Town of Saugus

BY-LAWS

May 2021

INDEX

(Updated May 2021)

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100.00

GENERAL PROVISIONS

101.00 Definitions

In construing these By-laws the following words shall have the meaning herein given unless a contrary intention clearly appears.

(a) The word "street" shall include highways, town ways, public ways and all public streets, roads, bridges, alleys, courts, and sidewalks, and also those portions of public squares and places which form traveled parts of public ways.

(b) The words "public place" shall include all parks, playgrounds and public lands belonging to or in the charge of the town, or any of the departments and those portions of public squares and places which form traveled parts of public ways.

(c) The word "vehicle" shall include all vehicles and conveyances (except street or trolley cars) whether on wheels or runners, however drawn, propelled or moved, and any animal harnessed thereto.

(d) The word "driver" shall mean the person having the charge, operation or control of the vehicle, horse or other animal upon a street.

102.00 Violations

Whoever violates any By-law of the Town, excepting the Zoning By-law and the By-laws regulating the inspection and construction of buildings, whereby any act or thing is enjoined, required or prohibited shall forfeit and pay for each offense a fine not exceeding three hundred ($300.00) dollars unless some other penalty is expressly provided by law or by some By-law of the Town. As provided for in the Massachusetts General Laws, Chapter 40, Section 21. (Town Clerk letter to AG 7/10/86) ***(Article 5 of the Special of the Town meeting June 28, 2004 held on June 28, 2004)***

103.00 Penalty or Forfeiture

Wherever a penalty or forfeiture is provided for the violation of a By-law, it shall be for each such violation.

104.00 Jurisdiction

Without further particular specifications all By-laws shall relate only to persons, property and acts done within the limits of the Town of Saugus.

105.00 Effect of By- Laws

So far as the provisions of these By-laws are the same in effect as those previously existing, either by By-law or by vote of the Town, they shall be construed as a continuation of such By-laws or votes.

106.00 Non-Criminal Disposition

Whoever violates any provision of the rules and regulations of the Board of Health may, in the discretion of the Health Agent or the Board of Health, be penalized by a non-criminal complaint in the District Court pursuant to the provisions of General Laws, Chapter 40, Section 21D. For the purpose of this provision the penalty to apply in the event of a violation shall be as follows: $25.00 for the first offense; $50.00 for the second offense; $100.00 for the third offense and $200.00 for the fourth and each subsequent offense. Each day on which a violation exists shall be deemed to be a separate offense.

107.00 Repeal of By-Laws

Upon the acceptance of the foregoing By-laws by the Town and the publication as required by law of such thereof as shall be approved by the Attorney General, all By-laws heretofore existing, excepting the Zoning By-laws, the rules and regulations of the Board of Health, By-laws relating to plumbers and plumbing, and building regulations for inspection and construction of buildings, shall be annulled and repealed, provided that this repeal shall not apply to or affect any Statue of the Commonwealth, and shall not revive any By-law in force before or at the time when the By-law repeal took effect.

200.00

GOVERNMENT OF TOWN MEETING

201.00 Notice of Town Meeting

Notice of every Town Meeting shall be given by posting attested copies of the warrant calling the same in at least one public place in each precinct not less than fourteen days before the day appointed for such meeting and the Town Clerk shall mail printed copies of the warrant to the limited Town Meeting members at least fourteen days before the time at which any representative Town Meeting is to be held; provided, however, that no meeting shall be invalidated by reason of any mistake or omission as to mailing copies to Town Meeting members.

202.00 Warrant Articles

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

203.00 Appraisement of Town Property

There shall be chosen at each annual meeting a committee of three (3) persons who shall make an annual appraisement of all property owned by the Town and make a report of their appraisement in the annual Town Report.

204.00 Motions For Expenditures

All questions and motions submitted for the consideration of the Town involving the expenditure of money, and such other motions as may be required by the Moderator, shall be in writing.

(Section 205.00 Use of Check List deleted Article 22 of the Annual Town Meeting held on May 3, 2010 and replaced with an entire new 205.00 Roll Call Vote.)

205.00 Roll Call Vote

Except in the case of a unanimous voice vote as declared by the Moderator, a roll call vote shall be required for all final main motions with respect to the following subject matters: adoption or amendment of zoning by-laws; adoption or amendment of general by-laws; and fiscal matters which are defined as any appropriation, borrowing, fund transfer, or the creation of or re-authorization of such enterprise or revolving funds as may be authorized by state law, provided, however, that in the event of a vote which the moderator determines to be near unanimous, the Moderator shall take a roll call of only those voting in the minority. For all other matters and motions, a roll call vote shall be required if requested by any one (1) representative town meeting member.

206.00 Reconsideration

No vote shall be reconsidered at the meeting at which it was passed except upon a motion made within one hour after such vote has passed and upon notice that such a motion is to be made, given within a half hour after such vote has passed nor unless such motion to reconsider is made by a person who voted with the prevailing side.

207.00 Motions and Precedence of Motions

When a question is under debate no motion shall be received, but to adjourn the meeting, to reconsider a previous vote, the previous question, to lay on the table, to commit or amend to refer or postpone

to a certain day, or to postpone indefinitely, which several motions shall have precedence in the order in which they are herein arranged.

208.00 Speaking On A Subject

Town Meeting members, the chairman of the Board of Selectmen, Chairman of the School Committee, and Town Manager, may speak on the same subject not more than twice or for more than ten (10) minutes, without the consent of the meeting. Non-members and citizens may speak on the same subject not more than twice or for more than five (5) minutes without the consent of the meeting. Full time employees of the Town, who are not residents of the Town, may speak on the same subject not more than once or for more than five (5) minutes without the consent of the meeting. Other non- residents may speak on the same subject not more than once or for five (5) minutes and then only with the unanimous consent of the meeting.

209.00 Committees Appointed By The Moderator

All committees shall be appointed by the Moderator, unless otherwise directed by the meeting and it shall be the duty of the member first named promptly to call the committee together for organization.

210.00 First Order of Business

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

211.00 Rules of Practice

The powers and duties of the presiding officer, not especially provided for by law or in the foregoing rules, shall be determined by the rules of practice contained in Robert's Rules of Order, most recent edition, so far as they are adapted to the conditions and powers of the Town. ***(Article 34, Annual Town Meeting held on May 6, 1996)***

212.00 Duty Of Moderator

1.) It shall be the duty of the Moderator to request all persons not Town Meeting members to retire from such portion of the hall as may be designated by the Moderator to be occupied by Town meeting members during transaction of all Town business.

2.) It shall be the duty of the Moderator to read all articles and announce all votes without offering interpretive statements, judgments or commentary.

3.) It shall be the duty of the Moderator to ensure that members of Town Meeting will not be referred to by their names, unless being recognized by the Moderator.

4.) It shall be the duty of the Moderator to read and explain the purpose of the code of ethics for Town Meeting Members at the beginning of the first Town meeting following a town election in the beginning of each Annual Town Meeting.

5.) It shall be the duty of the Moderator to refrain from providing subjective interpretation, judgment, or commentary on any articles prior to and during the consideration by the Town Meeting.

6.) It shall be the duty of the Moderator to assist in bringing the annual budget before the Town Meeting within the time frames specified in the Town Charter.

7.) In the event that the Moderator wishes to participate in the discussion and vote on an article it shall be his duty to announce prior to any deliberations that he will be participating, relinquished the gavel to a designee from the Town Meeting, and remain in the body until all action on the article is completed. If said article is tabled the Moderator may resume his position until such time as said article is taken from the table.

8.) It shall be the duty of the Moderator that when filling vacancies on the Finance Committee the Moderator will use a public process, such as the Town's web site or other suitable means to solicit qualified applicants from the community. For the purpose of this By-law, "vacancy" shall be defined as any resignation or death during a term or at the end of any three year term.

9.) It shall be the duty of the moderator to neither influence or participate in the deliberations of the Finance Committee.

Enforcement
Any Saugus citizen aggrieved by any violation of this By-law may file a complaint with Town Counsel, who in his discretion shall determine that a violation has occurred, after which he shall refer such matter to the Police Chief for enforcement. Violations of this By-law shall be dealt with as a non-criminal offense in accordance with the provisions of M.G.L. Chapter 40, Section 21D. The penalty to apply in the event of a violation shall be as follows: $25.00 for the first offense; $50.00 for the second offense; $100.00 for the third offense and $200.00 for the fourth and each subsequent offense. ***(May 6, 2013 ATM Held on June 3, 2013)***

213.00 Motion To Dissolve Meeting

Any motion, the effect of which would be to dissolve the meeting, if made before every article in the warrant for such meeting has been finally disposed of, shall require the affirmative vote of at least two-thirds of those present and voting; but this shall not preclude an adjournment of the meeting to some other time.

300.00
PROVISIONS RELATED TO TOWN OFFICERS AND EMPLOYEES

301.00 Duty of Town Clerk To Notify

It shall be the duty of the Town Clerk to immediately notify in writing all members of committees that may be elected or appointed at any Town Meeting stating the business on which they are to act and the names of the members.

301.01 Town Census Regulations

All persons who own, lease, rent property as a domicile or within 30 days of residing within the Town of Saugus in such property, house apartment, condo, town house, or any other domicile provided under Section 10A of Chapter 51 of the Massachusetts General Laws shall file a Census Form with the Saugus Town Clerk's Office.

To Assist the Town Clerk to ensure an accurate census of all residents. This By-law shall require all Town Departments, Schools, Boards, Commissions, and Committees, to verify with the Office of the Town Clerk, a current Census Form is on file prior to the issuance of any License, Permit, Abatement, Refund, Compensation, Contract, Appointment, or Appeal.
(Article 25 of the 2008 Annual Town Meeting held on May 19, 2008)

302.00 Disposal of Town Property

Every board or officer in charge of a department may, with the approval of the Selectmen sell or otherwise dispose of any personal property or material of the Town in the custody or control of such department and not required by such department and not exceeding three hundred dollars ($300.00) in value.

303.00 Disposal of Town Owned Land

303.01 Selectmen are henceforth authorized by Town Meeting to hold public sales of tax title and low-value land ONLY under the following conditions:

303.02 That no parcel be offered for sale which does not have the previous approval of the Conservation Commission, the Planning Board and the Playground Commission; and the Town of Saugus Affordable Housing Trust or to take any action relative thereto.
(Article 29 of the 2007 Annual Town Meeting held on June 11, 2007)

303.03 That the decision by majority vote by the Conservation Commission, the Planning Board and the Playground Commission; and the Town of Saugus Affordable Housing Trust shall take into account the future land needs of the Town for public buildings, affordable housing,

parks or recreation, as well as the desirability of setting aside land for open space or other conservation purposes or take any action relative thereto.
(Article 30 of the 2007 Annual Town Meeting held on June 11, 2007.

304.00 Traffic Safety Unit Within Police Department

304.01 The Selectmen are hereby authorized to establish a safety unit within the Police Department that shall enforce the Traffic Rules and Regulations of the Town of Saugus, By-laws relating to streets, fire lanes, handicapped parking and State Laws relating to speed limits, truck weights, pedestrian right of way as well as any other duties deemed necessary and proper by the Police Chief that will promote the public safety.

304.02 The Police Chief and Parking Clerk shall maintain statistics and annually prepare a report to the Selectmen detailing the activities of such unit including the amount of tickets issued, the total amount of fines levied, the streets and areas monitored, and any other information relevant to the unit.

305.00 Town Counsel

305.01 The Town Manager shall annually appoint an Attorney-at-law to act as Town Counsel.

305.02 The Board of Selectmen shall have authority to prosecute, defend and compromise all litigation to which the town is a party, and to employ special counsel to assist the Town Counsel whenever in their judgment necessity therefore arises.

305.03 The Town Counsel shall draft all bonds, deeds, leases, obligations, conveyances and other legal instruments, and perform every professional act which may be required of him by vote of the town or any board of town officers. Also, when required by said boards or any committee of the Town, he shall furnish a written opinion on any legal question that may be submitted to him, and he shall at all times furnish legal advice to any officer of the Town who may require his opinion upon any subject concerning the duties incumbent upon such officer by virtue of his office. He shall prosecute all suits ordered to be brought by the Town or Board of Selectmen, and shall appear at any court in the Commonwealth in defense of all actions or suits brought against the Town of its officers in their official capacity. He also shall argue and try any and all causes in which the Town shall be party, before any tribunal, whether in law or equity in the Commonwealth, or before any Board of Referees on Commission, and shall appear at any and all hearings on behalf of the Town whenever his services may be required.

305.4 CONSTABLES - APPOINTMENTS AND DUTIES.

Pursuant to Massachusetts General Laws, Chapter 41 Section 91A. The Selectmen of the Town may from time to time appoint, for a term not exceeding three (3) years as many Constables as they deem necessary.

Appointments; Qualifications; Application; Investigation.

Constables shall not be appointed by selectmen except as hereinafter provided. A person desiring to be appointed as aforesaid shall make a written application therefore the appointing authority stating his reasons for desiring such appointment and such information as may be reasonably required by said authority relative to his fitness of said office. Such application shall also contain a statement as to the moral character of the applicant signed by at least five (5) reputable citizens of the town, one of whom shall be an attorney-at-law. The appointing authority shall also investigate the reputation and character of every applicant and his fitness for said office. The chief of police or other official having charge of the police shall upon request give the appointing authority all possible assistance in making such investigation. The office of Constable shall be filled only by appointment of an applicant hereunder who is found by the appointing authority, after investigation as aforesaid, to be a person of good repute and character and qualified to hold said office.
(Article 3 of the Special Town Meeting of June 12, 2006 held on June 12, 2006)

306.00 Employee Work Schedule

306.01 Fire Department. The hours of duty of permanent members of the uniformed fire fighting force shall be established so that the average weekly hours of duty in any year, other than when members are summoned and kept on duty because of conflagrations or emergencies, shall not exceed forty-two (42) hours.

306.02 Police Department. The schedule of duty for permanent members of the Police Department shall be established to consist of four (4) consecutive working days and two (2) consecutive days off.

306.03 Town Employees (Other than Fire, Police and School) The work for Full Time Town Employees (other than Fire, Police and School Departments) and limited to office or clerical employees shall be established at thirty-six and one-half (36 ½) hours (Monday 8:30 A.M. To 7:00 P. M., Tuesday through Thursday 8:15 A.M. To 5:00 P.M.; Friday 8:15 A.M. To 12:30 P.M.) with the exception of June, July and August when the hours shall be established at thirty-three and one-half (33 ½) hours. Monday 8:30 A.M. To 7:00 P.M., Tuesday through Thursday 8:15 A.M. To 4:00 P.M., Friday 8:15 A.M. To 12:30 P.M.
(Article 11, December 6, 1999 Special Town Meeting)

306.04 Hiring New Employees
For the purpose of hiring new employees to Civil Service jobs in the Town of Saugus, it shall be required that Town of Saugus residents be

given preference over non residents. They should also be given preference to out of Town transfers. Exceptions to this may be mutual transfers or in the case of a person from a layoff list or any other such Civil Service law. This will occur when there is a current active Civil Service hiring list. Transfers or non-residents may be considered after residents or when there is no active list available. No section of this amendment shall be in conflict with the Civil Service Law.
(Article 3 of the June 24, 2002 Special Town Meeting)

400.00

FINANCE

401.00 Duty of Town Clerk To Notify

It shall be the duty of the Town Clerk immediately after every Town Meeting to furnish the Town Accountant, Board of Assessors, Board of Selectmen and Finance Committee with a statement of all monies appropriated by the Town at such meeting, and of the purposes for which monies were respectively appropriated.

402.00 Audits

All of the accounts of the Town shall be audited annually by the Division of Accounts, Department of Corporations and Taxation, in accordance with the laws of the Commonwealth.

403.00 Purchases

No officer, board or committee having the disbursement of an appropriation shall make purchases of supplies or materials or contract for services to be rendered the Town without issuing a written purchase order, therefore on prescribed forms, provided however, that the provisions of this section shall not apply to the wages of persons temporarily employed by the Town. All purchase orders are to be in triplicate; one to be designated for and delivered to the Town Accountant; and one to be designated for the files of the office issuing the order. The order designated for the vendor shall be submitted to the Town Accountant and shall not be delivered to the vendor until the Town Accountant shall have certified thereon that there is sufficient unemcumbrance against such appropriation; provided, however, that verbal orders for supplies or materials or services to be rendered may be issued for an amount not to exceed twenty-five ($25.00) dollars. All order forms on the day the orders are given and transmitted within forty-eight (48) hours to the Town Accountant to be certified and recorded.

403.1 Expiration of Special Appropriations and Borrowing Authorization

Part 1:

Any appropriation or authorization to borrow, voted as a Special Article, of which funds have not been encumbered and which there is no pending litigation relative to the purpose of said appropriation or borrowing, shall expire after a period of three years.

Part 2:
Any existing appropriation by Special Article or authorization to borrow that is at least three years old at the time of adoption of this bylaw will expire one year from the time of adoption unless those funds are encumbered or if there is pending litigation relative to the purpose of said appropriation.

Part 3:
The Town Manager shall include in his Annual Budget proposal to the Selectmen a listing of all Special Articles as well as bonding authorizations and include information on the status of said article or authorization.
(Article 24 of the May 1, 2006 Annual Town Meeting, Held on May 22, 2006)

404.00 Accounting

The Town Accountant shall prescribe the methods of accounting and the forms to be used by several officers, boards and committees of the Town pertaining to their receipts and disbursements, and shall provide that such methods and forms shall conform to the requirements prescribed by law or any rules or regulations made thereunder.405.00 Department of Revolving Funds

405.1 Purpose
This bylaw establishes and authorizes revolving funds for use by 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 Massachusetts General Laws Chapter 44, s 53E ½.
405.2 Expenditure Limitations
A department or agency head, board, committee, or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw 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 (except for those employed as school bus drivers).
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 Board of Selectmen and the Finance Committee.

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

405.4 Procedures and Reports
Except as provided in Massachusetts General Laws Chapter 44, s 53E ½ and this bylaw, the laws, charter provisions, 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 bylaw. The Town Accountant shall include a statement on the revenue 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.

405.5 Authorized Revolving Funds
The following table establishes:

405.5.1 Each revolving fund authorized for use by a town department, board, committee, agency, or officer.

405.5.2 The department or agency head, board, committee or officer authorized to spend from each fund.

405.5.3 The fees, charges, and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant.

405.5.4 The expenses of the program or activity for which each fund may be used.

405.5.5 Any restrictions or conditions on expenditures from each fund.

405.5.6 Any reporting requirements that apply to each fund.

405.5.7 The fiscal years each fund shall operate under this bylaw.

(Article 15 of the Special Town Meeting held on April 9, 2018)

500.00

BOARDS, COMMITTEES, COUNCILS, DEPARTMENTS AND COMMISSIONS

501.00 Finance Committee

501.1 Organization
The Committee shall meet for organization forthwith after the conclusion of the Annual Town Meeting. Said meeting shall be called by the chairman of the committee, or in his absence by the secretary. If no officer exists said committee shall be called by the senior member.

501.2 Chairman
The committee shall choose a chairman who shall schedule and call committee meetings, preside at meetings and represent the committee when required.

501.3 Secretary
The committee shall choose a secretary, who shall preside in the absence of the chairman, keep a true record of the committee proceedings, and initiate and answer various committee correspondence.

501.4 Vacancies of Offices
Vacancies in the offices of chairman and secretary may be filled at any time.

501.05 Duties of Committee
The committee may consider matters relating to the appropriation, the borrowing and the expenditure of money by the town and its indebtedness, and may make recommendations to the town, to any town board, officer or committee relative to such matters.

Any such recommendation for expenditure of money by the town and its indebtedness made to the Town Meeting must be provided by mail, e-mail or hand delivery to each Town Meeting member, posted on the Town website and/or a (hard copy) picked up in the Town Clerk's Office at least 48 hours in advance of the Town Meeting when such expenditure is to be considered. Town Meeting may waive this requirement for any single appropriation with a 2/3 vote of the quorum.
(Amended by Article 25 of the 2012 Annual Town Meeting held on June 11, 2012)

501.6 Receipt of Estimates of Expenditures
The various town boards, officers and committees charged with the expenditure of town money shall prepare detail estimates of the amounts deemed by them necessary for the ensuing year, with explanatory statements as to the reasons for any changes from the amounts appropriated for the same purpose in the proceeding year and shall submit the same to the secretary on or before December first of each year.

501.7 Receipt of Estimates of Incomes
The various Town boards, officers and committees charged with the expenditure of Town money shall prepare estimates of all probable items of income which may be received by them during the ensuing year in connection with the administration of their offices and departments. Detailed statements concerning the prior years appropriations and expenditures shall be presented by each board, officer and committee and

shall be submitted to the secretary of the committee on or before January 31 of each year.

502.00 Cemetery Commissioners

502.01 Duties and Responsibilities
The Board of Cemetery Commissioners shall have the sole care, superintendence and management of all public burial grounds in the Town, may lay out any existing public burial grounds in the Town of any land purchased and set apart by said Town, for such cemeteries, in lots, or other suitable sub-divisions, with proper paths and avenues; may plant, embellish, ornament and fence the same and erect therein suitable edifices and conveniences and make such improvements as it considers convenient and shall have all the powers delegated to such boards under the General Laws.

503.00 Department of Civil Defense

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

503.2 Director of Civil Defense
The department shall be under the direction of a director of civil defense (hereinafter called the director) who shall be appointed as prescribed by law. The director shall have direct responsibility for the organization, administration and operation of the department, subject to the direction and control of the appointing authority, and shall receive such salary as may be fixed from time to time by the appointing authority. The director may, with the limits of the amount appropriated, appoint such experts, clerks and other assistants as work of the department may require and may remove them and may make such expenditures as may be necessary to execute effectively the purposes of Chapter 639, Acts of 1950. The director or the appointing authority shall submit a detailed budget, for the defense department.

The director shall also have the authority to appoint district coordinators and may accept and may receive, on behalf of the Town, services equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of civil defense, offered by the federal government or any agency or officer thereof or any person, firm or corporation, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. The director shall cause appropriate records to be kept of all matters relating to such gifts, grants or loans.

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

503.04 Police Aid to Other Cities and Towns in Event of Riots or Other Violence Therein.
The Police Department shall, after the issuing of any proclamation provided for in Chapter 639, Acts of 1950, by hereby authorized to go to aid another city or town at the request of said city or town in the suppression of riots or other forms of violence therein.

503.05 Termination of By-law
This By-law shall remain in force during the effective period of Chapter 639, Acts of 1950, and any act in amendment or continuation thereof or substitution therefor.

503.06 Definition
All references to Chapter 639, Acts of 1950, as now in force, shall be applicable to any act or acts in amendment or continuation of or substitution for said Chapter 639.

504.00 Building Committee

504.01 Upon this passage of this amendment by the Town Meeting, and approval of this amendment by the Attorney General, the Moderator forthwith shall appoint a permanent Building Committee of nine (9) members, three for a term of one year, three for a term of two years, and three for a term of three years, and on the expiration of the original term of any member, the appointment shall be for a term of three years. Wherever possible, in the discretion of the Moderator, representation on said committee may be given to persons having experience in commercial construction, architectural and engineering experience, or experience in the building trade such as the electrical or plumbing, or heating trades, or general experience which the Moderator may feel to be valuable to the function of this committee. Of the original appointees, at least, one shall be a Town Meeting member at the time of said appointment, and thereafter further appointments should be made so that at least one member of the entire committee are Town Meeting members at the time of appointment in any given year.

Said Committee shall serve in an advisory capacity, and shall advise the Town Meeting as to the construction of new Town Buildings or the additions to or renovations of Town buildings. Said Committee shall

cooperate with the Town Manager, the Board of Selectmen, other Town Boards, Town Agents and contractors to the Town so as not to usurp their responsibilities or unreasonably delay the exercise of their office. Said committee shall have the right to have access to all contracts, correspondence and official papers concerning said construction of said buildings with the permission of the Town Manager the right to inspect all Town Buildings and the right to inspect construction in progress while the walls are open, in order to be informed so as to make appropriate recommendations. These recommendations may include quality of construction practice, advisability of design, implications on Town liabilities and such other information that the Town Meeting would want to know before making a decision. This Committee will also make direct written advice to the Town Manager of any safety, liability, or impending Town loss discovered during such inspections without waiting for Town Meeting.
(Article 38, Annual Town Meeting of May 4, 1998)

The committee shall make periodic reports, as deemed necessary to the Town Meeting, or reports to Special Town Meetings upon all questions of construction of Town Buildings as heretofore set forth.

505.00 Salt Water Marsh and River Basin Planning

505.01 The Town Manager shall appoint a committee consisting of seven (7) persons for the purpose of reviewing, investigating and recommending plans to realize the greatest potential usage of the Saugus Salt Water Marshes bordering Route 107, Route 95 and the Saugus and Pines Rivers. The committee shall assist the Town Manager and the Saugus Planning Board in working with State agencies, including the Department of Natural Resources, in obtaining information and/or approvals to be used in recommending zoning and/or rezonings to accomplish the most equitable distribution of the area for purposes of conservation, industrial development, marine commerce and marine recreation. Initially three (3) members shall be appointed for two (2) years and four (4) for one (1) year with the appointments expiring December 31, 1971 and 1972. Subsequent appointments shall be for terms of two (2) years. The committee shall serve the further purpose of investigating and recommending actions on petitions for land filling which are received by the Board of Selectmen and the Board of Health. This service will be done upon request of the two boards, and recommendations shall not be binding.

506.00 Personnel Board

506.01 Appointment of Personnel Board

There shall be established a non-salaried Personnel Board consisting of three (3) registered voters of the town. Said board shall be appointed by the Town Manager. No elected or appointed town official, or no employee of the town shall be eligible to serve on said board. The term of office shall be for three (3) years beginning on the first January of the

year of the appointment and expiring on December 31st, three years hence. Initial appointments shall be made in the same year but have staggered expiration dates.

Not more than one (1) member shall have an appointment that expires in the same year. When a vacancy in an ongoing appointment occurs, the Manager shall appoint a qualified individual to fill the balance of the un-expired portion of that term.

The Personnel Board shall annually, following the appointment of new members, elect its own chairman and secretary. It shall cause to be kept a true record of its proceedings and may, subject to appropriations thereof, make such expenditures as may be necessary in the performance of its duties. Said Board shall meet at least quarterly in open session, for the transaction of business, and it may hold such special meetings as may be called by the chairman or directed by vote of said Board. A majority of said Board's total membership shall be necessary for any official act of said Board.

The Manager shall furnish said Board with such space as it may require for the performance of its duties and the storage of its property and, upon application of said Board, shall provide it with an adequate place for holding public hearings.

506.02 Duties of Personnel Board

The Personnel Board shall perform studies of any and all personnel positions of the personnel-related activities in the town, except labor negotiations and grievances. The personnel-related activities shall include studies on any written policies/procedures for compliance with applicable laws. Said Board shall also review and recommend any changes in policy/procedures, hiring practice, or job descriptions in writing to the town manager.

(Article 35, Annual Town Meeting held on May 6, 1996)

507.00 Canine Control

507.01 Definitions.

As used in this By-law, the following terms mean:

ANIMAL SHELTER. Any premises designated by Town Administrative Authority for the purpose of impounding and caring for animals held under authority of this By-Law.

CANINE CONTROL BOARD. An unpaid advisory board made up of three (3) registered voters of the Town, appointed annually by the Town Manager with the tasks of monitoring the effectiveness of this by-law, assuring the humane treatment of the animals regulated by the By-Law and promulgating necessary changes to the By-Law.

CANINE CONTROL OFFICER. Any person or persons appointed by the Selectmen as the Dog Officer or Officers under the provisions of Chapter 140, Sections 151 and 151A of the General Laws to carry out the provisions of this by-law. In the absence or vacancy in the office or unavailability

of the Canine Control Officer, the Town's Inspector of Animals or his deputy shall perform the duties of the Canine Control Officer(s).

HUMANE OFFICER. Any person designated by the Humane Society as a law enforcement officer and who qualifies to perform such duties under the laws of the Commonwealth of Massachusetts.

HUMANE SOCIETY. Any organization for the prevention of cruelty to animals incorporated under the laws of the Commonwealth of Massachusetts.

OWNER. Any person, having reached the age of majority, owning keeping or harboring dogs.

PERSON. Any individual, partnership, company or corporation.

RESTRAINT. A dog shall be deemed to be under restraint if on the premises of its owner or, if outside the premises of the owner, is accompanied by a person who shall have the dog under control by holding it firmly on a leash.

VETERINARY HOSPITAL. An establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals.

507.02 Requirement for an Identification Tag

Every owner issued a license in accordance with the provisions of Chapter 140, Section 137 of the General Laws of the Commonwealth for a dog owned or kept within the Town will also receive an Identification Tag from the Town Clerk's office. The Identification Tag shall be a durable tag stamped with an identifying number and of a particular color to signify the specific year of issuance. Tags will be designed that they may conveniently be fastened to the dog's collar or harness. Dogs must wear Identification Tags at all times when the animal is off the premises of the owner. The Canine Control Officer shall maintain a record of the identifying numbers and shall make this record available to the public.

507.03 Restraint of Dogs

No person shall own, keep or harbor in the Town of Saugus, outside the confines of the owner's property, any dog which is not held firmly on a leash by a person who shall have control of such a dog.

507.4 Unrestrained Dogs

Unrestrained dogs may be taken by Police, the Canine Control Officer or a Humane Officer and impounded in an animal shelter, and there confined in a humane manner. If by an Identification Tag or by other means the owner can be identified, the Canine Control Officer shall immediately upon impoundment notify the owner of the impoundment of the animal. Impounded dogs shall be kept for ten (10) days unless reclaimed by their owners. Dogs not claimed by their owners within ten (10) days, or

placed in suitable new homes, may be humanely euthanized by the Canine Control Officer or by an agency delegated by him to exercise that authority.

507.5 Reclaiming Impounded Dogs
An owner reclaiming an impounded dog shall pay an administrative fee of $20.00 plus $10.00 boarding charge for each day that the dog has been impounded, to a maximum payment of $120.00.
(Article 29 of the May 1, 2006 Annual Town Meeting, Held on May 22, 2006.)

507.6 Female Dogs in Heat
Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

507.7 Nuisances
No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive or untimely barking, molesting passerby, chasing vehicles, habitually attacking people or other domestic animals, trespassing upon school grounds, or trespassing upon private property in such manner as to damage property, shall be deemed a nuisance.

Certain acts prohibited in Public Parks, Playgrounds, Schoolyards and Public Recreation Areas, excluding the Rail Trail and at Town Celebrations, except at Prankers Pond where leashed dogs and horseback riding will be permitted. No person shall permit pets or other such animals to enter these areas, nor shall any person willfully ride a horse or other such animal in these areas unless designated to do so by proper authority, by Town Manager or his Designee

Except for Educational Purposes animals shall be prohibited in public buildings. Exception: Guide, Hearing and Other Service Dogs or Law Enforcement Dogs. These animals may be allowed in town building or on town grounds with proof of current rabies vaccinations. The Town of Saugus Animal Control Officer will be exempt from this By-Law as necessary to hold dogs to be kept in his/her custody in performance of their duties. **(Amended by Article 1 of the October 26, 2016 Special Town Meeting**

507.8 Using Animals as Prizes
No person shall give away any live vertebrate animal as a prize for or as an inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

507.9 Quarantining of Dog that Bites
Any dog which bites a person shall be quarantined for ten (10) days if ordered by the Inspector of Animals. During quarantine the dog shall be

securely confined and kept from contact with any other animal. At the discretion of the Inspector of Animals, the quarantine may be on the premises of the owner. If the Inspector of Animals requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at his own expense, place it in a veterinary hospital.

507.10 Animals Suspected of Being Rabid
No Police Officer or other person shall kill, or cause to be killed any animal suspected of being rabid, except after the animal has been placed in quarantine and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian diagnoses rabies in an animal in quarantine, then the animal shall be humanely killed and the head of such animal be sent to a laboratory for pathological examination and confirmation of diagnosis.

507.10A Whoever is the owner or keeper of a dog or cat in Town of Saugus six months or older shall cause such dog or cat to be vaccinated against rabies by licensed veterinarian using licensed vaccine according to the manufacturer's directions and shall cause such dog or cat to be revaccinated at intervals recommended by manufacturer. Whoever violates the provisions of this section shall be punished by a fine of not more than fifty ($50.00) dollars. Each day of noncompliance shall constitute a separate offense.
(Article 23 at the Adjourned Special Town Meeting December 15, 1997)

507.11 Hindering the By-law Enforcement
Any Canine Control Officer or Humane Officer shall have police power in the enforcement of this By-law and no person shall interfere with or hinder, molest or abuse any Canine Control Officer or Humane Officer in the exercise of such powers.

507.12 By-law Violation Fine
Any person violating any provision of this By-law shall be deemed guilty of a misdemeanor and shall be punished by a fine as follows:

First Offense	$25.00
Second Offense	$50.00
Third Offense	$75.00

If any violation be continuing, each day's violation shall be deemed a separate violation.
(Amended by Article 9 of the 2005 Special Town Meeting of September 26)

507.13 If Parts of By-law are Invalid
If any part of this By-law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this By-law. No provision or interpretation of a provision of this By-law is intended to be either in conflict with, or an attempt to change, any statutory provision in Chapter 140 pertaining to dogs.

507.14 Fees:

Adoptions	$25.00
Licenses:	
Un-Neutered Males	$15.00
Neutered Males	$12.00
Spayed Females	$12.00
Un-Spayed Females	$15.00
Kennels (for 4 dogs)	$25.00
Kennels (up to 10 dogs)	$50.00
Kennels (10 and up)	$100.00
Late Fee:	
Licenses issued After June 30	$20.00

Exceptions: New Residents/Owners
(Verification Required)
(Article 22 of the Adjourned May 7, 2011 Annual Town Meeting)

507.15 Dangerous or Vicious Dogs

A) A "dangerous or vicious" dog, as the term is used in this section shall mean:

I) Any unrestrained dog that has bitten or attacked any person or other domestic pets when off its owner's private property. Any dog with a known propensity, tendency or disposition to attack to cause injury. The owner will be fine by a $150.00 first offense. Second offense $250.00 and subsequent offense where the dog must be off its property. The Canine Officer may order any or all of the following:

a) Spay or neutering
b) Behavior Training

B) An "owner or keeper" of a vicious dog shall mean an individual who is the registered owner as well as an individual who keeps, harbors, or possesses a vicious dog. Any person walking the dog off it's property must be an adult, able-bodied Person holding the dog firmly on a leash not exceeding three feet, with a muzzle made in a manner that will not cause injury to the dog or interfere with it's vision or respiration, but must prevent it from biting any person or animal.

C) While on the owner's or keeper's property, a dangerous or vicious dog must be securely, confined indoors or in a securely enclosed and locked pen or structure meeting standards by the Dog Officer, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. Such pen or structure must have a minimum dimension of five feet by ten fee and must be securely enclosed. If it has no bottom secured to the sides, it must be imbedded into the ground, no less than two feet. "The enclosure must also provide protection from the elements

for the dog and also be inspected by the MSPCA.

D) If said animal is found on property, not owned or controlled by its owner or keeper, or not restrained in a secure area, per paragraph C of this section, on two separate occasions within a twelve-month period as documented by the Dog Officer, said animal may be forever banned from within the limits of the Town of Saugus.

Compliance with the requirements of this section shall not be a defense to and order of disposal of a vicious dog pursuant to GL c. 140, and 157. ***(Article 23 of the Adjourned May 7, 2001 Annual Town Meeting)***

507.16. No person or group of persons residing in the same dwelling unit shall obtain more than three (3) licenses for the keeping of dogs within the Town of Saugus. This by-law shall not apply to dogs present in a dwelling unit as of November 18,2002 and if properly licensed under MGL.
(Article 30 of the Special Town Meeting November 18, 2002)

508.00 Conservation Commission / Wetland Control

Section 1- Purpose:
The purpose of this bylaw is to protect the wetlands, water resources, and contiguous land areas of the Town of Saugus by controlling activities deemed to have a significant effect upon wetland values, including but not-limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, water pollution control, fisheries, shellfish, wildlife, wildlife habitat, recreation, and historically significant wetland-related structures and locations.

Section 2 - Definitions:

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

1. The term "aesthetics" shall include the natural scenery and appearance of any area visually accessible to the public.
2. The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource area protected by this bylaw:
   a. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
   b. Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
   c. Drainage, or other disturbance of water level or water table:
   d. Dumping, discharging or filling with any material which may degrade, water quality;
   e. Placing of fill, or removal of material, which would alter

elevation;

f. Driving of piles, erection, or repair of buildings, or structures of any kind;
g. Placing of obstructions or objects in water;
h. Destruction of plant life including cutting of trees;
i. Changing temperature, biochemical oxygen 4emand, or other physical, biological, or chemical characteristics of any water;
j. Any activities, changes, or worn which may cause or tend to contribute to pollution of any body of water or ground water;
k. Application of pesticides or herbicides;
L. Incremental activities that have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

3. The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, which ever is higher.

4. The term "date of issuance" shall mean the date an Order of Conditions, modification or extension of an Order, or any written decision of the Commission is mailed, as evidenced by a postmark, certified mail card, or the date it is hand-delivered.

5. The term "isolated wetland" shall mean an isolated depression with no inlet or outlet which serves as a ponding area for run-off or high groundwater which has risen above the ground surface, and shall be capable of containing at least 5,000 cubic feet of water.

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

7. The term "rare species" shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

8. The term "vernal pool" shall include a confined basin depression which, at least in most years, holds water for a minimum of two months during the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Massachusetts Division of Wildlife and Fisheries.

B. Except as otherwise provided in this bylaw or in Regulations of the Commission, the definitions of terms in this bylaw shall be as set forth

in The Wetlands Protection Act, G.L. Ch.131, § 40, and regulations, 310 CMR 10.00, as they may be amended.

Section 3 - Jurisdiction
No person shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any bank; freshwater or coastal wetland; beach; dune; flat; marsh; wet meadow; bog; swamp; vernal pool; lake; pond of any size, creek; estuary; the ocean; land under water bodies; land subject to flooding or inundation by groundwater or surface water; land subject to tidal action, coastal storm flowage, or flooding; lands within one hundred (100) feet of any of the aforesaid resource areas; rivers and streams; and lands within two hundred (200) feet of any river or stream, without filing a Notice of Intent with the Saugus Conservation Commission (Commission) and receiving and complying with an Order of Conditions issued by the Commission. Said resource areas shall be protected whether or not they border surface waters.

Section 4 - Conditional Exceptions:
A. This bylaw shall not apply to emergency projects necessary for the protection of the health or safety of the residents of Saugus and to be performed or ordered to be performed by an administrative agency of the Commonwealth or by the Town of Saugus. Emergency project shall mean any project certified to be an emergency by the Commissioner of the Department of Environmental Protection (DEP) and the Commission if this by-law and G.L. CH.131, § 40 are both applicable, or by the Commission if only this bylaw is applicable. In no case shall any removal, filling, dredging, or alteration authorized by such certification extend beyond the time necessary to abate the emergency.

B. The application and permit required by this bylaw shall not be required for other maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services, provided written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

Section 5 -Applications and Hearings for Permits and Requests for Determination

A. Said Notice of Intent (NO I), including such plans as may be necessary to describe such proposed activity and its effect on the environment, shall be filed by delivery in hand to the Commission or its authorized representative or by certified mail, return receipt requested, to the Commission. The NOI shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this

bylaw. Each such NOI shall be accompanied by a filing fee as specified by the Commission's rules and regulations and shall be in addition to that required by G.L. Ch. 131, § 40. No filing fee shall be required when the Town of Saugus files an application for a permit. The Commission, in its discretion, shall hear any oral presentation under this bylaw at the same public hearing required to be held under the provisions of said G.L. Chapter 131, § 40.

B. The Commission shall hold a public hearing on the application within twenty-one (21) days of receipt of the completed NOI required under Section 5A of this bylaw, unless the applicant authorizes an extension in writing. Notice of the time and place of the hearing shall be given by the Commission, at the expense of the applicant, not less than five days prior to the hearing. Such notice shall be published in a newspaper of general circulation within the Town of Saugus and by mailing a notice to the applicant, Board. of Health, Planning Board, Zoning Board of Appeals, Town Engineer, Building Inspector, and Board of Selectmen. The Commission shall have the authority to continue the hearing to a date certain announced at the hearing for reasons stated at the hearing. Such reasons may include receipt of additional information from the applicant or others deemed necessary by the Commission in its discretion, or comments and recommendations of the boards and officials listed above. The Commission shall issue its Order of Conditions within twenty-one (21) days of the close of the public hearing thereon unless the applicant authorizes an extension in writing.

C. Within twenty-one days of the receipt by the Commission of a written request made by any person and sent certified mail, the Commission shall make a written determination as to whether this bylaw is applicable to any land or work thereon, unless the applicant authorizes an extension in writing" Such a Request for determination of Applicability (RDA) shall include information and plans as are deemed necessary by the Commission. When such person is other than the owner, the RDA, notice of any such determination, and the Commission's determination shall also be sent to the owner, as well as to the person making the request.

D. Any person filing a NOI or a RDA with the Commission shall, at the same time, give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors. This shall include owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the NOI or RDA, with plans, or shall state where copies may be examined and obtained. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission.

Section 6 -Consultant Fees:

A. Upon receipt of a permit application or RDA, or at any point in the hearing process, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consulting services deemed necessary by the Commission to come to a final decision on the application. This fee is called the "consultant fee". The specific consulting services may include, but are not limited to, performing or verifying the accuracy of resource area survey and delineation, analysis of resource area functions, including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law.

B. The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. The applicant shall pay the fee to be put into a revolving fund, which may be drawn upon by the Commission for specific consulting services approved by the Commission at one of its public meetings.

C. The exercise of discretion by the "Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside, independent consultants would be necessary for the making of an objective decision.

D. The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decides at a public meeting that other action is necessary. Any applicant aggrieved by the imposition of, or the size of, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws.

E. The maximum consultant fee charged to reimburse the commission for reasonable costs and expenses shall be according to the following schedule:

PROJECT COST	**MAXIMUM FEE**
Up to $100,000	$500
$100,001- $500,000	$2,500
$500,001- $1,000,000	$5,000
$1,000,001-$1,500,000	$7,500
$1,500,001-$2,000,000	$10,000

Each additional $500,000 project cost increment over $2,000,000 shall be charged an additional $2,500 maximum fee per increment.

F. The project cost means the estimated, entire cost of the project including, but not limited to, building construction, site preparation, landscaping, and all site improvements. The project shall not be segmented to avoid being subject to the consultant fee, but the Commission may allow reasonable phasing of the project. The applicant shall submit estimated project costs at the Commissions request, but the lack of such estimated project costs shall not avoid the payment of the consultant fee.

Section 7 -Permits and Conditions:

A. If the Commission, after a public hearing determines that the activities which are subject to the permit application or the land and water uses which will result therefrom are likely to have a significant individual or cumulative effect upon the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall approve or deny a permit for the activities-requested. If it approves a permit the Commission shall impose conditions that the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community, resulting from past activities, permitted and exempt, and foreseeable future activities.

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

C. To prevent wetland loss, the Commission shall require applicants to avoid wetland alteration wherever feasible or minimize wetland alteration where alteration is unavoidable, with the requirement of full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication.

D. Lands within 100 feet of specific resource areas, and within 200 feet of rivers and streams, are presumed important to the protection of these resources because activities undertaken in close proximity to wetlands, rivers and streams, and other resources have a high likelihood of adverse effect upon them either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, but not be limited to, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within aforesaid 100 or 200-foot area, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by this bylaw.

E. In the case of areas within 200 feet of rivers and streams, no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this bylaw, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed-project with less adverse effects, and (2) should there be no practicable alternative, that such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this bylaw. The Commission shall regard as practicable an alternative, which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purposes, logistics, existing technology, costs of the alternatives, and overall project cost.

F. A permit shall expire three (3) years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit for a period up to five (5) years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one-year periods, provided that a request for a renewal is received in writing by the Commission thirty (30) days prior to the expiration date. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

G. For good cause the Commission may revoke or modify a permit or determination issued under this bylaw after notice to the holder of the permit or determination, notice to the public, abutters, and town boards pursuant to Section 5D of this bylaw, and a public hearing.

H. The Commission may combine the permit issued under this bylaw with the Order of Conditions issued under G.L. Ch. 131, § 40, and its implementing regulations, 310 CMR 10.00 as they may be amended.

I. No work proposed in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds or, if the land affected is registered land in the Land Court, and until the holder of the permit certifies in writing to the Commission "that the permit has been recorded.

Section 8 -Security:

A. As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or both of the following methods:

1. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility in an amount determined by the Commission to be sufficient and payable to the Town of Saugus upon default;

2. By accepting a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record (or registered, in the case of registered land), running with the land to the benefit of the Town of Saugus whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

Section 9 -Enforcement.

A. The Commission, its agents, officers and employees, shall have the authority to enter upon privately owned land for the purpose of carrying out its duties under this bylaw and may make or cause to be made such examination, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

B. The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

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

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

E. Any person who violates any provision of this bylaw, or-regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of not more than three hundred dollars ($300.00). Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

Section 10 -Regulations:

A. Following a public hearing, rules and regulations shall be promulgated by the Commission to effectuate the purposes of this bylaw. However, failure by the Commission to promulgate rules and regulations shall not act to suspend or invalidate the effect of this bylaw.

B. At a minimum, these regulations shall define key terms in this bylaw not inconsistent with the bylaw and procedures governing the amount and filing of fees.

Section 11- Burden of Proof:
The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

Section. 12 - Relation to the Wetlands Protection Act:
This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, independent of the G.L. Ch. 131, § 40, and regulations 310 CMR 10.00 thereunder, as they may be amended.

Section 13 - Appeals:
A decision of the Commission shall be reviewable in the Superior Court in accordance with G.L. Ch. 249, § 4.

Section 14 - Severability:
The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination that previously has been issued. (Conservation Commission)

(Article 24 at the Special Town Meeting of December 15, 1997, Held on January 12, 1998).

509.00 Council on Aging

509.01 A council on Aging is herewith established for the purpose of carrying out, coordinating or establishing programs designed to meet the problems of aging. The Council shall make an annual report to the Town.

509.02 The Council may, in its own name, accept contributions, gifts and assistance for the furtherance of its program.

510.00 Kasabuski Memorial Skating Rink and Athletic Field Board of Governors

510.01 There shall be a Board of Governors consisting of not less than eleven members. The members shall receive no remuneration in consideration of their management duties and responsibilities. Eight of

the members shall be elected by the following organizations in the quantities stated:

Saugus Youth Hockey Association	3 Members
Figure Skating Club	1 Member
Saugus National Little League	2 Members
Saugus Youth Soccer Association	1 Member
Town of Saugus Playground Commission	1 Member

The Saugus High School Varsity Hockey Coach shall be an automatic member.

Additionally, the above eight members shall elect three individuals to fill the remaining positions. These individuals may be any Saugus residents interested in the objectives and purposes of this plan. These individuals must also work in the Professional, Financial or Business Management fields. These members shall be deemed appointed immediately.

510.02 The Board Members' terms of office shall be as follows:

(a) The three members from Saugus Youth Hockey shall serve one, two, and three years, respectively.

(b) The Skating Club Member shall serve three years.

(c) The Saugus National Little League Members shall serve two and three years, respectively.

(d) The Saugus Youth Soccer member shall serve two years.

(e) The term of office of the Varsity Hockey Coach shall be on a continuing basis.

(f) The term of office of the appointed (elected by the members in a. thru e.) members shall be one year.

510.03 In the event that a member has served two successive terms, he/she shall not be eligible for re-election to the Board before the next annual meeting following the expiration of his/her second term.

510.04 Six members shall constitute a quorum at any regular or special meeting of the Board.

510.05 The Board must hold regular meetings on a monthly basis and may call special meetings as deemed required.

510.06 The Board shall elect a Chairman, Vice-Chairman, Secretary and Treasurer as its principal officers. The Chairman shall preside at all regular or special meetings and the Vice-Chairman shall attend and keep accurate records of all business transacted at meetings. The

Treasurer shall see that accurate books of accounts are kept and shall work closely with the Town of Saugus Treasurer and Accountant. He/she shall provide a financial report to the Board of Governors at each of its regular meetings.

510.07 In the event of a vacancy, the Board shall forthwith, request that the vacancy be filled by an election within the member organization (i.e. Youth Hockey, Skating Club, National Little League, Youth Soccer). If a vacancy occurs in the appointed membership, the Board shall fill that vacancy within thirty (30) days.

510.08 The Governors shall be charged with management of the Kasabuski Bros. Skating Rink, including all lands, buildings and incidental activities thereto, and shall be vested with full and complete power to carry out the objectives and purposes of this plan. They shall be vested with the power to promulgate regulations governing the use of the Ice Rink. The Board shall have the power to fix, and as necessary, change fees to be charged for the use of the leased facilities.

510.09 The Board of Governors shall have the power to hire, and discharge personnel (full or part time) that are employed in the operation of the facilities. (Attachment A)

510.10 Employees of the faculty shall not be employees of the Town of Saugus.

510.11 The Board of Governors shall set the salaries and terms and conditions of employment for all employees.

510.12 Any member of the board of Governors may be removed from office for cause at any time by a two-thirds vote of all Board of Governors' Members taken by a written ballot at a duly called meeting of the Board. The call of the meeting at which such action is proposed shall clearly set forth such proposed removal. Written notice of such removal proceeding must be mailed to each Governor and the organization he represents seven days (7) prior to the removal hearing. The member proposed to be removed shall have the opportunity to defend him/herself.

511.00 Boats and Waterways Commission

511.1 Purpose

The waterways Commission, hereinafter the "Commission" is formulated for the purpose of providing a clear, effective and professional policy for the planning, development and management of Saugus waterways. The Commission will bring continuity in policy to secure public access to the waterfront, protect the rights of current marine interests and promote development consistent with historic usage and the public interest. The policy of the Commission will ensure the interests of

commercial, fishing, and recreational boating and that the waterways will be accessible to all citizens.

511.2 Composition

There shall be a Waterways Commission, which shall consist of five (5) members who must be residents of the Town of Saugus. The members shall be appointed by the Board of Selectmen from a list of persons recommended by the Town Manager, because of their interest in waterways and adjoining land activities. Said commission shall be composed of the following categories: Waterway abutting homeowner with no commercial interests in waterways or adjacent lands, a commercial fisherman/lobsterman, a recreational boat owner, business owner in the predominate waterways area, and a town meeting member. In addition, there shall be two (2) alternate members appointed from any of the proceeding categories of members to serve in place of absent members, if necessary. The harbormaster shall serve as an ex-officio member of the commission, without vote.

511.03 Tenure

The term of all members shall run for three (3) years except that the initial term shall be staggered so that the term of not more than two (2) members shall terminate in any year. Alternate members appointments shall not expire in the same year. If a member resigns or is removed for any reason before his/her term expires, a replacement shall be appointed within two months of termination by the Board of Selectmen, in accordance with Section 2, to complete that term. A commission member can be removed by the Board of Selectmen for good cause, upon request of the commission. Failure to attend four consecutive meetings without good reason shall constitute good cause for removal. The commission shall elect a chairperson and secretary.

511.04 Powers and Duties

The Saugus Waterways Commission is hereby authorized, empowered and required to prepare and implement a comprehensive Waterway Master Plan and to provide for the annual review of said plan. This plan shall be known as the Saugus Waterways Plan and shall be subject to Town meeting approval.

To recommend procedures, and long range plans for recreational and commercial boats in regard to dockage, launching, moorings and for water dependent development projects; to confirm the enforcement powers of Town, State, and Federal authorities; to advise the Board of Selectmen concerning fees and charges for Town owned and operated facilities within the commission's jurisdiction; to recommend to the Board of Selectmen setting fines for violation of regulations; all consistent with existing law and State and Federal guidelines.

To research, articulate, publicize and help implement the various rules and regulations by the State Department of Environmental Protection,

Chapter 91, permitting process and the Army Corps of Engineers licensing procedures as they apply to all development projects in the areas of the waterways of the Town of Saugus under the jurisdiction of the Commission.

To make recommend By-Laws for adoption by the Saugus Town Meeting consistent with any Saugus Waterways Commission Plan ultimately adopted. To advise the harbormaster in the assignment of moorings and placement of floats or rafts held by bottom moorings, the management of mooring areas and the collection of mooring fees as established.

To advise the Town Manager and the park managers in the management, maintenance, and supervision of the Ballard Street Public Parking, and Lobsterman's Landing/Vitale Memorial Park, including any public parking areas related thereto. The Commission shall make recommendations on the fees to be charged for the use of such facilities.

To review the operating budget related to the revolving fund set aside for the cooler facility, and to investigate the feasibility of adding to such a fund other income received from local appropriations, mooring fees, excise taxes collected under M.G.L. Chapter 60B, violation fines, and/or a harbor management fund established hereafter by By-Law; and to make recommendations hereunder to the Town Manager and the Finance Committee.

To act as a liaison between the Town of Saugus and the Army Corps of Engineers, DEP's Division of Wetlands and Waterways and the Massachusetts Office of Coastal Zone Management.

To review and make recommendations on proposed zoning changes for land bordering the waterways. Such recommendations shall be forwarded to the Planning Board and the Town Counsel.

To review and make recommendations to the Town Manager and the Board of Selectmen on proposed water use activities contiguous to the waterfront and within the waters delineated in Section 5 of this By-Law, that are received for review by other municipal agencies.

To review for consistency with any harbor management plan any public notice of an application for local, state or federal permit for an activity taking section place within the commission's jurisdiction as described in Section 5 of this By-Law, and to respond in a timely fashion with recommendations to the regulating agencies.

To conduct or cause to be conducted, studies of the conditions and operations in and adjacent to Saugus waters and to present to the Town Manager proposals for the harbor's efficient operation.

To work with other Town Agencies and Departments in making applications for, receiving and administering grants or subsidies from any State or Federal Agency and to investigate all accepted financial policies to raise revenues for the planning, construction or financing of any waterways related project.

To prepare an annual report in accordance with the Town Charter.

To meet at least once a month on a day to be scheduled by the Commission.

511.05 Areas of Jurisdiction
The Commission has geographic jurisdiction over:

The areas located in the waters of the Town of Saugus bounded by the projection of the boundary lines of neighboring towns or cities.

All tidal and intertidal zones within these boundaries and all land in the Town of Saugus immediately contiguous to these zones.

All current and future launching and docking facilities within these boundaries.

511.06 Severability
If any provision of this By-Law or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of this By-Law which can be given effect without the invalid provisions or application, and to this end, all the provisions of this By-Law are declared to be severable.

511.07 Concurrent Jurisdiction
Nothing contained in this By-Law shall be construed to supersede or conflict with the jurisdiction of the Federal Government with respect to the enforcement of the navigation, shipping, anchorage and associated laws of the United States, or any lawful regulation of the Division of Wetlands and Waterways Regulation, Department of Environmental Protection, or the Division of Marine and Recreational Vehicles or any laws of the Commonwealth of Massachusetts.

In the event that any provision of this By-Law is hereby found to be invalid the remainder of the By-Law shall continue in full force and effect.

511.08 Harbormaster, Boats and Waterways Rules and Regulations

A. Fishing Equipment, Bait Receptacles

No bait, receptacles for the storage or keeping of bait, or other equipment used for fishing purposes, commercial or otherwise, including traps, buoys, lines, etc., shall be kept or stored on a float or adjoining pier or wharf used as a common landing in whole or in part by the Town including the Town Boat Ramp and Vitale Memorial Park Receptacles for bait and all other equipment used for fishing purposes shall be kept suitably covered to prevent unsightliness or the presence of odor, and shall be kept clean. Any receptacle or equipment used for fishing must be removed from any common landing on order of the harbormaster if found to be on violation of regulations.

B. Use of Any Common Landing for Commercial Fishing Purposes Prohibited: Exception

No person or persons shall dock at any common landing for the purpose of discharging, unloading, or taking on commercial fishing products without a valid town permit, nor shall any person or persons load or discharge any commercial fishing equipment at any common landing without prior written permission of the harbormaster.

C. Float Permits

No float may be moored in Saugus Harbor without a float permit. A float permit shall be issued on a yearly basis and the locations, size, and holding equipment shall be under the inspection and control of the harbormaster. Any person aggrieved by the decision of the harbormaster under this subsection has the right to appeal for a hearing to the Board of Selectmen whose decision, after holding a public hearing, is final.

D. Permit to Anchor or Moor a Vessel

A master or person acting as master, owner, custodian or any other person shall moor or anchor any vessel within the limits of Saugus Harbor without first obtaining from the harbormaster a permit to anchor or moor said vessel. Any person aggrieved by the decision of the harbormaster under this subsection has the right to appeal for a hearing to the Board of Selectmen whose decision, after holding a public hearing, is final.

E. Application for Mooring Permit

An applicant requesting a mooring permit shall file an application therefore with the harbormaster, and said application shall contain such information as the harbormaster may require to determine the adequacy of the mooring and gear to be used by the applicant. Upon receipt of the application, the harbormaster may also require an inspection of said mooring and gear. The harbormaster shall issue to the applicant a mooring permit designating the mooring location

if, in the opinion of the harbormaster, said mooring and gear to be used is adequate to secure the boat described and there is space available without endangering other boats. The holder of a mooring permit shall cause his mooring identification number to be painted or attached to the float of his or her mooring. Application shall be dated and numbered. If space is not available, applicants will be wait-listed by dated seniority. Any person aggrieved by the decision of the harbormaster under this subsection has the right to appeal for a hearing to the Board of Selectmen whose decision, after holding a public hearing, is final.

F. Fee for Mooring Permits; Expiration of Permits; Permits Nontransferable

The mooring for all who are liable under law to pay to the Town of Saugus their excise taxes for vessels moored in Town waters shall be as determined by the licensing authority, measured from the stem in a straight line aft to the stern. No mooring permit shall be issued until the fee established herein shall be paid to the Town of Saugus. All permits shall expire at midnight, December 31st of the year in which they are issued. Failure of a vessel owner to apply for a permit before April 15th will result in the loss of mooring space. No mooring permit shall be transferable. No vessel, other than the vessel for which the permit is issued may be attached to any mooring. However, the Harbormaster may authorize, in writing, the temporary use of a mooring by another boat upon application by the holder of the permit.

G. Winter Mooring Buoy

Winter Mooring Buoy spars shall be upright at all times. They shall carry the same permit number issued. The winter spars shall be removed the first day of June and shall not be set until on or after the first day of October of each calendar year.

H. Buoys Visibility

All spars, cans, balls or styrene or equivalent chain flotation buoys shall be visible at any tide level unless winter line are dropped to the bottom.

I. Harbormaster to Establish and Enforce Regulations for Buoys and Moorings

The Harbormaster shall make regulation regarding the size, kind and placing of all moorings and buoys within the anchorage areas of the Town and shall enforce these regulations as provided in the Mass. General Laws.

J. Setting Out Moorings; Chain and Buoys

All moorings shall be placed under the supervision of the Harbormaster. Moorings shall have such suitable chain and buoy as deemed necessary by the Harbormaster. Proper mooring tackle is necessary to secure vessels adequately at their moorings. The Harbormaster's standards in this matter are advisory only, and the Town of Saugus assumes no liability for personal injury or property damage which results in the utilization of any tackle which meets or exceeds these recommended standards. Any person aggrieved by the decision of the Harbormaster under this subsection has the right to appeal for a hearing to the Commission whose decision, after holding a public hearing, is final.

K. Tying Vessels up to Piers

No vessels may be tied to common landings unless the express permission of the Harbormaster has been obtained, and then only for emergencies.

L. Tying Vessels to Common Landing for more than Thirty Minutes Prohibited; Exception

No vessels shall be tied to any common landings in the Town unless for the express purpose of loading or unloading.

M. Speed Limits of Boats; Excessive Wake

No boats shall exceed five (5) miles per hour, or cause a disturbing wake within the confines of posted areas or anchorage areas within Town waters.

N. Skin Divers, Scuba Divers to a Tow Float, Flag; to Surface Under Same; Exception

Persons skin diving or scuba diving in the Saugus Harbor shall tow the float and flag required by Mass. General Laws Chapter 90B, Section 13A while submerged. Such persons shall surface under such float and flag. The provisions of this section shall not apply to persons diving for commercial purposes.

O. Preventing Harbor Contamination

No person shall discharge or cause to be discharged any petroleum products or other products into the Saugus harbor or any waters surrounding the Town. Every caution shall be exercised during transfer operations to prevent the discharge of petroleum products into the Harbor.

All vessels discharging or transferring petroleum or any other Pollutants in Saugus waters shall deploy an efficient spill guard so as to retain any spill or leakage.

All vessels unloading a cargo in Saugus waters other than petroleum shall deploy a spill guard at the request of the Harbormaster.

P. Notification to Harbormaster of Arrival of Vessel; Information to be Included in Notice.

All shippers or receivers of petroleum products or other goods and firms doing business in the Town on arrival of a ship or vessel at their wharf, dock, or otherwise, shall immediately notify the Harbormaster of this fact and forward to him or her, a statement setting forth the following information:

(1) Date of Arrival
(2) Rig
(3) Name of Vessel
(4) Nationality
(5) Captain
(6) Arrival Form
(7) Cargo
(8) Amount of Cargo
(9) Consignee of Cargo
(10) Agent of Vessel
(11) Register tons gross
(12) Register tons net

Q. Non-Criminal Disposition

Whoever violates any provision of this By-Law, in the discretion of the Harbormaster, shall be penalized by a non-criminal complaint in the District Court pursuant to the provisions of Mass. General Laws Chapter 40, Section 21D. For the purpose of this provision, the penalty to apply in the event of a violation shall be as follows: $25 for the first offense; $50 for the second offense; $100 for the third offense and $200 for the fourth and each subsequent offense. Each day on which a violation exists shall be deemed to be a separate offense.

512.00 Youth Commission (Deleted Article 29 Town meeting May 10, 1999)

512.00 Recreation & Parks Self-Supporting Revolving Funds.

Annual authorization of the Youth & Recreation Revolving Fund is required by a vote of the Annual Town Meeting.
(Amended, Article 29 of the Annual Town Meeting of May 1, 2000.)

513.00 Board of Health -Solid Waste Facility Public Process Bylaw

Section 1 Preamble.
This section establishes public participation requirements to improve the public notification process following the filing of a site

assignment application for a new solid waste facility or for the expansion or modification of an existing facility.

Section 2 Purpose.
The purpose of this Section is to protect the rights of the people of Saugus to clean air and water guaranteed by Article 97 of the Articles of Amendment to the Massachusetts Constitution, and to protect their right to petition government guaranteed by the Massachusetts Constitution, Article 19 of the Declaration of Rights, and by the First Amendment to the United States Constitution.

Section 3 Authority.
This Section is adopted pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article 89 of the Articles of Amendment, independent of the provisions of Section 150A of Chapter III of the General Laws and regulations promulgated thereto.

Section 4. Proposed Solid Waste Facilities - Public Process.
This bylaw establishes procedures to require an informational meeting by the Board of Health, which is held following the filing of an application for a site assignment for a new solid waste facility or for the expansion or modification of an existing facility:

a) The Board of Health shall hold a public informational meeting no later than forty- five (45) days following the receipt by the Board of a site assignment application for a proposed solid waste facility, including an application for a new solid waste facility or for the expansion or modification of an existing facility, where the applicant shall be invited to give a short presentation and to answer questions from attendees.

b) At least fourteen (14) days prior to commencement of said informational meeting, the Board of Health shall require the applicant place a large 4 foot by 8 foot sign at the proposed site, on the nearest public way, which states in a clearly readable typeface that *"This is a proposed site of a (type of facility, expansion, or modification) proposed by (name of applicant). An informational meeting on the application will be held (date) (time) at (location). For more information, contact (name, title, phone number and address of Board of Health contact),"* and which shall contain a brief description of the proposed project and where application materials can be reviewed.

C) At least fourteen (14) days prior to commencement of said informational meeting, the Board of Health shall send notice of said meeting, which shall Include a brief description of the project, the date, time and location of the meeting, how residents can participate in the meeting, and where application materials can be reviewed, by first class mail to

all residents and landowners located within one mile of the proposed site, including residents and landowners in an abutting town if the proposed site is within one-half mile of that town (an "abutting town").

d) At least fourteen (14) days prior to commencement of the informational meeting, the Board of Health shall forward a copy of the application for site assignment to the Saugus Public Library and to the public library in an abutting town, if any, and make a copy available on the Internet.

e) At least fourteen (14) days prior to commencement of the informational meeting, the Board of Health shall publish notice as a display advertisement in a non-legal section of one or more newspapers of general circulation in Saugus and an abutting town, if any, which shall include notice of the informational meeting and where the application materials may be reviewed, and shall send the notice as a press release to all newspapers and media outlets which circulate in the town.

f) The Board of Health shall provide for either live public broadcast of the informational meeting on the legal cable access channel, or if that is not feasible, for the videotaping of the informational meeting for later broadcast.

g) The Board of Health may assess upon the applicant the costs for complying with the provisions of this subsection relative to the informational meeting and providing notice thereof. Said applicant may contest the amount so assessed and may request a hearing before the Board, who may then reconsider the amount of the assessment thereof.

Section 5 Severability.
Each of the paragraphs within this By-Law shall be construed as separate to the end that if any sentence, clause or phrase thereof shall be held invalid for any reason the remainder of that paragraph and all other paragraphs of this By-Law shall continue in force.
(Article 30 of the 2003 Annual Town Meeting held on June 23, 2003)

514.00 Board of Health -Solid Waste Facility Enforcement Bylaw

Section 1 Preamble.
This Section establishes public involvement requirements for Board of Health regulation of a solid waste facility, which has already received a site assignment.

Section 2. Purpose.
The purpose of this section is to protect the rights of the people of Saugus to clean air and water guaranteed by Article 97 of the Articles of Amendment to the Massachusetts Constitution, and to protect their right to petition government guaranteed by the Massachusetts

Constitution, Article 19 of the Declaration of Rights, and by the First Amendment to the United States Constitution.

Section 3 Authority.
This Section is adopted pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article 89 of the Articles of Amendment, independent of the provisions of Section 150A of Chapter 111 of the General Laws and regulations promulgated thereto.

Section 4 Regulation of Solid Waste Facilities.
General Laws Section 150A, Chapter 111 requires that every person maintaining or operating a solid waste facility shall operate the facility in such manner as will protect public health and safety and the environment. Upon determination by the Board of Health that the operation or maintenance of such a facility results in a threat to public health and safety or the environment, the Board may rescind, suspend, or modify the site assignment following due notice and a public hearing. This By-Law provides that, in addition to the procedures required by state law and regulation:

a) Anyone hundred (100) or more residents of Saugus may petition the board of Health in writing alleging that a solid waste facility is operating in violation of its site assignment or of any applicable law, regulation, order, or bylaw or that the maintenance or operation of a solid waste facility results in a threat to public health or safety or the environment.

b) When an allegation is made that a solid waste facility is in violation of any applicable law, regulation, order, or bylaw or that the maintenance or operation of a solid waste facility results in a threat to public health or safety or the environment, the burden of proof shall be on the owner or operator of the solid waste facility to prove that the facility is not in violation or that the operation of the facility does not result in a threat to public health, safety, or the environment, as the case may be.

c) No later than twenty-one (21) days following receipt of such a petition, the Board of Health shall schedule a preliminary hearing. The purpose of the preliminary hearing shall be to decide whether the Board should schedule a site assignment hearing pursuant to Section 150A of Chapter III of the General Laws to consider whether to rescind, suspend, or modify the site assignment.

d) The preliminary hearing shall be held no later than sixty 60) days following receipt of the petition.

e) Notice of the preliminary hearing shall be made at least twenty-one (21) days prior to the commencement of the hearing by notice printed in a display advertisement in every newspaper of general circulation in Saugus. Said notice shall include the entire text or a concise summary of the petition, the date, time, and place of the

preliminary hearing, and the deadline for submitting written comments to the Board of Health on the petition.

f) The preliminary hearing shall be conducted as follows: The petitioners shall first describe the basis for their petition. Then, the owner or operator of the affected facility shall be given a reasonable opportunity to respond. The Board shall then allow public testimony, and shall accept written comments for a specific period of time that shall be announced at the preliminary hearing. The hearing shall be conducted as informally as possible, and shall not follow the rules of evidence commonly followed in the courts. Any resident of Saugus shall be allowed to present oral or written testimony during the hearing.

g) No later than thirty (30) days following the conclusion of the preliminary hearing, the Board shall render a written decision whether or not to convene a site assignment hearing pursuant to Section 150A, Chapter III of the General Laws to consider whether the site assignment should be rescinded, suspended, or modified.

Section 5 Severability

Each of the paragraphs within this By-Law shall be construed as separate to the end that if any sentence, clause or phrase thereof shall be held invalid for any reason the remainder of that paragraph and all other paragraphs of this By-Law shall continue in force.

(Article 31 of the 2003 Annual Town Meeting held on May 19, 2003)

Section 514.10: Plastic Bag Reduction Bylaw

Section 1. Purpose and Intent

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including , but not limited to: contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities, increasing the amount of plastic that is incinerated in Saugus; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. The purpose of this bylaw is to protect the Town's unique natural beauty and its water and natural resources by eliminating single-use plastic check-out bags that are distributed in the Town of Saugus and to promote the use of reusable bags.

Section 2. Definitions:

2.1 Checkout bag means a carryout bag provided by a store to a customer at the point of sale. Checkout 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 checkout area of the store.

2.2 Grocery Store means a retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food

products for home preparation and consumption, which typically also offers home care and personal care products.
2.3 Retail Store means 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 businesses.
2.4 Reusable checkout bags means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 4.0 mils in thickness.
2.5 Thin-film single-use plastic bags are 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 is less than 4.0 mils in thickness.
2.6 Recyclable paper bag means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words "recyclable" and "made from 40% post-consumer recycled content" in a visible manner on the outside of the bag.
2.7 This bylaw shall be known as the Plastic Bag Reduction Bylaw.

Section 3. Use Regulations:
3.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store or grocery store within the Town of Saugus.
3.2 If a retail store provides or sells checkout bags to customers, the bags must be one of the following (1) recyclable paper bags, or (2) reusable checkout bags.
3.3 Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

Section 4. Effective Date
This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or January 1, 2020, whichever is later. Upon application of the owner or the owner's representative, the Board of Health may exempt a retail store from the requirements of this section for a period of up to six (6) months upon a finding by the Board of Health that 1) the requirements of this section would cause undue hardship; or 2) a retail store requires additional time in order to draw down an existing inventory of checkout bags.

Section 5. Enforcement
5.1 Enforcement of this bylaw shall be responsibility of the Board of Health or its Agent. The Board of Health shall determine the monitoring process to be followed, which may be limited to responding to citizen reports and/or incorporating the process into other town duties as appropriate.
5.2 Any retail or grocery store distributing plastic checkout bags in violation of this bylaw shall be subject to a noncriminal disposition

fine as specified below. Any such fines shall be paid to the Town of Saugus.

Violation of the Plastic Bag reduction Bylaw

1) Penalty: First Offense - Warning; Second Offense - $50 per day; Third and each subsequent offense - $100 per day.
2) Enforcing persons; Board of Health Agent.

Section 6. Severability

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.
Non-substantive changes to the numbering of this bylaw may be permitted in order that it be in compliance with the numbering format of the Town of Saugus Bylaws, or take any other action related thereto.

Article 15 of the May 6, 2019 Annual Town Meeting

Section 514.20: Polystyrene Food Container Reduction Bylaw

Section 1. Purpose and Intent
Polystyrene contains dangerous substances which when heated release toxic chemicals that be carcinogenic. Eliminating polystyrene food and beverage containers is in the best interest of the health and welfare of the inhabitants of the Town of Saugus. Foam polystyrene food containers form a significant portion of the solid waste that adds to the tonnage being incinerated. Polystyrene is not biodegradable or compostable, and is generally not recyclable.

Section 2. Definitions
2.1 "Disposable Food Service Container" means single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded containers.
2.2 "Food Establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Food Establishment shall include any fixed or mobile place, structure or vehicle whether permanent, transient, or temporary, private, public or non-profit, routinely serving the public; or any other eating and drinking establishment or place in which food or drink is prepared for sale or for service to the public on the premises or elsewhere. School cafeterias are included in this ordinance.
2.3 "Polystyrene" means and includes blown polystyrene and expanded and extruded foams (sometimes called "Styrofoam", a Dow Chemical Do. Trademarked form of EPS insulation) also referred to as expanded polystyrene (EPS), which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene); and in this bylaw is referenced as "Foam Polystyrene is generally used to make cups, bowls, plates, trays,

clamshell containers, meat trays and egg cartons and is identified by recycling code #6.
2.4 "Prepared Food" means any food or beverage prepared on the Food Establishment's premises for consumption on the premises or elsewhere, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further preparation.
2.5 BOH means the Board of Health or Board of Health's Agent.
2.6 This bylaw shall be known as the Polystyrene Food Container Reduction Bylaw.

Section 3. Use Regulations
Except as provided herein, Food Establishments are prohibited from dispensing Prepared Food to customers in Disposable Food Service Containers made from Foam Polystyrene.

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney general or January 1, 2020, whichever is later. Upon application of the owner or the owner's representative, the Board of Health may exempt a food establishment from the requirements of this section for a period of up to six (6) months upon a finding by the Board of Health that (1) the requirements of this section would cause undue hardship; or (2) a food establishment requires additional time in order to draw down an existing inventory of foam polystyrene disposable food service containers.

Section 5. Enforcement
5.1 Enforcement of this bylaw shall be the responsibility of the Board of Health. The Board of health shall determine the monitoring process to be followed, which may be limited to responding to citizen reports and/or incorporating inspections into existing food establishment inspections.
5.2 Any food establishment in violation of this bylaw shall be subject to a non-criminal disposition fine as specified below. Any such fines shall be paid to the Town of Saugus.
Violation of the Polystyrene Food Container Reduction Bylaw
(1) Penalty: First Offense - Warning; Second Offense - $50 per day; Third and each subsequent offense - $100 per day.
(2) Enforcing persons: Board of Health or its Agent.

Section 6. Severability
If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.
Non-substantive changes to the numbering of this bylaw may be permitted in order that it be in compliance with the numbering format of the Town of Saugus Bylaws, or take any other action related thereto
Non-substantive changes to the numbering of this bylaw may be permitted in order that it be in compliance with the numbering format of the Town of Saugus Bylaws, or take any other action related thereto.

Article 16 of the May 6, 2019 Annual Town Meeting

Section 515.00

Section 1. Name of the Trust
The Trust shall be called the "Town of Saugus Affordable Housing Trust Fund".

Section 2. Purpose
The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Saugus for the benefit of low and moderate income households. In furtherance of this purpose, the Trustees are hereby authorized in accordance with the procedures set forth herein, to acquire by gift, purchase or otherwise real estate and personal property, both tangible and intangible, of every sort and description; to use such property, both real and personal, in such manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property held by the Trust and the net earnings thereof shall be used exclusively for the preservation and creation in the Town of Saugus of affordable housing for the purposes for which this Trust was formed.

Section 3. Tenure of Trustees
There shall be a Board of Trustees consisting of not less than 9 Trustees who shall be appointed by the Board of Selectmen. One of the Trustees shall be the Town Manager. Only persons who are residence of the Town of Saugus shall be eligible to hold the office of Trustee. Trustees shall serve for a term of two years, except that four of the initial trustee appointments shall be for a term of one year, and may be re-appointed at the discretion of the Board of Selectmen. Any trustee who ceases to be a resident of the Town of Saugus shall cease to be a Trustee hereunder and shall promptly provide a written notification of the change in residence to the Board and to the Town Clerk. Any trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of Selectmen to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

Section 4. Meeting of the Trust
The Trust shall meet at least quarterly at such time and at such place, as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open meeting Law, G.L. Chapter 39, Sections 23A, 23B and 23C. A quorum at any

meeting shall be a majority of the Trustees qualified and present in person.

Section 5. Powers of Trustees
The Board of Trustees shall have the following powers which shall be carried out in accordance with and in furtherance of the provisions of G.L. Chapter 44, Section 55C.

1) With the approval of the Board of Selectmen, to accept and receive real property, personal property or money, by gift, grant, contributions, devise, or transfer from any person, firm corporation or other public or private entity, including but not limited to money, grants or funds or other property tendered to the trust in connection with provisions of any ordinance or Bylaw or any General law or special act of the Commonwealth or any other source including money from Chapter 44B of the General Laws;

2) With the approval of the Board of Selectmen, to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

3) With the approval of the Board of Selectmen and Town Meeting, to sell, lease, exchange, transfer or convey any real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to trust real property as the trustees deem advisable notwithstanding the length of any such lease or contract;

4) With the approval of the Board of Selectmen, to sell, lease, exchange, transfer, or convey any personal property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to trust personal property notwithstanding the length of any such lease or contract;

5) To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

6) To employ advisors and agents, such as accountants, appraisers and lawyers as the trustees deem necessary;

7) To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the trustees deem advisable;

8) To apportion receipts and charges between income and principal as the trustees deem advisable, to amortize premiums and establish

sinking funds for such purpose, and to create reserves for depreciation, depletion or otherwise;

9) With the approval of the Board of Selectmen, to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution, to vote any securities or certificates of interest, and to consent to any contract, lease mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

10) With the approval of the Board of Selectmen, to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the trustees may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board, with the approval of the Board of Selectmen, may deem necessary and appropriate;

11) To carry property for accounting purposes other than acquisition date values;

12) With the approval of the Board of Selectmen and the approval of town Meeting by a two thirds majority vote, to incur debt, to borrow money on such terms and conditions and from such sources as the trustees deem advisable, and to mortgage and pledge trust assets as collateral;

13) With the approval of the Board of Selectmen, to disburse trust funds for the purpose of making loans or grants in furtherance of the creation or preservation of affordable housing in Saugus, upon such terms as the Trustees shall deem most appropriate to carry out such purposes;

14) To make distributions or divisions of principal in kind;

15) To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of G.L. Chapter 44, Section 55C, to continue to hold the same for such period of time as the board may deem appropriate;

16) To manage or improve real property and, with the approval of the board of Selectmen and Town Meeting, to abandon any property which the trustees determine not to be worth retaining;

17) To hold all or part of the trust property uninvested for such purposes and for such time as the trustees may deem appropriate; and

18) To extend the time for payment of any obligation to the trust.

Section 6. Funds Paid to the Trust
Notwithstanding any general or special law to the contrary, all moneys paid to the trust in accordance with any zoning by-law, exaction fee, or private contribution shall be paid directly into the trust and need to be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and these funds need not be further appropriated to be expended. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board within one year of the date they were appropriated into the trust, remain trust property.

Section 7. Acts of Trustees
A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

Section 8. Liability
Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein. The Trust is a public employer and the Trustees are public employees for the purposes of G.L. Chapter 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of G.L. 268A.

Section 9. Taxes
The Trust is exempt from G.L. Chapter 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any subdivision thereto.

Section 10. Custodian of Funds
The Town Treasurer shall be the custodian of funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor, in accordance with accepted accounting practices for municipalities and a copy of said audit shall be sent to the Board of Selectmen. The Trust fiscal year shall run from July 1st through June 30th.

Section 11. Governmental Body
The Trust is a governmental body for purposes of Section 23A, 23B and 23C of G.L. Chapter 39.

Section 12. Board of the Town
The Trust is a board of the Town for the purposes of G.L. Chapter 30B and Section 15A of G.L. Chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities,

departments and public instrumentalities of the town shall be exempt from said Chapter 30B.

Section 13. Duration of the Trust
This Trust shall be indefinite duration, until terminated in accordance with applicable law. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Board of Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

Section 14. The Board of Selectmen may authorize the Trustees to execute, deliver, and record with the Registry of Deeds any documents required for any conveyance authorized hereunder.

Section 15. Titles
The titles to the various Sections herein are for convenience only and are not to be considered part of said Sections nor shall they affect the meaning or the language of any such section.

(Article 28 of the 2007 Annual Town Meeting held on June 11, 2007)

Section 516.00:

A BY-LAW REGULATING THE SECURITY AND MAINTENANCE OF VACANT AND DILAPIDATED BUILDINGS

I. Purpose

The Town has found that vacant and dilapidated buildings are at a greater risk of deterioration, pest infestation, fire, criminal trespass, and violations of state and local building codes and sanitary codes. The purpose of this by-law is to assist the Town in protecting and preserving public health and safety of its residents by requiring that the Town be notified of these vacant and dilapidated buildings and to allow the Town to recover the costs associated with the monitoring and inspecting said properties.

II. Definitions

For purposes of this By-law:

a. "Days" shall mean consecutive calendar days.

b. "Property" shall mean any residential, commercial or mixed use real property, or portion thereof, including but not limited to the land, structures and buildings thereon, located in the Town of Saugus.

c. "Mortgagee" shall mean the creditor and/or lender in a mortgage agreement, including but not limited to any agent of the creditor and/or lender, service company, employee of the creditor and/or lender, or any successor-in-interest and or assignee of the rights, interests or obligations of said creditor and/or lender.

d. "Notice" shall mean the sending of a letter via certified mail, return receipt requested, by the Inspectional Services Department to the Owner of a Property or to the address of the Property informing said Owner that said Property has been deemed Vacant and Dilapidated. The date of Notice shall be deemed the date of the letter sent.

e. "Vacant and Dilapidated" shall mean a building or structure on a Property that is not lawfully occupied and deemed in violation of relevant sanitary codes, building codes, state or local regulations or laws by the Inspectional Services Department and as a result of said violation(s), has been deemed by the Inspectional Services Department to be a threat to the health and safety of the community.

f. "Owner" shall mean: every person, entity, service company, property manager or real estate broker who alone or severally with others (1) has legal or equitable title to any Property, or (2) has care, charge or control of any Property in any capacity, including but not limited to, agent, executor, executrix, administrator, administratrix, trustee, conservator or guardian of an estate or the holder of legal title, or (3) is a Mortgagee in possession of any such Property; or (4) is an agent, trustee, conservator, guardian, or other person appointed by the courts and vested with possession or control of any such Property; or (5) is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, this by-law shall not apply to a condominium association created pursuant to M.G.L. chapter 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association; or (6) every person who operates a rooming house or is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

III. Registration of Vacant and Dilapidated Property

a. Within forty-five (45) days after Notice by the Inspectional Services Department by certified mail return, receipt requested,

that a Property has been deemed Vacant and Dilapidated by the Inspectional Services Department the Owner shall register the Vacant and Dilapidated Property with the Inspectional Services Department, on forms provided by the Inspectional Services Department, with the name, address and telephone number of each owner of the Property, the street address of the Property and the Assessor's map and lot number for the Property. The registration fee as set forth below shall accompany said registration.

b. If the Owner is not at an address within the Commonwealth of Massachusetts, the registration shall also include the name, address, and telephone number of a person who resides within the Commonwealth of Massachusetts and is authorized to accept service of process on behalf of the Owner and who shall be designated as a responsible local agent, both for purposes of notification in the event of an emergency affecting public health, safety or welfare and of service of any and all notices issued pursuant to this by-law and other laws and regulations of the Commonwealth of Massachusetts and the Town of Saugus.

c. Failure to register a Vacant and Dilapidated Property in the time frame set forth in paragraph III a. above shall be a violation of this by-law.

d. Once the property is no longer Vacant and Dilapidated or is sold, the Owner must provide proof of sale or written notice of occupancy to the Inspectional Services Department.

IV. Registration Fees

a. Within forty-five (45) days after Notice by the Inspectional Services Department that a Property has been deemed Vacant and Dilapidated by the Inspectional Services Department, Owner of such Vacant and Dilapidated Property shall, in addition to registering said Property, pay to the Inspectional Services Department a registration fee to cover the administrative costs of monitoring such Vacant and Dilapidated Property in the amount of one hundred and fifty dollars ($150.00). The initial fee and registration shall be valid for the remaining portion of the calendar year in which the registration was initially required. Initial Registrations occurring on or after July 1st of initial registration year shall be at a rate of 50% of the initial registration fee set forth above. Subsequent registrations and fees are due on the 1st day of January of each year thereafter according to the following schedule:

For Property Vacant and Dilapidated for:

1) Less than one year: $250.00

2) One year or more but less than two years: $500.00

3) Two years or more: $1,000.00

V. Billing

a. On or before November 15th of each calendar year, the Town shall send a billing statement setting forth the required registration fee to each Owner of a Vacant and Dilapidated Property. Notwithstanding the foregoing, the registration fee set forth above shall be due and payable on or before January 1st of each year regardless of delivery or receipt of said billing statement.

VI. Maintenance Requirement

a. Properties subject to this by-law must be maintained in accordance with all applicable sanitary codes, building codes and local by-laws and regulations.

b. All Vacant and Dilapidated Property must be locked and otherwise adequately secured, including but not limited to the repair and boarding up of any broken doors and windows, so as to prevent unauthorized access into the building and to maintain public health, safety, security and welfare of Town residents.

c. Adherence to this by-law shall not relieve the Owner of any other applicable obligations set forth in local by-laws or regulations, covenant conditions and restrictions, or homeowner's association rules and regulations. The provisions of this by-law are in addition to, and not in lieu of, any and all other applicable federal, state and local laws and regulations.

d. In addition to the remedies provided herein, the failure to maintain and secure Vacant and Dilapidated Properties adequately may result in direct action by the Town in accordance with Massachusetts General Laws chapter 111, Massachusetts General Laws chapter 139, Massachusetts General Laws chapter 143, Massachusetts General Laws chapter 148 and other applicable provisions of law and regulation. Such actions may include, but are not limited to the following: removal, abatement, destruction, prevention of conditions deemed to constitute nuisances, sources of filth or causes of sickness; demolition, removal, repair, and/or cleaning of any structure which fails to comply with standards of habitability or other applicable laws or regulations so as to endanger or materially impair the health or well-being of the public; and, obtaining court-ordered warrants, injunctive relief, and orders of abatement.

e. In accordance with applicable law and regulation, all costs incurred by the Town in taking action pursuant to this paragraph or this by-law shall constitute a debt to the Town and a lien upon the Property in question. All costs incurred by the Town in accordance

with this by-law shall be liens for the purposes of and in accordance with M.G.L. c. 40, §58. ***(May 6, 2013 ATM held on May 20, 2013)***

VII. Inspections

a. The Inspectional Services Department shall have the authority and the duty to inspect Property subject to this by-law for compliance and to issue Notice and citations for any violations. The Inspectional Services Department shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably calculated to ensure that this section is enforced.

b. Anyone with information regarding potential Vacant and Dilapidated Property may notify the Inspectional Services Department with said information so that the Inspectional Services Department may conduct inspections in accordance with the preceding paragraph. Any and all person(s) shall be held harmless for providing such notice / information to any Town Officials. No penalties or Civil Liabilities shall attach to these person(s), for providing such information to the Town.

VIII. Enforcement and Penalties

a. Failure to initially register with the Inspectional Services Department is punishable by a fine of three hundred dollars ($300.00).

b. Failure to maintain the Property pursuant to the Maintenance Requirements of this by-law is punishable by a fine of up to three hundred dollars ($300.00) for each month that the Property is not adequately maintained.

IX. Appeal

a. Any owner assessed a registration fee under this by-law shall have the right to appeal the imposition of such fee to the Saugus Board of Health upon the filing of an application in writing no later than fifteen days after mailing of the billing statement under appeal. Said appeal request shall be accompanied by a non-refundable fifty dollar ($50.00) filing fee. Said appeal shall be limited to how long the Property has been Vacant and Dilapidated. The Owner shall have the burden of proof on appeal. Upon the proper filing of an appeal, payment of the registration fee shall be stayed pending the outcome on appeal. If the decision is adverse to the Owner, the payment shall be due within ten (10) calendar days after issuance of the decision of the Board of Health.

X. Severability

a. If any provision of this by-law is declared invalid or unenforceable, the remaining provisions herein shall not be affected and shall remain in full force and effect.

(Article 36 of the 2012 Annual Town Meeting held on June 11, 2012)

517.00

Town Meeting will appoint an Audit Committee that shall consist of five town meeting members elected by a majority vote of the town meeting, for the duration of the town meeting term elected, at the first meeting following an election. Vacancies shall be filled in the manner of original selection.

Section 1 - Purpose

1) To increase public confidence and trust in the financial operations of town government.
2) To instill accountability, integrity, and efficiency in the financial operations of the Town of Saugus.
3) To support town government efforts to comply with those laws and regulations by which the town is governed.

Section 2 - Functions

The Audit Committee will:

1) Analyze and evaluate selected appropriations made by town meeting as determined by the committee or upon recommendation of the town meeting or on petition by any ten (10) members.

2) Review financial statements or transactions of the town financial offices.

3) Review annual financial statements of the town financial offices and the independent auditor's financial statements.

4) Review the efficacy of internal fiscal controls and encourage corrective action on those control or accounting issues identified in the independent auditor's "management letter".

5) Identify opportunities for cost and efficiency improvements.

6) Be non-budgeted and obtain essential copying and reproduction needs from the Town Manager of his/her designee.

7) Orient new members and encourages continued education of its members.

8) Utilize the Town Accountant as the liaison for information that the Committee needs to do its review and study work.

9) Issue at least one written annual report at least 48 hours prior to the commencement of the Annual Town Meeting. Said report shall also be posted on the town's website.

10) Ensure that financial statements or transactions under consideration by the Committee shall be analyzed and audited by Committee Members not party to those transactions or financial statements.

Section 3 - Qualifications

1) Professional training and/or experience in accounting, finance, law or general management is desired.

2) No member of any board, commission or other committee of the town, whether elected or appointed, shall be a member of the audit committee.

3) Members shall be familiar with and maintain a familiarity with relevant state laws, regulations, and pending legislation that may impact the town.

(Article 26 of the 2012 Annual Town Meeting held on June 11, 2012)

600.00

PUBLIC SAFETY

601.00 Public Ways

601.01 No person shall leave any vehicle, coal, wood, or other obstruction in any street, and suffer the same to remain there over night without maintaining a sufficient light over or near the same throughout the night.

601.02 No person, without lawful authority to do so, shall dump, deposit, place or drop nor otherwise allow to be deposited and allow to remain on any public or private land, public or private way, within the Town, any rubbish, refuse, garbage, dirt, ashes, stones, gravel, tacks, bottles, glass, hoops, wood, boards, shavings, sawdust, excrement, or filth of any kind, nor any noxious or refuse liquid, or any solid substance or matter. Any person found in the act of violating this section may be arrested without a warrant by any officer authorized to serve criminal process.

a. No person without lawful authority to do so, shall dump,

deposit, place throw or drop, nor cause nor allow to so do, snow and/or ice in any or on any public or private way within the Town.

b. No person shall maintain or allow to be maintained upon his premises or property, or upon property or premises under his control, any excessive amount of litter, paper, cans, bottles, discarded materials or other waste and refuse. An excessive amount of said materials shall be considered in existence when the same is carried by wind or otherwise migrates from its source to the property of another or to a public way or way upon which the public has a right of access or lies dormant on the property more than twenty-four (24) hours without being stored in a proper receptacle. It shall be the responsibility of private property owners and/or persons under the control of such property to regularly maintain such property to prevent an excessive amount of litter build up; in instances where such litter is directly attributable to commercial and/or business and/or industrial uses. Persons failing to comply with this section shall be determined as maintaining a public nuisance and shall be liable for fine not more than three hundred dollars ($300.00) and not less than two hundred dollars ($200.00) per conviction. The court may require in addition, that such person remove at his own expense, such trash, refuse, rubbish or materials.

C. For controlling and abating noise from whatever source including, but not limited to Street Sweeping or Parking Lots, Pick-j;/delivery of Dumpsters, Trash Collection, Outside Operation of Machinery/Power Equipment, Pick-up/delivery by Trucks/Tractor Trailers **except for the delivery of newspapers.** As authorized by Massachusetts General Laws Chapter 40 Section 21, Subsection (22). This by-law shall not limit the Board of Selectmen's authority to restrict hours of operations under its license authority. Such operations/activities shall be prohibited between the hours after 10:00 P.M. or prior to 7:00 A.M. Exceptions to this regulation may be granted by a vote of the Saugus Board of Selectmen, or in case of Emergency Repairs/Weather related Emergencies/snow removal, flooding, power failures. Those persons found in violation of this by-law shall forfeit and pay for each offense a fine of Two Hundred ($200.00) dollars.

(Article 8 of the 2003 Special Town Meeting held on January 27, 2003)
(Article 37 of the 2008 Special Town Meeting held on Nov. 17, 2008)

Δ. No fee shall be established for curbside rubbish removal or Recycling without the establishment of a by-law establishing such fee and the enforcement of such fee. This provision shall

not apply to yard wasted, heavy items, white good or household hazardous waste.

(Article 25 of the 2004 Annual Town Meeting held on May 3, 2004)

Recycling for residential and non-residential users shall be under the authority and subject to a vote of approval, as described in paragraph 2 below, of the Town Meeting.

- Any establishment, change, or implementation of rules and regulations, by-law(s), program(s), policy(s) and/or amendments to the method and/or manner, including but not limited to, amount, type of containers or bags, size, weight, frequency, recycling, and any fee/payment and/or sticker program relative to the collection of solid waste, trash, recycling and as to whether solid waste, trash, recyclables is performed by the Town shall occur after being approved by a majority vote of an Annual or Special Town Meeting. Notwithstanding the Board of Health statutory authority to make reasonable health regulations to protect the health of members of the community and specifically, authority, from time to time, to make rules and regulations for the control of the removal, transportation or disposal of garbage, offal or other offensive substances pursuant to any federal or state statute, rule or regulations, including but not limited to the Code of Massachusetts Regulations, M.G.L. 111, Section 31, 31A, 31B and 122.

- The Board of Health, with input from the Town Manager, shall have the duty and responsibility to propose, for said approval, rules and regulations, by-law(s), program(s), policy(s), and/or amendments concerning said solid waste, trash, recycling only after first obtaining a vote of approval of the Board of Health, by a majority or three (3) votes, whichever is greater, after a public hearing is held having had 7 days notice. Notwithstanding the Board of Health statutory authority to make reasonable health regulations to protect the health of members of the community and specifically, authority, from time to time, to make rules and regulations for the control of the removal, transportation or disposal of garbage, offal or other offensive substances pursuant to any federal or state statute, rule or regulations, including but not limited to the Code of Massachusetts Regulations, M.G.L. 111, Section 31, 31A, 31B, and 122.

- The Board of Health shall have the responsibility to establish solid waste, trash, recycling goals for the Town and to inform and educate the public on the said goals and approved rules and regulations, by-law(s), program(s), policy(s) and/or amendments. The Board of Health shall have the duty and responsibility to enforce these said approved rules and regulations, by-law(s), program(s), policy(s), and/or amendments.

- Any and all solid waste, trash, recycling, contract(s) shall require input from the Board of Health and be negotiated as to comply with the Town's goals, rules and regulations, by-law(s), program(s), policy(s), and/or amendments that are approved in the manner described in the paragraphs above.

- The Board of Health shall meet with any solid waste, trash, recycling, committees of the Town that are in existence or may be formed through actions of the Board of Selectmen, the Moderator, and/or the Town Meeting to receive input for the purposes establishing and furthering the Town's goal of waste reduction and recycling.

- From time to time the Board of Selectmen and the Town Meeting shall sponsor articles for the Town Meeting Warrant establishing, changing, or implementing solid waste, trash, recycling rules and regulations, by-law(s), program(s), policy(s), and/or amendments that seek to further the Town's goals of waste reduction and recycling, seek any further power and authority that may be necessary and any appropriation that may be required for the carrying out of these goals.

(Article 3 of the 2011 Special Town Meeting held on October 3, 2011)

601.07 No driver of a vehicle shall permit the same to remain backed to the curb, except when actually loading and unloading.

601.08 Unless in an emergency, or to allow another vehicle or pedestrian to cross its way no driver of a vehicle shall stop the same in any street except close to the sidewalk line nor in such a way as to obstruct any street or crossing.

601.9 No driver of a vehicle shall stop or stand the same within the intersection of any street, nor within twenty (20) feet of a street corner, nor within ten (10) feet of a hydrant.

a. No driver of a vehicle shall stop or stand the same at or within an area designated for HANDICAPPED PARKING, whether public or private, unless said vehicle is appropriately marked or licensed to do so. Any person found in violation of this section shall be cited for illegal parking by any officer authorized to do so. The penalty for violations under this By-Law, enacted under Chapter 644 of the Acts of 1981; shall be as follows: For the first offense, one hundred ($100.00) dollars; and not more than three hundred ($300.00); and for each subsequent offense the vehicle may be removed according to the provisions of Section 120D of Chapter 266 of the Mass. General Laws.

(Article 5 of the Special Town Meeting of June 28, 2004 held on June 28, 2004)

601.11 No person shall drive or conduct any vehicle in such a condition, or so constructed, or so loaded as to be likely to cause delay in traffic or accident or injury to persons or to property.

601.12 No person shall break, deface or move any official sign, post, signaling, or traffic device, warning barrier, lantern, street lamp or other light, placed or located in any street, or public place for the information or direction of traffic or the protection of the public.

601.13 No person shall drive, wheel or draw upon a sidewalk a coach, cart, hand barrow, or other vehicle of burden or pleasure, except children's carriages, or carriages containing children or invalids and drawn by hand.

(603.03 - 601.06, 601.10 and 601.14 Rescinded Article 38 May 6, 1996 ATM)

601.15: No person shall operate a motorized scooter, motorized skateboard, or other similar motorized motor vehicle on any public way, sidewalk, playground, or on any property owned by the Town of Saugus. The following vehicles shall be exempt from the provisions of this Bylaw:

a) Vehicles licensed by the Commonwealth of Massachusetts as motor vehicles
b) Vehicles used by handicapped persons, and
c) Landscaping equipment.

Any person violating the provisions of this Bylaw shall be punished by a fine of one hundred dollars ($100.00).
(Article 6 of the Adjourned December 4, 2000 Special Town Meeting)

601.16 - UNLAWFUL PARKING

It shall be unlawful to park or leave standing or unattended, for greater than two hours, on any public way or private way open for use for the general public, any vehicle or combination of attached vehicles twenty-five (25) feet or more in length or having a registered gross weight of ten thousand pounds (10,000) lbs.) or more, or any unattached trailer regardless of its length or weight.

The term vehicle shall include, but not be limited to, a truck, tractor, trailer, bus, van, motor or mobile home, or recreational vehicle.

The prohibition imposed hereby *shall not apply* to the parking or standing of such vehicles when:

A. Making pickups or deliveries, or loading or unloading goods, to or from property located on the way or within one thousand feet (1,000') of the subject property.

B. Being used in connection with, or in aid of, the performance of a service to or on a property located on the way or within one thousand feet (1,000') of the subject property.

C. Parked or standing on a private way in a district zoned as "Business or Industrial" on the Town of Saugus zoning map on file in the office of the Building Inspector and the Department of Public Works.

Fine: Parking Tag - Fifty Dollars $50.00
(Article 16 of the October 25,2010 Special Town Meeting held on October 25,2010)

602.00 Police Regulations

602.01 Rescinded Article 38 May 6, 1996 Annual Meeting

602.02 No person shall coast or skate on any street or public place except on such streets as may be designated by the Selectmen, and on public playgrounds.

602.03 No person shall throw stones, snowballs, or other dangerous missiles, nor throw snow from private property onto public streets. Any person violating this By-Law is subject to a $25.00 fine.

602.04 Three (3) or more persons shall not stand in a group or near each other on any street, after a request to move on is made by any constable or police officer.

602.05 No person shall accost or address another person with profane, obscene, indecent or insulting language, on any street or other public place, or in any building owned by the Town, and no person shall be rude, boisterous, indecent or disorderly on any street, or in any public place or Town building or annoy or disturb any person peaceably thereon or therein.

602.06 No person shall loiter, saunter or continue to sit or stand in any street, public place or Town building, so as to obstruct or impede the free passage of or in any manner annoy or disturb any other persons, after being directed by a police officer to move on.

602.07 No person shall habitually or otherwise gather or congregate or loaf about, on any street or public place, after being directed by a police officer to cease such a gathering or loafing.

602.08 Rescinded Article 38 May 6, 1996 Annual Town Meeting

602.09 No person except an officer of the law in the performance of his duties, shall enter upon the premises of another with the intention of peeping into the windows of a house or spying upon in any manner any person or persons present.

602.10. No person shall fire or discharge any firearm or paintball guns, air guns, spring operated guns such as B.B. or pellet guns, within the limits of any park, playground or public property except with the consent of the Board of Selectmen or hunt or fire or discharge any firearm or paintball guns, air guns, spring operated guns such as B.B. or pellet guns on any private property except with the consent of the owner or legal occupant thereof. This by-law shall not apply to the lawful defense of life or property, nor to any law enforcement officer acting in the discharge of his duties.
(Article 23 of the Adjourned 2000 Annual Town Meeting of May 1,2000)

602.11 No person shall have, keep or store, more than one unregistered car or motor vehicle ungaraged on his premises in a residential area at one time, unless authorized by the Board of Selectmen. In no event, shall an unregistered car or vehicle be stored in the front yard of a residential area.

602.12 No person shall loiter, or habitually congregate in any schoolyard, park, playground, beach or bike/walking path, between sunset and sunrise unless the premises have been designated as a place of assembly by the persons in charge of such premises. Any person found loitering or habitually congregating in such an area, after the prescribed time, shall be considered a trespasser, and may be arrested without a warrant, by an officer authorized to serve criminal process.
(Article 15 of the Special Town Meeting Held on November 19, 2012.)

602.13 No person shall drink any alcoholic beverage as defined in G.L. c. 138, s.1, or possess an opened container full or partially full of any alcoholic beverages, while on, in or upon any public way, upon any way in which the public has a right of access, in any place to which members of the public have access as invitees or licensees, in any park or playground, conservation area or recreation area or on private land or place without consent of the owner or person in control thereof. Violators may be arrested without a warrant, so long as probable cause of a drinking violation exists. Any vehicle used, or found in violation of this section may be towed at the expense of the owner and under the direction of the Police Department.

Those persons found in violation of this By-law shall forfeit and pay for each offense a fine of Two Hundred ($200.00) dollars.
(Article 28 of the 2003 Annual Town Meeting held on May 19, 2003)

602.14 No person shall consume alcoholic beverages on a sidewalk, public way, street, playground, park, schoolyard, beach or bike/walking

path or on any town owned property without written approval of the Board of Selectmen and no person shall have in his, or her possession any alcoholic beverages where he, or she, is a trespasser.
(Article 16 of the Special Town Meeting held on November 19, 2012.)

602.15 Any person, or persons, who drives, operates, parks or leaves a motor vehicle on, or in, any schoolyard, park, playground, beach or bike/walking path, other than authorized persons, shall be deemed a trespasser. Violators may be arrested without a warrant. Any vehicle used, or found in violation of this section may be towed at the expense of the owner and under the direction of the Police Department.
(Article 17 of the Special Town Meeting held on November 19, 2012.)

602.16 No person, other than those employed on the premises, a police officer, a municipal employee in the course of his employment, or a person engaged in a purpose associated with the property shall drive or operate a vehicle on, or in, any playground, school yard, beach or any town owned property.

602.17 Any person found in the act of violating the following sub-sections: 601.02, 601.12, 602.03, 602.05, 602.06, 602.07, 602.09, 602.10, and 602.12 of this section may be arrested without a warrant by any officer authorized to serve criminal process. Violations of the Sections numbered in this provision shall be punishable by a fine of not more than fifty dollars ($50.00).

602.18 No person or persons shall launch or haul a boat at the Town Landing without securing a "Ramp Pass". No person or persons shall keep, leave, repair or anchor any boat or float at the Town Landing or other Town property along the Saugus River, unless given permission by the Harbor Master for emergency repairs for a period of twenty-four (24) hours or longer if necessary. There shall be no parking of motor vehicles or boat trailers on the ramp of the Town Landing. Only authorized vehicles with a "Ramp Pass" placed in the rear window of said vehicles, or permitted by the Harbor Master, may be allowed on the ramp of the Town Landing. All other vehicles may be considered as trespassers with the owners subject to court action, or removal of said vehicle from the ramp by the Town without recourse against the Town. The Harbor Master is authorized to revoke, cancel or suspend any "Ramp Pass" for violations or infractions of this Section.

602.19 No person, except as provided by law, shall carry on his person, or carry on his person under his control in a vehicle any saber, sword, or weapon of like or similar nature; and knife having any type of blade in excess of two and one-half (2 1/2) inches, or other object or tool so redesigned, fashioned, prepared or treated that the same may be used to inflict bodily harm or injury on another, except those persons actually engaged in hunting or fishing or employment which requires the use of a knife with a blade in excess of two and one-half (2 1/2) inches, and while going directly to and/or returning directly from such activities.

Any person found in the act of violating this section may be arrested without a warrant by any officer authorized to serve criminal process, and shall be punished by a fine of not more than fifty dollars ($50.00) upon conviction.

602.20 Burglar Alarm System Terms and Conditions

Any residence or business located within the Town of Saugus shall have the right to connect burglar or similar alarm systems to a common alarm board located at the Police Station. The following terms and conditions shall apply to the installation, operation and maintenance of burglar alarm systems:

A. Alarm Board

Said common alarm board shall be provided under the Police Department or its designee, and shall at all times remain under control of the Police Chief.

B. Dial Alarms

No person shall install, maintain or use a mechanical protection device that is automatically keyed to or activates the telephone numbers or lines controlled by or listed to the Police Department.

C. Persons to be Notified

In consideration of the right to connect an alarm system, every alarm user shall submit to the Police Department names and telephone numbers of at least two (2) other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed. It shall be the responsibility of the user to instruct the persons receiving calls from the Police Department as to their responsibility when notified of an alarm and of their responsibility to accept all calls from the Police Department and accepting charges for said calls.

D. Test and Shut Off Devices

All alarm systems shall be equipped with a test device which will give a ten second delay prior to alarm system activation in order to warn the alarm user of an open alarm circuit within six (6) months from the effective date of this By-Law, all alarm systems which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within fifteen minutes after activation of the alarm system.

E. False Alarm Report

The Police Department shall notify the user in writing of each false alarm attributable to his alarm system, and it shall be the responsibility of the user to forward a full written explanation specifying the reasons for such false alarms and the corrective action to be taken to prevent the further occurrence of said false alarms. Said explanation shall be forwarded directly to the Police Department no later than ten (10) days from the date of notification of a false alarm.

F. Fees for False Alarms

In consideration of the services to be provided by the Police Department, each alarm owner agrees to pay a fee to the Town of Saugus in the event of false alarms based upon the following schedule:

Two false alarms in a calendar year.....allowed

Third false alarm in a calendar year.....$50.00

Fourth and fifth false alarm in a calendar year.....$100.00/per

Sixth and subsequent false alarms in a calendar year.....$200.00/per

The Police Department shall provide written notification to the user of assessment of set fees and payment shall be made to the Town of Saugus through the Police Department with ten (10) days of receipt of notification of said assessment. Failure to pay set fees within thirty (30) days of assessment shall result in additional late fees of $5.00 demand fee as well as a 12% of outstanding balance. If not paid within 15-day period, an additional $25.00 late fee shall apply for each 30-day period.
(Article 24 of the May 4, 2009 Annual Town Meeting held on May 18, 2009)

G. Testing of Equipment

No alarm system designed to transmit emergency messages directly to the Police Department shall be worked on, tested or demonstrated without obtaining permission from the Police Department. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the Police Department. An authorized test constitutes a false alarm.

H. Electrical Storms and Power Outage

Any alarm transmitted due to electrical storm or power outage shall not be considered a false alarm for the purpose of assessing fees as provided above.

I. Start-Up Period for New Connections

Each user shall be allowed a period of sixty (60) days from the time that his system is connected to the board at the Police Station to

correct faults in the system and train employees to operate the system. During this period, user shall not be subject to assessment of fees, provided that user maintains constant communication with the Chief of Police or his designee, as shall be required to minimize the inconvenience caused by said false alarms during this start-up period.

J. Waiver of Fees

The Chief of Police shall be authorized to waive the fees assessed for false alarms in the event the alarms are the result of a problem that cannot be identified within the alarm system, provided that said request is substantiated by a written report by a qualified alarm company, setting forth the fact that the defect is unidentified and what measures are being taken by the alarm company to identify the problem. The Chief of Police may grant a waiver of the imposition of fees for a reasonable period of time to allow the system to be repaired, and the user and qualified alarm company agree to cooperate fully with the Chief of Police, or his designee, and provide all information requested relative to action being taken during this time.

K. Disconnection by Town

The Town of Saugus, through its Chief of Police, reserves the right to order disconnection of any alarm system from the board at the Police Station for violation of any of the provisions of this By-Law. Said disconnection shall occur only after the expiration of thirty (30) days from the date of written notification by the Police Chief.

L. Existing Users of System

Existing users of the system shall have thirty (30) days from the time of approval of the By-Law by the Town Meeting to disconnect from the system. Failure to disconnect during this time shall be deemed to be acceptance of the terms of this By-Law, and they shall be subject to all the provisions of this By-Law.

M. Non-Criminal Disposition

Whoever violates any provision of this By-Law may, in the discretion of the Police Chief be penalized by a non-criminal complaint in the District Court pursuant to the provisions of Mass. General Laws Chapter 40, Section 21D.

602.21 Dog Feces

I. Duty to Dispose

It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any public sidewalk, public street or any public area in town especially immediately abutting any body of water. It shall further be the duty of

each person who owns, posses or controls a dog to remove and dispose any feces left by his/her dog on any private property neither owned nor occupied by said person and for which permission has not been granted by a lawfully authorized person for the disposal of such feces on said private property.

II. Method of Disposal

Disposal shall be accomplished by transporting and disposing of such Feces to and at a place suitable and lawful for the disposal for canine feces or as otherwise designated as appropriate by the Board of Health.

III. Enforcement

Violation of this section shall be punishable as follows:

First Offence (over 12 month period)	$25.00
Second Offense (over 12 month period)	$50.00
Third Offense and each subsequent offense over 12 month period	$75.00

602.22 DOOR-TO-DOOR SOLICITORS & CANVASSERS

A. Definitions; applicability:

1. As used in this section, the terms *"solicit"* and *"canvas"* shall mean and include any one or more of the following activities conducted at residences without the previous consent of the owner:

a. Seeking to obtain the purchase, or orders for the purchase of goods, ware, merchandise, foodstuffs or services of any kind, character or description whatever for any kind of consideration whatever; or
b. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and ever other type or kind of publication.

2. The provisions of this section shall not apply to officers or employees of the Town of Saugus, county, state or federal government, or any subdivision thereof when on official business, or to neighborhood youth and students who solicit for the shoveling of snow or cutting of lawns or similar services to residents, nor shall it be construed to prevent route salespersons or other persons having established customers to whom they make periodic deliveries from calling upon customers.

3. If any solicitor or canvasser is under the age of *18 years* and is selling goods or periodicals for a commercial purpose, the provisions of MGL c. 101, § 34 shall apply.

4. The provisions of this section shall not apply to any person soliciting solely for political, religious, or charitable.

B. Registration required:

It shall be unlawful for any person to solicit or canvas or engage in or conduct business as a canvasser or solicitor without first having obtained a Certificate of Registration from the Chief of Police as provided in this section.

C. Application for Certificate of Registration:

1. Application for a Certificate of Registration shall be made upon a form provided by the Saugus Police Department along with a nonrefundable application fee of $25.

2. An authorized representative of the sponsoring organization shall apply to the Chief of Police or his/her designee either in person or by mail. All statements on the application or in connection therewith shall be under oath. The applicant shall provide all information requested on the application, including:

a. Name, address and telephone number of the sponsoring organization, along with a listing of all officers and directors;

b. State and/or federal tax identification number of the sponsoring organization;

c. Name, residential and business address, length of residence at such residential address, telephone number, social security number and date of birth of each representative of the sponsoring organization, who will be soliciting or canvassing in the Town of Saugus;

d. Description sufficient for identification of the subject matter of the soliciting or canvassing in which the organization will engage;

e. Period of time for which the certificate is applied (every certificate of registration shall expire within one year of date of issue);

f. The date of the most recent previous application for a certificate of registration under this section;

g. Any previous revocation of a certificate of registration issued, to the organization or to any officer, director or representative of the organization by any city or town and the reasons therefore;

h. Any convictions for a Felony, either state or federal, within five years of the application, by the sponsoring organization, any of its officers or directors, or any representative who will be soliciting or canvassing in the Town of Saugus;

i. Names of the three communities where the organization has solicited or canvassed most recently;

j. Proposed dates, hours and method of operation in the Town of Saugus;

k. Signature of authorized representative of the sponsoring organization.

3. A photograph or an acceptable photocopy of a photograph of each representative of the sponsoring organization who will be soliciting or canvassing in the Town shall be attached to the application.

4. No certificate of registration shall be issued to any person, or to any organization having an officer or director who was convicted of commission of a Felony, either state or federal, within 5 years of the date of the application, nor to any organization or person whose certificate of registration has previously been revoked as provided below.

5. Fully completed applications for certificates shall be acted upon within 10 days of receipt. The Chief of Police shall cause to be kept in his office accurate records of every application received together with all other information and data pertinent thereto and of all certificates of registration issued under this section and of all denials.

6. Upon approval of an application, each solicitor or canvasser shall be issued a Certificate of Registration to carry upon his/her person at all times while soliciting or canvassing in the Town of Saugus and to display the certificate whenever asked by any Police Officer or any person solicited.

D. Revocation of certificate.

1. Any certificate of registration issued hereunder may be revoked by the Chief of Police for good cause, including conviction of the holder of the certificate of violation of any of the provisions of this section or any false material provided in application. Immediately upon such revocation, the Chief of Police shall give written notice to the holder of the certificate in person or by certified mail addressed to his/her residence set forth in the application.

2. Immediately upon the giving of such notice, the certificate of registration shall become null and void. In any event every certificate of registration shall state its expiration date, which shall be no later than one year from date of issue.

E. Deceptive practices.

No solicitor or canvasser registered or exempt from registering may use any plan, scheme, or ruse which misrepresents the true status or mission of any person conducting the solicitation or canvas in order to gain admission to the home, office or other establishment of any person in the Town of Saugus.

F. Duties of solicitors and canvassers.

1. It shall be the duty of every solicitor and canvasser going onto any premises in the Town of Saugus to first examine whether there is a notice posted stating that no solicitors are welcome. If such notice is present, then the solicitor or canvasser shall immediately and peacefully depart from the premises.

2. Any solicitor or canvasser 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.

G. Lawful hours to conduct solicitation or canvas.

All canvassing or soliciting under this section shall be confined to the hours between 10:00 AM and 8:00 PM throughout the year.

H. Penalty for violations of Article

Any solicitor or canvasser who violates any provision of this Article shall be fined not less than five dollars ($5.00) nor more than two hundred ($200.00) for each offense.

(Article 17 of the October 25, 2010 Special Town Meeting Held on October 25, 2010.)

603.00 Fire Regulations

603.01 Rules and Regulations for Fire Detecting Systems

Section 1. Definitions:

(a) Alarm shall mean a bell, buzzer, horn, or whistle designed to give an audible signal when actuated by an electrical current, an inert gas, or a mechanical motor. Bells shall have a shell diameter of not less than four (4) inches and a bell, buzzer, horn, or whistle shall have a decibel rating of not less than sixty-five (65) decibels.

(b) Apartment-shall mean that part of any building used exclusively for the home of one or more families and shall include any portion or portions of any building used to give shelter, treatment or care to persons whether permanent, semi-permanent or transient.

(c) Approval shall mean approved by the Underwriters Laboratory, Factual Mutual, or Electric Testing Laboratories when applied to any material and/or device for which the material and/or device is designed and limited for use.

(d) Basement shall mean that portion of a building, which is below the finished grade, irrespective of the portion below the finished

grade or for what purpose the basement is used and shall include crawl space(s).

(e) Department shall mean Fire Department.

(f) Building shall mean an assembly consisting of a foundation, walls, roof and irrespective of the interior subdivisions designed to give shelter or persons as defined in subsection 1.1 (b).

(g) Detectors shall mean an approved device designed to cause an alarm to sound when subjected to heat by fire and/or by a dangerous increase in temperature.

(h) Family shall mean one (1) or more persons.

(i) Systems shall mean a complete assembly of detectors, an alarm, the power energizing the system and the connecting materials and/or components installed in a building to provide a fire detection alarm system.

Section 2. Detectors:

1. No detector shall be used in a system covered by these rules and regulations that does not bear an approval label of a laboratory as defined in subsection 1(c), and no detector shall cover an area beyond a division wall or walls where in the detector is located except one (1) detector may cover an area not in excess of ten (10) percent greater than the limit for which the detector is approved to cover provided the area has an unbroken ceiling surface.

2. The following types of detectors are approved by the Fire Department for use in a system.
   (a) Continuous Line Type: the whole line thermally sensitive.

   (b) Fixed Temperature Type: designed to operate when the temperature reaches or exceeds a certain value.

   (c) Rate of Rise Type: designed to operate when the rapidity of temperature reaches or exceeds a predetermined rate.

   (d) Unit Detectors: an assembly of components providing detection and alarm.

   (e) A detector may be a combination of fixed temperature and rate of rise detectors.

Section 3. Electrical Installation:

1. No electrical work in connection with the installation of a system shall be installed or an original system expended without first obtaining a permit from the Inspector of Wires.

2. No system shall be powered by a dry battery or batteries or a wet cell type battery, except that a wet cell type battery may be used in a system provided with a permanently connected rectifier to keep the battery charged.

3. All wiring used in connection with a system shall be installed as approved by the Inspector of Wires, including the manner of terminating.

4. Wiring installed from the source of supply to the alarm panel shall be in rigid metal conduit or electrical metallic tubing.

5. The alarm signal if external from the alarm panel shall be wired with AVA or RH wire in rigid metal conduit or electrical metallic tubing. Extension alarms unless controlled by a separate relay shall be wired in the same manner as the primary alarm signal.

6. Wiring for open circuit detectors may be #18 gauge or larger wire, insulation may be thermoplastic or rubber.

7. A separate circuit or circuits shall be required for systems and all such circuit or circuits shall be connected to the live side of the main service disconnecting means.

8. Closed circuit series connected detectors shall be wired with single conductor rubber or plastic insulation, #18 gauge or larger wire, separated as far as possible, but not less than two and one half inches (2 1/2") except at the detector where at least one half inches (1/2") of spacing may be maintained.

9. Transformers shall have energy limiting characteristics.

10. Buildings of six (6) or more apartments shall have the system(s) wired in accordance with the National Board of Fire Underwriters Pamphlet #72, Article 725, Class I systems of the National Electrical Code.

Section 4. Rules for Multiple Occupancies:

1. Any building containing six (6) or more apartments, a building used in any portion or portions for any other use than apartments and having apartments, a hotel, a motel, or more than two (2) stories, any Boarding or Nursing Home requiring a license from the Massachusetts Department of Public health providing care to (10) or more persons or providing such care above the second floor, shall have a system meeting the requirements of the National Board of Fire Underwriters Pamphlet #72, Chapter 2, Article LLL4.

2. Any building covered by the provisions of the preceding section when

such building is protected by an approved sprinkler system and equipped with an electrically operated signaling system meeting the requirements of NBFU Pamphlet #72, Article 44c, and shall be accepted as a system by the Fire Department, provided the number and location of above meet the requirements of these regulations.

3. Any building covered by the provisions of subsection 4.1 when subdivided by an unpierced fire wall extending from the basement floor to the roof may have a separate system for each such subdivided section provided the alarm is common to all detector circuits in each subdivision. Any building not so subdivided or having a common basement or a basement subdivided or having a common basement subdivided by pierced fire walls or ordinary constructed walls shall have a system as required in subsection 4.1, unless protected as provided in subsection 4.2.

Section 5. Inspections, Maintenance, and Violations:

1. Every system installed shall be subject to inspection to determine that the system has been installed and operating in accordance with these rules and regulations. Such inspections shall be made by the Fire Department. Any building wherein the system has been put out of service as the result of fire damage, repairs or alterations shall be subject to inspection after such repair or alteration. Every owner of his (her) authorized agent shall be responsible for notifying the Fire Department that a system is to be put out of service for repairs or disconnected for other reasons when such period will exceed a duration of more than eight hours. The Fire Department upon receiving such notice may require temporary protection be provided for occupied portions of the building.

2.Every owner or authorized agent of the owner shall maintain the system in a building under their control in reliable working order at all times that any portion of the building is occupied. Every building as described in Section 4 shall be inspected once each year in the month of January by a qualified person and notice of such inspection having been made shall be filed with the Fire Department.

3. Any owner or authorized agent of the owner who knowingly permits a system to remain out of service for more than forty-eight (48) hours shall be deemed to be maintaining the system in violation of the provisions of the Fire Prevention Code. Any owner or authorized agent having received a written notice if failing to maintain a system or a written notice of a system under their control being out of service, who fails to correct the condition reported to them within seventy-two (72) hours, shall be in violation of the provisions of the Fire Prevention Code. The Fire Department shall proceed against such owner or authorized agent to enforce the provisions of these regulations in the manner provided for obtaining a correction of a violation of any provision of the Fire Prevention Code.

4. The written notice to an owner or authorized agent of an owner required in subsection 3 shall be made by the Fire Department.

   Upon completion of all electrical work connected with the installation and operation of such systems the Inspector of Wires shall notify the Fire Department, in writing, that the wiring, installation, and operation conforms to the National Board of Underwriters Pamphlet #72, Article 725, Class I Systems of the National Electrical Code.

Section 6. Fire Alarm System Regulations.

1. Scope
   Fire alarm systems shall include systems connected to Fire Headquarters by the Municipal Fire Alarm circuit, or by direct wire, or on a telephone dial-up basis, and systems which use exterior audible signals at the alarm location.

2. Authority

   Massachusetts General Laws Chapter 148,Section 26A-26H require the installation of alarm systems in certain buildings and place responsibility for the enforcement of these provisions with the Fire Chief. This By-Law is adopted to establish uniform rules and regulations, and to implement a schedule of fees for the installation, operations, and maintenance of said alarm systems.

3. Alarm System Installation
   A. Any current or future alarm user may contract with an alarm Company of their choice for the purchase, lease, installation and servicing of an alarm system on their premises.

   B. No alarm system or equipment shall be connected to the Fire Department Dispatch Center without prior written approval of the Fire Chief.

   B.1 This approval requirement shall apply to municipal connection, Direct wire and dial-up devices.

   C. The only types of systems which will be allowed to connect to the Fire Department Dispatch Center will be systems which utilize telephone dialers equipped with digital transmitters, or connection via the Municipal Fire Alarm circuits, or such other types deemed by the Fire Department/Fire Chief to be compatible with the Fire Department Dispatch Center Alarm Console.

   C.1 Existing telephone dialers using voice-type tape recorders, which are not compatible with the alarm console, may continue to use the special alarm number set up only for this purpose for a period not exceeding one (1) year from the effective date of this By-Law. No equipment, as described in

C.1, shall use the primary Fire reporting telephone number. New applicants for voice-type tape systems will not be approved.

D. Actual connection to the Fire Department's alarm console will be made by the Town's designated Alarm Contractor or Fire Alarm Division personnel. Alarm users will be required to pay the Alarm Contractor for this service as set forth in a contract between the Contractor and the Alarm user but in no case later than thirty (30) days from the installation.

E. The Town accepts no liability whatsoever for conditions which prevent proper reception of signals from the user's premises.

4. Alarm System Regulations

A. Each alarm user shall submit to the Fire Chief the names, addresses and telephone numbers of three (3) persons who can be reached at any time, day or night, who are authorized to gain access to the protected premises for the purposes of silencing and resetting the alarm system. It shall be the alarm user's responsibility to keep this information up to date. Each control panel shall have, located inside its door, the above information and also the name of the company and phone numbers of the company which currently services the system.

Written instructions for resetting the control panel shall be clearly visible on the control panel. Permission to attempt a system reset must be on file with the Fire Department if user wishes the Fire Department to reset control unit. If after three (3) attempts a system will not reset, the zone or, if necessary, the system shall not be restored. In this event attempts shall be made to contact the parties from data given by the user. The Town assumes no liability to contact listed persons.

A.1 This regulation shall apply to all alarm systems: i.e., those connected to the Fire Department Dispatch Center and those equipped with exterior audible signal devices.

A.1.1. Every building, other than a residential building of less than six (6)units, which has a fire alarm system or other fire protection system shall provide a secure key box installed in a location accessible to the Fire Department in case of emergency. This key box shall contain keys to fire alarm control panels and other keys necessary to operate or service fire protection systems. The key box shall be a type approved by the Chief of the Fire Department and shall be located and installed as approved by the Chief.

A.1.2.All premises shall have their legal street number clearly

visible as per existing Town By-law, prior to the connection of alarm to the Fire Department Dispatch Center.

B. All alarm users must notify the Dispatch Center in advance of any testing of equipment. Failure to do so will constitute a false alarm and therefore be subject to fee assessment.

C. Any direct wire user who has multiple purpose alarms must provide for individual multiple alarm connections to the Fire Department Dispatch Center as required by the Fire Department/Fire Chief.

D. Alarm systems which generate false alarms in any twelve (12) month period shall be subject to assessment as follows: (12 month period is a Fiscal Year - July 1 - June 30)

Fire Alarm and Emergency Medical Systems

Step 1	1 thru 3 False Alarm	No fine	
Step 2	4 thru 5 False Alarms	$150.00	Fine Each
Step 3	6 or more False Alarms	$300.00	Fine Each

D.1 Definition of False Alarm.
The activation of an alarm system due to mechanical failure, malfunctioning equipment, improper installation or negligence of the user of the alarm system, or his employees or agents. Excluded from this definition are activations of alarm systems caused by utility company power outages, communication receiving equipment problems at Fire Headquarters, or other acts of nature beyond the control of the alarm user.

False alarms shall include, but not be limited to, the following situations:

(A) The continued activations of alarms resulting from any condition where no effective effort is made to correct the condition.

(B) Detection devices reacting to a condition such as smoke, steam, etc. where such occurrences are continuous with no corrective action taken; and,

(C) Detection devices reacting to a condition such as dirt, dust, or any other debris or material resulting from the failure of the owner to properly maintain and clean the system.

"The obligation of owners for the proper maintenance of their systems shall be as set forth in 27 CMR 24.08, which is incorporated herein by reference."

E. Alarm users who cannot produce a valid service agreement for the protected property shall pay an additional $50.00 fee per step. It is the intent of this section to have systems

maintained on a regular basis but not less than annually (at least once per calendar year).

E.1 False alarms caused by faulty telephone service, electrical storms, or power outages will be excluded from assessment.

E.1.1. False alarms received during the first thirty (30) days of connection shall be discounted provided no malicious intent has occurred and every attempt has been made to rectify new installation defects.

E.2 Determination that a false alarm has been transmitted will be the responsibility of the Eire Chief or his duly appointed duty officer.

E.2.1.Malicious false alarms shall be excluded provided the alarm System owner actively discourages these types of alarms through education and installation of deterrent devices specifically designed for these purposes, as requested by the Fire Chief.

E.3 Payments of assessments will be to the Town Treasurer.

E.4 Upon failure of an alarm user to pay two (2) consecutive fees assessed within sixty (60) days of the assessment, the Fire Chief shall order the alarm user to discontinue the use of the alarm system for not more than six (6) months. Recovery of funds to be through court proceedings.

E.5 Town, County and State agencies are exempt from the provisions of the assessment schedule.

F. Private fire alarm systems may be connected to the Saugus Fire Department Municipal Radio Box fire alarm system after obtaining written permission from the Inspector of Wires and the Saugus Fire Chief. Detailed plans of the private fire alarm system must be submitted to the Saugus Fire Chief and must be approved by the Chief or his/her designee. The fee for the direct connection to the Saugus Fire Department Municipal Radio Box fire alarm system shall be $200.00 per year (or part thereof, prorated monthly) thereafter, payable on or before July 1 of each year (or upon installation in the middle of a calendar year). Fees shall be payable to the Town of Saugus Treasurer/Collector.

(Article 3 of the Special Town Meeting of November 18, 2013.)

5. Violations

A. The following acts and omissions shall constitute a violation

of these regulations and shall be punishable by a fine of not less than $50.00 nor more than $200.00 per offense:

A.1 Failure to follow a written order issued by the Fire Chief to disconnect a fire alarm system from the municipal box or to disable a telephone dialer arranged to dial the digital alarm console or the special alarm telephone numbers;

A.2 Provision, after the effective date of these regulations of a telephone dialing device arranged to dial a Fire Department Dispatch Center number;

A.3 Failure to disconnect, after notification, an unauthorized telephone dialing device arranged to dial the Fire Dispatch Center number;

A.4 Failure to pay two (2) or more consecutive fees assessed under Section 4, Paragraph E of these regulations, within sixty (60) days from the date of the second assessment;

A.5 Failure to comply with the requirements set forth in Sections 3 and 4 of these regulations;

A.6 Continued transmission of false alarms caused by the user's negligence or system malfunctions on the user's premises which is under the user's control, and where no effective effort is made to correct the condition.

6. Whoever violates any provision of this By-Law may, in the discretion of the Fire Chief, be penalized by a non-criminal complaint in the District Court pursuant to the provisions of Mass. General Laws Chapter 40, Section 21D.

603.02 Vehicle Parking, Private Ways and Property

1. It shall be unlawful to obstruct or park a vehicle to block a private way from access for fire apparatus to any building.

2. It shall be unlawful to obstruct or park a vehicle in any fire lane hereby established under Article XXVII, Section 28.16 of the Fire Prevention Code (as adopted by the Town in 1965 and amended in 1970) to be a distance of twelve (12) feet from curbing of a sidewalk in a shopping center, bowling establishment, theater and similar locations; said lane to be marked at said locations.

3. Any person who shall violate any of the provisions of the code hereby adopted, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken,

or who shall fail to comply with such an order affirmed or modified by the Court of Jurisdiction, within the time fixed herein shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars ($100.00) or not more than three hundred dollars ($300.00). The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(Article 5 of the Special Town Meeting of June 28, 2004 held on June 28, 2004)

4. Any object or vehicle blocking or parked to obstruct any fire lane or private way in violation of Sections One and Two of this By-law may be removed or towed by the Town at the expense of the owner and without liability to the Town.

Section 603.03
Prohibits the sale, exchange or distribution of cigarette lighters and matches to minors in the Town of Saugus

Section 1. No person shall sell, exchange or distribute cigarette lighters and/or matches to a minor.

Section 2. Definitions. For the purpose of this By-law, the following words shall have the meanings respectively ascribed to them by this By-laws;

Town - Town of Saugus

Minor - Any individual who is under the age of eighteen (18);

Person - A person, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale, exchange, or distribution of cigarette lighters and matches.

Section 3. A person selling, exchanging or distributing cigarette lighters and/or matches shall request and examine identification from any purchaser suspected of being a minor and shall positively establish the purchaser's age as eighteen (18) years or older before allowing the purchase and/or distribution.

The following shall constitute positive identification: a valid Massachusetts driver's license or a Massachusetts identification card or government issued passport.

Section 4. Any person violating any of the provisions of this by-law shall be subject to a fine of not less than ($100.00) for the first

offense; and, for the second offense a fine of not less than ($250.00) and for the third offense, a fine of not less than ($500.00).

Section 5. The Fire Department shall be the enforcing authority of this By-law.
(Article 26 of the May 1, 2006 Annual Town meeting, Held on June 12, 2006.)

700.00

PUBLIC WORKS

701.00 Streets

701.01 No person, except the Selectmen or Superintendent of Public Works, shall obstruct any street, or any part thereof, or break or dig the ground of the same, without first obtaining a written permit from the Selectmen therefor; and the Selectmen may before granting such permit require a bond on the penal sum of four thousand dollars ($4,000.00) and with such sureties, if any, as they may approve to indemnify the Town against any liability by reason of any act done under such permit.

701.02 Any person holding a permit under Section 1 shall put, and at all times keep a suitable railing around the parts of any sidewalk or street so obstructed or dug up, so long as the same shall be unsafe or inconvenient for travelers, and shall also keep as many lighted lanterns fixed to such railing or fence, every night from twilight in the evening through the whole night, as the Selectmen or Superintendent of Public Works shall direct.

701.03 Whenever any sidewalk becomes obstructed or made impassable by reason of the erection or repairing of any building, or of doing any work, the person doing or causing the same to be done shall place a good and convenient walk around each obstruction.

701.04 No owner, tenant, or other person having control of any buildings or premises shall permit a gate or door thereon to swing open across any part of a street or sidewalk.

701.05 No person, except the Board of Selectmen or Superintendent Of Public Works, shall obstruct any main street or any part thereof, or break or dig the ground of the same without first obtaining a written permit from the Department of Public Works: and if any such work is performed on those streets that are deemed main streets by the Superintendent of Public Works, a police detail must be hired to protect the safety of the public and to insure that the normal flow of motor vehicle traffic and pedestrian foot traffic is maintained.

701.06 VANDALISM AND THE DEFACEMENT OF PUBLIC AND PRIVATE PROPERTY

SECTION 1 - Purpose and Intent

Vandalism and the existence of graffiti within the Town are considered a public and private nuisance. The purpose of this bylaw is to protect public and private property from acts of vandalism and defacement by prohibiting the application of graffiti on such property and by requiring property owners to remove publicly visible graffiti from their property within a reasonable period of time.

SECTION 2 - Definitions

For the purposes of this bylaw, "graffiti" is intended to mean the intentional painting, marking, scratching, etching, coloring, tagging, or other defacement of any public or private property without the prior written consent of the owner of such property.

SECTION 3 - Prohibited Conduct

The application of graffiti to the real or personal property of another is prohibited and shall be prosecuted to the extent authorized by Massachusetts General Law CH. 266 Sections 126 - Natural Scenery Defacement, 126A- Defacement of Rear or Personal Property and 126B - Tagging.

SECTION 4 - Removal of Graffiti

Upon determining that graffiti exists on any private or Town owned property and that such graffiti can be viewed from a public place within the Town, the Chief of Police or his designee may mail or deliver a notice to the owner of the property on which the graffiti exists advising the owner that the graffiti must be removed within fourteen days.

SECTION 5 - Enforcement

Failure to remove the graffiti within fourteen days of delivery of the notice may be deemed a violation of this section and shall be dealt with as a non-criminal offense in accordance with the provisions of G.L. c. 40, s. 21D and Section 106.00 of these bylaws.

Owners who repeatedly violate the provisions of Section 4 may be prosecuted under the provisions of Article 103.00 of these bylaws.
(Article 14 of the May 6, 2013 ATM)

702.00 Water /Water Service Charges

702.01 No charges shall be placed against property owners in replacing or renewing water service lines when town labor and/or equipment is employed if such replacement or renewal is caused by unforeseen elements.

702.02 Authority
This By-Law is adopted by the Town under its home rule powers, its police powers to protect public health and welfare and its specific authorization under M.G.L. c. 40, Sections 21 and 21D.

702.03 Purpose
The purpose of this By-Law is to protect, preserve, and maintain the public health, safety and welfare whenever there is in force a state of water supply emergency by providing for enforcement or any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department and included in the Town's plan approved by the Department of Environmental Quality Engineering to abate the emergency.

702.4 Definitions

For the purpose of this By-Law;

enforcement authority shall mean the Town's Superintendent of Public Works or his Designee

state of water supply emergency shall mean a state of water supply emergency declared by the Department of Environmental Protection pursuant to G.L. c. 21G, Section 15, G.L c. 111, Section 160, or by the Governor.

702.5 The following shall apply to all users of water supplies supplied by the Town:
Following notification by the Town, of the existence of a state of water supply emergency, no person shall violate any provision, condition, requirement or restriction included in a plan approved by the Department of environmental Quality Engineering which has as its purpose the abatement of a water supply emergency. Notification of any provision, restriction, requirement or condition with which users of water supplied by the Town are required to comply to abate a situation of water emergency shall be sufficient for purposes of this By-Law if it is published in a newspaper of general circulation within the Town, or by such other notice as is reasonably calculated to reach and inform all users of the Town supply.

702.06 Penalty
Any person or entity who violates this By-Law, shall be liable to the Town in the amount of fifty dollars ($50.00) for the first violation and one hundred dollars ($100.00) for each subsequent violation which shall inure to the Town for such uses as the Town Meeting may direct. Fines shall be recovered by indictment or on complaint before the District Court or by non-criminal disposition in accordance with section 21D Chapter 40 of the General Laws. Each separate instance of non-compliance following the issuance of

any warning or citation pursuant to this section shall constitute a separate violation.

702.07 Right of Entry
Agents of the enforcement authority may enter any property for the purpose of inspecting or investigating any violation of this By-Law or enforcing against the same.

702.08 Severability
The invalidity of any portion or provision of this By-Law shall not invalidate any other portion, provision or section hereof.

703.00 Sewer

703.1 In order to comply with an administrative Consent Order issued by the Massachusetts Department of Environmental Protection, the Town of Saugus must correct deficiencies in its sanitary sewer system. In order to avoid fines levied by the Massachusetts Department of Environmental Protection, the Town of Saugus is required to inspect each building in the Town of Saugus to determine the existence of unauthorized connections and private inflow sources to the sanitary sewer system.

Article IX, Section 1 of the Town of Saugus Sewer Use Regulations allows town officials to access private properties at reasonable times in order to inspect and test connections with public sewers. Pursuant to this section and in compliance with the Administrative Consent Order, the Town of Saugus intends to inspect every private property. The Town of Saugus will send an initial notification letter to each owner requesting that the owner call a special number to arrange for a property inspection. The Town of Saugus will then call any property owner who does not respond to the initial notification letter. Thereafter if the property owner fails to respond, the Town of Saugus will visit the property; if access is denied at that time, an informational packet will be left requesting that the property owner call the Town of Saugus to schedule an inspection time. If the property owner then fails to contact the Town of Saugus or allow access within 30 days after the information packet is distributed, that person will be deemed to be in violation of this by-law. Any person who violates this by-law is liable for a penalty not to exceed fifty dollars ($50) for each offense.

Reasonable times for property inspection shall be between 9 a.m. and 7 p.m., Monday through Friday and 10 a.m. - 4 p.m. on Saturday. Town officials who conduct such inspections must present to the property owner identification that is in a format approved by the Police Chief. Town officials seeking entrance onto private property for such inspections must have a CORI background check on file in the Selectmen's office. Property

owners can only be fined 30 days after being warned by the Town via certified mail.

(Article 11 of the 2005 Special Town Meeting of September 26.)

703.02 Article IX, Section 1 of the Town of Saugus Sewer Use Regulations allows town officials to access private properties at reasonable times in order to inspect and test connections with public sewers. In order to ensure that prohibited connections to the sanitary sewer system (such as roof downspouts, exterior foundation drains, areaway drains, or other sources of surface water or groundwater) do not exist on private properties, the Town of Saugus shall conduct inspections of private properties pursuant to the Sewer use regulations prior to transferring any sewer bill or issuing any occupancy permit.

Reasonable times for property inspection shall be between 9 a.m. and 7 p.m., Monday through Friday and 10 a.m. - 4 p.m. on Saturday. Town officials who conduct such inspections must present to the property owner identification that is in a format approved by the Police Chief. Town officials seeking entrance onto private property for such inspections must have a CORI background check on file in the Selectmen's office. Property owners can only be fined 30 days after being warned by the Town via certified mail.

(Article 12 of the 2005 Special Town Meeting of September 26.)

703.03

I. Compliance with Administrative Consent Order

1. In order to comply with an Administrative Consent Order issued by the Massachusetts Department of Environmental Protection on April 15, 2005, the Town of Saugus must correct deficiencies in its sanitary sewer system. In order to avoid fines levied by the Massachusetts Department of Environmental Protection, the Town of Saugus is required to ensure that no unauthorized connections and private inflow sources to the sanitary sewer system exist, such as roof downspouts, exterior foundation drains, areaway drains, sump pumps, or other sources of surface water or groundwater, as prohibited by Article III. Section 8 of the Town of Saugus Sewer Use Regulations (the "Prohibited Uses").

2. All Prohibited Uses in the Town of Saugus must cease on a timeline approved by the Department of Environmental Protection over a ten-year period. The Town of Saugus will notify every property owner with a Prohibited Use on its property 90 days prior to the time when the Prohibited Use must cease.

3. All entities seeking to discharge new flow to the sanitary sewer system must adhere to the Inflow and Infiltration Reduction

Program Sewer Connection and Extension Policy, established pursuant to the Administrative Consent Order.

4. This by-law will expire at the time when the Town of Saugus's commitments pursuant to the Administrative Consent Order are completed.

II. Penalties

1. Any person violating any provision of these by-laws shall be fined in the amount of $50 per violation. Each day that a violation continues shall be considered a new violation.

2. Any person violating any provision of these by-laws shall become liable to the Town of Saugus for any expense, loss, and/or damage occasioned the Town of Saugus by reason of such violation.

III. Validity

1. All prior by-laws or parts of prior by-laws in conflict herewith are hereby repealed.

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

(Article 2 of the 2007 Special Town Meeting of August 27.)

704.00 Right to Know

Part 1:

Whenever the Town of Saugus notifies the Department of Environmental Protection of sewer overflows or discharges sewage into the Saugus River, the Town Manager must:

1. Notify the public within one week, through notice in a newspaper of regular circulation, about the time, location, duration and estimated quantity of the overflow as well as what measurers were used to mitigate.
2. Notify the Saugus Board of Health within 12 hours of any overflow or discharge.

Part 2:

If the Saugus River is receiving raw sewage, then:

1. Property owners within 100 yards of the Saugus River, from Bridge Street, downstream to the Saugus Municipal Boundary, shall receive written notice and warning from the Town of Saugus within 48 hours.
2. Signs must be conspicuously placed within 12 hours at Vitale Park and the Penney Landing on Ballard Street for a period of time to be determined by the Board of Health.
3. Notice shall be sent to the Saugus and Lynn cable TV stations within 12 hours of the beginning of any period of sewage discharge. Said notice shall read: "The Town of Saugus has issued a warning about potential health risks in the Saugus River from bacterial pollution with recent sewage overflows."

(Article 26 of the 2005 Annual Town Meeting held on May 23, 2005)

705.00 **Stormwater**

705.01 - **General**

SECTION 1 - Authority

This By-Law is adopted by the Town under its home rule powers, its police powers to protect public health and welfare, and its specific authorization under M.G.L. c. 40, Sections 21 and 21D, c. 83, Sections 1, 10, and 16, and pursuant to the regulations of the Federal Clean Water Act (40 CFR 122.34).

SECTION 2 - Purpose, Objectives and Intent

Regulation of discharges to the municipal storm drainage system is necessary for the protection of the Town's waterbodies and groundwater, and to safeguard public health, safety, welfare, and environment. The purpose of this By-law is to improve and protect water quality, reduce erosion and sedimentation, promote environmentally sensitive site design practices, and ensure long term maintenance of stormwater controls. This By-law is required to meet all applicable federal and state requirements of the Town's National Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer Systems Permit, commonly known as the "NPDES MS4 permit".

The purposes, objectives, and intent of this By-law are as follows:

A. To prevent pollutants from entering the Town's Municipal Storm Drainage System and Waters of the Commonwealth of Massachusetts;

B. To establish an Authorized Enforcement Agency to promulgate, adopt, implement, enforce and amend stormwater regulations;

C. To prohibit non-stormwater and unauthorized discharges, connections and obstructions to the municipal storm drainage system;

D. To require the removal of all such illicit discharges, connections and/or obstructions;

E. To comply with state and federal statutes and regulations relating to stormwater discharges;

F. To establish procedures to regulate construction and post-construction stormwater runoff management from new development and redevelopment; and

G. To establish legal authority to ensure compliance with the provisions of this By-law through inspection, monitoring, and enforcement.

SECTION 3 - Definitions.
AUTHORIZED ENFORCEMENT AGENCY - The Director of the Department of Public Works, its employees, officers, or agents are designated to enforce this By-law.
BY-LAW - Refers to Section 705.00, Stormwater By-law of the "Town of Saugus By-laws".
CLEAN WATER ACT - The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.
DISCHARGE OF POLLUTANTS - The addition from any source of any pollutant or combination of pollutants into the municipal storm drainage system or into the waters of the United States or Commonwealth of Massachusetts from any source.
GROUNDWATER -Water beneath the surface of the ground.
ILLICIT CONNECTION - A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drainage system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this By-law.
ILLICIT DISCHARGE - Direct or indirect discharge to the municipal storm drainage system that is not composed entirely of stormwater, except as exempted in 705.02, Section 2 of this By-law. The term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to 705.02, Section 2 of this By-law.
IMPERVIOUS SURFACE - Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAINAGE SYSTEM -The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town.
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT - A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.
NON-STORMWATER DISCHARGE - Discharge to the municipal storm drainage system not composed entirely of stormwater.
OWNER - A person with a legal or equitable interest in property.

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.

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

A. Paints, varnishes, and solvents;
B. Oil and other automotive fluids;
C. Non-hazardous liquid and solid wastes and yard wastes;
D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
E. Pesticides, herbicides, and fertilizers;
F. Hazardous materials and wastes;
G. Sewage, fecal coliform and pathogens;
H. Dissolved and particulate metals;
I. Animal wastes;
J. Rock, sand, salt, soils;
K. Construction wastes and residues; and
L. Noxious or offensive matter of any kind.

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

STORMWATER - Any water resulting from rainfall or other precipitation that runs off surfaces during or after a storm, including stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

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

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

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

WATERCOURSE - A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.
WATERS OF THE COMMONWEALTH OF MASSACHUSETTS - All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.
WETLANDS - Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to G.L. c. 131, § 40 and 310 CMR 10.00 et seq.

SECTION 4 - Applicability.
A. Municipal Storm Drainage System and Waters of the Commonwealth of Massachusetts.
1. This By-law shall apply to flows entering the Town's Municipal Storm Drainage System and Waters of the Commonwealth of Massachusetts.
B. Construction and Post-Construction Activities
1. Any construction activity, including clearing, grading, and excavation that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land draining to the Town municipal separate drain system without a Stormwater Management Permit from the Enforcement Agency. After the initial common plan construction activity is completed for a particular parcel, any subsequent development or redevelopment of that parcel would be regarded as a new plan of development. For example, after a house is built and occupied, any future construction on that lot (e.g., reconstructing after fire, adding a pool or parking area, etc.), would stand alone as a new common plan for purposes of calculating acreage disturbed to determine if a Stormwater Management Permit is required. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or the original purpose of the site.

2. Exemptions.
a) Construction activities waived from permit coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities.
b) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
c) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
d) The construction of fencing that will not substantially alter existing terrain or drainage patterns;
e) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
f) Emergency work to protect life, limb, or property.

SECTION 5 - Responsibility for Administration.
The Authorized Enforcement Agency shall administer, implement and enforce this By-Law, and any rules and regulations adopted thereunder. Any powers granted to or duties imposed upon the Authorized Enforcement Agency may be delegated in writing by the Authorized Enforcement Agency to employees or agents of the Authorized Enforcement Agency.

SECTION 6 - Regulations.
The Authorized Enforcement Agency may adopt and periodically amend rules and regulations, not inconsistent, herewith, to effectuate the purposes of this By-law. Said regulations may include but shall not be limited to provisions regarding: administration; application requirements and fees; permitting procedures and requirements; design standards; surety requirements; inspection and site supervision requirements; waivers and exemptions; and enforcement procedures. Failure by the Authorized Enforcement Agency to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-law.

SECTION 7 - Enforcement
The Authorized Enforcement Agency or appointed designee shall enforce this By-law and any regulations, orders, violation notices, enforcement orders, and permit conditions on behalf of the Town, and may pursue all civil and criminal remedies for such violations pursuant thereto.
A. Civil Relief. If a person violates the provisions of this By-law, regulations, permit, notice, or order issued there under, the Authorized Enforcement Agency may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
B. Orders.
1. The Authorized Enforcement Agency or an authorized agent of the Authorized Enforcement Agency may issue a written order to enforce the provisions of this By-law or the regulations there under, which may include:
a) Elimination of illicit connections or discharges to the municipal storm drainage system;
b) Performance of monitoring, analyses, and reporting;
c) That unlawful discharges, practices, or operations shall cease and desist; and
d) Remediation of contamination in connection therewith.
2. If the Authorized Enforcement Agency determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work.

C. Criminal Penalty. Any person who violates any provision of this By-law, regulation, order or permit issued there under, shall be punished by a fine of not more than $300 for each violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
D. Non-criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure. The penalty for the 1st violation shall be $100. The penalty for the 2nd violation shall be $200. The penalty for the 3rd and subsequent violations shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
E. Entry to Perform Duties Under this By-law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Authorized Enforcement Agency or Inspectional Services Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this By-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Authorized Enforcement Agency deems reasonably necessary.
F. Appeals. The decisions or orders of the Authorized Enforcement Agency shall be final. Further relief shall be to a court of competent jurisdiction.
G. Remedies Not Exclusive. The remedies listed in this By-law are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 8 - Severability.
The provisions of this By-law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this By-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-law.

SECTION 9 - Transitional provisions.
Residential property owners shall have 90 days from the effective date of this By-law to comply with its provisions provided good cause is shown for the failure to comply with this By-law during that period.
705.02 - Non-Stormwater Discharges, Connections and Obstructions

SECTION 1 - Prohibited Activities.
A. Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drainage system, into a watercourse, or into the waters of the Commonwealth of Massachusetts.
B. Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drainage system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

C. Obstruction of Municipal Storm Drainage System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drainage system without prior written approval from the Authorized Enforcement Agency.

SECTION 2 - Exemptions.

The following exemptions are applicable to 705.02, Section 1.

A. Discharge or flow resulting from firefighting activities.

B. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drainage system:

1. Waterline flushing;
2. Flow from potable water sources;
3. Springs;
4. Natural flow from riparian habitats and wetlands;
5. Diverted stream flow;
6. Rising groundwater;
7. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
8. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
9. Discharge from landscape irrigation or lawn watering;
10. Water from individual residential car washing;
11. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) with written authorization to discharge received from the Authorized Enforcement Agency, provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
12. Street wash water by methods approved by Town;
13. Dye testing, provided verbal notification is given to the Authorized Enforcement Agency prior to the time of the test;
14. Non-stormwater discharge permitted under a NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
15. Discharge for which advanced written approval is received from the Authorized Enforcement Agency as necessary to protect public health, safety, welfare or the environment.

SECTION 3 - Emergency Suspension of Municipal Storm Drainage System Access.

The Authorized Enforcement Agency may suspend municipal storm drainage system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency

suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 4 - Notification of spills.
Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth of Massachusetts, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Fire and Police Departments, Board of Health, and the Department of Public Works. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, e-mail, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

705.03 - Construction and Post Construction Stormwater Management of New Developments and Redevelopments.
SECTION 1 - Permit Required
A. No person may undertake a construction activity, including clearing, grading, and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land in the Town of Saugus without a Stormwater Management Permit from the Enforcement Agency pursuant to this By-law and regulations promulgated hereunder.
B. Exemptions.
1. Construction activities waived from permit coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities.
2. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
3. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
4. The construction of fencing that will not substantially alter existing terrain or drainage patterns;

5. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
6. Emergency work to protect life, limb, or property.
SECTION 2 - Permits and procedures.
Permits and Procedures shall be defined and included as part of any rules and regulations promulgated under this By-law.

SECTION 3 - Fee structure.
Town Meeting shall establish and may periodically amend a schedule of fees under this Bylaw. Town Meeting shall obtain with each submission an Application and Review Fee and an Inspection Fee fixed by Town Meeting to cover expenses connected with the application review of the Stormwater Management Permit and to cover DPW costs in ensuring adherence to the applicant's permit conditions. Authority for Town Meeting is granted pursuant to MGL c.40, § 22F. The Applicant must hire a Registered Professional Engineer (P.E.) in the Commonwealth of Massachusetts to certify that the plans are in accordance with the Town's standards. Town Meeting is authorized to retain professional consultation at the applicant's expense from applicable Town Departments or a third party professional consultant for expert engineering or other services to advise the Enforcement Agency on any or all aspects of the applicant's permit.

SECTION 4 - Waivers.
A. The Enforcement Agency may waive strict compliance with any requirement of this By-law or the rules and regulations promulgated hereunder, where:
1. Such action is allowed by federal, state and local statutes and/or regulations,
2. Is in the public interest, and
3. Is not inconsistent with the purpose and intent of this By-law.
B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this By-law does not further the purposes or objectives of this By-law.
C. All waiver requests shall be reviewed by the Enforcement Agency and if necessary, discussed with other Town departments.
D. If in the Enforcement Agency's opinion, additional time or information is required for review of a waiver request, the Enforcement Agency may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.
(Article 15 of the 2018 Annual Town Meeting held on May 7, 2018)

LICENSES AND PERMITS

801.00 Taxi Licenses

801.01 Except otherwise provided by law the Selectmen may grant licenses to owners of vehicles upon such rules and regulations as said Board may deem proper, not inconsistent with these By-laws, to use such vehicles for the conveyance of persons or property for hire, and may designate stands and locations upon the streets of the Town where such vehicles may stand or wait for employment.

801.02 Every such license shall be granted to expire on the thirty first (31st) day of December next ensuing after the date of its issue and it may be revoked at any time for cause satisfactory to said Board. Each license may cover one or more vehicles belonging to the same owner shall bear upon its face the date of its issue, the date of expiration, the name and address of the owner of the vehicle or vehicles to whom the license is issued, and a description of each vehicle so licensed sufficient for its identification. A separate number shall be designated for each vehicle so licensed and the owner shall before using such vehicle for hire, have such a number plainly marked upon each side thereof excepting only in case of motor vehicles duly registered under the laws of the Commonwealth, and in such cases the license issued hereunder shall contain the motor numbers of each motor vehicle.

The fee for each license shall be one hundred dollars ($100.00) for each vehicle covered thereby and no license shall be transferred except with the approval of the Board of Selectmen, duly endorsed thereon.
(Article 28 of the 2004 Annual Town Meeting held on June 7, 2004)

801.03 No person shall hold himself out as the owner, driver or operator of any vehicle used for the purpose mentioned in this article unless such vehicle is duly licensed as provided in the two proceeding sections.

A. No person shall drive a vehicle transporting persons for hire within the limits of the Town without first obtaining a special license from the Police Chief, which may be revoked by him for cause. A fee of one hundred dollars ($100.00) shall be paid before securing a special license which may be issued after application is made on forms provided by the Police Chief and accompanied by two (2) unretouched photographs.

(Article 28 of the 2004 Annual Town Meeting held on June 7, 2004)

B. Every owner, driver or person having charge of a vehicle for hire for transportation of passengers shall place upon the back of the front seat a card having plainly printed thereon rates of fare, including any charge for waiting time, established and charged for the particular vehicle. A certified copy of such card shall be filled with the Board of Selectmen

C. No owner, driver or person having charge of a vehicle licensed under Section 1 shall demand or receive a higher rate than that

printed on the card referred to in Section 3B, nor shall be demand or receive a higher rate than that established by the Selectmen.

D. An application for a license as owner of a motor hackney carriage shall present for examination in the case of each car a valid certificate of registration issued by the Registrar of Motor Vehicles of the Commonwealth of Massachusetts, the date of which together with the car number shall be entered on the application, and also on the license, if granted, by the Board of Selectmen.

E. Upon any change in the certificate of registration of a motor vehicle hackney carriage, issued by the Registrar of motor vehicles, licensed owners shall immediately present such certificate with the hackney carriage license to the office of the Sealer of Weights and Measures.

F. The owner of a licensed hackney carriage must keep, on a form approved by the Board of Selectmen and the Police Chief, a record of all trips made by said vehicle and containing all information requested on the form approved by the Board of Selectmen and the Police Chief for a period of each calendar day, said forms to be held for ninety days. Said forms shall be produced upon demand of the Board of Selectmen, Police Chief or any Police Officer.

G. An owner, or association of owners, maintaining a two-way radio service shall record all requests for service as received, and shall retain a record of these calls for not less than ninety days. Records shall contain not less than the following information: date and time of call received, address of caller, destination and number of cab to which the call was assigned.

H. No advertising matter shall be permitted in or upon hackney carriages without the permission of the board of selectmen.

I. All hackney carriages must be kept in good condition, suitable for occupancy and mechanically fit for the safety of the passengers. The interior and exterior shall be clean and sanitary at all times.

J. Every taxi cab licensed under this section shall have the trade name of the owner and the name of the city or town in which it is licensed painted on the sides thereof in letters not less than four inches high and one half inches wide. (c272 s22 C40 GL)

K. The hackney license issued by the Police Department to operate a hackney carriage shall be displayed, in full view of passengers, by the vehicle operator.

L. All motor vehicles licensed under the license granted by the Board of Selectmen of the Town of Saugus shall have Massachusetts registration plates indicating the word "TAXI".

M. Every licensed hackney carriage shall have affixed on the rear, thereof, plainly visible to the public, a single metal medallion of a style approved by the Board of Selectmen and the Police Chief, bearing the Police number or hackney number issued for said hackney carriage. The medallion shall be firmly fastened to the body of the vehicle in such manner that it will not easily become detached. Under no conditions will the medallion be attached to the Mass. Registration plate or to the bumper of the taxicab. Said medallion shall correspond to the registration plate and vehicle identification number of the taxicab.

N. No plate number, other than said medallion number, Massachusetts registration plate and taxi company telephone number shall be painted or affixed to the rear of any hackney carriage.
O. The driver of a hackney carriage shall display on the inside of the vehicle, in clear view of all passengers, a card indicating the current rate of fare as approved by the Board of Selectmen.
P. The driver of a hackney carriage shall display on the inside of the vehicle, in clear view of all passengers, a card approved by the Board of Selectmen, notifying the passengers that drivers shall not demand more than the fare recorded on the taxi-meter regardless of the number of passengers conveyed.
Q. No driver having charge of any licensed taxicab shall take up or carry any other passenger after the taxicab has been occupied or engaged by any prior passengers, until such prior passenger shall have discharged said taxicab, without the consent of such prior passenger. Any such prior passenger shall not be obliged or be requested to pay extra fare or fee for refusing such consent.
R. No person in charge of a hackney carriage, known as a taxicab, shall allow anyone to ride upon the drivers seat, or adjacent to the drivers seat, of the same.
S. In the event the rear compartment of the taxicab is fully occupied by the passengers, all of whom have entered the vehicle at the same time, and there exists need of seating one or more person of such group which has engaged the taxicab, such latter person may ride upon the drivers seat or adjacent to the drivers seat of the taxicab.
T. No taxicab shall be licensed as a hackney carriage until the taxi-Meter attached thereto has been inspected and approved by the Sealer of Weights and Measures. No owner or driver shall permit at any time to be used for conveyance of passengers for hire with a broken or unsealed meter. After sundown the face of every taxi-meter shall be illuminated by a suitable light. Every taxi-meter shall be in full view of all passengers in the taxicab. Upon order of the Board of Selectmen and the Police Chief a licensee shall have his taxi-meter re-inspected.
U. To increase the fee of obtaining a hackney license to $10.00 starting April 1. 1991.
V. "To limit the number of passengers being transported by a taxi to the number of seat belts or child restraint systems available."

802.00 Junk Licenses

802.01 The Selectmen may license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or second-hand articles and may make such additional rules, regulations and restrictions as they deem proper, not inconsistent with the provisions of law or of these By-laws.

802.02 The Board of Selectmen may license suitable persons to be junk collectors, to collect from place to place in this Town by purchase of otherwise, any article mention in 802.01.

802.03 No collector of junk shall, directly or indirectly, either purchase or receive by way of barter, exchange or otherwise, any of the articles mentioned in Section 4, of a minor or apprentice, knowing or having reason to believe him to be such.

803.00 Function Rooms

Except as otherwise provided by law, and not inconsistent with the laws of the Commonwealth of Massachusetts and the By-laws of the Town of Saugus, the Board of Selectmen may grant licenses or permits to the owners of buildings, or parts of buildings, or any real property which may be used as a FUNCTION ROOM as hereinafter defined. Except in case of premises where an All Alcoholic Common Victualers license has been duly issued and continued to be operative, all such buildings or premises to be used as function rooms shall be licensed by the Board of Selectmen in accordance with such reasonable terms and regulations as the said Board may promulgate as being in the best interests of the Town of Saugus.

The term Function Room shall mean and include any hall, room or real property that is used or intended for use at a rental fee, or for any gain or reward to the owner or owners thereof, or their assignees, for any of the following: public or private banquets, feasts, dances, socials, card parties, wedding parties, engagement parties or other parties, public or private testimonials, any public or private catered function.

Every license or permit issued in accordance with this section shall expire on the thirty-first (31st) day of December next ensuing after the date of issuance, unless sooner suspended or revoked, by the Board of Selectmen, after a public hearing called for that purpose, reasonable notice having been given not less than seven (7) days next prior to such public hearing.

A fee for such license or permit shall be determined by the Board of Selectmen, except that societies, associations, corporations and other non-profit organizations organized solely for religious, fraternal or charitable purposes shall not be required to pay a fee for such license or permit.

804.00 Vendors, Hawkers, Peddlers

Every transient vendor, hawker and/or peddler with a valid State License before making sales of goods, wares or merchandise in the Town, shall make an application to the Board of Selectmen for a license, and shall accompany such license application with a fee of one thousand dollars ($1,000.00).

No such person, whether principal or agent, who engages in temporary transient business, shall offer for sale, or sell any article in an open area, way or vacant lot; and without limiting the generalities of the foregoing, such items as wreaths, flowers, Christmas trees or decorations, fruits, vegetables, unless such person has first obtained a license therefor from the Board of Selectmen. Fee for said license shall be one thousand dollars ($1,000.00) per year. No such person, whether principal or agent shall offer for sale, sell or store or warehouse Christmas trees or wreaths from within any building, dwelling or similar structure and the Chief of the Fire or Police Departments authorized hereunder shall expire annually on December 31st. Religious, fraternal and charitable organizations, as determined by the Board of Selectmen shall be exempt from this section. Any transient vendor or hawker and peddler who obtains a permit from the Board of Health shall be exempt from provisions of this By-Law. (NOTE As per A.G. 9/6/91 letter to Town Clerk... "The provisions of this by-law shall not be considered applicable to 'hawkers and peddlers' who need not be licensed pursuant to G.L. c. 101, s 17 or s 22.")

804.01 This by-law prohibits commercial transient vendors and transient operators from selling food or drinks of any kind within 2,000 feet of a food and drink concession stand that services the general public and is operated by a nonprofit with the purpose of financially supporting a given facility and or the operation of the nonprofit. This prohibition shall be in effect from the time the nonprofit concession is open until one hour after it is closed.
(Article 23 of the May 4, 2009 Annual Town Meeting held on May 4, 2009.)

805.00 Valuable Second Hand Items

A. Dealers in Gold, Silver and Other Valuable Secondhand Items License Required.
No person who makes a business of purchasing or purchasing and selling, or who keeps a place of business in the Town of Saugus for purchasing or purchasing and selling, either gold or silver, coins, stamps, other precious metals, art objects, painting, jewelry, rugs or other secondhand items such as antiques and/or furniture, furs, computer equipment, video equipment and other electronic devices Video game systems, games and software, computer games and software shall engage in such business or open such place of business for the said purposes unless duly licensed by the Board of Selectmen. A Second Hand Dealer is a person who makes an outright purchase of personal property that has been used.

A Consignment Dealer is a person who, without taking ownership of goods or merchandise, displays the merchandise for sale for a specified period of time and, upon sale, delivers the proceeds or a portion thereof, as agreed, to the owner. For purposes of this bylaw, Consignment Dealers shall be licensed

as Second Hand Dealers and shall comply with all record keeping and retention requirements of Second Hand Dealers.

B. Application for License: Term of License: Fee.
Each application for a license shall set forth the name of the party licensed, the nature of the business and the building or place in which it is to be carried in and shall continue in force until the first day of January next ensuing unless sooner revoked by the Board of Selectmen. Each license shall specify the kind and character of the business to be carried on and the fee for such license shall be determined by the Board of Selectmen.

C. Record of Purchases.
Every dealer or keeper of a shop shall record, in legible written English language, at the time of purchase, the description of the item purchased, the price paid for the item, the name, age, and residence, giving a street and number of the person from whom the purchase was made. Such name, age and residence being obtained by the production of a photo identification issued by the Commonwealth of Massachusetts, passport or out of state driver's license containing a photo of the seller. At the time of purchase the day, date and hour of the purchase shall also be recorded. Further, a statement shall be taken from the seller of the item, as to the manner in which such item was obtained by the seller, which statement shall be entered on such record. No entry on such record shall be changed, erased, obliterated or defaced. Such record shall be maintained on a form approved by the Chief of Police and shall be in duplicate form. The original shall be delivered to the desk officer on duty at the Saugus Police Department at the close of every business day. The duplicate copy shall be kept in some suitable place by the owner or dealer shall be available for inspection by any person authorized by the Board of Selectmen.

Reports to be filed with the Bureau of Criminal investigations at the Saugus Police Department on a weekly basis at the opening of business on Monday morning.

Every dealer or keeper of a shop shall submit a monthly report on a form approved by the Chief of Police, either electronically (email) or on a disk. Such reports shall be submitted on the last day of each month to the person designated by the Chief of Police.

D. Articles Purchased To Be Kept for #0 Days Before Resale or Removal From City.
No such item purchased or received by any dealer or keeper of a shop shall be removed from the town or sold or otherwise disposed of nor its identity changed for at least thirty (30)

days from its date of purchase unless permission in writing has been obtained from the Chief of Police or his designee who may request to observe of photograph such item.

E. Purchase From Persons Under Eighteen Years Of Age Prohibited.
No dealer or keeper of a shop shall directly indirectly receive or buy any such items from any person under the age of eighteen (18) years.

F. Display of License.
Each such dealer or keeper of a shop shall have conspicuously displayed his license at the place where he does business.

G. Revocation of License.
A violation of any provision of the license or subsequent rule or regulation that may be passed shall be sufficient cause and reason to revoke said license. The right is granted to the Board of Selectmen at any time for any other cause sufficient to revoke said license.

H. Penalty for Violation of Article
Any person, firm or corporation violating any provisions of this Article shall be fined not less than **two hundred dollars ($200.00) and** not more than **five hundred dollars ($500.00)** for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Article 19 of the May 3, 2010 Annual Town Meeting held on June 14, 2010)

I. Examination and inspection of Records, Articles and Merchandise
The Chief of Police or his designees, and any authorized representative of the Saugus Board of Selectmen, or its designees, shall at all times have the authority to inspect or examine all books kept by the keeper or dealer of a shop as well as to inspect and examine all articles and merchandise therein.

J. Hours of Operation.
No dealer or keeper of a shop shall purchase or conduct business except between the hours of 7:00 a.m. until 9:00 p.m.

806.00 Coin Operated Amusement Devices

806.01 A By-Law regulating the use of coin operated amusement devices in the Town of Saugus excluding coin operated music devices.

A. The term "automatic amusement device" shall have the following meaning:

Any machine whereby upon the deposit therein of a coin Or token any apparatus is released or set in motion or put in position where it may be set in motion for the purpose of playing any game involving in whole or part, the skill of the player, including but not exclusively, such devices as are commonly known as pinball machines or electronic videogames.

B. Licenses shall consist of the following classes:

Class I - Billiard, electronic wall games, video games, pinball machines, batting machines, and other amusement devices not classified excluding music machines.

C. Fees

Class I - $100.00 per machine
Licenses shall become renewable on the last day of December of each year and issued by the Board of Selectmen.

D. A License for any public premise to operate automatic amusement devices in the Town of Saugus shall be required.

E. Applications shall be filed with the Clerk of the Board of Selectmen to be presented to the Board of Selectmen. The applicant shall be the owner or manager of the establishment requesting the license.

F. Licenses shall be issued with a majority vote of the Board of Selectmen.

G. There shall be no more than one (1) license not to exceed two (2) machines per premises except in compliance with Section 1H of this By-Law.

H. Permits may be issued for more than two (2) devices, to places that have certificates of public inspection issued by the Building Department of the Town of Saugus.

I. Automatic amusement devices licensed under this By-Law shall be so installed on the premises described in the application as to be in open view at all times while in operation and shall at all times be available for inspection. All machines shall have the owners name, address, and telephone number attached in clear view.

J. Any applicant who has been denied a license shall not be allowed to reapply for the premises within the calendar year.

K. No person keeping or offering for operation or allowing to be kept or offered for operation any automatic amusement device shall permit the same to be used for the purpose of gambling.

L. No machine shall be operated within 500 foot radius of a school, while school is in session from the hours of 7:00 AM to 3:00 PM with the exception of premises licensed to serve alcoholic beverages.

M. Any machine(s) which is in violation of this By-Law may be confiscated from the premises by order of the Board of Selectmen.

806.02 Every vendor or owner of automatic amusement devices licensed in the Town of Saugus shall on the last day of December each year file with the Clerk of the Board of Selectmen, a statement listing the principals of the corporation or business. The fee for each vendor for filing shall be $50.00 annually.

806.03 Any vendor violating any provision of this By-Law shall be subject to an automatic thirty (30) day suspension of his license for all machines licensed in the Town of Saugus. Said suspension shall result in machines being removed from the premises. All Licenses shall be prohibited from conditioning the playing of automatic amusement devices.

806.04 Licenses may be revoked for cause by the issuing authority. Any license revoked shall be granted a hearing before the Board of Selectmen. Upon written request a hearing before the Board of Selectmen shall be required before reinstatement of any license.

806.05 Any violation of this By-Law shall be subject to a fine of two hundred dollars ($200.00) per offense, after having been notified of the offense by the issuing authority.

806.06 The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof.

806.7 This By-Law shall take effect December 31, 1993.

807.00 Local Licenses and Permits; Denial, Revocation or Suspension for Failure to Pay Municipal Taxes or Charges

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

(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 tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of the law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be a prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate. The Licensee shall be responsible for the payment of the publication of the legal notice of any hearing scheduled under the provisions of this section. Said costs shall be added to any sums due from the licensee under the provisions of this By-Law.

(Article 27 of the 2004 Annual Town Meeting held on May 24, 2004)

(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 Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Mass. Gen. Laws Chapter 268, Section 1 in the business or activity conducted in or on said property.

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

- Open burning; Mass. Gen. Law chapter 101, section 33
- Bicycle permits; Mass. Gen. Law chapter 85, section 11A
- Sales of Articles for Charitable Purposes; Mass. Gen. Law chapter 101, section 33
- Children Work Permits; Mass. Gen. Law chapter 149, section 69
- Clubs, Associations Dispensing Food or Beverage Licenses; Mass. Gen. Law chapter 140, section 21E
- Dog Licenses; Mass. Gen. Law chapter 140, section 137
- Fishing, Hunting, Trapping License; Mass. Gen. Law Chapter 207, section 28
- Marriage Licenses; Mass. Gen. Law Chapter 207, section 28
- Theatrical Events, Public Exhibitions Permits; Mass. Gen. Law chapter 140, section 181

808.00 Trailer, Auto, Tourist Camps, Motel Motor Court

808.01 For the purpose of this ordinance, certain words and phrases are defined and certain provisions shall be construed, is herein set out, unless it shall be apparent from the context that a different meaning is intended.

808.02 Tourist Camp and Park Site defined. A "tourist camp or Park Site" is any place where two (2) or more overnight cabins, tents or trailers are located, or any premises designed or intended for the purpose of supplying to the public a location for overnight cabins, so called, tents or trailers.

808.03 Over-night Cabin, Tent and Automobile Trailer defined. An

"overnight cabin, tent and trailer" under this ordinance are construed to mean any building, tent, or structure, house car or automobile trailer, used for, or adaptable to use for, living quarters.

A. Motor Court and Motel defined. A group of furnished cabins, attached or unattached, one story in height, with an outside entrance located along a public highway, where motorists may obtain overnight lodgings.

808.04 Unit defined. A "unit" is a section of ground in any tourist camp used, or designed for use, as a location for a single overnight cabin, house car, tent or trailer.

808.05 Restricted Areas. No tourist camp or trailer park shall be permitted to be located upon any land, park or beach land owned or controlled by the Town of Saugus, except on such spaces as shall be especially provided for the same.

808.06 Overnight Cabin, Tent, and Trailer Regulations. No unit shall contain less than six hundred (600) square feet in area, and no unit shall be permitted to accommodate more than one (1) overnight cabin, tent or trailer.

The provisions of this section shall not, however, be construed to prohibit any property owner, residing upon his land from accommodating auto trailers of non-paying guests; nor shall be construed as abrogating the right of any property owner to erect overnight cabins as they are commonly known, under the above unit rules and under such sanitary restrictions as the Town may establish. In such cases permits must be obtained. See Section Seven (7).

808.7 Tourist Camp Permit. It shall be unlawful for any person to establish, or maintain, or to permit to be established or maintained upon any property owned or controlled by him, a tourist camp in the Town of Saugus, unless there exists a valid permit therefor granted by the Board of Health and existing in compliance with the provisions of this ordinance. The application of such a permit shall be accompanied by plans of the proposed or existing tourist camp, showing the location of all buildings, driveways, toilet facilities, baths, laundry facilities, slop sinks and other improvements, and such permit may be granted to anyone meeting the requirements as outlined. A minimum annual permit fee of ten dollars ($10.00) per ten units or fraction thereof per tourist camp shall be paid before such permit shall be issued.

808.08 Plumbing and Sanitary Requirements. All tourists camp units shall be provided with a minimum for each sex of one (1) toilet, one (1) bath tub or shower, for every ten (10) units, or fraction thereof; a two compartment laundry tub, a slop sink and a wash basin with running water, for every ten (10) units of fraction thereof.

808.09 Garbage/Trash. A sufficient number of tightly covered

containers for Garbage/Trash disposal shall be installed. Garbage/Trash so collected shall be disposed of without delay by the Management.

808.10 Record of Guests. Persons, firms or corporations conducting overnight cabins, camps or lodging places shall keep and maintain, or cause to be kept and maintained therein a card on which shall be inscribed the true name of each and every person renting or occupying such cabin, camp or room. Such card shall be signed by the person renting such cabin, camp or room or by someone under his direction. Cards shall be maintained, for a period of not less than three (3) years, and in consecutive serially numbered fashion. The proprietor or his agent shall write opposite each name the number of the name of each cabin, camp or room assigned to and occupied by each guest; also he or his agent shall enter the state license number of any automobile being used or operated by the registrant. The proprietor or his agent shall keep and preserve the record showing the date of registration and the time when the registrant entered and quit the cabin, camp or room. Any violation of this section of the By-laws shall be subject to a fine of twenty dollars ($20.00). A copy of this By-law shall be conspicuously placed in each cabin, camp or lodging place as mentioned above.

808.11 Lighting. Every tourist camp shall be adequately lighted by electricity.

808.12 The board of Health of the Town of Saugus shall have the power to promulgate rules and regulations for the enforcement of the provisions of this ordinance.

809.00 Sealing Fees for Weighing and Measuring Devices

Device	Fee $
Over 10,000 lbs.	75.00
5,000 to 10,000 lbs.	45.00
1,000 to 5,000 lbs.	30.00
100 to 1,000 lbs.	20.00
More than 10 lbs. Less than 100 lbs.	10.00
10 lbs. or less	10.00
Avoirdupois each)	1.00
Metric (each)	1.00
Apothecary (each)	1.00
Troy (each)	1.00
Each Indicator	5.00
Each 100 Gals. or Fraction Thereof	1.50
1 Gallon or less	.25
More than 1 gallon	.50
Oil, Grease (Inlet 1/2 " to 1")	6.00
Gasoline (Inlet more than 1/2" to 1")	12.00
Inlet more than 1"	
Vehicle Tank Pump	12.00
Vehicle Tank Gravity	20.00
Bulk Storage	25.00

Company Supplies Prover	15.00
Each Stop on Pump	.50
Taxi Meters	12.00
Odometer-Hubdometer	6.00
Leather Meas. (Semi-Ann.)	3.00
Fabric Measuring	5.00
Wire-Rope Cordage	5.00
Yard Sticks	1.00
Tapes	1.00
Milk Jars (Per gross)	6.00
Dry Measures	.50
Adjusting fee's for Liquid Measuring Devices	4.00
Adjusting fee's for Weighing Devices	2.00

810.00 Business Establishments Hours of Operation

Section 1. For the purpose of controlling noise and promoting the public peace and to protect public safety and nighttime tranquility, no person, corporation, or business entity who has been issued an alcoholic beverage license, common victualer license, entertainment license, food service permit, or any retail business shall be open for business between the hours of 2 a.m. and 6 a.m. without the prior approval of the Board of Selectmen.

Section 2. Said approval may be granted by the Board of Selectmen by majority vote at a public hearing, notice of which shall be published 14 days prior to said hearing. The fee for such permit shall be $50.00 per year and shall be renewed annually.

Section 3. In granting said approval, the Selectmen shall consider the effect the business may have on abutting residences and impact on the community, as it relates to public safety, noise and traffic.

Section 4. This By-Law shall not prohibit the Board of Selectmen from imposing more restrictive hours of operation on licenses issued by them under Section 1.

Section 5. Any person found in violation of this article shall be subject to a fine of $200.00 per day for each day said business is found in violation.

Section 6. This By-law shall take effect upon the renewal of the licenses listed in Section 1 or, if licenses are not renewed annually, on January 1, 2004.

(Article 2 of the Special Town Meeting held on October 20, 2003)

810.1 Raffle and Bazaar Permits

The application fee for issuing a Raffle and Bazaar permit in the town of Saugus shall be $50.00, or the maximum fee allowed under the provisions of General Laws Chapter 271, Section 7A, whichever is greater.

(Article 16 of the Annual Town Meeting held on May 23, 2005)

811.0 Fortune Tellers

The Board of Selectmen may issue a license to a person to tell fortunes for money under the provisions of Massachusetts General Laws Chapter 140, Section 1851. The fee for each license granted under said Section shall be Fifty ($50) Dollars.

(Article 10 of the Special Town Meeting of September 26 2005)

812. Civil fingerprinting for individuals applying for or in possession of certain licenses: Civil Fingerprinting.

812.01. Chapter 256 of the Acts of 2010 and incorporated into the Massachusetts General Laws as Chapter 6 Section 172B ½ has authorized the Town to create the following Bylaw enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for or in possession of certain licenses including but not limited to those engaged in the business of Hawking and Peddling or other Door-to-Door Salespeople, Pawn Dealers, Secondhand Dealers, Ice Cream Permit and Hackney Drivers.

812.02. The Police Department may conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for or in possession of certain licenses including but not limited to those engaged in the business of Hawking and peddling or other Door-to-Door Salespeople, Pawn Dealers, Secondhand Dealers, Ice Cream Permit and Hackney Drivers.

812.03. An applicant, employee, or volunteer seeking to engage in the above employment shall submit, if required by the licensing authority, fingerprints taken by the Police Department along with a fee of one hundred ($100.00) dollars.

812.04. Upon receipt of the fingerprints and the appropriate fee, the Police Department will transmit the fingerprints to the State Police Identification Unit through the Department of Criminal Justice Information Services (DCJIS), formerly the Criminal History System Criminal File and then submit the fingerprints to the Federal Bureau of Investigation (FBI) for a comparison with national records. The result of the FBI check will be returned to the State Police, which will then disseminate the state and national results back to the Police Department.

812.05. In rendering a fitness determination, the Police Department will decide whether the record subject has been convicted of (or is pending indictment for) a crime, which bears upon his or her ability or

fitness to serve in that capacity, any felony or a misdemeanor, which involved force or threat of force, controlled substances or was a sex-related offense.

812.06. The Police Department shall establish, by rule or regulation, a civilian fingerprinting system for the purposes of conducting state and national criminal history records checks of persons applying for certain licenses within the town. Any person applying for a license for the following activities within the Town is required to submit with the application, a full set of fingerprints taken by the Police Department within six (6) months prior to the date of application:

1. Hawking and peddling or other Door-to-Door Salespeople
2. Pawn Dealers
3. Secondhand Dealers
4. Hackney Drivers
5. Ice Cream Permit

812.07. A person applying for a license and who is required to submit a full set of fingerprints to the licensing authority pursuant to this Chapter, may request and receive a copy of his or her criminal history records from the Police Department. Should the license applicant seek to amend or correct his or her record, he or she must contact the DCJIS, or its successor, for a state record of the FBI for records from other jurisdictions maintained in its file.

812.08. The fee charged to the applicant by the Police Department for the purpose of enforcing this section shall be one hundred ($100.00) dollars for each application. A portion of the fee, thirty ($30.00) dollars, as specified in Chapter 6 Section 175B ½ of the Massachusetts General Laws, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Police Department for costs associated with the administration of the fingerprinting system.

812.09. The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, or to revoke, or to suspend any license or permit, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to the information obtained pursuant to this ordinance.

812.10. Civil Fingerprint Application, the fee for an applicant, employee or volunteer seeking to engage in the business as described in Section 800 of the Town of Saugus Bylaws and in accordance with Chapter 6 Section 175B ½ of Massachusetts General Laws shall be one hundred ($100.00) dollars.

812.11. The State, National and FBI Criminal History Information will not be disseminated to unauthorized entities.
(Article 14 of the Special Town Meeting of June 17, 2013)

900.00

MISCELLANEOUS

901.00 Saugus Student Government Day

Whereas the mission of the Saugus Public Schools is to educate, challenge, and empower students to be life-long learners and to achieve excellence with integrity in the 21st century as productive, caring, and contributing members of society.

Whereas Saugus High School is a comprehensive learning institution whose mission is to prepare students to be responsible, thoughtful and effective global citizens.

Whereas Saugus High School is committed to providing a learning environment that encourages students to become actively involved in the learning process and fosters risk-taking and creativity in problem solving.

Whereas Saugus High School's ultimate purpose is to produce students who have the knowledge base and intellectual curiosity to become productive, ethical, and informed citizens in the 21st century.

And whereas Saugus High School expects students to demonstrate an understanding of civic responsibility, communicate ideas and information with clarity and understanding of audience, and to be able to analyze and evaluate information.

Therefore The Chairman of the Board of Selectmen, after consultation with the Superintendent of schools, is hereby authorized to proclaim a date in April or May as Saugus Student Government Day. Said proclamation will allow for the planning and implementation of events, through a collaborative process inclusive of school and town officials or their designees that will simulate, as close as practicable, the legislative, executive and administrative functions of Saugus Town Government.

Any person or civic or charitable organization may make contributions or help sponsor such an event.
(Article 11 of the March 7, 2011 Special Town Meeting.)

902.00 Shade Tree Bylaw

SECTION 1. Intent and Purpose.

a. It is the intent of this Bylaw to sustain environmental health, enhance the economic well-being and maintain the quality of life for the citizens of the Town of Saugus. Shade trees make an important contribution to the character and heritage of Saugus's neighborhoods. This Bylaw establishes policy and guidelines for ensuring the health and longevity of the Town's community forest.
b. It is the policy of the Town of Saugus to encourage new tree plantings on public and private property to cultivate a healthy flourishing community forest and increase its value as a whole.

c. It is also the intent of this Bylaw to form and implement a community forest plan to benefit same. A goal of this community forest plan will be to obtain and maintain eligibility for annual recertification as a recognized "Tree City, USA."

SECTION 2. Definitions.
Whenever the following words or terms are used in this Bylaw, they shall have these meanings:

"Shade Tree" - All trees within a public way or on the boundaries thereof shall be public shade trees; and when it appears in any proceeding in which the ownership of or rights in a tree are material to the issue, that, from length of time or otherwise, the boundaries of the highway cannot be made certain by records or monuments, and that for that reason it is doubtful whether the tree is within the highway, it shall be taken to be within the highway and to be public property until the contrary is shown. Public shade trees shall also include those planted in public ways, or if deemed expedient by the Tree Warden, upon adjoining land at a distance not exceeding 20 feet in accordance with MGL Chapter 87, Section 7. Excludes trees on private property.

"Person" - Any person, firm association or corporation.

"Town" - The Town of Saugus and any of its departments and/or employees.

"Tree Warden" - The specific individual appointed by the Town Manager or Board of Selectmen to fill this position. Such person shall be a Town employee whose authority shall not exceed the Director of Public Works and shall be qualified in accordance with MGL Chapter 87.

"DCR" - Massachusetts Department of Conservation and Recreation.

"Heritage Tree" - A public shade tree specifically designated by the DCR. Urban Forestry Program, upon recommendation by the Town Tree Warden to be a heritage tree. Heritage trees may qualify for state funds for maintenance under this program. A tree may qualify as a heritage tree if it meets one or more of the following criteria:

a. Old Age - 100 years or greater; Size - 32 inches diameter or greater;
b. Species rarity;
c. Association with specific Historical Event or Person;
d. Outstanding Scenic Enhancement; e.g., trees at parks etc.
e. Notable Wildlife Value.

"Public Areas" and "Public Property" - Includes all public parks and other lands owned, controlled, or leased by the Town except DCR and Mass Highway controlled property.

"Public Nuisance" - Any tree or shrub or part thereof which by reason of its condition prohibits the use of any public areas, is infected with a

plant disease, is infested with injurious insects or pests, significantly threatens existing public improvements, or immediately endangers the life, health, safety, or welfare of persons or property.

"Shrubs" - Any woody plant, normally having multiple stems and bearing foliage from the ground up.

"Tree" - Any woody plant greater than or equal to 1-1/2" diameter 12" from the ground.

"Topping" - The practice of cutting back large diameter branches of a mature tree to stubs. Topping is prohibited.

"Community Forest" - The sum total of all trees and other vegetation growing within the boundaries of a community.

"Community Forest Plan" - a document that describes the goals and objectives related to the management of a community forest.

"Green Industry" - Any and all businesses associated with landscaping, arboriculture, etc.

"ANSI" - American National Standards Institute.

"Major Alterations" - The following terms describe major alterations, to a shade tree, requiring a permit;

- Crown cleaning is the selective removal of one or more of the following items: dead, dying, or diseased branches, weak branches and waterspouts.
- Crown thinning is selective removal of branches to increase light penetration and air movement or reduce weight.
- Crown raising is the removal of the lower branches of a tree to provide clearance.
- Crown reduction, also called crown shaping, decreases the height and/or spread of a tree.
- Vista pruning is selective trimming of framework limbs or specific areas of the crown to allow a view of an object from a predetermined point.
- Crown restoration pruning should improve the structure, form and appearance of trees, which have been severely topped, vandalized, or storm damaged.

SECTION 3. <u>Authorization of the Tree Committee regarding public shade trees.</u>

a. The Tree Committee will work with and advise the Tree Warden on matters pertaining to tree and landscape planning and maintenance of shade and other public trees in the Town of Saugus. The board will review the Annual Work plan for tree maintenance, planting,

and removal prior to its implementation. The board members shall consist of Saugus residents, appointed by the Town Manager or the Board of Selectmen. The Tree Warden shall be an ex-officio non-voting member.

b. Board members will be responsible for establishing rules and regulations (upon approval by the Board of Selectmen) that are required for the implementation of this by-law. The board shall meet on a periodic basis as determined by its membership.
c. The Tree Warden is hereby tasked to develop an Annual Work Plan for tree maintenance and replacement and removal for each fiscal year. The plan shall include locations of work and designated work to be accomplished. Such plan will be reviewed by the Board. Any public hearings required for implementation of the Annual Work Plan will be conducted in accordance with MGL Chapter 87 (Shade Tree) and Chapter 40 (Scenic Road).
d. The Board shall also be responsible for fostering educational programs regarding continued care of Shade Trees and their importance to the Town, shall publicize and foster participation in grants and tree planting programs of the State and/or private corporations/foundations.
e. The Board shall support and help stimulate interest in Arbor Day and Arbor Week programs in schools, conservation organizations, and private companies and families within the Town of Saugus.
f. The Board shall plan for and maintain the Saugus Tree Farm for the purpose of planting public shade trees on public property.

SECTION 4. Authorization of the Tree Warden. The Tree Warden and the Public Shade Tree Committee shall carry out the provisions of this Bylaw. As per Massachusetts Law Chapter 87 and Chapter 41, the Town of Saugus must appoint a Tree Warden. This individual shall be qualified by demonstrated training and experience in the field of arboriculture. It is recommended that this person be a Massachusetts certified arborist and possess a Massachusetts pesticide license. The Tree Warden shall be appointed by the Town Administrator or the Board of Selectmen.

SECTION 5. Responsibilities and Authority of the Tree Warden.

a. The Tree Warden and the Shade Tree Committee shall be responsible for the creation and implementation of a Community Forest Plan to be incorporated into the Town Open Space and Recreation Plan.
b. The Tree Warden shall be responsible for the periodic inspection of public shade trees to ensure they are free from disease or other conditions that may endanger tree health, or are a clear and immediate safety hazard to the public. The Tree Warden shall make every effort to repair and maintain shade trees prior to their removal in accordance with ANSI Standard A300 most current edition.
c. The Tree Warden is responsible for conducting public shade tree hearings in accordance with MGL Chapter 87, Section 3. All public tree hearings shall be held at a convenient time and location to the public (e.g., at 6:00 p.m., Mondays at the Department of Public Works Building) at the discretion of the Tree Warden. He shall

conduct joint hearings with the Planning Board when required under the Scenic Roads Law, MGL Chapter 40, Section 15c.

d. The Tree Warden or the Shade Tree Committee shall be responsible for the location, selection, and identification of any trees, which may qualify as "heritage trees" and shall forward such recommendation to the DCR, Urban Forestry Program for consideration for future preservation. Any person may submit a petition recommending a tree, which they believe, qualifies as a heritage tree. Heritage trees so designated shall be marked by the Tree Warden and located on engineering plans used by the Town.

e. The Tree Warden shall be responsible for the marking of all public shade trees on scenic roads prior to the issuance of any driveway permit or building permit to prevent the inadvertent removal or damage to public shade trees on these roads. He shall mark any public shade tree so requested by any citizen.

f. The Tree Warden or Shade Tree Committee shall review all proposed subdivision plans for tree locations and measurers taken to protect existing trees during construction and shall recommend to the Planning Board conditions required as part of their approval process.

g. The Tree Warden shall keep complete and accurate records on the condition of all public shade trees and all work completed on public shade trees to include all attempts at restoration or treatment of same prior to their removal.

h. The Tree Warden, in accordance with MGL Chapter 87, is hereby given authority, control, and supervision of all trees which now or which may hereafter exist upon any public property (except DCR or Mass highway property), street or highway belonging to the Town of Saugus, and over all trees which exist upon any private property in the Town of Saugus, when such trees are in such a hazardous condition as to immediately endanger public health, safety, and welfare. This power includes, but is not limited to, the power to enforce the rules, regulations, and specifications concerning the trimming, spraying, removal, planting, pruning, and protection of trees, shrubs, vines, hedges, and other plants upon the right of way of any street, alley, sidewalk, park, or other public place in the Town in accordance with this Bylaw and MGL Chapter 87. In addition, pursuant to MGL chapter 87, Section 2, The Tree Warden has the additional right to make regulations for the care and preservation of public shade trees and establish fines and forfeitures of not more than that specified in MGL Chapter 87, Section 2 in any one case for violation thereof; which, when posted in one or more public places, and, in towns, when approved by the Board of Selectmen, shall have the effect of town Bylaws.

i. The Tree Warden has the authority to supervise all work done by permit as described in this Bylaw, and to affix reasonable conditions to the granting of permits.

SECTION 6. Permit for Maintenance and Removal of Trees and Shrubs.

a. Permit Required - No person, except on order of the Town Warden, shall remove or do major alterations specified herein and as

determined by the Tree Warden on a tree or shrub in the public right of way, park areas, and other Town owned lands, or cause such act to be done by others without a permit for such work from the Tree Warden as herein provided. This includes all persons engaged in the business of cutting or removing trees or shrubs. Any person may apply for and obtain a permit, but all work must be accomplished or supervised by a certified arborist. The hearing and notice process required by MGL Chapter 87, Section 3 must be complied with.

b. Permit Required and Conditions - When a permit is requested, the Tree Warden must decide that the proposed work is necessary and in accord with the purposes of this chapter. The Tree Warden must take into account safety, health, and welfare, location of utilities, public sidewalks, driveways, and streetlights.

c. Exemption - In cases of emergency situations such as hurricanes, snow/ice storms, or other acts of God where immediate removal is required of downed trees or limbs, work necessary to restore safe conditions is allowed. No permit shall be required to cultivate, fertilize, or water trees and shrubs on Town property.

d. Permit Form, Expiration, Inspection - Permits shall be logged by the Tree Warden on a standard form and include a description of the work to be done and shall specify the location. Any work done under such permit must be performed in strict accordance with this chapter and ANSI Standard A300 (most current edition). Permits issued under this section shall expire three months after date of issuance. There is no charge for permits.

SECTION 7. Permits for Planting Trees and Shrubs.

a. Planting - All trees and shrubs planted on all public property within the Town of Saugus become the property of the Town of Saugus. Watering of newly planted trees by citizens is encouraged to insure the survival and health of the trees.

1) The planting of the following species is prohibited on any Town of Saugus property, except with the express written approval of the Tree Warden:

   a) Ailanthus altissimo (Tree of Heaven)
   b) Catalpa Bignoniaceae (Catalpa species)
   c) Acer platanoides (Norway Maple)

2) There is no charge for the permit. The permit shall be on a standard form. Permits logged under this section shall expire 6 months after date of issuance.

3) No person shall plant any tree, shrub, or other vegetation in the public right-of-way, park areas, and other town owned lands without first obtaining a permit for such work from the Tree Warden. The request for such permit shall specify the size; species and variety of tree, shrub, or other vegetation to be planted shall be submitted to the Tree Warden for approval before planting. Approved tree and shrub lists as

well as guidance on planting procedures are available at the Tree Warden Office.

4) Planting locations and minimum distances will be based on the mature size and landscape variables of the plants. Proper distances and planting locations shall be determined by the Tree Warden based on the recommendation contained in the Community Forest Plan.

b. No person shall plant on any public or private premises situated at the intersection of two or more streets or alleys in the town, any hedge, tree, shrub, or other vegetation device that may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
c. Only small maturing trees or shrubs are authorized for planting under any overhead utility wires or cables. No trees should be planted over underground utilities systems unless approved by the Tree Warden.
d. In new subdivisions or when the development of commercial property occurs, the Tree Warden or the Shade Tree Committee shall review landscaping plans and may suggest locations of street trees to be planted in any of the streets, and other public places henceforth developed. Tree species and sizes are to be recommended by the Tree Warden. Landscaping shall conform to the Saugus subdivision regulations unless otherwise waived by the Planning Board.

SECTION 8. Licensing. All work performed on Town owned trees is to be done by or supervised by the Tree Warden or a Massachusetts certified arborist or ISA certified arborist.

SECTION 9. Trimming.

a. To ensure high quality shade trees, shaped for maximum aesthetic appreciation and to prevent interference with traffic and utility wires, all newly planted trees in public lands shall be trimmed and shaped as necessary for five years after planting.
b. Trimming (pruning) of all trees in public areas shall be done according to current technical specifications of the American National Standard for Tree, Shrub and other Woody Plant Maintenance-Standard Practices (ANSI A300). The current safety specifications of the American National Standard for Tree Care operations (ANSIZ133) apply. All specifications and procedures are available from the Tree Warden.
c. Trimming of trees or bushes upon private property may be accomplished, upon order of the Board of Selectmen, where the same obstructs, endangers, hinders or incommodes persons traveling on streets or sidewalks.
d. Trees shall not be topped.

SECTION 10. Removal of Trees and Stumps.

a. Dangerous, Obstructive, and Infected Trees - Any dead public tree or part thereof that the Tree Warden shall find to be infected, immediately hazardous so as to endanger the public or other trees, plants, shrubs grown in the Town, or to be significantly injurious to sewers, sidewalks, or other public improvements may be removed by the Town in accordance with the procedures set forth in MGL Chapter 87. All wood must be removed from the street prior to the end of each working day, and all holes shall be filled to normal grade level with topsoil as soon as practical.
b. Any public shade tree that has been removed, except those removed as a visibility hazard, shall be replaced with one or more trees at a location to be determined by the Tree Warden. Size and species shall also be determined by the Tree Warden.

SECTION 11. Obstructions.

a. Mature trees and shrubs standing in or upon any Town land or upon any private premises adjacent to any public right of way or public areas shall be kept trimmed so that the lowest branches projecting over the public street provide a clearance of not less than fourteen feet. The Tree Warden may waive the provision of this section for newly planted trees if determined that they do not interfere with public travel or endanger public safety. The Town shall have the right to trim any tree or shrub in the Town when it interferes with the safe use of streets or sidewalks or with visibility of any traffic control and it is so ordered by the Board of Selectmen.
b. Clearance from sidewalk to lower branches shall not be less than seven feet. All trees standing upon private property in the Town, the branches of which extend over the line of the sidewalk shall be trimmed (pruned) so that no branches shall grow or hang over the line of the sidewalk lower than seven feet above the level of the sidewalk.

SECTION 12. Prohibited Acts.

a. Damage to Public Trees - No person shall, without the consent of the owners in the case of a private tree or shrub or without written permits from the Tree Warden in case of public trees, do or cause to be done by others any of the following acts:

    1. Secure, fasten, or run any rope, wire, sign, unprotected electrical installation, or other devices or material to, around, or through a tree or shrub except to secure leaning or newly planted trees.
    2. Break, injure, mutilate, deface, kill or destroy any tree or shrub.
    3. Remove any guard, stake, or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space above the base of a public tree or shrub designed to permit access of air, water, and fertilizer.

4. Attach any sign, poster, notice, or other object on any tree, or fasten any guy wire, cable, rope, nails, screws, or other devices to any tree, except that the Town may authorize tying temporary signs to trees when necessary.
5. Cause or encourage any fire or burning near or around any public tree.

b. Excavation - All trees on any Town owned land near excavation or construction of any building, structure, landscape, or street or utility work, shall be sufficiently guarded and protected by those responsible for such work as to prevent injury to said trees. No person shall excavate any ditches, tunnels, or trenches, or install pavement within a radius of ten feet from any public tree without a permit from the Tree Warden.

SECTION 13. Requirements and Penalties.

a) The Tree Warden shall make a practicable effort to mediate a circumstance involving a violation. However, if after verbal mediation an agreement cannot be reached, the penalties and fines may be issued to the violator by the Tree Warden. Any builder, contractor or agent who intentionally assisted in the commission of any such violation shall be liable for each separate violation. All such violations which are of a continuing nature shall constitute a separate offense for each day of such continuance, and each tree removed shall constitute a separate offense. Any tree removed in violation of this Bylaw shall also be replaced by the violator on an inch-for-inch basis. Whoever affixes to a shade tree in a public way any sign or who cuts, paints or marks such tree (except for the purpose of protecting it or the public and under a written permit from the Tree Warden) shall be punished by a fine of not more than fifty dollars. Any person who cuts branches or stems of any tree or shrub in a public way (except under a written permit from the Tree Warden) shall be punished by a fine of not more than fifty dollars. Any person (other than the Tree Warden or his Deputies under the provisions of this Bylaw or after a public hearing or with written permission of the Tree Warden) who cuts down, removes or destroys a shade tree, shrub or fixture in a public way shall be punished by a fine of not more then three hundred dollars. Any person who willfully, maliciously or wantonly cuts, destroys or injures a tree, shrub or growth which is not his own, standing for any useful purpose shall be punished by a fine of not more than three hundred dollars.

(Article 26 of the May 4, 2009 Annual Town Meeting held on June 22, 2009)

b. Appeal - Any person who receives any order under this Bylaw from the Tree Warden and objects to all or any part thereof shall have the right to appeal such order. The Board of Selectmen shall hear

such appeal within 30 days of receipt of written notice of the appeal. The Board of Selectmen shall, by letter, notify the party appealing the order of its decision within ten days after the hearing closes and file written decision with the Town Clerk.

c. Fines shall be assessed and collected under MGL Chapter 40, Section 21D adopted as part of this Bylaw. The Tree Warden shall have the requisite police power established under MGL Chapter 40, Section 21D.

(Article 26 of the May 4, 2009 Annual Town Meeting held on June 22, 2009)

SECTION 14. Evaluation and Future Update of Bylaw. A successful implemented management strategy must be monitored to ensure that progress is being made and standards are being met. Evaluation provides the feedback necessary to determine whether the management strategy is working. Periodic evaluation also provides an opportunity to reassess the needs and goals of the community. The management strategy may need to be adjusted to reflect new or altered goals. By providing for regular evaluation as part of the management process, the need for change can be identified before a crisis develops. Evaluation methods include surveys and record keeping as well as public opinion heard through polls or hearings.

The Tree Warden and the Tree Committee shall conduct periodic evaluations of this Bylaw and implementing instructions and policies.

SECTION 15. Severability. In the event that any part or provision of this Bylaw are found or determined to be illegal or unenforceable by the Massachusetts Attorney General or any of the Massachusetts Court of competent Jurisdiction, than the illegality or unenforceability of any such provision shall not affect the validity of any other provision of this Bylaw which provisions will remain in full force and effect

903.00 Archaeological Resource Bylaw

1) Intent and purpose

Archeology involves the systematic discovery of sub-surface remains and specimens which provides important information on past occupation of a site in order to provide an understanding of the evolution of the area and the development of past and present civilizations and culture. Archaeological resources are subject to destruction by inadvertent actions as well as deliberate actions which remove artifacts from their cultural context. The purpose of this bylaw is to help prevent deliberate or inadvertent destruction of significant archaeological resource within the boundaries of the Town of Saugus.

2) Definitions

When the following terms are given they shall have these definitions:
a) Archaeological Site - An area that is listed in the Inventory of Archaeological Assets of the Commonwealth maintained by the State Archaeologist pursuant to MGL Chapter 9 Section 26A (1)

b) MHC - Massachusetts Historical Commission

c) SHC - Saugus Historical Commission

d) Pot Hunting - the act of willfully disturbing, destroying or plundering artifacts at an Archaeological Site.

3) Regulation or Archaeological Sites
a) Prior to applicable permits being issued, property owners proposing projects on presently undeveloped land shall request a determination from the MHC as to whether or not the project area is within an Archaeological Site. A copy of such request shall be provided to the SHC.

b) Should a project area include an Archaeological Site, the SHC shall review the project to offer recommendations to the property owner to consider mitigation of same that may avoid adverse impacts as defined by MGL Chapter 9 Section 26B.

c) Except as required to exercise its responsibilities under this section, the SHC shall maintain the confidentiality of the location of Archaeological Sites in accordance with MGL Chapter 9 Section 26A(1)

4) Prevention of Pot Hunting
a) Any person or persons who trespass on an Archaeological Site and are or were engaged in the act of Pot Hunting shall be subject to fines up to $300.00 per incident.

b) Enforcement of fines may be levied by:
Saugus Conservation Officer
Massachusetts Environmental Police
Saugus Police
Massachusetts State police

c) Fines shall be assessed and collected under MGL Chapter 40 Section 21D (adopted as part of this Bylaw).

5) Severability
If any part of this Bylaw shall be found invalid in any Court of Law for any reason, the remainder of the Bylaw shall remain valid and in full force and effect.

(MAY 6, 2013 ATM HELD ON JUNE 3, 2013)

Above By Laws were Published as of February 2014 using all amendments since November 2013 and using published October 2004 By Laws as the baseline of update.

May 4, 2021 Updated