

Town of Rowley - General Bylaws

Index

Alcoholic Beverage Bylaw	2
Board of Appeals Bylaw	2
Board of Health Bylaw	3
Cemetery Bylaw	4
Community Preservation Bylaw	6
Council on Aging Bylaw	8
Demolition Delay Bylaw	9
Denial, Revocation, Suspension of Licenses and/or permits	14
Dog Bylaw	16
Earth Removal Bylaw	19
Fee Bylaw	26
Finance Committee Bylaw	29
Flea Market, Transient Business and Auction Bylaw	31
Gas Inspector Bylaw	35
Harbor Bylaw	36
Historic District Bylaw	43
House Number Bylaw	45
House to House Salesmen	47
Hunting Bylaw	48
Hunting and Trapping	48
Junk and Junk Dealers	49
Junk Car Bylaw	50
Parking Bylaw	51
Personnel Bylaw	52
Posting of Notices Bylaw	54
Recall Election Bylaw	55
Right to Farm Bylaw	57
Shellfish Bylaw	60
Shellfish Commissioners Bylaw	64
Shellfish Planting	64
Snowmobile Bylaw	65
Solid Waste Transfer Station	66
Stormwater Management	68
Streets and Town Commons Bylaw	82
Town Meeting Bylaw	84
Trailer Bylaw/Board of Health Licensing	89
Trailer Use Bylaw	90
Water Department Bylaw	91
Water Restriction Bylaw	92
Wetlands Protection Bylaw	96

ALCOHOLIC BEVERAGE BYLAW

No person shall use or consume any alcoholic beverage, as defined in Chapter 138, Section 1 of the Massachusetts General Laws, while in or upon any public way or any way which the public has a right of access, or in any place where the public may be invitee or licensees; nor shall any person use or consume any alcoholic beverage in or upon any private land, building or structure without the consent of the owner or person in control thereof. Any alcoholic beverage used in violation of the Bylaw shall be seized and safely held until final adjudication against the person or persons using such beverage, at which time it shall be returned to the person entitled to lawful possession. Penalty for violation of the Bylaw shall be a fee of not more than fifty dollars (\$50.00) for each offense. Each arrest shall constitute one violation regardless of the number or amounts of alcoholic beverage consumed.

This bylaw was passed at the Annual Town Meeting of May 5, 1975 and adjourned session thereof on May 6, 1975. It was approved by the Attorney General on July 17, 1975 and was published by posting in five public places.

BOARD OF APPEALS BYLAW

The Board of Appeals established under Section 6.1.1 of the Town's Protective Zoning Bylaws shall act as the Board of Appeals under General Laws Chapter 41, Section 81Z. The Board of Appeals shall have all their powers and perform all of the duties confirmed or imposed upon it under the applicable provisions of the General laws of the Commonwealth of Massachusetts and the Town's Bylaws.

Voted by Town Meeting on May 4, 1987. Approved by the Attorney General on August 18, 1987.

BOARD OF HEALTH BYLAW

Section 1. The Board of Health shall consist of five (5) regular members who shall be appointed by the Board of Selectmen and shall serve without pay. All regular members shall be appointed for a term of three (3) years. For the first year this bylaw is in effect, the Board of Health appointments will be made on a staggered basis, with two members appointed to three-year terms, two members to two-year terms, and one member appointed to one- year term. Each appointment thereafter shall be for a three-year term.

Three-member board established at STM of October 31, 1988 (Article 33) and amended to Five- member board at Special Town Meeting, October 26, 1998 (Article 20), approved by the Attorney General on October 29, 1998.

Section 2. The Board of Health shall have the power to establish fees for Innholder and Common Victuallers Licenses. Such fees shall not exceed the maximums established by Chapter 140, Section 2 of the Massachusetts General Laws. (ATM 5/2/88, Article 33)

Bylaws adopted at the Town Meeting of October 31, 1988 were approved by the Attorney General on January 6, 1989 and posted according to law.

Bylaws was adopted at the Town Meeting of May 2, 1988 were approved by the Attorney General on September 12, 1988 and posted according to law.

CEMETERY BYLAW

- Section 1. No intoxicated or disorderly person will be allowed within the cemetery grounds, and all persons conducting themselves in an improper manner will be removed therefrom.
- Section 2. Visitors will not be permitted to walk on the flower beds or upon the graded lots or borders.
- Section 3. Under no circumstances will unrestrained dogs be allowed in the cemetery.
- Section 4. No firearms shall be discharged in the cemetery, except for salutes at military funerals.
- Section 5. All persons are forbidden to gather flowers, either wild or cultivated, or break or remove any trees, shrub or plant not upon their own lot, except by permission of the Commissioners.
- Section 6. No person shall climb upon or deface any structure in or belonging to the cemetery.
- Section 7. No structure may be erected in the cemetery unless it rests upon a foundation which is satisfactory to the Commissioners; and the Commissioners shall lay foundations, if desired, for the following prices: all the tablets the bases of which are 18 inches long or less, \$10.00; bases from 18 inches to 36 inches, \$30.00; and \$10.00 per square foot for monuments. (*ATM 5/2/77, Article 24*).
- Section 8. All work done on graves or lots shall be under the supervision of the Commissioners, and all refuse material shall be removed to such place or places as are provided for that purpose.
- Section 9. Monuments, headstones and curbing shall be erected under the direction of the Commissioners, and no wooden fences shall be erected or maintained around any lot.
- Section 10. Owners of lots will be required to keep the same in good condition.
- Section 11. Graves shall be opened only under the supervision of the Commissioners.
- Section 12. Cemetery lots shall be used only for the burial of the human dead.
- Section 13. No tree or hedge shall be planted on any lot. Hedges now upon lots shall be trimmed before August 1st of each year and shall not exceed five feet in height; and trees on private lots shall be trimmed or removed as the Commissioners direct.

- Section 14. No headstone, marker, post or curbing shall be erected or maintained within five and one-half feet (5 1/2 feet) of the center of the main avenue as now surveyed and established or outside the boundaries of any lot.
- Section 15. The price of cemetery lots to residents of the Town shall be Two-hundred and fifty dollars (\$250.00) for a five grave lot, and Seventy-five Dollars (\$75.00) for a one grave lot. (*ATM 5/2/77 Article 23, amended Article 30, ATM 5/2/88*)
- Section 16. The price of cemetery lots to non-residents shall be as follows: one 2-grave lot, 8 feet by 10 feet – Nine hundred Dollars (\$900.00) of which Three Hundred Dollars (\$300.00) shall be placed in the Perpetual Care Fund. The Perpetual Care Fund shall be devoted to the upkeep of the lots so sold. (*STM April 19, 1977, Article 24*)
- Section 17. Any person who shall violate the provisions of this bylaw shall be liable for a fine not exceeding Fifty Dollars (\$50.00) for each offense which may be recovered by indictment or on complaint before a District Court and shall enure to the Town or to such uses as it may direct.

Bylaw changes (amendments to the Rules and Regulations of the Burial Grounds adopted March 9, 1891, amended on March 2, 1964) were adopted at the Annual Town Meeting of March 5, 1973, (Article 32) by unanimous vote. They were approved by the Attorney General on July 5, 1973 and published by posting in five public places on July 17, 1973. Cemetery Bylaw was further amended by Special Town Meeting of April 19, 1977 (Articles 23,24,and 25), posted and subsequently approved by the Attorney General, all of which is on file with the Town Clerk.

Changes to Section 15 were adopted at the Town Meeting of May 2, 1988 and approved by the Attorney General on September 12, 1988 and posted according to law.

COMMUNITY PRESERVATION BYLAW

Chapter 1: Establishment

There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

- One member of the Conservation Commission as designated by the Commission for a term of three years.
- One member of the Historical Commission as designated by the Commission for a term of three years.
- One member of the Planning Board as designated by the Board for a term of three years.
- One member of the Recreation Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.
- One member of the Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years.
- One member of the Open Space Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.
- One member to be appointed by the Board of Selectmen, for a term of one year and thereafter for a term of three years.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Chapter be no longer in existence for what ever reason, the appointment authority for that Commission, Board, Authority or Committee shall become the responsibility of the Board of Selectmen.

Chapter 2: Duties

- (1) The community preservation committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the recreation committee, the housing authority and the open space committee, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, 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.
- (2) The community preservation committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, 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, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
- (3) The community preservation committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific

purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific or set aside for later spending funds for general purposes that are consistent with community preservation.

Chapter 3: Requirement for a quorum and cost estimates

The community preservation committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the committee's anticipated costs.

Chapter 4: Amendments

This Chapter may be amended from time to time by majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with MGL, Chapter 44B.

Chapter 5: Severability

In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Chapter 6: Effective Date

Following Town Meeting approval of this bylaw and acceptance of the Community Preservation Act at Town Election, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have twenty days after approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make its appointment within that allotted time, the Selectmen shall make the appointment.

Accepted at Annual Town Meeting of May 7, 2001 (Article 48) by paper ballot: Yes 117, No 56 at 8:56 PM, approved by Attorney General on Sept. 6, 2001 and posted according to law.

COUNCIL ON AGING BYLAW

- Section 1 In accordance with Chapter 430, Section 3, of the Acts of 1964 of the General Laws of Massachusetts, the Town of Rowley hereby establishes a Council on Aging for the purpose of coordinating or carrying out programs of the Commission on Aging established under Section 73 of Chapter 6 of the General Laws.
- Section 2 The Council may appoint such clerks and other employees as it may require.
- Section 3 The Council shall consist of seven members. Present members of the Council shall serve until the end of their term. At the end of the term which expires in 1986, the Selectmen shall appoint four members of the Council, of whom three (3) shall be appointed for three (3) years, one for two (2) years, and thereafter they shall appoint each member for a three (3) year term. In the event of a vacancy caused by the death, resignation or inability to serve of any member prior to expiration of his term, the Selectmen shall appoint a new member to fill vacancy for the remainder of the term.
- Section 4 The Town of Rowley may appropriate a sum of money annually to the Council on Aging for the purpose of coordinating or conducting programs dealing with problems of the aging and to promote facilities for the health, education, welfare and recreation of the aging in accordance with Chapter 40, Section 5, clause 49 of the General Laws of Massachusetts. (11/23/87, Article 31).

Number of Members: Changes were voted at the Annual Town Meeting of May 3, 1982, (Article 7), they were approved by the Attorney General on September 21, 1982 and posted according to law in September of 1982.

Amendment was voted at Special Town Meeting held July 15, 1985 (Article 11), approved by the Attorney General on September 12, 1985 and posted according to law on January 6, 1986.

Changes were voted at the Special Town Meeting held November 23, 1987 (Article 31) and approved by the Attorney General in December 1987.

***DEMOLITION DELAY BYLAW
FOR STRUCTURES OF HISTORICAL OR ARCHITECTURAL SIGNIFICANCE***

SECTION 1 POLICY
SECTION 2 PURPOSES
SECTION 3 DEFINITIONS
SECTION 4 PROCEDURE
SECTION 5 STANDARDS FOR DESIGNATION AS A SIGNIFICANT STRUCTURE
SECTION 6 DEMOLITION
SECTION 7 EMERGENCY DEMOLITION
SECTION 8 ENFORCEMENT AND REMEDIES
SECTION 9 SEVERABILITY

SECTION 1 POLICY

Finding that the economic, cultural and aesthetic standing of the Town of Rowley can best be maintained and enhanced by due regard for the historical and architectural heritage of the Town and by striving to discourage the destruction of such cultural assets, it is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of structures of historical and architectural significance, located within the Town of Rowley, is a public necessity, and is required in the interest of the prosperity, civic pride and general welfare of the people.

SECTION 2 PURPOSES

The purposes of this Bylaw are to:

- Designate, preserve, protect, enhance and perpetuate those structures and sites within the Town that reflect outstanding elements of the Town's cultural, artistic, social, economic, political, architectural, historic or other heritage;
- Foster civic pride in the vestiges and accomplishments of the past;
- Stabilize or improve the aesthetic and economic vitality and values of such structures and sites;
- Protect and enhance the Town's attraction to tourists and visitors;
- Promote the use of historical or architectural structures and sites for the education and welfare of the people of the Town;
- Promote good urban design including the perpetuation of related private open spaces;
- Promote and encourage continued private ownership and utilization of such structures and sites now so owned and used: and
- Provide owners of significant structures with time to consider alternatives to demolition.

SECTION 3 DEFINITIONS

The provisions of this bylaw shall be liberally construed to affect the purposes expressed or implied in Section 2. Definitions of the following words and phrases shall be construed and understood according to their common and usual meaning unless the contrary is clearly indicated:

- "*Commission*" - The Rowley Historical Commission
- "*Demolition*" - Any act of pulling down, destroying, removing or razing a structure or portion thereof, or commencing the work of total or substantial destruction with the intent of completing the same.

- "*Demolition Permit*" - A permit issued by the Building Inspector under the State Building Code for the demolition of a building or structure.
- "*Historical Commission Demolition Permit*" – A permit or determination issued by the Historical Commission pursuant to this by-law determining that a building or structure is or is not a significant structure and that a demolition permit may or may not be issued.
- "*Significant Structure*" - A structure or site found by the Rowley Historical Commission to contribute to the historical or architectural heritage or resources of the Town pursuant to Section 5 of this Bylaw.
- "*Structure*" - Any edifice, object or building of any kind that is constructed or erected and requires more or less permanent location on the ground or attachment to an object with permanent location on the ground, not including wheels.

SECTION 4 PROCEDURES

- 4.1 No permit for demolition of a significant structure shall be issued except as provided in this bylaw.
- 4.2 Every application for a demolition permit shall be preceded by an application for a Historical Commission Demolition Permit and submitted to the Historical Commission, on a form provided by the Historical Commission. The application shall be signed by the owner or the owner's agent under the power of attorney. Every application shall include such locational information, plans and narrative description and justification of the proposed demolition as shall be required under Historical Commission rules and regulations for such applications.
- 4.3 Within thirty-five (35) days of the Commission's receipt of a copy of the application for a Historical Commission Demolition Permit, the Commission shall hold a public hearing on such application, and shall make a determination as to whether the structure is a *significant structure* under one or more of the criteria set forth in Sections 5. The Commission shall give written notice of the time and place of the hearing, not less than seven (7) days prior to the hearing, to the owner by certified mail, to abutters and parties in interest by mail, and by posting and by publication once in a local newspaper. The Commission may conduct a site visit prior to the hearing.
- 4.4 If, within thirty-five (35) days of the Commission's receipt of a copy of an application for a permit, no public hearing has been held, or if within fourteen (14) days following the close of the public hearing no finding by the Commission has been filed with the Building Inspector, the applicant may submit a demolition application to the Building Inspector, who may, subject to the requirements of the Building Code and any other applicable laws, bylaws, rules and regulations, issue the demolition permit.
- 4.5 If after holding a public hearing the Commission shall determine that the structure is not a *significant structure* because it fails to meet one or more of the criteria set forth in Section 5, or if the Commission shall determine that the structure is a *significant structure* meeting one or more of the criteria set forth in Section 5, but that the proposed demolition would not be detrimental to the historical or architectural heritage or resources of the Town of Rowley, then the Commission shall notify the applicant and the Building Inspector in writing of its findings within fourteen (14) days of said determination. Upon receipt of such notification, or upon expiration of said fourteen (14) days without such notice, the Applicant may submit an application for a demolition Permit to the Building Inspector, who may issue a demolition permit, subject to the requirements of the Building Code and any other applicable laws, bylaws, rules and regulations.

- 4.6 If, after such hearing, the Commission determines that the structure is a *significant structure* and that the proposed demolition would be detrimental to the historical or architectural heritage or resources of the Town, then it shall file written notice with findings, of its determination to the applicant and the applicant shall not file an application for a Demolition Permit and no Demolition Permit shall be issued until nine (9) months after the date of such determination by the Commission.

SECTION 5 STANDARDS FOR DESIGNATION AS A SIGNIFICANT STRUCTURE

- 5.1 The Historical Commission shall determine that a structure will be designated as a *significant structure* if it meets one or more of the following criteria:

- It is listed on, or is within an area listed on, the National Register of Historic Places, or is the subject of a pending application for listing on said National Register, or; the Commission determines that the structure meets one or more of the following three criteria:
 - a. **Historical Importance:** The structure meets the criteria of historical importance if it:
 1. Has character, interest or value as part of the development, heritage or cultural characteristics of the Town of Rowley, the Commonwealth of Massachusetts or the Nation, or;
 2. Is the site of an historic event, or;
 3. Is identified with a person or group of persons who had some influence on society, or;
 4. Exemplifies the cultural, political, social or historic heritage of the community,
 5. Any structure, in whole or in part, which is at least 75 years old, or is of unknown age and is included in the Cultural Resources Inventory prepared by the Commission.
 - b. **Architectural Importance.** The structure meets the criteria of architectural importance if it:
 1. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style, or;
 2. Embodies these distinguishing characteristics of an architectural type, or;
 3. Is the work of an architect, master builder or craftsmen whose individual work has influenced the development of the town of Rowley, or;
 4. Contains elements of architecture design, detail, materials of craftsmanship which represents a significant innovation.
 - c. **Geographic Importance.** The structure meets the criteria of geographic importance if:
 1. The site is part of, or related to, a square, park, or other distinctive area, or;
 2. The structure, as to its unique location or its physical characteristics represents an established and familiar visual feature of the neighborhood, village center, or the community as a whole.

SECTION 6 DEMOLITION

Notwithstanding the provisions of Section 4, the Building Inspector may issue a demolition permit for a *significant structure* under any of the following circumstances:

- 6.1 If at any time, after inspection, the Building Inspector shall determine that the structure poses an imminent threat to the public health or safety of the community under Section 7, and so advises the Commission in writing, or;
- 6.2 The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is or will be willing to purchase, preserve, rehabilitate or restore such structure, and so advises the Building Inspector in writing, or;
- 6.3 The Commission is satisfied that the owner has made continuing bona fide and reasonable efforts to locate a purchaser who would be willing to preserve, rehabilitate and restore the subject structure but that such efforts have been and will continue to be unsuccessful, and so advises the Building Inspector in writing.

SECTION 7 EMERGENCY DEMOLITION

- 7.1 If a structure poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such structure may request issuance of an emergency demolition permit from the Building Inspector.
- 7.2 Upon receipt of any application for an emergency demolition permit, the Building Inspector shall immediately transmit a copy thereof to the Rowley Historical Commission. .
- 7.3 The Building Inspector shall inspect the structure with a team consisting of the Inspector, Fire Chief, Historical Commission Chair and two (2) other members of the Commission selected by the Chair, or the designees of said officials.
- 7.4 Within 5 days after inspection of the structure, and after consultation with other members of the inspection team, the Building Inspector shall determine: 1) whether the condition of the structure represents a serious and imminent threat to public health and safety, and; 2) whether there is any reasonable alternative to the immediate demolition of the structure which would protect public health and safety.
 - (a) If the Building Inspector finds:
 - 1) that the condition of the structure poses a serious and imminent threat to public health and safety, and;
 - 2) that there is no reasonable alternative to the immediate demolition of the structure, then the Building Inspector may issue an emergency demolition permit to the owner of the structure.
 - (b) If the Building Inspector finds:
 - (1) that the condition of the structure does not pose a serious and imminent threat to public health and safety, and/or;
 - (2) that there are reasonable alternatives to the immediate demolition of the structure which would protect public health and safety, then the Building Inspector may refuse to issue an emergency demolition permit to the owner of the structure.
- 7.5 Upon issuing an emergency demolition permit under the provisions of this section, the Building Inspector shall submit a brief written report to the Commission describing the condition of the structure and the basis for his/her decision to issue an emergency demolition permit. Nothing in this section shall be inconsistent with the procedure for demolition and/or securing buildings and structures established by the Building Code or G.L.c. 143, Sections 6-11.

SECTION 8 ENFORCEMENT AND REMEDIES

The following enforcement and remedies shall apply under this bylaw:

- 8.1 The Historical Commission is authorized to adopt rules and regulations to carry out its duties and functions under this bylaw.
- 8.2 The Commission and the Building Inspector are each authorized to institute any and all proceedings in law or equity that shall deem necessary and appropriate to obtain compliance with the requirements of this bylaw, or to prevent a violation thereof.
- (a) Any owner of a structure subject to this Bylaw who knowingly acts to demolish said structure, or damage a portion of a structure in a way which increases its likelihood of total failure, without first obtaining a demolition permit in accordance with the provisions of this Bylaw, or who likewise by some causative action contributes to the deterioration of said structure during the demolition review period, shall be in violation of this Bylaw.
 - (b) The fine for any violation of this bylaw shall be Three Hundred dollars (\$300.00) for each offense. Each day the violation exists shall constitute a separate offense until the demolished structure is rebuilt or re-created as directed by the Historical Commission, or unless otherwise agreed to by the Commission.
 - (c) Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Rowley may elect to utilize the non-criminal disposition procedure set forth in G.L. c. 40, Section 21D in which case the Historical Commission or an authorized agent shall be the enforcing person. The penalty for the first violation shall be \$200.00, the second and all subsequent violations shall be \$300.00 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- 8.3 No building permit shall be issued with respect to any premises upon which a significant structure has been demolished in violation of this bylaw for a period of three (3) years from the date of the completion of such demolition.

SECTION 9 SEVERABILITY

If any section, paragraph or part of this bylaw for any reason is declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect to the extent that the overall purposes of this bylaw can still be met.

Demolition Delay Bylaw (Art # 15) was accepted at 5/19/08 Special Town Meeting, approved by Attorney General on July 8, 2008, and posted according to law.

DENIAL, REVOCATION, SUSPENSION OF LICENSES AND/OR PERMITS FOR FAILURE TO PAY MUNICIPAL CHARGES

- Section 1. *Notice to Licensing Authority:* The tax collector or other municipal official responsible for the records of all municipal taxes, assessments, betterment and other municipal charges; hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals or transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterment or other municipal charges for not less than a twelve month period, and that such party has filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.
- Section 2. *Authority of Licensing Authority:* The licensing authority may deny, revoke, or suspend any license or permit, including renewals or transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector; provided however, that written notice is given to the party and the tax collector, as required by applicable provisions of the law, and the party is given a hearing, to be held not earlier than fourteen (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 tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.
- Section 3. *Payment Agreements:* Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- Section 4. *Waiver of Action:* The Board of Selectmen may waive such denial, suspension, or revocation if it finds there is not direct or indirect business interest by the property owner, its officers or stockholders, if any, or members

of his/her immediate family, as defined on Section One, Chapter 268 in the business or activity conducted in or on said property.

Section 5. *Exclusions from operation of this bylaw:* This section shall not apply to the following licenses and permits: open Section 13 of Chapter 48; bicycle permits, Section 11A of Chapter 85; sales of articles for charitable purposes, Section 33 of Chapter 101; children work permits, Section 69 of Chapter 149; clubs, associations dispensing food or beverages licenses, Section 41E of Chapter 104; dog licenses, Section 137 of Chapter 140; fishing, hunting, trapping licenses, Section 12 of Chapter 131; marriage licenses, section 28 of Chapter 207; and theatrical events, public exhibitions permits, Section 181 of Chapter 140. All references in this Section Five to statutes are references to the General Laws of Massachusetts.

This bylaw was adopted by Annual Town Meeting of May 4, 1987 (Article 54), by unanimous vote, approved by Attorney General on August 18, 1987.

DOG BYLAW

Section 1. Any person who is the owner or keeper of a dog or kennel within the Town of Rowley, and who fails to obtain a license for said dog or kennel as required by Chapter 140 of the Massachusetts General Laws within thirty days of the date on which the license fee is due, shall pay, in addition to the regular fee for such license, a penalty fee of Five Dollars (\$5.00) if payment is made thirty-one to sixty days after due date, a penalty fee of Ten Dollars (\$10.00) if payment is sixty-one days to ninety days after the due date or a penalty fee of Fifteen Dollars (\$15.00) if payment is made on or after the ninety-first day following due date. The penalty fees herein required shall be payable to the Town of Rowley.

Section 2. If the Animal Control Officer determines that a female animal in heat, even confined, is attracting other animals, thus causing a disturbance or damage to neighboring property of public area, he may require the owner or keeper to keep said animal, while in heat, in a kennel or to remove it from the area so that the nuisance is abated.

Section 3 The Animal Control Officer is authorized to require owners or keepers of dogs to restrain their dogs from running at large, and from causing annoyance or nuisance by way of barking, whining, or howling in an excessive, continuous or untimely fashion.

New wording (Section 3) accepted at Annual Town Meeting of May 1, 1995 (Article 34), approved by Attorney General on June 20, 1995 and posted according to law.

Section 4. The owner or keeper of a dog, about which the Animal Control Officer has issued an order under Sections 2 and 3 of this bylaw, who wishes to appeal said order may make such appeal in writing to the Board of Selectmen within ten (10) days of the issuance of the order. The Board of Selectmen may settle the case by overruling the Animal Control Officer, by agreement with the appellant, or by instructing the Animal Control Officer to proceed with enforcement procedures as set forth in Chapter 140, Section 173A of the General Laws. If the owner or keeper fails to comply with the order of the Animal Control Officer and does not appeal to the Board of Selectmen, the Animal Control Officer shall proceed to enforce his order as provided bylaw.

This bylaw was passed at the Annual Town Meeting of May 2, 1983, by a vote of 68 for and 13 opposed. It was approved by the Attorney General in August 25, 1983 and posted in accordance with the law in August of 1983.

Section 5. Dog License Fees

5.1	Annual license fee for a male dog	\$10.00
5.2	Annual license fee for a female dog	\$10.00

Section 5 of the Dog Bylaw was amended at the Annual Town Meeting of May 13, 2002 (Article 41), approved by the Attorney General on 10/7/02 and posted as proscribed bylaw on 10/17/02.

Section 6. Kennel Fees

- 6.1 Annual license fee for a kennel of 1 to 4 dogs \$20.00
- 6.2 Annual license fee for a kennel of 5 to 10 dogs \$50.00
- 6.3 Annual license fee for a kennel of over 10 dogs \$100.00

Section 7. Pick-up Fees

- 7.1 Fee for pick-up of a dog (all strays) \$15.00
- 7.2 Recovery Fee (boarding per day or any part thereof) \$15.00

The fees for pick-up and recovery shall be waived for the first offense in any one-year period, provided the dog is properly licensed. The owner/keeper of any unlicensed dog must obtain a valid dog license in the community where the dog resides prior to the dog’s recovery. All fees continue until recovery is complete. The owner/keeper must provide valid identification and sign the release form.

Section 5 through 7 were passed at the May 7, 1991 Annual Town Meeting, approved by the Attorney General on July 17, 1991 and posted accordingly in August of 1983.

Section 7 of the Dog Bylaw was amended at the Annual Town Meeting of May 13, 2002 (Article 42), approved by the Attorney General on 10/7/02 and posted as proscribed bylaw on 10/17/02.

Section 8. *Deleted at Annual Town Meeting of May 1, 1995 (Article 34), approved by Attorney General on June 20, 1995 and posted according to law.*

Section 9. Penalties:

9.1 An Owner of a dog who upon investigation by the Animal Control Officer after receipt of a complaint is found to be in violation of any provision of Section 1 of this bylaw, shall be subject to a \$250.00 fine, as provided for in the Enforcement of Town Bylaws Bylaw.

9.2 An owner of a dog who is found to be in violation of any provision of Section 2 or Section 3 of this bylaw, shall be subject to the following fines, as provided for in the Enforcement of Town Bylaws Bylaw:

- First Offense \$25.00
- Second Offense \$50.00

Each Subsequent Offense

\$75.00

Section 9: Wording was changed at Annual Town Meeting of May 1, 1995 (Article 34), approved by Attorney General on June 20, 1995 and posted according to law.

Section 10. Impounding, pick-up and boarding fees: the Animal Control Officer shall charge an owner of a dog that has been impounded by the Animal Control Officer for any reason \$15.00 for the pick-up and retrieval of said dog, and \$15.00 per day, or any portion thereof, for boarding of said dog. All such impounding fees shall be paid by the owner of a dog prior to release by the Town Animal Control Officer.

Sections 8 through 10 were passed at the May 3, 1993 Annual Town Meeting, approved by the Attorney General on June 8, 1993 and posted accordingly.

Section 10 of the Dog Bylaw was amended at the Annual Town Meeting of May 13, 2002 (Article 43), Approved by the Attorney General on 10/7/02 and posted as prescribed bylaw on 10/17/02.

Amend Rowley Dog Bylaw by substituting the job title "Animal Control Officer" for "Dog Officer" wherever said title "Dog Officer" appears in the Dog bylaw. Passed at Annual Town Meeting on May 3, 1993, approved by the Attorney General on June 8, 1993 and posted accordingly.

Boldfaced items in Section 2, 8 and 9 were amended at the May 1, 1995 Annual Town Meeting, (Article 34) approved by the Attorney General on June 20, 1995 and posted accordingly.

Sections 9.1 added and Section 9.2 amended at the 10/17/08 STM (Article 16), approved by the Attorney General on 11/18/08 and posted according to law on 12/2/08.

EARTH REMOVAL BYLAW

Referenced in Section 5.0, Intensity of Land Use, of the Zoning Bylaw of the Town of Rowley

A. PURPOSE

The purpose of this bylaw is to promote the health, safety, welfare and amenities of the community or any neighborhood thereof, and to prevent harmful results from improper excavation.

B. GENERAL

1. This section is adopted under the Authority contained in Paragraph 17, Section 21, Chapter 40 of the General Laws.
2. For the purposes of this bylaw, “earth” shall include soil, loam, sand and gravel, or any combination thereof.
3. The Board of Selectmen referred to in this bylaw shall be the same Board of Selectmen established under Section 1, Chapter 41 of the General Laws or the predecessor thereto.

C. PERMITS REQUIRED

1. No earth shall be removed from any parcel of land not in public use, either above or under water, in the Town without written permit or without conditions from the Board of Selectmen as hereinafter provided.
2. Permit without a public hearing.
The Board of Selectmen may issue permits without a public hearing for:
 - a. The removal of not more that seventy-five (75) cubic yards from a lot of record for the following purposes:
 1. Where necessary in the ordinary course of farm, garden or nursery activities.
 2. When incidental to landscaping or similar activities for which a building permit is not required.
 3. When such earth is not needed in connection with the construction of a private road or drive.
 - 4.
3. Permit with public hearing.
The Board of Selectmen may issue a permit for removal after a public hearing for new operations and shall issue a permit for continuance of existing operations, providing:
 - a. Owners or operators of existing removal register with the Board of Selectmen, registered mail, postage prepaid, their name and the location of the removal within thirty (30) days of the passage of this Bylaw if they wish to continue operation.
 - b. The Board of Selectmen determines that the removal has been conducted legally under a permit issued by the Town of Rowley and has been in continuous operation for a period of six (6) months prior to and continuing to the date of adoption of this bylaw.

D. PROCEDURE

1. Applications - An application for permit required by this bylaw shall be filed with the Board of Selectmen in eight (8) copies. The applicants shall be given a dated receipt. The Board of Selectmen shall transmit one (1) copy to the Conservation Commission and one (1) copy to the Planning Board within seven (7) days of the filing. The application shall consist of the following:
 - a. An operation plan indicating:
 - 1) The location of the proposed excavation and the zoning district in which it is located.
 - 2) The legal name and address of the owner of the property involved.
 - 3) The legal name and address of the petitioner, which address shall be used by the Board for all correspondence hereunder.
 - 4) Name and address of all abutting owners, including those across any streets and use of all land within two hundred (200) feet of the boundaries of the land covered by the application.
 - 5) All property lines of land shown on the plan.
 - 6) All adjacent streets, private and public.
 - 7) Delineation of the removal area and an estimate of the total material to be removed from the area, said estimate to be used in computation of the filing fee – see paragraph D.1.d
 - 8) Topography by five-foot (5') contours of the area to be excavated and up to at least one hundred (100') beyond the perimeter of the area involved and along all property lines, related to the Town of Rowley Datum. Location of at least three (3) permanent benchmarks with elevations marked thereon which must be set so that if one is disturbed those not disturbed can be recognized.
 - 9) The excavations, fills or side cuts to be made any closer than five (5) feet from abutter's property lines or public right of way.
 - 10) A log of not less than three (3) soil borings taken to the depth of the excavation. (Additional borings depending on the size and geology of the site, as required by the Board of Selectmen).
 - 11) All access road, drives, storage areas and trucking routes to be used within the Town.
 - 12) The means of control of entrances and exits to public ways.
 - 13) The means of disposing of rocks, tree stumps, refuse and waste products.
 - 14) Provision for safe and adequate water supply.
 - 15) The means of temporary and permanent drainage of the site.
 - b. A re-use plan showing:
 - 1) The proposed use, after completion of removal operations, of all the land of the applicant shown on the plan or contiguous thereto.

- 2) Five foot (5') contours of the site as of the proposed completion of the excavation project.
- 3) The drainage of site and excavation after the removal operation.
- 4) The land in a condition no less valuable for development and use than it was before the commencement of operations.
- 5) The schedule to restore the land which cannot exceed three (3) years from the expiration of an initial permit, or a permit renewed within six (6) months of the expiration of another. The land shall be restored so that it can be used for purposes permitted by the Zoning Bylaw of the Town of Rowley for the district in which the land is located.

c. The form of the bond to be used:

- 1) A bond shall be filed by the applicant before the permit is granted or as a condition to the permit to assure satisfactory operation and performance under the requirements of this bylaw and the conditions of the permit.
- 2) The bond shall be in a form satisfactory to the Town Counsel and the Town Treasurer. The bond shall be in an amount which the Selectmen determine adequate to restore the land at the expiration of the permit or at any time during the life of the permit when operations cease, and adequate to repair damage, if any, to public ways. See paragraph E3.
- 3) The bond shall be issued by an insurance company authorized to do business in Massachusetts or shall be of such surety as will qualify for security under the Subdivision Control Law, Chapter 41, 81U (1).
- 4) The bond shall be in an amount determined by the Selectmen; but in no case shall be less than Two Thousand (\$2000.00) for each acre shown on the plan.

d. Payment of a fee

There shall be a filing fee of thirty (\$30.00) dollars for application for a permit required under paragraph C2. The filing fee for an application under paragraph C3, shall be made in accordance with the Town of Rowley Rules and Regulations of the Board of Selectmen Relating to Special Permits.

Section 'd' amended as per voice unanimous vote of ATM 5/2/05, approved by AG's office July 13, 2005 and posted according to law July 20, 2005.

e. Plan Preparation

The plans required for submission shall be prepared at the expense of applicant by a registered land surveyor or registered professional engineer at a scale of one inch equals one hundred feet (1" = 100'). If more than one sheet is used, a key sheet shall be presented.

2. Granting of Permits

- a. Hearing not required - The Board of Selectmen shall grant a permit subject to the limitations of Section D within sixty (60) days of the receipt by them of the application, or state in writing the reasons for refusal, with a copy sent to the applicant by registered mail. Failure of the Board of Selectmen to act within sixty (60) days will constitute approval.
- b. Hearing required - The Board of Selectmen may grant a permit in compliance with the application and plans as provided in this bylaw after holding a public hearing and review and after receipt of a report from the Conservation Commission, said report to be received with thirty (30) days of the hearing or thirty (30) days lapse without such a report. When exercising jurisdiction under this paragraph, the Board of Selectmen shall conform to all the requirements of procedure applicable to a hearing and decision on a request for a special permit under Chapter 40A of the General Laws, including the requirement thereof for the public notice and hearing.
- c. Appeal - Any person aggrieved by the decision of the Board of Selectmen may appeal to the Board of Appeals as prescribed by Chapter 40A, Section 13 through 22 of the General Laws. *Note: Chapter 40A is now only Sections 13-17.*

3. Permit Expiration

Any permit issued hereunder shall automatically expire upon the completion of the earth removal project for which it was issued or at such time as may be specified in said permit, and in any event within one (1) year from the date of issue thereof. A permit may be renewed by the Board of Selectmen for a period of one (1) year without a hearing if it finds that all conditions then applicable have been complied with and that the work has been carried on continuously and in good faith. A permit may not be renewed more than once without a hearing, and may not be granted for an area in excess of five (5) acres unless in the opinion of the Board of Selectmen the area of the previous permit is being satisfactorily restored for use in accordance with the reuse plan.

4. Conditions for approval

- a. No permit shall be issued for the removal of earth in any location if in the opinion of the Board of Selectmen such removal will:
 1. Endanger the public health or safety or constitute a nuisance.
 2. Produce noise, dust or other effects observable at the lot lines in amounts seriously objectionable or detrimental to the normal use of the adjacent property.
 3. Result in the transportation over ways which will be injured in any way by loads in excess of the road capability or by means of handling vehicles used to transport earth or of handling materials in transport.
 4. Result in a change in topography and cover which will be disadvantageous to the appropriate use of land as shown on reuse plan and permitted by the zoning bylaw.
 5. Result in the removal of existing topsoil from the Town of Rowley.

- b. No permit for the removal of earth shall be approved by the Board of Selectmen except upon condition that a cover of topsoil of not less than six (6") inches in depth shall be replaced or allowed to remain, except where, due to construction of roads, buildings or permanent physical features, such provision is impractical. Such topsoil cover shall be seeded with a perennial cover crop to assure uniform growth and surface soil stabilization. (See also paragraph E 1).
- c. No permit for the removal of earth shall be approved by the Board if the work extends within three hundred (300') feet of a way open to public use, whether public or private, or two hundred fifty (250') feet of a building or structure, or within one hundred (100') feet of a property line, or within fifty (50') feet of a natural stream or a body of water unless the Board is satisfied that such removal will not undermine the way or structure and will not cause damage to the abutting property, stream or body of water.
- d. No permit shall be granted for removal from an area in excess of five (5) acres at any one time. (See paragraph 3 above).
- e. All operations under a permit granted under this bylaw will be subject to the provision of Paragraph E, Specifications and Standards of Operations.
- f. In approving the issuance of a permit, the Board of Selectmen shall impose such other reasonable conditions as it deems necessary, which shall be written upon and shall constitute part of the permit, including but not limited to:
 - 1. The finished leveling and grading.
 - 2. The type of topsoil and planting necessary to restore area to usable conditions. (See also paragraph b). The topsoil shall be treated with three (3) tons of lime per acre and one thousand (1,000) pounds of 10-10-10 fertilizer, or such other fertilizer as approved by the Board of Selectmen. The type of seed and trees and shrubs to be planted to restore the natural beauty and to reduce the erosion and the procedure to protect the area from erosion and the procedure to protect the area from erosion while growth is being establish shall also be conditions of the permit.
 - 3. The duration of the removal operation.
 - 4. Temporary structures.
 - 5. Hours of operation and trucking, while at no time shall be between six (6) P.M. and eight (8) A.M. or on a Sunday or legal holiday.
 - 6. Cover of material being transported, routes of transportation of material and routes of all vehicles involved.
 - 7. Control of temporary and permanent drainage. All natural drainage shall leave the property at the original drainage point with no increase in flow.
 - 8. Disposition of boulders and tree stumps.
 - 9. Suitable fencing to enclose any excavation or quarry which will tunnel under original ground level or which will have a depth of ten (10) feet or more and create a slope of more than three (3) horizontal to one (1) vertical. Any opening in such fence shall be locked when daily operations have ceased and

such openings shall be properly signed describing the possible danger within. Such fence shall be located ten (10') feet or more from the edge of the excavation, shall be at least six (6') feet high and shall be of a type which will screen the operation from view from all public ways.

10. Lighting that does not shine on adjacent properties or public ways.
11. Maximum noise levels.
12. Maintenance of natural vegetation on undisturbed land.

E. Specifications and Standards of Operation

All earth removal shall be subject to the conditions of the permit and the following specifications and standards:

1. The methods and stages of removal and of restorations to usable condition shall include all conditions of the re-use plan.
2. Roadways used for transportation of material must be swept clean and cleared of material spilled from trucks, at least once each forty-eight (48) hours and more often, if necessary to maintain safety and a clean neat appearance.
3. Damage to pavement, drainage, structures and curbing cause by said trucks or spillage shall be repaired by the applicant.
4. Any repair or cleaning of roadways as outlined in paragraphs 2 and 3 above, if performed by the town, shall be paid for by the applicant.
5. Adequate steps shall be taken during removal operations to abate excessive dust and all access roads and drives on the site shall be oiled at all times.
6. No equipment, except mobile equipment for sorting, washing, crushing, grading drying, processing, and treating or other operation machinery, shall be used closer than one hundred (100') feet from any public right-of-way or any abutting property line.
7. Side slopes in a pit no steeper than a three (3) (horizontal) to one (1) (vertical) ratio.
8. Adequate lateral support for all adjacent properties shall be provided and maintained.
9. No excavation below the existing grade of any tract boundary nearer that fifty (50') feet to abutter's property boundary or public right-of-way, or lower that four (4') feet above maximum high ground water level, except where a pond is approved on the re-use pan. Final elevation of the pit not in excess of three percent (3%) grade from the nearest public way or ways.
10. Entrance to the premises for the Board of Selectmen or their agent to inspect the site shall be allowed at any time.
11. A requirement that within six (6) months after termination of operation, all buildings, structures and equipment shall be removed from the premises.

F. Variation

Strict compliance with the requirements of these rules and regulations may be waived in connection with earth removal operations and in existence on the date of adoption of this bylaw or on a new operations when, in the judgment of the Board, such action is in the public interest and non inconsistent with the intent of this bylaw.

G. Validity

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof. This bylaw shall take effect upon the date resulting from the procedure provided for Chapter 40 of the General Laws of the Commonwealth of Massachusetts and upon that date the earth removal bylaw for the Town of Rowley, adopted July 28, 1952 and revised March 7, 1970 shall be repealed.

H. Administration and Enforcement

1. The Board of Selectmen or duly authorized representative shall review the progress of the work from time to time to ensure proper conduct.
2. If the Board of Selectmen concluded that there has been a violation of this section, a notice of violation shall be sent to the applicant, by registered or certified mail, to the address state on the initial application, and if applicable, a notice ordering a cessation of the improper activities.
3. Any person, trust, firm or corporation willfully violating, disobeying, or refusing to comply with the provisions of this bylaw shall be prosecuted under the terms of General Law, Ter.ed., Chapter 40, Section 21, Paragraph 17 and shall be subject to a fine of Fifty Dollars (\$50.00) for the first offense, One Hundred Dollars (\$100.00) for the second offense, and Two Hundred Dollars (\$200.00) for any subsequent offense. Each day of non-compliance shall constitute a separate offense. The Board may revoke or suspend the permit of any person, firm or corporation holding a permit under this bylaw if such person, etc., violates, disobeys, or fails to comply with any of the provisions of this bylaw.

This bylaw was adopted at the Annual Town, by a vote of 123 in favor and 16 opposed. It was approved by the Attorney General on April 2, 1973 and published by posting in five public places in April 19, 1973. Amended at the Annual Town Meeting of May 7, 1979 (Article 16), approved by the Attorney General's office on September 18, 1979, and published by posting.

Amended at the May 2, 2005 Annual Town Meeting, approved by the Attorney General's Office on July 13, 2005, and posted according to law on July 20, 2005.

FEE BYLAW- Enforcement of Town Bylaws (Non-Criminal)

Section 1. Whoever violates any provisions of these bylaws may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided bylaw and as the district court may see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be three hundred dollars (\$300.00).

Section 2. Any Town official who takes cognizance of a violation of a specific bylaw, rule and/or regulation of the Town which said official is empowered to enforce (hereinafter referred to as the enforcing person), may, but shall not be required to, as an alternative to initiating criminal proceedings, give the offender a written notice to appear before the clerk of the district court having jurisdiction thereof at any time during office hours of said court, not later than 21 days after the date of such notice.

Said notice and non-criminal disposition of the violations shall be in conformity with General Laws (Ter. ed.) Chapter 40, Section 21D as amended. The specific sum to be paid by any offender under this procedure shall be the minimum sum of money as may be fixed at the time of the violation by the bylaw, rule or regulation as the penalty for violation of the same, but shall not exceed the maximum amount permitted by said Chapter 40, Section 21D, as amended.

Section 3. Penalties for Violations of Bylaws:

- | | |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| a. Alcohol Beverage Bylaw | \$50.00 per offense |
| b. Cemetery Bylaw | \$50.00 per offense
<i>Cemetery Commissioner</i> |
| c. Dog Bylaw | \$ 5.00 license fee overdue 31-60 days
\$ 10.00 license fee overdue 61-90 days
\$ 15.00 license fee overdue 91 or more |
| d. Earth Removal Bylaw | \$ 50.00 first offense
\$100.00 second offense
\$200.00 third offense
<i>Each day is a separate offense – Board of Selectmen</i> |
| e. Harbor Bylaw | Warning for the first offense
\$10.00 second offense
\$20.00 third offense |
| f. House Number Bylaw | \$5.00 per offense
<i>Each day is a separate offense</i> |

- t. Wetlands Protection Bylaw
 a. Section 12: Enforcement and Violations/Fines

Violation	Penalty/Offense		
	Buffer Zone	Wetlands Resource Areas & ACEC (excluding Buffer Zone)	Non-Compliance with a provision of this Bylaw
1st Violation	\$25	\$50	\$75
2nd Violation	\$50	\$100	\$200
3rd Violation	\$300	\$300	\$300

- U. Stormwater Management and Erosion Control Bylaw
 a. Section 14: Enforcement \$75 for first offense
 \$150 for second offense
 \$300 for third offense

- V. Demolition Delay Bylaw
 a. Section 8.2 (c) Non Criminal Disposition
 \$200.00 for the First Offense
 \$300.00 for each subsequent offense
Each day or part thereof is a separate offence

Sections s, t and u were accepted at the November 5, 2007 Special Town Meeting by voice unanimous vote, approved by the Attorney General's Office on November 20, 2007 and posted according to law on November 28, 2007.

Section v accepted at the 5/19/08 Special Town Meeting (Art. #16) , approved by Attorney General's Office on July 8, 2008, and posted according to law.

Section 4. All Town Officers shall pay into the Town treasury all fees received by them by virtue of their offices.

Adopted at the Special Town Meeting held on Monday, October 26, 1981, approved by Attorney General February 8, 1982 and posted according to law.

Dog Bylaw Fee Schedule (section r) was amended at 10/27/08 STM (Art #17), approved by the Attorney General 11/18/08 and posted according to law on 12/2/08.

FINANCE COMMITTEE BYLAW

- Section 1. There shall be a FINANCE Committee consisting of nine legal voters of the Town of Rowley who shall be chosen as hereinafter provided. No elected or appointive town officer or town employee shall be eligible to serve on said committee unless the Committee, Department, Board or Commission to which the member belongs, or by which the member is employed, does not have an annual budget greater than One Thousand Dollars (\$1,000.00), or unless the Committee was appointed by a Town Meeting.
- Section 2. The Moderator shall, prior to the beginning of each fiscal year, appoint three members of said committee for terms of three years. The term of office of said members shall commence on July 16, and shall expire at the end of three years, ending July 15, when their successors are appointed. Said committee shall choose its own officers and shall serve without pay and it shall cause to be kept a true record of its proceedings. Five committee members at a meeting shall constitute a quorum. (11/23/87, Article 12)
- Section 3. The Moderator shall appoint a member to fill a vacancy within thirty (30) days after the Town Clerk certifies that a vacancy exists, said new member to serve until the end of the unexpired term.
- Section 4. All articles to be inserted in a warrant for a town meeting that calls for an appropriation or transfer of funds shall be returned to the FINANCE Committee for its consideration. Said committee shall, after due consideration of the subject matter of such articles, issue a report thereon to the town meeting, in writing, with such recommendation as it deems best for the interests of the town and its citizens.
- Section 5. It shall be the duty of the Finance Committee annually to consider the expenditures in previous years and the estimated requirements for the ensuing year of the several boards, officers and committees of the town, as prepared by them. The said committee shall add to such statement of expenditures and estimates another column giving the amounts which in its opinion should be appropriated for the ensuing year, and shall further add thereto such explanations and suggestions relating to the proposed appropriations as it may deem expedient and report thereon as provided in Section 3.
- Section 6. In discharge of its duty, said committee shall have free access to all books of record and accounts, bills and vouchers on which money has been or may be paid from the treasury. Officers, Boards and Committees of the town shall, upon request, furnish said committee with facts, figures and any other information pertaining to their several activities.
- Section 7. The Finance Committee shall establish a set of regulations for their operating procedures and make them available in printed form to the public.

Section 8. It shall be the duty of the Finance Committee to make an annual report of its doings, with recommendations relative to financial matters and the conduct of town business and it shall be printed in the annual town report.

This bylaw was passed at a Special Town Meeting held December 2, 1952, by unanimous vote. It was approved by the Attorney General on January 14, 1953 and published by posting in five public places on January 30, 1970.

This bylaw was adopted at the Annual Town Meeting of May 6, 1986 by unanimous vote, approved by the Attorney General on July 8, 1969 and published by posting in seven public places July 11, 1986.

This bylaw was amended at a Special Town Meeting held November 23, 1987 by unanimous vote, approved by the Attorney General on December 21, 1987 and posted accordingly by the Constable on January 2, 1988.

FLEA MARKET, TRANSIENT BUSINESS, AND AUCTION BYLAW

Section 1. Purpose and Authority

The purpose of this Bylaw is to promote and protect the public health, welfare, and safety of the residents of and visitors to the Town of Rowley by regulating the manner in which flea markets, transient businesses, and auctions are operated so as to avoid or reduce the adverse impact upon traffic and other aspects of the public health, welfare and safety anticipated to result or that actually result from the operation of a transient business or auction.

This Bylaw is authorized under the Home Rule Amendment, Article 89, of the Massachusetts Constitution, and by Chapters 40, 43B; 100; and 101 of the Massachusetts General Laws

Section 2. Definitions

- "Auction" or "Public auction" means any sale, coming within its ordinary meaning, by public outcry, including in addition thereto, any sale by public outcry where property is offered first at a stated price and thereafter successively or gradually at lower prices until an acceptor or purchaser is found.
- "Auctioneering" means the business or act of selling real, personal or mixed property by successive, competitive bids.
- "Flea market" means one or more temporary or transient businesses operated at a site within the Town of Rowley.
- "Local auction permit agent" means the Chief of Police or such other person or persons so designated by the Board of Selectmen.
- "Transient vendor" means any person, either principal or agent, who engages in a temporary or transient business in the Town of Rowley selling goods, wares or merchandise.
- "Temporary or transient business" means any exhibition and sale of goods, wares or merchandise which is carried on in the open air or in any tent, booth, building or other structure, unless such place is open for business during usual business hours for a period of at least twelve consecutive months.

Section 3. Applicability

- A. Transient Business. No transient vendor shall operate a transient business, and no flea market shall be operated, within the Town of Rowley without a license granted in advance by the Board of Selectmen. A license shall be granted only if the applicant files a complete application and pays an application fee. The Board of Selectmen shall from time to time prescribe the form of the application and the amount of the application fee. The license may be granted, granted with conditions, or denied. Conditions may include the posting of a bond, the requirement that sufficient public safety personnel be provided at the applicant's expense, and such other

conditions as the Board deems reasonable to promote and protect the public health, welfare, and safety of the residents of and visitors to the Town of Rowley. No license shall be granted for a period to exceed the end of the calendar year.

- B. Auction. No person shall conduct an auction within the Town of Rowley without a special or annual permit issued by the Board of Selectmen. An application for such a permit shall be filed with the local permit auction agent and shall contain the name of the applicant; the name, address and license number of the auctioneer; the hours between which the auction is to be conducted; the location of the auction; and a general description of the goods to be auctioned. As to a special permit, the estimated value of the goods and the date or dates, not to exceed ten, on which the auction shall be held shall also be included.

Within six business days of the filing of an application for a special permit, the local auction permit agent shall either approve the permit subject to stated reasonable terms and conditions relating to public safety as the agent may establish, or deny the application on stated grounds, which must be reasonable grounds relating to public safety. Failure of an agent to act within the six business day period shall constitute approval of the application. Upon approval, express or implied, the applicant shall tender to the city or town treasurer the permit fee established by the agent, which fee shall be reasonable.

No person shall be eligible for an annual permit unless the person maintains a regular place of business for the conduct of auctioneering in the Town of Rowley. An annual permit shall be issued or denied on the same terms applicable to a special permit, except that an application which is not acted upon within fourteen days of the date of filing with the local auction permit agent shall be deemed approved. Each annual permit issued shall be valid for a term of one year commencing on the date of the express or implied approval of the application therefor. Any applicant for a special or annual permit who is aggrieved by the action of the local auction permit agent on the application shall be entitled to a public hearing by the Board of Selectmen in accordance with the provisions of Chapter 30 A of the General Laws.

Section 4. Exclusions and Exemptions

- A. Transient Business. The requirements of this Bylaw shall not apply to:
1. garage sales, tag sales, yard sales, or other transient sales operated on the premises of a single or multi-family residence by a resident thereof on no more than four days within a calendar year;

2. any organization engaged in charitable work or to a post of any incorporated organization of veterans who served in the military or naval service of the United States in time of war or insurrection, except that any such organization shall be required to obtain from the Board of Selectmen a special license authorizing the organization, under such conditions as the Board of Selectmen may deem proper, for a particular time period not to exceed a total of four days to be stated in such license, and for a charitable purpose stated in such license, to conduct under their control a temporary or transient business in which transient vendors participating in such sales shall not be subject to the provisions of this Bylaw.

B. Auction. Section 3(B) of this Bylaw shall not apply to:

1. any auction held or conducted by an order or judgment of any Court of the Commonwealth of Massachusetts or of the United States or by any officer of a municipality, county or state of the United States;
2. sales held by sheriffs, deputy sheriffs, constables, collectors of taxes, executors, administrators, lien holders, or assignees for the benefit of creditors;
3. sales by any other person specifically authorized by law to sell real, personal or mixed property;
4. casual and isolated sales by an owner of his own goods; and
5. any auction held or conducted by any resident member of a charitable, educational, religious or other nonprofit organization within the Commonwealth.

Section 5. Appointment of Agent for Service of Process

Every application for a license or permit under this Bylaw shall contain:

A. an irrevocable power of attorney constituting and appointing, in case the license or permit applied for is issued, the Chief of Police as the true and lawful attorney of the applicant upon whom may be served all lawful process in any action or proceeding against the applicant growing out of the transaction of business by the applicant or any agent of the applicant within the Town of Rowley under the license or permit, and

B. an agreement that:

1. any process against the applicant which is so served shall, if the applicant is notified by mail of such service as provided in Section 5(B)(2), be of the same legal force and validity as if served on the applicant personally, and
2. the mailing by the Chief of Police of a copy of such process to the applicant at the applicant's last known address as appearing on the application or in the Chief of Police's records shall be sufficient notice to the applicant of such service.

Section 6. Rules and Regulations

- The Board may make and, from time to time alter, amend or repeal rules and regulations not inconsistent with any general or special law or with any other bylaw of the Town of Rowley in order to carry out the intent of this Bylaw.

Section 7. Compliance and Enforcement

- A. Violation of this Bylaw or any regulation promulgated under Section 6 shall constitute an offense punishable by a penalty of Three Hundred Dollars (\$300.00) for each such violation, with each day after notice sent by the Board of Selectman to the applicant at the applicant's last known address as appearing on the application or in the Chief of Police's records constituting a separate offense. Imposition and prosecution of any penalty determined by the Board of Selectmen under this Section 7 shall be in accordance with Section 21D of Chapter 40 of the General Laws.
- B. In addition to or in lieu of the imposition and prosecution of a penalty in accordance with Section 7(A), in the event a license or permit grantee fails to comply with the terms of the license or permit, or with any condition of a license of permit, the Board of Selectmen may suspend or revoke the license or permit, call on the bond, if any, seek injunctive relief, or take any other action authorized by law.

Section 8. Severability

If any provision of this Bylaw or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of this Bylaw and the applicability of such provisions to other persons or circumstances shall not be affected thereby.

*Accepted at Town of Rowley Special Town Meeting November 17, 2003, (Article #31)
Approval by Attorney General's Office January 24, 2004 and posted according to law*

GAS INSPECTOR BYLAW

SECTION 1. In compliance with Chapter 737 Section 1 through 5 of the Acts of 1960 of the General Laws of Massachusetts, the Selectmen shall appoint a gas inspector each year for the purpose of inspecting gas piping and gas appliances in buildings. He shall hold office at the pleasure of the Selectmen.

SECTION 2. The gas inspector's duty shall be to enforce all the state laws and local bylaws, if any, pertaining to the inspecting of gas piping and gas appliances in the Town of Rowley.

SECTION 3. The gas inspector's salary shall be set at Fifteen (\$15) Dollars per year.

This bylaw was passed at the Annual Town Meeting of March 4, 1963, by a vote of 109 for and 23 against. It was approved by the Attorney General on June 12, 1963. It was published by posting in five public places on January 30, 1973.

This bylaw was RESCINDED by unanimous vote at the Annual Town Meeting of May 3, 1982. It was approved by the Attorney General on September 21, 1982, and posted in accordance with the law in September of 1982.

HARBOR BYLAWS

Section 1. Application: These rules shall apply to all persons engaged in boating as well as to boats located within the territorial confines of the Town of Rowley and as such may be legally defined from time to time.

Section 2. Terms and Definitions: The words, terms or phrases used within the following sections shall have the meanings set forth in this section unless otherwise noted.

1. **Harbormaster** shall include the duly appointed Town of Rowley Harbormaster and all Assistant Harbormasters appointed by the Board of Selectmen and under the direction of the Harbormaster. Harbormaster shall mean that official responsible for administering the provisions of all waterways rules and regulations.
2. **Vessel** shall include watercraft and boats of all descriptions, ships, barges, sailing vessels, water crafts and powerboats of any type or kind with any means of propulsion.
3. **Mooring** shall mean a relatively permanent arrangement of an anchor, chain, and floating buoy to which a boat may be tied for extended periods. It also includes any anchor or ground tackle used to secure a float or dock.
4. **Anchorage Area** means any area designated and/or used for the purpose of anchoring and mooring.
5. **Headway Speed** shall be the slowest speed at which a vessel may be operated and maintain steerage, but in no case shall exceed five (5) miles per hour.
6. **Disturbing Wake** means the disturbing water or waves that a vessel leaves behind while underway which could cause injury or damage to another person or vessel due to excess rocking.
7. **Lobstering** shall include the taking of lobsters by means of a trap, net, or SCUBA equipment.
8. **Public Landing** includes, but is not limited to, the launch ramp, beach, floats, and piers at the Town of Rowley landing.
9. **Water Skiing** shall include the towing or manipulation of a surfboard, aquaplane, parasail, or any similar device behind any vessel.
10. **Permit Decal** means the 3"X 3" sticker issued on a yearly basis by the Harbormaster.
11. **Transient Mooring** means the mooring used on a temporary basis by visiting boats.

Section 3. Harbormaster-Power and Authority

1. The Harbormaster shall order the movement and placement of all vessels for the orderly and safe management of the Rowley waterways.
2. The Harbormaster shall have the authority to enforce all applicable State and Town laws, make regulations regarding size, kind and placement of all moorings and mooring gear within the confines of the Town and shall enforce these regulations as provided in the General Laws.

3. Any vessel or floating dock be removed by the Harbormaster if, on the reasonable judgment of the Harbormaster, it poses a hazard to navigation or is a hazard to other vessels.

Section 4. Parking - Town of Rowley Launch Ramp and Landing Area

1. Use of the Town Ramp is limited to Rowley Residents only and to those Rowley residents displaying a valid Town of Rowley Launch Ramp permit affixed in clear sight to the rear window or bumper of the vehicle. Rowley Launch Ramp permits shall be purchased from the Harbormaster or Town. Launch Ramp permits for Town residents over the age of sixty-five (65) years are available at a lower cost. Additional permit stickers will be issued at a cost of Three Dollars (\$3.00) per sticker to Town of Rowley residents who use more than one vehicle to transfer their boat during the season. Said fees are non-refundable if the permit is revoked by the Harbormaster for any reason. Proof of vessel ownership may be required. Proof of payment of all applicable taxes and fees will be required before issuance of a permit. Proof of vehicle ownership and vehicle registration numbers must be supplied on the application.
2. For the purpose of these regulations, all Launch Ramp permits expire on December 31 of the issuing year.
3. No parking except in the designated areas. Parking shall not be allowed on or adjacent to the launch ramp.
4. No boats or moorings shall be allowed on the Town beach.
5. No vessel shall tie up to the Town Float for more that ten (10) minutes without the expressed permission of the Harbormaster. No vessel shall be chained or locked to any Town owned or operated docking facilities..
6. It shall be unlawful to deface, alter, or remove any sign or marker placed by or under the direction of the Harbormaster.

Section 5. General Regulations for the Rowley River and all other Rowley Waterways

1. No vessel shall exceed five (5) miles per hour or cause a disturbing wake within one hundred fifty (150) feet of the anchorage areas, mooring areas, marinas, docks, Town beach and landing or where posted. Operators shall be responsible for damage caused by their excessive wake.
2. No person shall operate a vessel in a reckless or negligent manner so as to endanger the life, safety or property of another person.
3. No person shall operate a boat in any designated anchorage area while towing water skiers, aquaplanes, or similar devices.
4. No person shall operate a vessel within three hundred (300') feet of any beach while towing water skiers, aquaplanes, or similar devices
5. No person shall operate a vessel within one hundred (100') feet of a dive flag or marker unless such boat is being operated by a person working with and rendering assistance to such divers.
6. All persons skin diving or SCUBA diving shall display and tow the required dive flag while submerged and surface beneath such flag.

7. Swimmers and persons fishing shall yield to boats using the Town float.
8. Willful abandonment of any boat in Town waterways or placing a boat on an unauthorized mooring shall be prohibited.
9. No person shall operate a personal watercraft jetski, surfjet, or wetbike in Rowley waters (a) in a negligent manner, (b) unless the person is sixteen (16) years of age or older, (c) within one hundred fifty (150) feet of a swimmer, shore or moored vessel, except at headway speed, (d) without wearing an approved personal floatation device and (e) between sunset and sunrise. Weaving through congested vessel traffic and operating unreasonably close to another vessel are prohibited. Jumping or attempting to jump the wake of another vessel is prohibited. Towing a water skier or any person in any manner is prohibited. For the purpose of this section, the term "headway speed" shall mean the slowest speed at which a personal watercraft, jetski, surfjet or wetbike can be operated and maintain steerageway.
10. Lobstering is not permitted in designated mooring areas. The setting of any lobster pot or trap within the designated channel is strictly forbidden.
11. Diving off or jumping from the MBTA Railroad Bridge is prohibited.
12. Except in the case of an emergency, vessels are prohibited from tying up to any marker, buoy, or aid to navigation.
13. No business may be operated on Rowley waterways without the prior written approval of the Harbormaster and the Board of Selectmen.
14. No person shall throw or deposit in the Rowley River or natural waterway within the limits of the Town of Rowley, any dead animal, dead fish, rubbish, filth, foul or offensive substance, or any refuse matter whatsoever, fuel, lubricating oil or other greasy substance, so that the same shall create danger to public health, safety of welfare.
15. Any person using a canoe or kayak from September 15 through May 15 must wear a USCG approved personal floatation device.
16. Any child under 12 years of age must wear a USCG approved personal floatation device when above deck on any vessel underway. An open boat is considered above deck.
17. The operator of any vessel shall provide a USCG approved floatation device for each person aboard the vessel.
18. All violations of this section shall be punishable by a fine of not more than fifty dollars (\$50.00).

Section 6. Mooring/Slip and Rack Regulations, Permits and Fees

1. Residents have mooring rights ahead of non-residents. Permits shall be issued only to private persons.
2. All boats moored in Town waters, tied at slips or seasonally rack stored on waterfront property with launching capacity shall be assessed an annual

- fee. All boat tenders or dinghies belonging to or attached to another fee-paying boat shall be exempt.
3. No mooring shall be placed in Rowley waters without first obtaining permission from the Harbormaster and completing the required applications. Proof of ownership of mooring tackle and vessel may be required. Moorings in Rowley waters without a permit will be removed and the owner fined fifty (\$50.00) dollars per day. Such action may be taken without notification to the owner if, in the reasonable discretion of the Harbormaster, the owner cannot be contacted within a forty-eight (48) hour period, or if emergency conditions require immediate action. Any expense incurred in the removal and relocation of said vessel and/or mooring, or any resulting damage thereto, shall be the responsibility of the owner.
 4. No boat shall be moored, other than temporarily, at a private dock, marina, or yacht club in Rowley waters, without first obtaining a mooring/slip permit from the Harbormaster and paying the required fee. A mooring permit may be denied or revoked by the Harbormaster at any time for failure to comply with any waterways rules and regulations of the Town of Rowley and the Commonwealth of Massachusetts.
 5. No boat shall be moored in Rowley waters without an approved mooring permit and permit decal. The decal shall be placed on the boat's transom (starboard side) or as close as possible. This does not apply to transient boats moored on transient mooring if available for less than seven (7) days. If requested, the issued mooring permit must be made available and shown to the Harbormaster, Assistant Harbormasters or any authorized law enforcement official with 24 hours of request.
 6. Mooring permits must be obtained by May 31 of each year. Permit applications received or postmarked after May 31 will be assessed a late fee of five (\$5.00) dollars. Permit locations not renewed by this date will be reassigned on a first come, first served basis.
 7. Moorings not renewed by July 1 will be considered illegal and removed at the owner's expense and shall be delivered to the possession of the Harbormaster until claimed by the property owner or disposed of according to M.G.L. Chapter 91.
 8. No mooring permit shall be transferable. The rental of any mooring is prohibited. Only the Harbormaster may authorize in writing the temporary use of a mooring of another boat upon application of the permit holder.
 9. The permit fee is not refundable if the mooring permit has been revoked by the Harbormaster or if the mooring has been removed by the owner for any reason during the year. A permit may be suspended or revoked by the Harbormaster whenever in his opinion the boat and/or mooring unduly threatens the safety or public health of the mooring area or the reasonable use of that area by other boats. A mooring permit shall be revoked for pollution in the anchorage area by any vessel, including the discharge of oil, garbage, waste, rubbish, debris, and/or holding tanks. Mooring at a place other than that specified on the permit will be grounds for revocation.

10. All permits will expire on December 31 of the issuing year.
11. The sale of a boat does not include the sale of a mooring location. Upon the sale of any vessel, the Harbormaster must be notified in writing if the owner wishes to hold the mooring location. Said locations shall be held for one (1) year upon payment of the minimum application fee and shall not be subject to renewal.
12. Anyone requesting a new mooring in Rowley waters must first join the waiting list by contacting the Harbormaster. A ten (\$10.00) dollar fee is required each year to remain on the list. This fee will be subtracted from the first year's mooring permit fee.
13. Winter spars are not required, but if used, must be removed by June 1 and shall not be set before October 1 of each year.
14. No mooring shall be moved without first obtaining permission from the Harbormaster.
15. Excise tax shall be paid to the Town of Rowley Treasurer's Office and should not be confused with the mooring/slip/launch ramp fee which is paid to the Town of Rowley prior to May 31.
16. No mooring or slip permit shall be issued until all fees and taxes from previous years are paid in full.
17. Mooring permit holders must notify the Harbormaster immediately upon any change in information provided on the mooring/slip/launch ramp permit application and when no longer desired, must cancel their permit prior to May 1 to avoid being billed for the season.

Section 7. Mooring Gear and Equipment Regulations

1. Only approved mooring gear and equipment shall be placed in Rowley waters.
2. Mooring companies may service and/or do mooring work in Rowley waters only after obtaining written permission from the Harbormaster.
3. It is the mooring owner's responsibility to ensure that the owner's last name be permanently affixed to the mooring float or winter spar and be legible at all times.
4. Any mooring float or winter spar without the owner's last name permanently affixed will be considered illegal and removed. Unless claimed by the owner, these mooring will be held in the custody of the Harbormaster for one (1) year and then disposed of according to Massachusetts General Laws.
5. All mooring gear shall be inspected and/or serviced by the owner, certified diver or mooring service company at least once annually to determine the condition of gear and to ensure compliance with minimum standards set forth by the Harbormaster.
6. Winter spars shall be rigged in a way that they maintain an upright position during all tide levels. The top portion shall be painted white and have the owner's name affixed to at least two (2) sides.
7. All moorings shall be equipped with primary and secondary pennant.
8. All mooring floats shall be kept clean to ensure they remain at least six (6) inches above the surface of the water at all tide levels. Only white or orange PVC or Polyethylene buoys with a minimum diameter of twelve

- (12) inches are allowed. Wood and/or metal spars and buoys are not permitted.
- 9. It shall be the permit holder’s responsibility to ensure mooring gear is maintained and in serviceable condition at all times.
- 10. The Harbormaster may order that moorings be serviced if found to be overgrown with marine growth and considered a hazard to navigation.
- 11. Moorings not services with ten (10) days of notification will be removed.

Section 8. Minimum Standards for Mooring Equipment

- 1. The following are the minimum acceptable standards for mooring equipment and gear used in Rowley waters. All vessels shall maintain these minimum standards while moored in Rowley waters.
- 2. Mushroom moorings are prohibited in the Rowley River. They are allowed in Plum Island Sound.

Mooring Block Weight

Length of Vessel	Weight in Pounds
0-9	100
10-17	400
18-26	800
27-35	1200
36-45	2000
46-55	4000

Chain Size

Length of Vessel	Bottom	Top
0-9	3/8”	”
10-17	3/8”	5/16”
18-26	”	3/8”
27-35	5/8”	3/8”
36-45	”	”
	—	—

Scope of Chain – Minimum Length

- A. Bottom Chain: Length=Depth at charted mean low water plus five (5) feet
- B. Top Chain: Length=Depth at mean high water plus ten (10) feet

Pennants – Minimum length and size requirements

- A. A primary and secondary pennant is required on all boats.
- B. All pennants shall have chafing gear where pennant passes through chock.

- C. All chocks should be compatible in size with line and have smooth rounded edges.
- D. All pennants must have a thimble spliced where line and chain connect.

<u>Length of Vessel</u>	<u>Primary and Secondary (nylon)</u>	<u>Minimum Finish Length</u>
0-9	”	6’
10-17	–”	6’
18-26	5/8”	10’
27-35	”	10’
36-45	1”	12’
46-55	1”	12’

Section 9. Responsibility

1. It shall be the ultimate responsibility of the permit holder to ensure the safe and serviceable condition of all mooring equipment and to ensure compliance with all minimum standards set forth by the Harbormaster.
2. It shall be the responsibility of the permit holder to notify the Harbormaster when a permit is no longer desired and when any information on the permit has changed.

This version of Harbor Bylaws were accepted at Annual Town Meeting of May 10, 1999 (Article 42), approved by Attorney General on September 1, 1999 and posted according to law, replacing Harbor Bylaw as accepted at ATM March 2, 1964.

HISTORIC DISTRICT BYLAW

- Section 1. This bylaw shall be known and may be cited as the Rowley Historic Districts Bylaw and is adopted pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended.
- Section 2. The purposes of this bylaw are to promote the education, cultural, economic and general welfare of the public through the preservation of the historic Rowley district and to maintain said districts as landmarks in the history of architecture and as a tangible reminder of the old Rowley village as it existing the early days of the Commonwealth.
- Section 3. There is hereby established under the provisions of Chapter 40C of the General Laws an historic district to be known as the Rowley Historic District, Central, and an historic district to be known as the Rowley Historic District, Glen Mills; the former to included generally the Town Common area in Rowley center, and the latter to included generally the Glen Mills area located at the intersection of Glen Street and the Newburyport Turnpike, both as shown on a map entitled, "Map of Proposed Historic Districts in the Town of Rowley, Massachusetts:, dated February 1988 on file in the Town Clerk's Office.
- Section 4. There is hereby established under the provisions of Chapter 40C of the General Laws an Historic District Commission, to have all the statutory powers and duties of an historic district commission thereunder, consisting of seven members to be appointed by the Board of Selectmen in accordance with the provisions of the statute. The initial appointments to membership in the Commission shall be as follows: two members appointed for a term of one (1) year; two members appointed for a term of two (2) years; and three members appointed for a term of three (3) years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term.
- Section 5. The Commission shall have in addition to the powers and duties of an historic district commission the following further powers and duties subject to appropriation or receipt of money gifts, and may in exercise of any of its powers or duties accept and expend such gifts and employ clerical and technical assistants and consultants:
- (a) To determine an appropriate system of markers for selected historic sites and buildings not already sufficiently marked, to arrange for preparation and installation of such markers, and to arrange for care of historic marker;
 - (b) To arrange for preparation and publication of map[s] brochures and descriptive material about Rowley historic sites and buildings and to arrange for convenient walks or tours, or other types of public education;
 - (c) To cooperate with and advise the Planning Board, the Public Works Department, and other Town agencies and departments in matters involving historic sites and buildings;
 - (d) To cooperate with the National Park Service, The Public Works Department, and other Town agencies and departments

in matters involving historic sites and buildings; To advise owners of historic buildings in Rowley on methods of preservation.

- Section 6. The authority of the Commission is not extended to the review of the following:
- (a) Terraces, walks, driveways, sidewalks, and similar structures, or any one or more of them, provided that any such structure is substantially at grade level;
 - (b) Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae and similar appurtenances, or any one or more of them;
 - (c) The color of paint;
 - (d) The color of materials used on roofs;
 - (e) The reconstruction, substantially similar in exterior design of a building, structure of exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one-year thereafter and carried forward with due diligence.
- Section 7. The Commission shall adopt rules and regulations for the conduct of its business, not inconsistent with the provisions of Chapter 40C of the General Laws of this bylaw.
- Section 8. The establishment of the Historic Districts provided under Section 3 of this bylaw and the establishment of any historic district hereafter as authorized by General Laws Chapter 40C, shall not become effective until the first day of the third month after the effective date of this bylaw or of the action creating any additional historic district, as the case may be.
- Section 9. In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect.

Passed by hand count of 153 YES, 31 NO on May 3, 1988 as part of Article 19, approved by the Attorney General on September 12, 1988 and posted according to law.

HOUSE NUMBER BYLAW

1. All houses, businesses and other principal buildings within the Town of Rowley shall conspicuously display street identification numbers to assist emergency, postal, and delivery vehicles to locate specific properties of the Town.
2. It shall be the duty of each owner to provide for the display of such number in such a manner that it is visible from the street and also visible from both directions of travel on that street.
3. In the event that the house, business or principal building is not visible from the street, the number shall be displayed on a post or mailbox in such a manner that it is visible from the street and also visible from both directions of travel on that street. If posted on a mailbox, it must be on the same side of the street as the building or dwelling.
4. The numbers shall be at least three (3) inches in height.
5. The numbers shall be those assigned to each structure in accordance with the street number survey completed by the Police Department and which is on file in the Office of the Police Department, Town Clerk, Assessor's Office and the Building Inspector.
 - 5.0.0 General Guidelines for the Determination of Numbers
 - 5.1.0 The building numbers shall be determined, whenever feasible, at fifty (50') foot intervals, along property frontage, along the center of the streets, roadways, or ways.
 - 5.1.1 Main Street (Route 1A) numbers shall start at the Ipswich Town Line, Newburyport Turnpike (Route 1) numbers shall start at the Ipswich Town Line. All other building numbers shall start at the beginning of the street, roadway, or way defined as that end of a street, roadway, or way which is nearest the center of Town. The center of Town being defined as the intersection of Central Street and Main Street. From the beginning of the street, roadway, or way, as defined, even numbers shall be on left and odd numbers shall be on the right of the street, roadway, or way.
 - 5.1.2 In the Event there are multiple buildings on a single lot of land sharing one driveway with the same occupants or users of these buildings, there may be one house number. If there are different occupants or users of these buildings there may be multiple house numbers.
 - 5.1.3 All circles with islands shall be numbered by going left or clockwise around the circle, as Trowbridge Circle now exists.
 - 5.1.4 Cul-De-Sac's, without islands, shall be bisected with an imaginary line. To the left of this line being even and to the right odd numbers shall be assigned.
 - 5.2.0 Street Addresses
 - 5.2.1 The street addresses shall be determined by the legally approved lot frontage on a particular street, roadway, or way.

5.3.0 Street Alignment

5.3.1 Building numbers shall be assigned to individual buildings by the alignment of the building's front door to the defined street address.

5.3.2 In the event front door alignment cannot be determined, such as, but not limited to, corner lots, the driveway shall determine the street address.

5.3.3 A building number shall be assigned by the alignment of the driveway with the fifty (50) foot interval being applied to the defined street address.

5.4.0 Emergency Response from Public Safety Agencies

5.4.1 In the event a street address and/or building number cannot be determined, as in 5.1.0 through 5.3.3 above, a street address and number shall be assigned to allow Emergency Responders the ability to locate property involved in a timely manner without confusion.

5.5.0 Definitions

5.5.1 Unless otherwise defined herein, definitions shall be the same as the definitions used by the Town's Planning Board.

6. The owner of any property seeking a building permit for a new building or structure shall apply for and receive a building number designation from the Police Department or their designate prior to submitting an application to the Building Inspector for a building permit, and no building permit shall be issued without description of such building number. No occupancy permit shall be signed by the Rowley Building Inspector unless the appropriate number is displayed in the proper manner as determined by this bylaw.
7. Upon notice of a violation, the Board of Selectmen or Chief of Police will notify the owner in writing at the earliest convenience of either of the officials.
8. Any owner shall have thirty (30) days to correct such violation. If the owner fails to place the numbers in the manner required by the bylaw, within thirty (30) days, the penalty shall be a five dollar (\$5.00) fine for each day the numbers are not displayed. If no action is taken with thirty (30) days of the written notice, the fine shall be retroactive to the date of the written notice being issued.
9. It shall be the responsibility of each property owner in the Town to obtain a number assigned to his affected structure on structures by January 1, 1989.

This bylaw was accepted by a vote of Town Meeting on May 3, 1988 (Article 19), approved by the Attorney General on September 12, 1988 and posted according to law.

Bylaw revised by vote of the Annual Town Meeting of May 1, 1995 (Article 33), approved by the Attorney General on June 20, 1995 and posted according to law.

HOUSE-TO-HOUSE SALESMEN BYLAW

No person or persons shall solicit to sell or distribute merchandise on a house to house basis within the limits of the Town of Rowley without first obtaining a permit from the Rowley Police Department.

The penalty for violations shall be as follows:

1 st offense	\$20.00 per person
2 nd offense	\$50.00 per person
3 rd offense and subsequent offenses	\$100.00 per person

This bylaw was passed at the Annual Town Meeting on March 6, 1972, by a unanimous vote, approved by the Attorney General on May 10, 1972 and published in the Newburyport Daily News on May 24, 25 and 26, 1972.

HUNTING BYLAW

- Section 1. No person shall hunt or fire or discharge any firearms on any private property except with the written consent of the owner or the legal occupant thereof, and such consent shall be carried at all times by any person hunting and upon request shall be shown to a police officer or officer of the Department of Conservation, or the property owner or his agent.
- Section 2. This bylaw shall not be applied to the lawful defense of life or property or to any law enforcement officer in the defense of his duties.
- Section 3. Any person violating any provisions of this bylaw shall be punished by a fine of not more that twenty dollars (\$20.00) for each offense.

This bylaw was passed at the Annual Town Meeting of March 5, 1962, by a unanimous vote, approved by the Attorney General on May 2, 1962, and published in the Newburyport Daily News and the Lawrence Eagle Tribune on August 20, 27 and September 3, 1962.

HUNTING AND TRAPPING BYLAW

No person shall hunt, fire or discharge any firearm, or engage in trapping of animals of any kind within the limits of any highway, park, or other public property except with the written permission of the Board of Selectmen, provided, however, that this Bylaw shall not apply to the lawful defense of life or property nor to any enforcement officer acting in the discharge of his duties, and further provided that this Bylaw shall not apply to hunting or use of firearms on salt marshlands. Said consent of the Selectmen shall be carried at all times by any person hunting, and upon request shall be shown to any police officer, or officer of the Division of Natural Resources.

This bylaw was adopted at the Annual Town Meeting in May of 1978, approved by the Attorney General on September 17, 1978 and published by posting.

JUNK AND JUNK DEALER BYLAW

- Section 1. In accordance with Sections 54,55,56,202,203, 204 and 205 of Chapter 140 of the General Laws, with amendments thereto, the Board of Selectmen shall be and is hereby authorized to license suitable person(s) to be collectors of, dealers in, or keepers of shops for the purchase, sale or barter of junk, old metals, or second hand articles upon payment of an annual license fee to be determined by the Board of Selectmen. Such license may be revoked at the pleasure of the Board of Selectmen.
- Section 2. No person shall within the Town of Rowley collect, deal in, or keep a shop or shops for purchase, sale or barter of junk, old metals or second hand articles without first having obtained a permit from the Board of Selectmen.
- Section 3. Any person who shall violate the provisions of this bylaw shall be fined a sum not exceeding twenty dollars (\$20.00) for each offense which may be recovered by indictment or on complaint before a District Court and shall enure to the Town or to such uses as it may direct.

This bylaw was adopted at the Annual Town Meeting of March 5, 1973, by unanimous vote, approved by the Attorney General on July 5, 1973, and published by posting in five public places on July 17, 1973

JUNK CAR BYLAW

- Section 1. No person shall leave any partially dismantled non-operating wrecked, junked or unregistered motor vehicle on any publicly maintained way within the town.
- Section 2. No person in charge or control of any property within the Town, whether as owner, tenant, occupant, lessee, or otherwise shall allow more than one operative unregistered motor vehicle and not other unregistered motor vehicle to remain on such property, except as provided in section 3 and 5 of this bylaw.
- Section 3. Each such permit shall (1) specify the maximum number of motor vehicles that may be kept, stored or allowed to remain on such property.
- Section 4. Each such permit shall (1) specify the maximum number of such motor vehicles that may be kept, stored or allowed to remain on such property and (2) be limited to a reasonable period of time not exceeding two years and (3) be a personal privilege of the applicant and not a grant attached to and running with the land.
- Section 5. This bylaw shall not apply with regard to a motor vehicle in an enclosed building; a motor vehicle on the property of a class license under Section 59 of Chapter 140 in the Massachusetts General Laws; a motor vehicle on the property of a farming or business enterprise operated in a lawful place and manner when necessary to the operation of such enterprise; or a motor vehicle in an appropriate storage place depository maintained in a lawful place and manner by the Town.
- Section 6. Any person who continues to violate the provisions of this bylaw after thirty (30) days following receipt by him of a written notice of such violation from the Police Department shall be liable for a penalty not exceeding Twenty dollars (\$20.00) for each offense. Each day that any violation is allowed to continue after said thirty (30) day period shall constitute a separate offense.

This bylaw was passed at the Annual Town Meeting of March 6, 1967, by a unanimous vote, approved by the Attorney General on April 3, 1967 and published in the Newburyport Daily News on April 5,6, and 7, 1967.

PARKING BYLAW

Section 1. No person shall park or allow to be parked his motor vehicle or motor vehicle of his guest between the hours of 12:00 midnight and 6:00 AM at night on a public way in the Town of Rowley from December 1 to March 21.

Section 2. Parking Fines: \$25.00 within 21 days
 \$30.00 after 21 days
 \$45.00 after notification sent to Registrar of Motor Vehicles

This bylaw was passed at the Annual Town Meeting of March 3, 1969, by a vote of 57 for and 50 against. It was approved by the Attorney General on March 26, 1969, and published in the Newburyport Daily News on April 15, 16 and 17, 1969.

Changes were voted at the Annual Town Meeting of 1980, approved by Attorney General in September 1980 and posted according to law in September 1980.

Changes were voted at the Annual Town Meeting of May 3, 1982, approved by the Attorney General on September 21, 1982 and posted according to law in September 1982.

Changes were voted at the Special Town Meeting of October 26, 1981.

Section 2 (Parking Fines) amended at May 19, 2008 Special Town Meeting (Art #9), approved by Attorney General on 7/8/08 and posted according to law.

Section 3. Designated parking spaces required pursuant to Massachusetts General Laws Chapter 40, Section 21, paragraph 23 (a) for vehicles either owned and operated by disabled veterans or by handicapped persons and bearing the distinctive number plates authorized by Section 2, of Chapter 90 of the Massachusetts General Laws, or for vehicles transporting handicapped persons and displaying the special parking identification plate authorized by said Section 2, Chapter 90, or for vehicles bearing the official identification of a handicapped person issued by the Massachusetts Registry of Motor Vehicles or any other state or any Canadian province, shall be provided in public or private off-street parking areas. No person shall allow or permit any vehicle registered in his/her name to stand or park in any space designated as a handicapped parking space unless said motor vehicle displays a valid handicapped identification as stated. The penalty for violation of this bylaw made hereunder shall be a fine of twenty-five Dollars (\$25.00) and the vehicle may be removed according to the provisions of Massachusetts General Laws, Chapter 266, Section 120D.

Amended at May 4, 1992 Annual Town Meeting, approved by Attorney General on July 29, 1992 and posted accordingly.

PERSONNEL BYLAW

Section 1. Purpose and Authorization: The purpose of the Personnel Bylaw is to establish fair and equitable personnel policies and to establish a system of personnel administration based on merit principles that ensures a uniform, fair, and efficient application of personnel policies. This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and Massachusetts General Laws, Chapter 41, Section 108A and 108C.

Section 2. Application: All Town Departments and full-time and part-time positions, shall be subject to the provisions of this bylaw except elective officers, employees included in collective bargaining agreements, and employees of the School Department and Municipal Light Department.

Section 2 revision passed at Special Town meeting on June 26, 1996 by voice unanimous vote.

Section 2 revision (Art #11) passed at 5/19/08 STM and passed by unanimous vote

Section 3. Adoption and Amendment of Personnel Policies: The Board of Selectmen shall promulgate personnel policies defining the rights, benefits, and obligations of employees subject to this bylaw. The Board of Selectmen shall appoint a Personnel Officer, who shall not be a member of a collective bargaining unit, to administer the personnel system on a daily basis and to make recommendations on a personnel plan and policies to the Personnel Advisory Committee and Board of Selectmen. The Personnel Plan as developed and amended by the Personnel Officer will be reviewed and/or amended by the Personnel Advisory Committee and submitted to the Board of Selectmen for final approval.

Section 4. Personnel Advisory Committee:

- (a) The Personnel Advisory Committee shall be comprised of the Chairmen of the Board of Selectmen, or another designated Selectman, the Chairman of the Finance Committee, or another designated member of the Finance Committee, and a third member appointed by the Board of Selectmen who shall be a registered voter of the Town but not a Town employee. The Chairman shall be elected by the Committee annually.
- (b) The Committee shall be responsible for reviewing and making recommendations for the formulation and maintenance of a personnel plan based on merit principles, the classification and reclassification of positions, an annual compensation schedule, and the development of personnel policies pursuant to Section 3 of the bylaw.

Section 5. Personnel Plan: A personnel plan shall be formulated by the Personnel Officer, reviewed with any recommendations by the Personnel Advisory Committee and promulgated by the Board of Selectmen that shall make use of current concepts of personnel management and shall include, but not be limited to, the following elements:

- (a) A system of administration that assigns specific responsibility for all elements of the personnel plan.
- (b) A position classification schedule for employees subject to the plan based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to all positions in the same class. No employee may be appointed to, or paid for, a position not included in the classification and compensation schedules, as voted by the Board of Selectmen.
- (c) A compensation schedule for all positions.
- (d) A recruitment, employment, promotion, and transfer policy which ensures that reasonable effort is made to attract qualified persons and that selection criteria are job related.
- (e) A centralized record keeping system which maintains essential personnel records.
- (f) A series of personnel policies which establishes the rights and benefits to which personnel employed by the town are entitled and the obligations of said employees to the Town.

Section 6. Severability: The provisions of this Bylaw and any regulations adopted to the bylaw are severable. If any bylaw provision, policy or regulation is held invalid, the remaining provisions of the personnel plan shall be affect thereby.

Section 7. Effective Date: This Bylaw shall take effect on July 1, 1993. Personnel policies existing prior to said date will remain in effect for at least sixty days from said date and until promulgation of new policies in accordance with Section 5 herein.

Note: This was passed under Article 33 of the Annual Town Meeting held May 3, 1993 and replaces the prior Personnel Plan Bylaw, Personnel Management Policy and the Town Employees Bylaw. A voice unanimous vote at 10:46 pm declared the new bylaw. This does not need Attorney General approval

POSTING OF NOTICES BYLAW

Section 1. All legal notices and documents drawn by Town Boards, Commissions or other officials and designated for posting in places by said officials or by Massachusetts General Law shall be posted in the places designated for the posting of Warrants for Town Meetings.

This bylaw was adopted by the Annual Town Meeting of March 5, 1973 and published by posting in five public places in July 17, 1973. It was amended in May of 1979 at the Annual Town Meeting and approved by the Attorney General September 18, 1979 and published by posting according to the law.

RECALL ELECTION – Chapter 637, Commonwealth of Massachusetts, 1989*AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF ROWLEY*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- Section 1. Any holder of an elective office may be recalled therefrom by the registered voters of the town herein provided.
- Section 2. Any one hundred registered voters of the town may file with the town clerk an affidavit containing the name of the officer sought to be recalled a statement of the grounds for recall. The town clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms he shall keep available. Said blanks shall be issued by the town clerk with his signature and official seal attached thereto. They shall be dated, shall be addressed to the Selectmen and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within twenty-one (21) days after the filing of the affidavit, and shall have been signed by at least twenty-five percent (25%) of the registered voters of the town as the date such affidavit was filed with the town clerk. To every signature shall be added the place of residence of the signer, giving the street and number, if any. The town clerk shall, within seventy-two (72) hours of receipt, submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town.
- Section 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the selectmen without delay, and the selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if said officer does not resign within five (5) days thereafter, order an election to be held on a date fixed by them not less than sixty (60) days nor more than ninety (90) days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within one hundred (100) days after the date of the certificate, the selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said officer after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.
- Section 4. Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the

publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

Section 5. The incumbent shall continue to perform the duties of this office until the recall election. If then re-elected, he shall continue in office for the remainder of his un-expired term, subject to recall as before, except as provided in this section. If not re-elected in the recall election, he shall be deemed removed upon the qualifications of his successor, who shall hold office during the un-expired term. If the successor fails to qualify within five (5) days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

Section 6. Ballots used in a recall election shall submit the following propositions in the order indicated:

For the Recall of: Name of Officer
Against the Recall of: Name of Officer

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said propositions. Under the proposition shall appear the word "Candidates." the directions to voters required by section forty-two (42) of chapter fifty-four (54) of the General Laws, and beneath this the names of the candidates nominated as hereinbefore provided. If the majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If the majority of votes on the question is in the negative the ballots for candidates need not be counted.

Section 7. No recall petition shall be filed against an officer within six months after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters of the town has elapsed.

Section 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two (2) years after such recall or resignation.

*House of Representatives, Dec. 18, 1989, Passed to be enacted, George Keverian, Speaker
In Senate, Dec. 18, 1989, Passed to be enacted, William M. Bulger, President
Approved, Michael Dukakis, Governor, December 29, 1989
So voted at Annual Town Meeting, May 4, 1987 (Article 15), voice unanimous*

RIGHT TO FARM BYLAW

Section 1 Legislative Purpose and Intent

The purpose of this General Bylaw is to encourage the pursuit of agriculture, promote agriculture-based economic opportunities, and protect farmlands within the Town of Rowley by recognizing the existence of a Right to Farm within the Town of Rowley (Section 3), and by establishing a procedure to enhance the potential for prompt resolution of disputes, and thereby reduce the potential for ongoing conflict, between those engaged in agricultural uses and owners or occupiers of abutting properties and others who claim the use or enjoyment of their properties is incompatible with, or adversely affected by, the agricultural uses protected under this Bylaw (Section 4).

The intent of this General Bylaw is to exercise the Town's authority under Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment") to give force and effect, as set forth herein, to the "the protection of the people in their right to the conservation, development and utilization of the agricultural, ... forest, ... and other natural resources" guaranteed by Article 97 of the Articles of Amendment of the Massachusetts Constitution. It is further the intent of this Bylaw to supplement, but not supplant or be applied inconsistently with, State statutes and regulations enacted to further the purposes of Article 97, including but not limited to, Massachusetts General Laws Chapter 40A, Section 3; Chapter 90 Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A.

This General Bylaw shall apply in all areas and districts within the Town of Rowley.

Section 2 Definitions

As used in this General Bylaw, unless the context requires a different definition, the following words shall have the following meanings:

The word "farm" means any parcel or contiguous parcels of land, or any water body, used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall be interpreted broadly and include, but are not limited to, the following activities conducted on a farm or in connection with the operation of a farm:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural products or commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- keeping of horses as a commercial enterprise; and
- keeping and raising of livestock, including but not limited to horses, poultry, swine, cattle, ratites (such as emus, ostriches, and rheas), phasianids (such as pheasants and peafowl), and camelids (such as llamas and alpacas), and other animals for food or other agricultural purposes.

By way of example and not of limitation, "farming" also encompasses the following activities:

- operation and transportation of slow-moving farm equipment over roads within the Town;

- control of agricultural pests, including but not limited to, insects, weeds, predators, and disease organisms of plants and animals;
- application of manure, fertilizers, and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand, including signage thereto;
- maintenance, repair, or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager and used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

The word "owner" means a person or entity who owns an interest in real property.

The term "real property" means land, buildings, portions of buildings, or any combination thereof, located wholly or partially within the Town of Rowley.

The word "tenant" means a tenant under a written lease of real property, regardless of the use to which the property is put or to be put.

The word "Town" means the Town of Rowley, Massachusetts.

Section 3 Declaration of Right To Farm

The Right to Farm is hereby recognized to exist within the Town of Rowley. It is hereby declared to be the policy of the Town that any perceived adverse impact on others from the normal practice of agriculture should generally be regarded as more than offset by the benefits of farming to the neighborhood, the Town, the State, the United States, and the world community.

Subject to prohibition or regulation by other applicable statutes, regulations, or bylaws, farming and farming activities may occur on holidays, weekdays, and weekends, by night or by day, and may include incidental noise, odors, dust, and fumes ordinarily associated with generally accepted agricultural practices, including the raising or keeping of livestock.

The benefits and protections of this Bylaw apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm Bylaw shall be deemed to act as an acquisition of any interest in land or as the imposition of any land use regulation.

Section 4 Resolution of Disputes

To enhance the prompt resolution of disputes that may arise between those engaged in the agricultural uses protected under this Bylaw and those who claim that the use or enjoyment of their properties is adversely affected by such uses, the following dispute resolution procedure is established as a means by which owners and tenants may attempt to resolve the dispute in a prompt, effective, and amicable manner.

Any owner or tenant who wishes to complain that farming or a farming activity is adversely affecting the use or enjoyment of the owner's or tenant's real property may file a grievance with the Board of Selectmen, the official charged with enforcing the provisions of

the Protective Zoning Bylaw, the Board of Health, or the Conservation Commission, depending upon the nature of the grievance. Such Board, Commission, or official may forward the grievance to such other Board, Commission, or official whose jurisdiction may be more appropriate to address the grievance. A Board, Commission, or official may refer the grievance to the Agricultural Commission, which shall then undertake such efforts as it deems reasonable and appropriate to facilitate an agreement to resolve the grievance. The Agricultural Commission shall file a report with the referring Board, Commission, or official within 30 days after receipt of the referral, unless the referring Board, Commission, or official establishes a different deadline or the parties to the dispute agree to a different deadline. Nothing herein shall impair or limit any other remedy available to an aggrieved party, suspend the time within which any such remedy must be pursued, or impair or limit the authority of the Board of Health or any other governmental body or official to respond in cases of imminent danger or public health risk.

Section 5 Severability Clause

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Bylaw. The Town of Rowley hereby declares the provisions of this Bylaw to be severable.

As accepted at Special Town Meeting of 11/15/04. Attorney General approval dated 1/7/05, received 1/10/05 and posted as proscribed by law.

SHELLFISH BYLAW

Section 1.0 Definitions:

For the purpose of these bylaws, the following definitions shall apply:

- 1.1 **Product** is all aquatic life that make the marsh and/or the flats its habitat. Common name Shellfish. Product includes the following lists of species: clams, conchs, mussels, oysters, periwinkles, quahogs, razor clams or razor fish, scallops, sea scallops, winkles and sea worms.
- 1.2 **Harvest** is defined as any Product taken from a flat or marsh.
- 1.3 **Flat** is defined as all tidal land from the top of the marsh bank to mean low tide. The flat does not need to be currently productive. A common name for Flat is Clam Flat.
- 1.4 **Marsh** is defined as all land from the top of a marsh bank that will not support salt-water plant life. Marshland is an integral part of the ecology of life on and in the flats. Therefore to the same extent that the Shellfish bylaws are written to manage and protect the flats, they shall also apply equally to marshland use.
- 1.5 **Cross Tides** is defined as the harvest of shellfish products on two tides during one calendar day.
- 1.6 **Exclusions**: The following activities are not regulated under this bylaw: haying, hunting, bird-watching, walking, picnicking, nature appreciation, fishing, or any other non-destructive activity; provided, however, that in no event shall any watercraft anchor, set, or rest upon a flat other than watercraft used in the authorized management or legal harvest of product from a flat.

Section 2.0 Permits

- 2.1 The Town of Rowley issues Shellfish permits.
- 2.2 Permits are issued for one-year periods, from April 1st of one year to March 31st of the following year.
 - a. Applications for commercial permits must be submitted for approval between February 15th and March 31st of the same year the permit period commences. .
- 2.3 The fee paid for one permit shall not be applied to the fee charged for any other permit.
- 2.4 Each permit is valid only for the person named on it.
- 2.5 A person may hold only one permit in each permit category as defined in the “Permit Fees and Harvest” section of this bylaw.
- 2.6 An application form must be filed with the Town Clerk. The Clerk shall promptly provide a copy of the application to the Shellfish Constable and to the Shellfish Commissioners.
- 2.7 The Shellfish Commissioners may submit any comments or recommendations regarding a permit application to the Shellfish Constable. The Shellfish Constable shall either approve or disapprove the application within 14 days of its filing with the Town Clerk and shall promptly notify the Town Clerk of such approval or disapproval. Failure of the Shellfish Constable to notify the Town Clerk of such approval or disapproval within 14 days after the application is filed with the Town Clerk shall be deemed to be a denial of the application. No permit shall be issued by the Town Clerk without the approval of the Shellfish Constable.

- 2.8 For Resident Commercial, and Residents 60 years and over, residency proof is required when submitting an application. The applicant must present to the Town Clerk proof of residency in the Town of Rowley for at least one year preceding the permit year. Proof of residency may be three of the following:
- a. Applicant has a valid and current Massachusetts Driver's License showing a Rowley address.
 - b. Applicant is a registered voter in the Town of Rowley.
 - c. Applicant is on the Town of Rowley's most recent census list.
 - d. Applicant has bills from the Town of Rowley dated monthly for the past twelve (12) months showing the Applicant's name, the address where the service is being provided, and a Rowley residential address.
 - e. Applicant has sufficient documented evidence showing that he/she is a resident of the Town of Rowley.
 - f. A minor may provide an affidavit from his/her legal guardian that the minor resides with the guardian who can show proof of residency as required above.
- 2.9 For Summer Resident Non-Commercial – Summer residency proof is required when submitting an application. Proof of residency may be one of the following:
- a. Rental agreement for a domicile in Rowley for any period of time between June 1 and September 1 of a given year.
 - b. Property tax bill dated within twelve (12) months of the date of the application to the person applying for a permit. Said bill shall contain information showing that the property listed on the bill has at least one housing unit.
- 2.10 No permit issued by another Town shall be substituted for a Town of Rowley permit.
- 2.11 A Commercial permit applicant must present a valid State of Massachusetts Shellfish Transaction card.
- 2.12. Resident Junior Commercial Permit. This permit is available to all residents of Rowley between the ages of 15 years and 18 years inclusive. Residency proof is required when submitting an application. Proof of residency required for junior permit is cited in Section 2.8f. The fee is \$200.00 and the duration is April 1 through September 30 of the permit year. If a Resident Junior Commercial Permit holder desires to harvest shellfish after September 30, the fee for the remainder of the permit year is an additional \$200.00. This commitment must be made prior to September 30 of the permit year. Only those holding the April 1 through September 30 permit will be eligible for the October 1 through March 21 permit. Qualifications for this license are the same as that for a residential commercial permit.

Section 3.0 Clam Flat and Marsh Activities

- 3.1 No activity on or about any flat that does not pertain directly to managing or harvesting shellfish is allowed except as provided in Section 1.6 of this bylaw.
- 3.2 No product shall be harvested from a flat or marsh without a permit.
- 3.3 Only hand labor may be employed to produce a harvest.
- 3.4 If any other activities are combined with commercial shellfishing the last event must be shellfishing. No method of cooling product to delay bringing to shore is allowed.
- 3.5 No discharge of human or material waste is allowed.

Section 4.0 Flat and Marsh Closures

- 4.1 The Board of Health may close any flat or marsh to harvest of produce for health reason.
- 4.2 When a flat is closed the Shellfish Constable or his delegate shall post a sign on the front door of the Rowley Town Hall; and at the Rowley Town Landing.. Either sign shall serve as the official notice to the public and permit holders of such closure.
- 4.3 The Shellfish Constable, by written notice to the Board of Selectmen, may delegate the authority to take such action under Section 4.2 to another person.
- 4.4 Courtesy signs may be posted at other locations in the Town of Rowley, but are not official.
- 4.5 The Board of Selectmen may declare a specific flat closed or open for the harvest of product for management purposes.
- 4.6 No shellfish shall be harvested on Sundays from May 1st to August 31st, inclusive.
- 4.7 No cross tides shall be harvested by any permittee from May 1st to August 31st, inclusive.

Section 5.0 Permit Fees and Harv

5.1 Fee and Harvest Schedule:

	Permit Type	Fees	Harvest Limit	Duration
5.1	Resident Commercial	\$400.00	180 lbs. per day	April 1 to March 31
5.1.2	Resident Non-Commercial	\$40.00	20 quarts per week	April 1 to March 31
5.1.3	Non-resident/Non-Commercial	\$200.00	20 quarts per week	April 1 to March 31
5.1.4	Non-resident/One Day Only	\$30.00	10 quarts per day	One (1) day only
5.1.5	Summer Resident/Non-Commercial	\$40.00	20 quarts per week	One (1) week only
5.1.6	Resident, 60 years and over	Free	180 lbs. per day, or 20 quarts per week	April 1 to March 31
5.1.7	Resident Junior Commercial	\$200.00	180 lbs. per day	April 1 to September 30
5.1.8	Resident Junior Commercial	\$200.00	180 lbs. per day	October 1 to March 31

- 5.2 A permit also entitles the holder to harvest the following:
 - a. One pint Sea Worms per tide
 - b. 30 Oysters per tide
- 5.3 All Razor Clams and Soft Shell Clams in the permittee's possession shall be combined to determine if the harvest limit has been exceeded.
- 5.4 Product Size:
 - a. Soft Shell Clams: Minimum size TWO INCHES (2") in shell length. You may not have more than five percent (5%) of the clams in your possession, at any time, that are less than minimum size.
 - b. Razor Clams: Minimum size FOUR INCHES (4") in shell length. You may not have more than five percent (5%) of the clams in your possession, at any time, that are less than minimum size.
- 5.5 All persons, 15 years or older, harvesting or attempting to harvest marine products must have a license in their possession.

Section 6.0 Watercraft

- 6.1 Any watercraft occupied for more than six (6) hours during any 24-hour period must have a certificate of waste disposal that clearly states the name and location of the

- waste disposal facility and the dates and times of waste disposal with the waste disposal operator's initials. This certificate shall be available for inspection by any enforcement officer.
- 6.2 No watercraft shall pass closer to a shoreline embankment than the mean low tide so as to cause damage to the flats.
- 6.3 No watercraft shall interfere or disrupt in any way a person or boat engaged in the activity of shellfishing.

Section 7.0 Violation and Fines

- 7.1 The Shellfish Constable, with approval by the Board of Selectmen, shall appoint those authorized to issue citations for infractions of the Town of Rowley shellfish bylaws.
- 7.2 A citation may be issued when a bylaw has been violated.
- 7.3 Violations and Fines:
- a. Shellfish Violations
 - i. Harvesting shellfish on a closed flat.
 - ii. Harvester does not have a permit.
 - iii. Harvester exceeds permit harvesting limit.
 - iv. Refusal to allow examination of catch by an enforcement officer.
 - v. Fleeing to avoid prosecution from enforcement officers.
 - vi. Uttering or threatening to do harm to enforcement officers.
 - vii. Other violations of this bylaw not listed above.
 - b. For any first offense of these bylaws, Offenders shall be subject to a fine of one hundred dollars (\$100.00), all product harvested shall be taken, and the permit shall be taken for a period of one (1) month.
 - c. For all subsequent offenses of these bylaws, Offender shall be subject to a fine of three hundred dollars (\$300.00), all product harvested shall be taken, and the permit shall be taken for a period of one (1) year.

Article 31 of Special Town Meeting of Nov. 5, 2001 deleted previous Shellfish Bylaw of May 10, 1990 (Article 33) in its entirety and replaced it with the above wording. Approved by Attorney General's office on January 24, 2002 and posted according to law on January 28, 2002.

Amendments to the wording of the Shellfish Bylaw recommended by Town Counsel were accepted at Annual Town Meeting of May 13, 2002, approved by the Attorney General on October 7, 2002 and posted according to law.

Amendments to the wording of the Shellfish Bylaw regarding residency requirements and increasing fees were accepted at Special Town Meeting of November 14, 2005 (Articles #15 and 16). Attorney General approval received on March 3, 2006 and posted as proscribed by law.

Amendment to the wording of the Shellfish Bylaw regarding creation of Resident Junior Commercial license accepted at 5/19-08 STM (Art #13), approved by the Attorney General on 7/8/08 and posted according to law.

SHELLFISH COMMISSIONERS BYLAW

Establish an Office of Shellfish Commissioners to serve in an advisory capacity to the Board of Selectmen for the purpose of promoting, regulating and protecting the shellfish industry of the Town. There are to be three (3) in number: one to be elected in May of 1985 shall serve out his term which will expire in 1987; two to be elected at the Annual Town Meeting in 1986, one for a term of two (2) years, and one for a term of three (3) years. Thereafter, one each of three to be elected each year for a term of three (3) years.

This bylaw was passed at the Annual Town Meeting held on May 6, 1985 (Article 33) by a unanimous vote. It was approved by the Attorney General on June 20, 1985 and posted as required on June 24, 1985.

SHELLFISH PLANTING BYLAW

No person shall introduce, plant or transplant shellfish in any waters or onto shellfish areas within the Town of Rowley without first obtaining a special permit therefore from the Selectmen or Licensing Authority.

This bylaw was passed at Special Town Meeting on December 28, 1966, by a unanimous vote. It was approved by the Attorney General on January 9, 1967 and published in the Newburyport Daily News on January 18, 25 and February 1, 1967.

SNOWMOBILE BYLAW

No person shall operate a snowmobile, hovercraft, all terrain vehicle, mini bike or unregistered automobile or motorcycle, on any private property except with the permission in writing of the owner or legal occupant, and such written permission will be carried at all times on the person of the licensee, and upon request shall be shown to any police officer, the property owner, or his agent.

Any person violating any provision of the bylaw shall be punished by a fine of not more than Twenty Dollars (\$20.00) for each offense.

Every twenty-four period shall constitute a separate offense.

This bylaw was passed at a Special Town Meeting held on June 14, 1971 (Article 20) by a vote of 105 for and 65 against. It was approved by the Attorney General on July 29, 1971 and published in the Newburyport Daily News on August 7, 9, and 10, 1971.

SOLID WASTE TRANSFER STATION BYLAW

- Section 1. The Board of Selectmen shall have the power to set fees for the Town of Rowley's solid waste landfill and transfer station. A change in the fees shall be made only if a majority of the Board approves the change.
- Section 2. The Board of Selectmen shall have the power to set and enforce rules and regulations not relating to fees for the landfill and transfer station. A change in the rules and regulations shall be made only if a majority of the Board approves the change.
- Section 3. No change in fees or the rules and regulations of the landfill and transfer station shall be allowed unless the Board of Selectmen first holds a public hearing at least seven (7) days in advance of the proposed date of the implementation of the changes in the fees or rules and regulations. Public notice of the hearing shall be given by publication in a newspaper or general circulation at least seven (7) days in advance of the date of the hearing and posting at least seven (7) days in advance of the date of the hearing in the following places: Town Hall, Veteran's Garage, Rowley Pharmacy, Inc., The Public Library, Knowles Filling Station, Skip's Country Store and Sundance Café. The notice shall give the date, time, and place of the hearing and a brief summary of the proposed changes. The same procedure shall be followed for any change in the rules and regulations for the landfill and transfer station except that the public hearing shall be held at least seven (7) days in advance of the proposed date of the implementation of the changes in the rules and regulations.
- Section 4. In determining fees, the board of Selectmen shall be guided by the principle that fees charged shall match the expenses in disposing of solid waste. Such expenses shall include but not be limited to, the cost of actual disposal, tipping and transportation, landfill and transfer station personnel, and administration.
- Section 5. The Board of Selectmen shall be required to report to the Annual Town Meeting on the revenues and expenses of the landfill and transfer station. Said report shall include information as to the volume solid waste and the number of items disposed. Said report shall include estimated fees for the landfill and transfer station for the coming year and the calculations made in determining said fees. Said report shall be published in the Annual Town Report and be made part of the financial records of the Town.
- Section 6. The Board of Selectmen, may at their discretion, discontinue the collection of any item, except normal household rubbish, if they determine that the total cost of disposal of that item is greater than the fee established by this bylaw for that item.
- Section 7. All matters relating to the landfill and transfer station and the disposal of solid waste through the use of the landfill and transfer station not covered in this

bylaw shall be covered by the Board of Selectmen's rules and regulations concerning the landfill and transfer station.

This bylaw was passed by Special Town Meeting on October 2, 1990 by a voice unanimous vote, approved the Attorney General on January 9, 1991, and posted on January 11, 1991.

Annual Town Meeting of May 6, 1991 (Article 44), approved the Attorney General on July 17, 1991 and duly posted.

Article 44: Where the words "solid Waste Transfer Station" appear in the Solid Waste Transfer Station Bylaw, replace the words with "Solid Waste Landfill and Transfer Station" and where the words "transfer station" appear, replace these words with "landfill and transfer station."

STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW

SECTION 1: PURPOSE

A. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of:

1. Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
2. Contamination of drinking water supplies;
3. Erosion of stream channels;
4. Alteration or destruction of aquatic and wildlife habitat;
5. Flooding; and
6. Overloading or clogging of municipal catch basins and storm drainage systems.

The United States Environmental Protection Agency has identified sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment as major sources of water pollution, impacting drinking water supplies, natural habitats, and recreational resources. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the water resources within the Town of Rowley, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town.

B. The objectives of this Bylaw are to:

1. Protect water resources;
2. Require practices that minimize and manage soil erosion and sedimentation;
3. Control the volume and rate of stormwater runoff resulting from land disturbance activities in order to minimize potential impacts of flooding;
4. Require practices to manage and treat stormwater runoff generated from new development and redevelopment;
5. Protect groundwater and surface water from degradation;
6. Promote infiltration and the recharge of groundwater;
7. Maximize recharge of groundwater in the Municipal Water Supply Protection District as defined by Section 4.11 of the Town of Rowley Protective Zoning Bylaw, as amended;
8. Prevent pollutants from entering the municipal storm drain system;
9. Ensure that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into the site planning and design process and are implemented and maintained;
10. Ensure adequate long-term operation and maintenance of structural stormwater best management practices;
11. Require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites that may cause adverse impacts to water quality;
12. Comply with state and federal statutes and regulations relating to stormwater discharges; and
13. Establish the Town of Rowley's legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring and enforcement.

SECTION 2: AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34 published in the Federal Register on December 8, 1999, as amended and as authorized by the residents of the Town of Rowley at Special Town Meeting, dated November 5, 2007.

SECTION 3: APPLICABILITY

This Bylaw shall apply to all new land-disturbing activities within the jurisdiction of the Town of Rowley. All persons shall be required to obtain a Stormwater Management Permit from the Conservation Commission subject to the following:

A. Regulated Activities. Regulated activities shall include, but not be limited to:

1. Land disturbance of greater than 20,000 square feet or a land disturbance that will alter an area of 10,000 square feet or more on existing or proposed slopes steeper than 15 %, unless exempt pursuant to Subsection 3 C. Exempt Activities.
2. Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs 20,000 square feet or more of land,
3. Any development or redevelopment of land involving any of the following uses identified by Massachusetts Stormwater Management Policy as having higher potential pollutant loads: vehicle salvage yard, vehicle fueling facility, fleet storage yard, commercial parking lot, road salt storage area, garden center and landscaping facility, outdoor storage and loading area of hazardous substances, or marina,
4. Paving or other change in surface material over an area of 20,000 square feet or more causing a significant reduction of permeability or increase in runoff,
5. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of more than 20,000 square feet,
6. Any other activity altering the surface of an area exceeding 20,000 square feet that will, or may, result in increased stormwater runoff flowing from the property into a public way, the municipal storm drain system, an adjacent or abutting parcel of land, or
7. Construction or reconstruction of structures where more than 20,000 square feet of roof drainage is altered.

B. Erosion and Sedimentation Control Requirement

A project which includes land disturbance of less than 20,000 square feet or a land disturbance that will alter an area of less than 10,000 square feet on existing or proposed slopes steeper than 15 % shall be considered to be in conformance with this Bylaw if soils or other eroded matter have been and will be prevented from being deposited onto adjacent properties, rights-of-ways, public storm drainage systems, or wetlands or watercourses. These projects do not need to apply as long as appropriate sedimentation and erosion control

measures are implemented. The design, installation, and maintenance of erosion and sediment control operations and facilities shall adhere to the standards specified in the Regulation to the Bylaw.

C. Exemptions

No person shall alter or disturb land within the Town of Rowley without having obtained a Stormwater Management Permit (SMP) for the property with the following exceptions:

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetland Protection Act M.G.L. c. 131, § 40 and its implementing regulations at 310 CMR 10.04;
2. Repair of septic systems when required by the Board of Health for the protection of public health and in compliance with Section 3, Paragraph B;
3. Normal maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling; construction of patios, walkways, driveways less than the minimum square foot thresholds, swimming pools below the minimum square foot thresholds, or replacement of wells or septic systems on lots having an existing dwelling;
4. The construction of any fencing that will not alter existing terrain or drainage patterns;
5. Construction of utilities (gas, water, electric, telephone, cable, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns, the reconstruction of or resurfacing of any public way; the construction and associated grading of a street that has been approved by the Planning Board;
6. Any activity that will alter an area of less than 10,000 square feet on existing or proposed slopes steeper than 15 %. This exception may not be applied for contiguous properties held in common ownership at the time of adoption of this Bylaw that may have been previously subdivided and/or are attributed to multiple separate owners;
7. Emergency repairs to any utilities (gas, water, electric, telephone, etc.), stormwater management facility or practice that poses a threat to public health, safety, or the environment or as deemed necessary by the Conservation Commission;
8. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.

SECTION 4: DEFINITIONS

For the purposes of this Bylaw, the following shall mean:

- **ABUTTER:** The owner(s) of land abutting the activity.
- **AGRICULTURE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act MGL c. 131 § 40 and its implementing regulations 310 CMR 10.00.
- **ALTERATION OF DRAINAGE CHARACTERISTICS:** Any activity on an area of land that changes the water quality, or the force, quantity, direction, timing or location of runoff flowing from the area. Such changes include: change from

distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

- **APPLICANT:** Any "person" as defined below requesting a soil erosion and sediment control permit for proposed land-disturbance activity.
- **BEST MANAGEMENT PRACTICE (BMP):** Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.
- **CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.
- **CHANNEL:** An open conduit either naturally or artificially created which periodically, or continuously contains moving water, or forms a connecting link between two bodies of water.
- **CLEARING:** Any activity that removes the vegetative surface cover. Clearing activities generally include grubbing activity as defined below.
- **DEVELOPMENT:** The modification of land to accommodate a new use or expansion of use, usually involving construction.
- **DISTURBANCE OF LAND:** Any action, including clearing and grubbing, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.
- **ENVIRONMENTAL SITE MONITOR:** A registered professional engineer (PE) or other trained professional acceptable to the Conservation Commission and retained by the holder of a Stormwater Management Permit to periodically inspect the work and report to the Conservation Commission.
- **EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.
- **EROSION AND SEDIMENTATION CONTROL PLAN:** A document containing narrative, drawings and details developed by a registered professional engineer (PE) or a professional land surveyor (PLS), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.
- **ESTIMATED HABITAT OF RARE WILDLIFE; and CERTIFIED VERNAL POOLS:** Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00) as defined by these state regulations.
- **GRADING:** Changing the level or shape of the ground surface.
- **GRUBBING:** The act of clearing land surface by digging or grinding up roots and stumps.

- **IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops. Impervious surface also includes soils, gravel driveways, and similar surfaces with a runoff coefficient (Rational Method) greater than 85.
- **LAND-DISTURBING ACTIVITY or LAND DISTURBANCE:** Any activity, including without limitation: clearing, grubbing, grading, digging, cutting, excavation of soil, placement of fill, and construction that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.
- **LOT:** A single parcel of land held in identical ownership throughout and defined by metes, bounds, or boundary lines in a recorded deed on a recorded plan.
- **MASSACHUSETTS ENDANGERED SPECIES ACT:** (M.G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.
- **MASSACHUSETTS STORMWATER MANAGEMENT POLICY:** The Policy issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act MGL c. 131 § 40 and the Massachusetts Clean Waters Act MGL c. 21, § 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.
- **MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Rowley.
- **OPERATION AND MAINTENANCE PLAN:** A plan describing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.
- **OUTFALL:** The point at which stormwater flows out from a discernible, confined point source or discrete conveyance into waters of the Commonwealth.
- **OUTSTANDING RESOURCE WATERS (ORW):** Waters designated by the Massachusetts Department of Environmental Protection as Outstanding Resource Waters. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards set forth in the Massachusetts Stormwater Management Policy. Outstanding Resource Waters include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.
- **OWNER:** A person with a legal or equitable interest in property.

- **PERMITTEE:** The person who holds a Stormwater Management Permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.
- **PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.
- **POINT SOURCE:** Any discernible, confined, and discrete means of conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.
- **PRE-CONSTRUCTION:** All activity in preparation for construction.
- **PRIORITY HABITAT OF RARE SPECIES:** Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its regulations at (321 CMR 10.00).
- **REDEVELOPMENT:** Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.
- **RESPONSIBLE PARTIES:** owner(s), persons with financial responsibility, persons with operational responsibility, and persons with administrative responsibility.
- **RUNOFF:** Rainfall, snowmelt, or irrigation water flowing over the ground surface.
- **SEDIMENT:** Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.
- **SEDIMENTATION:** The process or act of deposition of sediment.
- **SITE:** Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.
- **SLOPE:** The vertical rise divided by the horizontal distance and expressed as a fraction or percentage, e.g. one-fifth (1/5) or twenty (20) percent.
- **SOIL:** Any earth, sand, rock, gravel, or similar material.
- **STABILIZATION:** The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.
- **STORMWATER:** Stormwater runoff, snow melt runoff, and surface water runoff and drainage.
- **STORMWATER AUTHORITY:** The Town of Rowley Conservation Commission or its authorized agent(s). The Rowley Conservation Commission or its authorized agent(s) are responsible for coordinating the review, approval and permit process as defined in this Bylaw.
- **STORMWATER MANAGEMENT PERMIT (SMP):** A permit issued by the Conservation Commission, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious affects of uncontrolled and untreated stormwater runoff.
- **STORMWATER MANAGEMENT PLAN:** A document containing narrative, drawings and details prepared by a registered professional engineer (PE) or a professional land surveyor (PLS), which includes structural and non-structural best management practices to manage and treat stormwater runoff generated from regulated development activity. A stormwater management plan also includes an Operation and Maintenance Plan describing the maintenance requirements for structural best management practices.

- STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.
- TOTAL SUSPENDED SOLIDS (TSS): Material, including but not limited to trash, debris, and sand suspended in stormwater runoff.
- VERNAL POOL: A confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, and which are free of adult fish populations. These areas are essential breeding habitat, and provide other extremely important wildlife habitat functions during non-breeding season as well, for a variety of amphibian species such as wood frog (*Rana sylvatica*) and the spotted salamander (*Ambystoma maculatum*), and are important habitat for other wildlife species.
- WATERCOURSE: A natural or man-made channel through which water flows, including a river, brook, stream, underground stream, pond or lake.
- WATER QUALITY: Systematic application of standards to describe water pursuant to the Massachusetts Surface Water Quality Standards (314 CMR 4.00).
- WETLAND RESOURCE AREA: Area specified in the Massachusetts Wetlands Protection Act M.G.L. c. 131, § 40 and in the Town of Rowley Wetlands Protection Bylaw.
- WETLANDS: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs. Wetlands are defined in M.G.L. c. 131, § 40, and are collectively known as vegetated wetlands.

SECTION 5: ADMINISTRATION

A. The Conservation Commission shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Conservation Commission through this Bylaw may be delegated in writing by the Conservation Commission to its employees or agents.

B. Stormwater Management Policy. The Conservation Commission will utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy, for execution of the provisions of this Bylaw. This Policy includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts's water quality standards.

SECTION 6: REGULATIONS

The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or professional review fees), procedures and administration of this Stormwater Management Bylaw by majority vote of the Conservation Commission, after conducting a public hearing to receive comments on any proposed rules and regulations, or revisions thereto. Such hearing dates shall be advertised in a newspaper of general local

circulation, at least fourteen (14) days prior to the hearing date. The Conservation Commission may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

SECTION 7: PERMITS

Stormwater Management Permit (SMP) issuance is required prior to any activity disturbing 20,000 or more square feet of land or a land disturbance that will alter an area of 10,000 square feet or more on existing or proposed slopes steeper than 15 %. The site owner or his or her agent shall apply to the Conservation Commission for the SMP. While application may be made by a representative, the permittee must be the owner of the site or legal successor.

A. Applications: An application shall be made to the Conservation Commission in a form and containing information as specified in this Bylaw and in the Regulations adopted by the Conservation Commission and shall be accompanied by payment of the appropriate application and review fees. Projects within the jurisdiction of the Conservation Commission and requiring an Order of Conditions need not submit a separate SMP application.

B. Fees: Fees shall be established by Conservation Commission to cover expenses connected with administration, for application review, and monitoring permit compliance. An additional fee shall be paid to cover professional review. The Conservation Commission is authorized to retain a registered professional engineer or other professional consultant to advise the Commission on any or all aspects of these plans. Applicants must pay review fees before the review process may begin. The applicant for a Stormwater Management Permit may be required to cover the costs of said consultant through an account established pursuant to GL. c. 44 § 53G.

C. Information Requests: The Conservation Commission may request such additional information as is necessary to enable the Conservation Commission to determine whether the proposed land disturbance activity will protect water resources and comply with the requirements of this Bylaw.

D. Determination of Completeness: The Conservation Commission shall make a determination as to the completeness of the application and adequacy of the materials submitted. No review shall take place until the application has been found to be complete.

E. Coordination with Other Boards: On receipt of a complete application for a Stormwater Management Permit the Conservation Commission shall distribute one copy each to the Planning Board, Highway Department, and other appropriate Board(s) for review and comment. Said agencies shall, in their discretion, investigate the case and report their recommendations to the Conservation Commission.

F. Entry: Filing an application for a Stormwater Management Permit grants the Conservation Commission or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions, to the extent permitted by law.

G. Hearing: Within twenty-one (21) days of receipt of a complete application for a Stormwater Management Permit, the Conservation Commission shall hold a public hearing and shall take final action within thirty (30) days from the close of the hearing unless such time is extended by agreement between the applicant and the Conservation Commission. Notice of the public hearing shall, at least seven (7) days prior to said hearing, be given by publication in a local paper of general circulation, at the applicant's expense and by posting. The Conservation Commission shall prepare the notice for publishing in the local newspaper and posting the notice at the Town Hall. The Conservation Commission shall make the application available for inspection by the public during business hours at the Town of Rowley Conservation Office.

H. Abutter Notification: Concurrent with the filing of an application for a Stormwater Management Permit, the applicant also shall provide notification to all abutters and any property owner within 100 feet of the property line of the land where the activity is proposed including if separated from that land by a public or private street or a body of water and not unreasonably distant from the project site. The applicant shall provide notification at the mailing addresses shown on the most recent applicable tax list from the municipal assessor. Notification shall be at the applicant's expense. The notification shall state where copies of the application for a Stormwater Management Permit may be examined or obtained and where information on the date, time, and location of the public hearing may be obtained. To ensure compatibility with local procedures, applicants must comply with any rules of the Conservation Commission on the location for examining or obtaining the application for a Stormwater Management Permit and information about the hearing. The applicant shall notify abutters by certified mail, return receipt requested, or by certificates of mailing. Mailing at least seven days prior to the public hearing shall constitute timely notice. The applicant shall present either the certified mail receipts or certificate of mailing receipts for all abutters at the beginning of the public hearing. The presentation of the receipts for all abutters identified on the tax list shall constitute compliance with abutter notification requirements. The Conservation Commission shall determine whether the applicant has complied with abutter notification requirements.

I. Action: The Conservation Commission may:

1. Approve the Application and issue a permit if it finds that the proposed plan will protect water resources and complies with the requirements of this Bylaw;
2. Approve the Application and issue a permit with conditions, modifications or restrictions that the Conservation Commission determines are required to ensure that the project will protect water resources and complies with the requirements of this Bylaw; or
3. Disapprove the application and deny a permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives of and to comply with the requirements of this Bylaw. If the Conservation Commission finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the Conservation Commission may disapprove the application, denying a permit. A denial shall be provided in written form.

J. Duration of Permit: Except at the discretion of the Commission, no activity governed by a Stormwater Management Permit shall be performed unless such Stormwater Management Permit has been recorded or registered at the Essex South District Registry of Deeds or in the Land Court, within the chain of title of the affected property and all applicable appeal periods have expired. Proof of recording shall be submitted to the Commission in written form bearing the stamp of the Registry of Deeds, prior to the commencement of work. The Commission shall have the right to record or register its Stormwater Management Permit with said Registry or Land Court at the expense of the applicant. All Stormwater Management Permits shall expire three (3) years after the date of issuance. At the discretion of the Commission a Stormwater Management Permit may be extended for one (1) year at a time upon the request of the applicant in writing. The request for an extension of a Stormwater Management Permit shall be made to the Commission at least 30 days prior to expiration of the Stormwater Management Permit.

K. Project Changes: The permittee, or his or her agent, must notify the agent of the Conservation Commission in writing of any change or alteration of a planned land-disturbing activity before the change or alteration occurs. If the agent of the Conservation Commission determines that the change or alteration is significant, based on the design requirements listed in the Regulations adopted by the Conservation Commission under this bylaw, the agent of the Conservation Commission may require that an amended application or a full application be filed in accordance with this Section. If any change or alteration from the Stormwater Management Permit occurs during land disturbing activities, the agent of the Conservation Commission may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

L. Revocations: The Commission shall have the power (on its own motion or upon petition of any abutter) to initiate a revocation of a Stormwater Management Permit, for causes specified. The Commission shall notify the applicant or owners and abutters by certified mail of its intent to consider revocation and shall hold a public hearing within 21 days of the notification date.

SECTION 8: STORMWATER MANAGEMENT PLAN

The Stormwater Management Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed best management practices for the permanent management and treatment of stormwater. The Stormwater Management Plan shall contain sufficient information for the Conservation Commission to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards set forth in the Massachusetts Stormwater Management Policy and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. The applicant shall submit such material as is required by the Regulations adopted by the Conservation Commission for the administration of this Bylaw.

A. Erosion and Sedimentation Control Plan

The Erosion and Sedimentation Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the

adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design standards and contain the information listed in the Regulations adopted by the Conservation Commission for administration of this Bylaw.

B. Operation and Maintenance Plan

1. An Operation and Maintenance Plan (O&M Plan) for the permanent stormwater management system is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with this Bylaw and that the Massachusetts Surface Water Quality Standards contained in 314 CMR 4.00 are met in all seasons and throughout the life of the system. The Operation and Maintenance plan shall include any requirements deemed necessary by the Conservation Commission to insure compliance with said plan, including without limitation, a covenant. The Conservation Commission shall make the final decision of what maintenance option is appropriate in a given situation. The Conservation Commission will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. Once approved by the Conservation Commission the Operation and Maintenance Plan shall be recorded at the Registry of Deeds by the permittee, shall run with the land, shall remain on file with the Conservation Commission and shall be an ongoing requirement. The Operation and Maintenance Plan shall conform to the requirements listed in the Regulations adopted by the Conservation Commission for the administration of this Bylaw. Stormwater management easements shall be provided by the property owner(s) in areas and as necessary to carry out the required maintenance.

2. Changes to Operation and Maintenance Plans

a. The owner(s) of the stormwater management system must notify the Conservation Commission or its agent of changes in ownership or assignment of financial responsibility.

b. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this Bylaw by mutual agreement of the Conservation Commission and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, persons with operational responsibility, and persons with administrative responsibility. Once the amended Plan is signed the owner(s) shall file it at the Registry of Deeds at their expense and provide written proof of recording to the Commission.

SECTION 9: INSPECTION AND SITE SUPERVISION

A. Preconstruction Meeting. Prior to clearing, excavation, construction, or any land disturbing activity requiring a permit, the applicant, the applicant's technical representative, the general contractor, pertinent subcontractors, and any person with authority to make changes to the project, shall meet with the Conservation Commission or its designated agent to review the permitted plans and proposed implementation.

B. Commission Inspection. The Conservation Commission or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the approved

plans and any conditions of approval. One copy of the approved plans and conditions of approval, signed by the Conservation Commission shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the agent of the Conservation Commission at least three (3) working days before each of the following events:

1. Erosion and sediment control measures are in place and stabilized;
2. Rough Grading has been substantially completed;
3. Final Grading has been substantially completed;
4. Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures;
5. Close of the Construction Season; and
6. Final landscaping (permanent stabilization) and project final completion.

C. Permittee Inspections. The permittee or his or her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his or her agent shall prepare and may be required to submit monthly reports to the Conservation Commission or designated agent in a format approved by the Conservation Commission. The Conservation Commission may require, as a condition of approval, that an Environmental Site Monitor, approved by the Conservation Commission, be retained by the applicant to conduct such inspections and prepare and submit such reports to the Conservation Commission or its designated agent.

D. Access Permission. To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Conservation Commission, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and may make or cause to be made such examinations, surveys or sampling as the Conservation Commission deems reasonably necessary to determine compliance with the permit.

SECTION 10: SURETY

The Conservation Commission may require before the start of land disturbance activity the permittee to post a surety bond, cash, or other acceptable security. The form of the bond shall be approved by Town Counsel, and be in an amount deemed sufficient by the Conservation Commission to insure that the work will be completed in accordance with the permit. If the project is phased, the Conservation Commission may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Conservation Commission has received the final report as required by Section 11 and issued a Certificate of Completion.

SECTION 11: FINAL REPORTS

Upon completion of the work, the permittee shall submit a report (including certified as-built plan prepared and signed by a registered professional engineer (PE) or professional land surveyor (PLS), showing grading, stormwater facilities, and structures in areas subject to this Stormwater Management Permit. This as-built may be the originally submitted site plan with changes highlighted and explained.) from a registered professional engineer (PE) or registered professional land surveyor (PLS) certifying that all erosion and sedimentation control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

SECTION 12: ENFORCEMENT

A. The Conservation Commission or an authorized agent of the Conservation Commission shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Orders.

1. The Conservation Commission or an authorized agent of the Conservation Commission may issue a written order to enforce the provisions of this Bylaw or the regulations hereunder, which may include:

- a. A requirement to cease and desist from the land-disturbing activity until there is compliance with the Bylaw and provisions of the land-disturbance permit;
- b. Maintenance, installation or performance of additional erosion and sedimentation control measures;
- c. Monitoring, analyses, and reporting; and
- d. Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.

2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Rowley may, at its option, undertake such work, and the property owner shall reimburse the Town's expenses.

a. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Rowley, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Conservation Commission within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Conservation Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any

unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

C. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Rowley may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D in which case the Conservation Commission or authorized agent shall be the enforcing person. The penalty for the first violation shall be \$75.00, the second violation shall be \$150.00, and for the third and all subsequent violations shall be \$300.00 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Appeals. All decisions or orders of the Conservation Commission shall be final. Further relief shall be to a court of competent jurisdiction.

E. Remedies Not Exclusive. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 13: CERTIFICATE OF COMPLETION

The Conservation Commission will issue a Certificate of Completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this Bylaw. The Certificate of Completion shall be recorded at the Registry of Deeds by the owner(s). Proof of such recording shall be provided to the Commission in written form bearing the stamp of the Registry.

SECTION 14: SEVERABILITY

If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment or circumstance shall be held invalid for any reason, all other provisions shall continue in full force and effect to the extent permitted by law.

This bylaw was passed at the Special Town Meeting of November 5, 2007 (Article 20), passed by voice unanimous vote without amendment. It was approved by the Attorney General on November 20, 2007, and posted in accordance with the law on November 28, 2007.

STREETS AND TOWN COMMONS BYLAW

- Section 1. No person without being authorized bylaw shall obstruct or change the flow of running water on any street within the Town to the damage of such street or to the obstruction of travel therein.
- Section 2. No person shall drive or ride any horse or any other beast upon the Public Commons within the Town.
- Section 3. No person not a resident of the Town shall engage in any organized activity on the Public Common without obtaining written permission from the Board of Selectmen.
- Section 4. No person shall place or maintain any table, tent, stall, booth or other erection on the Public Commons for any sale or exhibition without the permission of the Selectmen.
- Section 5. No person being the owner, keeper, or having custody of any horse, cow, or other animal shall permit or suffer the same to pasture, with or without a keeper, upon any street, sidewalk or any public ground within the Town, or to go at large therein, or suffer such horse, cow, or other animal to remain upon any sidewalk in the Town.
- Section 6. No person shall ride in any horse drawn carriage or ride or drive any horse in any street in the Town in such a manner as to endanger pedestrians.
- Section 7. No person shall drive any horse, cart, or other vehicle on the sidewalk on any street of the Town except for the purpose of crossing such sidewalk to go into or out of some adjoining enclosure, provided that this section shall not apply to children's or invalids' carriages or to bicycles.
- Section 8. No person shall stand or remain alone or with or near others in any street, footway, or sidewalk in the Town in such a manner as to obstruct free passage for other users or said street, footway, or sidewalk.
- Section 9. No person shall behave himself in a rude or disorderly manner or use indecent, profane, or insulting language in any street or public building in the Town, or be or remain upon any doorstep, portico, or other projection from any such building, or in any church, meetinghouse, public hall or entrance thereto to the annoyance of any person; nor shall any person willfully frighten any horse or other animal or engage in any game, sport or amusement in any street of the Town whereby the free, safe, and convenient use thereof by travelers thereon shall be in any way interrupted or the occupants of adjoining properties be annoyed or disturbed.
- Section 10. No person shall place or cause to be placed or deposited upon any street, sidewalk, or other public place with the Town merchandise, ashes, shavings, house dirt, fill, offal, rubbish, or any other materials which shall in any way obstruct or disfigure the same, nor suffer his wood or coal to remain unnecessarily on any street or sidewalk.

- Section 11. If any person shall dig a cellar or other cavity in the ground near to or adjoining any street, he shall, so long as the Selectmen may require, keep on or near the line of such street a fence or railing sufficient to protect travelers from falling into the place so dug or being injured thereby.
- Section 12. Recreational vehicles, commonly referred to as ATV's of any make or type, scooters, motorcycles, dune buggies, or any homemade vehicle which purpose is for off-road use, shall not be authorized access to or use of Town land. Those recreational vehicles that are properly registered, insured, licensed and operated by a qualified operator shall be entitled to the use of the common ways usually traversed by public and private vehicles. The provisions of this bylaw shall not apply to surface waters of the Town of Rowley. Furthermore, this bylaw shall not prohibit the Town from utilizing motorized vehicles from maintenance and emergency purposes or other purposes deemed to be in the best interest of the area in question. *(ATM May 2, 1988, Article 27)*
- Section 13. The meaning of the words "street" or "streets" as used in the preceding sections of this bylaw shall be understood to include lanes, alleys, courts, public squares and sidewalks unless otherwise expressed.
- Section 14. Any person who shall violate the provisions of this bylaw shall be fined a sum not exceeding one hundred dollars (\$100.00) for each offense, which may be recovered by indictment or on complaint before a District Court and shall ensure to the Town or to such uses as it may direct. *(ATM May 2, 1988, Article 28).*

This bylaw was adopted at the Annual Town Meeting of March 5, 1973, by unanimous vote, approved by the Attorney General on July 5, 1973 and published by posting in five public places on July 17, 1973.

Changes were made to this bylaw at the Annual Town Meeting of May 2, 1988, approved by the Attorney General on September 12, 1988, and posted according to law.

TOWN MEETING BYLAW

- Section 1. The Annual Town Meeting shall be held before May 31 each year to be effective in 1999. *(STM 10/26/98, Article 19)*
- Section 2. The election of Town Officers and the determination of such matters as are required bylaw to be determined by ballot, other than the “yes” and “no” ballots required hereinafter in Section 18 of this bylaw, shall be voted upon at an adjournment of the Annual Town Meeting which shall be held on the second Tuesday of May of each year effective in 1974.
- Section 3. The hours of voting shall be designated by the Board of Selectmen unless designated by vote of the Town Meeting.
- Section 4. Notice of every Town Meeting shall be given by posting attested copies of the warrant thereof in at least seven (7) public places in the town not less than fourteen (14) days before the day fixed for such meeting. The minimum seven (7) places for posting shall be Town Hall, Town Hall Annex, Rowley Pharmacy, Inc., the Public Library, Knowles Filling Station, First National Bank of Ipswich/Rowley Office and Market Basket. Bylaws and other documents approved by a Town Meeting and designated for posting shall be in the same seven (7) places. *(ATM 5/18/09, Article #19)*
- Section 5. At least seven days before the day fixed in the warrant for the Annual Town Meeting, the Board of Selectmen shall cause to be delivered at each occupied dwelling and apartment in the Town a copy of a Report of the Finance Committee that shall include the Warrant for the Annual Town Meeting with the recommendation of the Finance Committee for each of the articles on the Annual Town Meeting Warrant. The Annual Town Report shall be printed and made available to the public prior to the Annual Town Meeting, in accordance with Massachusetts General Laws Chapter 40, Section 49. Printed copies of the Annual Town Report shall be available at the Rowley Town Hall, Office of the Council on Aging, Rowley Public Library and upon request to the Office of the Board of Selectmen. An electronic version of the Annual Town Report will be available on the Town’s website. *(STM 5/19/08, Article #12)*
- Section 6. Prior to the day fixed in the Warrant for any Town Meeting, the Board of Selectmen shall have available sufficient copies of the Warrant for distribution to those attending such meeting.
- Article 7. Articles for the Warrants for Town Meetings shall be inserted by the Board of Selectmen. Residents of Rowley wishing to submit articles for the Annual Warrant shall present said articles to the Board of Selectmen with ten (10) or more signatures of registered voters attached no later that the second Board of Selectmen meeting in February of each year. *(5/2/88, Article 18).*

- Section 8. The Board of Selectmen shall post, in the seven (7) places designated in Section 4 of this bylaw, preliminary notices of all Special Town Meetings at least seven (7) days prior to the closing of the warrant for said meeting, and they shall cause copies of said Warrants to be mailed at least five days prior to said meeting to all households in the Town. Residents of the Town who have mailing addresses not included in the postal routes of the Rowley, MA 01969 US Post Office shall notify the Board of Selectmen of their correct mailing address not less than ten (10) days before the date of the Special Town Meeting. *(5/1/89, Article 22)*.
- Section 9. Residents of Rowley wishing to have the Board of Selectmen call a Special Town Meeting shall present the First Article to the Board with at least Two Hundred (200) signatures of registered voters attached.
- Section 10. The number of voters necessary to constitute a quorum for a legal meeting at any Annual or Special Town Meeting shall be one hundred (100) registered voters, provided, however, that a number less than a quorum may from time to time adjourn such meeting. This section shall not apply to such parts of the meeting as are devoted to the election of Town Officers.
- Section 11. The Registrars shall permit only registered voters to enter upon the floor of the hall in which the Annual or any Special Town Meeting is being held. However, the Moderator, with the consent of the majority of registered voters present, shall instruct the Registrars to admit interested visitors and designate an area in some part of the hall to be used by said visitors.
- Section 12. Articles in the Warrant shall be acted upon in the order in which they appear unless otherwise determined by a two-thirds vote of the meeting.
- Section 13. All motions having to do with the expenditure of money shall be presented in writing; other motions shall be presented in writing if so directed by the Moderator.
- Section 14. If a motion is susceptible of division, it shall be divided, and the question shall be put separately upon each part thereof, if ten voters so request.
- Section 15. When a question is before the meeting, the following motions shall be received and shall have precedence in the following order: to adjourn, to lay on the table, for the previous question to limit or extend debate, to postpone to a time certain, to commit or recommit or refer, to amend, to postpone indefinitely, and the first three shall be decided without debate.
- Section 16. On proposed amendments to motions involving sums of money, the larger or highest amount shall be put to the questions first. *(10/31/88, Article 29)*.
- Section 17. Any person who is employed as an attorney by another interested in any matter under discussion at a Town Meeting shall disclose the fact of his employment before speaking thereon.

- Section 18. The use of “YES” and “NO” paper ballots shall be mandatory on all appropriations of One Hundred Thousand Dollars (\$100,000.) or more, excepting appropriations included in the General Budget or subdivisions of the General Budget and excepting appropriations in a Consolidated Capital Purchase Budget. The Moderator shall divide the house and call upon tellers, appointed by the Moderator, to distribute the ballots and to count the ballots voted.
 Questions requiring a count for the record, shall be decided by hand vote with a division of the house and a count by the tellers.
 Questions on matters for which a count is not required for the record shall be decided by voice vote with the Moderator dividing the house and proclaiming the vote as he understands it to be. In the event the Moderator is in doubt of the result of a voice vote or if one or more voters object to the Moderator’s decision on a voice vote, the Moderator shall put the original question to a hand vote with division of the house and a count by the tellers.
 However, a vote by hand or paper ballot need not be taken on a question if the Moderator chooses to put the question to a voice vote which produces a unanimous decision (*10/31/88, Article 30*).
- Section 19. No vote of the meeting shall be reconsidered unless notice of intention to ask for reconsideration shall have been given within one (1) hour after the vote to which such notice relates has been passed. When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be reconsidered more than once; nor shall any vote be reconsidered on a motion to adjourn, to lay on the table, or upon the previous question.
- Section 20. No motion for reconsideration shall be in order at an adjourned meeting on a matter decided within one (1) hour of adjournment of the previous session of the same meeting, except by unanimous consent, unless notice of intention so to move has been given in writing to the Town Clerk on or before nine am (9:00 am) of the day to which the meeting stands adjourned, such notice to be posted by the Town Clerk in the seven (7) places designated in Section 4 above.
- Section 21. The Town Meeting may vote to suspend the provisions of Section 19 and Section 20 of this Bylaw for the reconsideration of all money articles in the Annual Town Meeting Warrant for the specific purpose of balancing the total level of funds raised and appropriated within the limitations of M.G.L. Chapter 59 Section 21C (Proposition 2 __, so called). The vote to suspend the provisions of these sections shall be made prior to voting on money articles and will require a two-thirds vote unless there is unanimous consent. The text of the motion shall provide blanket warning that any money article may, at the end of the meeting and after all articles have been acted upon, be moved for reconsideration in order to balance the total level of funds raised and appropriated within the limitations of M.G.L. Chapter 59, Section 21C (*10/31/88, Article 31*).

- Section 22. A Consolidated Capital Budget article may be used for the purpose of appropriating funds for the purchase of capital items of less than Twenty Thousand Dollars (\$20,000.00). The format of the article will be similar to that of the General Budget Article. Each expenditure will be organized by Town Department and identified by a line item number. The Finance Committee shall prepare and distribute its recommendations on each such line item request and include therein a statement of the purpose of the expenditure, all in the same manner as that by which it sets forth its Recommendations concerning the General Budget article and its line items. (10/31/88, Article 32).
- Section 23. All committees shall report as directed by the Town Meeting. If no report is made within a year after its appointment, a committee shall be discharged unless in the meantime a subsequent Town Meeting shall have granted an extension of time.
- Section 24. No motion the effect of which would be to dissolve the meeting shall be in order until every article in the Warrant therefore has been duly considered and acted upon, but this shall not preclude the postponement of consideration of any article to an adjournment of the meeting at a stated time and place.

This bylaw was adopted at the Annual Town Meeting of March 5, 1973, by unanimous vote. It was approved by the Attorney General on July 5, 1973 and published by posting in five public places on July 17, 1973. Amendments voted in May of 1979, were approved by the Attorney General on September 18, 1979 and published by posting according to law.

Changes were voted at the Annual Town Meeting of 1980, approved by Attorney General in September of 1980 and posted according to law in September 1980.

Changes were voted at the Special Town Meeting of October 17, 1986, approved by Attorney General November 25, 1986, and posted according to law December 1986.

Changes were voted at the Town Meeting held May 3, 1988, approved by the Attorney General on September 12, 1988 and were duly posted according to law.

Changes were voted at the Special Town Meeting held October 31, 1988, were approved by the Attorney General on January 3, 1989, and were duly posted according to law.

Changes were voted at the Annual Town Meeting of May 1, 1989, were approved by the Attorney General on October 5, 1989 and were duly posted according to law.

Amendment change was voted at the Annual Town Meeting held May 3, 1993, approved by Attorney General on June 8, 1993 and posted according to law.

Changes voted at the Special Town Meeting held October 4, 1993 and approved by the Attorney General. (Election day changed from Monday to Tuesday)

Adopted at the Special Town Meeting of October 26, 1998 and approved by the Attorney General on October 26, 1998, (Article 19).

The words 'Market Basket' accepted at Annual Town Meeting, May 10, 1999, (Article 41)

Amendment to Section 5 (printing and distribution of Annual Town Reports) was accepted at the 5/19/08 STM (Art #12), approved by the Attorney General's Office on July 8, 2008 and posted according to law.

Amendment to Section 4 – deleting Veteran’s Garage and Skip’s Country Store and substituting Town Hall Annex and First National Bank of Ipswich/Rowley Office at 5/18/2009 Annual Town Meeting (Article #19).

TRAILER BYLAW/BOARD OF HEALTH LICENSING

No owner or occupant of a trailer of mobile home or owner, leasee or tenant at will of land in the Town of Rowley where a trailer of mobile home is situated, located or placed, who occupies or uses or permits a trailer or mobile home to be occupied or used for dwelling purposes, shall do so without first obtaining a license so to do from the Board of Health of the Town of Rowley.

Each day of such unlicensed occupancy shall be considered a separate violation of this bylaw.

Each violation of this bylaw shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Twenty Dollars (\$20.00).

This bylaw was passed at a Special Town Meeting on December 7, 1953, by unanimous vote, approved by the Attorney General on December 30, 1953 and published by posting in five public places on January 30, 1973.

This bylaw was amended at the Annual Town Meeting of May 4, 1987 (Article 21), by unanimous vote and approved by the Attorney General on August 18, 1987.

TRAILER USE BYLAW

Section 1. No person shall occupy a trailer or other structure designed to be mobile whether or not permanent additions are planned or constructed, for dwelling or business purposes with the Town of Rowley, with the following exceptions:

- A. The Board of Selectmen may issue a permit to an owner of land who may thereupon permit the use of a trailer or mobile structure as a dwelling on his land by a non-paying guest for a period not exceeding thirty (30) days in any calendar year.
- B. The Board of Selectmen may issue a permit for the use of a trailer or mobile structure as a temporary office incidental to construction on or development of the land on which the trailer or mobile structure is located. Such permit shall be valid for a period of six (6) months, and shall be renewable for additional six (6) month periods at the discretion of the Board of Selectmen.
- C. The Board of Selectmen may issue a permit for occupancy of a trailer or mobile structure on land on which the permanent dwelling had been destroyed by fire, flood or other disasters. Such permits shall run until the permanent dwelling has been rebuilt, but not more than one (1) year.
- D. No structure existing in the town of Rowley on the date of the passage of this bylaw shall be in any way affected by the provisions thereof.

Section 2. Any person violating the provisions of Section 1 of this bylaw shall be punishable by a fine of not more than Twenty Dollars (\$20.00). Each twenty-four hours of illegal occupancy shall be regarded as a separate violation.

This bylaw was passed at the Annual Town Meeting of March 6, 1961, by a vote of 78 for and 63 against. It was approved by the Attorney General on March 16, 1961 and published by posting in five public places on January 30, 1973.

WATER DEPARTMENT BYLAW

Section 1. The Water Department may go to the aid of any other city, town or district or any other water company so defined, in repairing and maintaining the physical of its water supply system. The Municipal Water Board is authorized to extend such aid in accordance with the provisions of General Laws, Chapter 40, Section 39-H.

This bylaw was passed at the Annual Town Meeting of May 2, 1983, unanimously by voice vote without amendment. It was approved by the Attorney General on August 25, 1983, and posted in accordance with the law in August of 1983.

WATER USE RESTRICTION BY-LAWSection 1 **Authority**

This By-law is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and its powers pursuant to M.G.L. c. 40, §§ 21 et seq., and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, § 69B. This by-law also implements the Town's authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of a State of Water Supply Emergency issued by the Department of Environmental Protection.

Section 2 **Purpose**

The purpose of this by-law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

Section 3 **Definitions**

- Agriculture shall mean farming in all its branches and agriculture, as defined at M.G.L. c. 128, § 1A.
- Outdoor watering shall mean any residential, municipal, industrial, or commercial watering of decorative lawns, trees or shrubbery.
- Person shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity, and any officer, employee, group or agent of such persons.
- State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c. 21G, §§ 15-17.
- State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to Section 4 of this by-law.
- Water Users or Water Consumers shall mean all persons using water from the Town's public water source irrespective of that person's responsibility for billing purposes for use of the water.

Section 4 **Declaration of a State of Water Supply Conservation**

The Town, through its Board of Water Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists of such a degree that

conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Supply Conservation shall be given under Section 6 of this by-law before it may be enforced.

Section 5

Restricted Water Uses

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply except as provided in Section 11. The applicable restrictions, conditions, or requirements shall be included in the public notice required under Section 6.

- a) Odd/Even Outdoor Watering: Outdoor watering on property having an odd-numbered address is restricted to odd-numbered days. Outdoor watering on property having an even-numbered address is restricted to even-numbered days.
- Or Off-Peak Outdoor Watering: Outdoor watering is limited to such hours and such days as the Board of Water Commissioners shall determine by a majority vote of the Board.
- b) Outdoor Watering Method Restriction: Outdoor watering is restricted to bucket, can or hand-held hose watering with automatic shutoff nozzle.
- c) Outdoor Watering Ban: Outdoor watering is prohibited.
- d) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- e) Swimming Pools: Filling and topping off of swimming pools is prohibited.
- f) Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited.
- g) Car washing: Car or vehicle washing is prohibited.

Section 6

Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency; Notification of DEP

Notification of any provision, including any restriction, requirement or condition, imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Notification of a State of Water Supply Emergency declared by the Department shall be provided by furnishing a copy of the notice to radio and television stations serving the area served by the public water system as soon as possible, but no later than 48 hours after the public water

system receives notice of the Department's declaration. Any restriction imposed under Section 5 or in the Department declaration of emergency or order shall not be effective until such notification is provided.

Notification of the State of Water Supply Conservation shall also be provided to the Massachusetts Department of Environmental Protection at the same time that notification is given.

Section 7 **Termination of a State of Water Supply Conservation; Notice**

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required for notice of the Town's declaration of its State of Water Supply Conservation.

Section 8 **State of Water Supply Emergency; Compliance with DEP Orders**

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition or any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. The notice prescribed by this Section shall be in writing and shall be published once in a newspaper of general circulation within the Town. Such notice shall summarize the provisions of the State of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this Section shall be sufficient for enforcement of the requirements of such declaration on and after the date following newspaper publication.

Section 9 **Penalties**

The Town, through its Board of Water Commissioners, Water Superintendent, Building Inspector, or Police Department, may enforce this by-law. Any person violating this by-law shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation during a State of Water Supply Conservation or a State of Water Supply Emergency. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws.

Section 10 **Severability**

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

Section 11**Exemptions**

The Board of Water Commissioners may exempt from the water use restrictions adopted under this by-law such uses as it determines would be placed under an undue hardship absent the exemption, provided that water supplies subject to the restrictions are not likely to be significantly reduced as a result of the exemption, and provided further that the Board may condition the exemption upon compliance with such restrictions or requirements that it deems necessary or advisable in the public interest. The Board by regulation may establish categories of uses eligible for exemption, further criteria for exemption not inconsistent with this Section, and the procedure to be followed by applicants for exemption.

Adopted at Special Town Meeting of November 18, 2002 (Article 15), Approved by Attorney General's office on February 20, 2003, and posted according to law.

WETLANDS PROTECTION BYLAW

I. PURPOSE OF THE BYLAW

The purpose of this Bylaw is to protect and preserve the wetland resource areas of the Town of Rowley (the Town). The Rowley Conservation Commission (the Commission) shall regulate activities deemed to have significant or cumulative effects upon the following interests and values: protection of public or private water supply; protection of groundwater; prevention and control of flooding, erosion, sedimentation, storm damage, and pollution; protection of fisheries and of land containing shellfish, wildlife, wildlife habitat, and having recreation or aesthetic value. The Protection of the Town of Rowley drinking water sources shall be a priority.

II. AUTHORITY UNDER THE BYLAW

The Home Rule authority of the Town of Rowley entitles the Town to protect additional resource areas and values with additional standards and procedures more protective than those of the Wetlands Protection Act, Massachusetts General Laws (MGL) Chapter 131 Section 40, as amended from time to time, and the enabling regulations promulgated thereunder by the Department of Environmental Protection (DEP), 310 Code of Massachusetts Regulations (CMR) 10.00, as amended from time to time. In the event of any conflict between the provisions of this Bylaw and the Massachusetts Wetlands Protection Act MGL Chapter 131 Section 40 and Regulations 310 CMR 10.00, the more protective measures shall apply.

III. JURISDICTION UNDER THE BYLAW

A. Protected Resource Areas subject to Jurisdiction by the Conservation Commission

The provisions of this Bylaw apply to the following wetlands resource areas and presumptions. Except as otherwise provided in this Bylaw, the wetlands resource areas and presumptions shall be set forth in MGL Chapter 131 Section 40 and 310 CMR 10.00. Each resource area or area subject to protection is presumed significant to the protection of the wetlands interests and values enumerated in Section I.

1. Isolated vegetated wetlands, including replication areas built according to an approved Order of Conditions; *
2. Vegetated wetlands bordering on any creek, river, stream, pond or lake, ocean or estuary including replication areas built according to an approved Order of Conditions;
3. Coastal or inland banks, beaches, flats, marshes, wet meadows, bogs, or swamps;

4. Areas of Critical Environmental Concern (ACEC) as defined in 301 CMR 12.00, including without limitation the Parker River / Plum Island Sound ACEC; *
5. A 100-foot buffer zone from any area specified in #1-4 listed above;
6. Vernal pool habitat, as defined in this Bylaw; *
7. Land under any creek, river, stream, pond or lake, estuary, ocean, and any land subject to tidal action;
8. The 200-foot Riverfront Area as defined in 310 CMR 10.58;
9. Any areas designated critical or environmentally sensitive, including the approved Department of Environmental Protection Groundwater Protection Area, Zone I; the Approved Department of Environmental Protection Groundwater Protection Area, Zone II; habitats of rare wetlands wildlife as defined by the Natural Heritage and Endangered Species Program; or Outstanding Resource Waters (ORW) as defined by the Executive Office of Environmental Affairs. *

B. Activities Subject to Jurisdiction by the Conservation Commission

Except as permitted in writing by the Commission, or as provided in this Bylaw, no person shall engage in the following activities ("activities"): removal of vegetation and soils, filling, dumping, dredging, discharging into, building upon, or otherwise altering or degrading any of the above resource areas specified in Section III (A) of this Bylaw.

Written application shall be filed with the Commission to perform activities affecting or within resource areas protected as specified in Section VII of this Bylaw.

Any activity proposed or undertaken outside the areas subject to protection is not subject to regulation under this Bylaw and does not require the filing of a written application, unless that activity may alter any of the above resource areas.

C. Retention of Jurisdiction for Comprehensive Permits Under MGL Chap 40B

With respect for all applications for Comprehensive Permits pursuant to MGL Chapter 40B, the Commission retains its full jurisdiction and permit power under the Wetlands Protection Act, MGL Chapter 131 Section 40 and DEP Regulations, 310 CMR 10.00. The Commission shall hold hearings and render a decision under the Wetlands Protection Act on all proposed Comprehensive Permit projects if there are Protected resource areas affected by the proposed project that is the subject of the application.

IV. DEFINITIONS

Except as otherwise provided in this Bylaw, the definition of terms, exemptions, limited projects, time frames and requirements shall be identical to those specified in MGL Chapter 131 Section 40 and in 310 CMR 10.00.

The following definitions shall apply in the interpretation and implementation of this Bylaw:

- **Alter** shall mean to change the condition of any protected resource areas under this Bylaw. Examples of alterations include, but are not limited to the following:
 - a. Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind.
 - b. Changing of pre-existing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns or flood retention characteristics.
 - c. Changes of pre-existing water level or water table.
 - d. Dumping, placing or removal of any material, that would alter elevation or degrade water quality.
 - e. Driving of pilings, construction or repair of structures of any kind or size.
 - f. Placing of obstructions or other dam-like structures in water
 - g. Damage or destruction of plant life including trees and underbrush.
 - h. Application of fertilizer, pesticide, or herbicide.
 - i. Any activities, changes, or work that would change temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any body of water or groundwater or that may have a cumulative adverse impact on the resource areas protected by this Bylaw.
- **Area of Critical Environmental Concern (ACEC)** shall mean Area of Critical Environmental Concern (ACEC) as defined by 301 CMR 12.00 including without limitation the Parker River / Plum Island Sound ACEC, as amended from time to time.
- **Isolated Vegetated Wetlands** – shall mean a freshwater wetlands not connected by surface water to any other water body or wetland. A vegetated wetland is an area where the soils and vegetation meet the criteria of 310 CMR 10.00.
- **No Cut / No Disturbance Zone** shall be determined by a vote of the Commission and shall consist of an area, extending typically 25 – 50 feet from a resource area as specified in Section III(A) of this Bylaw, (but in no case extending beyond the 100 foot buffer zone), in which virtually no activities or work, other than non-motorized passage, are permitted. This determination will be made in order to protect the interests and values enumerated in Section I of the Bylaw. Among other site-specific conditions set by the Commission, no vegetation may be disturbed. The no disturbance zone shall remain unchanged from its natural, vegetated state. No Cut / No Disturbance zones exist only when ordered by a vote by the Commission on an application.
- **Pond (inland)** shall include any open body of fresh water with a surface area observed or recorded within the most recent ten years of at least 5,000 square feet. Ponds may be either naturally occurring or man-made impoundments, excavation or otherwise. Ponds shall contain standing water except for periods of drought as defined in 310 CMR 10.00. Notwithstanding the above, the following man-made bodies of open water shall not be considered ponds:
 - a. basins or lagoons which are part of wastewater treatment plants
 - b. swimming pools or other impervious man-made basins; and
 - c. individual gravel pits or quarries excavated from upland areas unless inactive for five or more consecutive years.
- **Rare species** shall include, without limitation, all vertebrate and invertebrate animal and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in

which they occur has been previously identified by the Massachusetts Division of Fisheries and Wildlife.

- **Vernal pool habitat** shall mean confined basin depressions that, at least in most years, hold water for a minimum of two continuous months, that are free of adult fish populations, and provide essential breeding and rearing habitat functions for amphibian, reptile, or other vernal pool community species, as well as the area within 100 feet of the mean annual high water of such depressions regardless of whether the site has been certified by the Massachusetts Division of Wildlife and Fisheries. The presumption of essential habitat value may be overcome by the presentation of credible evidence that in the judgment of the Commission demonstrates that the basin or depression does not provide the habitat functions as specified in the Bylaw regulations.

V. EXEMPTIONS TO THE BYLAW

This Bylaw shall not apply to the following activities when conducted in protected resource areas except as noted:

1. Maintenance or repair, without substantial change or enlargement, of existing and lawfully located structures or facilities used in the service of the public and used to provide electric, gas, water, telephone, or other telecommunication services to the public, providing a written notice and a detailed description of work is given to the Commission prior to 30 days before the start of the project.
2. Normal maintenance of land in agricultural use, as defined in 310 CMR 10.04 Agriculture (b), and normal improvement of land in agricultural use, as defined in 310 CMR 10.04 Agriculture (c), provided individuals claiming exemption under 310 CMR 10.04 (14) the cutting and removal of trees for the purpose of selling trees when carried out in accordance with a Forest Cutting Plan approved by the Department of Environmental Management must submit written notice and Department of Environmental Management Forest Cutting Plan 30 days prior to the start of work.
3. Maintenance and repair of existing public ways, providing a written notice and a detailed description of work is given to the Commission prior to 30 days before the start of the project.
4. Minor activities, if they do not alter a protected resource area as specified in Section III (A) including unpaved pedestrian walkway provision and maintenance, wildlife-friendly fencing, residential vista pruning as defined in 310 CMR 10.04 and 310 CMR 10.58(6)(b)(3).
5. Normal and customary practices of saltmarsh hay farming, to the fullest extent permitted under 310 CMR 10.00.
6. Normal and customary practices of shellfishing, to the fullest extent permitted under 310 CMR 10.00.

VI. PERMIT APPLICATIONS UNDER THE BYLAW

A. Submittal Requirements

All applications to perform activities or approve delineations in the Town's protected resource areas shall be identical in form to permit applications as required under 310

CMR 10.00. The permit applications may be obtained from the Commission or from the Massachusetts Department of Environmental Protection and must be signed by the applicant or applicant's agent where required.

1. Requirements for Timelines and Application Completeness

Such applications shall contain data and plans as may be necessary to describe the boundaries of wetland resource areas, the proposed activity and any effects or potential impacts upon the ability of the resource area to protect the interests identified, in both this Bylaw and the 310 CMR 10.00, and shall be submitted in complete written form (including appropriate plans) to the Commission as required by this Bylaw, and Regulations. The date that serves to commence the Commission's hearing and decision process is the date of receipt of the complete application at the Conservation Commission offices, during regular, posted office hours.

2. Requirements for Additional Information

The Commission may require further plans, maps, professional opinion, or information as may be necessary to protect the interests and values listed in the Wetlands Protection Act or this Bylaw. In order to comply with the provisions of this Bylaw, each application must be complete as filed, and must comply with the rules set forth in this Bylaw and the Commission Regulations. In its discretion, the Commission may consider an application incomplete if filed before all permits, variances, and approvals required by the Bylaws of the Town have been applied for or obtained, or if fees are incorrect. Such application shall also include all relevant information submitted in connection with other department's permits, variance, applications and approvals that describe the effect of the proposed activity on the protected resource area(s).

As appropriate, the Commission may choose to solicit the advice and opinions of other town boards and officials in the course of its deliberations. Town boards and officials shall be entitled to make oral presentations or file written comments and recommendations with the Commission at or before the public hearings, which will be available for review at the Commission Office and at the public hearing. The Commission shall take any such comments and recommendations into account but shall not be bound by them. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission prior to the vote of the Commission.

3. Requirements for Burden of Proof

The applicant shall have the burden of proving by a preponderance of credible evidence that the activity proposed in the Notice of Intent or Request for Determination of Applicability will not cause adverse impacts to any of the interests and values intended to be protected by this Bylaw. The Commission may require the applicant to pay a reimbursement fee for the reasonable costs and expenses borne by the Commission for specific expert consultants as described in Section VI(C).

B. Submittal Fees *

At the time of the application and in addition to applicable State fees, the applicant shall pay a filing fee according to the following schedule with regard to jurisdictional activities associated with:

Project	Submittal Fee
a. Single minor project (e.g., house addition, barn, swimming pool, or other accessory residential activity)	\$25 each project
b. New Single Family Dwelling	\$250, each dwelling plus \$0.25 per square foot of disturbance in a resource area as described by this Bylaw
c. Subdivision – road and utilities only	\$500 plus \$2 per running foot of road within a resource area as described by this Bylaw
d. Drainage, detention/retention basins (temporary basins exempt)	\$500 each, plus \$2 per 100 cubic feet of basin within a resource area as described by this Bylaw
e. Multiple Dwelling Structure	\$500 each Structure, plus \$100/unit
f. Commercial and Industrial Projects	\$500 each building, plus \$0.50 per square foot of disturbance in a resource area as described by this Bylaw
g. Application filed after Enforcement Order	Double the above fee
h. Determination of Applicability and Abbreviated Notice of Resource Area Delineation	No Charge
i. Remediation of a Contaminated Site or Enhancement of a Degraded Resource (excluding violations)	\$25 per project
j. Remediation of a Contaminated Site or Enhancement of a Degraded Resource (exclusively a violation)	\$200 each violation
k. Certificate of Compliance	No Charge
l. Amendments to an Approved Order of Conditions at the Applicant's initiative	\$50 per lot plus \$1 per amended running foot of roadway when original permit includes a roadway
m. Extension to an Approved Order of Conditions	\$50

Fees are cumulative and are not refundable. The Commission may waive the filing fee, consultant fee, and costs and expenses for a permit or other application filed by a government agency. These fees are in addition to those required by the Wetlands Protection Act, MGL Chapter 131 Section 40 and DEP Regulations, 310 CMR 10.00.

C. Consultant Services

1. Use of Consultant

Upon receipt of an application, or at any point during the hearing process, the Commission is authorized to require an applicant to pay fees for the reasonable costs and expenses borne by the Commission for specific expert engineering or other consultant services deemed necessary by the Commission to come to a final decision on the application. Such fees are called the "consultant fees." The specific consultant services may include, but are not limited to, performing or verifying the accuracy of resource area survey and delineation; analyzing resource area functions and values, including wildlife habitat evaluations, hydrogeologic and drainage analysis; and researching environmental or land use law and evaluating economic considerations including hardships. No such consultant services shall commence until such time as the applicant has agreed in writing to the scope and funding for such a review. Selection of a consultant by judgment of the Commission to perform a required study shall be based on experience, qualifications, credentials and cost of the consultant.

The project shall not be segmented to avoid the consultant deposit fee. These deposit fees are good faith estimates of the cost of review but the actual fees will be the actual cost that is incurred by the Commission. The amount to be deposited in advance of the work being commenced may therefore be modified at the sole discretion of the Commission as warranted by a particular project.

2. Cost of Consultant *

Residential Lots and Subdivisions	
<i>Project Size</i>	Deposit Fee
1 lot / unit	\$2,000
2-15 lots / units	\$4,000
16-20 lots / units	\$6,000
21-25 lots / units	\$8,000
More than 25 lots / units	\$10,000

<i>Commercial and Industrial Property</i>	
Project Size	Deposit Fee
Less than 10,000 sq. ft. of gross floor area	\$3,000
10,001 to 30,000 sq. ft. of gross floor area	\$5,000
30,001 to 50,000 sq. ft. of gross floor area	\$8,000
More than 50,001 sq. ft. of gross floor area	\$11,000

A consultant fee may also be assessed for major or complex projects. A major or complex project means a project for which the Commission is likely to require substantial outside technical or legal assistance due to factors such as the novelty and technical complexity of the project; the potential adverse

impact; the need for close scrutiny of the project; and the size and scope of the project. The Commission by majority vote may require a deposit fee of up to \$25,000 for major or complex projects.

When the balance of the applicant's consultant fee account falls below 25% of the initial consultant review fee, as imposed in the paragraph above, the Commission shall consider whether to require a supplemental consultant fee to cover the remaining project review and the attendant costs still to come.

Notwithstanding any provision in this Bylaw to the contrary, any unused portion of the fee assessed for consultation services shall be refundable to the applicant after a decision is made on the permit application.

VII. HEARINGS UNDER THE BYLAW

A. Combination with State Law Hearing

Unless the Commission otherwise orders, any oral presentation under this Bylaw shall be heard at the same public hearing that is under the provisions of MGL Chapter 131 Section 40. Notice of the time and place of such hearing(s) shall be given as required below.

B. Timelines

The Commission shall commence the public hearing within 21 days from the receipt of the following complete permit applications unless an extension is authorized, in writing, by the applicant: Request for Determination of Applicability (RDA), Notice of Intent (NOI), Abbreviated Notice of Resource Area Determination (ANRAD), Request for Certificate of Compliance, Request for Extension Order. The Commission shall have authority to continue the hearing to the next time available at a public hearing, the date of which shall be announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others deemed necessary by the Commission. At its discretion, the Commission may open or continue a hearing in the event of non-attendance by an applicant or representative at a scheduled hearing.

C. Notice of Hearing

Notice of the time and place of the hearing shall be given by the Commission, not less than five (5) business days prior to the public hearing, by posting at Town Hall and by publication in a newspaper of general circulation in Rowley, at the applicant's expense. All publications and notices shall contain the name of the applicant; the land owner; a description of the area where the activity is proposed by street address, if any, or other adequate identification of the location of the area or premises which is the subject of the notice; the date, time and place of the public hearing; the subject matter of the hearing; and the nature of the action or relief requested, if any. Notice under this Bylaw may be combined with notice provided under 310 CMR 10.00. Abutter notification under this Bylaw may be combined with abutter notification required by MGL Chapter 131 Section 40.

D. Burden of Proof

The applicant shall have the burden of proving by a preponderance of credible evidence that the activities proposed will not cause significant or cumulative adverse impacts to any of the interests and values intended to be protected by this Bylaw.

Failure to provide to the Commission adequate evidence that the proposed activity will not cause adverse impacts, shall be sufficient cause for the Commission to

1. deny permission, or
2. grant permission with conditions as it deems reasonable or necessary to carry out the purposes of this Bylaw, or
3. by mutual consent to postpone or continue the hearing to another date specified to enable the applicant and others to present additional evidence, upon such terms and conditions as deemed by the Commission to be reasonable. Due consideration shall be given to possible effects of the proposal on all interests and values to be protected under this Bylaw.

VIII. ORDERS AND DECISIONS UNDER THE BYLAW

A. Orders and Decisions

If, after the hearing(s), the Commission determines that the proposed activity significantly affects one or more interests and values enumerated in Section I of this Bylaw, the Commission shall deny a permit for the activity requested. If, after the hearing(s), the Commission determines that the proposed activity does not significantly affect one or more interests and values enumerated in Section I of this Bylaw, the Commission shall issue a permit for the activity requested with conditions. The Commission may take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities. The Commission shall then issue the appropriate written decision within 21 days of the close of the public hearing. Written decisions under this Bylaw may be combined with permits issued under 310 CMR 10.00.

The Commission may establish such conditions, safeguards, and limitations on time and use on the proposed activity, including without limitation strips of continuous, undisturbed vegetative cover within the resource areas, or other form of work limit or setback to buildings, roads, landscaping and other features. This area shall be termed as a No Cut / No Disturbance Zone as described in Section IV of this Bylaw. The specific size and type of protected area shall be at the discretion of the Commission, as it deems necessary to contribute to the protection of wetlands interests and values enumerated in Section I.

Where no conditions are adequate to protect those resource values enumerated in Section I of this Bylaw, the Commission shall deny a permit for failure to meet the requirements of this Bylaw. It may also deny a permit for failure to submit necessary information and plans requested by the Commission; for failure to meet design specifications, performance standards, and other requirements in the regulations of the Commission; or for failure to avoid or prevent significant or cumulative adverse impacts upon the resource area values protected by this Bylaw.

B. Security to Assure Performance

As part of a permit issued under this Bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require

that the performance and observance of the conditions imposed hereunder (including conditions requiring mitigation work) be secured wholly or in part by one or more of the provision described below:

1. By a proper bond, deposit of money, negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.
2. By accepting a Conservation Restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this town whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

The Commission shall endeavor to avoid performance securities duplicative of those required by other town boards.

C. Duration of Orders

Except at the discretion of the Commission, no activity governed by an Order of Conditions shall be performed unless such Order of Conditions or notification has been recorded or registered at the Essex South District Registry of Deeds or in the North Essex District of the Land Court Department, and all applicable appeal periods have expired. The Commission shall have the right to record or register its Order of Conditions with said Registry or Registry District at the expense of the applicant. In the event that an Order of Conditions issued pursuant to this Bylaw is identical to a final Order of Conditions issued pursuant to the provisions of MGL Chapter 131 Section 40, only one such order need be recorded or registered. All Orders of Conditions shall expire three (3) years after the date of issuance. At the discretion of the Commission an Order of Conditions may be extended for one (1) year at a time upon the request of the applicant in writing. The request for an extension of an Order of Conditions shall be made to the Commission at least 30 days prior to expiration of the Order of Conditions.

D. Amendments

The Commission shall have the power (on its own motion or upon the petition of the applicant, or any abutter) to initiate an amendment to an Order of Conditions for causes specified. Decisions shall be based on the same standards as for the original application. Written notification to the applicant and abutters by certified mail is required in all cases.

In all cases where the applicant or property owner requests an amendment to an approved Order of Conditions such request shall be in writing to the Commission. The request shall be heard at a public hearing within 21 days of receipt.

E. Revocations

The Commission shall have the power (on its own motion or upon petition of any abutter) to initiate a revocation of an Order of Conditions, for causes specified. The Commission shall notify the applicant and or owners and abutters by certified mail of its intent to consider revocation and shall hold a public hearing within 21 days of the notification date.

IX. CERTIFICATES OF COMPLIANCE UNDER THE BYLAW

Upon receiving a Request for Certificate of Compliance, the Commission shall, within 21 days, issue a Certificate of Compliance appropriately applicable to the Town of Rowley Wetlands Protection Bylaw to the owner of the property, applicant, or applicant's representative, in a form suitable for recording or registering, if the Commission determines that the activities have been completed in accordance with the Order of Conditions. This Certificate of Compliance may be identical to the form used by the DEP under 310 CMR 10.00.

X. PRE-ACQUISITION VIOLATION UNDER THE BYLAW

Except as limited by applicable law, the Commission may enforce its orders and requirements against transferees of any property, without regard to whether a condition or violation may have existed prior to the transferee's acquisition of title or beneficial interest in the property.

XI. RULES AND REGULATIONS UNDER THE BYLAW

After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this Bylaw, effective when voted and filed with Town Clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity in whole or in part by a court of law shall not act to suspend or invalidate the effects of this Bylaw.

XII. ENFORCEMENT AND VIOLATIONS UNDER THE BYLAW

In addition to the duties previously set forth in this Bylaw, the Commission, its administrators, officers and employees and any officer with police powers may issue enforcement orders directing compliance with this Bylaw and may undertake any other enforcement action authorized by law. Any Enforcement Order issued by any individual must be ratified by the Commission at a public meeting. Enforcement Orders issued or ratified by the Commission may be recorded in the Registry of Deeds, at the property owner's expense. Upon request of the Commission, the Board of Selectmen and the Town Counsel may take legal action for enforcement under civil law, seek to restrain violations thereof and seek injunction and judgments to secure compliance with Conservation Commission orders. Upon request of the Commission, and the consent of the Board of Selectmen, the Chief of Police shall take legal action for enforcement under criminal law.

In accordance with the provisions of MGL Chapter 40 Sections 21D and 31 as well as every other authority and power that may have been or may hereafter be conferred upon it, the

Town or Commission may enforce the provisions of this Bylaw, by taking either of the following actions or any other actions as listed below:

A. Violation Notice *

Any person who violates any provision of this Bylaw, or regulations, permits, or administrative orders issued there under, may be served with a written notice of violation enumerating the alleged violations. If after ten business days the Commission has not received what it deems to be either (a) sufficient evidence demonstrating that no violations have occurred, or (b) written notice of intent to file the appropriate permit application within 21 days, or (c) a filing that will remediate the violations, then an Enforcement Order will be issued and fines will begin to accrue in accordance with the violation table.

B. Enforcement Orders

In the event of a violation of this Bylaw, of the Wetlands Protection Act, or any of order issued by the Commission, the Commission or its agents may issue an Enforcement Order according to the provisions of Section XII requiring that the owner or applicant or applicant's agent cease and desist specified activities or order the property owner to perform certain remedial actions. The Order may be served by hand delivery, certified mail return receipt requested, or by posting in a conspicuous location on the site. Any person who shall violate the provisions of a Cease and Desist Order or shall fail to perform remedial actions shall be deemed in violation of the Bylaw; but the failure of the Commission to issue a Cease and Desist Order for any reason shall not prevent the Town from pursuing any other legal remedy at law or in equity to restrain violations of this Bylaw or promulgated regulations and to secure compliance with the orders of the Commission. The Commission or its agents may issue an Enforcement Order without regard to whether a violation Notice has been previously issued.

C. Fines *

Fines may be imposed beginning on the day of the issuance of an Enforcement Order following a Violation Notice or on the eleventh business day after the issuance of an Enforcement Order without a preceding Violation Notice. Fines may accrue until such time that the property owner submits an application to remediate the violation. Each day, or portion thereof, during which a violation continues or unauthorized fill or other alteration remains in place, shall constitute a separate offense. Each provision of the Bylaw, Regulations, Permits, or Administrative Orders violated shall constitute a separate offense. This Bylaw may be enforced pursuant to MGL Chapter 40 Section 21D by Conservation Commissioners, the Conservation Administrator, or other persons having police powers. In accordance with MGL Chapter 40 Section 21D, violators shall be charged a penalty. At the discretion of the Commission, a penalty may be imposed from a minimum of one day for one violation to a maximum of each day for each and every violation upon specified reasons consistent with this Bylaw as specified in Section I. The penalties for violations of this Bylaw or regulations promulgated hereunder may be assessed as follows:

Violation	Penalty/Offense		
	Buffer Zone	Wetlands Resource Areas & ACEC (excluding Buffer Zone)	Non-Compliance with a provision of this Bylaw
1st Violation	\$25	\$50	\$75
2nd Violation	\$50	\$100	\$200
3rd Violation	\$300	\$300	\$300

The Town shall be the beneficiary of all fines and penalties imposed for violations of this Bylaw or regulations of the Commission.

XIII. INVESTIGATIONS UNDER THE BYLAW

The Commission, its agents, officers, and employees, may enter upon privately owned land, insofar as permitted by law, for the purpose of carrying out their duties under this Bylaw and may examine or survey as necessary.

XIV. CAPTIONS AND SEVERABILITY UNDER THE BYLAW

The captions used herein are for convenience only and are expressly intended to have no legal or binding significance. The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any Order of Conditions or decisions that have previously become final, not otherwise determined to be invalid.

XV. APPEALS UNDER THE BYLAW

A decision of the Conservation Commission under this Bylaw shall be reviewable in the Superior Court, in accordance with MGL Chapter 249 Section 4. The right of appeal to the Superior Court shall be in addition to any and all other existing rights of administrative appeal.

XVI. EMERGENCY PROJECTS UNDER THE BYLAW

Applicants may request an emergency permit necessary for the health and safety of the public as defined by 310 CMR 10.06.

Applicants may request an emergency permit as defined by 310 CMR 10.06 for the selective trimming, cutting, or removal of trees (including diseased, damaged or dead trees) likely to cause immediate risk of substantial harm to persons or property, to cause personal damage, or to block existing driveways or roadways.

XVII. WAIVERS UNDER THE BYLAW

The Commission may waive any of the submission standards of this Bylaw if, in its opinion, these standards do not apply or are not needed to reach a decision.

The Commission may, at its discretion and for good cause shown, grant waivers from the requirements of one or more of the regulations or performance standards. Such waivers are

intended to be granted only in rare and unusual cases and only when resource protection would be enhanced relative to preexisting conditions.

Any request for a waiver must be submitted to the Commission in writing and the Commission shall act on the request within 21 days of receipt of all the information necessary to make the waiver decision.

Conservation Commission Explanatory Note: *This Bylaw is intended to help protect Rowley's wetland resources by expanding on the state Wetlands Protection Act. Currently the Conservation Commission only enforces state law. By establishing a local Bylaw, the Town will be better able to protect our local resources.*

This Bylaw does the following:

- *Expands the jurisdiction of the Conservation Commission within several clearly defined resource areas.*
- *Shifts the financial burden from the taxpayer to the applicant, which is especially important for large, complex projects, by allowing for scaled consultant fees, application fees (currently, half goes to the state), and performance bonds.*
- *Grants local enforcement, including fining authority, which will allow for better local oversight and compliance.*

These can only be implemented through a local Bylaw.

*[Items marked * in the text are areas where the local Bylaw is more protective than state law.]*

*Accepted at Town of Rowley Special Town Meeting of November 18, 2003 (Article # 33)
Approval of Attorney General January 24, 2004, posted in accordance with the law*