery growing on his/her land to extend over or overhang any street, sidewalk or highway so as to interfere with the free and full use of such street, sidewalk or highway.
 - (2) No person, other than an authorized agent of the Town, may place or cause to be placed or maintained any permanent or temporary structure or any natural or man-made materials (including, without limitation, the parking of vehicles of any type) on any public street, sidewalk or highway in such a manner as to obstruct or otherwise interfere with the free and full use of such public street, sidewalk or highway for the passage of vehicles or pedestrians, except upon written permit or authorization from the Select Board or its designee, which the Board or its designee may in its discretion issue subject to such terms and conditions, including a bond, as may be deemed necessary and appropriate to protect the public safety. **[Amended 5-1-2023ATM, approved 10-11-2023]**
 - (3) The Town will communicate at least annually to the residents of the Town the requirements of this § 60-800D, but failure to do so shall not affect its enforceability. In addition to other penalties applicable to violation of these bylaws, in the event the Town undertakes to remove any obstructions described in Subsection D(1) and (2), the Town may charge the landowner for the reasonable cost thereof. **[Amended 5-1-2023ATM, approved 10-11-2023]**
- E. Authorization required for certain activities. **[Amended 4-28-2008 ATM, approved 12-23-2008]**

- (1) No person, other than an authorized agent of the Town, shall break, dig up or construct any sidewalk; walk upon or otherwise alter lots or borders on cemetery grounds or areas of other municipal grounds upon which hedges, shrubs or flowers are grown; in any way damage or write, paint, print, inscribe, display signs or distribute written matter upon any Town property; or conduct any parade upon public ways, except upon written permit or authorization from the Select Board or its designee.
 - (2) No person, other than an authorized agent of the Town, shall break, remove, dig up, or install any pavement, ground, or curbing in or on any public street or highway for any purpose whatsoever, including but not limited to the creation or modification of a driveway curb cut, except upon written permit or authorization from the Select Board or its designee.
 - (3) Any written permits or authorization granted pursuant to Subsection E(1) and (2) above shall be in force for such time and subject to such conditions, including a bond, as the Select Board or its designee may specify and shall set forth any appropriate safety or security measures to be taken, the manner in which the permitted activity is to be performed or the condition of the affected municipal property upon completion of the authorized activity.
- F. No person shall throw stones, snowballs, sticks or other missiles, or kick a football or play at any game in which a ball is used, or fly kites or other objects, or shoot with or use an airgun, bow and arrow, slingshot, or other similar device in or across any public ways of the Town, except that the Select Board may authorize the use of a public way for recreational purposes in the same manner as is provided for an activity pursuant to Subsection E.
- G. No person, other than an authorized agent of the Town, shall excavate a trench in a public way or otherwise dig below the surface of a public way, and no person shall excavate a trench on any private land, for any purpose, without first obtaining a written permit from the Select Board or its designated agent, and then only in accordance with said Board's written regulations and with the applicable provisions of MGL c. 82, §§ 40 through 40D, and MGL c. 82A; provided, however, that in the case of an emergency excavation made by a person engaged in the transmission or distribution of a public utility, written permission may be obtained after commencement of such excavation, provided that the Select Board is satisfied that the perceived emergency was, in fact, a situation in which immediate action was necessary to maintain or restore an essential utility service to avoid imminent danger to the public health or safety. **[Added 4-28-2008 ATM, approved 12-23-2008]**
- (1) Definitions. For purposes of this bylaw, the words "excavation" and "emergency" shall have the same meanings as defined in MGL c. 82, § 40. The word "trench" shall have the same meaning as defined in MGL c. 82A, § 4. The word "person" shall include, without limitation, any individual or any entity such as a partnership, joint venture, trust, corporation, company, association, public utility, or governmental body or agency.
 - (2) Regulations. The Select Board may promulgate and, from time to time, amend rules and regulations for the excavation and restoration of public ways and for the excavation of trenches on private land. Such rules and regulations may include, but shall not be limited to, requirements for plans, insurance, notification of public utilities, traffic control, protection of adjoining properties, cleanup, backfilling, testing, scheduling, workmanship quality, bonds, and permit fees. Such rules and regulations may also designate a Town officer to act as the Board's agent in issuing permits hereunder.
- H. Any owner or owners of record and/or commercial tenant or tenants of commercial property within commercial areas annually designated by the Select Board shall be individually and jointly responsible for the removal and shall remove all snow and ice on any abutting public sidewalk in such

designated areas to the extent practicable down to the sidewalk's natural surface and otherwise level and evenly cover the same with sand, earth or ashes to prevent slipping. This responsibility shall be subject to the following terms and conditions: **[Amended 4-27-1987 ATM, approved 8-17-1987; 4-23-2001 ATM, approved 8-24-2001]**

- (1) The removal and treatment of ice and snow shall be accomplished within 12 hours after the same shall cease to fall or be formed on such sidewalks.
- (2) Snow and ice shall be removed from all portions of such sidewalks excluding no more than 1/2 of the width thereof nearest the curb or other lateral limit of the roadway.
- (3) Notice of such commercial areas designated by the Select Board shall be posted by November 1 of each year in the Town Hall and published for two successive weeks in a newspaper, printed in the Town or circulated therein as a local paper, in October prior to the posting thereof.
- (4) The Town may undertake to remove or treat such snow and ice in the event any such owner or owners and/or commercial tenant or tenants shall have refused or neglected to remove the same and, in addition to other penalties applicable to violation of these bylaws, such owner or owners and/or commercial tenant or tenants shall be liable to the Town for the cost and expense incurred by the Town for the removal or treatment thereof.
- (5) The Select Board, or their designee, may establish regulations and fix charges for the removal and treatment of snow and ice on public sidewalks within the designated commercial areas.
- (6) The Select Board, or their designee, may, on behalf of the Town, by prearrangement with any such record owner or owners and/or commercial tenant or tenants, agree and undertake to remove or treat snow and ice on such public sidewalks on a regular or annual basis upon terms and conditions which assure the prompt and timely reimbursement by the owner or owners and/or commercial tenant or tenants thereof to the Town of the charges thereby incurred.

I. Residential property snow removal. **[Added 11-4-2013 STM, approved 1-30-2014; amended 5-2-2016, approved 7-21-2016]**

- (1) Purpose. Since pedestrians are safer when walking on sidewalks than when walking in the streets used by vehicular traffic, the purpose of this subsection is to encourage owners of residential property to remove the snow, slush, and ice from abutting sidewalks so that sidewalks throughout the Town are safe for use during the winter season, and so that the Town's local services and amenities are reasonably accessible by pedestrians via sidewalks, especially by elderly persons, persons using wheelchairs, persons using carriages to transport children, and students walking to school.

- (2) Definitions. For the purposes of this subsection, the following terms shall have the following definitions:

OBLIGATED PERSON — The person responsible for compliance with this subsection pursuant to Subsection I(4).

SIDEWALK — A paved walkway (whether paved with brick, stone, cement, concrete, asphalt, or other impervious material) that is located within the right-of-way of a street that abuts residential property.

- (3) Obligations. Snow, slush, and ice shall be removed from the sidewalk, in accordance with the deadlines set forth in Subsection I(5), to a width of at least 36 inches or, if the sidewalk is narrower, for the full width of the sidewalk.

- (4) Obligated persons. The owner of record of a residential property abutting a right-of-way in which a sidewalk is located shall be obligated to comply with this subsection within that portion of the right-of-way to which the residential property abuts, unless the owner of record can demonstrate that this obligation has been duly delegated to a responsible person, identified by name and address, by a written agreement signed by the person so delegated or by an express reference to the obligation in a written lease.
- (5) Deadlines for removal and treatment.
 - (a) After the cessation of a weather event that has resulted in snow, slush, or ice on a sidewalk, the snow, slush, or ice shall be removed no later than 8:00 p.m. the following day, and the sidewalk shall be treated with melting compounds, sand, or other grit, as reasonably necessary to inhibit slipping. Regardless of this deadline, obligated persons are encouraged to remove snow, slush, and ice promptly from the full width of the sidewalk in order to minimize the ice formed on the sidewalk when snow or ice melts and refreezes, so that neighbors and others can use the sidewalks as soon as possible.
 - (b) Treatment of ice that forms on sidewalks shall be accomplished no later than 8:00 p.m. on the day after the ice has formed, but obligated persons are encouraged to treat the ice promptly so that neighbors and others can use the sidewalks as soon as possible.
 - (c) The deadlines set forth in this subsection shall be extended for obligated persons who are temporarily absent from the residential property for vacations, holidays, hospitalization, and unexpected absences; provided, however, that such obligated persons shall be required to complete their removal and treatment obligations by 8:00 p.m. on the day following the end of their temporary absence.
- (6) Rules and regulations. The Select Board shall adopt rules and regulations further implementing this subsection, including, without limitation, provisions and hearing procedures for exemptions from the requirements of this subsection for obligated persons who are physically unable to perform the obligations themselves and have a bona fide financial hardship; provided, however, that exemptions granted to such obligated persons shall be void if the obligated person causes portions of the residential property to be cleared of snow, slush, or ice for vehicular access from the street.
- (7) Fines. Fines for violations of this subsection shall be on the following schedule: first offense: written warning; second offense: \$50; third and successive offenses: \$100 each, to a maximum of \$350 per winter season (October 1 to April 30). In situations where there is more than one obligated person, such fines may be assessed jointly or individually. No more than one fine may be assessed with respect to any single weather event requiring removal or treatment of snow, slush or ice.
- (8) Enforcement.
 - (a) A person who is an enforcing person as defined in Subsection J shall take appropriate action with respect to observed or reported violations of this subsection.
 - (b) An enforcing person taking cognizance of such a violation shall promptly send the alleged offender a noncriminal written citation thereof by hand delivery or mail, postage prepaid, addressed to the owner of record.
 - (c) An owner of record who receives a citation pursuant to this subsection shall have 20 days

thereafter to pay the applicable fine or to provide to the enforcing person a photocopy of the written agreement or lease used to delegate the obligation to comply with this subsection, in which case the owner of record shall not be responsible for paying any applicable fine, and the enforcing person may dismiss or modify the citation or reissue the citation to the obligated person as is deemed appropriate.

- (d) If a citation is not dismissed and the fine is not timely paid, the provisions of Subsection J, other than those establishing penalties, shall be applicable.
- (9) Not evidence. Except as required by applicable law, violations of this subsection shall not be admissible as evidence of negligence in any civil proceeding brought by an injured third party against an obligated person, tenant, or owner of record.
- J. In addition to the provisions for enforcement described above, the provisions of Subsections A, B, D(2), E(2), G, H and I of this section and any regulations promulgated thereunder may also be enforced by noncriminal disposition as provided in MGL c. 40, § 21D ("§ 21D"). The penalty for such violation shall be \$300 for each offense. Each day or part thereof shall constitute a separate offense. **[Amended 11-8-2010 ATM, approved 2-10-2011; 11-4-2013 STM]**
 - (1) "Enforcing person" as used in this subsection shall mean any police officer of the Town, the Director of Public Works and any other Town employee designated by the Select Board as an enforcing person.
 - (2) An enforcing person taking cognizance of a violation of Subsection A, B, D(2), E(2), G, H or I or any rule or regulation adopted hereunder shall give the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provisions of § 21D. The provisions of § 21D are incorporated herein by this reference.

§ 60-805. Vehicles and parking.

- A. The word "vehicle" as used in this section shall include every device used for motorized transportation or other mechanical means of transportation or travel on land, as allowed or permitted by the laws of the commonwealth. No person shall operate or cause to be operated any mechanical or motorized device on a public way or street which is not a vehicle within the meaning of this subsection. **[Amended 5-29-2013 STM, approved 10-8-2013]**
- B. No person shall allow any vehicle within his control to be parked or left unattended within the limits of the traveled part of a public or private way furnishing means of access for fire apparatus to any building except as permitted by the following rules and regulations:
 - (1) Vehicles will be parked on the right-hand side of the traveled part of the roadway in the direction in which the vehicle is headed with wheels on the right side of the vehicle within 12 inches of the curb or edge of the roadway;
 - (2) Double parking is prohibited;
 - (3) Parking within 10 feet of a hydrant or 20 feet of an intersection with another way is prohibited;
 - (4) No vehicle will be parked so that it obstructs any driveway;
 - (5) No vehicle will be parked so that it fails to leave a clear and unobstructed lane at least 10 feet wide on the remaining traveled portion of the roadway for passing vehicles;

- (6) No vehicle will be parked so that it interferes with the removal or plowing of snow or the removal of ice; and
 - (7) Parking for over one hour between the hours of 1:00 a.m. and 7:00 a.m. is prohibited.
- C. No person shall allow any motor vehicle within his control to be parked or left unattended between the hours of 8:00 a.m. and 6:00 p.m. on any day exclusive of Saturdays, Sundays and holidays in the Town Hall – Town Hall Annex Parking Area between Concord Avenue and Moore Street except the following:
- (1) Town employees; and
 - (2) Persons visiting the Town Hall, Town Hall Annex, Police Department or School Administration Building on official business up to a maximum time limit of one hour.
- D. No person shall permit a motor vehicle which is unregistered, disabled, dismantled or inoperative to remain ungaraged on his or her premises for more than 30 days unless such person is duly licensed under MGL c. 140, § 59, for the sale of motor vehicles, or unless the Select Board has granted a permit therefor. A permit granted hereunder shall be on such terms and conditions as the Select Board determine, provided that the Select Board shall hold a public hearing before granting a permit hereunder which allows a motor vehicle to remain ungaraged for more than 90 days or allows more than one motor vehicle to remain ungaraged on the same premises. Notice of a public hearing under this subsection shall be given in the manner provided in the first two paragraphs of MGL c. 40A, § 11. **[Added 4-24-1989 ATM, approved 7-24-1989]**
- E. Handicapped parking. **[Added 4-24-1995 ATM, approved 7-8-1995]**
- (1) Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by MGL c. 90, § 2, or for any vehicle transporting a handicapped person and displaying the special identification plate authorized by said § 2 or for any vehicle bearing the official identification of a handicapped person issued by any other state or any Canadian province, according to the following formula: **[Amended 5-29-2013 STM, approved 10-8-2013]**
 - If the number of parking spaces in any such area is more than 15 but not more than 25, 1 parking space; more than 25 but not more than 40, 5% of such spaces but not fewer than 2; more than 40 but not more than 100, 4% of such spaces but not fewer than 3; more than 100 but not more than 200, 3% of such spaces but not fewer than 4; more than 200 but not more than 500, 2% of such spaces but not fewer than 6.
 - (2) Parking spaces designated as reserved under the provisions of Subsection E(1) shall be identified by the use of above-grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be at least eight feet wide, not including the cross hatch access aisle as defined by the Architectural Access Board established in MGL c. 22,

§ 13A. The cross hatch access aisle abutting a handicapped parking space shall be considered part of the handicapped parking space to which it abuts to provide individuals who use wheelchairs or other mobility aids with sufficient space to enter and exit their vehicles. No person shall park in the cross hatched access aisle. **[Amended 5-29-2013 STM, approved 10-8-2013]**

- (3) No unauthorized vehicle may be left within parking spaces designated for use by disabled veterans or handicapped persons or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.
- (4) Violations of Subsection E(3) shall be punished by a fine of \$100; in addition thereto, any vehicle which is in violation may be removed in accordance with the provisions of MGL c. 266, § 120D. **[Amended 5-29-2013 STM, approved 10-8-2013]**

F. Snow emergency parking ban. **[Added 4-24-1995 ATM, approved 7-8-1995]**

- (1) No person shall allow any vehicle to remain in or within a street or way when a snow emergency parking ban has been declared by the Chair of the Select Board or, in the absence of the Chair, by a member of the Select Board.
- (2) A snow emergency parking ban may be declared by the Chair of the Select Board or, in the absence of the Chair, by a member of the Select Board whenever there are indications that the threat of substantial snow is imminent, whenever there has been a substantial snow and snow removal operations are underway or are about to commence, or whenever a substantial snow creates conditions that require a vehicular driving or parking ban throughout the Town. Upon the declaration of a snow emergency parking ban, notice thereof shall be given to the Town Clerk's office, the Police Department, the Fire Department and the Highway Department. Reasonable action shall also be taken to notify and warn the Inhabitants of the Town of the ban.

G. In addition to the provisions for enforcement described above, the provisions of this section may also be enforced by noncriminal disposition as provided in MGL c. 40, § 21D ("§ 21D"). The penalty for such violation shall be \$50 for each offense, except that the penalty for a violation of Subsection E(3) shall be \$100 for each offense. Each day or part thereof shall constitute a separate offense. **[Added 4-24-1995 ATM, approved 7-8-1995; amended 5-29-2013 STM, approved 10-8-2013]**

- (1) "Enforcing person" as used in this subsection shall mean any police officer of the Town and any other Town employee designated by the Select Board as an enforcing person.
- (2) An enforcing person taking cognizance of a violation of this section or any rule or regulation adopted hereunder shall give the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provisions of § 21D. The provisions of § 21D are incorporated herein by this reference.

§ 60-810. Newsracks. [Added 4-23-2001 ATM, approved 8-24-2001]

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

ADMINISTRATOR — The person in the Town who shall have the power and the duties granted

under this bylaw. The Director of Community Development or his/her designee shall be the administrator under the direction and control of the Select Board which is authorized to adopt regulations for the administration of this bylaw.

CROSSWALK CURB RETURN — The point at which the crosswalk pavement markings meet the sidewalk.

NEWSRACK — Any container, box, bin, vending machine, display, stand, rack or other device used for the purpose of dispensing printed matter with or without cost to the consumer.

PERSON — Any individual, corporation, society, association, partnership, organization or other entity circulating printed matter.

PRINTED MATTER — Any newspaper, directory, handbill, advertising matter, magazine, circular, flyer, book, pamphlet, catalogue or other publication.

PUBLIC WAY — The entire width between property lines of every street or highway that is open to the public for purposes of travel.

ROADWAY — That portion of a public way that is intended for the use of motor vehicles or bicycles.

SIDEWALK — That portion of a public way that is set aside for pedestrian travel.

C. Permit.

- (1) Any person who places a newsrack or causes a newsrack to be placed upon any sidewalk or public way in the Town or upon any other Town-owned property prior to August 24, 2001, and who wishes to maintain said newsrack on and after said date shall, within 60 days after said date, apply for a permit from the administrator in accordance with the provisions of this bylaw. **[Amended 5-29-2013 STM, approved 10-8-2013]**
- (2) On or after August 24, 2001, no person shall place a newsrack or cause a newsrack to be placed upon a sidewalk or public way in the Town or upon any other Town-owned property without first obtaining a permit from the administrator in accordance with the provisions of this bylaw. **[Amended 5-29-2013 STM, approved 10-8-2013]**
- (3) The administrator shall provide a permit application form which shall be completed by every person who places or maintains a newsrack upon a sidewalk or public way in the Town or upon any other Town-owned property. The form shall require the applicant to provide the following information:
 - (a) A description sufficient to show the precise address and location of each newsrack and whether or not it is attached to Town-owned property;
 - (b) The name, address and telephone number of the owner of each newsrack and the name, address and telephone number of a person responsible for the maintenance and operation of the newsrack who may be contacted; and
 - (c) A certification that the specified location and the newsrack comply with the provisions of this bylaw.
- (4) Each applicant for a permit or renewal of a permit shall prepare a single application form upon which all newsracks owned by that person and located upon a public way, sidewalk or other Town-owned property in the Town shall be listed.
- (5) Permits shall be valid for a period of one year from the date of issue and, upon application, may

be renewed by the administrator on an annual basis. Proof of permit shall be attached to the newsrack so it can be seen.

- (6) Each person granted a permit or renewal thereof under this bylaw shall thereafter give notice to the administrator of any change in the location of a newsrack or the installation of a newsrack in a location not previously listed on a permit by the submission of a quarterly amendment application to the administrator. Upon receipt by the administrator, the amendment application shall constitute an amendment to the permit, subject, however, to all other applicable provisions of this bylaw. The administrator shall specify on the permit the dates for receipt of such quarterly amendment applications, provided that they occur at intervals of not less than 90 days commencing on the date the permit was issued.
- (7) The Select Board is authorized to establish reasonable fees for original permit applications, annual renewal applications and amendment applications, provided that such fees do not exceed the actual cost of administering this bylaw. Newsracks owned by the Town of Belmont shall be exempt from fees. **[Amended 4-28-2003 ATM, approved 10-16-2003]**
- (8) Within 14 days after receipt of an application for a permit or renewal of a permit under this bylaw, the administrator shall either issue or renew the permit or deny the application by giving written notice and a statement of reasons to the applicant. A denial shall be based upon the failure of the applicant to satisfy requirements set forth in this bylaw.
- (9) If the administrator has not acted on a permit application within 14 days of receipt thereof, pursuant to Subsection C(8), the permit will be deemed issued or renewed, subject, however, to all other applicable provisions of this bylaw.
- (10) If the administrator denies an application, in whole or in part, the applicant may appeal the administrator's decision to the Select Board by giving written notice to the Board within 10 days after receipt of notice of the administrator's decision.
- (11) The Select Board shall hold a public hearing on the appeal no later than 30 days after receipt of said notice by the Board and shall, within 14 days after a public hearing, issue an order affirming, reversing or modifying the administrator's decision. If an order has not been issued by the Board within 14 days after the hearing, the administrator's decision shall be deemed affirmed.
- (12) During the pendency of an appeal, the newsrack(s) may remain in place subject to the removal provisions in Subsection E(4) and (5).

D. Location.

- (1) No person shall place, cause to be placed or maintain a newsrack on a sidewalk or public way in the Town or upon any other Town-owned property:
 - (a) Within five feet of a handicapped access ramp;
 - (b) Within or overhanging the roadway;
 - (c) Within six inches of a curb;
 - (d) Within five feet of the curb return of any marked crosswalk;
 - (e) Within 10 feet of any fire hydrant or fire hose connection;

- (f) Within three feet of any manhole, service gate, valve cover, sewer grate or other access panel or cover located in a public way or sidewalk;
 - (g) Within six feet of a driveway;
 - (h) Immediately adjacent to a designated loading zone, a handicapped parking space or a zone reserved for emergency vehicles;
 - (i) So as to reduce the width of a sidewalk to less than four feet for the passage of travelers unless the width of the sidewalk is otherwise reduced to less than four feet, as determined by the administrator, in which case the newsrack may be installed so as to avoid further reducing the width of the sidewalk;
 - (j) So as to impede egress from legally parked motor vehicles;
 - (k) So as to impede the operation of standard sidewalk snowplows in use by the Town of Belmont except where said sidewalk snowplows would be otherwise impeded, as determined by the administrator;
 - (l) Within four feet of the door of any building measured in a line perpendicular from the horizontal line made by the door when closed;
 - (m) So as to create an imminent danger of harm to persons or property as demonstrated by specific facts;
 - (n) Directly abutting a public flowerbed, memorial or sculpture;
 - (o) If it is attached to a Town-owned tree, traffic control signal device, or police or fire call box;
 - (p) Directly in front of and on the same side of the street as any parcel zoned solely for residential use as defined in the Town of Belmont Zoning Bylaw. This restriction shall not apply to parcels zoned for a mixed residential and business use;
 - (q) Within a public transportation shelter; and
 - (r) In a manner that violates any provision of state or federal law.
- (2) Newsracks may be secured to one another, provided that they are no more than six inches apart and provided that the newsracks are aligned in a row that is parallel to the nearest curbline. Individual newsracks shall be installed parallel to the nearest curbline. Newsracks may be clustered back to back to form two rows, provided that the rows are parallel to the nearest curbline and further provided that the newsracks otherwise comply with the provisions of this bylaw.
- (3) Newsracks may only be attached or secured to Town-owned property with the express permission of the administrator, and then only if the newsrack is otherwise in compliance with the provision of this bylaw.
- (4) Newsracks shall not exceed the following dimensional requirements: height, 4 1/2 feet from the ground; width, two feet; length, two feet. Newsracks shall be erected and maintained so that they do not constitute a hazard or safety problem for travelers and others using the sidewalks and public ways. They shall be maintained in good repair and clean and safe condition and shall be removed if their use is discontinued.

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

E. Enforcement.

- (1) No person shall place, cause to be placed or maintain a newsrack upon any sidewalk or public way in the Town or upon any other Town-owned property in violation of the provisions of this bylaw. In the event that a newsrack is determined to be in violation of any of the provisions of this bylaw, the administrator shall provide written and/or telephone notice to the owner or the owner's agent that the newsrack is in violation of this bylaw.
 - (a) Such notice shall state the substance of the violation and shall set a date for compliance which shall not be less than 10 business days after the date notice is given;
 - (b) If the administrator determines that the violation has not been corrected by the date for compliance, the administrator may initiate removal proceedings in accordance with the provisions of Subsection E(2) and may assess a fine in accordance with provisions of Subsection F; and **[Amended 5-29-2013 STM, approved 10-8-2013]**
 - (c) Notice in writing will be deemed to have been given if actually received by the owner or owner's agent or if mailed to the owner or owner's agent at the address indicated on the latest permit application form or latest amendment application form on file with the administrator, provided that, if notice is given by mail, the effective date of notice will be two business days after the date of mailing. If, notwithstanding this bylaw, no permit application shall have been filed with the administrator, then notice may be given by attaching the notice to the newsrack determined to be in violation of this bylaw in such manner as the administrator determines.
- (2) Except as provided in Subsection E(4) and (5), the administrator may remove and store at the owner's expense any newsrack that remains in violation for more than 30 days after the date for compliance specified in Subsection E(1), provided that the administrator shall give written notice of removal to the owner stating the date the newsrack was removed, the reasons for removal, the storage location, and the procedure for claiming the machine.
- (3) Except as provided in Subsection E(4) and (5), the owner of any newsrack may avoid removal of the newsrack by:
 - (a) Correcting the violation and so informing the administrator; or
 - (b) Making a written request for a hearing on the violation before the administrator prior to the date set for compliance, in which case the newsrack may remain in place pending the administrator's decision on the matter. Said hearing shall be held no later than 10 days after receipt of a written request for a hearing and a decision shall be rendered within 10 days thereafter.
- (4) Notwithstanding any other provisions of this bylaw, if the administrator or a public safety official determines that a newsrack constitutes an imminent danger of harm to persons or property, the administrator or a public safety official may remove the newsrack, provided that the owner of the newsrack shall be notified of such removal and provided that the newsrack shall be stored for a reasonable period of time so that the owner can retrieve it.

- (5) If maintenance, repair, or construction of a public way, sidewalk or public or private property in or adjacent to the public way cannot be accomplished without the removal of a newsrack, the administrator shall give written and/or telephone notice to the newsrack's owner ordering removal of the newsrack, provided that said notice shall specify the reason for the removal and the date for compliance, which shall not be less than 10 days after the date of notice. If the administrator determines that delay would cause an unreasonable risk of harm to persons or property or would cause a delay in the maintenance, repair or construction work, the administrator may remove the newsrack, provided that the owner of the newsrack shall be notified of the removal, that the newsrack shall be stored for a reasonable period of time so that the owner can retrieve it, and further provided that the owner may replace the newsrack when said maintenance, repair or construction is completed.
- (6) The administrator, with the approval of the Select Board, is authorized to establish fees for the removal and storage of newsracks that are removed at the direction of the administrator or public safety officials in accordance with provisions of this bylaw, provided that said fees do not exceed the actual cost of removal and storage.
- (7) If a newsrack remains unclaimed for more than 60 days after notice of removal is sent to the owner or for more than 60 days after the newsrack is removed if the owner is unknown, then possession of the newsrack shall be transferred to the Police Department and the newsrack shall be disposed of as unclaimed property in accordance with applicable law.

F. Violations and penalties.

- (1) In the event that a newsrack is not in compliance with any of the provisions of this bylaw as of the date set for compliance under Subsection E(1) of this bylaw, then the owner of such newsrack shall be subject to a fine of \$25 per day for each day of noncompliance until the date the violations are corrected or the newsrack is removed.
- (2) The noncriminal disposition of violations of this section or any rule or regulation of the Select Board adopted hereunder is hereby authorized in accordance with the provisions of MGL c. 40, § 21D ("§ 21D"). **[Amended 5-29-2013 STM, approved 10-8-2013]**
- (3) "Enforcing person" as used in this section shall mean any police officer of the Town, the administrator and any representative or designee of the administrator and any other Town employee designated by the Select Board as an enforcing person. **[Amended 5-29-2013 STM, approved 10-8-2013]**
- (4) An enforcing person taking cognizance of a violation of this section or any rule or regulation of the Select Board adopted hereunder shall give the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with § 21D. The provisions of § 21D are incorporated herein by reference. **[Amended 5-29-2013 STM, approved 10-8-2013]**

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

ARTICLE 9

Licenses, Permits and Registrations**[Adopted as §§ 4.9.1 to 4.9.6 of the 1981 Bylaws]****§ 60-900. Business licenses issued by Select Board. [Amended 4-28-1986 ATM, approved 7-23-1986]**

- A. The Select Board shall make such rules, orders, and regulations for the licensing and operation of hackney carriages, taxicabs and vehicles for hire operated within the Town of Belmont and relative to the licensing of the operators thereof, including the imposition of penalties for violations thereof, as the Select Board deem necessary and advisable from time to time. Such rules, orders and regulations shall be printed in a form made available to applicants for such licenses. Notice thereof and of changes therein shall be duly published in a newspaper, all as prescribed by MGL c. 40, § 22.
- B. The Select Board may license suitable persons to set up and use job and express wagons for the transportation for hire of goods, wares, furniture or rubbish within the Town. No person shall engage in the business of transporting for hire goods, wares, furniture or rubbish without obtaining a license or licenses therefor.
- C. The Select Board may from time to time grant licenses to suitable persons to be hawkers of fruit and vegetables within the Town.
- D. The Select Board may license suitable persons as junk collectors to collect, by purchase or otherwise, junk, old metals and secondhand articles from place to place in the Town, and no person shall engage in the business of collecting such without a license.
- E. The Select Board may license suitable persons to be dealers in and keepers of shops for the purchase, sale and barter of junk, old metal and secondhand articles, and no person shall be a dealer in or keeper of such a shop without such a license.
- F. No place of business for the retail sale of food, goods or services shall be open for the transaction of business between the hours of 11:00 p.m. and 6:00 a.m. without a license from the Select Board. This subsection shall not apply to a professional office (e.g., a physician, dentist or attorney at law) or to an undertaking establishment.
 - (1) Any license granted pursuant to this subsection shall expire on June 30 of each year and may be revoked or suspended at any time by the Select Board for any violation of any rules, orders, or regulations adopted hereunder by the Select Board.
 - (2) Any person violating any provision of this subsection or any rule, order, or regulation adopted under Subsection F(1) shall be punished by a fine of \$200 for each offense. **[Amended 5-29-2013 STM, approved 10-8-2013]**

§ 60-905. Criminal history checks for certain licenses, permits and registrations. [Added 5-6-2013 ATM, approved 10-9-2013 (Art. 36 of the 1981 Bylaws)]

- A. Purpose. Certain occupations for which the Town has the authority to issue licenses, permits, or registrations carry with them an unusual risk of criminal abuse of members of the public. This section is adopted pursuant to MGL c. 6, § 172B 1/2, to provide for a criminal history check for persons seeking to receive from the Town licenses or permits to pursue these occupations.
- B. Definitions. As used in this section, the following words or phrases shall have these meanings:
CRIMINAL HISTORY CHECK — The fingerprint-based criminal history check authorized by MGL

c. 6, § 172B 1/2, for the purpose of conducting a state and national criminal history records check pursuant to MGL c. 6, §§ 168 and 172, and 28 U.S.C. § 534 based upon a full set of fingerprints submitted by the applicant to the Police Department.

LICENSE — Any permission granted by a licensing authority to pursue an occupation, including a license, permit, or registration.

LICENSING AUTHORITY — The Town or any of its officers, departments, boards, committees, or other authorities which are authorized to issue licenses, permits, or registrations by the Massachusetts General Laws, the General Bylaws, or a local rule or regulation.

C. Occupations subject to a criminal history check.

- (1) Prior to being issued an original license and prior to being allowed to renew a license, a person who seeks to pursue one of the following occupations within the Town shall be required to submit to a criminal history check:
 - (a) Dealer in Secondhand Articles (§ 60-900E, issued by the Select Board).
 - (b) Registered Solicitor (Chapter 60, Article 4, issued by the Police Chief).
 - (c) Taxicab Driver (§ 60-900A, issued by the Select Board or its designee).
 - (d) Ice Cream Truck Vendor (MGL c. 270, § 25, issued by the Police Chief).
 - (e) Pawnbroker (MGL c. 140, § 70, issued by the Select Board).
- (2) The requirement of a criminal history check in this bylaw shall be in addition to any other qualification required by state law or the Town's bylaws or regulations.

D. Initial processing of criminal history check by Police Department.

- (1) The Police Chief shall by rule or regulation establish a criminal history check process and assign an officer or officers to provide this service for applicants.
- (2) A person who applies to the Town or one of its officers for a license to pursue one of the occupations listed in Subsection C(1) shall appear at the police station.
- (3) The applicant shall tender a nonrefundable fee for the criminal history check, which fee shall be in addition to any other fee required for the application for the license.
- (4) The applicant shall submit such personal information as may be required for the criminal history check and a full set of fingerprints.
- (5) Upon receipt of the fee established for this check and the set of fingerprints, the officer will transmit the applicant's fingerprints to the Massachusetts State Police Identification Unit through the Department of Criminal Justice Information Services (DCJIS). The State Police will compare the applicant's fingerprints against its criminal files and then transmit the fingerprints to the Federal Bureau of Investigation for comparison against records kept by the FBI. The FBI will transmit its results to the State Police which shall disseminate the Massachusetts and federal results to the Police Department.
- (6) The Town authorizes the Massachusetts State Police, DCJIS, and the FBI, and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including checking FBI records, consistent with this bylaw.

- (7) Information received from the Massachusetts State Police, DCJIS, and the FBI pursuant to a criminal history check will not be disseminated to unauthorized persons or entities.

E. Recommendation of fitness for issuance of license.

- (1) Upon receipt of the records, the officer shall make a preliminary determination as to whether the applicant will be recommended to the licensing authority as fit or unfit for issue of the license.
- (2) In determining whether to recommend the applicant as fit for the license, the officer shall consider whether any entry in the records constitutes an automatic disqualification from the occupation. The officer shall also consider how the following convictions or pending criminal cases bear specifically upon the applicant's fitness or ability to serve in the occupation for which he or she is seeking a license: (a) any felony, (b) any offense related to unlawful sexual conduct, (c) the distribution or possession with intent to distribute a controlled substance, (d) any misdemeanor involving as an element the use or threatened use of force, (e) any misdemeanor involving the unlawful taking or receipt of property, or attempts to do so, and (f) any other relevant crime. In addition, the officer conducting the check shall consider whether the person is registered as a sex offender. **[Amended 5-5-2014 ATM, approved 9-21-2014]**
- (3) Prior to transmitting the results and the criminal history record to the licensing authority, the officer shall communicate the preliminary recommendation to the applicant.
- (4) If the applicant wishes, the officer shall provide the applicant with a copy of the criminal history record.
- (5) If the officer's preliminary recommendation is that the applicant is unfit, the officer will:
 - (a) Indicate to the applicant which record or records appear to make the applicant unfit.
 - (b) Allow the applicant to challenge the accuracy of records and provide additional information.
 - (c) Provide the applicant with information regarding procedures for changing, correcting, or updating of a criminal record, which information will include the DCJIS guide and 28 CFR Part 16.34.
 - (d) Allow the applicant a reasonable time to dispute the accuracy of criminal record with the agencies responsible for creating or keeping the record.
- (6) The Police Department will transmit the recommendation as to the applicant's fitness and the result of the criminal history check only if the officer reasonably believes the record to be complete and accurate.

F. Licensing authority action.

- (1) The licensing authority shall use the results of the criminal history check and the Police Department's recommendation solely for the purpose of determining the applicant's fitness for a license.
- (2) If requested by the applicant, the licensing authority will afford the applicant with an opportunity to provide information in mitigation of his or her criminal record or to suspend the application process until the applicant has had the opportunity to correct or complete the criminal record.

- (3) The licensing authority will consider the information provided pursuant to this section and other information relevant to the applicant's fitness. **[Amended 5-5-2014 ATM, approved 9-21-2014]**
 - (4) The licensing authority is authorized to act upon information it receives pursuant to this bylaw to deny any application for a license, or to revoke or suspend any license, or to deny a renewal or transfers of a license.
 - (5) Neither the Police Department's recommendation as to fitness nor the information received from the Massachusetts State Police, DCJIS, and the FBI pursuant to a criminal history check will be disseminated to unauthorized persons or entities.
- G. Collection and disbursement of fee. The fee for the criminal history check is \$100. A portion of the fee collected from the applicant shall be deposited into the Firearms Fingerprint Identity Verification Trust fund as directed in MGL c. 6, § 172B 1/2. The remainder shall be retained by the Police Department for costs associated with the administration of the criminal history checks.
- H. Severability. If any provision of this section shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible, and the balance of the section shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Subsection A.

§ 60-910. Private sales. [Added 5-5-2014 ATM, approved 9-21-2014]

- A. Purpose. The purpose of this section is to continue to allow private citizens, civic groups and neighborhood groups to conduct private sale events known variously as garage sales, yard sales, tag sales, driveway sales, and moving sales (collectively referred to herein as "private sales"), so long as they are carried out in conformity with the Town's bylaws and are respectful of neighbors. Neighboring residents' willingness to tolerate these sales cheerfully can be expected only if they take place infrequently.
- B. Application.
- (1) Any person or group intending to hold a private sale shall obtain a permit therefor from the Town Clerk. No more than three permits per calendar year may be issued for private sales at a single address. Copies of the issued permit shall be sent by the Town Clerk to the Police Department.
 - (2) Any person or group holding a private sale shall take appropriate steps to avoid creating traffic congestion, unsafe parking conditions, unreasonable noise or other neighborhood nuisance.
 - (3) A single private sale may be held over the course of a Saturday and Sunday in a single weekend. Sale hours shall not commence before 8:30 a.m. and shall end each day by 5:30 p.m. All unsold items or objects from the sale shall be stored out of public view by 6:00 p.m.
 - (4) All signs erected or posted in connection with a private sale shall be promptly removed at the end of the sale.
 - (5) If it is substantiated that a person or group is holding a private sale without a permit issued pursuant to this section the Belmont Police are authorized to order the sale to cease immediately. Thereafter, any person or group attempting to reestablish a private sale at the same address during the calendar year without a permit shall be subject to a fine of \$300 for each violation.

- (6) The Belmont Police are authorized to enforce this section by issuing noncriminal citations as provided in MGL c. 40, § 21D. The penalty for any violation of this section shall be \$50 for each offense.

ARTICLE 10

Use of Town Property**[Adopted 5-5-2014 ATM, approved 9-21-2014]****§ 60-1000. Lone Tree Hill Conservation Land.**

- A. Intent and purpose. This section is adopted for the purpose of preserving and protecting the portion of the Lone Tree Hill property (the "property"), formerly known as The McLean Open Space, currently owned by the Inhabitants of the Town of Belmont and managed by the Town of Belmont Land Management Committee (the "Committee") pursuant to a quitclaim deed from The McLean Hospital Corporation to the Inhabitants of the Town of Belmont, and Conservation Restrictions B-1 and B-2, each on file with the Middlesex County South Registry of Deeds at Book 45478, Page 283 (deed), and Book 45375, Page 258 (Conservation Restriction B-1), and Book 45375, Page 275 (Conservation Restriction B-2). By preserving and protecting the property, this section promotes the public welfare by ensuring the safety of visitors, protecting the land and resident wildlife, and preserving passive recreation spaces within the Town consistent with the above-referenced documents. This section shall be interpreted in furtherance of the intents and purposes described in this subsection.
- B. Permitted uses.
- (1) Hours. The public shall be permitted to use the property for passive recreation on designated trails from dawn until dusk. The public shall observe seasonal closings and other restrictions as established by the Committee.
 - (2) Dogs. The public shall be permitted to bring dogs onto the property, provided that those dogs remain on leashes measuring six feet or less. Members of the public shall remove all feces created by their dogs on the property.
 - (3) Bicycles. The public shall be permitted to ride bicycles on the property, provided however those bicyclists shall:
 - (a) Use only trails designated by the Committee as "shared use";
 - (b) Permit pedestrians to have the right-of-way; and
 - (c) Use appropriate caution and speed on trails to promote safe use.
 - (4) Other uses permitted by the Committee. The Committee may permit the public to use the property in other ways with prior Committee permission.
- C. Prohibited uses.
- (1) Trails. The public shall not deviate from trails on the property.
 - (2) Animals and natural materials. The public shall not physically disturb animals, vegetation, or natural materials on the property in any manner.
 - (3) Trash. The public shall not litter on the property and shall remove all items brought onto the property upon departure.
 - (4) Other prohibited uses. The public shall not engage in any of the following activities on the property:

- (a) Use of motorized vehicles;
 - (b) Dumping of trash or other refuse;
 - (c) Use or creation of fires;
 - (d) Smoking;
 - (e) Possession or use of alcohol;
 - (f) Camping or use of a tent;
 - (g) Creation or construction of any temporary or other structure; **[Amended 5-4-2015 ATM, approved 8-2-2015]**
 - (h) Hunting;
 - (i) Ball playing or other active recreation, including, but not limited to, baseball, soccer, football, or Frisbee;
 - (j) Throwing of stones, snowballs, sticks, or other missiles;
 - (k) Flying kites or other objects; or
 - (l) Possession, shooting or use of an airgun, bow and arrow, slingshot or other similar device.
- D. Enforcement. Violations of this section shall be punishable by a fine of \$50 for each offense. In addition to the provisions for enforcement set forth elsewhere in this section, the provisions of this section may also be enforced by noncriminal disposition as provided in MGL c. 40, § 21D ("§ 21D"). The penalty for such violation shall be \$50 for each offense. Each day or part thereof shall constitute a separate offense.
- (1) An enforcing person taking cognizance of a violation of this section may, as an alternative to instituting criminal proceedings, give the offender written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provisions of § 21D. The provisions of § 21D are incorporated herein by this reference.
 - (2) "Enforcing person" as used in this subsection shall mean any police officer of the Town or any other Town employee designated by the Select Board as an enforcing person.

ARTICLE 11

Plastic Bags**[Adopted 4-30-2018 ATM, approved 7-16-2018]****§ 60-1100. Findings and purpose.**

Plastic check-out bags have a significant impact on the marine and terrestrial environmental, including but not limited to: (1) harming marine and terrestrial animals through ingestion and entanglement; (2) polluting and degrading the terrestrial and marine environment; (3) clogging storm drainage systems; (4) creating a burden for solid waste disposal and recycling facilities; (5) requiring the use of non-renewable fossil fuel in their composition. Studies have shown that alternative "compostable" or "biodegradable" bags require very specific and controlled conditions in order to biodegrade, and have potentially negative environmental effects similar to conventional plastic bags. Such bags should therefore be subject to the same restrictions as conventional plastic check-out bags. The purpose of this article is to protect the Town's unique natural beauty and irreplaceable natural resources by reducing the number of single-use plastic check-out bags that are distributed in the Town of Belmont and to promote the use of reusable bags.

§ 60-1105. Definitions.

The following words shall, unless the context requires otherwise, have the following meanings:

CHECK-OUT BAG — A bag provided by a store to a customer at the point of sale. Check-out bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check-out area of the store.

DEPARTMENT — The Belmont Department of Public Works.

NET FLOOR AREA — The actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms, and closets.

RECYCLABLE PAPER BAG — A paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer and the percentage of post-consumer recycled content in the bag.

RECYCLING COORDINATOR — The Recycling Coordinator for the Belmont Department of Public Works or a designee thereof.

RETAIL ESTABLISHMENT — Any business facility that sells goods directly to the consumer, whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary business jewelry stores, household goods stores, professional offices, food banks, farmers markets and any other enterprise that offers the sale and display of merchandise.

REUSABLE CHECK-OUT BAG — A sewn bag with stitched handles that is specifically designed for multiple reuse and that (1) can carry 25 pounds over a distance of 300 feet; (2) is machine washable or is made of a material that can be cleaned or disinfected more than 125 times; (3) is either (a) made of natural fibers (such as cotton or linen) or (b) made of durable, non-toxic plastic (other than polyethylene or polyvinyl chloride) that is generally considered a food-grade material and that is more than 4.0 mils thick.

THIN-FILM PLASTIC CHECK-OUT BAGS — Those bags typically with handles, constructed of high-density polyethylene (HDPE), low-density polyethylene (LDPE), linear low-density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is equal to or less than 4.0 mils in thickness.

§ 60-1110. Regulated conduct.

- A. No Retail Establishment in the Town of Belmont shall provide Thin-Film Plastic Check-Out Bags to customers.
- B. If a Retail Establishment provides or sells Check-Out Bags to customers, the bag must be one the following:
 - (1) Recyclable Paper Bag; or
 - (2) Reusable Check-Out Bag.

§ 60-1115. Exemption.

Thin-film plastic bags with or without handles that are used to contain laundry or dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this article.

§ 60-1120. Penalties and enforcement.

- A. The Department of Public Works and its Recycling Coordinator shall have the authority to administer and enforce this article. As an alternative to any other means of enforcement, the provisions of this article and any regulations adopted pursuant thereto may be enforced by noncriminal disposition in accordance with the provision of MGL c. 40, § 21D.
- B. For the first violation, the enforcing authority, upon a determination that a violation has occurred, shall issue a written warning notice to the Retail Establishment specifying the violation.
- C. The following penalties shall apply:
 - (1) First offense: warning - written warning notice.
 - (2) Second offense: A penalty of \$50 shall apply for the next violation following the issuance of a written warning notice.
 - (3) Third and subsequent offense: A penalty of \$200 shall apply for the third violation and each additional violation of this article.
 - (4) Penalties shall be cumulative and each day on which a violation occurs shall constitute a separate offense.

§ 60-1125. Effective date.

This article shall take effect six months following satisfaction of the posting and publication requirements set forth in MGL c. 40, § 32, or on November 1, 2018, whichever is later, for Retail Establishments with net floor area equal to or exceeding 30,000 square feet or with at least two locations under the same name within the Town of Belmont that total 30,000 square feet or more net floor area, or those Retail Establishments that are subject to a similar regulation in any other city or town in Massachusetts. This article shall take effect nine months following satisfaction of the posting and publication requirements set forth in MGL c. 40, § 32, or on February 1, 2019, whichever is later, for any other Retail Establishments less than 30,000 square feet net floor area. The Director of the Department of Public Works or a designee thereof may exempt a Retail Establishment from the requirements of this article for a period of up to an additional three months upon a finding by the Director of Public Works or designee that (1) the requirements of this article would cause undue hardship; or (2) a Retail Establishment requires additional

time in order to draw down an existing inventory of Thin-Film Plastic Check-Out Bags; provided, however, that any Retail Establishment receiving an exemption shall file with the Department of Public Works monthly reports of inventory reduction and remaining stocks.

§ 60-1130. Regulations.

The Select Board may adopt and amend rules and regulations to effectuate the purposes of this article.

§ 60-1135. Severability.

If any provision of this article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the article shall be deemed to be affected to the minimum extent necessary, so as to secure the purposes thereof, as set forth in § 60-1100.

ARTICLE 12

Leaf Blower Control**[Adopted 11-29-2022 STM, approved 2-14-2023]****§ 60-1200. Purpose.**

The reduction of noise and air pollution due to combustion of gasoline and oil-based fuels are the public purposes of this Leaf Blower Control Article.

§ 60-1205. Definitions.

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

ASSESSORS' RECORDS — The records of Belmont real estate maintained by the Board of Assessors. The Assessors' Records are hereby authorized to be used and relied on to determine lot size and classification of a Relevant Property for purposes of this article.

COMBUSTION LEAF BLOWER — Any Leaf Blower powered in part by gasoline or oil.

ENFORCING PERSON — Any Town employee designated by the Select Board as an enforcing person.

LEAF BLOWER — Any powered machine used to blow leaves, dirt, and other debris by forced air for landscape maintenance, including, but not limited to, cleaning of downspouts and gutters.

PROPERTY MANAGER — Any person or entity in control of real property, including, but not limited to, a condominium association or a tenant in possession.

PROPERTY OWNER — The legal owner or owners of record of real property as listed by the real estate and probate records of Middlesex County.

RELEVANT PROPERTY — Any real property, as identified by map number, block number, and lot number, all as determined by the Assessors' Records. In addition, a Relevant Property may include a parcel of land containing units with zero lot size that have the same map number, block number, and lot number.

§ 60-1210. Limitations on use.

- A. All lot sizes in this section shall be determined by the Assessors.
- B. Up to two Leaf Blowers may be operated simultaneously on a Relevant Property with a lot size greater than zero and less than or equal to 14,000 square feet, or any Relevant Property of more than 14,000 and less than 24,000 square feet that abuts two or more Relevant Properties each of which has a lot size of greater than zero and less than or equal to 14,000 square feet.
- C. Up to three Leaf Blowers may be operated simultaneously on a Relevant Property with a lot size of more than 14,000 square feet and less than 24,000 square feet that is not described in § 60-1210B.
- D. Up to four Leaf Blowers may be operated simultaneously on a Relevant Property with a lot size of 24,000 square feet or more.
- E. For Relevant Properties with a lot size of zero including condominium and cooperative units, the following limits shall apply:
 - (1) Up to two Leaf Blowers may be operated simultaneously on a parcel of land with the same map, block, and lot number that contains three or fewer units.

- (2) Up to four Leaf Blowers may be operated simultaneously on a parcel of land with the same map, block, and lot number that contains four to six units.
- (3) Up to eight Leaf Blowers may be operated simultaneously on a parcel of land with the same map, block, and lot number that contains seven or more units.
- F. No Combustion Leaf Blower shall be operated by a commercial landscaper or other commercial entity on any Relevant Property between May 15 and September 30, inclusive.
- G. The Town shall not purchase or acquire a Combustion Leaf Blower.
- H. Effective January 1, 2026, the use of Combustion Leaf Blowers in the Town is prohibited.
- I. Article 6 of Chapter 60 of the General Bylaws ("Noise") shall not apply to Leaf Blowers.
- J. No Combustion Leaf Blower shall be operated on a Relevant Property between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and Saturday, and between the hours of 8:00 p.m. and 9:00 a.m. on Sunday or a legal holiday.

§ 60-1215. Regulations and administration.

- A. The Director of Public Works shall have the authority to promulgate regulations to implement the provisions of this article, subject to the approval of the Select Board.
- B. The Director of Public Works shall have the authority to waive temporarily any of the limitations on the use of Leaf Blowers set forth in this article in order to aid in emergency operations or clean-up associated with storms. The Director of Public Works shall make good faith efforts to notify the public of any such waiver, including by posting a notice prominently on the Town's website; however, the validity of the waiver shall not be affected by the adequacy of those efforts.
- C. The Town shall maintain publicly-available list(s) of Relevant Properties. The list(s) shall state which category described in § 60-1210 each Relevant Property falls into. A Property Owner of a Relevant Property or the Property Owner of an abutting Relevant Property thereto on the same street may request that the Select Board review whether such property has been correctly listed. The Select Board shall respond to this request within 30 days.
- D. The Town shall create and maintain an online application form for service providers to affirm their commitment to comply with the Leaf Blower provisions of this article. A list of providers who have so affirmed shall be made available to the public on the Town's website.

§ 60-1220. Enforcement.

- A. "Enforcing Person" as used in this article shall mean any Town employee designated by the Select Board as an enforcing person.
- B. Violations of this article, or any rule or regulation adopted hereunder, shall be subject to the following penalties:
 - (1) For the first offense in any calendar year, a written warning will be issued to the Property Owner or Property Manager.
 - (2) For the second offense in the same calendar year, the penalty shall be \$100, and the penalty shall be \$300 for the third and each subsequent offense in the same calendar year.

- (3) Penalties shall be cumulative and each day on which a violation occurs shall constitute a separate offense. If, after written notice of a violation has issued under § 60-1220B(2), another violation occurs the same day, that additional violation shall constitute a separate offense.
- C. An Enforcing Person taking cognizance of a violation subject to § 60-1220B(2) of this article shall give the offending Property Owner or Property Manager a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provision of General Laws c. 40, § 21D. The provisions of § 21D are incorporated by this reference.
- D. Any Enforcing Person taking cognizance of a violation subject to § 60-1220B(2) of this article may give notice in writing to the Town Administrator's Office of the name of the service provider who was working on the Relevant Property. If the service provider appears on the list described in § 60-1215D, the Select Board may remove the service provider from the list and give the service provider written notice of the removal. A service provider removed from the list may reapply for inclusion on the list in accordance with § 60-1215D after three months have elapsed since the date of its removal.

§ 60-1225. Severability.

The invalidity of any parts of this article shall not affect the validity of the remaining parts.

Appendix

Chapter A200**PENALTIES****§ A200-100. Summary of penalties.**

The following table lists the penalties prescribed in the General Bylaws of the Town of Belmont. This list is provided for reference purposes only.

Section	Subject	Penalty
10-120	Violation of General Bylaws where no other penalty is provided	\$100
40-325H(1)	Violation of park rules and regulations	\$100; \$50 under noncriminal disposition
60-115	Violation of § 60-100A (alcoholic beverages) or § 60-105 (tobacco products)	\$300
60-200J	Violation of § 60-200 (pets and other animals)	Violation of licensing subsections: \$50 per such violation and, for violations continuing 30 days past licensing deadlines, an additional fine of \$100 per such violation. Violation of other subsections: first offense, \$50; second offense, \$100; third offense, \$300; fourth and each succeeding offense, \$500
60-205B(10)	Violation of § 60-205 (kennels)	Violation of section: first offense, \$500; second or subsequent offense, \$1,000
60-300L(1)	False alarms	First: no charge; second: \$10; third: \$25; fourth and each subsequent: \$50
60-300L(3)	Unregistered alarm	\$25
60-300P	Other violations related to alarms	\$100
60-315	Violation of § 60-305 (emergency personnel communication)	\$300
60-320H(4)	Violation of § 60-320 (demolition delay)	\$300
60-325H(5)	Violation of § 60-325 (stormwater management and erosion control)	First violation: \$100; second violation: \$200; third and subsequent violations: \$300
60-440A	Violation of Article 4, Door-to-Door Solicitation and Canvassing	\$300

Section	Subject	Penalty
60-640B	Violation of § 60-615 (exterior noise standards) or § 60-625 (maintenance noise standards)	\$25 for a first offense next after the first warning; \$100 for a second offense; \$200 for a third offense; and \$300 per offense, without limit, for each succeeding offense
60-640C	Violation of § 60-620 (construction noise standards)	\$50 for a first offense next after the first warning; \$100 for a second offense; \$300 for a third offense and each succeeding offense
60-720	Failure to remove uncollected solid waste	Not exceeding \$50
60-800I(8)	Violation of § 60-800I (residential property snow removal)	First offense: written warning; second offense: \$50; third and successive offenses: \$100 each, to a maximum of \$350 per winter season (October 1 to April 30)
60-800J	Violation of § 60-800A, B, D(2), E(2), G, H or I (public ways, sidewalks and rights-of-way)	\$300
60-805E(4)	Handicapped parking violation	\$100
60-805G	Violation of § 60-805 (vehicles and parking)	\$50, except \$100 for violation of § 60-805E(3) (handicapped parking)
60-810F(1)	Violation of § 60-810 (newsracks)	\$25 per day
60-900F(2)	Violation of § 60-900F (retail sale of food, goods or services)	\$200
60-910B(5) and (6)	Violation of § 60-710 (private sales)	\$50; reestablishing a private sale without a permit: \$300
60-1000D	Violation of § 60-1000 (Lone Tree Hill Conservation Land)	\$50
60-1220B	Violation of Chapter 60, Article 12 (use of leaf blowers)	First offense in any calendar year: written warning; second offense in the same calendar year: \$100; third and each subsequent offense in the same calendar year: \$300. Penalties are to be cumulative. Each day on which a violation occurs constitutes a separate offense. If after written notice, another offense occurs on the same day, the additional violation constitutes a separate offense.

REPRESENTATIVE TOWN MEETING ACT

Chapter A201

REPRESENTATIVE TOWN MEETING ACT

Chapter A202**LEGISLATIVE ACTS ACCEPTED BY TOWN****§ A202-100. Special acts and Massachusetts General Laws.**

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

A. Special acts.

Year	Chapter	Subject	Date of Acceptance
1859	109	Act incorporating the Town of Belmont	March 28, 1859
1861	11	Fixes Town boundaries	—
1862	34	Fixes Town boundaries	—
1885	296	Providing for a public water supply for Belmont	September 23, 1885
1903	141	Establishes Board of Survey	December 17, 1902
1906	246	Watercourses and drainage in Belmont	—
1925	148	Sewer assessments	March 1, 1926
1926	302	Representative Town Meeting	June 8, 1926
1938	27	Civil service for Chief of Fire Department	March 7, 1938 (acceptance revoked on April 5, 1982)
1938	371	Fixes boundary with Arlington	October 3, 1938
1947	212	Division of Precinct 1 into 2 precincts	March 1, 1948
1951	43	5-day work week for Belmont police officers	March 5, 1951
1955	513	Authorizes Commissioner of Mental Health to sell certain land to Belmont and establishes continuing conditions	October 10, 1955
1956	401	Indemnification for civil defense volunteers	March 10, 1958

Year	Chapter	Subject	Date of Acceptance
1959	42	Authorizes lease of Town land to Waverley Post No. 1272, VFW	March 9, 1959
1966	117	Increase in amount of annual pension for certain retired Police and Fire Department members	March 13, 1967
1968	474	Authorize use of Concord Avenue park land for school purposes	March 11, 1968
1969	710	Modification of procedures for electing Town Meeting Members	March 10, 1969
1972	621	Civil service for Assistant Superintendent of Highways and Highway and Incinerator Foreman in the Highway Department	April 6, 1972 (Repealed by Chapter 370, Acts of 1981, effective September 2, 1981, but incumbents as of that date retain their civil service status. Persons newly employed in the positions after that date are not subject to the civil service laws.)
1974	381	Allows Belmont to establish rates of compensation for its Fire and Police Chiefs	April 7, 1975
1984	136	Increase in fees for dog licenses and payment of dog license fees into Town treasury	April 25, 1984
1986	73 § 4	Allows Board of Assessors to increase exemptions by up to 100% provided that no taxpayer pays less than previous year's taxes	April 23, 2001
1990	291	Enhanced 911	April 22, 1991
1993	71, § 83	Teacher early retirement	April 27, 1994
1994	235	Certain firefighters and police officers, terminated then reinstated, are credited with active service for termination period	April 24, 1995
1995	15	Establishes a Capital Endowment Fund	April 27, 1994

Year	Chapter	Subject	Date of Acceptance
1995	16	Notice of adjourned Town Meetings	April 27, 1994
1995	227	Amends Capital Endowment Fund Act	April 24, 1995
1996	71	Certain Town employees can get retirement credit for U.S. armed service time	October 28, 1996
1997	128	Authorizes Selectmen to grant licenses for the sale of beer and wine in certain restaurants	May 7, 1997 April 6, 1998
1998	194, § 288	Retiree can receive a higher pension if spouse predeceases the retiree	April 26, 1999
1999	126	Establishes a nonprofit housing corporation for the Town of Belmont	May 24, 1999
2000	306	Relative to the exemption from taxation of certain property owned by McLean Hospital Corporation	May 24, 1999
2000	364	Authorizes Selectmen to grant licenses for the sale of alcoholic beverages to be drunk on the premises of clubs having an 18-hole regulation golf course	April 24, 2000 November 27, 2000 April 2, 2001
2000	411	Allows noncontributory veteran retirees whose spouses predecease them to change retirement allowance to higher option	April 23, 2001
2001	129	Authorizes Town to establish a Senior Center Furnishings and Accessories and Operations Fund	April 23, 2001
2004	14	Authorizes Selectmen to grant up to 3 licenses for sale of all alcoholic beverages in restaurants having at least 130 and not more than 250 seats	May 5, 2003 April 5, 2004
2004	21	Establishes a consolidated Department of Public Works	April 28, 2003

Year	Chapter	Subject	Date of Acceptance
2004	42	Authorizes tax bills to include a place for voluntary contributions to the Town's general fund	May 5, 2003
2004	106	Agreement relative to the taxation of certain property in the Town	May 28, 2002
2004	195	Authorizing modification of the form of quarterly property tax billing in the Town	April 28, 2003
2005	18	Town Meeting Members at large	April 26, 2004
2005	157, § 2	Additional yearly retirement allowance for certain accidental disability retirees who are veterans, retroactive to the veteran's date of retirement	April 24, 2006
2006	395	Authorizes Selectmen to grant 1 license for sale of all alcoholic beverages not to be drunk on premises	April 24, 2006 April 2, 2007
2006	396	Authorizes Selectmen to grant not more than 2 licenses for sale of wine and malt beverages not to be drunk on premises	April 24, 2006 April 2, 2007
2006	397	Authorizes Selectmen to grant special 1-day licenses for the sale of alcoholic beverages	April 24, 2006
2007	97	Authorizes the Town to establish an Other Post-Employment Benefits Trust Fund	April 24, 2006 August 29, 2007
2010	367	Revokes Chapter 195 of the Acts of 2004 (quarterly tax billing)	April 26, 2010 November 2, 2010
2010	376	Police Chief to be appointed by Selectmen	April 26, 2010 November 23, 2010
2010	381	Recall of elected persons holding Town-wide offices	April 26, 2010 December 1, 2010

Year	Chapter	Subject	Date of Acceptance
2010	382	Modifies the Belmont Other Post-Employment Benefits Trust Fund established in Chapter 97 of the Acts of 2007	April 26, 2010 December 1, 2010
2010	388	Allows Selectmen to license sale of all alcoholic beverages	April 26, 2010 December 16, 2010
2012	345	Authorizes delivery of Town Meeting warrant by any method determined by Town	December 12, 2012
2014	11	Authorizes Massachusetts Commissioner of Capital Asset Management and Maintenance to convey certain land to Belmont for recreation, public works or other municipal purposes	January 23, 2014
2014	15	Authorizes Selectmen to grant up to 16 licenses for the sale of wines and malt beverages to be drunk on premises	January 30, 2014
2014	16	Authorizes Selectmen to grant up to 4 licenses for the sale of alcoholic beverages not to be drunk on premises	January 30, 2014
2014	17	Establishes the position of Town Administrator	January 30, 2014
2017	146	An Act limiting the transfer of certain licenses for the sale of alcoholic beverages to be drunk on the premises in the Town of Belmont (amends Ch. 388 of the Acts of 2010 and Ch. 15 of the Acts of 2014)	December 8, 2017
2017	147	An Act limiting the transfer of certain licenses for the sale of alcoholic beverages not to be drunk on the premises in the Town of Belmont (amends Ch. 16 of the Acts of 2014)	December 8, 2017

B. Massachusetts General Laws.

Chapter	Section	Subject	Date of Acceptance
164	36	Establishes a municipal lighting plant	August 20, 1896
114	22 to 26	Establishes a Board of Cemetery Commissioners	June 30, 1898
82	37	Establishment of building lines	March 6, 1899 December 4, 1912
82	34	Reserved spaces in public ways	October 16, 1900
39	20	Precinct voting at Town Election	June 9, 1904
31	48	Civil service for police forces	May 18, 1911 (Acceptance revoked on November 6, 2023)
32	77(a)	Pensioning certain laborers	November 5, 1912 November 4, 1913
152	68 to 75	Workers' compensation	March 2, 1914 March 19, 1929
48	36	Appointment of call firemen to permanent force	March 2, 1914
31	48	Civil service for Police Chief	March 9, 1914 March 8, 1915 (Acceptance revoked on November 6, 2023)
166	32	Appointment of Inspector of Wires by Selectmen	March 9, 1914
41	111	Vacation for certain Town employees	March 9, 1914
31	48	Civil service for police and fire forces	March 8, 1915 (Acceptance revoked on November 6, 2023)
32	85	Pensions for members of Police and Fire Departments	March 8, 1915
32	52 to 55	Relative to retirement of certain veterans	June 27, 1916
149	30	8-hour day and 48-hour week for certain employees	March 5, 1917
48	58	Tenure of office for Fire Chief	March 4, 1918
41	70	Establishes a Planning Board	March 27, 1922
48	59	Division of Fire Department into 2 platoons	November 7, 1922

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

Chapter	Section	Subject	Date of Acceptance
31	47	Civil service for labor service	March 5, 1955 (Acceptance revoked on April 6, 1981, but employees as of that date retain all rights under the law. Persons employed after that date are not subject to the law.)
147	17A	Holiday pay for police officers	March 12, 1956
32B	10	Authorizes Town to provide contributory group life and health insurance	March 7, 1966
32B	9A	Town may assume 1/2 of the premium of retired employees for group life and health insurance	March 7, 1966
32B	11B	Extends contributory group life and health insurance to certain elderly retirees	March 7, 1966
90	18A	Selectmen may adopt rules on use of ways by pedestrians	March 14, 1966
40	8C	Establishes Conservation Commission	March 13, 1967
32	85J	Allows certain members of Police and Fire Departments to choose the manner of payment of their pensions	March 11, 1968
40	8D	Establishes Historical Commission	March 11, 1968
32	90A	Increases retirement allowance of former employees retired on account of accidental disability	March 9, 1970
32	90C	Increases retirement allowance of certain superannuated employees	March 9, 1970
40	22D	Permits rules for towing of illegally parked vehicles	March 16, 1970
90	20C	Authorizes police officers to place tags upon illegally parked motor vehicles	March 16, 1970

Chapter	Section	Subject	Date of Acceptance
71	16 to 16I	Establishes Minuteman Regional Vocational Technical School District	March 1, 1971
41	108L	Career incentive pay program for Police Department	March 15, 1971
40	8E	Establishes Youth Commission	March 20, 1972
59	21A	Additional compensation for Assessors and Assistant Assessors who are awarded certain certificates	March 27, 1972
40C	—	Establishes Historic District Commission to succeed to powers and duties of Belmont Historical Commission	April 3, 1972
32	95A	Provides annuity to spouse and children of deceased Town employees retired under noncontributory retirement law	March 19, 1972
152	69	Extends workers' compensation to all Town employees except police and fire	March 19, 1972
44	53C	Permits separate fund for payment of off-duty police work	March 19, 1972
32B	9D	Town to pay 1/2 of the premium for health insurance of surviving spouse of employee or retired employee	April 1, 1974
32B	11A	Additional group life and health insurance for employees with no premium contribution by the Town	April 1, 1974
41	100B	Indemnification of retired police officers and firefighters for certain hospital expenses	May 20, 1974
32	99	Advance payment of retirement allowance of certain employees	May 20, 1974

Chapter	Section	Subject	Date of Acceptance
40	8B	Establishes a Council on Aging	April 28, 1975
71	71E	Authorizes revolving fund for moneys received for certain school programs	April 26, 1978
164A	—	Authorizes Municipal Light Department to participate in New England Power Pool	June 18, 1979
258	13	Indemnification of municipal officers	April 6, 1981
83	16A to 16F	Authorizes lien on real estate for unpaid sewer use charges	October 5, 1981
90	20A 1/2	Authorizes Selectmen to appoint a Parking Clerk and to establish a schedule of fines for parking violations	October 5, 1981
148	26C	Installation of automatic smoke or heat detectors in certain public accommodations	April 28, 1982
40	4G	Advertising for proposals for purchase of equipment, supplies or materials costing \$4,000 or more	April 25, 1984
148	26E	Installation of approved smoke detectors in all residential buildings	April 25, 1984
60A	1	POW plates	April 28, 1986
71	71F	Establishes special account for tuition payments and reimbursements received by the School Committee	April 29, 1987
44	53F 1/2	Establishes an enterprise fund for transportation and related purposes	June 17, 1987
32	7(2)(a)(iii)	Increase supplemental dependency allowance for accidental disability retirees	May 2, 1988
59	5(41C)	Real estate tax exemption of \$500 for over age eligible taxpayers	May 2, 1988

Chapter	Section	Subject	Date of Acceptance
41	106	Tree Warden to be appointed by the Selectmen	June 13, 1988
148	26H	Requires automatic sprinklers in lodging or boarding houses	April 23, 1990
140	147A	Authorizes the Town to enact bylaws regulating dogs	April 23, 1990
32	22(1)(b 1/2)	Removes restriction of \$30,000 on the amount of regular pay used for calculation of retirement allowances	April 22, 1991
40	13A	Insurance fund for workers' compensation claims	April 22, 1991
40	13C	Reserve to pay workers' compensation claims if the Town self-insures	April 22, 1991
32	90G 3/4	Allows Town employees to accrue creditable service after the age of 70 years	April 24, 1991
270	16	Designate Health Director as enforcing officer	April 24, 1991
59	5(17D)	Provides exemption from real estate tax for certain eligible taxpayers	April 27, 1992
59	5(37A)	Provides exemption from real estate tax for certain eligible taxpayers who are blind	April 27, 1992
59	5(41A)	Increases maximum receipts for eligible applicants for tax deferral	April 27, 1992
32	22D	Establishes a retirement system funding schedule	April 26, 1993
40	8J	Establishes a Commission on Disability	April 26, 1993
44	53D	Establishes a recreation program revolving fund	June 7, 1993
41	69B	Establishes water special revenue fund	April 25, 1994
148	26G	Sprinklers in certain nonresidential buildings	April 25, 1994

Chapter	Section	Subject	Date of Acceptance
40	57	Authorization to deny or revoke local licenses or permits for nonpayment of taxes	April 26, 1994
60	3C	Authorizes the Town to provide a checkoff on tax bills for a Town scholarship fund	April 24, 1995
32	20(6)	Stipend for ex officio members of Retirement Board	April 22, 1996
59	21A 1/2	Extra compensation for Assessors who complete certain courses	April 22, 1996
40	8G	Allows mutual aid agreements with other police departments	October 28, 1996
32	103	Continuation of annual cost of living adjustments for eligible retired Town employees	April 27, 1998
32	103(h)	Equalizes cost of living adjustments for noncontributory and contributory retirees	April 26, 1999
32	103(i)	Allows Retirement Board to pay greater cost of living increase	April 24, 2000
40	22F	Allows Town boards or officers to fix reasonable fees and charges	April 24, 2000
41	108P	Provides for \$1,000 additional compensation to the Town Treasurer	April 24, 2000
148	261	Requires automatic sprinkler systems in new or substantially rehabilitated structures	April 24, 2000
31	58A	Maximum age for appointment to position of firefighter or police officer	April 28, 2003
44	53F 1/2	Establishes enterprise fund for water service	April 28, 2003
44	53F 1/2	Establishes enterprise fund for sewer and stormwater service	April 28, 2003

Chapter	Section	Subject	Date of Acceptance
59	5(41C)	Adjusts certain property tax exemptions and requirements for eligible senior citizens	April 28, 2003
32B	18	Requires all retirees, their spouses or dependents enrolled or eligible to enroll in Medicare Part A to enroll in a Medicare extension plan offered by the Town	April 26, 2004
59	5K	Raises the reduction of tax liability from \$500 to \$750 for volunteer services by persons over age 60	April 25, 2005
32	7(2)(e)	Additional yearly retirement allowance for certain accidental disability retirees who are veterans	April 24, 2006
32	9(2)(d)(ii)	Increase in accidental death benefit for surviving children	April 23, 2007
39	23D	Voting by members of a local board who miss a single session of an adjudicatory hearing before their board	April 23, 2007
59	5(56)	Authorizes Assessors to grant abatement to National Guard and reservists on active duty	November 8, 2010
71	37M	Authorizes Selectmen and School Committee to consolidate facility maintenance functions	April 25, 2011
40	4J	Allows Town to create a framework for mutual aid in case of a public safety incident	May 2, 2011 (acceptance by Board of Selectmen, not by Town Meeting)
40	4K	Accepts the provisions of the Statewide Public Works Municipal Mutual Aid Law	May 2, 2011 (acceptance by Board of Selectmen, not by Town Meeting)
48	59A	Accepts the provisions of the Statewide Fire Mutual Aid Agreement	May 2, 2011 (acceptance by Board of Selectmen, not by Town Meeting)
59	5K	Increase to Senior Tax Work Off Program to up to \$1,000	May 8, 2013

Chapter	Section	Subject	Date of Acceptance
90	17C	Speed limits	May 1, 2017
32	101, third paragraph	Adjustment of spousal benefits for surviving spouses of retirees	June 4, 2018
33	59	Effect of military service on salary, seniority and leave allowances of public employees	May 3, 2021
59	5, Clause 22G	Real estate tax exemptions for veterans where the veteran is not a trustee but is domiciled at a property that is held by a trustee, conservator or other fiduciary for the benefit of the veteran	May 3, 2021
59	5, Clause 22H	Real estate tax exemption for surviving parents or guardians of military personnel who died while on active duty or are missing in action and presumed dead	May 3, 2021
59	5N	Reduction of property tax obligation of veterans in exchange for volunteer services	May 3, 2021

Derivation Table

Chapter DT**DERIVATION TABLE**

The Derivation Table indicates where articles and sections of the 1981 General Bylaws have been included in the 2014 General Bylaws, or the reason for exclusion.

§ DT-1. Derivation Table of 1981 General Bylaws to 2014 General Bylaws.

Article/Title From 1981 General Bylaws	Location in 2014 General Bylaws
Art. 1, General Provisions	Ch. 10, Art. 1
Art. 2, Town Meetings	Ch. 30
Art. 3, Boards, Committees and Commissions	Ch. 40, Art. 1
Art. 4, Board of Selectmen	Ch. 40, Art. 2; Ch. 60, Art. 9
Art. 5, Town Clerk	Ch. 20, Art. 2
Art. 6, Town Treasurer	Ch. 20, Art. 3
Art. 7, Water Advisory Board	Ch. 40, Art. 3
Art. 8, Board of Health	Ch. 40, Art. 2
Art. 9, Trustees of the Public Library	Ch. 40, Art. 2
Art. 10, Board of Cemetery Commissioners	Ch. 40, Art. 2
Art. 11, Position Classification and Compensation Plan	Ch. 50
Art. 12, Permanent Building Advisory Committee	Ch. 40, Art. 4
Art. 13, Capital Budget Committee	Ch. 40, Art. 4
Art. 14, Council on Aging	Ch. 40, Art. 3
Art. 15, Historic District Commission	Ch. 40, Art. 3
Art. 16, Permanent Audit Committee	Ch. 40, Art. 4
Art. 17, Planning Board	Ch. 40, Art. 3
Art. 18, Recreation Commission	Ch. 40, Art. 3
Art. 19, Warrant Committee	Ch. 40, Art. 4
Art. 20, Public Safety and Property	
§§ 20.1 to 20.7 and 20.12	Ch. 60, Art. 8
§§ 20.8, 20.9, 20.10 and 20.14	Ch. 60, Art. 1
§ 20.11	Ch. 60, Art. 2
§ 20.13	Ch. 60, Art. 3
§ 20.15	Ch. 60, Arts. 1, 3 and 8
Art. 21, Vehicles and Parking	Ch. 60, Art. 8
Art. 22, Flammable Fluids, Solid and Gases	Ch. 60, Art. 5
Art. 23, Belmont Noise Bylaw	Ch. 60, Art. 6

Article/Title From 1981 General Bylaws**Location in 2014 General Bylaws**

Art. 24, Alarm Bylaw	Ch. 60, Art. 3
Art. 25, Bylaw Review Committee	Ch. 40, Art. 4
Art. 26, Recycling Program	Ch. 60, Art. 7
Art. 27, Newsracks	Ch. 60, Art. 8
Art. 28, Kennel Regulations	Ch. 60, Art. 2
Art. 29, Conservation Commission	Ch. 40, Art. 3
Art. 30, Door-to-Door Solicitation and Canvassing	Ch. 60, Art. 4
Art. 31, Disability Access Commission	Ch. 40, Art. 3
Art. 32, Stretch Energy Code	Ch. 60, Art. 3
Art. 33, Community Preservation Committee	Ch. 40, Art. 4
Art. 34, Stormwater Management and Erosion Control	Ch. 60, Art. 3
Art. 36, Criminal History Checks for Certain Licenses, Permits, and Registrations	Ch. 60, Art. 9

Disposition List

Chapter DL**DISPOSITION LIST**

The following is a chronological listing of legislation of the Town of Belmont adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was the May 2014 Town Meeting.

§ DL-1. Disposition of legislation.

Enactment	Adoption Date	Subject	Disposition
ATM, Art. 3	5-4-2015	Public health, safety, welfare and environmental protection: buildings and construction amendment	Ch. 60, Art. 3
ATM, Art. 4	5-4-2015	General provisions: construction and general penalty amendment	Ch. 10, Art. 1
ATM, Art. 5	5-4-2015	Public health, safety, welfare and environmental protection: animals amendment; use of Town property amendment	Ch. 60, Art. 2; Ch. 60, Art. 10
ATM, Art. 4	5-2-2016	Public health, safety, welfare and environmental protection: buildings and construction amendment	Ch. 60, Art. 3
ATM, Art. 5	5-2-2016	Public health, safety, welfare and environmental protection: streets and sidewalks amendment	Ch. 60, Art. 8
ATM, Art. 3	5-1-2017	General Law acceptance	Ch. A202
ATM, Art. 4	5-1-2017	Public health, safety, welfare and environmental protection: buildings and construction amendment	Ch. 60, Art. 3
STM, Art. 2	11-13-2017	Town Administration: Revolving Funds	Ch. 50, Art. 2
ATM, Art. 3	4-30-2018	Boards, Commissions and Committees: Boards and Commissions Appointed by the Select Board Amendment	Ch. 40, Art. 3
ATM, Art. 7	4-30-2018	Public Health, Safety, Welfare and Environmental Protection: Plastic Bags	Ch. 60, Art. 11
ATM, Art. 24	4-30-2018	Legislative Acts Accepted by Town	Ch. A202

Enactment	Adoption Date	Subject	Disposition
STM, Art. 1	5-2-2018	Public Health, Safety, Welfare and Environmental Protection: Alcohol, Tobacco and Firearms Amendment	Ch. 60, Art. 1
ATM, Art. 5	4-29-2019	Public Health, Safety, Welfare and Environmental Protection: Animals Amendment	Ch. 60, Art. 2
ATM, Art. 6	4-29-2019	Gender Neutral Name Change	General Bylaws

Enactment	Adoption Date	Subject	Disposition	Supp. No.
STM, Art. 5	11-13-2019	Town Meetings Amendment	Ch. 30	7
ATM, Art. 2	5-3-2021	Boards, Commissions and Committees: Elected Boards, Commissions and Committees Amendment	Ch. 40, Art. 2	9
ATM, Art. 4	5-3-2021	Boards, Commissions and Committees: Other Appointed Committees Amendment	Ch. 40, Art. 4	8
ATM, Art. 7	5-3-2021	Legislative Acts Accepted by Town	Ch. A202	8
ATM, Art. 3	5-2-2022	Boards, Commissions and Committees: Other Appointed Committees Amendment	Ch. 40, Art. 4	9
ATM, Art. 4	5-2-2022	Public Health, Safety, Welfare and Environmental Protection: Buildings and Construction Amendment	Ch. 60, Art. 3	9
ATM, Art. 5	5-2-2022	Boards, Commissions and Committees: General Provisions Amendment	Ch. 40, Art. 1	9
ATM, Art. 6	5-2-2022	Public Health, Safety, Welfare and Environmental Protection: Buildings and Construction Amendment	Ch. 60, Art. 3	9
STM, Art. 3	11-29-2022	Public Health, Safety, Welfare and Environmental Protection: Leaf Blower Control	Ch. 60, Art. 12	10

Enactment	Adoption Date	Subject	Disposition	Supp. No.
ATM, Art. 5	5-1-2023	Town Administration: Revolving Funds Amendment	Ch. 50, Art. 2	11
ATM, Art. 6	5-1-2023	Public Health, Safety, Welfare and Environmental Protection: Streets and Sidewalks Amendment	Ch. 60, Art. 8	11; 12
STM, Art. 5	11-6-2023	Public Health, Safety, Welfare and Environmental Protection: Buildings and Construction Amendment	Ch. 60, Art. 3	12
STM, Art. 8	11-6-2023	Legislative Acts Accepted by Town	Ch. A202	12
ATM, Art. 3	4-29-2024	Public Health, Safety, Welfare and Environmental Protection: Buildings and Construction Amendment	Ch. 60, Art. 3	13