

PART I, GENERAL BYLAWS

Chapter 1	GENERAL PROVISIONS
Chapter 7	ALCOHOLIC BEVERAGES
Chapter 11	ANIMALS
Chapter 17	BOARDS, COMMITTEES AND COMMISSIONS
Chapter 25	BUILDINGS, NUMBERING OF
Chapter 29	(Reserved)
Chapter 35	CONDOMINIUM CONVERSIONS
Chapter 40	COUNCIL ON AGING
Chapter 44	DEEDS OF RELEASE AND REDEEMED REAL ESTATE
Chapter 49	DUMPING
Chapter 53	ELECTIONS
Chapter 59	FEES
Chapter 63	FENCES
Chapter 67	FINANCE COMMITTEE
Chapter 69	FIRE ALARM SYSTEMS
Chapter 71	FIREARMS AND EXPLOSIVES
Chapter 75	FIRE PREVENTION
Chapter 81	GARAGES, COMMERCIAL
Chapter 84	GAS INSTALLATIONS
Chapter 89	HISTORICAL COMMISSION
Chapter 94	JUNK DEALERS
Chapter 98	LAND USE
Chapter 102	LICENSING
Chapter 106	MARIJUANA
Chapter 113	PEACE AND GOOD ORDER
Chapter 117	PEDDLING AND SOLICITING
Chapter 119	PERSONNEL
Chapter 122	PROPERTY MAINTENANCE
Chapter 126	<u>SAVING ABINGTON WITH GREEN ENERGY ("S.A.G.E")</u>
Chapter 128	SEWERS
Chapter 134	SOIL REMOVAL
Chapter 138	SOLID WASTE
Chapter 142	STREETS AND SIDEWALKS
Chapter 152	TOWN MEETINGS
Chapter 155	TOWN OFFICES
Chapter 159	VEHICLES AND TRAFFIC
Chapter 163	VEHICLES, JUNKED
Chapter 164	VEHICLES, SALE OF
Chapter 167	WATER
Chapter 171	WETLANDS PROTECTION
Chapter 175	ZONING

PART II, RULES AND REGULATIONS

Chapter 200	SUBDIVISION RULES AND REGULATIONS
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Chapter 1, Article II, §1-2 (A):

Any Bylaw of the Town of Abington, or rule or regulation of its officers, boards or departments adopted at a public meeting for which notice is ~~provided in a newspaper of local circulation at least once a week for the two weeks prior to the meeting and posted on the Town website and bulletin board for the same two-week period prior to the meeting,~~ and which is on file with the Town Clerk, may in the discretion of the Town official who is the appropriate enforcing person, be enforced through non-criminal disposition as provided in MGL c.40, § 21D. The specific penalty for purposes of non-criminal disposition for each such violation, if not otherwise specified, shall be as follows:

Chapter 1, Article II, §1-5: Authority of Town Clerk to Assign Appropriate Number:

The Town Clerk shall hereby be authorized to assign appropriate numbers to Bylaw sections, subsections, paragraphs and subparagraphs, where none are approved by Town Meeting, and, if such are approved by Town Meeting, after consultation with the Town Manager, to make non-substantive, editorial revisions to ensure consistent and appropriate sequencing and numbering, provided that such editorial revisions shall be identified by a footnote or other convention.

Chapter 11. ANIMALS

[HISTORY: Adopted by the Town of Abington 4-3-2006 ATM by Art. 8. Editor's Note: This Article also superseded former Ch. 11, Animals, comprised of Art. I, Pasturing of Certain Animals, derived from Ch. 9, Sec. 2, of the 1992 Town of Abington Bylaws; and Art. II, Dogs, derived from Ch. 10 of the 1992 Town of Abington Bylaws, as amended. Amendments noted where applicable.]

Article I. Pasturing of Certain Animals

§ 11-1. Pasturing within streets or ways prohibited.

No person shall pasture or cause to be pastured any cattle or other animals upon or within the limits of any street or way of the Town, either with or without a keeper.

Article II. Dogs

§ 11-2. Running at large prohibited; exception for hunting purposes.

- A. An owner or keeper of a dog shall not cause or permit such a dog to run at large in any street or public place or upon the premises of anyone other than the owner or keeper, unless the owner or occupant of such premises grants permission. While in any public place or street, dogs shall be under restraint by owner or keeper. A dog is under restraint within the meaning of this Bylaw if it is controlled by a leash or at "heel" beside a competent person and obedient to that person's commands, or confined within a vehicle driven or parked on a street. Notwithstanding the preceding, an owner or keeper shall be prohibited from bringing a dog, even under restraint, to/into the following events/venues:

1. Any concert or other public event organized and/or administered by the Abington Summer Concerts Committee; and

2. The Island Grove swimming and recreation area between the dates of May 15th and September 15th. The Island Grove swimming and recreation area shall be designated from time to time by the Board of Selectmen. Until or unless otherwise designated, the Island Grove swimming and recreation area shall be bounded by Memorial Bridge at the west/south, Park Avenue at the east/north, and the main walking path at the north, and shall include the swimming pool and recreation area.

3. On the grounds of the Millennium Memorial Complex.

B. ~~However, this section A~~ shall not be construed to limit or prohibit the use of hunting dogs during the hunting season, or the training of hunting dogs, or during field trials for hunting dogs.

C. Section A shall not be applicable to dogs when utilized by law enforcement and public safety officials or in search and rescue efforts, or as a service animal, as that term is defined by the Americans with Disabilities Act of 1990, as amended, 42 U.S. Code § 1201, et seq., and any regulations promulgated thereunder.

§ 11-3. Impoundment; maintenance and administrative charges.

Dogs running at large will be impounded. If the owner is known, notice shall be given within three days to such owner. If the owner is unknown, or the dog remains unclaimed for more than seven days, disposition of ~~the~~ dog shall be as provided under Massachusetts General Laws, Chapter 140, Section 151A. The owner or keeper of any dog so impounded may reclaim such dog upon payment of the dog license fee if it is then unpaid, and upon payment of any outstanding fines, maintenance and administrative charges as may be established by the Animal Control Officer.

§ 11-4. ~~Registration-Licensing required; dogs disturbing the peace; license period.~~

Every owner or keeper of a dog who is ~~three-six~~ months old or over shall ~~register-license~~ it with the Town Clerk on or before January 1 of each year. Every owner or keeper of a dog which becomes ~~three-six~~ months old subsequent to January 1 of any year shall ~~register-license~~ it with the Town Clerk when it becomes ~~three-six~~ months old. The owner or keeper of every dog which is so ~~registered-licensed~~ shall cause it to wear at all times a license tag issued for the purpose by the Town Clerk. ~~No person shall own or keep in the Town any dog which by biting, barking or howling, or in any other manner disturbs the peace and quiet of any neighborhood or endangers the safety of any persons.~~ An annual dog license shall be valid from January 1 to December 31.

§ 11-5. Confinement of dogs during heat.

If the ~~Dog Officer~~Animal Control Officer determines that a dog in its oestrus cycle (in heat) is attracting other dogs and such attraction is causing damage or disturbance to any neighborhood,

the Dog Officer shall order in writing that the owner or keeper of such dog restrain the dog for the duration of its oestrus cycle. If the Dog Officer determines that such owner or keeper is not complying with such order, the Dog Officer shall impound said dog for the duration of its oestrus cycle and the owner shall pay the current boarding fee as allowed under Chapter 140 Section ~~151A~~ for each day the dog is held in the pound as may be established by the Animal Control Officer.

~~§ 11-6. Violations and penalties; fees.~~

~~Whoever violates the foregoing provisions of this chapter shall be liable to a fine of not more than \$50, in accordance with Massachusetts General Laws, Chapter 140, Section 173A. A schedule of all current fines and fees shall be established pursuant to MGL c. 40 § 22F and shall be held on file with the Town Clerk.~~

§ 11-67. Kennels.

- A. ~~Any~~ No person may ~~maintaining~~ a kennel, as defined in M. G.L. c.140, §136A, shall ~~havewithout~~ a kennel license.
- B. ~~Any owner or keeper of four or more dogs, three months of age or over, shall~~ obtain A kennel license may be obtained upon submission of a written application to the Town Clerk with the prior approval from the Animal Control ~~Department Officer~~ and the Zoning Board of Appeals, if required under the Town's Zoning Bylaws, and upon payment of the applicable fee.
- C. The kennel license application shall be on a prescribed form and shall specify the name of the owner, the name of the kennel, the name of the keeper, and the location of such kennel. Such license shall specify the maximum number of dogs to be kept on the premises at any one time. Prior to approving any application, the Animal Control Department Officer shall conduct an inspection of the premises and shall deliver notice of said kennel application by first class mail to all owners of property situated within 300 feet of the boundaries of the proposed kennel property, in accordance with a certified abutters list issued for said purpose by the Board of Assessors. All costs of said notice shall be paid by the applicant, and said notice shall inform the abutters of their right to submit written comments about the proposed kennel within 10 days of its mailing. ~~No~~ kennel application license shall be approved if unless said application complies with all state and local laws the operation of a kennel in the particular location complies with all applicable laws, including but not limited to the Town's zoning bylaws. The approval of the license may include, and sufficient conditions, are imposed at the discretion of the Animal Control Department Officer, to prevent any nuisance to neighboring properties. Any party thereafter objecting to the decision of the Animal Control Department Officer may appeal said decision to the Board of Selectmen for independent review.
- ~~C. The fees for each classification of kennel license shall be established [insert officer responsible for setting fee] pursuant to MGL c. 40 § 22F and held on file with the Town Clerk.~~

- ~~D. An annual kennel license shall be valid from January 1 through December 31. License period includes January 1 to December 31, both dates inclusive.~~
- ~~E. A kennel license shall be required in addition to any other license required for any dog which may be kept in such kennel for any portion of the period for which the license is issued. The owner or keeper of such kennel shall renew the license prior to the commencement of each succeeding license period.~~
- F. While at large, each dog in a kennel shall wear a collar or harness to which shall be securely attached a tag upon which shall appear the number of the kennel license and the year of issuance and the name of the Town.
- ~~G. A veterinary hospital shall not be considered a kennel unless it contains an area for the grooming or selling of dogs, or for the boarding of dogs other than medical or surgical purposes, in which case it shall apply in writing to the Town Clerk, submitting proof of prior approval from the Zoning Board and the Animal Control for the required kennel license.~~
- ~~GH. The Chief of Police or Animal Control Officers of the Town shall may at any time inspect or cause to be inspected any kennel, and if in their judgment the kennel is not being maintained in a sanitary and humane manner, or if records are not properly kept as required by law, shall by order revoke or suspend said kennel license.~~
- ~~HI. In the case of suspension revocation of said licenses, the Board of Selectmen may reinstate such license and impose conditions and regulations upon the operation of said kennel only after holding a public hearing, with notice of said hearing going to abutters at least ten days prior to the date of said hearing, such notice to be provided as set forth in section 11-7(C) of this Bylaw. Notice of said public hearing shall be mailed at least seven days prior to the hearing by first class mail to all owners of property situated within 100 feet of the boundaries of the kennel property.~~
- ~~IJ. All kennels shall be limited to the number of dogs that the kennel license states are to be maintained on said premises.~~
- ~~JK. In addition to all other sums due and owing for any license fee hereunder, a person who applies for a license hereunder shall be obligated to pay all prior amounts of license fees determined to be due and owing by In accordance with Chapter 102 of the Town's General Bylaws, the Town Clerk may deny any application for kennel license if the applicant has outstanding unpaid taxes or fees owed to the Town.~~
- ~~L. Violations of this Bylaw shall incur the following fines:~~
- ~~(1) For each dog over said license per day: \$25.~~
- ~~(2) For running a kennel without a license: \$50.~~

§ 11-7. Animal waste.

- A. The owner or custodian of every dog or animal shall be responsible for any fecal matter deposited by the animal(s) on public walks, streets, recreation areas or private property of another.
- B. The owner or custodian of an animal when appearing with the animal on any public walk, street, recreation area, or private property shall possess the means of removal of any fecal matter left by such animal.
- C. For purposes of this regulation, the means of removal shall include any tool, implement, or other device carried for the purpose of picking up and containing such fecal matter. Disposal shall be accomplished by transporting such fecal matter to a place suitable and regularly reserved for the disposal of human fecal matter, specifically reserved for disposal of animal fecal matter or otherwise designated as appropriate by the Board of Health.
- D. ~~Any owner or person in control of any animal who fails to comply with Subsection A, B, or C of this section shall be punished by a fine of \$25 for each violation.~~

§ 11-8. Fees

Fees for individual dog licenses and kennel licenses shall be established annually by the Town Clerk in accordance with Massachusetts General Laws, Chapter 40, section 22F.

§ 11-9. Violations and Penalties

This Bylaw may be enforced by the Animal Control Officer or any Town of Abington police officer. In addition to the remedies set forth herein and in GL c. 140, §§136A to 174E, inclusive, or any other applicable provision of law, whoever violates any provision of this bylaw may be penalized by a non criminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition bylaw. If non criminal disposition is elected, then any person who violates any provision of this bylaw shall be subject to the following penalties:

<u>Failure to License Dog:</u>	<u>\$50</u>
<u>Operation of kennel without a license:</u>	<u>\$50</u>
<u>Operation of kennel above maximum allotment of dogs:</u>	<u>\$25/per dog</u>
<u>Allowing dog to run at large:</u>	<u>\$10050</u>
<u>Removal of animal waste:</u>	<u>\$5025</u>
<u>Any other violation not specifically enumerated:</u>	<u>\$50</u>

Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

Chapter 17, Article III, § 17-4

All appointed and elected boards, committees, and commissions required by either state statute or internal rules to hold a public hearing on any matter within their jurisdiction shall post notice of such hearing thereof in compliance with the Open Meeting Law, Massachusetts General Laws M.G. L. chapter 30A, §§18-25, as it may be amended from time to time. ("the Open Meeting Law") and shall provide such additional notice unless another form of notice is as may be required by federal, state or local law, rule or regulation internal rule, bylaw, or other statute or regulation. advertise said public hearing by posting a notice of said hearing at the Town Offices, and if specifically required, as a display advertisement within the required newspaper(s). Public hearing notices shall also be posted on the Town website whenever feasible as an additional means of notification to the general public, but the failure to post any notice on the Town website as required by these General Bylaws shall not be deemed to violate the minimum notice requirements of any section of these General Bylaws.

Chapter 35, § 35-1

The Town of Abington, acting by and through its Town Meeting, finds and declares that a serious public emergency exists within the Town with respect to the availability and affordability of rental housing to citizens of said Town, particularly to elderly and persons with a disability ~~handicapped persons~~ and to families of low and moderate income; that this emergency results from the aggravated local impact of factors set forth in Chapter 527 of the Acts of 1983, most particularly from limited rental housing development, prolonged increases in sales and rental housing costs exceeding increases in personal income, the increased pressures on the Town's housing stock from the metropolitan housing market and the conversion of existing rental housing to more expensive condominiums or cooperative sales housing; that this rental housing shortage generates serious threats to the public health, safety, and general welfare of the citizens of the Town; that increased protection of the present tenants of rental housing and of future occupants of converted units, requires local action including establishment of provisions protecting a greater portion of the rental housing stock, extending the effective conversion notice period, lessening tenant uncertainty regarding conversion plans, encouraging appropriate safety improvements to converted housing, and establishing a local permit system to regulate and oversee the conversion process; and that this Bylaw is accordingly adopted pursuant to the provisions of Chapter 527 of the Acts of 1983.

Chapter 35, §35-3

PERSON WITH A DISABILITY HANDICAPPED PERSON

A person as defined in Sections 3(2) of the U.S. Housing Act of 1937 as amended by the Housing and Community Development Act of 1974, as further amended by the Quality Housing and Work Responsibility Act of 1998, codified at 42 USC § 1437 et seq., and/or otherwise as may be defined by law. For purposes of this bylaw, ~~the term "person(s) with a disability"~~ may

be used interchangeably with and/or in place of with the term "handicapped person" without changing the definition of either.

LOW AND MODERATE INCOME HOUSING

Households whose total income for the previous year was equal to or less than the qualification income for the Section 8 Housing Assistance Program as designated from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of ~~1937~~¹⁹²⁷ as amended by the Housing and Community Development Act of 1974, as further amended by the Quality Housing and Work Responsibility Act of 1998, codified at 42 USC § 1437 et seq., and/or as otherwise defined by law, -and calculated pursuant to such regulationsprovisions.

Chapter 35, §35-6

- A. An applicant who intends to convert a rental building to a condominium or cooperative ownership is required to give each tenant in such building notice of this intention. Such notice must precede application for a condominium or cooperative conversion permit as per § 35-5B.
- B. No applicant will be allowed to bring an action to recover possession of the premises (i.e., to evict a tenant) within the 12 months following the recording of a master deed, or within 24 months of such recording in the case of low and moderate income, person with a disability handicapped or elderly tenants as defined in § 35-3.
- C. The notice of intention to convert must set forth generally the rights of a tenant under this Bylaw and must include a copy of this Bylaw as an attachment. The notice shall be mailed postage prepaid by registered mail, return receipt requested, to the tenant at the unit or any other mailing address provided by the tenant.
- D. The Board shall have the right to deny an applicant a condominium or cooperative conversion permit if sufficient testimony is presented indicating that the tenants' right under § 35-6A to G of this Bylaw were violated prior to the application's filing date. The Board shall also have the right to revoke a permit if sufficient testimony at a subsequent hearing called upon petition of upon petition of five tenants, or if the conversion unit has less than five tenants, upon petition of a majority of the tenants of the unit, five tenants is presented to indicate that tenants' rights have been violated during the applicable twelve-or twenty-four-month periods. The Board shall exercise these rights when it determines that the intent of this Bylaw has been so compromised.
- E. No tenant may be given notice by the applicant to vacate the premises within the applicable twelve- or twenty-four-month period provided in § 35-6A above, except by reason of substantial violations of the terms of the tenancy.
- F. Any tenant under a lease entered into a subsequent to the effective date of this Bylaw shall have the right at any time after receipt of a notice to convert pursuant to this Bylaw, to terminate the lease upon notice. Such termination shall be without penalty or other termination charge to the tenant.
- G. Within 60 days after recording a master deed pursuant to Massachusetts General Laws, Chapter 183A, the applicant shall offer to sell each unit or proposed unit to the tenant who rents or leases that unit. Such an offer shall be in the form of a properly executed purchase and sale agreement. The terms and conditions shall be substantially the same as, or more favorable than, those offered to the general public for the 90 days following expiration of said tenants' right to

purchase pursuant to 5.4(e) of Chapter 527 of the Acts of 1983. The tenants' right to first purchase expires 90 days after receipt of the applicant's offer to sell.

H. The tenant in a conversion condominium or cooperative shall not unreasonably withhold consent to the applicant to enter the unit in order to inspect the premises, obtain data or show the unit to prospective or actual workers or purchasers. The applicant shall give the tenant at least two days' notice of his intent and may enter only at reasonable times.

I. It shall be unlawful for any person to engage in any act of harassment against a tenant which is designed to, or is likely to result in the termination of the tenancy by the tenant. Conduct which shall be considered harassment shall include, but not be limited to, the following: failure of the landowner to make repairs in a timely and professional manner; imposition by the landowner of unjustifiable increases in the rental price of a unit; failure of the landowner to provide the tenant with essential services; verbal harassment and/or threats by the landowner against the tenant.

Chapter 49 Article I, Section 49-1:

No person shall dump or allow to be dumped any fill material on any property in the Town of Abington in excess of 100 yards without first receiving a permit therefore from the Planning Board~~Board of Selectmen~~. For the purposes of this bylaw, the term "fill material" shall include debris, refuse, sand, gravel, or other types of earth or other materials of any kind.

No action shall be taken on application for a permit unless it includes:

- An abutter list, based upon the most recent data available to and certified by, the Town Assessor, identifying all direct abutters to the property at which the fill is to be placed (the "subject property"), and all abutters within 300 feet of the subject property;
- A plot plan describing the subject property and indicating where on the property the fill is to be placed;
- A description of the fill (i.e. what material consists of) and its origin;
- A description of the amount of fill proposed to be placed at the subject property;
- A list of how many loads will be required to bring the fill on the subject property;
- A list of what size trucks will be used, including a description of the weight of the largest fully loaded truck;
- A description of the truck routes to be taken to access and leave the subject property;
- A description of the proposed hours of trucking; and
- A description of the measures to be used to control spilled material and dust (i.e., sweeping and water spraying).

Upon receipt of such an application that contains all of the necessary documentation set forth above, the Planning Board~~Board of Selectmen~~ shall schedule a public hearing and provide written notice, at the expense of the applicant, to the abutters and abutters to abutters within 300 feet, of the public hearing by certified mail and by regular mail, which written notice shall be mailed at least 14 days prior to the date of the scheduled public hearing.

If the Planning Board~~Board of Selectmen~~ determines it is appropriate to grant a permit allowing the fill material to be placed, the Planning Board~~Board of Selectmen~~ may imposed reasonable

conditions on such permit including but not limited to: size, number, and maximum weight of trucks that may access the property within any 24 hour period; implementation of spill control and dust control measures; requirements applicable to loaming and seeding of material; and implementation of erosion and sedimentation control measures to prevent the material from moving off site or into nearby wetland or water resources during a storm event. If such conditions are thereafter violated, the ~~Planning Board~~~~Board of Selectmen~~ may immediately revoke the permit if the public health and safety so require, or otherwise upon 24 hours-notice to the holder of the permit.

Any such permit shall expire one year from the date of issuance. A current permit may be extended for an additional three months by vote of ~~the Planning Board~~~~Board of Selectmen~~ at any meeting, provided that the request for the extension is received before the permit expires and that such vote otherwise complies with the Open Meeting Law, as it may be amended from time to time.

The Planning Board ~~may implement~~ shall hereby be authorized to promulgate rules and regulations as may be necessary or desirable to implement this section.

The provisions of this section shall not be applicable to the Town of Abington or any individual or business organization performing services pursuant to a contract or subcontract with the Town of Abington ("Town Contractor"). However, prior to commencing any undertaking which would otherwise be subject to this section, the Town of Abington or any Town Contractor shall file a plan for such undertaking with the Planning Board and may consult with the Planning Board on the implementation of said plan.

~~Article I, § 49-2 Planning Board rules.~~

~~This article may be superseded by the rules and regulations of the Planning Board.~~

Chapter 49, Article II, § 49-23: Control by Board of Health; other landfills/dumps prohibited.

The Town ~~Landfill/Dump~~ and compost site shall be under the control of the Board of Health and no person shall maintain a ~~Landfill/dump~~ on any other premises in the Town.

Chapter 63, Article II, §63-4

Low-voltage electrical "security" fencing with a maximum of 12 volts, primary voltage, may be permitted within areas of Abington zoned for non-residential use; and in the event a person, firm, corporation, or other entity erects electrical fencing in a permitted zone, the following conditions and specifications shall apply:

A. ~~And~~ electrical fence shall be no higher than 10 feet tall from its lowest electrical point;

Chapter 67, § 67-7

Each Town officer, department head, board, or committee shall be responsible for the proper use, handling, storage, condition and security of all tangible Town-owned property in its possession or under its control. Each responsible individual, board, or committee shall, not later than July 15- of each year, prepare and furnish to the ~~Town Manager Town Accountant and to the Finance Committee~~ an inventory as of June 30- of all such property on forms provided for the purpose. Accompanying such inventory list there shall be shown separately a list of property declared to be of no further use and surplus to its needs. Before disposal of surplus property in a manner consistent with law, whether by sale, transfer to another department, destruction, or otherwise, such action shall be approved by the Board of Selectmen. Report of the action taken by such Board shall be furnished the- ~~Town Manager Town Accountant and Finance Committee~~. Inventory sheets and surplus property lists shall be prepared in such form and detail as the Town ~~Manager Accountant~~ may prescribe.

Chapter 67, §67-8

The Board of Selectmen shall within each calendar year, without notice, cause to be made an internal audit of the Town's inventory by the Town's Internal Auditor of all property (excluding office furniture and general office supplies with a total value of less than \$5,000) in the possession or control of each Town officer, department heard, board or committee and such audits shall be filed with the Town Manager ~~and Finance Committee~~.

Chapter 69, §69-3

MASTER BOX

A fire alarm control device equipped to send a fire alarm signal directly to the Abington Fire Department or its designee by way of radio frequency connection for the purpose of manually or automatically reporting a fire alarm or other emergency request for assistance; ~~provided, however, that the definition of master box shall include a fire alarm control device sending such a fire alarm signal by way of a telegraph connection until January 1, 2015.~~

Chapter 69, § 69-4

A. Every master box owner whose protected premises on the effective date of this Bylaw is connected to the Abington Fire Department by way of a master box shall pay the following fees for each master box:

Annual fee	\$100
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B. Every master box owner whose protected premises is connected after the effective date of this Bylaw to the Abington Fire Department by way of a master box shall pay the following fees for each master box:

Permit fee (single charge)	\$25
Connection fee (single charge)	\$200
Annual fee	\$100

- C. Before any fire alarm system is connected to the Abington Fire Department, the master box owner shall provide the Fire Chief the following information:
- (1) The name, address and home and work telephone numbers of the master box owners.
 - (2) The street address where the master box is located.
 - (3) The names, addresses and telephone numbers of at least two other persons other than the master box owner who can be contacted 24 hours a day, who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located; and
 - (4) Any other information pertaining to the fire alarm system as the Fire Chief may require.
- ~~D. If at the passage of this Bylaw, a fire alarm system has already been connected to the Abington Fire Department by way of a master box, the owner shall comply with the requirements of this section within 60 days after the Abington Fire Department has sent him/her notice by first class mail of the requirements of this section.~~
- D. E. If a master box owner fails to comply with this section, the Fire Chief may assess a fine of \$50 for each day of noncompliance.

Chapter 71, §71-1. Permission to discharge required; exceptions.

~~No person shall fire or discharge any firearm or explosive of any kind within the limits of the Town any highway, park or other public property, except with a permit issued by the Board of Selectmen related to a Town sponsored or private event which commemorates or celebrates a federal, state, or local holiday or a historical, cultural, or community event; or on any private property except with the consent of the owner or legal occupant thereof; provided, however, that this Bylaw shall not apply to the lawful defense of life or property nor to any law enforcement officer acting in the discharge of his duties. Any person violating this Bylaw shall be punished by a fine not to exceed \$300 for each offense.~~

~~§71-2. Hunting or trapping. Notwithstanding §71-1, this Bylaw shall not apply to hunting or trapping on private property, subject to any applicable state law or regulation. Hunting or trapping on all Town-owned land shall be prohibited except with a permit issued by the Board of Selectmen in connection with public health, safety, or welfare.~~

Chapter 75, § 75-A

Jurisdiction over any and all leakage of flammable liquid or other harmful and injurious matter into any main, line or other conduit below the surface of the ground, constituting a detriment to the public health or safety, shall be vested with the Fire Chief.

~~A. Upon determination of such leakage into such main, conduit or line, the Fire Chief shall seek to provide an immediate verbal notification cause to be sent by registered mail, notification of such leakage to all owners of land duly licensed for such storage of gasoline or other flammable~~

or injurious material in the area defined as the source of such leakage and the particular main, line or conduit affected. The Fire Chief shall further notify all owners by first class and registered mail.

Chapter 113, Article II, §113-2

No person shall post, draw, affix or in any way attach any poster, handbill, notice, advertisement or placard, or paint, draw, affix or stamp any letter, notice, advertisement or placard, or paint, draw, affix, or stamp any letter, notice, figure, advertisement or mark upon or into any way, fence, post, tree, building or structure not his own, without the permission of the owner if private property, or of the Town Manager~~Selectmen~~ if public property.

Chapter 113, Article IV, §113-5

No person shall operate any sound truck or other similar open air sound making device in the Town, without a permit from the Town Manager~~Selectmen~~.

Chapter 117, Article I, §117-1

No person unless authorized shall go from place to place within the Town selling or bartering or carrying for sale or barter, or exposing therefor or taking orders therefor any magazines, periodicals, goods, wares and merchandise, without first having recorded his/her name and address with the Chief of Police and furnished such other information as may be requested of him/her.

Chapter 122, Article I, §122-1

No person shall place, or cause to be placed, or discharged or suffer to be discharged, in any public or private way of the Town, the contents of any sink, cesspool or privy.

Chapter 126, Saving Abington with Green Energy ("S.A.G.E") Committee

§126-1, Establishment; membership; and terms:

The S.A.G.E Committee shall be comprised of up to nine (9) voters of the Town, with the number of members to be determined by the Board of Selectmen, provided such number shall always be odd. Members shall be appointed by the Board of Selectmen, to fill staggered, three year terms. Members may be reappointed for consecutive terms.

§126-2, Mission:

S.A.G.E. shall serve the residents of the Town by advocating energy policies that efficiently reduce energy consumption, increase awareness of the environment, and provide information on relevant programs and technologies to accomplish this mission.

§126-2, Goals and duties:

The goals and duties of S.A.G.E. shall include, but are not limited, to:

- a. Obtaining "green community" status within the meaning of M.G.L. c. 25A, § 10;

- b. Educating and empowering residents to reduce their energy costs and reliance on non-renewable energy sources;
- c. Developing strategies for the Town and municipal operations to reduce overall energy consumption and promoting energy cost saving.
- d. Pursuing grant opportunities, including federal, state, and private grants, and/or any other funding source;
- e. Supporting and promoting "the 4 R's," Reduce, Reuse, Recycle, and Repurpose, among Town residents and in municipal operations;
- f. Any and all activities within the mission of S.A.G.E.

§126-4. Reporting requirement:

The S.A.G.E Committee shall annually report its progress, activities, and goals to the Board of Selectmen for review and consideration by the Board.

Chapter 138, Article II, §138-14

D. At least 14 days prior to commencement of the informational meeting, the Board of Health shall forward a copy of the application for a site assignment to the Abington ~~Town Clerk Public Library~~ and to the ~~Town Clerk public library~~ in an abutting town, if any, and place a copy on the ~~Town website~~Internet.

Chapter 152, Article II, § 152-1

The Annual Town Meeting shall be held on the first Monday of April of each year. The election of such officers as are required by law to be elected by ballot and determination of such matters as are required by law to be determined by ballot shall be considered part of the Annual Town Meeting and shall be held on the last Saturday in April of each year. This section shall not otherwise alter the existing statutory authority of the Board of Selectmen to alter delay the date of Town Meeting or the election of Town Officers pursuant Massachusetts General Laws chapter to M.G.L. c. 39, § 9.

Chapter 155, § 155-2 Extra duty.

This shall not preclude, however, the authority of a department head to assign employees to extra duty above and beyond their regular hours as set forth by the ~~Town Manager~~Selectmen, provided such assignment conforms with the governing statutes.

Chapter 155, § 155-3 Authority of Town Manager~~Selectmen~~ to close offices.

The ~~Town Manager~~Board of Selectmen or ~~his/her~~its designee shall have the exclusive authority to close any Town office or department (with the exception of the public schools and the public library) for a day or a portion thereof other than regular scheduled holidays. The permanent full time employees of the Town shall be paid for such period as the offices or departments are closed by order of the ~~Town Manager~~Board of Selectmen or ~~his/her~~its designee. The School Committee and Board of Library Trustees shall inform the Town Manager when they close any

office or department over which they have jurisdiction for a day or portion thereof other than regular scheduled holidays.

Chapter 164, §164-1, Licensed required; limit on number of licenses.

Chapter 164, § 164-4: Application criteria.

~~A.~~ The total Class II licenses available shall be 25.

A. No license will be granted to any applicant with outstanding unpaid taxes or fees owed to the Town of Abington, or on any property for which such outstanding unpaid taxes or fees are owed, all in accordance with the provisions of G.L. c.40, §57 and Chapter 102 of the General Bylaws.

~~B.~~

~~C.~~B. The sale of motor vehicles shall be the principal business of the applicant. Further, the applicant must be actively involved in the sale of used motor vehicles in the Town of Abington. No "pocket" licenses will be issued. (MGL c. 140, Section 58)

~~D.~~C. The license holder must maintain or demonstrate access to repair facilities sufficient to enable him or her to satisfy the warranty repair obligations imposed by MGL c. 90, Section 7N 1/4. (MGL c. 140, Section 58)

~~E.~~D. The Board of Selectmen shall cause an investigation of the facts stated in the application, that the applicant is a ~~qualified proper~~ person to engage in the business of selling motor vehicles in the Town of Abington. (MGL c. 140, Section 59)

~~F.~~E. A plot plan shall be submitted to the Board of Selectmen in addition to any plot plan that may be required by other boards.

~~G.~~F. If the applicant had not held a Class 2H license in the year prior to making of the application, the application must be completed in duplicate, with one copy being filed with the licensing authority (Board of Selectmen), and the other copy filed with the Registry of Motor Vehicles. (MGL c. 140, Section 59)

~~H.~~G. No Class 2H license shall be granted unless the licensing authority is satisfied from its investigation of the facts stated in the application, or other available information, that the applicant is a "proper person." (MGL c. 140, Section 59)

~~I.~~H. Any Class 2H license that is issued by the licensing authority shall specify all of the premises to be occupied and used by the licensee for the purpose of carrying on the licensed business. (MGL c. 140, Section 59)

~~J.~~I. Permits for a change of situation of the licensed premises or any lawfully permitted additions thereto may be granted at any time by the licensing authority, in its discretion, in writing with a copy of any such permit to be attached to the license.

K.I. The rules and regulations promulgated by the Registry of Motor Vehicles defining sufficient repair facilities for holders of used car dealer's licenses (Class 2H) represent minimum standards that must be complied with by the holders of such licenses. (MGL c. 140, Section 58)

L.K. An applicant for a Class 2H license must demonstrate compliance with all requirements of the Abington Zoning Bylaws, or the approval of any required zoning relief from the Zoning Board of Appeals and shall also submit to the Board of Selectmen any plans required for such zoning relief or approval; otherwise such license will not be issued by the Licensing Authority. If not required in connection with the approvals listed in the preceding sentence, there shall be submitted a plot plan that, at a minimum, integrates green space and/or frontage to enhance the aesthetics of the licensed premises.

M.L. All licenses granted under MGL c. 140, Section 59 and this bylaw shall be revoked by the licensing authority if it appears after a hearing that the licensee is not complying with all laws applicable to the licensed business and property, including but not limited to MGL c. 140, Sections 57 to 69, inclusive, this bylaw, or the rules and regulations made thereunder.

M. All applicants for a Class 2 license shall undergo a criminal history background check by a criminal offender record information certified individual through the Department of Criminal Justice Information Services and in compliance with MGL c.6, § 172. If the Board of Selectmen or its authorized designee is inclined to make an adverse decision based on the results of this check, in accordance with MGL c.6, § 171A, the applicant shall be notified, provided with a copy of the criminal record and the Town's Criminal Offender Record Information ("CORI") policy, advised of the part(s) of the record that make the applicant unsuitable for the license, and given the opportunity to dispute the accuracy and relevance of the CORI record.

Chapter 167, Article I, § 167-11 Violations and penalties.

Any person found to have violated § 167-5 and/or § 167-6 of this Bylaw will receive a written warning for the first offense and shall be liable to the Town in the amount of \$100 for each subsequent offense within the same calendar year. Any person found to have violated § 167-9 of this Bylaw shall be liable to the Town in the amount of \$300 for each offense. Any person found to have violated § 167-10 of this Bylaw shall be liable to the Town in the amount of up to \$300 for each offense. Fines shall be levied and assessed by employees of the Water Department and/or authorized agents of the Board of Water Commissioners upon witnessing any violation, or after investigating and verifying that a violation in fact occurred. Violators shall be entitled to appeal the assessment of any fines with the Board of Water Commissioners, and said appeal shall be held at a public meeting of the Board. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with M.G.L. c. 40 § 21D. Each day on which a violation of § 167-5 and/or § 167-6 occurred shall constitute a separate offense.