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TOWN OF SOUTHBRIDGE

REVISED BY - LAWS

Adopted by vote of Town Council on:

June 3, 1974

Additions and Amendments - p.e. October 14, 1981

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ARTICLE I

GENERAL PROVISIONS

SECTION 1. Except as otherwise provided by statute, any person violating any of these By-Laws or any amendments thereof, will be subject to a fine of not more than twenty dollars for each offense; and each day of violation will constitute a separate offense.

SECTION 2. When a question is before the Town Council, motions shall be received and have precedence as printed in the table below:

Motion	Second Required	Debate	Amend	Vote Required
To adjourn or dissolve	Yes	No	No	Majority
To adjourn to fixed time or recess	Yes	Yes	Yes	Majority
Lay on the table	Yes	Yes	No	2/3 Majorit
For the previous question	Yes	No	No	2/3 Majorit
For secret ballot	Yes	No	No	2/3 Majorit
To commit, recommit, or refer	Yes	Yes	Yes	Majority
To amend	Yes	Yes	Yes	Majority
To postpone indefinitely	Yes	Yes	No	Majority
Main motion	Yes	Yes	Yes	Majority *
Reconsideration	Yes	Yes	No	2/3 Majorit
Take from the table	Yes	Yes	No	Majority
Take up an article out of order	Yes	Yes	Yes	2/3 Majorit

*(Some main motions are required by Massachusetts law to be passed by a 2/3 vote, such as bond issues, zoning changes, the taking of land, etc. Unpaid bills of previous years require a 4/5 vote if they are in excess of the appropriations for the year.)

A motion to dissolve the meeting shall not be voted upon until the Chairman informs the meeting of such business as remains unfinished.

SECTION 3. No vote of the meeting shall be reconsidered unless notice of intention to ask for reconsideration shall have been given within thirty minutes after the vote to which such notice related has been passed. When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be reconsidered more than once; nor shall any vote be reconsidered on a motion to adjourn, to lay on the table or for the previous question. No motion to reconsider shall be made at an adjourned Council Meeting or subsequent meeting, unless the mover has been given notice of his intention to make such a motion at the session of the meeting at which the vote was taken.

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ARTICLE II

TOWN CLERK

SECTION 1. The Town Clerk shall keep a true copy, in books to be kept for such purposes alone, of all deeds, permits, licenses, and grants issued and executed by the Manager and of such other instruments executed by the Manager in accordance with the provisions of these by-laws. He shall not allow original papers or documents of the Town to be taken from his office, except as they remain in his custody, or by authority of the law.

SECTION 2. It shall be the duty of the Town Clerk immediately after every Town Council Meeting to notify in writing all members of committees who may be elected or appointed at such meeting, stating the business upon which they are to act and the names of the persons composing the committees, of all votes passed at such meeting in any way affecting them.

SECTION 3. The town seal shall include thereon the words, "Southbridge, Mass. Incorporated February 15, 1816" and the words "The Eye of the Commonwealth". The Town Seal shall be kept in the custody of the Town Clerk.

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ARTICLE IV

FINANCIAL AFFAIRS

SECTION 1. An audit of the accounts of the town shall be made annually under the supervision of the state division of the accounts as provided by section thirty-five of Chapter forty-four of the General Laws.

SECTION 2. The Town Collector shall collect all accounts due the town, except interest on investments of trust funds.

SECTION 3. If it shall seem advisable to the Town Collector that suit shall be instituted on behalf of the town for the establishment or collection on any account due the town, he shall so notify the Manager, and he shall report to him from time to time, as he may direct, upon all uncollected accounts in his hands. The Manager shall take such action with respect to all such accounts as he deems expedient and consistent with the interests of the town.

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ARTICLE V

LEGAL AFFAIRS

SECTION 1. The Manager shall annually in July, appoint a registered voter of the town, who is a member of the bar in good standing, to serve as Town Attorney for the term of one year from the first day of July following or until his successor is appointed and enters upon the performance of his duties. He shall likewise fill any vacancy in said office for the unexpired terms, and may employ special counsel to assist the said town attorney whenever, in his judgement, necessity therefore arises.

SECTION 2. It shall be the duty of the Town Attorney to conduct the prosecution or defense of claims, actions and proceedings to which the town is a party, and the prosecution of actions or proceedings by or on behalf of any town officer, board or committee as such; to conduct the defense of any action or proceedings brought against any town officer, board or committee as such when the Manager, having determined that any right or interests of the town are or may be involved therein, shall so request; to conduct proceedings brought by or against the assessors before the board of tax appeals; to assist in the prosecution of complaints for violations of any By-Laws of the town, when requested so to do by the board of officer enforcing the same; to examine and report upon titles to all land to be acquired by the town; to prepare or approve contracts, bonds, deeds and other legal instruments in which the town is a party or in which any right or interest of the town is involved; to appear at any and all hearings on behalf of the town whenever his services may be required; and generally to advise and act for the town officers, boards and committees upon and in legal matters touching the duties of their respective offices.

* SECTION 3. Any public hearing which requires notice sent to abuttors of a parcel or parcels of land to which the hearing applies, shall include such notice sent Certified Mail, Return Receipt Requested at the cost of the petitioner. For the purposes of this by-law the term abuttor shall mean a property owner other than the petitioner or owner directly involved whose property adjoins the affected property at any point. This Section also shall apply to Planning Board hearings for zoning district change proposals.

* This section adopted by vote of the Town Council dated February 3, 1975

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ARTICLE VI

CONTRACTS BY TOWN OFFICERS

SECTION 1. No officer of the Town shall in his official capacity make or pass upon or participate in making or passing upon, any sale, contract or agreement or the terms or amount of any payment in which the town is interested and in which such officer has any personal financial interests, direct or indirect.

SECTION 2. No town officer and no salaried employee of the town, or any agent of any such officer or employee, shall receive any compensation or commission for work done by him for the town, except his official salary and fees allowed by law, without the permission of the Manager expressed in a vote which shall appear on their records with the reasons therefor.

SECTION 3. No contract involving an obligation of the town in excess of Twenty-Five dollars shall be binding upon the town unless it is in writing and is signed by at least a majority of the board or committee duly authorized or having control of the appropriation against which such obligation is incurred; and such board or committee shall make a record of every such contract in a book which shall be the property of the town.

SECTION 4. Every contract exceeding One Thousand Dollars shall be accompanied by a suitable bond for the performance of the same, or by the deposit of money or security to the amount of such bond if so requested by the officer or board authorized to make the contract.

SECTION 5. No board or officer shall make any contract in behalf of the town, the execution of which shall extend beyond one year from the date thereof, except as otherwise provided by law, unless specific authority to do so has been given by vote of the Council.

SECTION 6. (a) No contract shall be awarded for any work or service to be performed for the town, other than professional service or service performed by a person regularly employed by the town as part of the duties of such employment and no purchase of materials, supplies or equipment shall be made, the estimated cost of which in either case is $250.00 or more, unless competitive bids have been invited therefor, such bids shall be invited by public advertisement by at least one insertion in a newspaper published in Southbridge. Such invitations shall state where plans and specifications for proposed work or purchases may be obtained, and the time and place at which bids will be opened, and shall reserve to the town the right to reject any or all bids. All bids shall be opened in public. No purchase, and no service or work for which a contract is proposed, shall be split or divided for the purpose of evading the provisions of this section.

(b) The Manager may exempt a purchase or contract from any or all of the provisions of the preceding section when, in his opinion, an emergency exists requiring immediate action on such purchase or contract to protect the health and safety of persons or property, or when no reasonable substitute can be obtained for the article or service to be purchased or

contracted for. Evidence indicating that such an emergency exists, or that no reasonable substitute for a purchase or service can be obtained, shall be furnished to the Manager in writing by the officer, board or committee making such purchase or contract, and shall be kept on file with other records of such transactions.

SECTION 7. Whenever any property of theTown, other than real estate, the replacement value of which exceeds fifty dollars ($50), shall have become obsolete, disused, worn out or necessary to replace, the Town official or officials having jurisdiction thereof shall so certify in writing to the Town Manager who may reserve action relative to its disposal for consideration of a Town Council Meeting or may authorize the official or officials to abandon, to trade, or to sell such property at private or public sale.

SECTION 8. All automobiles and other vehicles owned by the Town shall be so designated by an approved label, as determined by the Town Manager, bearing the words "Town of Southbridge" with the exception of those vehicles exempted from this by-law by the Town Manager.

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ARTICLE VII

RECORDS AND REPORTS

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

SECTION 2. All officers, boards, standing committees and special committees of the town having charge of the expenditure of town money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, referring however, to the report of the town accountant for statements in detail of receipts and payments, and may make therein such recommendations as they deem proper. Such reports shall include, in addition thereto, a report of attendance of all officers and numbers of such boards, standing and special committees. Such reports shall be submitted to the Manager for inclusion in the annual town report on or before the fifteenth day of July each year.

SECTION 3. The Manager shall have printed as many copies as deemed necessary of the Annual Town Report, ready for distribution no later than the last Friday in August. The Annual Town Report shall contain, in addition to the reports of officers, boards and committees as herein before provided, a detailed report of all moneys received into and paid out of the town treasury in the financial year next preceding, showing separately payments made from the proceeds of loans as capital outlays, for permanent improvements, the report of the collector of taxes, of receipts, payments and abatements; statements of all funds belonging to the town or held for the benefit of its inhabitants, a statement of the liabilities of the town on bonds, notes, certificates of indebtedness or otherwise, and of indebtedness authorized but not incurred, and the purpose thereof; a statement of transfers made to or from any appropriation; abstracts of the records of the meetings of the town held since publication of the last annual report; and such other matters as the said report is required by law to contain, or as may be inserted by the Manager under the discretion granted him by law.

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ARTICLE VIII

STREETS AND SIDEWALKS

SECTION 1. No person shall place or maintain any sign, awning, canopy, shade or frame for the same in or over any street without first obtaining a permit from the Manager to do so. In no case shall any sign, awning, canopy, shade or frame, be less than seven feet above the sidewalk, nor extend into the street beyond the line of the sidewalk. The Manager may require a bond to insure performance.

SECTION 2. No person shall allow any gate or door belonging to premises under his control, and adjoining any public way, to swing on, over or into said public way.

SECTION 3. No person shall place or cause to be placed any obstruction in any of the public streets or squares, or upon any public sidewalk, without first obtaining a written permit for a specified time, from the Police Department.

SECTION 4. No person shall sweep, rake or throw, or place any rubbish leaves or other like substance upon any sidewalk or street in the town, except in waterproof covered containers or sealed waterproof bags not exceeding ninety (90) pounds gross weight for the sole purpose of collection by employees or agents of the town during designated periods of collection. Such containers shall not remain for longer than 24 hours before or after the collection period. No person shall place paint, print work figures or pictures on any public sidewalk or street.

SECTION 5. No person shall coast upon any sidewalk or upon any street, except at such times, and in such places as may be designated by the Manager.

SECTION 6. No person shall distribute, display, place or cause to be distributed, displayed, or placed, any posters, handbills, placards, signs, notices or similar material in or upon any sidewalk, street, public building or other public property in the town without first obtaining a permit from the Manager or from the Chief of Police acting under authority delegated by the Manager.

SECTION 7. No person shall in any manner, remove, deface or injure any public property, public building or public grounds of the town, nor shall throw or place any substance into the same or into any of the public waters of the town.

SECTION 8. No person shall play upon any musical instrument or form any public gathering in any street or public place in the town without a written permit therefor from the Manager.

SECTION 9. No person, except the Manager, Highway Department and the D.P.W. Head in the lawful performance of their duties or those acting under their orders, or those who areotherwise properly authorized, shall break up or dig in any street or public way in the town without first obtaining a

written permit from the Manager or his agent, which permit shall state the regulations under which such excavation and restoration shall be done. All persons acting under such a permit, shall put up, erect, and maintain a suitable railing or fence, or pedestrian walk around the part of the street so excavated, so long as the same shall remain unsafe and inconvenient for travelers; and, he or they shall keep suitable lights attached to such railings or fence, or in some other way exposed every night from sunset until sunrise until the work is completed. The work or excavation done under said permit must be in accordance with such regulations and upon the completion of said work, the surface of said street or way shall be promptly restored as specified in the permit.

SECTION 10. Whenever a department of the town is about to construct or repair any street or way, it shall before beginning the work, give reasonable notice of such intention to other departments and corporations affected thereby and to all abutting owners. After such notice has been given and work completed, no department, corporation or person shall for a space of one year break up or disturb the surface of said street or way within the area so constructed and repaired except in the case of emergency.

SECTION 11. The Manager upon the recommendation of the D.P.W. Head may order numbers to be affixed to or to be painted on the buildings on any street as they deem proper. The owner of every such building shall comply with said order within ten days thereafter.

SECTION 12. Any person who intends to repair or take down any building on land abutting on any way which the town is required to keep in repair and intends to make use of any portion of said way for the purpose of placing thereon building materials or rubbish, shall give notice thereof to the Manager. Thereupon, the Manager may grant a permit to occupy a portion of said way to be used for such purposes as in his judgment the necessity of the case and security of the public require; such permit, in no event to exceed a period of more than ninety days, shall contain such conditions as the Manager may require; sufficient lights shall be so placed from sunset to sunrise as to protect all travelers from injury.

SECTION 13. The Manager may, before granting such permits, require such persons to furnish a satisfactory bond to save the town harmless from any damages that may arise from such obstructions in the street and to insure the faithful compliance with the conditions of said permit.

SECTION 14. No person shall erect, set up or maintain any fence, portico, roof, platforms, or doorstop extending into or over any public highway or street.

SECTION 15. No person shall stop, or cause to stop a vehicle or carrier, in or on any public street so as to obstruct public travel; and no person shall stop or cause to stop a vehicle or carrier upon or across any intersection or pedestrian crosswalk in any street or highway in the town.

SECTION 16. No person shall drive, wheel, or draw any cart, bicycle wheelbarrow, handcart, wagon, except children's carriages or shopping carriages drawn by hand, upon any sidewalk in the town.

SECTION 17. No person shall break, remove, deface or otherwise injure any marker or bound which marks a street, line or public way or town land.

SECTION 18. All streets, hereafter laid out or accepted by the town as a street or public highway, shall be, at least fifty (50) feet in width, unless otherwise determined by the Manager and shall not be accepted unless a plan showing in detail the location and proposed grade of such way is placed on file with the Town Clerk seven days, at least, before the date of the Council Meeting at which the acceptance of such way as a street or public highway is requested and unless the construction of such way is in accordance with the Planning Board subdivision regulations outlining street construction, and conforming to the grade set forth in said plan by the land owner or owners proposing the acceptance of such street or way.

SECTION 19. No person shall extinguish any street light, nor extinguish or remove any light placed to denote an obstruction or defect in any street or way, without proper authority.

SECTION 20. Any truck or vehicle carrying waste paper or other material to the public dump or any other destination shall cover or bind or secure the load against being scattered in any street or public way.

SECTION 21. No person shall, in any street or way, throw stones, snowballs, sticks, or other missiles, nor play ball, kick a football, nor play any other games which interfere with the free, safe and convenient use of said street or way by any person travelling or passing along on same.

SECTION 22. No person shall hoist any material from any street or sidewalk into a building adjoining same so that said material by being hoisted shall overhang any part of the street or sidewalk without first obtaining a permit from the Chief of Police.

SECTION 23. No owner, or his agent, of premises abutting upon brick, concrete or other curbed or finished sidewalk, shall place or suffer to remain for more than seven hours between sunrise and sunset, any snow upon such sidewalk. Any packed snow or ice must be melted, covered with sand, sawdust or ashes, to prevent slipping. Such snow or ice may be removed from the sidewalk to the street, provided, however, that the same is windrowed at the gutter at the time of removal. No owner or his agent of premises abutting on a public way, shall allow any fire hydrant closest to his property to be obstructed by snow. No owner or his agent shall place any snow or ice removed from his property on a public way.

SECTION 24. Two or more persons shall not remain in a group or near each other on any sidewalk or street, or in any doorway or entrance in such manner as to obstruct a free passage for pedestrians or vehicles.

SECTION 25. No person shall direct any harmful or offensive, derisice or annoying actions or words to any other person who is lawfully in any public place, nor deride, offend, or annoy such person or prevent such person from pursuing a lawful occupation.

SECTION 26. The Manager shall have control of the public streets, sidewalks and grounds of the Town for all purposes of public gatherings, and no public assembly or parade on such places within the Town shall be permitted unless a written permit stating the time, place, and purpose of such event has been issued by the Manager or by the Chief of Police acting under authority delegated to him by the Manager.

SECTION 27. It shall be unlawful for any person, firm or corporation either as principal, agent, or employee, to plan, use or operate for advertising purposes, or for any other purpose whatsoever, on or upon the public streets, alleys, sidewalks, or thoroughfares in the Town of Southbridge, any device known as a soundtruck loudspeaker or sound amplifier or radio or phonograph with a loudspeaker or sound amplifier, or any other instrument known as a calliope, or any instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon said streets or public places aforementioned, unless a written permit stating the time, place and purpose of such event has been issued by the Manager or by the Chief of Police acting under authority delegated to him by the Manager.

SECTION 28. From November 15 through April 1 of each year between the hours of 11 P.M. and 7 A.M. there shall be no parking on streets or parts of streets which have parking meters and on certain sides of those streets or portions of those streets designated by the Town Manager or the Chief of Police. Any vehicle in violation of this By-Law shall be removed by order of the Manager, Chief of Police, or Superintendent of Streets, or their authorized representatives, and both the owner and the operator of any such vehicle shall be liable to the Town of Southbridge for a fine as prescribed by law provided that, if the vehicle is removed for the purpose of snow removal, or plowing, or removing of ice, a towing charge of not more than $25.00 and any reasonable storage charge may also be imposed. A record of registration numbers of each vehicle so removed shall be kept and the place to which it is removed and the Superintendent of Streets or his authorized representatives shall within (12) hours report said information to the Police Department of Southbridge who shall notify the owner or his agent. Before the owner or his agent shall be permitted to remove a vehicle which has been removed as aforesaid to a garage, or other convenient place, he shall furnish satisfactory evidence to the owner or person in charge of said garage, or to the Chief of Police of his identity and ownership of right to the possession of said vehicle.

SECTION 29. No owner or person having care of a building abutting upon any curbed or finished sidewalk, the roof of which slants toward such sidewalk shall permit such building to be without a barrier, snowguard, or other device to prevent the falling of snow or ice from such roof to the sidewalk, nor shall the owner or person having care of any such buildings, permit water to discharge on any sidewalk from such building in such a manner as to flow over the sidewalk.

* SECTION 30. DRAINAGE AND EROSION CONTROL

30.1 No person shall dump, move, place, grade, excavate, fill or by any action cause or permit any soil, earth, sand, gravel, rock, stone, or other material or water or liquid to be deposited or to roll, flow, or wash upon or over any public street, street improvement, road, sewer, storm drain, water course, or right-of-way, or any public property in a manner to damage or to interfere with the use of such property.

30.2 No person shall when hauling soil, earth, sand, gravel, rock, stone or other material over any public street, road, alley or public property allow such materials to blow or spill over and upon such street, road, alley or public property or adjacent private property.

30.3 If any soil, earth, sand, gravel, rock, stone or other material or water or liquid is caused to be deposited upon or to roll, flow or wash upon any public property or right-of-way in violation of 1 and 2 above, the person responsible shall be notified and shall cause the same to be removed from such public property or way within thirty-six (36) hours. In the event of an immediate danger to the public health or safety, notice shall be given by the most expeditious means and the material or liquid shall be removed immediately. In the event it is not so removed, the Department of Public Works shall cause such removal and the cost of such removal by the Department of Public Works shall be paid to the town by the person who failed to so remove the material and shall be a debt due the town. The cost of such removal shall be a lien upon all property and all rights to property, real or personal, of any person liable to pay the same from and after the time said cost is due and payable.

30.4 Approval of the Department Head, Public Works shall be required for any connection to an existing storm drainage system located on public property within the Town.

30.5 The Town Manager shall enforce this by-law and shall take any other suitable measures to assure compliance with this by-law.

** SECTION 31.1 PROHIBITION OF POSSESSION OF INTOXICATING LIQUORS IN PUBLIC PLACES

No person shall have in his possession any intoxicating liquor in any park, playground, cemetery, conservation land or other public place in the Town of Southbridge, except as otherwise permitted by the Town Manager. Any person violating this By-Law shall be punishable by a minimum fine of $25.00 and a maximum fine of $50.00

* This section adopted by vote of the Town Council dated October 29, 1974
** This section adopted by vote of the Town Council dated July 8, 1975

ARTICLE VIII

STREETS AND SIDEWALKS

SECTION 32. No vehicle shall be parked upon Henry Street or upon land of the Town adjacent thereto and posted with "No Parking" signs, provided that a person who resides upon one of said streets may park a vehicle owned by him on said street or posted Town property, adjacent to his dwelling.

Foregoing section adopted by the Town Council on March 24, 1980.

SECTION 33. No person shall drive, ride, push or tow any motor vehicle including, but not limited to, motorcycles, recreational vehicles as defined by Chapter 90B of the General Laws, automobiles, mopeds, or other motorized conveyances upon any park, playground, cemetery, conservation land, school yard or any other land of the Town, except as otherwise permitted by the Town Manager. No owner, and no other person in custody or control of any of the above-described vehicles shall allow another person to drive, ride, push or tow said vehicle upon any of the lands above-described.

Any person who violates this By-Law shall be punishable by a fine of $25.00 for a first offense in any calendar year, or by a fine of $50.00 for any subsequent offense in a calendar year.

Any Police Officer who observes a violation of this ordinance may, as an alternative to initiating criminal proceedings, give to the offender a written notice to appear before the Clerk of the District Court having jurisdiction of the offense, at any time during business hours, not later than twenty-one (21) days after the date of such notice. Such notice shall be prepared in triplicate, on a form which complies with the requirements of M.G.L. c. 40 s 21D, as amended, and shall be delivered to the offender in a manner consistent therewith. When ever practicable, said notice shall be signed by the offender, as an acknowledgement of the receipt thereof. The disposition of all such offenses shall follow the procedure established by M.G.L.c40s21D, as amended.

Foregoing section adopted by the Town Council on August 13, 1979.

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ARTICLE IX

FIRE REGULATIONS

SECTION 1. The Chief of the Fire Department, or any member of said Department, authorized by the Chief as an Inspector, may at all reasonable hours, enter any building or premises for the purpose of making any inspection, or investigation which, under the provisions of Town By-Law, State Law, rule or regulation, he or they may be authorized to make.

SECTION 2. Whenever the Chief or any Inspector of the Fire Department shall find in any building or upon any premises dangerous or hazardous conditions as hereinafter defined, such conditions shall be removed or remedied in any reasonable manner and within such time as order by the Chief of the Fire Department.

a. Dangerous or unlawful amounts of combustible or explosive matter;

b. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter;

c. Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly flammable materials;

d. Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts;

e. Obstructions, including motor vehicles, to or on fire escapes, stairs, passageways, doors or windows, which may interfere with the operations of the Fire Department or egress on occupants in case of fire;

f. Any building or other structure which, for want of repairs, lack of exit facilities, or dilapidated condition, or from any other cause, creates a fire hazard.

The service of such orders as mentioned in this section may be made upon the owner or occupant either by delivering a copy to him personally or in case of no such person is found, by affixing a copy thereof in a conspicuous place on said premises, or by mailing such copy by registered mail to the owner's last known post office address as appearing on the Assessors' records.

SECTION 3. The Chief of the Fire Department, or his Inspector shall inspect each business, mercantile and manufacturing establishment, school, place of assembly, hospital, place of detention, rooming house, motel, hotel, nursing home, rest home, and multi-family house; and shall specify suitable fire detecting devices or extinguishing appliances which shall be provided, in or near furnace rooms, kitchens of restaurants and like establishments, storage rooms containing combustible material, rooms in which hazardous manufacturing processes are conducted, garage sections, and other places of a generally hazardous nature. Such devices or appliances may be approved by the Chief of the Fire Department. In specially hazardous processes or storages, appliances of more than one type or special systems may be required.

Sprinkler systems, standpipe systems, fire alarm systems and other fire protective or extinguishing systems or appliances which have been installed in compliance with this by-law, shall be maintained in operative condition at all times and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required; except that this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions. The Chief of the Fire Department shall be notified before such tests, repairs, alterations or additions are started, unless the work is to be continuous until completion.

SECTION 4. No person shall make a fire in any public place, without first having obtained in writing the permission of the Chief of the Fire Department or his authorized representative.

SECTION 5. No person shall allow a fire to burn or smolder between sunset and sunrise, regardless of whether it be in barrels, containers, or open air, unless special permission is allowed by the Fire Chief.

PROPOSED BY-LAW

THE TOWN OF SOUTHBRIDGE HEREBY ADOPTS THE FOLLOWING BY-LAW, TO BE ADDED TO ARTICLE IX, FIRE REGULATIONS, AS SECTION 6:

SECTION 6: NO PERSON SHALL PARK ANY VEHICLE WITHIN THE LIMITS OF ANY PRIVATE WAY OR RIGHT-OF-WAY WHICH FURNISHES A MEANS OF ACCESS FOR FIRE APPARATUS TO ANY BUILDING. THE FIRE CHIEF, OR HIS DESIGNEE, OR THE OWNER OF PROPERTY ABUTTING SUCH A WAY MAY POST SIGNS SUFFICIENT TO WARN DRIVERS THAT PARKING IS PROHIBITED IN A DESIGNATED AREA. THE REGISTERED OWNER OF A VEHICLE SHALL BE CONCLUSIVELY PRESUMED, FOR THE PURPOSES OF THIS BY-LAW, TO BE RESPONSIBLE FOR THE PARKING OF A VEHICLE IN VIOLATION HEREOF. THE POLICE DEPARTMENT MAY ENFORCE THIS BY-LAW BY USE OF THE PROCEDURES SET FORTH IN GENERAL LAWS CHAPTER 40, SECTION 21D. EACH VIOLATION OF THIS SECTION SHALL BE PUNISHED BY A FINE OF TEN DOLLARS ($10.00).

Voted by Town Council at its meeting of November 24, 1980

REVISED BY-LAWS

ARTICLE X

SEWER REGULATIONS

SECTION 1. The following words in these regulations shall have the meanings herein set forth unless otherwise required by the context.

(a) D.P.W. HEAD shall include his authorized agents.

(b) ENTERPRISE shall include mercantile, manufacturing or industrial establishments.

(c) PERSON shall include person, firm, corporation or organization or any agent or servant thereof.

(d) SEWERAGE SYSTEM shall include sewers, sewage pumping stations, sewage treatment plants, force mains, and all works and devices appurtenant thereto.

SECTION 2. No person shall discharge or permit the discharge, directly or indirectly, into the sewerage system of the Town of Southbridge, of any grease, fats, oils, gasoline, acids, alkalis, iron or other metal wastes, or any other materials, or the wastes from any enterprise, other than domestic sewage which, when of such nature or in such quantities, by themselves or in combination with other wastes, would in the opinion of the D.P.W. Head cause clogging, or which would be injurious to the sewerage system, or which would interfere with the proper treatment of domestic sewage or the operation and maintenance of the sewage treatment works or inspection of the sewerage system. No person and no enterprise shall discharge any of the above mentioned wastes in any amount without first obtaining a permit from the D.P.W. Head.

SECTION 3. The D.P.W. Head may require all enterprises to treat all mercantile, manufacturing or industrial wastes and all other substances or matter, other than domestic sewage, prior to the discharge thereof into the sewerage system, when he deems it necessary in the interest of public health, or for the safe, economical and efficient management and protection of the sewerage system. The D.P.W. Head may require such enterprise to install and operate adequate industrial waste treatment plant or plants or devices so as to accomplish the purpose herein above set forth.

The D.P.W. Head may enter, at any time, and inspect the plant or the premises of any enterprise discharging into the sewerage system any of the wastes mentioned in these regulations. If in his judgment any enterprise is violating the provisions of these regulations, he shall order compliance therewith by giving a notice in writing setting forth a reasonable time for such enterprise to comply with the provisions of these regulations and upon failure to correct the conditions, the D.P.W. Head shall take all necessary steps by law, provided so as to prohibit the use of the sewerage system by such enterprise, until the conditions are corrected.

SECTION 4. The D.P.W. Head may require such reports from the enterprise as he, in the exercise of his judgment deems necessary and he may require the installation of measuring devices by such enterprise.

He may also regulate the quantities of waste admitted to the Town sewers by any enterprise. He may require sampling points to be installed immediately before the entry of such wastes into the sewerage system.

SECTION 5. Connections or conditions that permit rainwater and or groundwater to enter sanitary sewers are to be considered illegal. Existing illegal connections to be removed within one year of the acceptance of these By-Laws. The discharge of sump pumps shall be permanently to the exterior of the building.

SECTION 6. No connections (new or renewals) will be made to sanitary sewers without first obtaining a permit from the D.P.W. Head and said connections will be inspected by the Sewer Department. Jurisdiction of the inspection shall include the connection at the main and service line to the building including the portion on private property. Materials used will be as specified by the D.P.W. Head. Before issuance of sewer permits, the contractor shall present proof of his performance bond for an amount of no less than five thousand dollars. In the event that unsatisfactory work is done, as decided by the D.P.W. Head, the Town shall undertake the repairs if the contractor does not comply. Said repairs shall be paid for from the contractor's performance bond.

SECTION 7. Any street construction that results in debris falling into a sewer manhole will necessitate cleaning of said manhole by the party responsible.

SECTION 8. Abandoned sanitary sewer services shall be plugged with an appropriate cap or concrete, and inspected by the Sewer Department.

SECTION 9. The personnel hired to operate the sewage treatment plant shall be certified in a grade level appropriate for the plant, with the exception of those operators not in immediate charge of the plant operation, in which instance they shall become eligible for certification at a grade level commensurate with their experience, within two years of their employment or the next examination date after two years, whichever is longer. The defining certification authority shall be one recognized and authorized by the State of Massachusetts.

REVISED BY-LAWS

ARTICLE XI

BUILDING REGULATIONS

SECTION 1. None of the provisions of these building By-Laws shall be construed so as to conflict with the requirements of State Law or REGULATIONS issued thereunder. The Commonwealth of Massachusetts Department of Public Safety Board of Standards Building Code - otherwise cited as Std. 10 General Laws, Chapter 143, Section 3-B (adopted BOCA) as amended are considered minimum standards and regulations when not provided for in these By-Laws.

SECTION 2. There shall be a department known as the Building Department which shall be furnished and maintained at the expense of the Town with office room and such supplies and implements as are necessary for the transaction of its business.

SECTION 3. The Town Manager shall in June of each year appoint an Inspector of Buildings sworn in for the term of one year from that date and until another is appointed in his stead. Said Inspector shall have charge and control of the enforcement of the regulations relative to buildings or structures and see that such regulations are complied with. His salary or compensation shall be such as the town may from time to time determine.

SECTION 4. The Inspector shall have no financial nor business interest in the doing of work, or the furnishing of materials, for the construction, repair or maintenance of any building or structure in this town, nor in the making of plans or specifications therefor unless he is the owner of the premises.

SECTION 5. The Inspector shall keep a record of the business of the department and submit to the Town Manager a yearly report of such business and such reports as he may call for and his report shall be incorporated into the yearly report of the Town; records to be open for the inspection of any citizen.

SECTION 6. Every person intending to erect any building, pool or structure; or to raze, move or make additions or alterations to any building, pool structure or its foundations already erected, or hereafter to be built; except necessary repairs not affecting the foundations, external partitions or party walls, chimneys or stairways; shall before commencing the same or the foundation thereof, file an application for a permit with the Inspector of Buildings, on forms furnished by the department; giving a description of the building, pool, structure or additions, alterations or repairs proposed; and shall also submit plans and specifications of such work, buildings, pools or structures for examination and approval. Also, a plan of the lot on which any proposed building is to be erected is to be filed with the application. The location of the structure and its elevation in relation to the street is to be shown on the plot plan. All drawings are to be submitted in duplicate and one copy is to remain on file, the other copy to be stamped with this department's seal of approval. If the Inspector is of the opinion that the requirements of this By-Law have been complied with, he shall thereupon issue said stamped permits to the applicants.

SECTION 7. Fire District #1 as referenced in the Standard Building Code is bounded and described as follows, to wit:

BEGINNING at the northwest corner of Main and Everett Streets;

THENCE across Main Street northerly to the private way of the Worcester County Electric Company;

THENCE northeasterly and northerly by land of the Electric Company, to location of New York, New Haven and Hartford Railroad Company tracks and northwesterly following said tracks to a point at right angles to said tracks southwesterly and opposite boundary of the southerly corner of Edwards and Hamilton Streets;

THENCE following said southerly side of Edwards Street westerly to the intersection of Edwards and Pine Streets;

THENCE southerly following the easterly side of Pine Street to the intersection of Pine and Main Streets;

THENCE easterly and following the northerly side of Main Street to the intersection of Main and Marcy Streets;

THENCE crossing Main Street diagonally to the eastern corner of Marcy and Main Streets;

THENCE southerly along the easterly side of Marcy Street to the intersection of Dresser and Marcy Streets;

THENCE easterly along the northerly side of Dresser Street to the intersection of Elm Street, following along the westerly side of Elm Street in a southerly direction to a point opposite the southerly corner of Summer and Elm Streets;

THENCE easterly along the southerly side of Summer to Everett Streets;

THENCE northerly along the westerly side of Everett Street to the point of beginning.

ARTICLE XI

BUILDING REGULATIONS

SECTION 8. That a building permit fee for the Town of Southbridge be charged as herein listed:

Dwellings and Additions.....02 cents per sq. ft.
Office.....02 cents per sq. ft.
Mercantile or Commercial.....02 cents per sq. ft.
Warehouse .....02 cents per sq. ft.
Manufacturing.....02 cents per sq. ft.
Residential Garage.....$5.00
Swimming Pools.....$5.00
Porches or Decks.....$5.00
Carports $5.00
Utility Buildings.....$5.00
Minimum Fee $5.00

All buildings in excess of 10,000 square feet, the amount in excess of that size shall be charged at the rate of....01 cents per sq. ft.

SECTION 8 will take effect January 1, 1978.

Foregoing section adopted by the Town Council on Sectember 12, 1977.

REVISED BY-LAWS

ARTICLE XII

PLUMBING REGULATIONS

SECTION 1. All persons who desire to engage in, carry on or work at the business of plumbing, within this jurisdiction shall be registered or licensed by the State Examiners of Plumbers, in accordance with the provisions of Chapter 142, General Laws.

Every Plumber before commencing work in a building shall first, except in the case of the repair of leaks, file at the office of the Board of Health, upon blanks provided for that purpose, a notice of the work to be performed; and no such work shall be done in any building except in accordance with plans, to be submitted, if required, which shall be approved by the inspector of plumbing and a permit issued therefor. Permits to perform plumbing shall be issued to master plumbers only. Permits may be recalled if the conditions are violated. No septic tank shall be installed without a permit from the inspector of plumbing, for which a fee of 50 cents may be charged.

SECTION 2. All work considered plumbing and covered within the Commonwealth of Mass. State Plumbing Code - Chapter 358 Acts of 1965 as ammended will be performed within the rules and regulations of said code.

REVISED BY-LAWS

ARTICLE XIII

WIRING REGULATIONS

SECTION 1. No person shall install wires, conduits, apparatus, fixtures or other appliances for carrying or using electricity for light, heat or power within, or connected to any building, without first notifying the Inspector of Wires, in writing, of the proposed installations.

SECTION 2. No wire, appliance or apparatus shall be covered or enclosed without first notifying and obtaining permission to do so from the Inspector of Wires. Said notification to be in his hands at least 24 hours before said work is cofered or enclosed.

SECTION 3. No person or corporation shall do any electrical construction work, whether original work or alterations, without obtaining from the Inspector of Wires a written permit to do such work.

SECTION 4. The above Sections shall apply to all new construction and changes in existing construction in private dwellings and other buildings the owners of which do not regularly employ the full time services of a licensed electrician.

SECTION 5. The Inspector of Wires is hereby authorized to enforce the rules and regulations as contained and provided in the current edition of the Massachusetts Electrical Code Form FPR11 for the installation of electric wiring and apparatus, and in accordance with the provisions and requirements therein contained.

SECTION 6. Whenever in the opinion of the Inspector of Wires, any electrical conductors or appliances used for the distribution or consumption of a current, or electricity for light, heat or power purposes are in a dangerous condition, he is hereby authorized to cause the current to be shut off, if the existing defect is not remedied within a reasonable time after written notice has been given to the owner or user of such defective conductor or appliance.

SECTION 7. No meter shall be installed without a written permit from the Inspector of Wires.

ARTICLE XIV

SOLICITORS, JUNK DEALERS AND PAWNBROKERS

SECTION 1. It shall be unlawful for any solicitor or canvasser as defined in this By-Law to engage in such business within the Town of Southbridge without first obtaining a license therefore in compliance with the provisions of this By-Law. The provisions of this By-Law shall not apply to any person residing within the Town of Southbridge and engaged in the pursuit of soliciting for charitable, benevolent, fraternal, religious or political activities, nor to any person exempted by any other General Law, nor shall this By-Law be construed to prevent persons having established customers to whom they make periodic deliveries from calling upon such prospective customers to solicit an order for future periodic deliveries.

A solicitor or canvasser is defined as any person, who, for himself, or for another person, firm or corporation, travels by foot, automobile or any other type of conveyance from place to place, from house to house, taking or attempting to take orders for the sale or lease of goods, wares, merchandise or services, or taking or attempting to take contributions for any purpose including without limiting, the selling, distributing, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of all home improvements, or for services to be performed in the future whether or not such individual has, carries or exposes for retail sale a sample of the subject of such sale, whether or not he is collecting advance payment on such retail sales.

Applicants for a license shall file with the Chief of Police on a form issued by him, a written application signed under the penalties of perjury, containing the following information:

(a) Name of applicant.

(b) Address of applicant (local and permanent address).

(c) Applicant's height, eye and hair color.

(d) Applicant's Social Security Number.

(e) The length of time for which the right to do business is desired.

(f) A brief description of the nature of the business and the goods to be sold.

(g) The name and home office address of the applicant's employer. If self-employed, it shall so state.

(h) A photograph of the applicant, which picture shall be submitted by the applicant and be 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner.

(i) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor within ten years of the date of application, except violations of the motor vehicle law, and the nature of the offense.

(j) If operating a motor vehicle: The year, make, color, model, motor number, registration number, State of Registration, vehicle's owner and address.

(k) The applicant's fingerprints.

At the time of filing the application, each applicant shall pay a fee of ten and 00/100 ($10.00) Dollars to the Town of Southbridge.

Upon receipt of the application, the Chief of Police shall investigate the applicant's reputation as to morals and integrity.

After an investigation of the applicant's morals and integrity, the Chief of Police shall approve or disapprove the application and notify the applicant of his decision. In the event that the applicatinn is approved, a license shall be issued. Any applicant shall have the right to appeal to the Town Manager.

Such license, when issued, shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the date of issuance and the length of time the same shall be operative, as well as the license number. The Chief of Police shall keep a record of all licenses issued for a period of six (6) years. Solicitors and canvassers, when engaged in the business of soliciting or canvassing, are required to display an identifying badge issued by the Chief of Police, by wearing said badge on an outer garment. A deposit of $5.00 will be required for each badge. This deposit will be refunded upon return of the badge to the Chief of Police.

Each licensee is required to possess an individual license and badge.

The Police Officers of the Town of Southbridge shall enforce this By-Law. No license shall be transferred.

The Chief of Police and/or Town Manager is hereby vested with jurisdiction over the revoking of licenses.

Each license issued under the provisions of this By-Law shall continue in force for six (6) months from the date of its issue unless sooner revoked or the authorized time period expired.

An applicant requesting a renewal of a license must apply in person for such license renewal, and provide such material as required by the Chief of Police.

SECTION 2. It shall be unlawful for any person to peddle or solicit before the hour of 8:00 A.M. of any day, or after the hour of 8:00 P.M. of any day except by appointment.

SECTION 3. It shall be unlawful for any peddler or solicitor or any person pretending to be a peddler or solicitor for the purpose of peddling or soliciting or pretending to peddle or solicit to ring a bell or knock at any building whereon there is painted, affixed or otherwise displayed to public view any sign containing any or all of the following words, to wit: "NO PEDDLERS", "NO SOLICITORS" or "NO AGENTS" or which purports to prohibit peddling or soliciting on the premises.

SECTION 4. It shall be unlawful for any peddler or solicitor to represent by words, writing or action that he is some other peddler or solicitor, that he is a partner, employee or agent of any peddlar or solicitor when in fact he is not the partner, agent or employee of such peddler or solicitor, or that he is the employee, representative, agent or partner of any person, when in fact he is not the employee, representative, agent or partner of such person.

SECTION 5. The provisions of this By-Law shall not apply to salesmen or agents for wholesale houses, or firms who solicit orders from or sell to, retail dealers for resale, or to manufacturers for manufacturing purposes, or to bidders for public works or supplies or local charitable, religious, fraternal, service and civic organization. (Local meaning origin within the community).

SECTION 6. Permits issued pursuant to this By-Law may be revoked by the Chief of Police of the Town of Southbridge, after notice and hearing for any of the following causes:

(a) Fraud, misrepresentation or any false statements made to the Police Department in furnishing the information required in Section 1 of this By-Law.

(b) Any violation of this By-Law.

(c) Conviction of the permit holder of any felony or crime involving moral, embezzlement and crimes of this nature.

(d) Conducting the soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to be a menace to the health, safety or general welfare of the people of the Town of Southbridge.

Notice of the hearing for revocation of a permit shall be given in writing stating the grounds of the complaint and the time and the place of hearing. Such notice shall be mailed, postage prepaid, to the permit holder at the address given on the registration, at least five (5) days prior to the date set for the hearing.

Any person aggrieved by the decision of the Chief of Police shall have the right of appeal to the Town Council of the Town of Southbridge. Such appeal shall be taken by filing with the Town Clerk a written statement of the grounds for the appeal within 14 days after notice of decision by the Chief of Police has been given.

The Town Council shall set the time and place for hearing such appeal, and notice of such time and place shall be given by the Town Clerk in the manner herein above provided for hearing of notice of revocation by the Chief of Police.

SECTION 7. Every person violating any provision of this By-Law is guilty of a misdemeanor and shall be punished by a fine not exceeding $50.00. Every violator of any provision of this By-Law shall be guilty of a separate offense for every day such violation shall continue and shall be subject to the penalty imposed by this section for each and every separate offense.

* SECTION 8. No person shall carry on the business of a keeper of a shop or yard for the purchase, sale or barter of junk, old metals or second hand articles in the Town of Southbridge, unless he is duly licensed therefor by the Manager and in accordance with the rules and regulations established by them.

SECTION 9. Any person owning a controlling property within the town where wrecked or demolished automobiles and/or any salvage or scrap materials are kept, is to build and maintain a properly painted fence, or other suitable natural screening which cannot be seen through at least (8) eight feet high, around such space as is used for this purpose.

SECTION 10. The Manager may license suitable persons to carry on the business of pawnbrokers in the Town, and may revoke such licenses at his pleasure, all as provided by Chapter 140 of the General Laws of the Commonwealth.

*see new Section 8 (next page)

LEGAL NOTICE

SECOND HAND SHOPS

Pursuant to the authority granted by G.L.c. 140 §54, the Town Manager hereby establishes the following rules and regulations relative to persons licensed as dealers in or keepers of shops for the purchase, sale and barter of junk, old metals and second hand articles, effective July 30, 1980.

(1) No person who is not himself the holder of a license issued under Article XIV, Section 8 of the By-Laws of the Town of Southbridge shall carry on the business of and act as an agent or intermediary of a person licensed to carry on a business pursuant to that By-Law.

(2) All persons licensed under Article XIV, Section 8 of the By-Laws shall maintain books of record in which shall be accurately recorded the following information:

(a) The name, address, date of birth and driver's license number, if any, and signature of any person from whom an article is purchased or otherwise acquired in the course of business.

(b) A description of the item purchased, or acquired, including the serial or other identifying number, if any.

(c) The date of acquisition of such item, and the price or other consideration paid for the item.

(d) The date of sale or other disposal of such item, and the name, address, date of birth and license number, if any, of the person acquiring the item from the licsned person.

(3) The accounts required to be kept hereunder shall be kept in a permanently bound (non looseleaf) book, written in legible ink, which book shall be kept for at least two (2) years from the time of the last entry therein. Entries shall be made within twenty-four (24) hours of the event giving rise to such entry.

(4) Any licensed premises, and the account books required by these rules shall be open to the inspection of the Town Manager, the Police Chief, or the designee of either, during reasonable business hours, upon written request.

TOWN OF SOUTHBRIDGE
Peter Boyer, Town Manager

ARTICLE XV

DOG CONTROL BY-LAW

SECTION 1. LICENSE FEES

The annual fee for every dog license issued to an owner or keeper prior to April 1 of the ensuing license period shall be as established by General Laws Chapter 140 Section 139. An additional fee of one dollar shall be charged for the issuance of a license after April 1 of the license period unless the owner or keeper to whom such license is issued was not, prior to the day upon which application for the license is made, required by law to secure such a license. No fee shall be charged for a license for a dog specially trained to lead or serve a blind person; provided, that the division of the blind certifies such dog is so trained and actually in the services of a blind person. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Commonwealth of other disposal of the dog, nor shall any license fee or part thereof paid by mistake be paid or recovered back after it has been paid over to the county under Chapter 140, Section 147 of the General Laws.

Amended: June 25, 1979

SECTION 2. DEFINITION OF TERMS

As used in this order unless the context otherwise indicates.

(a) "DOG" shall mean all animals of canine species, both male and female.

(b) "OWNER" shall mean any person or persons, firm, association, or corporation owning, keeping or harboring a dog, as herein defined.

(c) "PUBLIC NUISANCE" shall mean any dog which by biting, excessive barking, howling, "running at large" or in any other manner disturbs the quiet of the public.

(d) "RUN-AT-LARGE" shall mean any dog free of restraint which is permitted to wander on private or public ways at will.

(e) "RESTRAINT" shall mean under control of and obedient to commands of owner or keeper.

SECTION 3. PROHIBITIONS

No owner or keeper shall permit any dog, whether licensed or unlicensed, to become a public nuisance or to run-at-large within the Town of Southbridge, between the hours of 7:00 A.M. to 9:00 P.M.

SECTION 4. PENALTY

Any owner or keeper found in violation of this by-law shall be subject to a fine according to the following schedule:

1st offense	-	$5.00
2nd offense	-	$10.00
3rd and subsequent offenses in any calendar year	-	$25.00

August 15, 1977

continued...

SECTION 5. ENFORCEMENT

It shall be the duty of the Dog Officer to investigate complaints and enforce the provisions of this by-law and to attend to all other matters pertaining to dogs in the Town of Southbridge. The Dog Officer may restrain or muzzle, or issue an interim order to an owner to restrain or muzzle for a period not to exceed fourteen (14) days any dog deemed a public nuisance or a run-at-large. Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Dog Officer shall submit in writing to the Manager, a report of his actions and the reasons therefore. The Manager may then make such order as deemed necessary. If the Manager fails to act upon the report during the interim period, that order is automatically vacated.

SECTION 6. APPEAL

The owner or keeper of any dog that has been ordered to be restrained or muzzled may file a request in writing with the Dog Officer that the restraining order be vacated or that the dog be released. After investigating the appeal the Dog Officer may vacate such order or release such dog, if the order was imposed by him. In other cases the Manager, considering the investigation and recommendations of the Dog Officer, may vacate such order.

SECTION 7. NOTICE TO OWNER AND REDEMPTION

If a dog is impounded, the Dog Officer shall notify the owner, if known, immediately. The owner may then reclaim the dog by reimbursing the Dog Officer his expenses for maintaining the impounded dog. In any event, the maintenance cost shall not exceed two ($2.00) dollars for each twenty-four (24) hour period or any part thereof plus five ($5.00) dollars as an initial fee. However, as required by the Town of Southbridge, any unlicensed dog must be licensed before the Dog Officer may release it to its owner.

SECTION 8. DISPOSITION OF UNCLAIMED DOGS

Any dog which has been impounded and has not been redeemed by the owner within ten (10) days shall be disposed of as provided by Section 152, Chapter 140 of the M.G.L.A. and any amendment thereto.

SECTION 9. DISPOSITION OF FUNDS

Any funds collected by the Dog Officer while enforcing the provisions of this by-law shall be accounted for and paid over to the Town Treasurer at such time and in such manner as may be designated by the Town Treasurer.

SECTION 10. EXCEPTIONS TO ORDERS

A dog shall not be deemed a public nuisance or a run-at-large when:

(1) Such dog is attached to a restraining device and under the care and control of a person competent to restrain said dog so that it shall not be a threat to public safety, and the mere muzzling of such a dog shall not satisfy the requirements of this order.

(2) Such dog is being used as a so-called "hunting dog" and is being supervised by a person competent to restrain said dog so that it shall not be a threat to public safety.

TOWN OF SOUTHBRIDGE

OFFICE OF THE TOWN CLERK
41 ELM STREET
SOUTHBRIDGE, MASSACHUSETTS 01550

Pursuant to the provisions of Massachusetts General Laws, Chapter 40 Section 32, copies of the adopted addition to the Town By-laws Article XVI, Regulations for Automatic Amusement Devices, have been posted on December 1, 1982 in each of the five precincts of the town namely: Jacob Edwards Library, Art's Variety, Bean's Super Market, Andy's Meats and Vic's Spa.

Attached addition to the Town By-laws Article XVI, Regulations for Automatic Amusement Devices, adopted under Item 11 of the agenda for the Town Council meeting of August 9, 1982 has been approved by the Attorney General on November 22, 1982, received by Evelyn Baldyga, Town Clerk on November 29, 1982.

Attest: Evelyn Baldyga
Evelyn Baldyga, Town Clerk
Southbridge, Massachusetts

(6) All suppliers or distributors of automatic amusement devices shall notify the Licensing Authority in writing, prior to installation of an automatic amusement device in any establishment in the Town of Southbridge.

(l) RULES AND REGULATIONS OF LICENSING AUTHORITY.

The Licensing Authority shall issue rules and regulations for the use of such automatic amusement devices, but said rules and regulations may only relate to compliance with applicable laws or by-laws, or to public safety, health order or welfare, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons or the affected public. The Licensing Authority may also require from time to time the furnishing of reports concerning the ownership of such devices or other interest therein, and any other information which it may deem pertinent concerning such devices and their use and operation.

(m) OPERATION.

Any person, firm or corporation violating any of the provisions of this by-law, in addition to the revocation of his or its license, shall be liable to a fine or penalty of not less than $50.00 nor more than $200.00 for each offense. Every day that the offense continues shall be considered a separate violation.

(n) REPEAL OF CONFLICTING BY-LAW.

All existing by-laws of the Town of Southbridge are hereby repealed insofar as they may be inconsistent with the provisions of this by-law.

(o) SEPARABILITY OF PROVISIONS.

It is the intention of the Town Council that each separate provision of this by-law shall be deemed independent of all other provisions herein, and it is further the intention of the Town Council that if any provision of this by-law be declared invalid, all other provisions thereof shall remain valid and enforceable.

(p) EFFECTIVE DATE.

The by-law shall be in full force and effect ninety (90) days from the date of passage for all business premises which currently maintain and operate automatic amusement devices for play by members of the public. For all other applicants, this by-law shall take effect on the date of passage.

(k) PROHIBITIONS.

(1) No person holding a license under this by-law nor any employee or agent of such person shall permit persons under twenty (20) years of age to play or operate any automatic amusement device located in an establishment also holding a license under the provisions of General Laws, Chapter 138, Sections 12 to 14, unless said person is accompanied by a parent. The licensee shall post permanently and conspicuously at the location of the device or devices so licensed in premises so licensed, a sign warning persons under twenty (20) years of age of this prohibition.

(2) All automatic amusement devices situated on business premises for play by members of the public shall be so installed as to afford an open and accessible space of eighteen (18) inches between each device and any adjacent device. Each device shall be installed in such manner as to afford a direct and unobstructed means of entrance and exit from the business premises by means of a corridor or system of corridors of no less than thirty-six (36") inches in width.

(3) Any business establishment which utilizes more than a total of one hundred and fifty (150) square feet of open and accessible space between said devices and for use as corridors between or adjacent to said devices as detailed in the immediately preceding paragraph, or any business establishment which displays on its premises a number of automatic amusement devices available for play by the public, which devices if played simultaneously could accommodate an aggregate of fifty or more players, shall be deemed a place of public assembly and shall be subject to all regulations of the Commonwealth of Massachusetts State Building Code governing places of public assembly as set forth herein.

(4) It shall be unlawful for any licensee or permit holder to operate any establishment without an attendant on the premises; that is at least one employee in attendance at all times.

(5) In establishments not included under section (k-1) it shall be unlawful for a licensee to allow any person under the age of eighteen (18) years of age to play an automatic amusement device during the hours of 8:00 A.M. to 3:00 P.M. when that person's school is in session.

and by the person designated in the license.

(h) DISPLAY OF LICENSE.

(1) The license herein provided for shall be posted permanently and conspicuously in the premises wherein said device or devices are to be operated or maintained to be operated.

(2) Such license may be transferred from one device or devices to another similar device or devices upon application to the Licensing Authority to such effect and the giving of a description and the serial numbers of the devices involved in the transfer.

(3) If the licensee shall move his place of business to another location within the Town of Southbridge, the license may be transferred to such new location only upon reapplication to the Licensing Authority in accordance with the provisions of Sections d, e, and f of this by-law. No new licensing fee need be paid upon transfer.

(i) REVOCATION OF LICENSE. Every license issued under this by-law is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, permit the operation of any automatic amusement device contrary to the provisions of this by-law, the by-laws of the Town of Southbridge, or the laws of the Commonwealth of Massachusetts after written notice to the licensee, which notice shall specify the by-law or law violations with which the licensee is charged, if after a hearing the licensee is found to be guilty of such violations. Ten days notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of witnesses in his defense.

(j) SEIZURE AND DESTRUCTION OF DEVICE. If the Chief of Police shall have reason to believe any mechanical amusement device or devices are used as gambling devices, he shall, upon a validly issued search and seizure warrant cause said device or devices to be seized and impounded and if upon trial of the exhibitor for allowing said device or devices to be used as a gamgling device, said exhibitor be found guilty; such device or devices shall be destroyed by the police, upon proper order by the Court. However, if the device has been leased and the Lessor has not been found guilty of any criminal violations, said device shall be returned to the Lessor.

citizenship or legal residence status as an alien. This provision shall similarly apply to any applicant acting as the authorized agent of a corporation, partnership, association, or other business entity.

(f) CONSIDERATION OF APPLICATION. The Licensing Authority shall conduct a public hearing in accordance with the provisions of General Laws, Chapter 39, Section 23B, within thirty days from the date of receipt by the Licensing Authority of a properly completed application as set forth in sections (d) and (e) above, to consider said application.

The Licensing Authority shall grant a license under the provisions of this by-law unless it specifically finds and states in writing within thirty days from the date of said public hearing that (1) the applicant is not a person of good moral character, or (2) that the granting of said license at the premises intended would lead to the creation of a nuisance or otherwise endanger the public health, safety, morals, order or general welfare by:

(a) unreasonably increasing pedestrian or vehicular traffic in the area in which the premises are located, or

(b) increasing the incidence of illegal or disruptive conduct in the area in which the premises are located, or

(c) unreasonably increasing the level of noise in the area in which the premises are located, or

(d) otherwise significantly harming the legitimate protectable interests of the affected citizens of the Town.

No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote.

(g) LICENSE FEE. Every applicant, before being granted a license shall pay $100.00 as the annual license fee for the privilege of operating or maintaining for operation each automatic amusement device as defined in subsection (a) herein. Each license shall expire on the 365th day after its issuance and may automatically be renewed upon payment of the annual licensing fee. A license shall not be transferrable from person to person nor place to place, and shall be usable only at the place

(2) Prior criminal convictions, if any, of applicant or its directors, partners or members as specified in (1), above.

(3) Place where machine or device is to be displayed or operated and the business conducted at that place.

(4) Description of machine or machines to be covered by the license, mechanical features, name of manufacturer(s), serial number(s).

(5) A floor plan of the business premises intended to be used for the housing of automatic amusement devices for play by members of the public. For the purpose of this subsection, the term "business premises" shall include the entire building or structure housing said automatic amusement devices, and open for public access. Said floor plan shall clearly indicate the total square foot area of said business premises and shall indicate the intended position of said automatic amusement devices. The scale of said plan shall be established by regulation of the Licensing Authority.

(6) An approved Certificate of Occupancy issued by the Building Inspector for the business premises intended to be used for the housing of automatic amusement devices for play by members of the public.

(7) A certificate of approval issued by the Town Electrical Inspector verifying that the electrical installation in said premises is adequate for the uses intended and is in conformance with the Massachusetts Electrical Code (Form FPR-11) as amended.

(8) The names and residential addresses of all persons who have any equitable interest in, or who have otherwise contributed valuable consideration to the applicant's business or to the applicant personally, insofar as said interest or consideration relates to the procurement, maintenance, operation or display of automatic amusement devices.

(9) Documentation sufficient to provide that the automatic amusement devices sought to be licensed are lawfully in the possession of the applicant.

(e) AGE OF APPLICANT. No license shall be issued to any applicant unless he or she shall be over twenty (20) years of age, and provide proof of United States

ADOPTED BY VOTE OF TOWN COUNCIL ON:

AUGUST 9, 1982

ARTICLE XVI

TOWN OF SOUTHBRIDGE

BY-LAW

REGULATIONS FOR AUTOMATIC AMUSEMENT DEVICES

(a) DEFINITIONS. For the purposes of this Section, an "automatic amusement device" shall mean any mechanism whereby, through the insertion of a coin or token, any apparatus is released or set in motion or is put in a position where it may be set in motion for the purpose of playing any game, involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines, including free play pinball machines.

(b) LICENSE REQUIRED. It shall be unlawful for any person having title to or responsibility for the maintenance or operation of any restaurant, public hall, store, place of amusement or any other place to which members of the public may resort, to maintain, operate or permit to be operated or maintained in said premises, any automatic amusement device without having first obtained a valid license from the Licensing Authority pursuant to the provisions of this By-Law.

(c) GAMBLING DEVICES NOT PERMITTED. Nothing in this by-law shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the Commonwealth of Massachusetts.

(d) APPLICATION. Application for such license shall be made out in duplicate and submitted to the Licensing Authority upon a form to be supplied by the Licensing Authority for that purpose. The application for such license shall contain the following information:

(1) Name and address of the applicant, age, date and place of birth. If said applicant is a corporation, partnership, association, or other business entity, said application shall include certified documentation sufficient to prove the applicant's existence, principal business address, person or officer upon whom service of process may be served, and the names and addresses of all directors, partners, or if an Association, of all members of said Association.