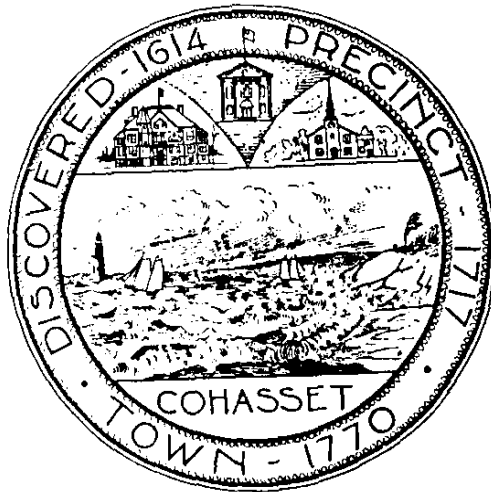


# GENERAL BYLAWS



Town of  
**Cohasset**  
Massachusetts

Revised through July 27, 2006

# **GENERAL BYLAWS**

## **TOWN OF COHASSET**

**Approved on April 5, 1988 Town Meeting**

Adopted	June 10, 1988
Revised	August 30, 1989
Revised	February 5, 1990
Revised	July 27, 1990
Revised	April 6, 1991
Revised	April 4, 1992
Revised'	November 16, 1992
Revised	March 27, 1993
Revised	October 25, 1993
Revised	June 10, 1994
Revised	May 5, 1995
Revised	January 25, 1996
Revised	December 11, 1996
Revised	July 22, 1997
Revised	June 2, 1998
Revised	December 28, 1998
Revised	July 26, 1999
Revised	March 16, 2000
Revised	July 17, 2000
Revised	January 16, 2001
Revised	August 17, 2001
Revised	January 15, 2002
Revised	August 26, 2002
Revised	June 6, 2003
Revised	January 29, 2004
Revised	June 23, 2004
Revised	December 6, 2004
Revised	June 28, 2005
Revised	July 27, 2006

# GENERAL BYLAWS

## TOWN OF

# COHASSET

## MASSACHUSETTS

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# LEGISLATIVE ACTS ACCEPTED OR PETITIONED BY THE TOWN OF COHASSET

<u>Year</u>	<u>Statute</u>	<u>Subject</u>
1923	Ch. 41, s. 97	Police Department Establishment and Membership
1928	Ch. 31, s. 48	Police Department Civil Service
1929	Ch. 48, ss. 42, 43, & 44	Fire Department: Establishment and Appointment of Chief
1930	Ch. 114, s. 19	Cemetery: Provision for Perpetual Care
1931	Ch. 40, s. 6B	Police and Firemen: Purchase of Uniforms
1934	Ch. 39, s. 23	Town Officers: Time of Election
1935*	Ch. 147, ss. 32-47	Boxing Matches: Permitted
1937	Ch. 32, s. 85	Police and Firemen: Retirement Provisions
1938	Ch. 41, s. 81A	Planning Board Establishment and Membership
1939	Ch. 54, s. 103A	Absentee Voting
	(As amended by Acts of 1937, Ch. 77)	
1941	Ch. 147, s. 16B	Police Department: Work Week
1942	Ch. 130, s. 52	Eels, Shellfish, and Sea Worms: control of Taking
	(As amended by Acts of 1941 Ch. 598)	
1943	Ch. 31, s. 48	Fire Department Civil Service
1947	Acts of 1947 Ch. 68	Playground: Established Jointly with Hingham
1949	Acts of 1948, Ch. 519 and previous Acts	Water Company: Purchase by Town
1949	Ch. 41, s. 97A	Police Department: Personnel and Property Control by Chief
1949	Ch. 41, s. 110A	Town Officers: Closing on Saturday
1950	Acts of 1950, Ch. 184, ss. 1-5	Wire Department Establishment
1950	Ch. 40, s. 42a-42f	Water Rates: Collection, Lien
1952	Ch. 32, s. 85E	Police and Firemen: Retirement
1952	Ch. 152, s. 69	Workmen's Compensation Municipal Employees
1953	Acts of 1946, Ch. 489	Water Commissioners: Election
1953	Acts of 1953, Ch. 54	Harbor: Authority to Establish Harbor Bylaws by Town Citizens
1954	Ch. 41 s. 81z	Board of Appeals: Under Subdivision Control laws
1955*	Acts of 1955, Ch. 48	Fire Department: 56-Hour week
1955	Ch. 40, s. 5 (44)	Group Life Insurance: Provisions for Premium Payment
1959	Acts of 1959, Ch. 60	Call Firemen: Not Subject to Civil Service
1960	Ch. 71, ss. 16-161	Regional Vocational High School Establishment
1960	Ch. 41, s. 4A	Board of Health Appointment of Health Agent
1960	Ch. 599, ss. 1-12	South Shore Incinerator Authority: Establishment and Duties
1961	Ch. 40, s. 8C	Conservation Commission: Establishment
1962	Ch. 25	Inspector of Gas Piping and Gas Appliances: Establishment
1962	Ch. 53, s. 9A	Nomination Papers for Town Offices
	Acts of 1962 Ch. 249	
1963	Ch. 90, s. 18A	Ways: Use by Pedestrians
1964	Acts of 1962, Ch. 65, MGL, Ch. 104	Sewage Disposal System: Authorization to Construct and Operate
1964	Ch. 130, s. 8A	Marine Fisheries Laws: Enforcement by Police Officers
1965	Ch. 139, ss., 1, 2, and 3	Selectmen: Authorized to Act Re: Burnt or Dangerous Buildings
1970	Ch. 44, s. 65	Town Employees: Advances for Vacation Pay
1970	Acts of 1969, Ch. 872	Police Officers Overtime Pay
1970	Ch. 90, s. 20C	Fines for Parking Violations
1970	Acts of 1970 Ch. 361	Cohasset Free Public Library: Duties of Treasurer Transferred to Town Treasurer

1971	Acts of 1971 Ch. 156	Insect Pest Control Powers and Duties of Superintendent Transferred to Superintendent of Trees and Parks
1973	Acts of 1973, Ch. 1163, ss. 1-8	Water Supply: Improvement of
1974	Ch. 40, s. 8D	Historical Commission Establishment
1974	Ch. 40, ss. 42G 42H, and 42I	Water Commissioners Special Assessment for Cost of Laying Water Pipes
1974	Ch. 40, s. 22D	Police Department: Authorized to Remove Illegally Parked Vehicles
1975	Acts of 1975, Ch. 131	Sewer Commissioners: Water Commissioners may Serve as Sewer Commissioners: Provisions for Election of Sewer Commissioner
1977*	Acts of 1977 Ch. 808, MGL Ch. 41, s. 97	Police Department Control by Selectmen
1978	Acts of 1978, Ch. 257	Police Chief: Removal from Civil Service
1980	Ch. 148, ss. 26C and 26E	Smoke Detectors: Where Required
1980	Ch. 40, s. 8G	Police Department Mutual Aid Authorization
1981	Acts of 1981, Ch. 186	Fire Chief: Exempt from Civil Service
1981	Ch. 258, s. 13	Provides municipal officials from personal financial loss – not to exceed one million dollars
1981	Acts of 1981, Ch. 251	Fire Department: Control of Selectmen
1981	Acts of 1981, Ch. 245	License for Sale of Alcoholic Beverages Not to be Drunk on Premises
1981	Acts of 1981, Ch. 227	Authorization to Lease Telephone System
1982	Ch. 90, s. 20A	Authorize town to collect parking fines
1985*	Acts of 1985, Ch. 31	Town Accountant: Exempt from Civil Service: Control by Selectmen
1986	Ch. 40, ss. 22, 23	Selectmen, Authority to establish regulations for Sandy Beach
1986*	Ch. 41, s. 108A 108C	Personnel Classification and compensation plan
1989	Ch. 140, s. 147A	Dog Regulations
1990	Acts of 1989, Ch. 653, s. 40	Assessors: Time of assessing improvements to real property
1990	Ch. 59, s. 5, clause 17C 1/2 (Rescinded 1992)	Tax exemption to surviving spouse, minor child or elderly person
1990	Ch. 40, s. 85	Established Handicapped Commission
1991	Acts of 1990, Ch. 291	Authorization for enhanced 911 telephone services
1991	Acts of 1989, Ch. 494	Partial tax exemptions for homeowners providing housing to elderly
1991	Acts of 1989, Ch. 642	Sprinkler systems required in buildings with more than four dwelling units
1992	Rescind Ch. 59, s. 5, Clause 17C 1/2 Adopt Ch. 59, s. 5, Clause 17D	Tax exemption to surviving spouse minor child, or elderly person
1994	Adopt MGL, Ch. 40, ss. 42A-42F	Allow Town Collector to place a lien for non-payment of water bill
1994	Ch. 59, s. 5, Clause 41	Increase maximum gross receipts up to and including \$40,000 that a taxpayer may have to qualify for exemption
1994	Acts of 1993, Ch. 71, s. 83	Early retirement incentive for teacher's
1994	Acts of 1989, Ch. 180, s. 1	Amend Ch. 180, Acts of 1989
1996	Acts of 1996	Treasurer/Collector appointed position
1996	Acts of 1996	Act authorizing the Town to install pipeline in Cohasset, Hingham & Hull

1996	Acts of 1996 Ch. 59, s. 21C	Validating vote of April 6, 1996 election
1996	Adopt MGL, Ch. 148, s. 26H	Sprinklers in lodging/boarding houses
1996	Adopt MGL, Ch. 80, s. 13B	Exemption under clause 41A of s. 4 of Ch. 59 for purpose of deferral of betterments, etc.
1997	Accept MGL Ch. 90, s. 20A 1/2	Appoint parking clerk, parking violations, etc.
1997	Acts of 1997 Ch. 34	Act providing for a Town Manager
1997	Acts of 1997, Ch. 33	Eliminate the Wire Department
1998	Acts of 1998, Ch. 421	Act amending the Town Manager Act
1998	Acts of 1998, Ch. 436	Act authorizing Water Department to provide water service to other cities, towns, and water companies
1999	Accept Ch. 40S, s. 22F	Municipal board of officer empowered to issue a license and charge reasonable fees
2000	Acts of 2000, Ch 330 s.1	Act amending the Town Manager Act
2001	Acts of 2001, Ch.79	Act authorizing Town of Cohasset to borrow money for a longer duration than statutory limits for Woodside Cemetery
2003	Accept Ch. 44, s 53F½	Establish Water Department as an Enterprise Fund

**GENERAL BYLAWS**  
**TOWN OF**  
**COHASSET**  
**MASSACHUSETTS**

**ARTICLE 1**  
**Introduction**

**SECTION 1. GENERAL PROVISIONS**

(a) These articles shall constitute the Bylaws of the Town of Cohasset, which shall be in lieu of all bylaws heretofore in force, except for the zoning bylaws, and shall become effective upon approval of the Town Meeting and the Attorney General of the Commonwealth of Massachusetts after publication, pursuant to Chapter 40, Section 32, of the Massachusetts General Laws.

(b) The repeal of a bylaw shall not have the effect of reviving any bylaw previously repealed.

(c) Any or all of these Bylaws may be repealed or amended and any other bylaws may be adopted by a majority vote at any Town Meeting, provided an article for that purpose has been inserted in the warrant for such meeting. A change in a zoning bylaw requires a two-thirds vote of the Meeting.

(d) When a bylaw prohibits anything from being done without license or permission from a certain officer, board, or committee, such officer, board, or committee shall have the power to license or permit such thing to be done, unless otherwise provided by law.

(e) The invalidity of any article or section of these Bylaws shall not affect the validity of any article, section or bylaw otherwise valid, and these Bylaws shall remain in effect as amended from time to time, except for those articles or sections thereof which are determined to be invalid.

(f) Whoever violates any provision of these Bylaws shall, unless some other penalty is expressly provided by law, pay for each offense a fine not to exceed two hundred (\$200) dollars.

(g) Prosecution for the breach of any of the provisions of these Bylaws shall be commenced within six (6) months from the alleged breach.

(h) Any section of these Bylaws or Rules and Regulations of any municipal department, board or commission, violation of which is subject to a specific penalty, may, in the discretion of the Town official who is the appropriate enforcing person, be enforced in the manner provided in Massachusetts General Laws, Chapter 40, Section 21D, "Noncriminal Disposition of Certain Violations." "Enforcing person" as used in this Bylaw shall mean the Animal Control Officer, Chairman of the Conservation Commission, Harbor Master, Assistant Harbor Master, Health Agent, Building Inspector, Town Manager, any police officer or such other official as the Board of Selectmen may from time to time designate, each with respect to a violation of any section of these Bylaws or Rules and Regulations within their jurisdiction having a specific penalty. If more than one official has jurisdiction in any given case, any such official may be an enforcing person with respect thereto. Adopted 4/6/91

**SECTION 2. DEFINITION OF TERMS**

(a) The words "public way" shall include any highway, town way, road, bridge, street, sidewalk, or square dedicated to public use.

(b) The words "owner" or "occupant" of a building or land shall include any sole owner or occupant and any joint tenants, tenants in common, or tenants by the entirety, of the whole or any part of a building or lot of land.

(c) The word "person" shall include individuals, corporations, societies, associations, and partnerships.

(d) Any use in these Bylaws of the phrase "by law" shall mean in accordance with the laws of the United States of America and of the Commonwealth of Massachusetts, as well as, regulations promulgated by the authority thereof, as from time to time amended.

(e) Whenever used herein, a pronoun in the masculine gender shall include the feminine gender. Whenever the context may be so construed, any noun, pronoun, or verb in the singular shall include the plural. The words "herein" and "hereunder", or any compound of the word "here" shall refer to the entire Bylaws, as from time to time amended.

### **SECTION 3. OFFICERS AND COMMITTEES**

(a) All elected officers and members of boards and committees shall be registered voters of the Town and shall, before entering into that position, be sworn in by the Town Clerk.

(b) Unless otherwise specified in these Bylaws, officers and members of boards and committees shall receive no compensation.

(c) All officers and members of boards and committees shall continue to hold office until their successors are installed.

(d) Persons who resign from Town offices, boards, or committees shall submit formal notification of their resignation to the Town Clerk, as well as, to the chairman of the board of committee from which they are resigning.

(e) Vacancies in office shall be filled for the remainder of an unexpired term in the following manner.

(i) Vacancies in elected offices shall be filled in accordance with Chapter 10 and 11, of the Massachusetts General Laws.

(ii) Unless otherwise provided by law or these Bylaws, vacancies in appointive offices shall be filled by the original appointing authority.

(f) All officers of the Town at the expiration of their term of office shall deliver to their successors all books papers, documents and other properties in their custody belonging to the Town.

(g) All books, papers, and documents belonging to the Town and not necessary for the immediate use of any department shall be placed in the custody of the Town Clerk and deposited in the Town vault.

(h) Unless otherwise provided by vote of the Town, by law, or in these Bylaws, all committees shall be appointed by the Moderator or other appointing authority as soon as possible after the passage of the vote creating the committee. If a committee is chosen by nominations from the floor of the Town Meeting, no person shall nominate more than one member of such committee.

(i) Appointments of successors to standing committees shall be made within thirty (30) days after the Annual Town Meeting, unless otherwise provided by law or these Bylaws.

(j) Unless otherwise provided, the first-named member of a committee shall immediately call all members of the committee together for the purpose of organization. Each committee shall thereafter proceed with its duties and report to the Town as promptly as possible, and unless it is discharged, it shall make a report at the next Annual Town Meeting. The members of a committee which fails to make a report at such Annual Town Meeting shall by such failure be held to have resigned, and without further action or vote, new members shall be appointed by the original appointing authority unless other action is taken by express vote of the Meeting.

(k) All committees responsible for any matter requiring a public hearing shall give proper public notice, stating the time, place, and purpose of such hearing, in accordance with Chapter 39, Section 23B, of the Massachusetts General Laws.

(l) A vote to accept the report of a committee, except a report of progress, shall, unless otherwise provided, discharge the committee, but it shall not operate as an adoption of the recommendations of such report without an express vote duly passed to that effect.

(m) All reports of committees, except reports of progress, shall be in writing and shall be permanently filed with the Town Clerk, and if the Selectmen so require or the Town so votes, the report of any committee shall be published as a part of the next Annual Town Report.

(n) A majority of the members of a committee shall constitute a quorum, and unless otherwise provided by law, governing instrument, or these Bylaws, a majority vote of those members constituting a quorum shall prevail.

(o) Each board, commission, or committee shall annually elect a chairman from its membership

(p) Each board, commission, or committee shall keep records of its meetings and other proceedings sufficient to ensure continuity in its operation from year to year.

(q) Each Town officer, each head of a Town department, committee, or board, and any individual having charge or custody of any real or personal property belonging to or under the control of the Town shall annually by January 10 file with the Board of Selectmen and the Town Accountant an itemized inventory of such property, both real and personal under his control. This report shall include a description of the property and an appraisal of its replacement value, and shall be true, accurate, and complete as of the close of business on December 31 of the preceding year. Each office, or head of a Town department, committee, or board, shall, upon the purchase or acquisition of any property, render a statement in writing to the Selectmen and the Town Accountant fully describing the property, with the replacement value thereof.

(r) The reports of all officers, boards, or committees which are to be printed in the Annual Report shall be delivered to the Selectmen at least sixty (60) days before the date of the Annual Town Meeting.

(s) Unless otherwise provided by statute or these Bylaws, all fees, fines or other money collected in the name of or on behalf of the Town by any Town officer, board, or committee shall be turned over to the Treasurer-Collector.

(t) All boards, commissions, or committees shall comply with Chapter 39, Section 23B of the Massachusetts General Laws concerning notice of meetings and conduct of proceedings.

(u) Any individual, group of individuals, or board which has the authority under this Bylaw or under State Law to appoint members to boards, commissions, or committees, shall, when making any such appointment, notify each appointee in writing of the board, commission, or committee to which he has been appointed, the inception date of his term of office, and the termination date of his term of office, and unless otherwise provided by State Law, the termination date shall be June 30.

(v) A majority of the members of an appointed committee present at a duly constituted meeting of the committee may vote to petition in writing the Board of Selectmen or other appointing authority to remove a member who is absent from four (4) consecutive meetings of the committee without the permission of its chairman. The Board of Selectmen or other appointing authority shall have the authority to remove an appointed committee member who has been so absent; shall act on the petition within fifteen (15) days of its receipt and shall forthwith notify the chairman of the petitioning committee, the committee member who is the subject of the petition, and the Town Clerk of its action.

## **ARTICLE II**

### **Town Meeting**

#### **SECTION 1. ANNUAL TOWN MEETING**

(a) The Board of Selectmen shall set the date for the Annual Town Meeting on or before December 1<sup>st</sup> of the preceding year. The Annual Town Meeting shall be held on a Saturday commencing at 10:00 a.m. in either March or April of any year. The meeting for the election of those officers who by law must be elected by ballot, and for determining, such matters as by law must be decided by ballot, shall take place within thirty-five (35) days after the opening of the Annual Town Meeting; the time that the polls shall be open for each election shall be determined by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 54, Section 64. Revised 4/6/91, 5/4/95 & 8/26/02

(b) The Selectmen shall give notice of every Annual Town Meeting by causing a constable to post attested copies of the warrant for such Meeting at the Post Office in the Town, and in not less than five (5) other public places in the Town, not less than seven (7) days before the day appointed for the Meeting. <sup>Revised 7/27/90</sup>

(c) The Selectmen shall insert any article in the warrant for an Annual Town Meeting upon written request by ten (10) or more registered voters of the Town or upon written request by the Town Manager regarding the organization of the Town into operating agencies. The names and addresses of the first ten (10) registered voters requesting insertion of an article shall be printed in the warrant immediately following such article. Such requests for insertion of an article in the warrant must be received by the Selectmen seventy-five (75) days before the specified time for the Annual Town Meeting. <sup>Revised 6/2/98</sup>

## **SECTION 2. SPECIAL TOWN MEETING**

(a) The Selectmen may call a Special Town Meeting to consider any matter which in their opinion requires action prior to the next Annual Town Meeting. The Selectmen shall call a Special Town Meeting upon written request of two hundred (200) registered voters of the Town, the Meeting to be held not later than forty-five (45) days after the receipt of such a request.

(b) The Selectmen shall give notice of every Special Town Meeting by causing a constable to post attested copies of the warrant for the Meeting at the Post Office in the Town, and in not less than five (5) other public places in the Town, not less than fourteen (14) days before the day appointed for the Meeting. In addition thereto, a copy of the warrant printed in some convenient form shall be sent by mail or delivered to each registered voter of the Town, at least fourteen (14) days before the day appointed for the Meeting.

(c) The Selectmen shall insert any article in the warrant for a Special Town Meeting upon written request by one hundred (100) registered voters of the Town or upon written request by the Town Manager regarding the organization of the Town into operating agencies. The names and addresses of the first ten (10) registered voters requesting insertion of an article shall be printed in the warrant immediately following such article. The request for insertion of an article in the warrant must be received by the Selectmen within seven (7) days after the call for the Special Town Meeting. No action shall be valid unless the subject matter thereof is contained in the warrant. <sup>Revised 6/2/98</sup>

## **SECTION 3. REVIEW & INSERTION OF WARRANT ARTICLES BY ADVISORY COMMITTEE** <sup>Revised 4/6/91</sup>

(a) Copies of all articles in the warrant for Annual or Special Town Meetings shall immediately be forwarded by the Selectmen to the Advisory Committee for their consideration. The Advisory Committee shall have the right to request the Selectmen insert articles in the warrant until twenty (20) days before the Annual Town Meeting.

(b) At least ten (10) days prior to the printing of the Warrant for any Special or Annual Town Meeting the Board of Selectmen shall provide the Bylaw Committee for its review any proposed article which involves a change in or an addition to the Bylaws of the Town of Cohasset .

## **SECTION 4. QUORUM**

One hundred (100) registered voters shall constitute a quorum at a Town Meeting, except that a motion to adjourn shall not require a quorum. No vote shall be held to be invalid for lack of the required quorum unless it appears from the records of the Town Clerk of the Meeting that before the results of such vote were declared the presence of a quorum was duly questioned and found to be lacking.

## **SECTION 5. RULES FOR GOVERNMENT OF TOWN MEETING**

(a) The Moderator, while occupying the chair, shall not participate in any discussion before the meeting.

(b) Town Meetings are open, and participation is limited to registered voters of the Town, provided, however, that non-registered voters and non-residents may address the Meeting under the following circumstances:

(i) A professional person employed by the Town regarding any matter under discussion at a Meeting may address the Meeting without its consent.

(ii) Other non-registered voters and non-residents may, upon order of the Moderator, address a Meeting regarding any matter under discussion at such Meeting, provided that the Moderator's order may be appealed as provided in subsection (1) of this section.

(c) Every person speaking upon a subject in any Meeting shall confine his remarks to the question before the Meeting, avoid personalities, and be seated when he has finished. Any person who is employed by another person regarding any matter under discussion at a Meeting shall disclose the fact of his employment before speaking thereon.

(d) Every person desiring to speak shall rise, address the chair, and, on obtaining recognition, shall state his name and stand while speaking unless the Moderator otherwise directs.

(e) No person shall speak on any subject a second time for more than five (5) minutes unless the Meeting permits him to do so.

(f) No person shall speak more than twice upon any questions, except to correct an error or make an explanation, without first obtaining the permission of the Meeting, and not until others who have not spoken upon the question shall speak if they so desire.

(g) When a question is to be voted on for which only a majority vote is required, the decision of the meeting shall be determined by the voices of the voters, and the Moderator shall promptly announce the vote as it appears to him by sound. If the Moderator is unable to determine the vote by the sound of the voices, or if his announcement is thereupon doubted by seven (7) or more voters rising in their places for that purpose, the Moderator shall without debate determine the vote in either of the following ways:

(i) By ordering a hand vote, for which he may appoint tellers to make and report the count, or;

(ii) By ordering a vote by ballot of the Meeting.

(h) If, after debate, the Meeting so orders, or if, upon recommendation of the Advisory Committee, the Moderator so orders (subject to appeal as provided in subsection (1) in this Section), the vote on any motion shall be taken in one of three ways:

(i) By a hand vote;

(ii) By a vote with the use of a checklist;

(iii) By a "yes" or "no" ballot with or without the use of a checklist.

(i) When the Moderator rules that a motion is readily divisible, and either the Moderator deems it advisable or seven( 7) voters present so request, the motion shall be divided and the vote upon each part be taken separately.

(j) When a question is under debate, these motions shall be received:

(i) to adjourn to a fixed time;

(ii) to lay on the table;

(iii) to stop debate("previous question");

(iv) to postpone to a certain time;

(v) to commit; or

(vi) to amend, and these motions shall have precedence in the order stated.

The first three shall be decided without debate, and the latter three may be debated. Motions to lay on the table or to stop debate require at least a two-thirds vote.

When proposed amendments involve amounts, if to purchase, the largest amount, or, if to sell, the smallest amount, shall be put to a vote first.

(k) A motion to reconsider any vote may be made at an adjourned session of the Meeting only if the mover of this motion has given notice at the session of the Meeting at which the vote was taken, of his intention to make such motion at an adjourned session. There can be no reconsideration of a vote once it has been reconsidered or after a vote not to reconsider it. A motion to reconsider any vote must be made before the final dissolution of the Meeting during

which the vote was taken. Nothing contained in the foregoing subsection, however, shall prevent or be construed as preventing the reintroduction of any matter in an article of the warrant for a subsequent Town Meeting.

(l) Any voter may appeal from the decision of the Moderator and when his appeal is properly seconded by seven (7) or more voters, no other business, except a motion to adjourn to a fixed time or to lay on the table, shall be in order until the question of appeal has been decided. The appeal shall be decided without debate and by a hand vote. If there is a tie vote, the Moderator's decision stands.

(m) The duties of the Moderator and the government of the Town meeting not specifically provided for by law or in this Article II shall be determined by the rules of practice recommended in "Town Meeting Time: A Handbook of Parliamentary Law" (Johnson, Trustman, & Wadsworth, Second Edition, 1984), so far as they are appropriate for the conditions and powers of the Town.

(n) Whenever a two-thirds vote is required by statute, such vote may be declared as such by the Moderator without a count and be recorded as such by the Clerk upon such declaration; provided, however, that seven (7) or more members of a Town meeting may challenge such declaration, at which time a count shall be held; and further, pursuant to Chapter 448 of the Acts of 1996, the governing procedure for this Town Meeting an Special Town Meeting shall be that, whenever a two-thirds vote is required by statute, such vote may be declared as such by the Moderator without a count and be recorded as such by the Clerk upon such declaration; provided, however, that seven (7) or more members of a Town meeting may challenge such declaration, at which time a count shall be held. Revised July 22, 1997

## **ARTICLE III**

### **ELECTED TOWN OFFICERS**

#### **SECTION 1. TOWN MODERATOR**

(a) The Moderator shall be elected for a term of three (3) years and shall receive compensation as fixed by the Town Meeting.

(b) The Moderator is the head of the legislative branch of the Town and shall preside at Town Meeting

(c) All committees authorized by the Town Meeting, except as otherwise provided by law, these Bylaws, or vote of the Town, shall be appointed by the Moderator as soon as possible after passage of the vote creating the committee.

#### **SECTION 2. SELECTMEN**

(a) The Board of Selectmen shall consist of five (5) members: One (1) member to be elected in 1988 to hold office for three (3) years; two (2) members to be elected in 1989 to hold office for three (3) years; two (2) members to be elected in 1990 to hold office for three (3) years; and each to hold office until his successor is qualified. Thereafter when the term of a member expires, the Town shall elect by ballot members of the Board to serve for three (3) years and until a successor is qualified. They shall hold no other elected Town Office, and shall receive compensation as fixed by the Town Meeting.

(b) The Selectmen, as the executive branch of Town government, shall be responsible for the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law and these Bylaws.

(c) The Selectmen shall cause to be compiled, printed, posted and distributed the Warrant for each Annual and Special Town Meeting, in accordance with the provisions of Article II of these Bylaws.

(d) The Selectmen shall cause to be printed and ready for distribution, at least seven (7) days before the Annual Town Meeting, a report giving a detailed statement of the receipts and expenditures of the Selectmen, Treasurer-Collector, School Committee, and all other Town officers, boards or committees who have had charge of expenditures of Town funds for the financial year immediately preceding. The Annual Report shall also contain all reports for the preceding year submitted by appointed and elected officers, boards and committees, and the Town Clerk's record of

Town Meetings held, a list of vital statistics of Cohasset citizens, election results, the jury list and any other matters required under Chapter 40, Section 49, of the Massachusetts General Laws.

(e) The Selectmen may appear, either personally or by Town Counsel or by Special Counsel duly employed by them, before any Court, committee of the Legislature, Commission, or other tribunal, to protect the interests of the Town, but they are not authorized hereby to commit the Town to any course of action. They shall have authority as agents to institute, prosecute, and defend suits and claims against or involving the interests of the Town, and may pay settlements not exceeding ten thousand (\$10,000.00) dollars from any appropriation or funds which may be legally available for the purpose, when, in their judgment and upon advice of counsel, such settlement is in the best interests of the Town. Revised 7/27/90

(f) The Selectmen shall have the possession and management of all real property purchased or taken for taxes not inconsistent with law or with the right of redemption. They may sell at public or private sale any property acquired by the Town through proceedings based on nonpayment of taxes and may impose upon the property so sold such restrictions, reservations, or conditions as shall seem appropriate. They may execute, acknowledge, and deliver in the name and under the seal of the Town, deeds or other instruments therefore. In the sale, conveyance and transfer of real estate permitted or specifically authorized by the Town vote for a stipulated sum to a designated person, the Selectmen may, whenever they deem it in the best interests of the Town, sell, convey and transfer such real estate for a larger sum to a different person or at a public auction.

(g) Whenever it is necessary to execute a deed or other instrument conveying any interest in land belonging to the Town, other than a tax deed, unless it is otherwise provided by law or by vote of the Town, such deed or instrument shall be executed on behalf of the Town by a majority of the Selectmen, and it shall be sealed with the Town Seal.

(h) The Selectmen shall have the right to sell any item of personal property of the Town after it has been properly appraised by a qualified person. If the property is appraised at more than one thousand (\$1,000.00) dollars, the property shall be offered for sale at public auction. If property is not sold at public auction, or if it has been declared by a qualified person to be unsalable or of negligible value, the Selectmen may offer it to non-profit charitable organizations, and, if not accepted, to anyone who will remove the property promptly at no charge. All moneys realized from and all sales shall be turned over to the Town Treasurer-Collector.

(i) The Selectmen shall keep insured against loss, damage, or fire all insurable property of the Town, both real and personal. They shall maintain general liability, group health, accident, and life insurance for all eligible Town employees.

(j) The Selectmen shall have such other powers, duties, and responsibilities as are provided by the Massachusetts General Laws, including, without limitation, the following:

(i) Appointing workers at elections, in accordance with Chapter 51 of the Massachusetts General Laws; Revised 6/2/98

(ii) Acting as Tree, Park and Cemetery Commissioners and in that connection, shall, among other things, care for and maintain trees, playgrounds, and public parks, including Wheelwright Park, in conformity with the Massachusetts General Laws and with provisions of specific bequests; Revised 6/2/98

(iii) Caring for and managing all public cemeteries; Revised 6/2/98

(iv) Issuing Gasoline Permits and the following Licenses: Sunday, Liquor, Entertainment, Common Victualler, Inn Holder, Class I, II, and III Automobile Dealers, Junk Collector, Auctioneer, Peddler, and Transient Vendor. They shall establish appropriate fees for such licenses and permits if not otherwise specified by law; Revised 4/4/92 & 6/2/98

(v) Renting property of the Town under their jurisdiction on such terms and conditions as they deem appropriate and in the best interest of the Town; Revised 6/2/98

(vi) Conducting hearings involving complaints about dogs and other animals, and enforcing the provisions of these Bylaws concerning such matters; Revised 6/2/98

(vii) That decorative lighting be permitted on the Town Common for events sponsored by nonprofit, civic, charitable, recreational and educational organizations, the size, type, form, duration and location of such lighting shall be subject to the written permission of the Board of Selectmen. Nothing contained herein shall limit the lighting

being displayed, during the period that is allowed under Section 6 of the Zoning Bylaws, Paragraph 6.3.2.2, for the enjoyment of citizens and visitors to the Town of Cohasset; <sup>Revised 7/22/97</sup>

(viii) The Board of Selectmen is authorized to establish from time to time fees and charges for licenses, permits and other municipal purposes granted by departments under the Board's jurisdiction, such authority hereby granted and such fees and charges established to be consistent with the General Laws of the Commonwealth. <sup>Revised 7/6/99</sup>

(k) Pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 6N the Selectmen are authorized to provide for the making of temporary repairs to private ways subject to the following conditions: <sup>Approved 12/1/96</sup>

(i) Any repairs shall be as determined by the Board of Selectmen;

(ii) Drainage facilities shall be included to the extent required by public convenience and necessity as determined by the Board of Selectmen upon advice from the Superintendent of Public Works;

(iii) The Board of Selectmen shall make a determination that such repairs are required by public necessity before such repairs may be undertaken;

(iv) Such repairs shall only be made if the Board of Selectmen receives a petition from abutter(s) who own at least fifty percent (50%) of the linear footage along such way;

(v) Betterment charges may be assessed by the Board of Selectmen on the abutter(s) of such way up to an amount equal to the cost of such repairs;

(vi) The Town shall have no liability as a result of any such repairs, except as may be provided by law, and shall be held harmless on account of any damages whatever caused by such repairs by agreement executed by the abutter(s) who petitioned therefore;

(vii) The private way shall have been opened to the public use for two (2) years or more prior to the undertaking of such repairs;

(viii) The Board of Selectmen may require a cash deposit equal in amount to the estimated cost of such repairs, as determined by the Superintendent of Public Works, to be paid to the Town prior to the commencement of such repairs;

(ix) The Board of Selectmen may use any collection process deemed necessary in collecting from the abutters.

### **SECTION 3. TOWN CLERK**

(a) Town Clerk shall be elected for a term of three (3) years and shall assume office seven (7) days after his election. An individual who has served in the office of Town Clerk for five (5) consecutive years may, by vote at a Town Election, hold that office during good behavior pursuant to the provisions of Chapter 41, Section 19B, of the Massachusetts General Laws. He shall be compensated as fixed by Town Meeting.

(b) The Town Clerk shall perform the duties required of him by the Massachusetts General Laws, including, without limitation, keeping a record of vital statistics, election results, the jury list, the list of residents of the Town, and the list of registered voters, and shall record and file all agreements and other papers and documents affecting the interests of the Town.

(c) The Town Clerk shall instruct the Town Counsel to record every instrument conveying an interest in land to the Town, except as otherwise provided by law, in the proper Registry of Deeds, and shall retain custody of all such recorded instruments upon their return from the Registry of Deeds. He shall keep, in a book devoted to that purpose alone, true copies of all conveyances executed and delivered by the Town of any interest in land.

(d) The Town Clerk shall keep on file these Bylaws and all revisions thereof and additions or amendments thereto, and shall make copies available to the public. The Town Clerk shall serve ex-officio as a member of the Bylaw Committee.

(e) The Town Clerk shall keep minutes of all Town Meetings and record all votes as declared by the Moderator. His report of any Town Meeting shall include each article in its entirety, together with the main motion and any amendments thereto and the disposition thereof.

(f) The Town Clerk shall immediately after every Town Meeting furnish the Board of Assessors, the Town Accountant, and the Treasurer-Collector with a statement of all moneys appropriated by the Town at such meeting, and of the purpose of each appropriation.

(g) The Town Clerk shall include in the regular record of a Town Meeting such portions of any report of a board or committee whose recommendations have been adopted as may be necessary for understanding the action taken by the Town. Unless such a report has been printed in full in the Town Report, the Clerk shall cause it to be entered in full in the Book of Reports. This Book shall be properly indexed. The reports shall be numbered for each municipal year in the order of their presentation, and a marginal reference shall be made of the date of the meeting at which the report was presented. The regular record of the meeting shall also make reference to the number of the report as entered in the Book of Reports.

(h) The Town Clerk, as soon as possible after a vote of the Town has been passed which relates to or affects the duties of any board, committee, or officer of the Town, shall furnish a copy of such vote to such board, committee, or officer.

(i) The Town Clerk shall promptly notify in writing each individual who was elected to an office or committee at any Town Meeting.

(j) The Town Clerk shall provide and have in readiness for use at Town Meetings a sufficient supply of "Yes" and "No" ballots. These ballots shall be identical in size, shape, color, paper, and ink, and in size and style of type.

(k) The Town Clerk shall, at least sixty (60) days prior to each Annual Town Meeting, notify in writing the chairman of any committee which has made no report to the Selectmen for inclusion in the Annual Report, that a report must be presented from the floor at the Annual Town Meeting for that year.

#### **SECTION 4. BOARD OF ASSESSORS**

(a) The Board of Assessors shall consist of three (3) members, each elected for a three (3) year term, with one(1) member elected each year. They shall hold no other elective office and shall receive compensation as fixed by the Town Meeting.

(b) The Board of Assessors shall elect a chairman and a secretary each year

(c) The Board of Assessors shall annually establish or cause to be established the fair market value for all real estate and personal property in the Town and shall assess taxes accordingly, as provided under Chapter 59 of the Massachusetts General Laws. Revised 4/6/91

(d) The Assessors shall deliver the tax list and Warrant for Collection to the Town Treasurer-Collector. Additional warrants shall be issued to the Treasurer-Collector for all taxes assessed or reassessed which are not covered by the original warrant.

(e) The Assessors shall keep the record required by law of all tax abatements. Each month the Assessors shall notify the Town Treasurer-Collector and Town Accountant in writing as to the amount of taxes abated from each tax levy.

#### **SECTION 5. SCHOOL COMMITTEE**

(a) The School Committee shall consist of five (5) members, two (2) members to be elected at the Annual Town Meeting in 1988 to hold office for three (3) years, two (2) members to be elected at the Annual Town Meeting in 1989 to hold office for three (3) years, and one (1) member to be elected at the Annual Town Meeting in 1990 to hold office for three (3) years, each to hold office until his successor is qualified. Thereafter when the term of a member expires, the Town shall elect by a ballot a member of the Board to serve for three (3) years and until his successor is qualified.

(b) The School Committee shall formulate the policy of the local school system to achieve the educational objectives of the community in conformity with the directives of the State Board of Education.

(c) The School Committee shall have such duties and responsibilities as are provided in the Massachusetts General Laws and shall be specifically responsible for the following areas of school administration:

- (i) Policy determination;
- (ii) Financial planning and budgeting;
- (iii) Appointment and dismissal of personnel;
- (iv) Approval of courses and textbooks;
- (v) Planning of school services;
- (vi) Evaluation of school programs;
- (vii) Negotiation of contracts with School Department employees;
- (viii) Purchase of materials, equipment, and supplies for the School Department and awarding of contracts for the physical plant.

(d) The School Committee shall elect a chairman and shall appoint one of its members as secretary, who shall keep and have available a permanent record book, in which all its votes, orders, and proceedings shall be recorded.

(e) Meetings of the School Committee shall be properly called and advertised.

(f) The School Committee shall meet at least every other month with the Student Advisory Committee.

(g) As soon as a vacancy occurs on the School Committee, written notice must be given to the Board of Selectmen. After one week's notice, the Board of Selectmen and the remaining members of the School Committee shall meet together and by majority vote elect a person to fill the vacancy. The new appointee shall serve only until the next Town election, at which time a successor shall be elected to fill the unexpired term.

## **SECTION 6. BOARD OF HEALTH**

(a) The Board of Health shall consist of three (3) members, with one member elected each year for a three (3) year term.

(b) Each year the Board shall elect one of its members as chairman.

(c) The Board shall have such duties and responsibilities as are prescribed by Chapter III of the Massachusetts General Laws and the regulations promulgated thereunder.

(d) The Board may establish reasonable health regulations. A summary of such regulations which summary describes the substance of the regulation shall be published once in a newspaper of general circulation in the Town. Regulations pertaining to the subsurface disposal of sanitary sewage shall be noticed in accordance with Massachusetts General Laws, c. 111 Subsection 31. All adopted regulations shall be filed with the Town Clerk. Revised 6/2/98

(e) The Board shall have authority to restrain and prosecute violators of State or Local health regulations. Revised 6/2/98

(f) The Board shall have authority to issue permits for private disposal facilities, collection of garbage, and construction and repair of septic systems. Revised 1/25/96

The Board of Health shall not grant a site assignment for a proposed solid waste facility or any portion thereof located within the Water Resources District, where solid waste facilities are a prohibited use. Revised 7/17/00

## **SECTION 7. PLANNING BOARD**

(a) The Planning Board shall consist of five (5) members, with one member elected each year for a five (5) year term.

(b) The Planning Board shall elect from among its members a chairman, a vice-chairman, and a clerk each year.

(c) The Planning Board shall from time to time study needs and potential of the Town and, where necessary, prepare plans. They shall submit a report of such studies and plans to the Selectmen and shall furnish a copy of the report to the Division of Community Services of the Department of Community Affairs. They shall also report to the Town Meeting on the condition of the Town and shall give information on any plans or proposals for Town development and shall also send a copy of this report to the Division of Community Services of the Department of Community Affairs.

(d) The Planning Board shall have responsibility for administration of subdivision control, in accordance with Chapter 41, Section 81K through 81GG, of the Massachusetts General Laws.

(e) The Planning Board shall have such other duties and responsibilities as are imposed upon it by Chapter 40A and Sections 81A through J of Chapter 41 of the Massachusetts General Laws.

## **SECTION 8. WATER COMMISSIONERS**

(a) There shall be three (3) Water Commissioners with one elected each year for a three(3) year term.

(b) The Water Commissioners shall have exclusive charge and control of the municipal Water Department and water system subject to Federal and State laws and these bylaws, and to such instructions, rules, and regulations as the Town may from time to time impose by its vote.

(c) The Water Commissioners shall fix just and equitable rates for the use of the Town water system and shall prescribe the time and manner of payment of such charges. In setting rates, the Water Commissioners shall raise sufficient income to defray all operating expenses, interest charges, and payments on the principal as they may accrue upon any bonds or notes issued for the purchases of the municipal water system. Upon approval by Town Meeting, such water rates shall become effective.

(d) The Water Commissioners shall have the power to award contracts for sums not to exceed those approved by the Town Meeting for all work to be performed in the construction and maintenance of the Town water system.

(e) The Water Commissioners shall establish rules and regulations for the use of the Town water system. These rules and regulations shall become effective when filed with the Town Clerk.

(f) The Board of Water Commissioners, pursuant to the provisions of Chapter 40, Section 39H of the General Laws, or any other applicable law, are authorized to make contract, with, or may go to aid any other city, town, commission, district or any other water company, as defined in section one of chapter one hundred and sixty-five of the Massachusetts General Laws, with regard to the operation, administration, repair and maintenance of its water supply system. Such contracts may be made to provide water to another city or town on an emergency basis, or to provide water service on a long term basis to one or more residents of another town who cannot be reasonably provided water supply services by that town, but shall not include long term wholesale sale of water to another city or town that is not to meet an emergency or to provide water service on a long term basis to one or more residents who cannot be reasonably provided water supply services by that town. Any such contracts so authorized may be for a period not to exceed twenty years. <sup>Revised</sup>  
12/28/98

## **SECTION 9. SEWER COMMISSIONERS** <sup>Revised 4/6/91</sup>

(a) There shall be three (3) Sewer Commissioners, with one (1) elected each year for a three(3) year term

(b) The Sewer Commissioners shall supervise the operation of the Sewer Department and shall ensure that it conforms with all Federal and State environmental and health regulations.

(c) The Sewer Commissioners shall be responsible for all planning relating to the expansion of the Town sewer system and shall establish and update a master plan incorporating all areas of the Town.

(d) The Sewer Commissioners have the power to award contracts for sums not to exceed those approved by Town Meeting for all work to be performed in the construction and maintenance of the Town sewer system.

(e) The Sewer Commissioners shall establish fees for the use of the Town sewer system. Such fees shall be based upon the volume of water used and shall be approved by vote of the Town Meeting.

(f) The Sewer Commissioners may from time to time prescribe rules and regulations for the connection of estates and buildings with sewers, and for inspection of materials, the construction, alteration and use of all connections entering into such sewers, and may prescribe penalties for each violation of any such rule or regulation as authorized by law.

(g) The Sewer Commissioners shall have such other duties and powers as are provided by Federal and state law and these Bylaws.

## **SECTION 10. TRUSTEES OF PAUL PRATT MEMORIAL LIBRARY**

(a) There shall be nine (9) Library Trustees with three (3) elected annually, each for a three (3) year term.

(b) The Library Trustees shall elect a chairman and a secretary each year.

(c) The Town Treasurer-Collector shall act as treasurer of the Paul Pratt Memorial Library.

(d) Except as otherwise provided in the Massachusetts General Laws, the Library Trustees shall have the control of the following:

(i) All gifts and bequests to the Library, in accordance with the terms of such gifts or bequests. <sup>Revised 6/2/98</sup>

(e) The Town Manager shall appoint the Head Librarian and other professional assistants and the Library Trustees shall select books and all other library media. <sup>Revised 6/2/98</sup>

## **SECTION 11. RECREATION COMMISSION**

(a) The Recreation Commission shall consist of seven (7) members, with one (1) elected each year for four (4) successive years and three (3) elected the fifth year. All members shall serve a five (5) year term.

(b) The Recreation Commission shall promote, encourage, and coordinate recreational activities for all citizens of the Town, and in connection therewith may establish self-supporting service revolving funds, to the extent permitted by Chapter 44, Section 53D of Massachusetts General Laws.

(c) The Recreation Commission shall be responsible for making recommendations to the Board of Selectmen concerning maintenance and improvement of recreational areas owned by the Town. <sup>Revised 6/2/98</sup>

(d) The Recreation Commission may cooperate with adjoining towns in establishing joint recreational areas. <sup>Revised 6/2/98</sup>

## **SECTION 12. COHASSET HOUSING AUTHORITY**

(a) The Cohasset Housing Authority shall consist of five (5) members, with one (1) member to be elected in each of four(4) consecutive years for a five (5) year term, and one (1) member to be appointed by the Department of Community Affairs every fifth year for a five (5) year term.

(b) The Authority is responsible for determining the need for community housing in the Town, as set forth in Chapter 121B of the Massachusetts General Laws.

(c) The Authority is responsible for obtaining approval and funding for community housing projects from the Commonwealth of Massachusetts Department of Community Affairs and/or the United States Department of Housing and Urban Development.

(d) The Authority shall oversee the construction of community housing projects and shall be responsible for their operation, maintenance, and administration.

# **ARTICLE IV**

## **APPOINTED TOWN OFFICERS**

## **SECTION 1. TOWN MANAGER**

The appointment, duties and powers, compensation, removal and other matters relating to the Town Manager shall be set forth in Chapter 34 of the Acts of 1997, the Cohasset Town Manager Act, as the same may be amended from time to time. Revised 6/2/98

## **SECTION 2. TOWN COUNSEL**

(a) The Town Counsel shall be appointed annually by the Board of Selectmen. He shall be a member of the Massachusetts Bar. On the recommendation of the Town Counsel, the Board of Selectmen may appoint one or more assistant Town Counsels, who shall serve at the pleasure of the Town Counsel. Any of the duties of Town Counsel may be performed by an assistant at the direction of Town Counsel

(b) The Town Counsel shall be compensated as determined by the Board of Selectmen.

(c) Upon request of the Board of Selectmen, the Town Counsel shall prepare or approve all contracts, deeds, bonds, and other legal instruments relating to the Town, and shall give legal advice and furnish written opinions when so requested by the Board of Selectmen to any Town officer, board, or committee regarding any substantial legal question or matter relating to the duties of that officer, board or committee, other than the School Committee, shall at the expense of or in behalf of the Town employ any other counsel, provided, however, that the Selectmen may employ any qualified counsel to conduct labor negotiations for the Town.

(d) The Town Counsel shall, upon the request of the Board of Selectmen, supervise the investigation of any claim arising out of an injury to person or property under circumstances which may give rise to a claim for damages against the Town and shall advise the Selectmen as to the steps he deems necessary or proper to protect and defend the Town against such claims.

(e) The Town Counsel shall prosecute or defend all cases pending in any Federal or State Court to which the Town is a party

(f) The Town Counsel shall serve ex-officio as a member of the Bylaw Committee.

## **SECTION 3. TOWN ACCOUNTANT**

(a) The Town Accountant shall be appointed by the Town Manager under the provisions of Section 55 of Chapter 41 of the Massachusetts General Laws and shall in addition to the duties and responsibilities outlined in this section, perform such tasks as may be required by the Board of Selectmen. The chairman of the Advisory Committee will participate in the selection of the Town Accountant. Revised 6/2/98

(b) The Town Accountant shall be compensated as determined by the Town Manager and approved by Town Meeting. Revised 6/2/98

(c) The Town Accountant shall examine all bills, drafts, orders, and payrolls of the Town and if found correct and approved as required by Chapter 41, Section 56, of the Massachusetts General Laws, shall draw a warrant upon the treasury for their payment.

(d) The Town Accountant shall keep a complete set of books in which shall be entered the amount of each specific appropriation, the amounts and purposes of expenditures made therefrom, the receipts from each source of income, the amount of each assessment levied, and the abatements made.

(e) The Town Accountant shall at regular intervals and at least as often as once each month send to the Selectmen, the Advisory Committee, and to each Board, Committee, Head of Department or Officer having the authority for disbursement of an appropriation, a statement of the amount of orders approved and warrant drawn on behalf of said Board, Department, or Officer during the preceding month, and a statement of the balance of such appropriation remaining subject to draft. The monthly statement shall report actual as well as projected revenue.

(f) The Town Accountant shall immediately upon the close of each calendar year compile statements in tabulated form showing the amounts appropriated and the amounts expended from each appropriation during the preceding fiscal year, the amounts appropriated for the current fiscal year and the amounts expended from such appropriation during the first six(6) months of such year, the amount estimated to be expended from such appropriations during the second six (6) months of such year, and the estimates for the next ensuing fiscal year, and shall forthwith furnish

a copy thereof to the Selectmen and the Advisory Committee, or to such committee as the Town may appoint to consider and report on proposed appropriations

(g) The Town Accountant shall make an annual report to be published as a Town document giving a statement of all receipts and expenditures of the Town for the past fiscal year, including those of funds managed by trustees or commissioners for the Town and showing also the amount of each specific appropriation, the expenditures therefrom and the purpose for which money has been spent. Such report shall contain a statement of any change in the amount of the Town debt during the years and a list of indebtedness incurred and unpaid at the end of the fiscal year.

(h) The Town Accountant shall annually furnish the Board of Assessors with all financial data required to compute the tax rate as soon as necessary figures are available.

(i) The Town Accountant shall meet as necessary with the Advisory Committee and report to them on matters pertaining to the Annual Town Budget.

#### **SECTION 4. POLICE CHIEF**

(a) The Police Chief shall be appointed by the Town Manager and shall serve for a period of time permitted by statute and specified by the Town Manager in an agreement for employment. He shall serve until such time as the Town Manager shall appoint his successor. Revised 6/2/98

(b) He shall be compensated as determined by the Town Manager. Revised 7/27/90 & 6/2/98

(c) The Police Chief shall have such other powers and duties as are assigned to him by law, including, without limitation, the following:

(i) The charge of all police officers, both regular and auxiliary, and the responsibility for assigning them to their respective duties;

(ii) The control of all Town property used by the Police Department; and

(iii) The right to enter into mutual aid agreements with such neighboring towns as the Town Manager may authorize. Revised 6/2/98

#### **SECTION 5. FIRE CHIEF**

(a) The Fire Chief shall be appointed by the Town Manager and shall hold office for a period of time permitted by statute and specified by the Town Manager in an agreement for employment. He shall serve until such time as the Town Manager shall appoint his successor. Revised 6/2/98

(b) He shall be compensated as determined by the Town Manager. Revised 7/27/90 & 6/2/98

(c) The Fire Chief shall make rules and regulations for the operation of the Fire Department, shall be responsible for its efficiency and discipline, and shall have control or all Town property used by the Fire Department. The Fire Chief shall be the chief administrator of the Fire Department.

(d) The Fire Chief shall be responsible for assigning the members of his force, including call men, to their respective duties.

(e) The Fire Chief shall have absolute control at fires and alarms of fires in the Town and shall direct such measures as are necessary for the protection of life and property and for the control and extinguishment of fires.

(f) The Fire Chief shall administer the Town's Ambulance Service and shall ensure that there is adequate staff, properly qualified, to service the Town's ambulance at all times.

(g) The Fire Chief shall have the following duties:

(i) To purchase, subject to approval of the Town Manager all proper apparatus used by the Fire Department and shall maintain it in good order; Revised 6/2/98

(ii) To act as a Forest Warden of the Town and have such duties and responsibilities as are provided by Chapter 48, Sections 8 through 28C, of the Massachusetts General Laws;

(iii) To issue such permits as are permitted by law for outdoor burning;

(iv) To enter into mutual aid agreement with such neighboring towns as the  
Town Manager may authorize; <sup>Revised 6/2/98</sup>

(v) To perform such regular inspections of nursing homes and schools as are  
required by the Massachusetts State Building Code; and

(vi) To fulfill such other powers and duties as are assigned to him by law or  
delegated to him by the Town Manager. <sup>Revised 6/2/98</sup>

## **SECTION 6. BUILDING INSPECTOR AND ZONING OFFICER**

(a) The Building Inspector shall be appointed by the Town Manager for a term of three (3)  
years. <sup>Revised 7/27/90 & 6/2/98</sup>

(b) He shall be compensated as provided in Article XI of these Bylaws, as amended from time  
to time.

(c) The Building Inspector shall not be engaged in, or directly connected with, the furnishing of  
labor, materials, or appliances for the construction, alteration, or maintenance of a building within the Town of Cohasset, or  
the preparation of plans or specifications therefor, except for a building of which he is the owner.

(d) The Building Inspector shall issue all necessary notices or orders to remove illegal or  
unsafe conditions, and shall ensure compliance with all requirements of the Massachusetts State Building Code for the  
safety, health, and general welfare of the public.

(e) The Building Inspector shall receive applications and issue permits for the construction,  
reconstruction, alteration, repair, demolition, and removal of structures, and for the installation of equipment. He shall  
inspect the premises for which such permits have been issued and enforce compliance with the Massachusetts State  
Building Code.

(f) The Building Inspector shall keep official records of applications received, permits and  
certificates issued, fees collected, reports of inspections, variances granted, and notices and orders issued, and all such  
records shall be available to the public during normal working hours.

(g) The Building Inspector shall periodically inspect and certify schools, the Library and other  
buildings for public assembly, and structures for multiple residence, and all reports of such inspections shall be in writing.

(h) The Building Inspector shall submit an annual report to the Selectmen of all permits and  
certificates issued, fees collected, inspections made, and notices and orders issued during the previous year; a monthly  
report to the Department of Community Affairs of building permits issued during the previous month; and a weekly report to  
the Board of Assessors of permits issued during the previous week.

(i) The Building Inspector shall be responsible for enforcing the provisions of Article VII,  
Section 7, of these Bylaws, concerning hazardous conditions caused by discharge of water on public highways.

(j) The Building Inspector shall be responsible for the enforcement of all of the Town's Zoning  
Bylaws, and Massachusetts General Laws, Chapter 40A, Section 7. <sup>Adopted 8/30/89</sup>

## **SECTION 7. WIRE DEPARTMENT SUPERINTENDENT**

(a) The Wire Department Superintendent shall be appointed annually by the Town Manager .  
He shall be a licensed electrician. <sup>Revised 6/2/98</sup>

(b) He shall be compensated as provided in Article XI of these Bylaws, as amended from time  
to time.

(c) The Wire Department Superintendent shall inspect and approve all wiring done in the Town  
by electrical contractors; test periodically all fire alarm boxes and maintain the Town Fire Alarm system; inspect, maintain,  
replace, and install as needed all traffic signals; and make repairs and additions to the electrical systems of all Town-owned  
buildings and properties.

## **SECTION 8. PLUMBING INSPECTOR**

- (a) The Plumbing Inspector shall be appointed annually by the Town Manager. He shall be a licensed plumber. Revised 6/2/98
- (b) He shall be compensated for each inspection according to rates established by the Board of Selectmen
- (c) He shall inspect and approve all new plumbing installations and alterations of existing plumbing facilities.

## **SECTION 9. INSPECTOR OF GAS PIPING & GAS APPLIANCES**

- (a) The Inspector of Gas Piping and Gas Appliances shall be appointed annually by the Town Manager. He shall be a licensed plumber or licensed gas fitter. Revised 6/2/98
- (b) He shall be compensated for each inspection according to rates established by the Board of Selectmen.
- (c) He shall enforce rules and regulations with respect to the installation of gas appliances and gas piping.

## **SECTION 10. HARBOR MASTER**

- (a) The Harbor Master shall be appointed by the Town Manager and shall serve until his successor is appointed. Revised 6/2/98
- (b) He shall be compensated as provided in Article XI of these Bylaws, as amended from time to time.
- (c) The Harbor Master shall be responsible for regulation of the harbor in accordance with Article IX of these Bylaws, for determining the place of anchorage for vessels, and for issuing mooring and temporary permits.
- (d) The Harbor Master shall report to the Department of Public Works of the Commonwealth any shipwrecks in the area under his supervision, as well as any violation of Chapter 102, Section 17, of the Massachusetts General Laws, concerning the deposit of any substance which may obstruct or hinder navigation.
- (e) He shall have such other powers and duties as are assigned to him under Chapters 90B and 102 of the Massachusetts General Laws.

## **SECTION 11. CONSTABLE**

- (a) A Constable shall be appointed by the Town Manager from among those applying, for a term not to exceed three (3) years. Revised 6/2/98
- (b) He shall be compensated as provided in Article XI of these Bylaws, as amended from time to time
- (c) The Constable shall post the Warrant for each Annual and Special Town Meeting, as provided in Article II of these Bylaws, shall serve warrants and processes as directed by the Selectmen, and may serve such other writs and processes as are permitted to a constable under the Massachusetts General Laws.

## **SECTION 12. SEALER OF WEIGHTS AND MEASURES**

- (a) The Sealer of Weights and Measures shall be appointed annually by the Town Manager He shall be qualified by knowledge and experience in the testing for accuracy of scales and other measuring devices. Revised 6/2/98
- (b) He shall be compensated as provided in Article XI of these Bylaws, as amended from time to time.

(c) The Sealer of Weights and Measures shall check annually, or more often if need be, all scales and other measuring devices used by commercial establishments within the Town and shall affix thereto an official seal showing the date of inspection and attesting to the accuracy of the weighing or measuring device.

(d) Fees for sealing the following weighing or measuring devices

	<b>Device</b>	<b>Legal Sealing Fee</b>	
Balance & Scales	Over 10,000 lbs	\$25.00	
	\$50.00		
	5,000 to 10,000 lbs	15.00	
	30.00		
	1,000 to 5,000	10.00	
	100 to 1,000	5.00	20.00
	10 to 1,000 lbs	3.00	5.00
	10 lbs or less	2.00	5.00
Weights	Avoirdupois(each)	.20	.50
	Metric(each)	.20	.50
	Apothecary(each)	.20	.50
	Troy(each)	.20	.50
Capacity Measures	Vehicle tanks each indicator	2.00	5.00
	Each 100 gals or fraction thereof liquid	1.00	2.00
	1 Gallon or less	.20	.50
	More than 1 gallon	.50	1.00
Liquid	Inlet 1/2" or less Oil, Grease	2.00	4.00
	Inlet more than 1/2" to 1" gasoline	4.00	6.00
	Inlet more than 1"		
	Vehicle Tank Pump	8.00	15.00
	Vehicle Tank Gravity	10.00	20.00
	Bulk Storage	20.00	40.00
	Company Supply Prover	10.00	20.00
Pump	<b>Device</b>	<b>Legal Sealing Fee</b>	
	Each stop on pump	.50	2.00
	Taxi Meters	4.00	6.00
	Odometer-Hubodometer	4.00	6.00
	Leather Measuring(Semi Ann.)	2.00	4.00
	Fabric Measuring	2.00	4.00
	Wire-Rope-Cordage	2.00	4.00
Linear Measure	Yard Sticks	.20	.50
	Tapes	.20	.50
Miscellaneous	Milk Jars(per gross)	4.00	8.00
	Dry Measures	.20	.50

### SECTION 13. DIRECTOR OF VETERANS' SERVICES

(a) The Director of Veterans' Services shall be a veteran, appointed by the Board of Selectmen, under the provisions of Chapter 115, Section 10, of the Massachusetts General Laws.

(b) He shall be compensated as provided in Article XI of these Bylaws, as amended from time to time.

(c) The Director of Veterans' Services shall assist veterans to obtain the benefits to which they are entitled.

## **SECTION 14. DIRECTOR OF CIVIL DEFENSE & EMERGENCY PREPAREDNESS**

(a) The Director of Civil Defense and Emergency Preparedness shall be appointed by the Board of Selectmen as provided in Chapter 639 of the Acts of 1950, as amended, and shall serve until his successor is appointed.

(b) He shall be compensated as provided in Article XI of these Bylaws, as amended from time to time.

(c) In times of emergency the Director of Civil Defense and Emergency Preparedness shall be the coordinator of personnel and facilities and shall be responsible to the Board of Selectmen for establishing an operating center with a communications system.

(d) He shall be assisted by a Deputy and also by the members of the Auxiliary Police Force.

## **SECTION 15. SHELLFISH CONSTABLE**

(a) The Shellfish Constable shall be appointed by the Town Manager for a term of three (3) years. He shall be qualified by training and experience in shellfishery management. Revised 6/2/98

(b) He shall be compensated as provided in Article XI of these Bylaws, as amended from time to time

(c) The Shellfish Constable shall enforce all statutes, ordinances, bylaws, rules, and regulations relative to shellfish in the Town and in the performance of his duties may request any person he suspects of unlawful shellfishing or possessing shellfish unlawfully taken to display them, and may arrest without a warrant a person refusing or failing to comply with his request.

(d) He shall have the authority granted natural resource officers for enforcement of Chapter 130, Sections 31, 37, 41, 43, and 44, of the Massachusetts General Laws.

(e) He shall have such other duties and responsibilities as are permitted by law and authorized by the Board of Selectmen.

## **SECTION 16. ANIMAL CONTROL OFFICER**

(a) The Animal Control Officer shall be appointed annually by the Town Manager. Revised 6/2/98

(b) He shall be compensated in accordance with Article XI of these Bylaws, as amended from time to time.

(c) The Animal Control Officer shall have such powers and duties as are provided and are assigned to a Dog Officer in Chapter 140, Sections 136A through 175, of Massachusetts General Laws.

(d) The Town Manager shall set the hours, duties, and other requirements of the position. These duties shall include, without limitation, enforcement of Section 12 of Article VII of these Bylaws. Revised 6/2/98

## **SECTION 17. FENCE VIEWERS**

(a) Two (2) or more Fence Viewers shall be appointed by the Board of Selectmen for one (1) year terms.

(b) They shall be compensated for each inspection, according to rates established by the Board of Selectmen.

(c) Fence Viewers shall decide disputes concerning the building and maintenance of partition fences in accordance with provisions of Chapter 49 of the Massachusetts General Laws.

## **SECTION 18. SOUTH SHORE REGIONAL SCHOOL COMMITTEE MEMBER**

(a) The member of the South Shore Regional School Committee shall be appointed by the Board of Selectmen for a three (3) year term.

(b) The member shall represent the Town in establishing policy and determining budget requirements for the South Shore Regional Vocational High School in accordance with Chapter 71 of the Massachusetts General Laws.

**SECTION 19. PUBLIC WORKS SUPERINTENDENT** Adopted 5/5/95

(a) The Public Works Superintendent shall be appointed by the Town Manager and shall be a person who is specially fitted by training or experience to perform the duties of the position. Revised 6/2/98

(b) He shall be compensated as determined by the Town Manager. Revised 6/2/98

(c) Except as otherwise provided by these Bylaws, the Public Works Superintendent shall make rules and regulations for the operation of the Department, shall be responsible for its efficiency, and shall have control of all vehicles and equipment used by the Department.

(d) The Public Works Superintendent shall be responsible for the following municipal operations and such other related responsibilities as may be assigned to him by the Town Manager from time to time. Revised 6/2/98

(i) Proper administration of the Town's Recycling/Transfer Station Facility, in conformity with Federal, State and Municipal laws relating thereto and regulations promulgated thereunder;

(ii) Care of trees and the removal and replacement of trees on Town property;

(iii) Care and maintenance of all public grounds, the Common, Town parks, and Town cemeteries;

(iv) Maintenance of off road infrastructure for other departments such as public safety, environment, health and schools;

(v) Surface and maintenance of all public ways and sidewalks, removal of obstructions therefrom, maintaining storm drainage systems and installing and maintaining road markings, highway signs and other highway devices essential to public safety;

(vi) Reconstruction, resurfacing, repairing of necessary drainage and public ways that have been open to the public for one year, make temporary repairs as authorized by law, all as authorized by vote of the Board of Selectmen when public necessity requires.

**SECTION 20. TREASURER-COLLECTOR** Adopted 12/11/96

(a) The Treasurer-Collector shall be appointed by the Town Manager for a three (3) year term and shall be a person who is specially qualified by training or experience to perform the duties of the position. Revised 6/2/98

(b) The compensation for this position shall be as determined by the Town Manager. Revised 6/2/98

(c) The Treasurer-Collector shall have custody of all notes and bonds, as well as, temporary custody of all bills, vouchers, and payrolls until paid. After payment, all bill, vouchers, and payroll shall be placed in the custody of the Town Accountant.

(d) The Treasurer-Collector shall act as Treasurer of the Paul Pratt Memorial Library.

(e) The Treasurer-Collector shall administer all cemetery funds under the jurisdiction of the Town of Cohasset in conformity with Article VIII of these Bylaws.

(f) The Treasurer-Collector may be removed from office by the Board of Selectmen during the term of office after hearing only for good cause.

(g) The Treasurer-Collector shall enclose with the mailing of each real estate tax bill sent to residents an explanation of the breakdown of the total tax rate for the Town. This explanation shall indicate the total rate of education, public safety, and general government costs, each one including all employee benefit costs and debt costs, all of which will be determined by the Town Accountant. Revised 6/2/98

**SECTION 21. DIRECTOR OF FINANCE/TOWN ACCOUNTANT** Adopted 7/17/00

- (a) The Director of Finance/Town Accountant shall be appointed by the Town Manager for a three (3) year term and shall be a person who is specially qualified by training or experience to perform the duties of the position.
- (b) The Director of Finance/Town Accountant shall submit financial reports as may be required to the Board of Selectmen and the Town Manager in a form approved by the Board of Selectmen.
- (c) The following departments shall report to the Director of Finance/Town Accountant: Treasurer-Collector and Deputy Assessor.
- (d) Except for the reporting requirements, there shall be no other changes in the offices of the Treasurer-Collector or Deputy Assessor.

**ARTICLE V**  
**Appointed Standing Town Boards & Committees**

**SECTION 1. ADVISORY COMMITTEE**

- (a) The Advisory Committee shall consist of nine (9) members, with three (3) members to be appointed each year for three (3) year terms, the conclusion of each term being the end of the fiscal year.
- (b) Appointments shall be made by a committee consisting of the Moderator, the Chairman of the Board of Selectmen, and the Chairman of the Advisory Committee within twenty (20) days after the final adjournment or dissolution of each Annual Town Meeting.
- (c) Members shall be registered voters of the Town and shall hold no other elective or appointive office. No member shall serve more than two consecutive full terms
- (d) As soon as possible after the annual appointment of new members, the Advisory Committee shall meet and elect from their membership a Chairman and a Secretary who shall hold office until their successors are elected. A true record of the proceedings of this committee shall be kept, and a copy of this record shall be filed annually in the office of the Town Clerk.
- (e) Five (5) consecutive members of the Committee shall constitute a quorum for the transaction of business
- (f) Absence from five (5) consecutive meetings, unless excused by vote of the Advisory Committee, shall be cause for removal.
- (g) When a vacancy occurs among the appointed members of the Advisory Committee, notice shall be given immediately by the Chairman to the Town Clerk. The Town Clerk shall thereupon notify the previously specified appointing committee, who shall promptly fill the vacancy.
- (h) The Advisory Committee shall review all articles in the Warrant for any Town Meeting and shall report thereon in writing or otherwise to the Town Meeting such recommendations as it deems to be in the best interest of the Town.
- (i) The Advisory Committee shall require the Selectmen, the School Committee, and other Town officers under whose direction appropriations of money are expended to submit to them an estimate of the appropriations necessary for their various departments and to appear before them for consultation regarding such estimates at such times and places as the Committee shall determine. The Advisory Committee shall state the amounts which, in its opinion, shall be appropriated for the ensuing year, shall add such explanations and suggestions as may be relevant thereto, and shall report thereon as provided above.
- (j) The Advisory Committee may hold hearings and shall, upon written request at a reasonable time in advance, grant a hearing to the petitioners for any articles appearing in a Warrant before making recommendations.

(k) No collective bargaining agreement shall be considered at a Town Meeting or at a Special Town Meeting that will consider appropriating the necessary monies to fund the cost items contained in said agreement unless that agreement has been presented to the Advisory Committee no later than thirty(30) days prior to the start of said meeting. Revised 1/25/96

## **SECTION 2. PERSONNEL COMMITTEE**

The Personnel Committee shall consist of one person, the Town Manager. Revised 6/2/98

## **SECTION 3. CAPITAL BUDGET COMMITTEE**

(a) The Capital Budget Committee shall consist of five (5) members appointed for three (3) year terms. Two (2) members shall be appointed each of two (2) successive years and one (1) member shall be appointed the following year.

(b) Appointments shall be made by a committee consisting of the Moderator, the Chairman of the Board of Selectmen, and the Chairman of the Advisory Committee.

(c) The Capital Budget Committee shall review and investigate capital budget requirements of all Town departments and evaluate their needs, recommending priorities for a five (5) year period. They shall report their findings and recommendations to the Board of Selectmen, the Advisory Committee, and the Town Meeting.

## **SECTION 4. SCHOOL FACILITIES COMMITTEE**

(a) The School Facilities Committee shall consist of nine (9) members appointed for three (3) year term.

(b) Three (3) members shall be appointed by the Moderator, three (3) by the Selectmen, and three (3) by the School Committee, the initial appointments by each appointing authority to be for one (1), two (2), and three (3) year term. This provision shall take effect as terms of present appointees expire.

(c) The School Facilities Committee shall, as circumstances require, investigate and study the condition and adequacy of school facilities, and shall report to the Town Meeting its recommendations as to major maintenance and remodeling of present buildings, additions thereto, new buildings, and location and acquisition of sites.

(d) The School Facilities Committee may proceed on its own initiative in these matters and shall respond promptly to all written requests from the School Committee.

## **SECTION 5. ZONING BOARD OF APPEALS**

(a) The Zoning Board of Appeals shall consist of three (3) members and three (3) associate members, each appointed for a three (3) year term by the Board of Selectmen, provided, however, that the initial appointment of one (1) member and one (1) associate member shall be for three (3) years, one (1) member and one (1) associate member for two (2) years, and one (1) member and one (1) associate member for one (1) year. Thereafter one (1) regular member and one (1) associate member shall be appointed each year.

(b) The Zoning Board of Appeals shall hold public hearings as required for the following purposes:

(i) To hear and decide appeals from the decision of the Building Inspector concerning issuance or denial of building permits on the basis of conformity with zoning laws;

(ii) To hear and decide applications for special permits;

(iii) To authorize or deny variances from the zoning law; and

(iv) To fulfill such other responsibilities as are required under Chapter 40A of the Massachusetts General Laws.

## **SECTION 6. ELDER AFFAIRS BOARD** Revised 1/25/96

(a) The Elder Affairs Board shall consist of nine (9) members, each appointed for a three (3) year term by the Board of Selectmen with three (3) members appointed each year.

(b) The Elder Affairs Board shall coordinate and carry out programs meeting problems of aging, in cooperation with the Massachusetts Department of Elder Affairs.

(c) The Elder Affairs Board shall submit an annual report to the Town and send a copy thereof to the Massachusetts Department of Elder Affairs. Revised 6/2/98

## **SECTION 7. CONSERVATION COMMISSION** Revised 4/6/92

(a) The Conservation Commission shall consist of seven (7) members, each appointed for a three (3) year term by the Board of Selectmen. Two (2) members shall be appointed each of two (2) successive years, with three (3) members appointed the following year.

There shall also be two (2) associate members, each appointed for a one (1) year term by the Board of Selectmen. The associate members shall be non-voting.

(b) The Conservation Commission shall hold public hearings and administer the provisions of Chapter 131, Section 40, of the Massachusetts General Laws.

(c) The Conservation Commission shall develop programs to preserve natural resources and protect the wetlands and watershed areas of the Town.

(d) The Commission shall have authority to appoint a Conservation Commission Agent who shall have such duties and responsibilities as shall be delegated to him by the Commission.

## **SECTION 8. REGISTRARS OF VOTERS**

(a) The Registrars of Voters shall consist of the Town Clerk and three (3) other persons appointed for three (3) year terms by the Board of Selectmen, with one (1) member appointed each year as prescribed in Chapter 51, Section 15, of the Massachusetts General Laws.

(b) The Registrars of Voters shall be responsible for maintaining accurate lists of qualified voters of the Town and shall provide facilities for new citizens of the Town to register for the purpose of voting.

(c) The Registrars of Voters shall conduct an annual census to determine the number of persons in the Town seventeen (17) years of age or older.

(d) They shall have such other duties and responsibilities as may be assigned to them under Chapter 51 of the Massachusetts General Laws.

## **SECTION 9. HISTORICAL COMMISSION**

(a) The Historical Commission shall consist of seven (7) members, each appointed for a three (3) year term by the Board of Selectmen, with two (2) members appointed for each of two (2) successive years, and three (3) members appointed the following year.

(b) The Historical Commission shall identify and record the historic landmarks of Cohasset and develop a program for the preservation and maintenance of the archaeological and historical assets of the Town.

(c) The Commission may acquire in the name of the Town by gift, purchase, grant, bequest, devise, lease, or otherwise, the fee or lesser interest in any real or personal property of significant historical value and may manage such property.

## **SECTION 10. COHASSET HARBOR COMMITTEE** Revised 4/6/91

(a) The Cohasset Harbor Committee shall consist of nine (9) members appointed by the Selectmen as follows:

two (2) citizens-at-large for three(3) year terms;

one (1) representative of the Yacht Club;  
one (1) representative of the Sailing Club;  
two (2) representatives of the commercial fishermen;  
one (1) independent member;  
one (1) representative of the Recreation Commission and  
the Harbor Master shall serve as a permanent ex-officio member.

Each appointment thereafter shall be for a three (3) year term. Nothing contained herein shall affect or change the terms of those individuals now in office. Revised 4/6/91

(b) The Harbor Committee shall make recommendations to the Selectmen and the Town Meeting concerning operation of the Harbor.

## **SECTION 11. DESIGN REVIEW BOARD**

(a) The Design Review Board shall consist of five (5) members and two (2) associate members appointed for three (3) year terms, provided that of the first five (5) regular members appointed, one (1) shall serve one (1) year, two (2) shall serve for two (2) years, and two (2) shall serve for three (3) years. Associate members shall serve for three (3) years.

(b) Appointments shall be made by a committee consisting of the Moderator, the Chairman of the Board of Selectmen, and the Chairman of the Advisory Committee.

(c) The Building Inspector shall be an ex-officio member of the Design Review Board. Other members shall include, where possible, in order of preference, a registered architect, a landscape architect, a designee of the Planning Board, a craftsman, and one or more of the following: a nominee of any of the local historical societies, a building contractor, a lawyer, or a licensed real estate broker.

(d) The Board shall keep records of its proceedings and exhibits, together with its recommendations and the reasons therefor, in a file open to the public.

(e) The Design Review Board, when requested, shall assist Town boards, departments and commissions in the review of plans, applications, or other matters relating to structures other than single-family dwellings. They shall submit written advisory reports to the requesting board, department, or commission within twenty-one (21) days after receipt of the request for review. Review may include, but is not limited to, landscaping, external appearance, and location and scale of structures relative to site.

(f) All recommendations and reports of the Design Review Board shall have the concurrence of at least three (3) members and shall be advisory only.

## **SECTION 12. GOVERNMENT ISLAND ADVISORY COMMITTEE** Revised 1/16/01

(a) The Government Island Advisory Committee shall consist of seven (7) members, one (1) of whom shall be the Harbor Master. Each of the other members shall be appointed by the Selectmen for a three (3) year term, with two (2) members appointed each year.

(b) The Government Island Advisory Committee shall keep the Selectmen and the Town Manager advised of the condition of Government Island for the recreational use of Cohasset residents.

(c) The Government Island Advisory Committee shall make suggestions to the Board of Selectmen and the Town Manager regarding the maintenance and improvement of Government Island and shall propose any capital expenditures necessary for maintenance and improvement of Government Island.

(d) The Government Island Advisory Committee shall report annually to the Board of Selectmen, as well as, provide the Board with copies of its meeting minutes.

### **SECTION 13. COMMITTEE TO SURVEY STRUCTURE & FUNCTION OF TOWN GOVERNMENT**

(a) The Committee to Survey Structure and Functions of Town Government shall consist of seven (7) members appointed for three (3) year terms, provided that the first two (2) initial appointees shall serve one (1) year, the third and fourth initial appointees shall serve two (2) years, and the fifth, sixth, and seventh appointees shall serve three (3) years. No member may serve more than two (2) consecutive three (3) year terms.

(b) Appointments shall be made by a committee consisting of the Moderator, the Chairman of the Board of Selectmen, and the Chairman of the Advisory Committee.

(c) This Committee shall survey the structure of Town government and the functions of the various officers, departments, and boards, and shall report from time to time in writing at Annual or Special Town Meetings its conclusions and recommendations for action.

### **SECTION 14. DRAINAGE COMMITTEE**

(a) The Drainage Committee shall consist of five (5) members, each appointed for a three (3) year term, with two (2) members appointed for each of two (2) successive years and one (1) member appointed the following year.

(b) Appointments shall be made by a committee consisting of the Moderator, the Chairman of the Board of Selectmen, and the Chairman of the Advisory Committee.

(c) The Drainage Committee shall establish the overall drainage policy and shall review, evaluate, set priorities, and make recommendations to the Town on all matters relating to new drainage construction or reconstruction.

(d) The Committee may contract with consulting engineers and other specialists on behalf of the Town; the cost of such consultation shall not exceed the appropriation by the Town Meeting for that purpose.

(e) The Committee shall have no jurisdiction over the maintenance and/or repair of drainage facilities nor any authority over matters which are presently the responsibility of the Planning Board, the Conservation Commission, or the Board of Health.

### **SECTION 15. HISTORIC DISTRICT COMMISSION**

The method of appointment, term of office, and powers and duties of the Historic District Commission are set forth in Article XII of these Bylaws.

### **SECTION 16. BYLAW COMMITTEE**

(a) The Bylaw Committee shall consist of five (5) members of whom two (2) permanent members shall be Town Counsel and Town Clerk and three (3) members shall be appointed for three (3) year terms, provided that one (1) of the initial appointees shall serve for one (1) year, another for two (2) years, and the third for three (3) years. At least one (1) appointed member shall be a member of the Massachusetts Bar.

(b) Appointments shall be made by a Committee consisting of the Moderator, the Chairman of the Board of Selectmen, and the Chairman of the Advisory Committee.

(c) The Bylaw Committee shall review any Article proposed in the Warrant for any Annual Town Meeting or Special Town Meeting which involves a change in or an addition to the Bylaws of the Town of Cohasset. If the wording or indexing of the proposed change or addition does not conform to the pattern or style of the present Bylaws, the Committee shall so advise the Selectmen; the Committee shall also recommend appropriate placement of the change or addition within the Bylaws.

(d) When the Town in an Annual Town Meeting or Special Town Meeting has adopted a change in or addition to the Bylaws, the Bylaw Committee shall ensure the change or addition be typed and photocopied in sufficient quantity and inserted in its proper place in each copy of the Bylaws located in the Town Hall or any other public office in the Town and in those copies in the Paul Pratt Memorial Library. The cost of the typing and copying shall be borne by the Town.

**SECTION 17. COMMISSION ON DISABILITIES** Revised 6/10/94

- (a) The Commission on Disabilities shall consist of seven (7) members, each to serve for a three (3) year term; provided, however, with respect to the initial appointees, three (3) members shall be appointed for a one (1) year term, two (2) members shall be appointed for a two (2) year term and two (2) members be appointed for a three (3) year term.
- (b) Appointments shall be made by the Board of Selectmen.
- (c) The Commission on Disabilities shall coordinate and carry out programs designed to meet the problems of the disabled in coordination with programs of the Massachusetts Office on Disabilities.
- (d) The Commission on Disabilities shall research local problems of the disabled and shall coordinate the activity of other local groups organized for similar purposes and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets necessary for its work.
- (e) The Commission shall keep records of its meetings and activities and shall file an annual report to be printed in the Town's Annual Report.
- (f) A majority of the members of the Commission shall consist of disabled persons, and one such member may be a member of the immediate family of a disabled person, and one member of the Commission shall be either an elected or appointed official of the Town.
- (g) The Commission may receive gifts of property, both real and personal, in the name of the Town, subject to the approval of the Board of Selectmen, such gifts to be managed and controlled by the Commission for the purposes of this section.

**SECTION 18. COMPUTER ADVISORY COMMITTEE**

- (a) The Computer Advisory Committee shall consist of six (6) persons, three (3) citizens appointed by the Board of Selectmen for two (2) year terms and three (3) ex-officio members, one person designated by the School Committee from the school administrative staff, and two appointed by the Board of Selectmen from the municipal administrative staff. Revised 6/10/94
- (b) The purpose of the committee shall be to maintain a set of hardware and software standards ("Committee Standards") for Town Departments in order to provide for cross-utilization of hardware, common training, and file sharing and to achieve other efficiencies that may be gained by sharing compatible hardware and software
- (c) The Committee shall review proposed departmental purchases of hardware and software to determine if such acquisitions conform to the Committee Standards and are technologically appropriate.
- (d) The Committee shall make recommendations to Town Meeting, the Capital Budget Committee, and the Advisory Committee.
- (e) The Committee shall revise the Committee Standards from time to time to recognize the changing needs of Town departments, and technological advances in the computer field.

**SECTION 19. CIVILIAN DISPATCH COMMITTEE** Adopted 5/5/95

- (a) The Civilian Dispatch Committee shall consist of the Police Chief, the Fire Chief and Town Manager. Revised 6/2/98
- (b) The Civilian Dispatch Committee shall oversee the operation of the Dispatch Center and shall be charged with establishing and maintaining standard operating procedures, departmental rules and regulations, supervising personnel and maintaining adequate staffing and equipment assigned to this function. Revised 1/25/96
- (c) The Committee shall recruit and screen personnel for employment as dispatchers and shall forward recommendations for appointment to the Board of Selectmen.
- (d) The Committee shall annually submit a budget for its operations and capital equipment to the Board of Selectmen and shall be accountable for expenditures thereof.

The Committee shall report annually, or more frequently as deemed necessary, on departmental activities.

**SECTION 20. COMMUNITY PRESERVATION COMMITTEE** Adopted 1/15/02

(a) There is hereby established a Community Preservation Committee which shall be appointed by the Board of Selectmen and shall consist of nine (9) members to be made up as follows:

- One Member shall be a member of the Conservation Commission
- One Member shall be a member of the Historical Commission
- One Member shall be a member of the Planning Board
- One Member shall be a member of the Board of Park Commissioners
- One Member shall be a member of the Housing Authority
- One Member shall be a member of the Open Space Committee
- Three Members shall be citizens of the Town

(b) The members shall be appointed to three (3) year terms, the conclusion of each term being the end of the fiscal year. Initially, three members shall be appointed to three (3) year terms; three members shall be appointed to two (2) year terms; and three members shall be appointed to one (1) year terms; so that three members shall be appointed each fiscal year.

(c) The Community Preservation Committee shall not meet or conduct business without the presence of a quorum, except to adjourn from time to time. A majority of the members of the Committee shall constitute a quorum. The Committee shall approve its actions by a majority vote of those voting and present. The Community Preservation Committee is responsible for evaluating the community preservation needs of the Town of Cohasset and making recommendations to Town Meeting.

(d) Subject to any and all responsibilities set forth in Massachusetts General Laws, Chapter 44B, Sections 5(b)(1) through 5(b)(3)(c), the Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the Board of Selectmen, the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Commission, the Water Commission, the Open Space Committee, and the Housing Authority in conducting such studies. As part of its study, the Committee shall review any current Master Plan or Open Space Plan and hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.

(e) Subject to Massachusetts General Laws, Chapter 44B, Sections 5(b)(2) through 5(b)(3)(c), the Committee shall make recommendations to the Town Meeting for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of open space, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historical resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

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

(g) Subject to the requirement of Massachusetts General Laws, Chapter 44B, Section 5(d), Section 5(e) and Section 6, the Town Meeting may make appropriations from or reservations of Community preservation funds in the amount recommended by the committee or it may reduce or reject a recommended amount. The Committee shall keep a record of its recommendations to

the Town Meeting and the specific action taken on them.

(h) The Committee shall maintain an inventory of all real property interest acquired, disposed of or improved after the Committee's recommendations are acted on by Town Meeting.

## **ARTICLE VI**

### **Municipal Finance**

#### **SECTION 1**

All accounts of the Town shall be audited biennially, either under the supervision of the Director of Accounts, Department of Revenue, in accordance with the provisions of Chapter 44, Section 35, of the Massachusetts General Laws, or by a person chosen by the Selectmen, in accordance with Chapter 44, Section 42, of the Massachusetts General Laws.

Revised 4/6/91

#### **SECTION 2**

Each head of a department, board, or committee authorized to expend money shall furnish the Town Accountant at the close of the fiscal year a list of unpaid bills, indicating the amount due, to whom it is owed, and for what purpose. This information shall be incorporated in the Town Accountant's annual report. Authorization for payment of expenditures from a prior fiscal year which have exceeded the Town's appropriation requires a 4/5 vote at an Annual Town Meeting and a 9/10 vote at a Special Town Meeting.

#### **SECTION 3**

Town Officers, Boards and Committees shall comply with Massachusetts statutes regarding solicitation of bids relating to public works projects, public buildings and municipal contracts including, without limitation: Massachusetts General Law, Chapter 30B; Massachusetts General Law, Chapter 30, Sections 39A through 39M; and Massachusetts General Law, Chapter 149, Sections 44A through 44M.

#### **SECTION 4**

Any officer contracting for work for the Town at a cost in excess of \$2,000 shall require the contractor to furnish a bond to guarantee the faithful performance of the contract, in accordance with Chapter 149, Section 29, of the Massachusetts General Laws.

#### **SECTION 5**

No board, committee, or officer having charge of any work for which partial payment is to be contributed by private citizens shall undertake the work until a sum estimated by the officer, board, or committee as sufficient to cover the portion of the cost chargeable to such private citizens has been deposited with the Town Treasurer-Collector.

#### **SECTION 6**

(i) The Town Accountant shall refuse to authorize payment for purchase of any hardware or software that does not conform to the standards of the Computer Advisory Committee. Revised 6/10/94

(ii) The use of Town-owned computer hardware or software for private, nonwork-related purposes or the use of software not properly licensed shall be a violation of this Bylaw punishable by fine and/or disciplinary action by the appropriate authority.

(iii) The School Department and Paul Pratt Memorial Library are exempt from the provisions of this section except for hardware and software purchased and used for general

(iv) administrative purposes.

## **SECTION 7** Adopted 6/28/05

The Town Director of Finance shall present to the Board of Selectmen on a monthly basis an accurate monthly expense status report of the line items in all town budgets, including month to date, and year to date figures to track the rate of expenditures, together with any encumbrances for which the town is obligated to pay in the future. The Cohasset School Committee shall cause to be prepared on a monthly basis an accurate monthly expense status report of the expenditure items in the school budget, except as may be otherwise be required by law, including month to date, and year to date figures to track the rate of expenditures, together with any encumbrances for which the town is obligated to pay in the future and shall provide a copy thereof to the Director of Finance of the Town. Copies shall be made available to the public at the Town Clerk's office and the Paul Pratt Memorial Library.

## **SECTION 8** Adopted 6/28/05

The Town Director of Finance shall present to the Board of Selectmen on a monthly basis an accurate monthly income and expense status report of the expenditures, direct and indirect in all town revolving and enterprise accounts, including month to date, and year to date figures to track the rate of expenditures. The Cohasset School Committee shall cause to be prepared, on a monthly basis an accurate monthly income and expense status report of the expenditures, direct and indirect in all school revolving and enterprise accounts, including month to date, and year to date figures to track the rate of expenditures, except as may otherwise be required by law, with a copy to the town's Director of Finance. Copies shall be made available to the public at the Town Clerk's office and the Paul Pratt Memorial Library.

# **ARTICLE VII**

## **Safety and Public Order**

### **SECTION 1** Revised 1/25/96

No person, except the Public Works Superintendent or his agents in the lawful performance of their duties, shall make or cause to be made any excavation in a public street or way without first obtaining a written permit from the Board of Selectmen. Any such excavation, and the dirt, gravel, or other material therefrom shall be enclosed by a suitable railing and must be sufficiently lighted during hours of darkness to ensure public safety.

### **SECTION 2**

No person shall obstruct any sidewalk or street or any part thereof by placing thereon building supplies, rubbish, earth from excavations, or any other materials or equipment, without first obtaining a written permit from the Selectmen. The Selectmen may grant such a permit for no longer than ninety (90) days and under such conditions as they may require; such a permit is renewable at the discretion of the Selectmen. Any such obstruction must be enclosed by a suitable railing and must be sufficiently lighted during hours of darkness to ensure public safety. This section shall not apply to brief periods necessary for loading or unloading merchandise.

### **SECTION 3** Revised 1/25/96

Whenever the Public Works Superintendent plans to reconstruct or repair any paved street or way in the Town, he shall give reasonable notice of his intention to municipal departments, to utility companies affected, and to all abutting owners. If any such parties have any work to be done in such a street or way, they shall notify the Public Works Superintendent so that the work can be done before the street or way is resurfaced. After notice has been given and adequate time allowed for the work to be done, no parties shall for the space of one year disturb the repaved surface of the street or way within the area so constructed and repaired except in case of reasonable necessity, as determined by the Selectmen.

**SECTION 4**

Any person wishing to move a building or other object requiring a clearance of more than twenty (20) feet in height or fifteen (15) feet in width through any public street or way in the Town shall obtain a written permit from the Selectmen, and shall be responsible for any costs to the Town incurred by the move.

**SECTION 5**

Any person operating a vehicle from which falls any object of such size or character as to endanger public travel shall be responsible for its immediate removal.

**SECTION 6**

The Selectmen shall have authority to establish rules and regulations for the parking of vehicles on streets or in public parking places owned and maintained by the Town. The Selectmen shall post signs informing the public of the rules and regulations and shall fix penalties for their violation.

**SECTION 7** Revised 6/10/94

No person shall cause or allow the discharge of water, snow, or ice upon a public street, sidewalk, or way in the Town so as to create a hazardous condition.

**SECTION 8**

No person shall coast upon a sled or other vehicle on any of the public streets, ways, or sidewalks of the Town, unless such areas have been designated for this purpose by the Selectmen.

**SECTION 9**

No person shall drive or ride a vehicle of any kind upon any sidewalk in the Town, provided that this shall not affect the right of any person to cross any sidewalk in entering or leaving private premises, nor shall it exclude hand-drawn vehicle, such as children's carriages, invalid chairs, or sleds.

**SECTION 10**

No person shall play any game or throw stones or other missiles in any street or on any sidewalk.

**SECTION 11**

No person shall permit any horse, livestock, or poultry under his care to go upon any sidewalk, graze in any public place, cause damage to property, or interfere with the safety and convenience of any person.

**SECTION 12**

(a) No person shall keep and maintain a dog in the Town of Cohasset unless it is licensed. The license period each year shall be from January 1 to December 31.

(b) The fees for the licensing of dogs will be \$6 for spayed females and neutered males and \$10 for unspayed females and unneutered males until December 31, 1989; and thereafter the annual fees for licensing of dogs will be \$8 for spayed females and neutered males and \$15 for unspayed females and unneutered males.

(c) Any individual who has not licensed his or her dog by May 1, in any year, shall pay an additional late fee of \$25.

(d) The fee for licensing of kennels will be as follows:

<u>Number of Dogs</u>	<u>Fees</u>
1-3	\$ 45
4-9	90
10 or more	135

(e) The Animal Control Officer, upon apprehending any dog, shall make a complete registry, entering the breed, color and sex of such dog, its license number, and the name and address of the owner, if known.

(f) No person shall keep a dog which, by biting, barking or any other activity disturbs the peace and quiet of any neighborhood or endangers the safety of any person. Any owner or keeper of a dog who shall permit

such dog to be in any street or public place without either being effectively restrained by chain or leash under the direct and positive control of such owner, keeper, or other person or attended by a person exercising control, or who shall permit such dog to run upon property of another without express permission of the owner or occupant of such property may be punished by a fine as provided in this Bylaw, <sup>Revised 7/27/90</sup>

(g) Violations of this section of the Bylaw will result in the following penalties:

First violation \$25

Second violation 35

Third and subsequent violations 50

(h) The fine for failure to vaccinate for rabies will be \$50.

(i) If an owner of an impounded dog is known, such owner shall be given notice of the impounding within twenty-four (24) hours thereof. Such owner may reclaim the dog upon payment of \$15 for the first reclaiming in any calendar year; \$20 for the second reclaiming in any calendar year; and \$30 for the third and each subsequent reclaiming in any calendar year, together with the license fee, if unpaid and the reasonable costs incurred by the Town for impounding and maintaining the dog. The boarding fee for impounded dogs shall be the current rate then charged by the boarding kennel.

(j) Disposition of dogs not reclaimed shall be in accordance with the laws of the Commonwealth of Massachusetts.

(k) Licenses will be issued at the Town Clerk's office. Proof of rabies vaccination and spaying or neutering certificates are required to obtain a license. Dogs must be licensed at the age of six months or older or within thirty (30) days of the date on which the owner of the dog becomes a resident; whichever event shall first occur.

(l) Wildlife shall be removed from public or private property at the discretion of the Animal Control Officer and a service fee shall be charged accordingly.

(m) All animal bites shall be reported immediately to the Animal Control Officer.

### **SECTION 13**

No unauthorized person shall tamper with apparatus, machinery, or equipment belonging to the fire department, or with any signal boxes, wires, poles, or other article connected with the fire alarm system, except to ring an alarm in case of fire or other emergency.

### **SECTION 14**

No person shall remain upon a sidewalk in such a manner as to obstruct the free passage of foot travelers.

### **SECTION 15**

No person shall consume an alcoholic beverage, as defined in Chapter 138 of the Massachusetts General Laws, or have in his possession any such beverage with the intention of consuming it in a public place or a place to which the public has a right of access, or on private property without the owner's consent. Alcoholic beverages being used in violation of this Bylaw shall be seized and safely held until final adjudication of the charge against the person arrested or summoned before a court, at which time they shall be restored to the person entitled to lawful possession. Any person convicted under this Bylaw shall be fined a sum not exceeding fifty (\$50) dollars for each offense.

### **SECTION 16**

No person shall stand on any public street, sidewalk, or way for the purpose of hawking or selling any article, or for singing or playing any musical instrument for remuneration, without first obtaining a license from the Board of Selectmen, subject to whatever restrictions they deem necessary.

### **SECTION 16A: DOOR-TO-DOOR SOLICITATION** <sup>Adopted 7/27/07</sup>

(a) License Requirement

It shall be unlawful for any solicitor as defined in this Bylaw to engage in such business within the Town without first obtaining a license therefor in compliance with the provisions of this Bylaw. The provisions of this Bylaw shall not apply to any person exempted under Chapters 100 or 101 of the Massachusetts General Laws.

(b) Definitions

“Solicitor”: Any person who, for himself/herself, or for any other person, firm, organization, entity, or corporation, travels by foot, automobile, or any other type of conveyance from place to place, from house to house, or from street to street, for the purpose of:

(i) taking or attempting to lease or take orders for sales of goods, wares, merchandise, or services, including without limitation 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 services to be performed in the future whether or not such person has, carries, or exposes for sale a sample of the subject of such sale or whether such person is collecting advance payment on such sale, or

(ii) soliciting contributions for or donations to any charitable or non-profit organization and who receives any wage, salary, percentage of contribution or donation, or other remuneration with respect to such activities.

“Licensee”: Any solicitor who has been issued a license in accordance with the provisions of this Bylaw.

(c) Application

Applicants for a license shall file with the Cohasset Chief of Police, on a form issued by the Police Department, a written application signed under penalties of perjury, containing but not limited to the following information:

(i) Name of applicant;

(ii) Address of applicant (local and permanent home address);

(iii) Applicant’s date of birth, height, weight, eye and hair color;

(iv) Applicant’s social security number;

(v) The length of time for which a license to solicit and/or canvass is desired and the dates, times, and locations where solicitation or canvassing activities are intended;

(vi) A brief description of the nature and purposes of the intended solicitation including but not limited to the type of business and goods to be sold;

(vii) The name and address of the applicant’s employer. If the applicant is self-employed, such application shall disclose whether the applicant receives any wage, salary, percentage of contribution or donation, or any other remuneration for solicitation activities, and shall identify by name and address the entity, organization, or person from whom the applicant receives such remuneration;

(viii) A recent photograph of the applicant. The picture shall be supplied by the applicant and measure 2”X2”, showing the head and shoulders of the applicant in a clear and distinguishable manner;

(ix) If using a motor vehicle, the year, make, model, color, vehicle identification number, registration number, state of registration, and vehicle owner’s name and address;

At the time of filing the application, each applicant shall pay a fee of twenty-five dollars (\$25).

(d) Investigation: Public Hearing and Issuance of License

Upon receipt of the application, the Chief of Police or his designee shall investigate whether the applicant has a criminal record or has been assessed regulatory fines, penalties, or other administrative action for past soliciting activities. After an investigation, but no later than seven (7) business days after the filing of the application, the Chief of Police shall endorse on such application his approval or disapproval. Failure of the Police Chief to act on said application within seven (7) business days of the applicant’s filing shall constitute an approval.

If disapproved, the applicant shall have the right to appeal to the Board of Selectmen upon the filing of a request in writing with the Board of Selectmen no later than seven (7) business days from issuance of the denial by the Chief of Police. The Board of Selectmen must act upon the appeal at one of its next two regularly scheduled meetings.

Failure to act shall constitute an approval of the application. If the applicant is aggrieved by the decision of the Board of Selectmen, the applicant may appeal to the Superior Court pursuant to MGL Chapter 249, section 4.

Such license when issued shall contain the signature of the Police Chief or the Board of Selectmen and shall show the name and address of the licensee, a recent photograph of the licensee, the date of issuance, an expiration date, and the license number.

(e) Licenses and Exemptions

(i) Each solicitor is required to possess an individual license. Solicitors, when engaged in the activities described in sec. 16(b), above must display the identifying badge issued by the Police Department. The badge shall be worn on an outer garment or otherwise prominently displayed so as to be easily readable by any person facing said solicitor.

(ii) Any solicitor representing any charitable, civic, or political cause or purpose who receives any wage, salary, percentage of donation or contribution, or other remuneration, shall inform each person being solicited that the solicitation is a "paid solicitation." Any such solicitor's license shall display prominently the words "Paid Solicitor."

(iii) No license shall be transferred.

(iv) No license shall be required for officers or employees of the Town, County, State, or Federal Government when on official business. No license shall be required for minors under the age of eighteen unless in connection with a commercial activity. No license shall be required for any candidate for public office or any person representing a candidate for public office, nor shall a license be required for any person soliciting support for or membership in any cause, political purpose or organization, or religious organization. No license shall be required for any person soliciting for any charitable or non-profit organization unless such person meets the criteria set forth in section 16(b)(ii) above.

(v) As a condition of the license, each licensee is required to report to the Cohasset Chief of Police changes to the licensee's address or vehicle information whenever these occur but no later than the day on which the licensee intends to engage in solicitation.

(f) Revocation of License

The Chief of Police and the Board of Selectmen are hereby vested with jurisdiction over the revocation of licenses. A license issued under this Bylaw may be revoked where there is a reasonable basis for concluding that the licensee has violated any of the provisions of this Bylaw, has made a false or misleading statement in the application, has violated any other local, state, or federal law or regulation, or has engaged in conduct which presents a danger to members of the public. Any person aggrieved by revocation may request a hearing before the Board of Selectmen, which request must be made in writing no later than seven (7) business days from issuance of notice of revocation. A hearing shall be scheduled for one of the next two regularly scheduled meetings of the Board of Selectmen. Any person aggrieved by a decision of the Board of the Selectmen may appeal to the Superior Court pursuant to MGL Chapter 249, section 4.

(g) Expiration of a License

Each license issued under the provisions of this section shall continue in force for a period determined by the Chief of Police, not to exceed one year, unless sooner revoked.

(h) Renewal of License

A license issued under the provision of this section may be renewed by the Chief of Police upon request by the applicant. An applicant requesting a renewal of a license must apply in person for such license renewal, must provide such information as required by Section 16(c) to obtain the initial license, and must pay a fee of twenty-five dollars (\$25).

(i) Misrepresentation

No licensee, and no person exempted from license, may misrepresent in any manner the buyer's right to cancel as provided for in Chapters 93, 93A, and 255 of the Massachusetts General Laws. No licensee, and no person

exempted from license, may use any play, scheme, or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office, or other establishment for the purpose of making a sale of goods or services or obtaining donations or contributions.

(j) Trespassing

It shall be unlawful for any licensee or person exempted from license to enter the premises of a person who has displayed a "no trespassing" or "no soliciting" sign or poster. It shall be unlawful for licensees or persons exempted from license to ignore a person's "no solicitation" directive or to remain on private property after its owner or occupant has indicated that the solicitor is not welcome.

(k) Penalty

Any person violating any provision of this section shall be subject to loss of the solicitation license and may be arrested without a warrant, and upon conviction be punished by a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for each and every offense

**SECTION 17**

No person shall engage in the business of collecting or purchasing junk, scrap metals, or second-hand articles in the Town without a license from the Board of Selectmen.

**SECTION 18**

No person shall deal in or keep a shop for the purchase, sale, or barter of junk, scrap metal, or second-hand articles, nor shall any person use any building, enclosure, or other structure for the storage, sale, or keeping of rags, waste paper stock, or other flammable material without a license from the Board of Selectmen.

**SECTION 19**

No person shall dispose of rubbish, filth, or litter of any kind on any street, sidewalk, or other publicly owned area in the Town, with the exception of the Town Disposal Area.

**SECTION 20**

No person shall affix or attach any poster, handbill, notice or advertisement by any means, including painting or drawing, upon any fence, tree, post, building, or other structure within the Town, without the express consent of the owner.

**SECTION 21**

No person shall swim or appear in public view in the Town without wearing proper apparel.

**SECTION 22**

No person shall leap, jump, or dive from Cunningham's Bridge on Atlantic Avenue, Mill Bridge on Border Street, or Cat Dam Bridge on Nichols Road. The Selectmen shall post signs informing the public of this restriction.

**SECTION 23**

No person, except an officer of the law in the performance of his duties, shall enter upon the premises of another or upon any public property for the purpose of looking or peeping into windows of a house or other building or of spying in any manner upon any person therein.

**SECTION 24**

Hunting and the discharge of firearms, air rifles, and pellet guns are prohibited within all of that part of the Town bounded and described as follows:

Westerly: By South Main Street;

Northerly: By Elm Street and a portion of Cohasset Harbor;

Easterly: By portions of Cohasset Harbor and Gulf River;

Southerly: By the Scituate Town Line;

all of which area is delineated in red ink on a copy of the Cohasset Zoning District maps filed with the office of the Town Clerk. 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. This Bylaw shall not apply to hunting or the discharge of firearms by any person on land owned or legally occupied by such person subject to the provisions of existing laws.

## SECTION 25

Any person operating a vehicle used for the conveyance of persons for hire within the Town shall be licensed by the Selectmen and shall be governed by the provisions of Chapter 40, Section 22, of the Massachusetts General Laws.

## SECTION 26

(a) The use of Sandy Beach Parking lot off Atlantic Avenue shall be limited to vehicles having properly displayed Facility Permits or Sandy Beach Association Parking Permits. Facility Permits shall be issued to vehicle owners who are residents or summer residents of the Town or who own real estate within the Town. Sandy Beach Association Parking Permits shall be issued to subscribers to the Sandy Beach Association.

b) Facility Permits, Sandy Beach Association Parking Permits, and Government Island Parking Permits shall be issued under the direction of the Town Clerk. Revised 5/5/95

(c) (i) Parking permits for residents shall be valid for the following areas: Sandy Beach parking lot, Government Island, Edwin A. Young parking lot and the Town parking lot on Parker Avenue. Sandy Beach Association parking permits shall be valid only for Sandy Beach parking lot. Non-resident Government Island parking permits shall be valid only for Government Island parking areas, Revised 3/27/93 & 6/10/94

(ii) Notwithstanding any other provisions of this Section 26 to the contrary, parking permits shall not be required for vehicles parking in the Edwin A. Young Parking Area on Government Island during events at the Cohasset Lightkeepers House nor by licensed vendors at Sandy Beach while transacting business in the beach parking lot.

(d) All Parking Facility Permits, Sandy Beach Association Parking Permits, and Government Island Parking Permits shall expire on the date established by the Board of Selectmen. Revised 5/5/95 & 8/17/01

(e) The Board of Selectmen shall set the opening and closing hours for the Sandy Beach Parking Lot. Revised 10/25/93

(f) No person shall discard any glass, metal cans, rubbish, filth, or sharp objects of any kind upon any of the parking areas or commit any nuisance thereon.

(g) The Board of Selectmen shall establish rules and regulations for the Sandy Beach Parking Lot and Government Island Parking Lot, pursuant to Chapter 40, Section 22, of the Massachusetts General Laws and shall post signs containing the provisions of these regulations near all entrances to the Sandy Beach and Government Island Parking Lots.

(h) The Board of Selectmen shall review the rules and regulations on an annual basis and shall consider recommendations made by the Recreation Commission. The rules and regulations shall be filed with the Town Clerk each year, as provided for in Chapter 40, Section 33, of the Massachusetts General Laws.

**SECTION 27. BURGLAR ALARM SYSTEM REGULATIONS** Revised 7/17/00

(a) Definitions.

For the purpose of this section, the following terms, phrases, words and their definitions shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(i) Burglar Alarm System

The term "Burglar Alarm System" means an assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a 110-volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which Police are expected to respond. Fire alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an Unauthorized intrusion into a premise or an attempted robbery at a premises are specifically excluded from the provisions of this section. The provisions of subsection(b) of this section shall apply to all users.

(ii) False Alarm

The term "False Alarm" means

(aa) the activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or his employees or agents;

(bb) any signal or oral communication transmitted to the Police Department requesting or requiring or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusion, robbery or burglary, or attempt thereat. For the purpose of this definition, activation of alarm systems by act of God, included but not limited to power outages, hurricanes, tornadoes, earthquakes, and similar weather or atmospheric disturbances shall not be deemed to be false alarms.

(iii) Direct Communication

The term "Direct Communication" means an alarm system which has the capability of transmitting system signals directly to an appropriate receiver within the Cohasset Police Station. Revised 4/6 92

(iv) Interconnect

The term "Interconnect" means to connect an alarm system to a voicegrade telephone line, either directly or through a mechanical device for the purpose of using the telephone line to transmit an emergency message indicating the activation of the alarm system. Revised 4/6/92

(v) Public Nuisance

The term "Public Nuisance" means anything which annoys, injures or endangers the comfort, repose. health or safety of any persons or of any community or neighborhood.

(b) Administrative Provisions

(i) The Chief of Police, with the approval of the Selectmen, may promulgate such rules as may be necessary for the implementation of this section.

(ii) Automatic Dialing Devices – Intercommunication

(aa) No automatic dialing device shall be interconnected to any telephone numbers at the Police Department after the effective date of this section.

(bb) All automatic dialing devices interconnected to Police Department telephone lines shall be disconnected The user of each device shall be responsible for having the device disconnected upon notification by the Chief of Police.

(iii) Automatic Dialing Devices - Intermediary Services. Any person using an automatic dialing device may have the device interfaced through existing telephone lines to an appropriately equipped transfer station for transmission to the Police Department. Transfer is to be facilitated through:

(aa) private answering service

(bb) Privately owned or operated facility or terminal.

(iv) Direct Connections to Police Department

(aa) All alarms shall be subject to authorization by the Chief of Police prior to being connected to the Cohasset Police Station.

(bb) The Chief of Police shall have the authority to request proposals and bids from alarm companies in order to furnish at no cost to the Town a communications console and the necessary lines of communications which are compatible with the receipt of alarm signals. Each of the bids shall set forth the annual fee each alarm user will be required to pay the alarm company for services rendered, except that no fee shall be assessed to the Town of Cohasset for any alarms or connections to the console from properties owned by the Town of Cohasset. Such services shall be set forth in the form of a written contract between the alarm company and each alarm user.

The provisions of this paragraph (bb) relate solely to the aforementioned communications console, connections by the alarm user, and fees and charges related to the installation and maintenance of the console. Any alarm user has the right to contact any alarm company of his choice for the sale, installation, maintenance, and/or service of the alarm system to be installed on his premises.

(v) Control and Curtailment of Signals Emitted by Alarm Systems.

(aa) Every alarm user shall submit to the Chief of Police the names and telephone numbers of at least two (2) other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed. It shall be incumbent upon the owner of said premises to immediately notify the Cohasset Police Department of any changes in the list of authorized persons or employees so named in the alarm listing.

(bb) All alarm systems installed after the effective date of this Bylaw which use an audible horn or bell, shall be equipped with a device that will shut off such horn or bell within ten (10) minutes after activation of the alarm system. All existing alarm systems in use within the Town of Cohasset shall be required to install an appropriate shut-off device and otherwise comply with the provisions of this section.

(cc) Any alarm system emitting a continuous and uninterrupted signal for more than ten (10) minutes, which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph (aa) of this section and which disturbs the peace, comfort or repose of the community, or a neighborhood where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor to contact the alarm user, or member of the alarm user's family, or those persons designated by the alarm user under paragraph (aa) of this section in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

(dd) No alarm system which is designed to transmit emergency messages or signals of intrusion to the Police Department shall be tested until the police dispatcher has been notified. Unauthorized tests will constitute a False Alarm.

(vi) Penalties

(aa) The user shall be assessed twenty-five (\$25) dollars as a false alarm service fee for each false alarm in excess of three (3) occurring within a calendar year. The Police Chief shall notify the alarm user by Certified Mail or by Service in Hand by a Police Officer of such violation and said user shall submit payment within thirty (30) days of said notice to the Treasurer-Collector for deposit into the General Fund.

(bb) Failure to remove an "Interconnecting System" within thirty (30) days of notice shall constitute a violation punishable by a fine of fifty (\$50) dollars.

(cc) Interconnection of an Automatic Dialing Device to any Police Department telephone shall constitute a violation punishable by a fine of fifty (50) dollars.

(dd) Failure to establish and maintain an emergency list of at least two (2) persons or employees suitable for notification shall constitute a violation punishable by a fine of fifty (\$50) dollars.

(ee) Failure to comply with the penalties established in this section may result in a written order from the Chief of Police causing all connections to the user's alarm to be removed from the Cohasset Police Department.

## **SECTION 27A. FIRE ALARM SYSTEM REGULATIONS** Adopted 7/17/00

### **SECTION 1. DEFINITIONS**

For the purpose of this section, the following terms, phrases, words and their definitions shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular include the plural number. The word "shall" is always mandatory and not merely directory.

(i) Alarm System. The term "Alarm System" means either a "Fire Alarm System" or "Other Alarm System" as described below:

(a) Fire Alarm System. The term "Fire Alarm System" means an assembly of equipment and devices or a single device such as a single station unit which plugs directly into an electrical connection, or a device which has its own battery power, arranged to signal the presence of Fire, Heat, Smoke or other hazard requiring urgent attention and to which the Fire Department is expected to respond. Burglar alarm systems and alarm systems which monitor movement, vibration or unauthorized intrusion into a premises are specifically excluded from the provisions of this section.

(b) Other Alarm Systems. The term "Other Alarm System" means an assembly of equipment and devices or a single device such as a single station unit which plugs directly into an electrical connection, or a device arranged to signal the presence of a hazard or hazardous situation requiring urgent attention and to which the Fire Department is expected to respond. Other alarm systems may include, but are not restricted to, a system which is designed to detect the presence of a hazardous, flammable, explosive, toxic, corrosive or otherwise harmful gas, liquid or solid. Burglar alarm systems and alarm systems which monitor movement, vibration or unauthorized intrusion into a premises are specifically excluded from the provisions of this section.

(ii) False Alarm. The term "False Alarm" means:

(a) The activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or his employees or agents.

(b) Any signal or oral communication transmitted to the Fire Department requesting or requiring or resulting in a response on the part of the Fire Department when in fact there has been no activation due to the presence of Fire, Heat, Smoke, or other hazardous condition.

(c) For the purpose of either (a) or (b) above, activation of alarm systems due to an act of God, including, but not limited to, power outages, hurricanes, tornadoes, earthquakes, and similar weather or atmospheric disturbances shall not be deemed to be false alarms.

### **SECTION 2. CONTROL AND CURTAILMENT OF SIGNAL EMITTED BY FIRE OR HAZARD ALARM SYSTEMS**

(i) Every alarm user shall submit to the Chief of the Fire Department the names and telephone numbers of at least two (2) other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the Alarm System is installed. It shall be incumbent upon the owner of said premises to immediately notify the Cohasset Fire Department if any changes in the list of authorized persons or employees so named in the alarm listing.

(ii) In order to protect against the situation where an alarm user or his designee is unable to respond to open the premises for investigation and abate the signal or noise emitted by the alarm system, the Cohasset Fire Department shall be issued a key and detailed instructions in order to enter and reset or discontinue the audible or visual alarm(s). The owner or his designee shall be responsible for providing security, if necessary, in the event that the Alarm System cannot be properly reset and placed back in service.

(iii) No Alarm System which is designed to transmit emergency messages or signals of fire or other hazards to the Cohasset Fire Department shall be tested or taken out of service for maintenance, alteration, or repair

unless the Fire/Police Dispatcher has been notified. Unauthorized tests or activations due to failure of the owner or his agents to comply with the specifications of this section shall constitute a False Alarm.

### **SECTION 3. PENALTIES**

(i) The user shall be assessed two hundred fifty (\$250.00) dollars as a False Alarm Service Fee for each False Alarm in excess of three (3) occurring within a calendar year. The Chief of the Fire Department shall notify the alarm user by certified mail of such violation and said user shall submit payment within thirty (30) days of said notice to the Cohasset Fire Department for deposit into the General Fund.

(ii) Failure to establish and maintain an emergency list of at least two (2) persons or employees suitable for notification shall constitute a violation punishable by a fine of fifty (\$50.00) dollars.

(iii) Failure to comply with the penalties established in this section may result in a written order from the Chief of the Fire Department causing all connection to the user's Alarm System to be removed from the Cohasset Fire Department.

### **SECTION 28**

All buildings or structures occupied in whole or in part for residential purposes shall, upon the sale or transfer of such building or structure, be equipped by the seller with an approved street number. Number(s) shall be posted at the main entrance of such building or structure. The number for any building or structure located farther than one hundred (100) feet from the street serving the building or structure shall be displayed not more than ten (10) feet from the driveway entrance leading to such building or structure. Numbers shall not be less than four (4) inches in height.

### **SECTION 29**

(a) Any person or body that has lawful control over a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping malls, theatres, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings or for any other place where the public has a right of access as invitees or licensees, shall reserve parking space in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person which vehicle bears the distinguishing license plate authorized by Section 2 of Chapter 90 of the Massachusetts General Laws, according to the formula set forth below:

If the number of parking spaces in any such area is more than fifteen (15) but not more than twenty-five (25), one(1) parking space; more than twenty-five (25) but not more than forty (40), five percent (5%) of such spaces but not less than two (2); more than forty (40) but not more than one hundred (100), four percent (4%) of such spaces but not less than three (3); more than one hundred (100) but not more than two hundred (200), three percent (3%) of such spaces but not less than four (4); more than two hundred (200) but not more than five hundred (500), two percent (2%) of such spaces but not less than six (6); more than five hundred (500) but not more than one thousand (1,000), one and one-half percent (1.5%) of such spaces but not less than ten (10); more than one thousand (1,000), but not more than two thousand (2,000), one percent (1%) of such spaces but not less than fifteen (15); more than two thousand (2,000) but not more than five thousand (5,000), three fourth of one percent (0.75%) of such spaces but not less than twenty (20); and more than five thousand (5,000), one-half of one percent (0.5%) of such spaces but not less than thirty (30). Revised 4/6/91

(b) No person or body shall leave an unauthorized vehicle within a parking space designated as reserved for vehicles owned and operated by disabled veterans or handicapped persons as authorized in subparagraph (a) of this section or in such manner as to obstruct a curb ramp designated for use by disabled veterans or handicapped persons as means of ingress or egress to a street or public way. The penalty for violation shall be as follows: fifteen (\$15) dollars; for the second offense twenty-five (\$25 00) dollars; and for each subsequent offense the vehicle may be removed in accordance with the provisions of Chapter 266, Section 120D, of the Massachusetts General Laws.

### **SECTION 30**

(a) No person shall sell at retail between the hours of 11:00 p.m. and 6:00 a.m. any food. The term food as used in this Subsection shall include any article or commodity, however stored or packaged, intended for human consumption, and shall include alcoholic beverages to be consumed off the premises at which they are sold, unless any other law or permit or license granted to the seller of such beverages shall otherwise provide. This section shall not apply to the sale of food or alcoholic beverages to be consumed on the premises on which they are sold when such sale is by a licensed common victualer primarily engaged in the sale of food to be consumed on such premises. Persons found

guilty of violating this Subsection shall pay a fine of fifty (\$50) dollars. For purpose of this Subsection each separate sale shall be deemed a separate offense. In the event of sale of several items or articles at one time to one customer, only one sale shall be deemed to have taken place. <sup>Revised 3/16/00</sup>

(b) No store or place of business engaged in the retail sale of food shall be open for the transaction of retail business between the hours of 11:00 p.m. and 6:00 a.m. This subsection shall not apply to the sale of food or alcoholic beverages to be consumed on the premises at which they are sold or to be consumed off the premises on which they are sold when such sale is by licensed common victualer primarily engaged in the sale of food to be consumed on such premises. This Subsection (b) shall not be deemed to repeal or replace Subsection (a) of this Section 30, and each subsection shall be deemed separately enforceable. Violators of subsection (b) shall be subject to a fine of fifty (\$50) dollars for each violation. In case of continuing violations every calendar day upon which a store shall remain open shall be deemed a separate offense. <sup>Revised 3/16/00</sup>

(c) No store or place of business shall accept delivery of any item for sale between the hours of 11:00 p.m. and 7:00 a.m. This subsection (c) shall not apply to the sale of food or alcoholic beverages to be consumed on the premises at which they are sold or to be consumed off the premises at which they are sold when such sale is by licensed common victualer primarily engaged in the sale of food to be consumed on such premises. Violators of this Subsection (c) shall be subject to a fine of fifty (\$50) dollars for each violation. For purposes of this Subsection (c) each separate delivery shall be deemed a separate offense. In the event of delivery of several items or articles at one time by one deliverer, only one delivery shall be deemed to have taken place. An adjudication that Subsection (a),(b), or(c) of this Section 30 or any part of this Section is unconstitutional or invalid shall not operate to effect the constitutionality or validity of the other Subsection or any part thereof which can be given effect without the provision deemed unconstitutional or invalid.

(d) No person shall operate heavy construction equipment between the hours of 11:00 p.m. and 7:00 a.m. This provision shall not apply to the operation of snow removal by the Town or private contractor or to the operation of equipment by the Town, any utility company or private contractor operating for the protection of the public health or the public safety or the operation of trash removal vehicles pursuant to Chapter 11, Section 31A of the General Laws, in business, commercial and industrial zones. <sup>Revised 7/17/00</sup>

### **SECTION 31** <sup>Revised 7/22/97</sup>

All persons using the Town Recycling Transfer Facility located on Cedar Street shall be required to recycle all materials designated as recyclable materials in rules and regulations issued by vote of the Board of Selectmen; and further the Board of Selectmen is authorized to promulgate rules and regulations in connection with the management and administration of the mandatory recycling program and the Recycling and Transfer Station, to take effect on such date as determined by the Board of Selectmen. <sup>Revised 6/2/98</sup>

All persons who collect solid waste or other discarded material for hire from residences, businesses, or any address in the Town of Cohasset shall be required to recycle all materials designated as recyclable by vote of the Board of Selectmen; and, further, the Board of Selectmen is authorized to promulgate rules and regulations in connection with the management and administration of the mandatory recycling program for private haulers, to take effect on such date as determined by the Board of Selectmen. <sup>Revised 7/17/00</sup>

### **SECTION 32**

Jet skis, surf jets and water bikes shall not be operated at a speed in excess of twelve (12) miles per hour while in the confines of Little Harbor. <sup>Adopted 8/30/89</sup>

### **SECTION 33. SMOKING BYLAW** <sup>Revised 6/06/03</sup>

(a) No person shall smoke in any Public Place or Workplace.

(b) For the purpose of this Section, the following terms, phrases, words and their definitions shall have the meaning given herein:

i. Bar. An area within a food service establishment which is devoted primarily to serving alcoholic beverages for consumption by guests on the premises and in which the consumption of food is only incidental to the consumption of such beverages.

ii. Employee. The word employee means any individual, who performs services for an employee in return for wages or profit.

iii. Employer. The word employer means any individual, partnership, association, corporation, trust, or other organized group of individuals, including the Town of Cohasset or any department thereof, which regularly uses the services of two (2) or more employees.

iv. Enclosed. The word enclosed means an area separated from another area by walls and under a roof.

v. Public Place. The words public place means an enclosed, indoor area and outdoor eating areas associated with restaurants when open to and used by the general public, including but not limited to the following facilities: auditoriums; licensed childcare locations; educational facilities; elevators; hotel and motel lobbies; stairwells, halls, entranceways and public restrooms; libraries; municipal buildings; museums; retail stores; restaurants; retail food establishments; sports arenas; theaters; transit facilities; and any other rooms or halls when used for public meetings. A room or hall used for a private social function in which the sponsor of the private function and not the owner, proprietor or person normally in charge, has control over the seating arrangements shall not be construed as a public place.

vi. Restaurant. The word restaurant means any establishment serving food for consumption on the premises, which maintains tables for the use of its customers. This includes, without limitation, cafeterias and cafeterias in the workplace.

vii. Retail Food Establishment. The words retail food establishment means any establishment in which the primary activity is the sale of food items to the public for off – premises consumption, including without limitation, supermarkets and grocery stores.

viii. Retail Store. The words retail store means any establishment selling goods for articles to the public.

ix. Seating Capacity. The words seating capacity means that capacity designated on the occupancy permit of any restaurant, theater or sports arena.

x. Smoking. The word smoking means the lighting of any cigar, cigarette, pipe or other tobacco product or having the possession of any lighted cigar, cigarette, pipe or other tobacco product.

xi. Sports Arena. The words sports arena means any sports pavilion, gymnasium, health spa, boxing arena, swimming pool, roller or ice rink, bowling alley or other place where members of the general public assemble to engage in physical exercise, participate in athletic competition or witness sports events.

xii. Workplace. Workplace means any area within a structure or portion thereof where an employee(s) perform services for their employer; it includes employee lounges, restrooms, conference rooms, hallways, stairways and entranceways within the structure where employees perform services for their employer. It also includes an area outside the structure within 20 feet of any entrance to the structure.

(c) The prohibition against smoking in public places shall apply to the interior of all restaurants, bars and bar areas within restaurants in their entirety.

(d) i. Any person having control of premises upon which smoking is prohibited by this section shall conspicuously display upon the premises an appropriate number of signs reading "Smoking Prohibited by Law."

ii. It shall be unlawful for any person having control of any premises in which smoking is prohibited by this section to knowingly permit, or for its, his, or her agent to knowingly permit a violation of this section.

(e) No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises rights afforded by this section.

(f) The Board of Health may promulgate regulations for the administration of this section of the Bylaws.

## **SECTION 34** Adopted 4/6/92

(a) The owner or operator of a private landfill in the Town shall, as approved by the Board of Health, provide for maintenance of the property, leachate collection, leachate treatment or removal, runoff control, air monitoring, odor control, surface water testing and ground water testing for a period of thirty (30) years following the abandonment or approved closure of said landfill to ensure that said abandoned or closed landfill does not constitute a threat to public health and the environment nor contaminate the air, land or water resources or public health of the Town.

(b) Said owner or operator shall submit a written plan addressing operation maintenance and monitoring for completing said actions and the estimated costs of said actions to the Board of Health no later than one hundred and twenty (120) days following the effective date of this bylaw and on or before January 15 of each year thereafter. Said plan shall not become effective until approved by the Board of Health.

(c) The owner or operator of a private landfill in the Town shall have in force at all times one or more bonds, surety bonds, irrevocable letter of credit, escrow account, or other financial instruments approved by the Board of Health in an amount in total which is sufficient to pay in full the costs as determined by said Board for completing the actions required in paragraph(a) and to absolve the Town of any such financial liability.

(d) Said financial instruments shall be approved by said Board and shall provide that the Board shall be a party or co-obligee to said mechanism or mechanisms to the extent that it shall have the right to obtain, without the consent of the owner or operator, exclusive direction and control over the transfer, use and disbursement of funds from said instruments exclusively for maintenance, leachate collection, leachate removal, air monitoring, surface and ground water testing, or any other costs deemed necessary by the Board to properly regulate said landfill or to protect public health and the environment for a thirty (30) year period following the abandonment or approved closure of said landfill.

(e) Upon failure of said owner or operator to comply with this section or regulations adopted thereto, the Board of Health following a public hearing for which notice has appeared in a newspaper of general circulation in the Town no less than fourteen days prior to said hearing may issue an order for immediate provision of said required financial mechanisms.

(f) The Board of Health is hereby authorized to adopt regulations to implement the provisions of this section. Said regulations shall require said owner or operator to publicly disclose its financial assets.

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

This Section is adopted pursuant to the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the provisions of Section 150A of Chapter 111 of the Massachusetts General Laws, and regulations promulgated thereunder.

## **SECTION 35. UNATTENDED VEHICLES** ADOPTED 5/5/95

(a) It shall be unlawful to obstruct or block a private way with a vehicle or any other means that prevents access by fire apparatus or equipment to any multiple-family building, stores, shopping centers, schools and places of public assembly.

(b) It shall be unlawful to obstruct or park a vehicle in any fire lane. Fire lanes are to be a distance of twelve (12) feet in width from the curbing of a sidewalk in a shopping center, apartment complex and similar locations. Where no sidewalk with curbing exists, the distance and location shall be established by the Chief of the Fire Department or the Planning Board.

(c) Any object or vehicle obstructing or blocking any fire lane or private way may be removed or towed by the Town under the direction of a police officer at the expense of the owner and without liability to the Town.

(d) The owner of record of any land or building affected by this section shall provide and install signs indicating the existence of a fire lane. The sign shall be no less than 12" x 18" and shall read "Fire Lane — No Parking — Tow Zone."

(e) Any person violating any provision of this section shall, for each offense, be punished by a fine of fifteen (\$15.00) dollars. Each day that such violation continues shall constitute a separate offense.

### **SECTION 36. KEY BOXES** Adopted 6/2/98

All businesses in the Town of Cohasset shall provide and install key boxes as determined by the Fire Chief in order to gain access during emergency situations. This bylaw shall affect only new or substantially renovated business (over 50% assessed valuation) as of July 1, 1998.

### **SECTION 37. SOLID WASTE FACILITY PUBLIC PROCESS BYLAW**

(a) Preamble. This Section establishes public participation requirements to improve the public process following the filing of a site assignment application for a new solid waste facility.

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

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

(d) Proposed Solid Waste Facilities – Public Process. This bylaw establishes procedures to require an informational meeting by the Board of Health which is held following the filing of an application for a site assignment for a proposed solid waste facility.

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

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

(iii) At least fourteen (14) days prior to commencement of said informational meeting, the Board of Health shall send notice of said meeting, which shall include a brief description of the project, the date, time and location of the meeting, how residents can participate in the meeting, and where application materials can be reviewed, by first class mail to all residents and landowners located within one mile of the proposed site, including residents and landowners in an abutting town if the proposed site is within one-half mile of that town (an "abutting town").

(iv) At least fourteen (14) days prior to commencement of the informational Board of Health shall forward a copy of the application for site assignment to the Paul Pratt Memorial Library and to the public library in an abutting town, if any, and place a copy on the Internet.

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

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

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

**Severability.**

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

**SECTION 38. UNLAWFUL USE OF PUBLIC RECEPTACLES** Adopted 8/17/01

(a) It shall be unlawful to use any public trash or recycling receptacles outside of the Recycling/Transfer Facility for the disposal of household refuse.

(b) It shall be unlawful for owners or employees of business enterprises or other privately owned establishments to use any public trash or recycling receptacles for the disposal of business refuse or the refuse from such establishments.

(c) It shall be unlawful to use any commercial or municipal disposal dumpster or container belonging to another without the consent of the owner or person with legal authority.

(d) This Section shall be enforced by the Police Officers. Anyone violating this Section shall be subject to fines as follows:

First offense	\$ 25
Second offense	\$ 50
Third or subsequent offense	\$100

**SECTION 39. BAN ON SALE OF MERCURY THERMOMETERS** Adopted 8/17/01

(a) Definitions. The following definitions shall apply in the interpretation and implementation of this section.

“Health care facility” means any hospital, nursing home, skilled nursing facility, extended care facility, long-term care facility, clinic or medical laboratory, state or private health or mental institution, clinic, physician’s office, or health maintenance organization.

“Mercury thermometer” means a product, device, instrument or equipment into which elemental mercury or mercury compounds are intentionally added during its formulation or manufacture and that is used to measure body temperature.

“Manufacturer” means any person, firm, association, partnership, corporation, governmental entity, organization, combination, or joint venture that produces a mercury thermometer. If the mercury thermometer is produced in a foreign country, the manufacturer is the importer or domestic distributor.

(b) Retail Sale Prohibition. It shall be unlawful for any person in the Town of Cohasset to sell or supply, through wholesale, retail, or online retail distribution channels, a mercury thermometer to consumers and patients, except by prescription. No mercury thermometer may be sold through prescription unless the manufacturer thereof shall supply clear instructions in writing to the consumer or patient on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur.

(c) Manufacturing Prohibition. It shall be unlawful for any person to manufacture a mercury thermometer in the Town of Cohasset.

(d) Importation Prohibition. It shall be unlawful for any health care facility to import, purchase, or distribute a mercury thermometer in the Town of Cohasset, except in the case of medical necessity as determined by a licensed physician.

(e) Penalty. Any person who violates this bylaw shall, for each offense, be punished by a fine of not more than \$100.00 per mercury thermometer.

(e) Effective Date. This section shall take effect January 1, 2002.

## **SECTION 40. PUBLICATION OF BUILDING PERMITS ISSUED** Adopted 1/29/04

**Amended 6/23/04**

Each week, the Office of the Building Commissioner shall cause to be published, in a newspaper of general circulation in Cohasset, a list of all Building Permits issued during the previous week, except those issued for interior alterations and re-roofing. The list shall include the name or names of the applicant or applicants, the address of the property, the date the Permit was issued, a brief description of the proposed construction or operations and the statement: "An appeal to the Board of Appeals may be taken by any person aggrieved by an order or decision of the Building Commissioner in violation of any provision of the Zoning Act, Massachusetts General Laws, Chapter 40A, § 1 et seq., or the Town's Zoning Bylaws."

## **SECTION 41. LICENSES AND PERMITS; COLLECTIONS** Adopted 6/23/04

### 1. Procedure

The Town licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on the list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Collector; provided, however, that written notice is given the party and the Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the Town licensing authority shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives certificate issued by the Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as of the day of issuance of said certificate.

### 2. Payment Agreements

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

### 3. Waivers

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL, c. 268A, § 1, in the business or activity in or on said property.

#### 4. Applicability and Exemptions

This article shall apply to all licenses and permits issued by any Town of Cohasset board, commission or officer, including, to the extent allowed by applicable law, building permits, certificates of appropriateness, orders of conditions, septic system permits, sewer permits, zoning variances and special permits, but excluding the following licenses and permits:

- A. All licenses and permits exempted by MGL, c. 40, § 57;
- B. Open Burning, MGL, c. 48, § 13;
- C. Sales of Articles for Charitable Purposes, MGL, c. 101, § 33;
- D. Children Work Permits, MGL, c. 149, § 69;
- E. Clubs, associations dispensing food or beverage licenses, MGL, c. 140, § 21E;
- F. Dog Licenses, MGL, c. 140, § 137;
- G. Fishing, hunting, trapping license, MGL, c. 131, § 12; and
- H. Marriage Licenses, MGL, c. 207, § 28
- I. Firearm License, Massachusetts General Laws c. 140 §31

## **ARTICLE VIII**

### **Cemeteries**

#### **SECTION 1**

The Board of Selectmen shall have jurisdiction over all public cemeteries.

#### **SECTION 2**

The Town will accept and forever hold in trust any money or securities which may hereafter be deposited with the Town Treasurer-Collector for the perpetual care, preservation, or improvement of any public or private burial place, or any lots or graves therein, in conformity with provisions of the Massachusetts General Laws.

#### **SECTION 3**

The Treasurer-Collector is authorized to enter into agreements on behalf of the Town with the holders of burial rights in any lot in the cemeteries of the Town to provide perpetual care for such lot and the structures and the grass thereon.

#### **SECTION 4**

Money and securities received under the provisions of the preceding section shall not be mingled with other money or securities of the Town, but shall be kept and invested separately as a cemetery fund, and unless otherwise specifically provided for in the terms of the gift, the income only shall be used.

## **ARTICLE IX**

### **Harbor**

#### **SECTION 1. DEFINITIONS**

(a) "Boat Owner" shall mean an individual or entity having legal ownership of a boat. Revised 4/6/91

(b) "Cohasset Harbor" consists of the body of water lying inside a straight line projected across the channel from White Head Dolphin at Long's Point to White Rock and shall not include the channel extending seaward beyond that point, but shall specifically include all waters within the Town of Cohasset lying west and south of the Border Street Bridge known as "the Gulf". Revised 7/17/00

(c) "Harbor Master" shall include the Harbor Master, Assistant Harbor Master, and Deputy Harbor Masters, all duly appointed by the Board of Selectmen.

(d) "Boat" shall include every type of watercraft used or capable of being used as a means of transportation on water, other than a seaplane.

(e) "Length of Boat" shall mean the length overall from the fixed most forward point of the boat or its extremities to the point furthest aft, including, without limitation, parts affixed to the boat such as bow pulpits, bowsprits, boomkins, mizzen booms, rudders, swim platforms, and outboard motors in raised position.

(f) "Skin Diver" shall mean a swimmer using fins, masks, snorkel tubes, or self-contained underwater breathing apparatus. ,

(g) "Prudent Seamanship" shall mean having regard for the lives and safety of the public, state of visibility, traffic density, maneuverability of vessels, state of the wind, current, and water and the current Rules of the Road.

(h) "Individual" shall mean natural person.

(i) "Mooring Holder" shall mean an individual or entity holding a valid mooring permit.

(j) "Tender" shall refer to a skiff or dinghy used to transport individuals or property from shore to a boat moored within Cohasset Harbor.

## SECTION 2. MOORINGS

(a) (i) An approved mooring permit(hereinafter "permit") from the Harbor Master is required for installation of mooring tackle for any boat, float, or lobster car/pound within the limits of Cohasset Harbor. The application for a permit shall be that prescribed by the Board of Selectmen on the form entitled "Application for Mooring Location", dated April 1985, as revised from time to time.

(ii) No permit shall be issued to a corporation, trust, partnership, joint venture, or other entity nor shall a permit be held in joint tenancy, tenancy in common, or other form of joint ownership; provided, however, that permits shall continue to be issued from year to year in accordance with all provisions of these Bylaws and regulations promulgated by the Harbor Master to those entities currently holding permits which operate clubs or marine-related businesses adjacent to Cohasset Harbor. Revised 12/11/96

(iii) The Harbor Master shall issue or deny a request for a permit within fifteen(15) days of the date of application. The Harbor Master shall keep accurate records and books and shall issue a signed copy of the "Application for Mooring Location" on file in the office of the Harbor Master for all boat owners with an assigned mooring location.

(iv) The "Application for Mooring Location" shall contain such information as required by the Harbor Master. The Harbor Master shall ensure that a signed copy of the "Application for Mooring Location" is on file in the office of the Harbor Master for all boat owners with an assigned mooring location.

(v) Once issued. no mooring permit shall be renewed unless the boat owner has regularly moored his boat in Cohasset Harbor during the preceding year and has paid an excise tax on his boat to the Town of Cohasset. If the boat owner wishes to remove his boat from Cohasset Harbor for a period of seven (7) days, the Harbor Master must be notified in advance of such removal.

(vi) All mooring tackle shall be constructed in accordance with the "Mooring specifications for Cohasset Harbor," as revised from time to time by the Harbor Master(hereinafter called the "Specifications") and on file with the Harbor Master, and shall not be set or moved without first being inspected by and the move approved by the Harbor Master.

(vii) No boat with a length overall in excess of forty-five (45) feet shall be assigned a mooring location or slip in Cohasset Harbor.

(viii) Mooring locations shall not be sold, bequeathed, transferred, swapped, bartered, rented or leased. In the event of the death of a mooring holder, the Harbor Master shall offer to assign the mooring location to the deceased mooring holder's surviving spouse. The surviving spouse shall have ninety (90) days after receipt of the written offer from the Harbor Master in which to accept, by written response, such assignment. If the assignment is not accepted in writing within such ninety (90) day period, the mooring location shall be reassigned in accordance with

these Bylaws and regulations governing Cohasset Harbor. The Harbor Master shall make the written offer to the surviving spouse as soon as reasonably practicable after learning of the deceased mooring holder's death. Upon the death of the surviving spouse, the mooring location shall revert to the Town of Cohasset.

(ix) No individual or entity may be assigned more than one mooring. The mooring location assigned is restricted to the boat assigned to that location, and no other boat may occupy that location without the permission of the Harbor Master.

(x) A mooring location waiting list shall be maintained by the Harbor Master, using the date on the "Application for Mooring Location" as the basis for position on the list. All persons must reaffirm their position on the waiting list by April 1 of each year with the Harbor Master. If a person fails to reaffirm his or her position on the waiting list by April 1, the Harbor Master shall send such person a notice by certified mail ("Notice") of such failure to reaffirm and thereafter, upon reaffirmation and payment of a fine within fifteen (15) days of the receipt of the Notice, the person shall be entitled to maintain his or her position on the waiting list. A record of the reaffirmation shall be kept on the "Application for Mooring Location" form on file with the Harbor Master. Persons not reaffirming on or before April 1 in each year or within the fifteen (15) day grace period shall be removed from the list. The Selectmen shall from time to time set the fine for failure to reaffirm on the mooring list prior to April 1. Revised 11/16/92

(aa) Those persons or entities holding permits from the Harbor Master to install mooring tackle and moor their boats in Cohasset Harbor shall pay a mooring fee and receive a decal by April 1 of each year. Upon failure to pay the mooring fee, the Harbor Master shall remove the individual's or entity's mooring tackle from the harbor at the expense of the individual or entity failing to pay the mooring fee.

(bb) All persons and entities owning boats, other than unregistered tenders, who have a continuous right to moor such boat at any privately-owned mooring, pier, wharf, or float within the confines of Cohasset Harbor shall pay the current year boat excise and a user's fee as set by the Board of Selectmen from time to time and shall receive a decal by June 1 of each year. Upon failure to pay the user's fee, the Harbor Master shall pursue such remedies as are available under the terms of these Harbor Bylaws and regulations promulgated by the Harbor Master, the General Bylaws of the Town of Cohasset or the laws of the Commonwealth of Massachusetts. Revised 5/5/95

(cc) If a mooring holder ("Holder") fails to pay the mooring fee by April 1 of each year, the Harbor Master shall send the Holder a notice by certified mail ("Notice") of such failure and thereafter upon payment of the mooring fee and a fine within fifteen (15) days of the receipt of such Notice, the Holder shall be entitled to retain the mooring location. In the event the Holder fails to pay the fine and mooring fee within fifteen (15) days of the receipt of the Notice, the Harbor Master shall remove such Holder's mooring tackle from the confines of Cohasset Harbor, and such removal shall be at the expense of the Holder. The Selectmen shall from time to time set the fine for failure to pay the mooring fee on or before April 1. Adopted 11/16/92

(xii) All boats moored or berthed in Cohasset Harbor shall display either a mooring decal or a user's decal on the aft port quarter of the boat to indicate that the appropriate fee has been paid and the boat owner has authorization to place the boat on a particular mooring or be otherwise moored in Cohasset Harbor.

(xiii) The owners of all boats moored or berthed in Cohasset Harbor not displaying either a mooring decal or a user's decal shall, during certain times of the year as prescribed by the Board of Selectmen, pay a temporary per diem fee as set by the Board of Selectmen annually on or before July 1.

(xiv) A boat moored or berthed in violation of this Article of the Bylaws or without permission from the Harbor Master shall be removed from its mooring and stored at the owner's expense. Payment for removal and storage shall be made before the boat is released to the boat owner.

(b) (i) If the Harbor Master determines that the mooring tackle conforms to the specifications, he shall issue a permit and assign a location if one is available. If the Harbor Master determines that the mooring tackle does not conform to the specifications or for other valid reasons deems it improper to issue a mooring permit, he shall refuse to do so.

(ii) The Harbor Master shall promulgate regulations with respect to the care and maintenance of mooring tackle, the temporary assignment of boats to moorings and with regard to such other matters pertaining to the mooring of boats as is consistent with this Bylaw and the authority conferred upon the Harbor Master by the laws of the Commonwealth of Massachusetts.

(c) (i) In the event a boat owner sells or otherwise disposes of the boat described on the "Application for Mooring Location," the boat owner may retain the mooring location for another boat if the following conditions are met:

(aa) The Harbor Master is notified by the boat owner within thirty (30) days of the transaction relating to the sale or other disposition of the boat and of the boat owner's intention to place another boat on the mooring location.

(bb) The boat replacing that described on the original "Application for Mooring Location" must be, in the judgment of the Harbor Master, approximately the same size.

(cc) The boat owner obtains the Harbor Master's approval to place a different boat on the existing mooring location on or before July 31st of the year next after the year of sale or other disposition of the original boat.

(ii) Failure to fulfill the above conditions by the boat owner shall terminate the boat owner's permit, and the mooring location may be reassigned to another boat owner.

### **SECTION 3**

The boat owner or operator thereof shall not permit a boat to be operated at a speed in excess of four (4) nautical miles per hour or cause a disturbing wake and shall use prudent seamanship within the confines of Cohasset Harbor.

### **SECTION 4**

Any person skin diving in Cohasset Harbor shall on each occasion obtain the prior permission of the Harbor Master and shall:

(a) display a diver's flag not less than twelve (12) inches square consisting of a red field and a white diagonal stripe;

(b) display such flag on a float or other similar device upright at a height sufficient to be visible to passing boats;

(c) tow such float and flag with him while he is submerged in the water, except that for commercial purposes, permission in writing may be granted by the Harbor Master to display flags in another manner;

(d) be required to operate only from a boat attended by another person.

### **SECTION 5**

No person shall operate a boat in Cohasset Harbor while towing a water skier, aquaplane, or other similar device except in connection with a water carnival and exhibition authorized by the Selectmen or in an area designated by the Selectmen. No person shall swim or dive from Town or private piers or floats within Cohasset Harbor unless enrolled in an organized instructional program permitted by the Harbor Master. No swimming is permitted near or in a navigational channel, fairway or an area where vessels normally navigate. No person shall operate a boat in Little Harbor while towing a water skier, aquaplane or other similar device except on even-numbered days.

### **SECTION 6**

No person shall discharge, deposit, or throw overboard into the harbor, oil, refuse, bait or any similar type of waste.

### **SECTION 7**

Small sailing classes will be allowed to race within Cohasset Harbor when under the jurisdiction of an authorized committee recognized by the Harbor Master. Such small boats shall respect the maneuvering problem of larger vessels in the harbor and shall be equipped with gunwale guards and shall make every reasonable effort to prevent damage to other boats moored in the Harbor.

### **SECTION 8**

The Harbor Master shall be responsible for Town landings, floats and piers and may promulgate regulations with respect to the use thereof.

## **SECTION 9**

Nothing contained herein shall be held or construed to supersede, conflict, or interfere with, or limit the jurisdiction of the United States Government with respect to the enforcement of the navigation, shipping, anchorage, and associated laws of the United States, or any lawful regulation of any department of the Commonwealth of Massachusetts having jurisdiction over boats, harbors or navigable waters.

## **SECTION 10**

Any violation of the provisions of this Article of the General Bylaws of the Town of Cohasset shall be subject to the penalty set forth in Article I, Section 1(f); and nothing contained herein shall preclude the Harbor Master from seeking other appropriate relief including, without limitation, injunctive relief in the appropriate court having jurisdiction.

# **ARTICLE X**

## **Billboards**

### **SECTION 1**

No person, firm, association, or corporation shall erect, display, or maintain within the limits of the Town a billboard, sign, or other outdoor advertising device, except those accepted by Chapter 93, Sections 30 and 32, of the Massachusetts General Laws, or by additions to, or amendments of said sections.

### **SECTION 2**

(a) This Article shall not apply to signs or other devices erected and maintained in conformity with law which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as "for sale" or "to let" and which contain no other advertising matter. This Article shall not apply to billboards, signs, or other advertising devices legally maintained at the time this Article was originally approved by the Attorney General.

(b) This Article shall not apply to signs used exclusively for municipal, religious or charitable purposes.

### **SECTION 3**

Whoever violates any of the provisions of this Article shall be punished by a fine of not more than one hundred (\$100) dollars and whoever, after conviction of such violation, unlawfully maintains such billboard, sign or other outdoor advertising device for twenty (20) days thereafter shall be subject to a fine of not more than five hundred (\$500) dollars.

# **ARTICLE XI**

## **Personnel Classification and Compensation Plan**

### **SECTION 1. SCOPE OF PLAN**

This Bylaw shall be known as the Personnel Classification and Compensation Plan, which has been adopted pursuant to the provisions of M.G.L. Chapter 41, Section 108A and 108C, and other enabling acts.

The Plan applies to all employees of the Town except:

- (a) those chosen by general election;
- (b) those under the control of the School Committee; and
- (c) those covered by collective bargaining agreement. In addition, the Plan shall not apply to the following positions: Executive Secretary to the Board of Selectmen, Police Chief, Fire Chief, or Town Accountant, except to the extent that contracts with individuals holding these positions may incorporate provisions of this Plan.

### **SECTION 2. ROLE OF PERSONNEL COMMITTEE**

The Personnel Committee is responsible for administering this Personnel Classification and Compensation Plan and may establish procedures as necessary to fulfill this charge. To aid in this function, the Committee shall collect data from

neighboring towns concerning salaries, wages, fringe benefits and personnel policies for positions comparable to those in the Town of Cohasset. The Committee shall make recommendations to the Board of Selectmen as requested on matters pertaining to this Plan.

### **SECTION 3. DEFINITIONS**

(a) "Full-time Employee" is a regular employee who works at least thirty-five (35) hours per week throughout the year.

(b) "Part-time Employee" is a regular employee who works less than thirty-five (35) hours per week throughout the year.

(c) "Temporary Employee" is an employee in a full or part-time position which is not likely to require the services of an incumbent on a year-round basis. Seasonal employees, employees hired for a specific project, and employees hired to serve for an incumbent during an emergency, such as illness, are considered Temporary Employees.

(d) "Probationary Employee" is an employee who has not completed six (6) months of service.

(e) "Regular Employee" is an employee who has completed his probationary period.

(f) "Exempt Employee" is a salaried employee who is employed in an executive, administrative, or professional capacity, and is not generally entitled to overtime pay if he meets the following criteria:

(i) executive - primary duty is to manage a department;

(ii) Administrative - primary duty is office or non-manual work directly related to management policies, or directly assisting an executive; and

(iii) Professional - primary duty requires advanced knowledge acquired by specialized study; work is intellectual, and the result is not standardized.

(g) "Non-exempt Employee" is an employee, whether paid a salary or hourly wage, whose primary duty is not executive, administrative, or professional in nature. A non-exempt employee is entitled to overtime pay under certain conditions (see Section Se of this Bylaw).

(h) "Continuous Employment" is full - or part-time employment which is uninterrupted except for military service, authorized vacation or sick leave, layoff of less than six (6) months, or other leave of absence.

(i) A "Week" for vacation or sick leave accrual is five (5) working days.

### **SECTION 4. CLASSIFICATION PLAN**

(a) Titles and Job Descriptions

The Personnel Committee shall maintain a written job description of all jobs or positions in the Plan, describing the essential characteristics, requirements, and general duties of each position. The job descriptions shall be mutually agreed upon by the Personnel Committee and the department head and or appropriate governing body. The descriptions shall not be interpreted as complete or limiting definitions, but rather serve as a general guideline of the scope and nature of responsibility of the position.

An employee shall be employed and paid according to the job title and position associated with the duties that he actually performs. The job title shall be the official title for all purposes having to do with the position and shall be used to designate the position in all payrolls, budgets, and official reports.

(b) Job Description Review

The Personnel Committee shall periodically, as the need arises, review the duties of all positions subject to the Plan, in order to keep them up to date. The Committee, upon presentation of substantiating data, may tentatively add a new position to the Classification Schedule, or reclassify an existing position to a different grade, subject to subsequent ratification of its action by formal amendment of this Bylaw at Town Meeting. It shall be the responsibility of the department head to notify the Personnel Committee if an employee's duties are substantially changed, in which case the classification shall be reviewed by the Committee.

(c) Concurrent Service/Training Period

The appropriate governing body for a department may hire an employee to serve concurrently with an incumbent in a department head or supervisory position when the incumbent is leaving the service of the Town. The concurrent service is for the purpose of training and shall be limited to a period no longer than thirty (30) days. The new employee shall be considered a probationary employee.

**SECTION 5. COMPENSATION PLAN**

(a) Compensation Review

Whenever the Personnel Committee reviews the wage and salary provisions of this Bylaw, it shall take into account and give such weight as it may deem desirable to the following:

(i) Rates of pay for like positions in other Massachusetts towns considered by the Personnel Committee to be comparable to Cohasset;

(ii) Rates of pay for like jobs (if any) in commercial and business establishments in the area of Cohasset and vicinity; and

(iii) The current level of the Consumer Price Index for the Boston area.

(b) Status of New Employees

All new non-temporary employees of the Town shall be considered to be probationary employees during the first six (6) months of service. At the end of six (6) months, each employee's status will be reviewed by his department head, based on his performance during the first six (6) months, and he will be made a regular employee or leave the service of the Town. If the employee leaves the service at the end of six (6) months, without passing probation, he shall not be entitled to any accrued vacation or personal leave. A probationary employee is entitled to payment for holidays, and may use sick leave as earned.

New employees are normally hired at the minimum rate of pay ("minimum rate rule") unless otherwise authorized by the Personnel Committee. Requests for exception to the minimum rate rule are to be submitted in writing to the Personnel Committee prior to the hiring of the employee to which the request relates. The written request shall set forth reasons for the exception to the minimum rate rule and shall be supported by appropriate documentation. Revised  
4/7/90

(c) Increases Within the Rate Ranges

An increase to the next higher step may be granted to employees in continuous employment as follows:

(i) or new employees - after completion of six (6) months from the date of hire; thereafter, after completion of one (1) year from the most recent previous increase, until the maximum rate of pay for the pay grade is reached.

(ii) Following reclassification or promotion - after completion of one (1) year from the most recent previous increase.

The base date for determining step-rate increases shall be known as the employee's anniversary date. The anniversary date shall be:

(i) the date on which a new employee starts work; or

(ii) thereafter, the date on which an employee's reclassification or promotion takes effect.

Progressions through the rate changes are not mandatory and shall be on the basis of performance and ability as documented in the evaluation form required by the Town's Performance Review Manual and recommended by the department head or supervisor. Both the request and the evaluation form must be submitted to the Personnel Committee. All adjustments shall be approved in advance of the effective date by the Personnel Committee. An employee not receiving a step-rate increase may appeal the decision, using the grievance procedure set forth in Section 8 hereof.

(d) Transfers and Promotions

A non-exempt employee whose position is reclassified, upgraded, or who receives a new promotion, shall receive the rate in the new compensation grade next above his existing rate ("one step rule"). If such new compensation grade results in an increase of compensation of less than five (5%) percent, then the employee shall advance an additional step at the discretion of the Personnel Committee. Requests for exception to the one step rule are to be submitted in writing to the Personnel Committee prior to the reclassification or upgrading of the employee to which the request relates. The written request shall set forth the reasons for the exception to the one step rule and shall be supported by appropriate documentation. Revised 4/7/90

If the reclassification, upgrade or promotion is from a non-exempt position to that of any exempt position, the employee so reclassified, upgraded or promoted shall receive the minimum rate of the new compensation grade ("minimum rate standard"). If such new compensation grade results in an increase in compensation of less than nine (9%) percent, then the employee shall advance an additional step at the discretion of the Personnel Committee. Requests for exception to the minimum rate standard are to be submitted in writing to the Personnel Committee prior to the reclassification, upgrade or promotion of the employee to which the request relates. The written request shall set forth the reasons for the exception to the minimum rate standard and shall be supported by appropriate documentation.

If an employee is transferred to another position in the Town, he shall normally be transferred at the entrance rate of pay. If such a transfer is for the convenience of the Town rather than due to the employee's ability or performance, then he shall be transferred at his existing rate of pay. If his existing rate is above the maximum rate of the new range, it will remain a personal rate until such time as his personal rate is exceeded by the terms of the wage and salary schedule. Once an employee's promotional or transfer rate of pay is set, the Personnel Committee will not entertain requests for retroactively increasing the employee's rate of pay.

(e) Overtime

Payment for overtime shall be in accordance with the terms of the Fair Labor Standards Act of 1938, as amended. If an assignment requires work in excess of forty (40) hours per week, such overtime work must be authorized in advance by the department head.

Non-exempt employees shall be paid one and one-half (1-1/2) times their regular hourly rate for hours worked beyond forty (40) in the work week, Compensatory time may be taken in lieu of overtime pay, at the rate of time and one-half, only by mutual agreement of both employee and supervisor prior to overtime hours being worked. If such agreement is made, then compensatory time should be taken within a reasonable time of being earned. An employee is eligible to be paid for any unused compensatory time upon his termination or retirement. Supervisory, professional, and managerial employees are exempt employees and are not eligible for overtime pay.

(f) Longevity Pay

All regular full-time employees shall receive longevity payments according to the following schedule: Revised 10/28/96 & Revised 3/16/00, Revised 12/06/04

	<u>Length of Service</u>	<u>Annual Amount</u>
5 years		\$350
10 years		\$550
15 years		\$750
20 years		\$950
25 years		\$1050

This amount shall be paid in one lump sum in the first pay period following the anniversary of the employee's date of hire. The date of hire shall be considered the date when the employee began working for the Town at least twenty (20) hours per week on a continuous basis. The years of service shall be calculated from this date of hire.

All regular part-time employees working at least twenty (20) hours per week are entitled to longevity pay according to the above schedule, with the amount of the payment pro-rated to their weekly schedule. Temporary employees, or employees working fewer than twenty (20) hours per week, are not entitled to longevity pay.

(g) Call-Back Pay

If a full-time non-exempt employee is recalled to work from off-duty hours, he will receive a minimum of three (3) hours overtime pay, at the rate of time and one-half.

(h) All employees of the Town subject to this Bylaw shall be compensated according to the official Compensation Plan. Changes in the Compensation Schedule shall take effect on July 1 following their adoption by Town Meeting.

(i) Pay for Temporary Employees .

Temporary Employees shall be hired at the minimum rate of pay for the position unless otherwise authorized in advance by the Personnel Committee.

## **SECTION 6. FRINGE BENEFITS**

(a) Vacation Leave

Full-time employees shall be entitled to paid vacation in accordance with the following schedule: Upon completion of six (6) months of service – one (1) week. From one (1) to four (4) years of service two (2) weeks/year. From five (5) years to nine (9) years of service – three (3) weeks/year. Upon completion of ten (10) years of service – four (4) weeks/year.

An employee shall request vacation leave from his supervisor, giving as much notice as possible.

No employee may take vacation until completing six (6) months of service. Vacation leave is credited monthly beginning in the first month of employment at the rate of one-twelfth (1/12) of the employee's annual entitlement. Vacation entitlement for the first and last months of an individual's employment shall be pro-rated on a calendar day basis to the date of hire or termination, as appropriate. For vacation increment purposes, the anniversary date shall be considered the first day of the month of date of hire.

Part-time employees working at least twenty (20) hours per week are entitled to vacation according to the above schedule, with their vacation pay pro-rated to their weekly schedule. Temporary employees, or employees working fewer than twenty (20) hours per week, are not entitled to vacation pay. If a holiday falls during a vacation period, an additional day off will be scheduled, by agreement with the department head.

Employees are encouraged to take vacation on a regular basis, to allow for the proper rest from the rigors of work. An employee may accumulate up to twelve (12) months' vacation accrual. In unusual circumstances approved by the Personnel Committee, an employee may accumulate more than twelve (12) months' accrual. Requests for such carryover shall be made to the Personnel Committee at least forty-five (45) days in advance.

(b) Sick Leave

Each full-time employee shall accumulate sick leave at the rate of one and one-quarter (1-1/4) day for each month of employment – fifteen (15) days/year. Unused sick leave may be accumulated up to one hundred twenty (120) days.

Sick leave is generally for protection of employees against loss of pay due to personal illness. However, up to three (3) sick days per year may be used by an employee for illness of a dependent child, spouse, or other close relative, with approval of the department head. Sick leave used for family illness is deducted from the employee's annual fifteen (15) day entitlement. Department heads may in their discretion require medical certification of any illness.

Probationary employees are entitled to sick leave after completing at least one (1) month service.

Part-time employees who work a minimum of twenty (20) hours per week are eligible to accumulate sick leave on a pro-rated basis.

When all allowable sick leave days have been used and the employee is still unable to return to work because of illness, his case will be considered by the Board of Selectmen and Personnel Committee to determine if further benefits should be granted. Consideration shall be given to length of service, the employee's sick-leave usage history, and other personal requirements.

(c) Personal Leave

Each full-time employee with at least six (6) months of service is allowed one (1) day each calendar year for personal reasons. Personal leave is not to be used as vacation, and may not be combined with vacation

leave. Except in an emergency, the employee should obtain approval from his supervisor at least forty-eight (48) hours in advance of taking the personal day. Personal leave may not be carried over from one year to the next. If an employee with more than six (6) months of service leaves the employ of the Town, he shall be eligible for payment for unused personal leave, computed at the rate of one-half (1/2) day for each six (6) months of service in the current calendar year.

Part-time employees who work a minimum of twenty (20) hours per week are eligible for personal leave on a pro-rated basis.

If an employee uses no sick leave for six (6) consecutive months, then he shall be eligible for one extra personal day. Such day should be used within six (6) months of being earned. Therefore, an employee with perfect attendance for one (1) full calendar year is eligible for two (2) extra personal days, in addition to the one (1) day granted by the Town to all employees. Authorized paid leaves, other than sick leave, shall not be counted against an employee in establishing his attendance record.

(d) Bereavement Leave

An employee may be granted up to three (3) days of bereavement leave for the purpose of arranging for and attending the funeral of a member of the employee's immediate family. "Immediate family" shall include: spouse, child, parent, brother, sister, stepchild, grandparent, son-in-law, daughter-in-law, parent-in-law, brother-in-law, or sister-in-law. In case of hardship, the department head may extend the leave to five (5) working days.

(e) Holidays

The following holidays (or the day on which they are celebrated) are observed:

New Year's Day	Labor Day
Martin Luther King's Birthday	Columbus Day
Washington's Birthday	Veterans' Day
Patriot's Day	Thanksgiving
Memorial Day	Christmas
Independence Day	

If a holiday falls on a Saturday, any employee who is not normally scheduled to work on that day shall be entitled to compensatory time off at a time to be approved by the department head. Part-time employees who work at least twenty (20) hours per week are eligible for holiday pay at the rate of one-fifth (1/5) of their normal work week.

Any department may be scheduled to work on any part of the above specified holidays. Either equivalent time off shall be granted at a time designated by the department head, or the employee shall be compensated an additional day's pay.

If a non-exempt employee who is not normally scheduled to work on a holiday is called in to work for an emergency, then he shall be paid according to the procedures outlined under Section 5e(overtime) and 5g(Call-Back Pay).

(f) Maternity Leave

A female employee with at least six (6) months of service may receive up to eight (8) weeks of unpaid leave for the purpose of child-bearing and infant care. Request for such leave shall be made at least two (2) weeks in advance to the department head. An employee may use available sick leave during the period of the leave when she is disabled.

(g) Leave of Absence

Leaves of absence, with the exception of maternity leave which shall be as outlined in the previous section, may be granted without compensation by the department head for up to thirty (30) days. A leave of absence beyond thirty (30) days requires prior approval of the Personnel Committee. An employee does not accrue sick leave, vacation leave, or personal leave, and is not eligible for the holiday pay during a leave of absence. The date of a step-rate increase is extended by the duration of the leave. In addition, the employee is responsible for payment of 100% of health and life insurance premiums if the leave of absence extends beyond sixty (60) days.

(h) Jury Duty

Any employee required to serve on a jury shall be paid the difference between the compensation received from jury duty (excluding travel allowance) and his regular compensation from the Town. Proper evidence of jury pay received must be submitted to the department head.

(i) Military Leave

Regular employees who are called for temporary military duty shall receive the difference between their military pay (excluding travel allowance) and their regular pay for up to two(2) weeks of such duty. Their vacation allowance shall not be affected by such duty.

(j) Workers' Compensation

All employees are covered under the Massachusetts Workers' Compensation Law and are entitled to the benefits and provisions of this law. An employee may use his accumulated sick or vacation leave to make up the difference between his regular pay and the amount of pay received under Workers' Compensation.

(k) Insurance

The Town and employee will share in the cost of health and life insurance benefits. Employees working a minimum of twenty (20) hours per week on a year-round basis are entitled to join the Town's group insurance program. Optional term life insurance, in addition to the Town's basic policy, is available to employees at a reasonable cost, with the cost borne one hundred percent (100%) by the employee through payroll deduction. Revised 4/06/91

(l) Pension

Regular employees working a minimum of twenty (20) hours per week are required to join the Town's Retirement Plan, with weekly deductions made in accordance with State Law and date of hire.

(m) Breaks in Employment

If an employee interrupts his service with the Town other than through an authorized leave (see 3h of this Bylaw – definition of "Continuous Employment"), and then returns to work for the Town at a later date, he shall be considered a new employee upon his return for the purpose of calculating vacation, sick, and personal leave entitlement.

(n) Temporary Employee Fringe Benefits

Temporary employees are not entitled to any fringe benefits except for Workers' Compensation.

**SECTION 7. WORK WEEK**

The full-time work week for each occupational group shall be as follows:

Clerical .....	35 hours
Library .....	35 hours
Laboring .....	35 hours
Professional & Supervisory.....	As required

**SECTION 8. GRIEVANCE PROCEDURE**

A grievance is a dispute between an employee and his appointing or supervisory authority arising out of an exercise of management rights or administrative discretion.

Step 1.

An employee who has a grievance should discuss the grievance with the department head and/or supervisory, authority in a mutual effort to resolve the grievance.

Step 2.

If, one(1) week after such conference, a satisfactory understanding and solution of the grievance has not been reached, then either the department head or the employee may refer the grievance to the Personnel Committee. The Personnel Committee shall hold a hearing thereon and render a written decision within ten(10) working days of such hearing.

Step 3.

If any party is aggrieved by the decision of the Personnel Committee, such decision may be appealed in writing to the Board of Selectmen, who shall choose by lottery a Committee of three(3) department chairman whose departments have not been involved in the grievance. This Committee shall conduct a hearing with respect thereto and render a written decision within ten(10) days of such a hearing. The decision of this Committee with respect to the grievance shall be binding on both parties.

## **SECTION 9. COLLECTIVE BARGAINING AGREEMENTS**

The provisions of any collective bargaining agreement negotiated, as provided by the Massachusetts General Laws, between the Town and an employee group or union shall prevail over the provisions of this Bylaw.

## **SECTION 10. SEVERABILITY CLAUSE**

Each provision of this Bylaw shall be construed as separate, to the end that if any part of it shall be held invalid for any reason the remainder shall continue in full force and effect.

# **ARTICLE XII**

## **Town of Cohasset Historic District**

### **SECTION 1. TITLE AND PURPOSE OF BYLAW**

This Bylaw shall be known, and may be referred to, as the "Historic District Bylaw." The purpose of this Bylaw is to establish within the Town of Cohasset a historic district which shall preserve and protect the distinctive architectural character of the Cohasset Common as a permanent legacy.

### **SECTION 2. ESTABLISHMENT OF COHASSET COMMON HISTORIC DISTRICT**

There is hereby established in the Town of Cohasset a district. to be known as the Cohasset Common Historic District, as shown on a plan to be filed with the Cohasset Town Clerk and the Massachusetts Historical Commission and to be recorded with the Norfolk County Registry of Deeds.

### **SECTION 3. ESTABLISHMENT OF HISTORIC DISTRICT COMMISSION**

#### (a) Membership

There is hereby established the Cohasset Common Historic District Commission ("the Commission"), which shall consist of seven (7) members appointed by the Selectmen and which shall at all times include at least four (4) members who are residents of the Historic District itself, at least one (1) member who is a licensed realtor, at least one (1) member chosen from nominees submitted by the American Institute of Architects, and at least one (1) chosen from nominees submitted by the Cohasset Historical Society; provided, however, that with respect to the latter two organizations if no nominee is proposed to the Selectmen within thirty (30) days of the respective organization's receipt of a request for nominees from the Selectmen, the Selectmen may proceed to appoint any architect or any member of the Cohasset Historical Society, as the case may be.

#### (b) Alternates

There shall also be two (2) alternate members appointed by the Selectmen, one of whom at all times shall be a resident of the Historic District.

#### (c) Qualifications

All members and both alternate members must be year-round residents of the Town of Cohasset.

#### (d) Officers

The Commission shall elect a chairman and a vice-chairman from within its number and a secretary who may be within or without its number. In the absence of the chairman, the vice-chairman shall preside at meetings.

#### (e) Terms

When the original members of the Commission are appointed by the Selectmen, three (3) members and one (1) alternate shall be appointed for a term of one (1) year, two (2) members and one (1) alternate for a term of two (2) years, and two (2) members for a term of three (3) years, and members (including alternate members) may be reappointed an unlimited number of times. Vacancies shall be filled in the same manner as the original appointment for the unexpired term.

#### (f) Vacancies

In the case of absence, inability to act or unwillingness to act because of self-interest on the part of a member of the Commission, his or her place shall be taken by an alternate member designated by the Chairman. Each member and each alternate shall continue in office after expiration of his or her term until his or her successor is duly appointed by the Selectmen and accepts such appointment in writing received by the Town Clerk.

#### **SECTION 4. GENERAL DUTIES, POWERS & AUTHORITY OF HISTORIC DISTRICT COMMISSION**

(a) The Commission shall have the duty of implementing this Bylaw by receiving and reviewing application in connection with the altering or constructing of any Building or structure within the Historic District as hereinafter provided in this Bylaw.

(b) The Commission shall have the power to adopt rules and regulations for the conducting of its business and shall cause all such rules and regulations to be filed with the Town Clerk immediately following their respective adoption.

(c) The Commission shall have such other duties, powers and authority as may be delegated or assigned to it from time to time by a vote of a Town Meeting.

#### **SECTION 5. DEFINITIONS**

(a) As used in the bylaw the following words and phrases shall include the meanings indicated below:

(i) The word "altering" shall include the terms "rebuilding," "reconstructing," "restoring," "removing," and "demolishing," and the phrase "changing in exterior color."

(ii) The word "constructing" shall include the terms "building," "erecting," "installing," "enlarging," and "moving."

(iii) The word "building" shall mean a combination of materials forming a shelter for persons, animals, or property.

(iv) The word "structure" shall mean a combination of materials other than a building, including but not limited to a sign, fence, wall, terrace, walk or driveway, tennis court, or swimming pool.

(v) The words "exterior architectural feature" shall mean such portion of the exterior of a building or structure as is open to view from a public street, public way, or public park, including but not limited to the architectural style and general arrangement and setting thereof, the kind, color, and texture of exterior building materials, the color of paint or other materials applied to exterior surface, and the type and style of windows, doors, lights, signs, and other appurtenant fixtures.

(vi) The word "Commission" shall mean the Cohasset Common Historic District Commission acting as such.

#### **SECTION 6. CERTIFICATES AND APPLICATIONS**

(a) Certificates

Except as hereinafter provided in accordance with Section 7 and/or Section 8, no building or structure within the District shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, a certificate of applicability, or a certificate of hardship with respect to such construction or alteration.

(b) Application

Any person who desires to obtain a certificate from the Commission shall file with the Commission an application for a certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship, as the case may be, in such form as the Commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

(c) Building and Demolition Permits

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within the District and no demolition permit for demolition or removal of a building or structure within the District shall be issued by the Town or any department thereof until the certificate required by this section has been issued by the Commission.

(d) Criteria

In passing upon matters before it, the Commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable bylaw. The Commission shall not consider interior arrangements or architectural features not subject to public view.

(e) Limitation

The Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the District.

## **SECTION 7. EXCLUSIONS FROM COMMISSION CONTROL**

(a) Initial Exclusions

The authority of the Commission shall not extend to review any of the following categories of buildings, structures or exterior architectural features in the District:

(i) Temporary structures of signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify.

(ii) Storm doors and windows, screens, window air conditioners, lighting fixtures and television antennae.

(iii) Signs of not more than one (1) square foot in area in connection with use of a residence for customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly and by a constant white light.

(iv) The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided that such reconstruction is begun within one (1) year thereafter and carried forward with due diligence.

(b) Additional Exclusions

The Commission may determine from time to time after public hearing that certain additional categories of exterior architectural features, structures or signs may be constructed or altered (including colors) without review by the Commission without causing substantial derogation from the intent and purpose of this Bylaw.

(c) Certificate of Nonapplicability

Upon request, the Commission shall issue a certificate of nonapplicability with respect to construction or alteration in any category then not subject to review by the Commission in accordance with the provisions of Section 7(a) and 7(b).

(d) Nonapplicability to Ordinary Maintenance and Related Action

Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within the District which does not involve a significant change in design, material, color, or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, not construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of this Bylaw.

## SECTION 8. COMMISSION PROCEDURE

### (a) Meetings

Meetings of the Commission shall be held at the call of the Chairman, or, in the absence of the Chairman, the Vice-chairman, and they shall be called at the request of two (2) members of the Commission and in such other manner as the Commission may determine in its rules. Meetings shall also be posted at least forty-eight (48) hours in advance.

### (b) Quorums and Voting

A majority of the members of the Commission shall constitute a quorum, but the concurring vote of a majority of the members of the Commission (including alternate member or members if one or more regular members are absent or otherwise unable to act) shall be necessary to issue the certificates described above and to determine whether a public hearing is required as specified below.

### (c) Initial Determinations

The Commission shall determine promptly, and in all events within fourteen (14) days after the filing of an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural feature which is subject to approval by the Commission, and if the Commission determines that such application involves any such feature which is subject to approval by the Commission, the Commission shall thereafter hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.

### (d) Dispensing with Public Hearings

A public hearing on an application need not be held if:

(i) such hearing is waived in writing by all persons entitled to notice thereof, or

(ii) if the Commission determines that the exterior architectural feature involved or its category, as the case may be, is so insubstantial in its effect on the Historic District that it may be reviewed by the Commission without public hearing on the application, provided, however, that if the Commission dispenses with a public hearing on the application, notice of the application shall be given to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as hereinafter provided in Section 8(e), and ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application.

### (e) Public Hearings

If the Commission decides to hold a public hearing on any application, it shall fix a reasonable time for such hearing and shall give public notice of the time, place and purposes thereof at least fourteen (14) days before said hearing in such manner as it may determine, and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Cohasset Planning Board, to any resident of or property owner in the Town of Cohasset filing written request for notice of hearings, such request to be renewed yearly in December with the Town Clerk, and to such other persons as the Commission shall believe should receive notice.

### (f) Certificates of Appropriateness

If the Commission determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the Historic District, the Commission shall cause a certificate of appropriateness to be issued to the applicant. In the case of a disapproval of an application for a certificate of appropriateness the Commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in the records of the Commission, to be issued to the applicant, with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any disapproval the Commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the Commission. If within fourteen (14) days of the receipt of such notice the applicant files a written notification of his application in conformity with the recommended changes of the Commission, the Commission shall cause a certificate of appropriateness to be issued to the applicant.

(g) Certificates of Nonapplicability

In the case of determination by the Commission that an application for a certificate of appropriateness or for a certificate of nonapplicability does not involve any exterior architectural feature, or involves an exterior architectural feature which is not then subject to review by the Commission in accordance with the provisions of Section 7, the Commission shall cause a certificate of nonapplicability to be issued to the applicant.

(h) Certificate of Hardship

If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate, or in the event of an application for a certificate of hardship, the Commission shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the Historic District generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the Commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without substantial detriment or derogation, or, in the event of failure to make a determination on an application within the time specified in Section 8(k), the Commission shall cause a certificate of hardship to be issued to the applicant.

(i) Execution of Certificate

Each certificate issued by the Commission shall be dated and signed by its Chairman, Vice-chairman, Secretary or such other person designated by the Commission to sign such certificates on its behalf.

(j) Rules, Regulations and Permanent Records

The Commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of this Bylaw or Chapter 40c of the Massachusetts General Laws and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The Commission shall also file a copy of any such rules and regulations with the Town Clerk.

(k) Final Determinations

Final determinations on applications shall be made by the Commission as soon as convenient after either its original receipt of each application (if no public hearing is to be held) or after said public hearing, but in all events within sixty (60) days after the filing of the application, or within such further time as the applicant may allow in writing, and if the Commission shall fail to make a determination within such period of time, the Commission shall thereupon issue to the applicant a certificate of hardship.

(l) Specific Criteria

The Commission may after public hearing set forth in such manner as it may determine the various designs of certain appurtenances, such as solar energy equipment and wind-activated power-generating equipment which will meet the requirements of the Historic District, and a roster of certain colors of paint and roofing materials which will meet the requirements of the Historic District, but no such determination shall limit the right of an applicant to present other designs or colors to the Commission for its approval.

## **SECTION 9. REVIEW PROCEDURE**

Any applicant aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the Town Clerk, file a written request with the Commission for a review by a person or persons of competence and experience in such matters, designated by the Metropolitan Area Planning Council, of which Cohasset is a member. The finding of the person or persons making such review shall be filed with the Town Clerk within forty(40) days after the request, and shall be binding on the applicant and the Commission, unless a further appeal is sought in the Superior Court as provided below.

## **SECTION 10. APPEAL TO SUPERIOR COURT**

(a) Any applicant aggrieved by a determination of the Commission or by the finding of a person or persons making a review, may, within twenty (20) days after the filing of the notice of such determination or such finding with the Town Clerk, appeal to Norfolk Superior Court.

(b) The remedy provided by this section shall be exclusive, subject only to the appellate rights of the parties.

Costs shall not be allowed against the Commission unless it shall appear to the Court that the Commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken, and costs shall not be allowed against the party appealing from such determination of the Commission unless it shall appear to the Court that the appellant acted in bad faith or with malice in making the appeal to the Court.

## **SECTION 11. SUPERIOR COURT JURISDICTION**

The Norfolk Superior Court has jurisdiction to enforce the provisions of this Bylaw and the determinations, rulings and regulations issued pursuant thereto and may, upon the petition of the Board of Selectmen or of the Commission, restrain violations thereof; and, without limitation, such Court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure or exterior architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.

Whoever violates any of the provisions of this Bylaw shall be punished by a fine of not less than ten (\$10.00) dollars nor more than five hundred (\$500) dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.

## **SECTION 12. SEVERABILITY**

The provision of this Bylaw shall be deemed to be severable, and if any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

# **ARTICLE XIII**

## **Hazardous Materials** (Revised 8/17/01)

### **SECTION 1. PURPOSE**

The purpose of this Section is to protect, preserve and maintain the existing and potential groundwater supply, groundwater recharge areas, and surface water within the town from contamination and to protect the public health and welfare.

### **SECTION 2. DEFINITIONS**

The following definitions shall apply in the interpretation and implementation of this Section. "Flammable fluid" means any fluid which will emit a vapor which can be ignited by a flame or spark. "Hazardous material" means a product, waste or combination of substances which because of its quantity, concentration, or physical, chemical, toxic, radioactive or infectious characteristics may reasonably pose a significant, actual, or potential hazard to human health, safety, welfare, or the environment when improperly treated, stored, transported, used, disposed of, or otherwise managed. Hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as "toxic" or "hazardous" under Massachusetts General Laws (MGL) Chapters 21C and 21E using the Massachusetts Oil and Hazardous Material List (in 310 CMR 40.0000). "Discharge" means the accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of toxic or hazardous material upon or into any land or water so that such hazardous material or any constituent thereof may enter the air, land, or waters of the Commonwealth. Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site leaching structure or sewage disposal system.

"Commercial or Industrial Facility" means public or private establishment where the principal use is the supply, sale, and/or manufacture of services, products, or information, including but not limited to: manufacturing, processing, or other industrial operations; wholesale establishments; service or retail establishments; printing or publishing establishments; research and development facilities; small quantity or very small quantity generators of hazardous waste as defined by the Department;

laboratories; hospitals; schools. This definition shall specifically include, but not be limited to: all vehicle body work or repair facilities, machine shops, dry cleaners, photo-processing labs, funeral homes, and furniture strippers.

“Department” means the Massachusetts Department of Environmental Protection.

“Materials Safety Data Sheet” (MSDS) means information sheets, available by law from the manufacturer, containing data on physical characteristics, flammability, explosivity, reactivity, and the health and safety hazards of specific chemicals, as well as information relative to procedures recommended for spills and leaks of specific chemicals and special protection and precautions to be taken in the handling of specific chemicals.

“Reportable Quantity” means the quantity of oil or hazardous material the release of which, or threat of release of which, requires notification to the Department under M.G.L. c. 21E, s. 7, and/or 310 CMR 40.0350 through 310 CMR 40.0352.

“Use of Hazardous Material” means the handling, generation, treatment, storage, or management of hazardous materials.

### **SECTION 3. HAZARDOUS MATERIAL STORAGE**

#### (a) Registration

(i) Anyone storing hazardous materials in quantities totaling more than twenty-five (25) pounds dry weight or fifty (50) gallons liquid shall register with the Board of Health the types, quantities, location, and methods of storage of said hazardous materials. Registration required by this provision shall be initially submitted by July 1, 1986, and annually thereafter within thirty (30) days of July 1 each year.

(ii) Any owners or operators of commercial, industrial or municipal establishments, including home occupations and agriculture, meeting the registration requirement for the first time subsequent to July 1, 1986, shall register initially within thirty (30) days of meeting such requirements and thereafter within thirty (30) days of July 1, each year.

(iii) Copies of registration information shall be regularly forwarded by the Board of Health to the Fire Department.

(iv) The Health Agent shall maintain and make available a listing of materials deemed to be hazardous.

#### (v) Registration Requirements

The following information must be submitted as part of the registration process:

(a) A map or drawing locating areas where hazardous materials are stored, handled, and/or in use. The map shall be drawn to scale, on 8" x 11" paper (or an as built plan of the facility may be substituted), with a north arrow and names of bordering streets clearly noted. If storage occurs both indoors and outdoors, a map for each of the indoor and outdoor storage areas shall be submitted. Areas in which emergency equipment such as spill kits and medical supplies are kept must also be identified on the map, and submitted to the Board of Health as well as the fire department.

(b) A written description shall accompany the map and specify: product names (chemical names or types may be substituted here); MSDS sheets for each product; quantities of materials in each location; the type of storage container (e.g., 55 gallon drum, underground storage tank); and anticipated on-site additions, for (the subject registration period), of hazardous materials meeting the threshold quantity noted above.

(c) Information pertaining to the disposal of hazardous wastes: Hazardous Waste Generator ID number, name of the hazardous waste transporter(s), and methods of handling spills of a volume under the reportable quantity (as defined in this document). Facilities without an ID# may contact the Department at 1-800-343-3420 to obtain one.

#### (vi) Updating of Registration

(a) If, during or after the registration period, a change in ownership and/or occupancy of a business occurs, an updated registration must be submitted to the Board of Health within thirty days. Registration is not transferable between past and future owners of a business and/or occupants of a premise.

(b) If any of the following activities occur during or after the registration period, the corresponding information in the business' registration package shall be highlighted and corrected at the time of re-registration:

1. remodeling, operating changes, or expansion of an existing facility which would modify the type or quantity of hazardous materials managed;
2. changes in the location or method of use, storage, manufacture or handling of hazardous materials in any facility; and/or
3. addition of new hazardous materials meeting the threshold quantity listed above which are not anticipated in the registration.

(vii) Facility Closure In the event that a facility permanently ceases operations during the subject registration period, the owner or operator of the facility shall notify the Board of Health of said closure at least 30 days before the closure.

(b) Inventory

(i) In addition to registration, owners or operators of commercial, industrial, or municipal establishments, including home occupations and agriculture, registered in accordance with Section 3(a)(i) or (ii) above shall maintain on the premises an inventory, reconciled on a monthly basis, of purchase, sale, use and disposal of hazardous materials. The purpose of this inventory is to detect any product loss and to provide an ongoing record of all quantities of hazardous materials within the Town over the registration period.

(ii) Owners or operators shall produce the latest reconciled inventory within twenty-four(24) hours of request by the Health Agent.

(iii) Storage of flammable fluids may also be subject to inventory control under 527 CMR 9.00, Board of Fire Prevention Regulations for Tanks and Containers.

(c) Aboveground storage

(i) Wastes containing hazardous materials shall be held on the premises in product tight containers for removal by a licensed carrier and for disposal in accordance with the Massachusetts General Laws, Chapter 21C.

(ii) Aboveground containers of hazardous materials stored by anyone registered in accordance with Section (3)(a)(i) and(ii) shall be stored on a surface impervious to the material being stored. The storage area shall be enclosed by a dike of impermeable construction, with provisions for rainwater shelter or removal. The volume of the area enclosed by the dike shall be equal to or greater than 120% of the capacity of the containers within the dike.

(d) Existing Underground Storage Tanks

Owners of every underground storage facility, including home heating oil storage tanks, that have been installed prior to the effective date of this Bylaw shall provide the Board of Health the following information by July 1, 1986:

- (i) name, address and telephone number(day and night) of the owner;
- (ii) name, address and telephone number(day and night) of the operator;
- (iii) the number of tanks on the property and the capacity and contents of each tank;
- (iv) evidence of the date of purchase and installation of each tank, including license and Fire Department permit, if any;
- (v) sketch map showing the location of all tanks on the property.

(e) New or Replacement Underground tanks

The following provisions apply to new or replacement underground tanks.

(i) All new and replacement tanks shall be designed and constructed to minimize the risk of corrosion and leakage, and shall comply with the provisions of 527 CMR 9.00 Board of Fire Prevention Regulations for Tanks and Containers, whether storing flammable fluids or not.

(ii) The Board of Health, or if having jurisdiction, the Fire Chief, may prohibit placement or replacement of a tank or approve it subject to conditions if a determination is made that placement or

replacement constitutes a danger to a public or private water supply, by reason of its proximity to any public or private well, groundwater supply, groundwater recharge area, or body of surface water or for any other reason.

(f) Testing and Defects

(i) All tanks shall be subject to tests conducted at the owner's expense at installation, ten (10) years after installation, fifteen (15) years after installation, and annually thereafter. The test shall be one approved by the Health Agent, shall meet national Fire Prevention Association Pamphlet 329 criteria for better than 0.05 gallons per hour accuracy, and shall comply with 527 CMR 9.00 as amended.

(ii) Owners of tanks for which evidence of installation date is not available shall, at the order of the Health Agent, have such systems tested annually in accordance with Section 5(f)(1).

(iii) If the Health Agent determines that the tank is not product-tight, it shall be disposed of under his direction or, if involving flammable liquids, under direction of the Fire Chief.

(iv) All leaking tanks must be emptied by the owner or operator within twelve (12) hours of leak detection and removed by the owner or operator in a period of time not longer than that determined by the Health Agent or, if having jurisdiction, the Fire Chief. Repair of known leaking tanks shall not be permitted.

(g) Abandonment of Tanks

(i) Except as provided in Section 3(g)(ii) below, no tank may be in place. Aboveground tanks shall be disposed of after being emptied of all products. Any underground storage tank out of service for a period in excess of six (6) months shall be considered abandoned. Any tank taken out of service (even temporarily) shall be emptied of all hazardous materials under the direction of the Fire Chief if involving flammable liquids, and otherwise under direction of the Board of Health. The product and tank shall be disposed of at the owner's expense as directed by the official directing removal.

(ii) If the owner of a tank used for storage of non-flammable materials, which is located under a building and which cannot be removed from the ground without first removing the building, decides to abandon it, the owner shall promptly notify the Fire Chief and the Board of Health of this decision and, subject to the directions of the Board of Health, have all the hazardous materials removed from the tank and the tank filled with sand or other inert material, prescribed by the Board of Health.

(iii) The owner of a tank which will be out of service for less than six (6) months shall promptly give notice of the decision to the Fire Chief, if involving flammable liquids, or otherwise to the Board of Health, and, where the tank is subsurface, the materials remaining shall be removed from the tank and disposed of as directed and the tank filled with water or an inert gas, as directed. Provided, however, that nothing contained in subparagraphs (i) through(iii) shall pertain to the seasonal use of heating oils.

#### **SECTION 4. WATER RESOURCE DISTRICT**

Within the Water Resource district as defined in Section 14 of the Cohasset Zoning Bylaw the following additional requirements shall apply.

(a) New tanks

As of July 1, 1986, new installation of tanks for the underground storage of hazardous materials is prohibited.

(b) Replacement Tanks

(i) Replacement tanks for underground storage must not be of greater storage capacity than the tanks they replace,

(ii) Replacement tanks shall have complete secondary containment including piping with overfill detection, monitoring devices and alarms as designed and certified by a registered professional engineer. Such installation shall be annually certified as operational to the satisfaction of the Board of Health.

(c) Herbicides and Pesticides

Notice of planned routine application of herbicides or pesticides by the Town of Cohasset or commercial contractors must be provided to the Board of Health at least seven(7) days prior to application in order to allow review regarding consistency with the pesticide label and state pesticide regulations.

## **SECTION 5. EXEMPTIONS & VARIANCES**

Bylaw: (a) The following materials, activities, and facilities are not within the scope of authority of this

(i) Household waste including garbage, trash, and domestic sanitary sewage.  
(ii) Wastes generated from the growing of agricultural crops and the raising of animals, including manure which is returned to the soil as fertilizer.

(iii) The labeling of hazardous materials which are or will be exposed for sale at retail establishments.

(iv) Treatment, Storage, and Disposal Facilities as defined by 310 CMR 30.000.

(v) Large Quantity Generators of hazardous wastes as defined by 310 CMR 30.000.

(vi) Facilities that file Tier II reports as defined by SARA Title III.

(b) The Board of Health may, unless otherwise required by law, vary the application of any provision of this Bylaw in any case, when, in its opinion, the applicant has demonstrated that a degree of environmental protection equivalent to that required under this Section will still be achieved, and that all other applicable requirements, including those contained in 527 CMR 9.00 as amended, will be met. The applicant at his own expense must notify all abutters by certified mail at least fourteen (14) days before the hearing at which such variance request will be considered. The notification shall state the variance sought and the reasons therefore. The Board of Health shall also notify the Water Department, Planning Board, Fire Chief, and Building Inspector or any variance requested under this Section, for their response in writing. Any variance granted by the Board of Health shall be in writing; any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial.

(c) No provision of this Bylaw shall be construed as superseding the authority of the Conservation Commission pursuant to Massachusetts General Laws or the General Bylaws.

## **SECTION 6. ADDITIONAL PROHIBITIONS**

Other than that which is allowed by other local, state, or federal laws, regulations, and/or permits, the discharge of hazardous materials within the limits of the Water Resource District is prohibited. This prohibition includes, but is not limited to, discharges of hazardous materials to: exposed and unsaturated soils; wetlands; surface water resources; ground water; sanitary sewers; storm drains; floor drains and sinks which discharge to the environment; and septic systems.

(a) The owner or operator of a facility where a hazardous material has been discharged into the Water Resource District shall immediately report the discharge to the Fire Department, who shall notify the Health Agent and the Water Department.

(b) The sale and/or use of septic system additives or cleaners not specifically allowed by the Department (310 CMR 15.027 & 15.028) is prohibited.

(c) The installation of new underground storage containers for hazardous materials other than for gasoline or for chemicals used in the treatment of a public drinking water source is prohibited.

## **SECTION 7. NOTIFICATION & EMERGENCY PLANNING**

(a) Notification: In the case of a spill and/or loss of hazardous material at or above the "reportable quantity", the owner/operator must immediately report the spill or loss to the fire department. Notification to the board of health shall occur within 24 hours of the spill. Notification to the Departments Emergency Response Section shall be made in accordance with 310 CMR 40.0000.

(b) Planning: The following precautions shall be taken by all facilities subject to the registration requirements set forth above:

(i) The map and written description specified above must also be posted at one of the following on-site locations: guard shack, fire alarm box, sprinkler riser, or other location acceptable to the head of the fire department. The location of this posting must be specified during registration.

(ii) MSDS sheets must be kept on file at all times at an on-site location, and must be readily available during routine inspections and in the event of an emergency.

(ii) Facilities shall provide adequate and reasonable employee training programs to ensure the proper use, storage, transportation and handling of hazardous materials.

(iv) Facilities shall provide emergency spill containment kits on site and in accessible areas, and all employees shall be trained in their use.

## **Section 8. SEVERABILITY**

Each provision of this bylaw shall be construed as separate to the end that, if any provision, or sentence, clause or phrase thereof, shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

## **Section 9. ENFORCEMENT**

(i) The Board of Health or its agents may enter upon privately owned property for the purpose of performing their duties under this bylaw.

(ii) Any person who fails to comply with provisions of this bylaw shall be punished by a fine of \$300.00. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation. Upon the request of the Board of Health, the Board of Selectmen shall take such legal action as is necessary to enforce this bylaw. This bylaw may be enforced pursuant to the non-criminal disposition statute, M.G.L. c. 40, section 21D.

# **ARTICLE XIV**

## **Wetlands Protection** Adopted 8/30/89

### **SECTION 1. PURPOSES**

The purpose of this Article is to protect the wetlands, related water resources, and adjoining land areas in the Town of Cohasset by controlling activities deemed by the Cohasset Conservation Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution control, fisheries, wildlife habitat, recreation, aesthetics and agriculture values (collectively, the "wetland values" protected by this Article).

### **SECTION 2. REGULATED ACTIVITIES**

Except as permitted by the Cohasset Conservation Commission or as provided in this Article, no person shall remove, fill, dredge, build upon, or alter the following resource area:

(a) within one hundred (100) feet of any freshwater wetland, marsh, wet meadow, bog or swamp;

(b) within one hundred (100) feet of any bank, lake, river, pond, stream or estuary;

(c) any land under any lake, river, pond, stream or estuary;

(d) within one hundred (100) feet of any land subject to flooding or inundation by groundwater, surface water or tidal action;

(e) within twenty-five (25) feet of any isolated land subject to flooding and any isolated vegetated wetland; <sup>Revised 7/17/00</sup>

(f) within one hundred (100) feet of a vernal pool; <sup>Revised 7/17/00 & 6/28/05</sup>

Except as permitted by the Cohasset Conservation Commission or as provided in this Article, any solid waste landfill shall ensure that leachate does not discharge into the watershed of any public drinking water supply, and shall have storm water controls that reasonably prevent erosion, prevent discharge of pollutants into said watershed, protect the physical integrity of the landfill, and ensure that siltation due to erosion shall not migrate off-site into said watershed. <sup>Revised 3/16/00</sup>

### **SECTION 3. EXCEPTIONS**

The permit and application required by this Article shall not be required for maintaining, repairing or replacing an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that:

(a) the structure or facility is not substantially changed or enlarged;

(b) written notice has been given to the Conservation prior to commencement of work;

(c) the work conforms to performance standards and design specifications in regulations adopted by the Commission. The permit and application required by this Article shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that:

(d) the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth of Massachusetts or a political subdivision thereof;

(e) advance notice, oral or written, has been given to the Commission or its agent prior to commencement of work or within twenty-four (24) hours after commencement;

(f) the Commission or its agent certifies the work as an emergency project;

(g) the work is performed only for the time and place so certified for the limited purposes necessary to abate the emergency;

(h) within twenty-one (21) days of commencement of an emergency project a permit application should be filed with the Conservation Commission for review as provided in this Article. Upon failure to meet these requirements and any other requirements imposed by the Commission pursuant to this Article. the Commission may, after notice and a public hearing, revoke or modify an emergency project certification and order restoration and mitigation measures. Other than as stated in this Section, any exceptions provided in Massachusetts General Laws, Chapter 131, Section 40(The Wetlands Protection Act) shall not apply under this Article.

### **SECTION 4. PERMIT APPLICATION AND REQUESTS FOR DETERMINATION**

Written application shall be filed with the Conservation Commission to perform regulated activities as deemed in Section 2.

The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment. No activities shall commence without receiving and complying with a permit issued pursuant to this Article.

In its discretion, the Commission may accept the Notice of Intent and plans filed under the Wetlands Protection Act as the application and plans under this Article. Any person desiring to know whether or not a proposed activity or an area is subject to this Article may request a determination from the Commission in writing. Such a request for determination shall contain data and plans specified by the regulations of the Commission.

At the time of an application or request, the applicant shall pay a filing fee specified in the Regulations of the Commission, the fee to be in addition to any fee required by The Wetlands Protection Act. The Commission may establish filing fees in amounts reasonably designed to recover the cost to the Town of professional services for design review, site inspection, testing, engineering, or other related consultant services. The Commission may waive the filing fee for an application or request filed by a government agency and shall waive all fees, costs and expenses for a request for determination filed by a person who is neither the owner nor a person acting on behalf of the owner.

## **SECTION 5. NOTICE AND HEARINGS**

The Commission shall conduct a public hearing on any application or request for determination, with written notice given, at the expense of the applicant, in a newspaper of general circulation in the Town at least five (5) working days prior to the hearing. Revised 6/10/94

An applicant in any manner requiring a public hearing shall also give written notice of the hearing to all abutters, as that term may be defined by the Commission, also at least five (5) working days prior to the hearing. Such notice shall be given in the form and manner that the Commission shall prescribe.

The Commission shall commence the public hearing within twenty-one (21) days from the receipt of a complete application or request for determination and shall issue its permit, denial or determination in writing within twenty-one (21) days of the close of said public hearing. In its discretion the Commission may combine its hearing under this Article with a hearing conducted under the Wetlands Protection Act.

The Commission shall have the authority to continue any hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant deemed necessary by the Commission in its discretion, or comments and recommendations of other Town boards and officials. If the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on the information then available to it.

## **SECTION 6. PERMITS, DETERMINATIONS AND CONDITIONS**

If, after a public hearing, the Conservation Commission determines that the activities which are the subject of the application are not likely to have a significant or cumulative effect upon the wetland values protected by this Article, the Commission shall, within twenty-one (21) days of the close of the hearing, issue a permit for the activities requested. Such permit shall be without conditions. If, after a public hearing, the Conservation Commission determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon any or all of the wetland values protected by this Article, the Commission shall, within twenty-one (21) days of the close of the hearing,

(i) issue a permit for the activities requested, in which case the Commission shall impose conditions which it deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions, or

(ii) deny a permit.

The Commission may deny a permit for the following reasons:

(a) Failure to meet the requirements of this Article;

(b) Failure to submit necessary information and or plans requested by the Commission;

(c) Failure to meet the design specifications, performance standards and other requirements in regulations of the Commission;

(d) Failure to avoid or prevent unacceptable significant or cumulative effects upon any or all of the wetland values protected by this Article.

A permit shall expire three (3) years from the date of issue. Any permit may be renewed once for an additional period, up to three (3) years, provided that a written request for renewal is received by the Commission prior to expiration, and that the Commission may grant such extension as it finds necessary to allow completion of the permitted work.

A permit issued under this Article may be revoked or modified by the Commission after public notice and notice to the holder of the permit and a public hearing thereon, upon a finding of the existence of circumstances which would justify the denial of, or imposition of conditions on, a permit.

In its discretion, the Commission may combine the permit or other action on an application issued under this Article with the Order of Conditions issued under the Wetlands Protection Act.

## **SECTION 7. REGULATIONS**

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to achieve the purposes of this Article. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Article.

## **SECTION 8. DEFINITIONS**

The following definitions shall apply in the interpretation and implementation of this Article. The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust,

estate, the Commonwealth of Massachusetts or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, the Town of Cohasset and any other legal entity, its legal representatives, agents or assigns. A Vernal Pool shall include any temporary ponding area that holds water for two (2) consecutive months between December 31 and June 30 in a given year, and that meets the criteria for state certification, whether or not it is so certified. The Vernal Pool should be capable of providing habitat for obligate and facultative wetland wildlife species. Isolated Land Subject to Flooding includes any ponding area within a depression that provides a temporary storage area of standing water, with no minimum size criteria. Isolated Vegetated Wetland includes any vegetated wetland area containing greater than fifty (50%) percent wetland vegetation, hydric soils, and seasonal high groundwater conditions. Isolated Vegetated Wetland do not have to border a waterbody or flowing stream. Riverfront Area is that area of land within two hundred (200') feet of a perennial river, with the two hundred (200') feet Riverfront Zone being measured from the annual mean high water line of the subject perennial river. The two hundred (200') feet Riverfront Zone shall include a one hundred (100') feet Inner Zone and a one hundred (100') feet Outer Zone. The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this law; <sup>Revised 7/17/00</sup>

- (a) removal, excavation or dredging of soil, sand, loam, peat, gravel or aggregate materials of any kind;
- (b) Changing of pre-existing drainage characteristics, salinity distribution, sedimentation patterns, flow patterns or flood retention characteristics;
- (c) drainage or other disturbance of water level or water table;
- (d) dumping, discharging or filling with any material which may degrade water quality;
- (e) placing of fill or removal of material which would alter elevation;
- (f) driving of piles, erection, alteration repair of buildings or structures of any kind;
- (g) placing of obstructions or objects in water;
- (h) destruction of plant life, including cutting of trees;
- (i) changing water temperature, biochemical oxygen demand or other physical or chemical characteristics of water;
- (j) any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater.

**SECTION 9. SECURITY**

As part of a permit issued under this Article, in addition to any security required by any other Town or State Board, Agency or Official, the Conservation Commission may require that the performance and observance of any conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

- (a) by a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility in an amount sufficient in the opinion of the Commission;
- (b) by a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Cohasset requiring the permit conditions to be performed before any interest may be conveyed other than a mortgage interest.

**SECTION 10. ENFORCEMENT**

The Conservation Commission, its agents, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this article and make or cause to be made such examinations, surveys or sampling as the Commission deems necessary.

The Commission shall have authority to enforce this Article, its regulations and permits issued thereunder by violation notices, administrative orders and civil and criminal court actions.

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

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

Any person who violates any provision of this Article, regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than three hundred (\$300) dollars. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations or permit violated shall constitute a separate offense.

In the alternative to criminal prosecution, the Commission may elect to utilize the non-criminal disposition procedure set forth in Massachusetts General Laws, Chapter 40, Section 21D.

### **SECTION 11. BURDEN OF PROOF**

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the wetland values protected by this Article.

### **SECTION 12. RELATION TO THE WETLANDS PROTECTION ACT**

This Article is adopted under the Home Rule amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act and regulations thereunder.

### **SECTION 13. SEVERABILITY**

The invalidity of any section or provision of this Article shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

A True Copy, Attest:

Marion L. Douglas Town Clerk

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