TOWN OF HANOVER
MASSACHUSETTS

GENERAL BYLAWS

AS AMENDED TO THE ANNUAL TOWN MEETING OF MAY, 2013

As adopted and amended by Town Meeting and approved by the Massachusetts Attorney General's Office

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Legal Notes

All titles are editorially supplied.

This copy of the Town of Hanover General Bylaws is provided solely for reference purposes and the convenience of the general public. The Town makes no warranty, express or implied, nor assumes any responsibility in the use of this document or its contents for its accuracy or completeness. The Official General Bylaws are on file with the Town Clerk of the Town of Hanover and shall be considered the definitive legal reference in the event of any dispute. All specific questions regarding the provisions of these Bylaws must be directed to the appropriate Departments and/or Boards, including the Town Clerk.

I. GENERAL PROVISIONS GOVERNING ALL BYLAWS

1-1 GENERAL PROVISIONS

Section 1.

All by-laws of the Town heretofore in force are hereby repealed but this section shall not effect any act done, any right accrued, any penalty or liability incurred, or any suit or proceeding heretofore taken or that shall be pending at the time the following by-laws take effect.

Section 2.

The penalty for any violation of these by-laws, when not otherwise provided for either by Town by-laws or the General Laws, shall be the forfeiture and payment of a fine not exceeding two hundred ($200) dollars and all fines thereunder unless otherwise provided by law shall be paid into the Town treasury and credited to the General Revenue and Surplus Account.

Section 3.

In addition to the provisions for enforcement described above, the provisions of the General by-laws may be enforced by non-criminal complaint pursuant to the provisions of General Laws Ch. 40, Section 21D. The Animal Control Officer may enforce the provisions of By-Law 6-10 and any Police Officer of the Town, the Code Enforcement Officer, and the Building Inspector may enforce the following provisions of the Town General By-laws by this procedure:

By-Law 6-1	By-Law 6-9
By-Law 6-2	By-Law 6-10
By-Law 6-3	By-Law 6-11
By-Law 6-4	By-Law 6-14
By-Law 6-7	By-Law 6-16
By-Law 6-7A	By-Law 6-19
By-Law 6-7B	By-Law 6-24
By-Law 6-8	By-Law 6-25

(Accepted May, 2002), (Approved by the Attorney General, April 7, 2003)

The penalty for violation of each of the above listed By-Laws, if enforced through this procedure, shall be $25 for the first offense, $50 for the second offense, $100 for the third offense, and $200 for the fourth and each subsequent offense. Each day that a violation continues shall constitute a separate offense.

(Accepted May, 1991), (Approved by the Attorney General, August 22, 1991)
(Amended May 4, 1992), (Approved by the Attorney General, August 25, 1992)
(Amended May 3, 1999), (Approved by the Attorney General, August 5, 1999)
(Amended May 7, 2001), (Approved by the Attorney General, August 31, 2001)

II. TOWN SEAL

Section 1.

There shall be a town seal in form and design as existing on January First, 1928. The seal shall be in the custody of the Town Clerk. Papers or documents issued from any office or board of the Town shall be attested therewith.

III. TOWN MEETINGS AND PROCEDURES

3-1 TOWN MEETING

Section 1.

Every Town Meeting shall be called by a Warrant which shall be served by posting a printed and attested copy thereof, in each of the Post Offices in the town, in the Town Hall, on the Town of Hanover Website, and at least three other public places that are frequented by Hanover residents.

Section 2.

The officer or person appointed to serve the warrant for a Town Meeting shall, immediately after making the service thereof, deliver to the Town Clerk the original warrant, with his return endorsed thereon stating fully the manner in which he served the same.

Section 3.

The Annual Town Meeting for the consideration of such business as shall be contained in the articles of the warrant shall be held on the first Monday in May of each year at eight o'clock P.M.; and the annual election of town officers shall be held on the Saturday immediately following the first Monday in May of each year.

Section 4.

Articles for the Annual Town Meeting Warrant or Special Town Meeting Warrant may be initiated by any of the following: Town Boards or Committees, officials elected or appointed to individual positions in the Town, or by a petition signed by at least ten registered voters of the Town; except that 100 registered voters shall be required to sign a petition for a Special Town Meeting Warrant article.

Section 4a.

Articles submitted for inclusion in any Town Meeting by petition shall be listed in the Warrant with the first five names of the submitters of the article (i.e. John Smith, et al).

(Accepted May 1977), (Approved by the Attorney General, August 8, 1977)

3-2 PROCEDURE AT TOWN MEETINGS

Section 1.

If the moderator, or the meeting by vote, so orders, only voters shall be admitted to the place of meeting or to a defined portion thereof, and the check list shall be used in the enforcement of such order.

Section 2.

All articles in the warrant shall be acted upon in the order of their arrangement, unless the meeting by vote otherwise determines.

Section 2A.

The Town Moderator may call a voice vote on any motion requiring 2/3rd quantum vote. The Town Moderator shall instruct the meeting at each 2/3rd vote that seven people may rise, and appeal the Moderators declaration of a 2/3rd vote. If seven people object to the declaration of a 2/3rd vote; the Town Moderator shall count the vote and declare the result.

Section 3.

All reports, motions and resolutions submitted for the consideration of the meeting involving the expenditure of money shall be in writing. Any report, resolution or motion shall be reduced to writing if the moderator so directs.

Section 4.

No person shall address the meeting unless recognized by the moderator, nor speak more than once on the same subject to the exclusion of any other who may desire to speak.

Section 5.

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 this employment before speaking thereon.

Section 6.

In case of motions to amend, or fill blanks, the one expressing the largest sum or the longest time shall be put first, and an affirmative vote thereon shall be a negative vote on any smaller sum or shorter time.

Section 7.

The Town Manager shall be allowed to speak at all Town Meetings.

(Amended May 8, 2012), (Approved by the Attorney General, November 2, 2012)

Section 8.

No reports of committees shall be in order at any Special Town Meeting unless made under an article in the warrant which indicates the subject to be reported upon.

Section 9.

When a report of a committee is placed in the hands of the moderator it shall be deemed to be properly before the meeting for its action thereon, and a vote to accept the report shall discharge the committee; for the adoption of the recommendations of the committee, however, a specific vote shall be required. No appropriation shall be made under the report of any committee of the town until the matter has been considered and reported upon by the advisory committee.

Section 10.

No vote after once being passed at a meeting shall be reconsidered at that meeting or at any adjournment thereof except by a two-thirds vote.

Section 11.

No motion the effect of which would be to dissolve the meeting shall be in order until every article in the warrant has been duly considered and acted upon, but this shall not preclude the postponement of the consideration of any article to an adjournment of the meeting to a stated time.

Section 12.

The moderator may entertain motions without being seconded whenever in his judgment such procedure is consistent with good order and the proper transaction of business.

Section 13.

A quorum necessary to commence each session of an Annual or Special Town Meeting shall consist of one hundred (100) registered voters, except such parts as are devoted to the election of Town Officers by ballot. A lesser number may organize and adjourn a meeting to future time.

After the commencement of each session, fifty (50) registered voters shall constitute a quorum for that session. After 11:30 P.M. only the matter under consideration at the time may be acted upon except that by a two-thirds majority vote of those present, the meeting may be extended.

(Amended May 7, 1984), (Approved by the Attorney General, July 24, 1984)

Section 14.

Votes on any article shall be recorded by YES or NO ballots as provided by Section 7 of Article 4-5 of said by-laws if a motion to that effect shall be duly made and affirmed by twenty or more voters.

(Accepted March 7, 1960), (Approved by the Attorney General, March 31, 1960)
(Accepted May 7, 2001), (Approved by the Attorney General, July 11, 2001)

Section 15.

All committees shall be appointed by the Moderator within sixty days of the conclusion of the Town Meeting, unless the town otherwise directs, and shall report as directed by the Town. If a committee does not report as directed, or at the next Annual Town Meeting, it shall be deemed discharged, unless an extension of time be granted by the Town.

(Accepted May 1977), (Approved by the Attorney General, August 8, 1977)

Section 16.

That any article, or article having the same general content or meaning (as interpreted by the Board of Selectmen) that has been passed over at a previous Annual Town Meeting, may not be re-introduced to the Town for consideration until the next Annual Town Meeting, unless required by State or Federal Statute or Court Order.

3-3 MODERATOR

Section 1. Town Moderator

Each Town Meeting will be presided over by a Moderator whose powers and duties are defined in MGL Chapter 39 Section 15, Moderator; powers and duties.

IV. TOWN GOVERNMENT

TOWN GOVERNMENTOFFICIALS, BOARDS, COMMITTEES, DEPARTMENTS, COMMISSIONS AND COUNCILS

4-1 ADVISORY COMMITTEE

Section 1.

There shall be an Advisory Committee for the town which shall perform the duties set forth in the following sections of this Article and be governed by the provisions thereof. Said committee shall consist of nine registered voters of the town, appointed as provided in the following section, and no person holding an elective office of the town shall be eligible to serve on said committee.

Section 2.

The members of the Advisory Committee as constituted at the time of the adoption of these by-laws shall continue in the office until their respective terms shall be expired and at each Annual Town Meeting hereafter the moderator shall appoint, from the citizens, three members of said committee to serve for the term of three years. The terms of office of members of said committee shall expire July 15th or until a qualified successor is appointed. The committee shall choose its own officers and serve without pay, except, however, the secretary of the committee may receive such compensation as the Town may vote. The committee shall keep a true record of its proceedings.

(Amended March 6, 1933), (Approved by the Attorney General, March 20, 1933)
(Amended May, 1998), Approved by the Attorney General, November 2, 1998)
(Amended May, 2012), Approved by the Attorney General, November 26, 2012)

Section 3.

All articles in any warrant for any town meeting hereafter issued shall be referred to the Advisory Committee. The Selectmen, after drawing the warrant for any town meeting, shall transmit immediately a copy thereof to each member of the Advisory Committee, and the Committee shall consider all such articles.

A public hearing may be had on any article, unless a public hearing is otherwise provided by law, and notice of such hearing shall be given by posting a copy at the entrance to the Town Hall and in each of the Post Offices in the town.

After due consideration of each article in the warrants submitted to it the Committee shall report thereon to the Town Meeting such recommendations as it deems for the best interest of the town. Its report shall be printed in the Town Meeting Warrant Report.

Section 4.

It shall be the duty of the Advisory Committee to consider the annual estimates and expenditures as prepared by the Town Accountant, and add another column to his statement in which shall appear the amounts the Committee feels should be appropriated for the ensuing year, and shall add thereto such explanation and suggestions as it may deem expedient and report thereon as provided in the foregoing section.

Section 5.

Whenever any mid-term vacancy shall occur in the Committee for any reason, said vacancy shall be filled by the Committee. If any member is absent from five consecutive meetings of the Committee, except in case of illness, said Committee shall consider the position vacant and proceed to fill the same. The term of all persons chosen to vacancies by the Committee shall expire at the next July 15th. The moderator shall appoint a successor for the unexpired term so created, in the same manner as the original appointment.

(Amended May 1, 2000) (Approved by the Attorney General, August 1, 2000)

Section 6.

The Committee shall make an annual report in printed form off its doings with its recommendations relative to the financial affairs of the town.

4-2 A. TOWN ACCOUNTANT

Section 1.

There shall be a Town Accountant appointed by the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" and responsible to the Town Manager for the operation of the town accounting system involving the classification and recording of town income and expenditures for all departments, trust funds and town debt activities.

(Amended May 3, 2011) (Approved by the Attorney General, January 9, 2012)

Section 2.

It shall be the duty of the Town Accountant to:

- **a.** Prepare an Annual Town Report, State Report and Federal Revenue Sharing Report, and their related analysis.
- **b.** Determine the validity of all town expenditures prior to payment, scheduling and approval of same for payment by the Town Treasurer.
- **c.** Prepare monthly annual budget data for all departments for use by the Advisory Committee.
- **d.** Verify the cash account of the Treasurer at the end of March, June, September and December of each year.
- **e.** Assist in the determination of the tax rate.
- **f.** Audit departmental records as required.
- **g.** Supervise activities of office personnel.
- **h.** Perform any other function required by law.
- **i.** Assist in an annual audit of the town's accounts under the supervision of the Director of Accounts in the Department of Corporations and Taxation as provided in Massachusetts General Laws, Chapter 44, Section 35.

(Accepted May 1987), (Approved by the Attorney General, August 19, 1987)

4-2 B. TOWN MANAGER

Section 1.

There shall be a Town Manager as provided in "An Act Establishing a Town Manager Form of Government for the Town of Hanover".

(Accepted May 3, 2011), (Approved by the Attorney General, January 9, 2012)

4-2 C. CONSOLIDATE DEPARTMENT OF MUNICIPAL FINANCE

Section 1.

There shall be a Consolidated Department of Municipal Finance as provided for under Massachusetts General Laws, Chapter 43-C, Section 11, and as provided for in the following sections of this by-law.

Section 2.

This Department shall include the following statutory, by-law, or otherwise authorized presently existing entities as follows: Accountant, Collector, Treasurer, Assistant Assessor/Appraiser, and Data Processing Personnel. Additionally the Director of Municipal Finance, acting in an ex-officio capacity, shall coordinate and assist the following financial committees: Advisory Committee, Capital Budget Committee, Trust Fund Commissioners.

Section 3.

When in conflict, this by-law shall prevail over other Articles in the By-Laws, or statutes as provided for in MGL 43C.

Section 4.

There shall be a Director of Municipal Finance who shall be appointed by the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" with the approval of the Selectmen and report to the Town Manager. The term of office for said position shall not be less than three, nor more than five years, subject to removal as provided for in this by-law.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 5.

The Director of Municipal Finance shall appoint the Accountant, the Treasurer/Collector, Assistant Assessor/Appraiser, and the Data Processing Personnel (Computer), subject to approval by the Town Manager, or as otherwise provided in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover". In performing duties where approval of the Board of Assessors is statutorily required, the Assistant Assessor/Appraiser may be directed by the Director of Municipal Finance, but any final decision will be made by the Board of Assessors. The Collector, the Treasurer and Accountant shall appoint his/her own staff, subject to approval by the Director of Municipal Finance.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 6.

All officers appointed by the Director of Municipal Finance may be appointed for a term of office up to three (3) years.

Section 7.

The person holding the position of Director of Municipal Finance may also be appointed to hold other Financial positions identified in this act, except that no one person shall hold both the Town Accountant and Treasurer position at the same time.

Section 8.

The Director of Municipal Finance may be removed for due cause as determined by the Town Manager, or as provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover".

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 9.

The functions of the Department of Municipal Finance shall include the following:

- **a.** Coordination of all financial services and activities.
- **b.** Maintenance of all accounting records and other financial statements.
- **c.** Payment of all obligations.
- **d.** Receipt of all funds due, either directly or via the responsible Department Head.
- **e.** Assistance to all other Town Departments and offices in any matter related to financial affairs.
- **f**. Monitor the expenditure of all funds, including periodic reporting to the appropriate agencies on the status of accounts.
- **g.** Supervision of all purchases of goods, materials and supplies, and maintenance of inventory control.
- **h.** supervision of all data-accessing facilities.

Section 10.

The Director of Municipal Finance shall be responsible for the functions of the Department of Municipal Finance. He/She shall be specifically responsible for the Annual Budgeting process beginning with the request and guidelines for submission of budget requests, through the consideration of budgets via support of the Advisory Committee, up to the timely issuance of the resulting tax bills.

Section 11.

Any person holding any office or position in the service of the Town upon acceptance of this optional form of administration under MGL Chapter 43C, Section II, and who is employed in an office or agency which is affected by or reconstituted by the creation of this Department of Municipal Finance, shall be allowed to continue in the employ of the Town without reduction in compensation or impairment of any Civil Service, retirement, pension, seniority, vacation, sick leave, or other rights or benefits to which then entitled.

Section 12.

This By-Law shall take effect September 1, 1989, subject to the approval of the Attorney General.

Section 13.

At any time after four years following the date of an election at which this optional form of municipal administration is adopted by the voters, a question to revoke or rescind such acceptance may be submitted to the voters. Such question shall be in the following form: "Shall the Town of Hanover revoke its adoption of the Department of Municipal Finance optional form of Municipal Administration?"

(Accepted May 1, 1989), (Approved by the Attorney General, July 6, 1989)

4-3 SELECTMEN

Section 1.

There shall be a Board of Selectmen consisting of the **five** members to be elected by the voters for terms of three years each, so arranged that the term of office of as nearly equal number of members as is possible shall expire each year.

(Amended May 3, 2011) (Approved by the Attorney General, January 9, 2012)

Section 2.

The Selectmen shall have full authority as agents of the town, acting upon the advice of the Town Counsel, to settle any claims or suits against the town which in their judgment cannot be successfully defended when the sum to be paid does not exceed $5,000. Any settlement requiring the payment of a sum greater than $5,000, except as authorized by law, shall be made only after an affirmative vote at a town meeting.

(Amended May 1, 2000) Approved by the Attorney General, August 1, 2000)

Section 3.

The Selectmen may appear in the interests of the town, either personally or by Town Counsel, before any court, committee of the legislature, or any state or county board or commission. They shall have full authority acting upon the advice of the Town Counsel, to institute and prosecute any and all necessary suits and proceedings in favor of the town, and to appear and defend any and all suits and legal proceedings against or involving the town's interest.

Section 4.

All conveyances of land or interests in land which may hereafter be authorized by a vote of the town or otherwise shall be signed by a majority of Selectmen, unless otherwise provided by law or by a vote of the town, and shall be sealed with the town seal.

Section 5.

All notes and bonds issued by the town for the purpose of borrowing money shall be negotiated and sold by the Town Treasurer with the approval of a majority of the Selectmen. Bonds and notes shall bear the signature of the

Town Treasurer and a majority of the Selectmen, the endorsement of the Town Clerk, and be sealed with the town seal.

Section 6.

Effective July 1, 1999 there shall be presented to the Selectmen, and the Chairman of the Advisory Committee, on or before the 1st day of September in each year by the Town Treasurer and Collector, Town Accountant, School Committee, Town Clerk and all officers, boards or committees who have had charge or expenditure of Town funds, - a detailed statement of their receipts and expenditures for the financial year last past, by the Town Clerk a copy of his records of meetings during the preceding year, the number of births, marriages and deaths; by the Assessors a valuation statement; by the School Committee - a report of the condition of the public schools; together with their estimates of the required appropriation for the coming year; and the Selectmen shall cause such reports, together with their report, the Accountant's report, report of the Advisory Committee, tabulated financial statement showing the balance or deficiency in each department, and a report of the financial condition of the town, to be printed and made available to the taxpayers of the town about the fifteenth (15th) day preceding the Annual Town Meeting.

(Amended May 1995), (Approved by the Attorney General, July 21, 1995)
(Amended May 3, 1999), (Approved by the Attorney General, August 5, 1999)

Section 7.

The Zoning Enforcement Officer

a. The Zoning and Code Officer shall be appointed annually by the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" and shall serve under his/her authority and supervision. Enforcement of this By-Law is vested in the Zoning Enforcement Officer.

(Accepted May 2, 1989), (Approved by the Attorney General, July 6, 1989)

4-4 TOWN COUNSEL

Section 1.

The Selectmen may at their discretion retain such legal services as they may deem necessary. Such attorney or attorneys shall act as Town Counsel.

Section 2.

The Town Counsel shall act as legal adviser to the town, passing upon all real estate titles by or to the town, shall draft all deeds, obligations, contracts, bonds, leases, conveyances, agreements and other legal instruments of whatever nature which may be required by any by-law, vote or action of the town or any board or officer to which the town or its agents may be a party and which by law, usage or agreement the town is to have prepared at its expense.

Section 3.

All articles in warrants for the town meetings which contemplate the appropriation of money or the negotiation of town bonds or notes shall be submitted to the Town Counsel for his examination and approval as to form.

4-5 TOWN CLERK

Section 1.

The Town Clerk shall, immediately after every Town Meeting, notify or cause to be notified in writing, any person elected, chosen or appointed to any town office, or to serve upon any board or committee of the town, of his election, choice or appointment.

Section 2.

The Town Clerk shall immediately after every Town Meeting furnish the various town officers, boards and committees with a copy of all votes passed at such meeting affecting their respective officers or departments.

Section 3.

The Town Clerk shall keep and cause to be permanently bound one or more files of the Town Reports.

Section 4.

The Town Clerk shall have custody of the original papers and documents of the Town and shall not allow such originals to be taken from his custody except by authority of law.

Section 5.

The Town Clerk shall have stated hours for the transaction of town business and shall give public notice thereof.

Section 6.

The Town Clerk shall have custody of the Town Seal and shall refuse its use for any improper or illegal purpose.

Section 7.

The Town Clerk shall have in readiness for Town Meetings a sufficient supply of YES and NO ballots which shall not be distinguishable from each other in shape, size, color, paper, ink, or size of type.

4-6 TOWN TREASURER

Section 1.

The Treasurer shall be the custodian of all deeds, bonds, and insurance policies belonging to the Town except that the bond of the Treasurer shall be in the custody of the chairman of the Board of Selectmen.

Section 2.

The Treasurer shall make an annual report which shall contain a statement of all money received and expended during the year, a full description of all property of any nature which may be placed in his charge from any source or for any reason, a list of all borrowings during the year, all loans paid and outstanding obligations, showing the purpose for which the money was borrowed, the date, term, rate of interest and premium paid, if any. Such a report, however, need not include details reported upon by the Town Accountants.

Section 3.

The Treasurer shall have stated hours for the transaction of Town business and shall give public notice thereof.

4-7 TAX COLLECTOR

Section 1.

The assessment of taxes shall be completed and the tax list and warrant shall be delivered to the Collector on or before the fifteenth day of August in each year.

Section 2.

Interest shall be paid at the rate of six percent per annum from October fifteenth on all taxes remaining unpaid after the first day of November of the current year. By way of penalty, at the additional rate of two percent per annum on the amount of all taxes in excess of two hundred dollars assessed to any taxpayer, if such taxes remain unpaid after the expiration of three months from the date on which they became payable.

Section 3.

The Collector shall cause to be printed on the tax bills the foregoing bylaw.

Section 4.

The compensation of the Collector of Taxes shall be such amount as the Town shall vote at the Annual Meeting. The Tax Collector shall pay over to the Treasurer all moneys received by him for taxes weekly, and he shall pay over to the Treasurer the amount of all the taxes and all interest accrued committed to him, on or before the first day of February next following the commitment, except as may be abated by the Assessors.

Section 5.

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

b. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen 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 purpose of such proceeding and shall not be relevant to or introduced in any

other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

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

d. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, it's officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning, section thirteen of chapter forty-eight; bicycle permits, section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty. A city or town may exclude any local license or permit from this section by By-Law or ordinance.

(Accepted May 5, 1986), (Approved by the Attorney General, June 26, 1986)

Section 6.

As authorized in Massachusetts General Laws, Chapter 41, Section 38A, the Collector of Taxes is hereby authorized to collect all accounts due the Town under the title of Town Collector. The Town Collector shall be authorized to be the Parking Clerk and to collect Parking Clerk tickets and related fees or fines.

(Accepted May, 1991), (Approved by the Attorney General, August 22, 1991)
(Amended May, 1996), (Approved by the Attorney General, September 4, 1996)
(Amended May, 1998), (Approved by the Attorney General, November 2, 1998)

4-8 BOARD OF HEALTH

Section 1.

The Board of Health shall annually present in the printed annual report of the town, a full and comprehensive statement of all its acts during the preceding year, also a review of the sanitary conditions of the town and an estimate of the appropriation needed by the department for the ensuing year.

4-9 PLANNING BOARD

Section 1.

There shall be a Planning Board to consist of five elected members. The terms of office shall be overlapping so that the term of one member shall expire each year. Said board shall choose one of its members as Chairman and one as Clerk, each to serve a term of one year.

Section 2.

The Planning Board, when acting as the Special Permit Granting Authority, shall have two (2) Associate Members. The Associate Members shall be appointed by the Selectmen on the recommendation of the Planning Board, each for a term of two (2) years. The Associate Members shall act in the case of absence, an inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board.

Section 3.

In case of a vacancy, the Planning Board and the Board of Selectmen shall appoint a new member to serve on said board until the next town election, at which time candidates may run for the balance of the unexpired term.

Section 4.

Said Planning Board shall exercise the powers and perform the duties specified by "Improved Methods of Municipal Planning" (M.G.L. Chapter 41, Sections 81A-81J) - including preparation of a Town Master Plan, "The Subdivision Control Law" (M.G.L. Chapter 41, Sections 81K-81GG), the Zoning Act (M.G.L. Chapter 40A), and any additional powers and duties granted by town, state, or federal regulations.

(Amended May 2, 2005), (Approved by the Attorney General, November 9, 2005)
(Amended May 16, 2006), (Approved by the Attorney General, September 14, 2006)

4-10 COUNCIL ON AGING

Section 1.

There is hereby established in the Town of Hanover, pursuant to General Laws, Chapter 40, Section 8B, a Council on Aging to consist of not more than seven (7) members. The members shall be appointed annually in the month of June by the Selectmen and shall serve from the first day of July until the thirtieth day of June following, and for such further time as may be required until their successors are chosen. The council shall have all the powers and duties granted by law, and particularly the power to coordinate or carry out programs designed to meet the problems of the aging.

(Accepted May 1982), (Approved by the Attorney General, August 11, 1982)

4-11 BOARD OF APPEALS

Section 1.

There shall be a Board of appeals to consist of three regular members and there associate members, to be appointed by the Board of Selectmen for terms of three years. The three regular members and three associated members shall have overlapping terms, so that the term of one regular and one associate member shall expire each year. A

Chairman shall be elected by a majority of the Board for a term of one year.

Section 2.

In case of a vacancy or the absence, inability to act, or vested interest on the part of a regular member of the Board of Appeals, his place may be taken by an associate member designated by the Chairman, or acting Chairman.

Section 3.

Said Board of appeals shall be the board of appeals, establishment of which is required under the provision of the appropriate General Laws, Chapter 40A or as amended, and shall have all powers and duties and shall be governed by the procedure prescribed by the General Laws applicable to boards of appeals, and applications for special permits or the Zoning By-Laws, and shall have jurisdiction of all appeals under the subdivision control law.

Section 4.

The Board of Appeals may adopt rules not inconsistent with the provisions of the appropriate General Laws, Chapter 40A or as amended, or the provisions of the building or Zoning By-laws, for conducting its business and otherwise carrying out the purposes of said By-Laws, the Subdivision Control Law, and all statutes relating thereto.

Section 5.

The Board of Appeals shall be responsible for the hearing of all appeals as defined in the Sign By-Law of the Town of Hanover.

4-12 CONSERVATION COMMISSION

Section 1.

There shall be a Conservation Commission, established under the Conservation Act, General Laws, Chapter 40, Section 8C, composed of five members appointed by the Board of Selectmen, each for a term of three years, provided that effective July 1, 1990, the term of one member shall be two years for the duration of that members term only. A chairman and a co-chairman shall be elected by a majority of the commission for a term of one year.

(Amended May 7, 1990), (Approved by the Attorney General, August 29, 1990)

Section 2.

It shall be the duty of the Conservation Commission to:

(1) Administer the Wetland Protection Act, Chapter 131, Section 40 or as amended, and shall have all the powers and duties conferred upon municipal conservation commissions in Massachusetts by operation of any Federal or State statute or any administrative regulation having the effect of law.

(2) Advise other officers and agencies of the Town, if requested by such officers or agencies, in use of land owned or controlled by the Town.

(3) Administer the conservation fund, including the power to receive and apply private contributions to the same, and to administer land (or as otherwise provided for in accordance with "an Act

establishing a Town Manager form of Government for the Town of Hanover") purchased by or given to the Town for the purpose of conservation, as well as any land placed under its jurisdiction by Town Meeting or by the Board of Selectmen.
(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 3.

The Conservation Commission of the Town of Hanover, may have two (2) Associate Members. The Associate Members shall be appointed by the Selectmen on the recommendation of the Conservation Commission, each for a term of two (2) years. Associate Members shall be authorized to act with the authority of a Conservation Commission member, when asked to do so by the remaining members of the Commission, so as to act in the case of absence, an inability to act, or conflict of interest on the part of any member of the Conservation Commission or in the event of a vacancy on the Board.

4-13 CAPITAL IMPROVEMENT PLANNING COMMITTEE

CAPITAL IMPROVEMENT PLANNING COMMITTEE Dissolved as of Town Meeting 2012
(Amended May 8, 2012), (Approved by the Attorney General, November 26, 2012)

4-14 POLICE CHIEF

Section 1. Appointment

There shall be a Police Chief appointed by the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" for an indefinite term subject to a six month probationary period.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 2. Qualifications

The Police Chief shall be appointed on the basis of his or her qualifications and fitness for service. The Chief shall have a minimum of five years as a full-time Police Officer, have attained at least the rank of sergeant, and have served at that rank or a higher one for a minimum of two years. Other desirable qualifications shall include the ability to communicate effectively both orally and in writing, have proven supervisory abilities, and be able to develop and implement a budget. The Town Manager , or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" may establish other desirable criteria for this position to assure the selection of a qualified person to administer the department.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 3. Authority

The Police Chief shall have that authority granted to him under the provisions of the Massachusetts General Laws, Chapter 41, Section 97, which was accepted by vote of Town Meeting in 1943.

Section 4. Duties

The Chief shall manage the overall operations and personnel of the Police Department and include the following duties:

1. The Chief shall maintain departmental discipline, assign shifts and duties, and have all other disciplinary authority as conferred upon police chiefs by Massachusetts General Laws.

2. The Chief shall be responsible for the proper maintenance of property in the care and custody of the department.

3. The Chief shall be responsible for all departmental expenditures, disbursements, and collected funds in accordance with Massachusetts General Laws and By-Laws of the Town of Hanover.

4. The Chief shall prepare a proposed budget for the department annually.

5. The Chief shall make such reports of departmental activities as may be required by the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover".

6. The Chief shall perform or cause to be performed all police-related duties and tasks considered necessary by Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover", not in contravention of the Massachusetts General Laws.

(Items 5 and 6 Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 5. Suspension or Discharge

1. During the probationary period, the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" with the approval of the Selectmen may suspend or discharge the Police Chief without a hearing prior to such action. Within twenty-four hours, the Town Manager shall notify the Chief in writing of the reasons for suspension or discharge. In the event of discharge or a suspension of greater than five working days, the Chief may request a hearing in accordance with Paragraph 3.

2. After the probationary period, the Police Chief may be suspended for more than five working days only after prior notice is given by the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" with the approval of the Selectmen. The Chief shall be entitled to a hearing in accordance with Paragraph 3.

3. After completion of the probationary period, the Police Chief can be discharged only for just cause. The Town Manager , or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" with the approval of the Selectmen shall forward written notice of discharge, together with the reasons therefrom to the Police Chief within twenty-four hours of the decision. Within seventy-two hours, the Police Chief may file a written request for a hearing. The hearing shall be open to the public if so requested by the Chief. The Chief shall be entitled to legal counsel at the hearing, and the hearing shall be informal, subject only to the rules of procedure established for regular meetings of the Board of Selectmen. Said hearing

shall be held within five days of receipt of a written request. Within seven days of the hearing, the Town Manager shall confirm or reconsider his/her decision in a public meeting. This action will be effective immediately unless otherwise specified by the Board of Selectmen.

(Items 1 – 3 Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 6. Employment Contract

The Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" shall prepare a contract setting forth the Chief's annual compensation, fringe benefits, and other terms and conditions of employment. The contract shall be reviewed annually and revised as necessary.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 7. Applicability

This By-Law shall apply only to a Police Chief appointed after this By-Lay is approved by Town Meeting.

(Accepted June 6, 1983), (Approved by the Attorney General, November 2, 1983)

4-15 FIRE CHIEF AND DEPUTY FIRE CHIEF

Section 1. Appointment

There shall be a Fire Chief and Deputy Fire Chief appointed by the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" for an indefinite term, subject to a six month probationary period.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 2. Qualifications

The Fire Chief and Deputy Fire Chief shall be appointed on the basis of their qualifications and fitness of service. The Chief shall have a minimum of five years' experience as a Full-time Firefighter, have attained at least the rank of Lieutenant, and have served at that rank or a higher one for a minimum of one year.

The Deputy Chief shall have a minimum of three years' experience as a Full-time Firefighter.

Other desirable qualifications for either position shall include the ability to communicate effectively both orally and in writing, have proven supervisory abilities, and be able to develop and implement a budget.

The Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" may establish other criteria for these positions to ensure the selection of qualified persons to administer the Department.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 3. Authority

The Fire Chief shall have that authority granted to him under the provisions of the Massachusetts General Law, Chapter 48, Section 32A and 43, which was accepted by vote of the Town Meeting in 1976.

Section 4. Duties

The Chief shall manage the overall operations and personnel of the Fire Department and include the following duties:

a. The Chief shall maintain departmental discipline, assign shifts and duties, and have all other disciplinary authority as conferred upon Fire Chiefs by Massachusetts General Laws.

b. The Chief shall be responsible for the proper maintenance of property in the care and custody of the Department.

c. The Chief shall be responsible for all departmental expenditures, disbursements, and collected funds in accordance with Massachusetts General Laws and By-Laws of the Town of Hanover.

d. The Chief shall prepare a proposed budget for the department annually.

e. The Chief shall make such reports of departmental activities as may be required by the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover".

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

f. The Chief shall perform or cause to be performed all fire related duties and tasks considered necessary by the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover", not in contravention of the Massachusetts General Laws.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

g. The Deputy Chief shall work under the direction of the Chief, and the Chief may delegate to the Deputy Chief such duties and responsibilities as he deems necessary to insure the proper administration of the Department.

Section 5. Suspension or Discharge

a. During the probationary period, the Town Manager , or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" with the approval of the Selectmen may suspend or discharge the Fire Chief without a hearing prior to such action. Within twenty-four hours, the Town Manager shall notify the Chief in writing, of the reasons for the suspension or discharge. In the event of discharge or a suspension of greater than five working days, the Chief may request a hearing in accordance with Paragraph c.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

b. After the probationary period, the Fire Chief may be suspended for more than five working days, only after prior notice is given by the Town Manager. The Chief shall be entitled to a hearing in accordance with Paragraph c.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

c. After completion of the probationary period, the Fire Chief can be discharged only for just cause. The Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" with the approval of the Selectmen shall forward written notice of discharge, together with the reasons therefore to the Fire Chief within twenty-four hours of the decision. Within seventy-two hours, the Fire Chief may file a written request for a hearing. The hearing shall be open to the public if so requested by the Chief. The Chief shall be entitled to legal counsel at the hearing, and the hearing shall be informal, subject only to the rules of procedure established for regular meetings of the Board of Selectmen. Said hearing shall be held within five days of receipt of a written request. Within seven days of the hearing, the Board of Selectmen shall confirm or reconsider their decision in a public meeting of the Board. This action will be effective immediately unless otherwise specified by the Board.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

d. The disciplinary procedure, notice, and hearing requirements outline in a, b, and c shall also apply to the Deputy Chief.

Section 6. Employment Contract

The Town Manager , or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" shall prepare contracts for the Chief and Deputy Chief setting forth their annual compensation, fringe benefits and other terms and conditions of employment. The contracts shall be reviewed annually and revised as necessary.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 7. Applicability

This By-Law shall apply only to a Fire Chief or Deputy Chief appointed after this By-Law is approved by Town Meeting.

(Accepted May 8, 1984), (Approved by the Attorney General, July 24, 1984)

4-16 DESIGN REVIEW BOARD

Section 1.

There shall be a Design Review Board who shall review development plans, examining the quality of design relative to construction, site development, landscaping, and signs for all new or substantially altered buildings of the types and/or within the districts hereinafter specified. The criteria to be applied are those specified in Section 4B.

The Design Review Board (the "Board") shall complete their review within the Review period specified in Section

5C and upon completion of their review, the Board shall issue a non-binding advisory opinion for the approval or disapproval of said plans to the appropriate Town boards, committees or officials. In the event of a recommendation to disapprove, the Board shall specify their reasons for disapproval.

Section 2. Membership

a. The Design Review Board ("the Board") shall consist of five (5) members each appointed by the Board of Selectmen for a three year term. All members of the Board shall have experience in the professions or trades of architecture, landscape architecture, planning, design, engineering, construction, or other relevant experience. Preferably, one member of the Board shall be appointed from the Hanover business community at large and one member from the Hanover Chamber of Commerce. Non-voting associate members may be appointed at the discretion of the Board. The Board shall elect annually a Chairman, Vice Chairman, Clerk and such other officers as required.

Section 3. Types of Sites and Properties

a. In no case shall any site or building intended exclusively for the use as a single family residence be subject to review by the Board. All commercial, industrial, public, multi-family, and institutional sites and buildings which are to be constructed or substantially altered, shall be subject to review by the Design Review Board, regardless of their location in the Town.

Section 4. Criteria

a. The Design Review Board's central purpose is to avoid design that would have negative consequences for the residents of the Town in general, for nearby residents, or for the remainder of the district involved. The Board is specifically precluded from mandating any official "aesthetic" for Hanover, or for imposing the style of any particular historical period.

b. The following design criteria will be used by the Board in reaching its recommendations:

1. The design of the proposed project shall not have a deleterious affect upon nearby properties, the balance of the district involved, or upon the design character of Hanover.

2. Insofar as practicable, the proposed design shall preserve the landscape in its natural state by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring areas.

3. Open space should be so designed as to add to the visual amenities of the vicinity for persons passing the site and overlooking it from nearby properties.

4. Vehicular access, egress, or parking and/or pedestrian circulation shall not adversely affect the use and enjoyment of nearby properties or shall be in keeping with the standards of good design.

5. Exposed storage areas, machinery, service area, loading areas, or utility structures shall be adequately screened and shall not be incongruous with the remainder of the proposed environment and its surroundings.

6. Signs or other outdoor advertising through their size, location, and other characteristics shall not detract from the proposed buildings, nearby properties, the remainder of the district, or

the design character of Hanover.

c. The Board may develop materials for the purpose of illustrating the design criteria set forth in Section 4B.

Section 5. Powers and Duties

a. On the basis of the design criteria set forth in Section 4B, the Board shall review, advise, and recommend upon:

1. Site designs and plans.

2. Building and sign designs.

b. The Board shall work cooperatively with landowners and developers and with the regulatory officers and boards of the Town. Upon the request of landowners, developers, or other parties, the Board shall review and comment upon preliminary designs prior to the official submission of proposals to the appropriate Town board, committee, or official.

c. The Building Inspector, the Board of Appeals or their agents, the Board of Selectmen, and the Planning Board shall, within ten (10) days after receipt of any application or proposal, give notice to the Design Review Board, and shall provide the Board with copies of the proposed plans. The initiating Board, official, or committee shall set a time, (not less than one-half of its own established review period but not more than 45 days), for the Board to review the proposal, discuss the design with proponents and other interested parties, and issue an advisory opinion. Applicant is encouraged to submit plans prior to formal submission.

d. Only after receipt and consideration, as well as public reading and publication, (of the Design Review Board's advisory opinion or the expiration of the allowed review period), shall a Town official or agency grant a corresponding permit for site development or building construction for the properties specified in Section 2.

e. The Design Review Board's advisory opinion, however, shall not be binding upon any board or town official under Section 5C. Such an opinion may be over-ruled by an overt public act by the official or agency, so long as the reasons therefore are specified in writing, responding point by point to the Board's advisory opinion, and that these written reasons are made part of the public record.

Section 6. Meetings

a. The Design Review Board shall meet at least once a month on a day of its own choosing. Meetings of the Design Review Board shall be posted and conducted in accordance with the "Open Meeting Law". Landowners and applicants for permits or approvals shall be invited to attend meetings of the Board during which any proposal of their initiative, or on abutting properties, will be under discussion. The Chairman or member of the Board conducting each meeting shall, at the outset thereof, make a clear and concise statement of the purpose, the powers, and the duties of the Board.

(Accepted May, 1991), (Approved by the Attorney General, August 22, 1991)

4-17 OPEN SPACE COMMITTEE

The Moderator will appoint, with the approval of a majority of the Selectmen, an Open Space Committee. The committee shall be responsible for planning and facilitating the improvement of open space, enhancing access to open space and raising awareness of land use issues in Hanover. Said committee shall consist of seven residents of Hanover, six of whom are citizens-at-large and one of whom is a member of the Conservation Commission. In addition, the committee shall also include two non-voting, liaison members, one each from the Planning Board, and Parks and Recreation Committee. The committee members will be appointed for terms of three years, with the option for reappointment at the end of any term. Filling of a vacancy for the duration of an unfulfilled term is to be handled in the same manner as the original appointment. In order to create a revolving committee, two initial at-large appointments will be for one-year terms and two other initial at-large appointments will be for two-year terms. On at least an annual basis, the committee will make recommendations to the Conservation Commission on land acquisition and enhancement. The committee shall publish a report of its activities each year in the annual Town Report."

(Accepted at ATM, May 5, 2003) (Approved by Attorney General, August 20, 2003)

4-18 PARKS AND RECREATION COMMITTEE

Section 1. There shall be a Parks and Recreation Committee, appointed by the Moderator with the approval of the Selectmen. The Parks and Recreation Committee will consist of 7 (seven) residents of Hanover, all of whom will be members at large. The committee members will be appointed for terms of three years, with the option for re-appointment at the end of any term. The members of the Parks and Recreation Committee as constituted at the time of the adoption of these by-laws shall continue in the office until their respective terms shall be expired. Effective October 1st, 2008, three members of the Committee will be appointed for three year terms. Effective October 1st, 2009, there will be two members appointed for three year terms, and effective October 1st, 2010, there will be two members appointed for three year terms. Appointments shall rotate as above (three the first year, and two each the following two years) thereafter. If there is a mid-term vacancy of any position, a successor for the unexpired term so created, will be appointed in the same manner as the original appointment.

Section 2. The Parks and Recreation Committee shall have the duties to establish policies governing the provision of recreation and parks services, including Bandstand activities, develop goals and objectives and long range plans for the provision and future development of; playgrounds, athletic facilities, park amenities such programs and activities that allow citizens to make the best possible use of present and future recreation facilities and services, and oversee the long term maintenance and improvements of the recreation facilities under its jurisdiction. It shall additionally set reasonable fees for the department as authorized under bylaw 6-18, and administer through the Recreation Director, Park and Recreation Trust funds, revolving accounts under Massachusetts General Law, and General Funds as approved by Town Meeting. The Parks and Recreation Committee will meet as needed and work closely with the Department of Public Works. On an annual basis, the Parks and Recreation Committee will present a report of its actions in the Town Report.

Section 3. The personnel practices of this Committee shall come under the Personnel Bylaws of the Town. The Recreation Administrator shall be appointed by the Town Administrator subject to the approval of the Park and Recreation Committee. The Recreation Administrator shall appoint all other Park and Recreation employees subject to approval of the Town Administrator.

4-19 COMMUNITY PRESERVATION COMMITTEE

Section 1. Established

There is hereby established a Community Preservation Committee, in accordance with Chapter 267 of the Acts of 2000, Massachusetts Community Preservation Act, consisting of nine (9) voting members pursuant to M.G.L. Chapter 44B.

Section 2. Membership

The composition of the Committee, the appointment authority and the term of office for the Committee members shall be as follows:

A. One (1) member of the Conservation Commission as designated by the Commission for a term of three (3) years.

B. One (1) member of the Historical Commission as designated by the Commission for an initial term of two (2) years, and thereafter for a term of three (3) years.

C. One (1) member of the Housing Authority as designated by the Authority for an initial term of two (2) years, and thereafter for a term of three (3) years.

D. One (1) member of the Parks and Recreation Committee as designated by the Committee for an initial term of one (1) year and thereafter fora term of three (3) years.

E. One (1) member of the Open Space Committee as designated by the Committee for a term of three (3) years.

F. One (1) member of the Planning Board as designated by the Board for an initial term of one (1) year and thereafter for a term of three (3) years.

G. Three (3) members of the general public to be appointed by the Town Moderator, subject to approval by a majority vote of the Board of Selectman, one member to be appointed for a term of one (1) year and thereafter for a term of three (3) years, one member to be appointed for a term of two (2) years and thereafter for a term of three (3) years, and one member to be appointed for a term of three (3) years.

The Commissions, Boards, or persons who have appointment authority under this Article shall appoint such Committee Members within 45 days of the effective date of this Bylaw.

Should there be a vacancy or resignation in any of the Community Preservation Committee positions, the Commissions, Boards, or persons who have appointment authority under this Article shall appoint a new Committee Member within 45 days of the first date of vacancy or resignation.

Should any of the Commissions, Boards, or persons who have appointment authority under this Article be no longer in existence for any reason, the appointment authority for that Commission, Board, or person shall become the responsibility of the Town Moderator, subject to approval by a majority vote of the Board of Selectmen.

Section 3. Powers and Duties

A summary of powers and duties is as follows:

(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 council and the housing authority, 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 legislative body for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration 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 the rehabilitation or restoration of open space, 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, wherever 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 purpose or to set aside for later spending for general purposes that are consistent with community preservation. The Community Preservation Committee may recommend the issuance of general obligation bonds or notes in anticipation of revenues to be raised pursuant to section 3 of the Act, the proceeds of which shall be deposited in the Community Preservation Fund. Bonds or notes so issued may be at such rates of interest as shall be necessary and shall be repaid as soon after such revenues are collected as is expedient. The Town shall make every effort to limit the administrative costs of issuing such bonds by cooperating with other cities and towns using methods including, but not limited to, common issuance of bonds or common retention of bond counsel. Except as otherwise provided in this chapter, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of Chapter 44. The maturities of each issue of bonds or notes issued under this chapter may be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

(4). The Committee shall have at least one public meeting each year at which time any Town Department, public or private agency, business, non-profit organization, or member of the general public may submit proposals for the use of Community Preservation Funds. The Committee shall also schedule a public hearing on its current and proposed activities, to be held at least 21 days prior to any Town Meeting in which it submits an article.

Notice of the time and place of such public hearing and the general purpose of such meeting shall be published in a newspaper of general circulation in the Town once in each of two successive weeks, the first

publication to be not less than fourteen days before the date of said hearing, and by posting such notice in a conspicuous place in Town Hall for a period of not less than fourteen days before the date of said hearing.

The Committee shall establish submission requirements for the proper and consistent review of all project proposals. The Committee shall make recommendations to Town Meeting for the appropriate use of Community Preservation Funds for any such project proposals or initiatives undertaken by the Committee itself.

As provided in the Massachusetts Community Preservation Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.

The Community Preservation Committee will submit an annual administrative and operating budget for the Community Preservation Committee, which cannot exceed five percent (5%) of the annual revenues in the Community Preservation Fund, to Town Meeting for approval.

Section 5(b) of M.G.L. Chapter 44B, "Community Preservation" enumerates the powers and duties of the Community Preservation Committee and are incorporated herein by reference.

Section 4. Rules and Regulations

By majority vote of the members of the Committee, the Committee may adopt and promulgate rules and regulations for the conduct of its business on any matter within the Committee's jurisdiction under the Massachusetts Constitution, Massachusetts General or Special Laws, the Code of Massachusetts Regulations (CMR), Bylaw, or other legal right or authority granted to or conferred upon the Committee.

The proposed rule or regulation shall be submitted to all Committee members at least 48 hours prior to any vote to adopt the same; provided, however, the Committee may make such amendments to the proposed rules or regulations as it deems appropriate at the said meeting. Upon approval of any rule or regulation by the Committee, a copy of the same shall be filed with the Town Clerk and become effective as of the date of filing thereof unless the specific vote of the Committee establishes a later effective date.

Section 5. Amendments

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

Section 6. Severability

In case any section, paragraph or part of this Article is 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.

(Accepted May 2, 2005), (Approved by the Attorney General, July 14, 2005)

4-20 BYLAW REVIEW COMMITTEE

There is hereby established a Bylaw Review Committee to consist of five members at large to be appointed by the Moderator for terms of three years. There shall be overlapping terms of office so that initially there shall be one appointed for a one-year term, two for two year terms, and two for three year terms, until everyone has three year terms. The chair shall be elected from the membership by their vote for terms of not more than two consecutive years.

The purpose of this committee shall be the continuous review of the Town Bylaws, to make recommendations to keep bylaws current with the needs of the Town. These needs may be addressed by request of the Board of Selectmen, the Town Manager, or any other committee, or at the request of citizens of the Town in writing.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

In the case of a vacancy on the committee, said vacancy shall be filled by the Moderator with suggestions from the remaining committee members.

(Accepted May 18, 2006), (Approved by the Attorney General, September 14, 2006)

(1) In keeping with its mission to conduct continuous review of Town Bylaws to keep them current with the needs of the Town, the By-Law Review Committee shall hold one or more public hearings which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town. The purpose of these hearings is to provide a forum for interested parties to engage in discussion and clarification of all proposed amendments or new additions to existing Bylaws.

(2) These hearings shall be held prior to Town Meeting in conjunction with a representative(s) of any group or individual planning to propose a new or amend an existing Bylaw and submit said proposed bylaw changes for inclusion in the Town Warrant, or take any other action relative thereto.

(Amendment/Addition Accepted May 14, 2007), (Approved by the Attorney General, November 28, 2007)

4-21 CONSOLIDATED DEPARTMENT OF MUNICIPAL INSPECTIONS

Section 1
There shall be a consolidated Department of Municipal Inspections as provided for in the M.G.L. c.43C §13, and as provided for in the following sections of this Bylaw.

Section 2
This department shall include the following statutory, Bylaw, or otherwise authorized presently existing entities as follows: commissioner of buildings; town planner; health agent; conservation agent; and others as this Bylaw may from time-to-time be amended.

Section 3
When in conflict, this Bylaw shall prevail over other Articles in the Bylaws, or statutes, as provided for in M.G.L. c.43C.

Section 4
There shall be a Director of Municipal Inspections who shall be the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover". The term of office for said position shall be three (3) years, subject to removal as provided for in this Bylaw. The Director of Municipal Inspections, acting in an ex officio capacity, shall also coordinate and assist the following committees: Planning Board, Board of Health, and Conservation Commission.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 5

The Director of Municipal Inspections shall appoint subject to approval of the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover", the commissioner of buildings, town planner, health agent, conservation agent, and others as this Bylaw may from time-to-time be amended.

In performing duties where approval of the Board of Health is statutorily required, the health agent may be directed by the Director of Municipal Inspections, but any final decisions will be made by the Board of Health.

In performing duties where approval of the Planning Board is statutorily required, the town planner may be directed by the Director of Municipal Inspections, but any final decisions will be made by the Planning Board.

In performing duties where approval of the Conservation Commission is statutorily required, the conservation agent may be directed by the Director of Municipal Inspections, but any final decisions will be made by the Conservation Commission.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 6

The person holding the position of Director of Municipal Inspections may also be appointed to hold other positions.

Section 7

The Director of Municipal Inspections may be removed at the discretion of the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" during the first year of his or her term. Thereafter the Director of Municipal Inspections may be removed during the term of appointment by the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" after being afforded the opportunity to respond to written notice of the reasons for removal.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 8

The functions of the Department of Municipal Inspections may include the following:

1. coordination of administrative functions for the Department of Municipal Inspections,
2. coordination of all inspection functions carried out by any municipal officer or agent;

3. maintenance of all records relating to inspections in a central place;
4. utilization of a single application which would indicate all inspections which may be necessary, including, but not necessarily be limited to, any inspections under the zoning and other local ordinance or bylaw, building code, wire code, plumbing and gas code, state sanitary code, board of health rules and regulations, conservation commission, historical districts commission, and any other local inspections as may be otherwise authorized by this bylaw as amended.

Any ordinance or bylaw adopted pursuant to this bylaw may provide that any agency performing an inspectional function shall be continued but that for administrative purposes all personnel performing inspection functions for the existing agency shall, when performing such inspectional services, be subject to the administrative control and direction of the Director of Municipal Inspections, but not otherwise.

Section 9

The Director of Municipal Inspections shall be responsible for the functions of the Department of Municipal Inspections, subject to the direction of the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover".

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 10

This Bylaw shall take effect July 1, 2008, subject to the approval of the Attorney General.

(Accepted May 8, 2007), (Approved by the Attorney General, January 28, 2008)

4-22 HISTORICAL COMMISSION

As provided for under Massachusetts General Law Chapter 40, Section 8D and by vote of the Annual Town Meeting held May 6, 1981 Article 34, the Selectmen will appoint an Historical Commission. This Commission shall have the rights and duties provided by law, and be composed of five members with terms of three years and appointed such that two members' terms shall end each year except that every third year only one members' term shall end. Filling of a vacancy for the duration of an unfulfilled term is to be handled in the same manner as the original appointment. The makeup of the Commission is recommended to be, but not required to be, an architect, a member of the Hanover Historical Society, a realtor, and two members at large. The Commission shall publish a report of its activities each year in the annual Town Report.

4-23 BOARD OF ASSESSORS

There shall be an elected Board of Assessors with three members constituted according to MGL Chapter 41: Section 24, Assessors: Number, method of selection; tenure; and with duties and responsibilities shown in MGL Chapter 59: Assessment of Local Taxes.

4-24 AFFORDABLE HOUSING TRUST BOARD OF TRUSTEES

There shall be a Board of Trustees established under Chapter 44, Section 55C of the Massachusetts General Laws composed of seven (7) Trustees, which shall include at least one (1) member of the Board of Selectmen, two (2) members of the Housing Authority, one (1) member of the Community Preservation Committee and three (3) at-large members. The initial terms of the Trustees shall be staggered as one (1) or two (2) year terms. The Trustees

shall be appointed by the Board of Selectmen for a term not to exceed two (2) years, such term to end on June 30 of the expiration year or until such time as a successor is appointed, should a successor appointment be delayed. Only persons who are residents of the Town of Hanover shall be eligible to hold the office of Trustee other than the Chief Executive Officer if he or she is not a member of the Board of Selectmen. Any Trustee other than the Chief Executive Officer if he or she is not a member of the Board of Selectmen who ceases to be a resident of the Town of Hanover shall cease to be a Trustee hereunder and shall promptly provide a written notification of the change in residence to the Board and to the Town Clerk. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of Selectmen to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. No such appointment shall be required so long as there are five Trustees in office. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees.

The purpose of the Trust is to provide for the creation and preservation of affordable housing in the Town of Hanover for low- and moderate-income households. The Board of Trustees shall adhere to all provisions of the Declaration of Trust as established by the vote of Hanover May 2009 Town Meeting under Article 69.

V. GENERAL PROVISIONS GOVERNING ALL DEPARTMENTS

5-1 GENERAL PROVISIONS GOVERNING ALL DEPARTMENTS

Section 1.

All officers, boards and committees shall notify the Town Clerk of their acceptance, organization and office hours or times of meetings.

Section 2.

No officer or member of a board or committee of the Town shall make any contract with the Town in which he is either directly or indirectly interested, except where such contract is the result of competitive bidding.

Section 3.

No unexpended balance of any appropriation made for a specific purpose shall be used for any other purpose unless by a vote of the Town. Unless the Town specifically votes otherwise in an appropriation vote, if the project for which the appropriation was made has not been initiated within one year of the vote by the Town, the unexpended balance shall be returned to the Treasury.

(Amended May 5, 1992), (Approved by the Attorney General, August 25, 1992)
(Amended May 1995), (Approved by the Attorney General, July 21, 1995)

Section 4.

No contract for an amount greater than one thousand ($1,000) dollars shall be binding upon the Town unless it is in writing and signed by a majority of the board or committee having control of the appropriation against which the obligation is incurred. Such board or committee shall keep a record of every such contract in the records of the Town in the custody of the Town Accountant.

(Amended May 3, 1993), (Approved by the Attorney General, July 16, 1993)

Section 5.

No contract shall be made on behalf of the Town for a period of time to exceed eighteen (18) months unless a greater period of time is specifically authorized by the Massachusetts General Laws or other regulation or unless such contract is specifically authorized by a vote of the Town.

Section 6.

Every officer, board or committee charged with the expenditure of money shall furnish the Town Accountant with a copy of all orders for the purchase of materials of whatever nature and for personal services other than those paid for on the regular payrolls of the department at the time such purchases or orders are made and shall file at once with the Town Accountant a copy of any vote involving the expenditure of money.

Section 7.

Bills due the Town other than for taxes and other municipal assessments shall be rendered through the Town Accountant on receipt of proper advice from the officer or board having jurisdiction over the subject matter of the bill.

Section 8.

Any officer or board in charge of a department may sell, with the approval of the Board of Selectmen, any personal property or material in custody of, and belonging to, such department not required for its use, pursuant to Massachusetts General Laws, Chapter 30B, as amended. All such property of the Town of a value not governed by state statue shall be posted on the Town Clerk's bulletin board for a period of two weeks and sold, with the approval of the Board of Selectmen.

(Amended on May 3, 1993), (Approved by the Attorney General, July 16, 1993)
(Amended on May 3, 1999), (Approved by the Attorney General, August 5, 1999)

Section 9.

All town officers shall pay all fees received by them by virtue of their office into the Town treasury.

(Accepted March 6, 1962), (Approved by the Attorney General, July 23, 1962)

5-2 RECONSTRUCTION OR ALTERATION OF PUBLIC WAYS

A public hearing shall be held by the Board of Selectmen before a Board or Department undertakes any major reconstruction or alteration of a Town, State or County way. The Board of Selectmen shall hold the hearing within thirty (30) days after receipt of a written request for a public hearing from the Board or Department proposing the project. Such request shall include a description of the project and two maps of the project area. At least seven (7) days before the hearing date the Board of Selectmen shall publish a notice of the hearing in a newspaper of general circulation within the Town and shall notify abutters to the project by mail.

A major alteration or reconstruction shall be road work which realigns or relocates the position of the pavement within the street layout; removes and reconstructs the total width of the existing pavement; raises or lowers the pavement elevation by four (4) inches or more; includes the installation of new drainage systems of catch basins, manholes and connecting pipe; or closes or reopens the traveled way.

This section shall not apply to normal maintenance work required to repair, resurface or otherwise maintain the existing pavement and drainage systems in good condition or to the installation of water, gas, electric, telephone, under drain or other utilities.

(Accepted May 2, 1983), (Approved by the Attorney General, November 2, 1983)

VI. GENERAL ARTICLES

6-1 THE USE OF STREETS AND HIGHWAYS

Section 1.

The Selectmen may make such regulations as to the speed at which vehicles may be operated over the highways of the town as to them may seem proper.

Section 2.

No person shall drive any animal, motor vehicle or conveyance past any traffic signal or policeman's signal at any cross roads or any intersecting roads on any public way of the town where such signal is set against traffic.

Section 3.

No person shall lead, drive or ride any animals, or drive or park any vehicles upon any sidewalk of the town except for the purpose of removing snow from such sidewalk, and the performance of necessary town work.

Section 4.

No persons shall coast upon, through, or across any of the public ways of the town without written consent of the Selectmen.

Section 5.

No person shall tie a horse to any shade tree on or bordering on the public highway.

Section 6.

No person shall pasture or feed or permit to pasture, feed or graze any horse, cattle or other animal upon or within the limits of any public way or other public place in the town, either with or without a keeper; however, nothing in this by-law shall prevent any person from using the land adjoining premises owned or occupied by him within the limits of such way or other public place.

Section 7.

No person shall place or cause to be placed upon any public way or in a drainage conduit, or catch basin, in the Town the contents, overflow or discharge from any sump pump, septic system, laundry, swimming pool, stable, or any other drainage, or any dead animal or animal substance, rubbish, ashes, nails, glass, garbage or offal.

(Amended May 3, 1999) (Approved by the Attorney General, August 5, 1999)

Section 8.

No person shall obstruct any public way or the sidewalk bordering thereon, nor break or dig up such sidewalk, street or highway, or place thereon any staging or other temporary structure without a written permit signed by a majority of the Selectmen. Any person having such permit shall before its expiration restore such sidewalk, street or

highway to a condition satisfactory to the Selectmen. Permits shall be in force for such a time and under such conditions as the Selectmen shall specify, and no person holding such permit shall fail to comply with its terms. All permits so issued will be revocable at any time and the Selectmen may require a bond at any time during the life of the permit to secure the proper performance of the work undertaken.

Section 9.

No person shall in any public way or other public place in the town discharge any gun, pistol or other fire-arms or fireworks, or set fire to any fireworks or other combustible material, unless permitted to do so by the Selectmen by general or special permit or in lawful defense of one's person, family or property or the performance of any duty required by law, or in any private ground except with the consent of the owner thereof.

Section 10.

No person shall play at ball or throw a ball, stones, snowballs, or any other missiles within, upon or into any of the public ways.

Section 11.

No person shall stand or sit upon any land, wall, fence, banking or doorstep adjacent to any public way, park, or other public place not being the owner or occupant thereof when request to depart by such owner or occupant.

Section 12.

The Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" may, and at the request of the Highway Superintendent or other officer in charge of streets and public ways, shall, upon notice, prohibit or otherwise restrict: the overnight parking of vehicles, or the leaving of objects or materials or both overnight, upon the streets and public ways of the Town, which may obstruct, interfere with, endanger or render hazardous, the removal of snow or ice therefrom: and in connection with the above, the Town Manager, and any Police Officer, Constable or other person acting at the direction of the Town Manager, shall be authorized to remove or cause to be removed at the risk of the owner thereof, to some convenient place, any vehicle or other object from said streets and public ways and to levy and assess the owner or other person responsible therefor, the reasonable cost of removal and the storage thereof for the account of the Town.

(Accepted March, 1974), (Approved by the Attorney General, March 27, 1974)
(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 13.

The Selectmen may, at the request of the Department of Public Works, and subject to the provisions of Chapter 85, Section 2 of the General Laws, and the Rules and Regulations of the Massachusetts Department of Public Works, prohibit right turns on red at signalized intersections.

(Accepted September, 1981), (Approved by the Attorney General, Dec. 22, 1981)

6-2 GENERAL POLICE REGULATIONS

Section 1.

No person shall behave in an indecent or disorderly manner or use any profane or indecent language in any public place or building, or on any sidewalk or street of the Town, or on or near any private property to the annoyance of any person.

Section 2.

No person shall bathe or swim in any public or exposed place in the Town without wearing at the time a suitable bathing suit.

Section 3.

No person or persons shall loiter or congregate about any school house, school yard or outbuilding belonging to the Town, not being a member of such school.

Three or more persons shall not continue to stand or remain in a group or near each other on any sidewalk or in any public place in such manner as to obstruct the free passage of foot passengers or motor vehicle traffic after having been requested by a Constable or Police Officer to move on.

Section 4.

No person shall extinguish any street light or extinguish or remove any light placed to warn the public against an obstruction or defect in any street or way without authorization from those having charge of such lights.

Section 5.

No person shall own or keep in this Town any dog which by barking, biting or howling, or in any other manner disturbs the peace and quiet of any person, and no person shall own or keep in this Town any bird or fowl which be screeching or in any other manner disturbs the peace and quiet of any person.

Section 6.

Not Used

Section 7.

No person shall leave any vehicle or material or place any obstruction in any sidewalk, street, or public place and suffer the same to remain there over night without maintaining a sufficient light and suitable guards over or near the same throughout the night nor allow the same to remain after notice from a Police Officer, Constable or the Highway Superintendent or other officer in charge of streets to remove the same.

The Highway Superintendent or other officer in charge of the streets, for the purpose of removing or plowing snow, or removing ice, from any way, shall have the power to remove, or cause to be removed, to some convenient place, including in such a term a public garage, any vehicle or other material interfering with such work, and for imposing liability for the cost of such removal, and of the storage charges, if any, resulting therefrom, upon the owner of such vehicle or said material.

Section 8.

No person shall, between the hours of 8 P.M. and 8 A.M. set up on any property, public or private, without permission of the owner thereof, or the Board of Selectmen in the case of public property, a camp or tent or sleep in the open on any property, public or private, within the territorial limits of the Town of Hanover.

Section 9.

No person shall operate any self-propelled passenger vehicle, including but not limited to "trail bikes" and "snowmobiles", off-the-road on any property, public or private, without permission of the owner thereof, or the Board of Selectmen in the case of public property.

Section 10.

No persons shall drink any alcoholic beverages as defined in Chapter 138, Section 1 of the Massachusetts General Laws (a) while in or upon any public way or alley, or any way to which the public has a right of access, whether in or upon a vehicle, motor vehicle or on foot, or (b) while in or upon any place to which the public has access as invitees or licensees, including but not limited to parks, reservations, playgrounds and conservation land, or unless duly licensed by the Board of Selectmen of other proper licensing authority, (c) while in or upon any private land, building, structure or place without the consent of the owner or person in control thereof. All alcoholic beverages in possession of a person or persons in violation of this by-law shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person or persons entitled to lawful possession.

(Accepted May 1976), (Approved by the Attorney General, August 10, 1976)

Section 11.

Any person or persons being disorderly or causing a disturbance in any public place or place to which the public has a right of access or a private place without the consent of the owner, who shall not immediately disperse or leave the area when ordered by a Police Officer, shall be subject to arrest and shall be subject to a fine not to exceed $50.00.

(Accepted May 1976), (Approved by the Attorney General, August 10, 1976)

Section 12.

No person shall operate a carnival or circus or similar activity within the Town of Hanover without first obtaining a permit therefore from the Board of Selectmen. The Board of Selectmen shall not issue any such permit unless the Board is satisfied that such activity will not in any manner interfere with the health, safety and welfare of the inhabitants of the Town. The Board of Selectmen may, as a condition of granting any such permit, establish such requirements as it deems appropriate to protect the health, safety and welfare of the inhabitants of the Town.

(Accepted May 1991), (Approved by the Attorney General, August 22, 1991)

6-3 JUNK DEALERS

Section 1.

The Selectmen may license suitable persons to be collectors of, dealers in, or keepers of shops for the purchase, sale or barter of junk, old metals or second-hand articles under such terms and conditions as the Selectmen may impose, and no person shall undertake such business without such a license.

Section 2.

The Selectmen may require that any place, vehicle or receptacle used in the course of the business aforesaid may be examined at all times by the Selectmen or any person authorized by them.

Section 3.

No person licensed as a junk dealer shall directly or indirectly either purchase or receive by way of barter or exchange any of the articles aforesaid except rags or bottles of a minor or apprentice, knowing or having reason to believe him to be such.

Section 4.

All material taken in trade will be held for a minimum of 30 days before resale, trade, melting, changing of the appearance or other means of disposal occur.

Section 5.

Audit sheets shall be submitted to the Chief of Police on a weekly basis with record of all transactions, including date of sale, amount, seller's name, and address, date of birth, driver's license number, itemized list and description of article. Each Licensee shall also take a color photograph of each item purchased and a color photograph of each person selling items. All audit sheets are to be legible and written in English. The required reports and photographs may be stored and transmitted electronically if the format is approved by the Chief of Police.

(Amended May 2013; Approved by the Attorney General August 20, 2013)

6-4 PUBLIC GATHERINGS

Section 1.

No person shall form or conduct any parade, procession or assembly of people in any public street, public way or public sidewalk within the Town, except a military or funeral parade, without first obtaining a written permit signed by a majority of the Selectmen, and no person shall take part in such parade, procession, or assembly of people not authorized by such permit.

Section 2.

No person shall give any public address, or speech, in any public street, public square, or public park within the Town without a written permit signed by a majority of the Selectmen.

6-5 REMOVAL AND STORAGE OF SOIL, LOAM , SAND, GRAVEL AND OTHER EARTH MATERIALS

Section 1. Permit Required

a. No soil, loam, sand, gravel, or other material shall be removed from land in any zoning district within the Town without a permit from the Board of Selectmen unless such removal shall constitute an exempt operation as hereinafter provided.

b. "Removed" shall be defined as the displacement of any of the specified land elements from its existing location to any other area.

c. No permit shall be granted hereunder until a public hearing has been held by the Board of Selectmen after first giving (7) days notice of the time and place of the hearing in a newspaper having general circulation in the Town of Hanover and by mailing notice thereof to all abutters. Any permit issued by the Board shall automatically expire upon the termination date stated therein. A permit for any removal hereunder shall not be issued for more than six (6) months duration and may thereafter be renewed at the direction of the Board of Selectmen after a public hearing advertised seven (7) days prior to such hearing. The applicant shall pay all costs incident to the foregoing advertising and mailing requirements.

d. No permit for removal of earth materials shall be granted unless the Board finds the operations conducted under such permit, subject to the conditions imposed thereby, will not be contrary to the best interest of the Town. For this purpose, an operation shall be considered contrary to the best interest of the Town, which:

(1) will be injurious or dangerous to the public health or safety;

(2) will produce noise, dust or other effects observable from adjacent property in amounts seriously objectionable or detrimental to the normal use of adjacent property;

(3) will result in change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted; or

(4) will have a material adverse effect on the water supply, health or safety of persons living in the neighborhood, or on the use of, or amenities of adjacent land.

Section 2. Application

a. Each application for a permit for earth removal shall be accompanied by a Permit Fee of fifty dollars ($50.00) per acre, or any part thereof; a plan submitted in triplicate (the exact size and number of copies of which may be indicated by rule of the Board of Selectmen), prepared at the expense of the applicant by a Registered Land Surveyor or Civil Engineer, showing:

(1) The existing contours of the land shall be shown in elevation increments of one (1') foot.

(Amended May, 1988), (Approved by the Attorney General, July 15, 1988)

(2) The contours as proposed after completion of the operations shall be shown in elevation increments of one (l') foot.

(Amended May, 1988), (Approved by the Attorney General, July 15, 1988)

(3) The proposed lateral support of all adjacent property;

(4) The proposed drainage including calculations;

(5) Other information necessary to indicate the complete physical characteristics of the proposed operation including test borings, when requested by the Board of Selectmen.

Section 3. Conditions of Permit

a. In granting a permit hereunder, the Board of Selectmen shall impose reasonable conditions specially designed to safeguard the neighborhood and the Town, which may include conditions as to:

(1) method of removal;

(2) type and location of temporary structures;

(3) hours of operation;

(4) routes for transporting the material through the town;

(5) area and depth of excavation;

(6) distance of excavation to street and lot lines;

(7) steepness of slopes excavated;

(8) re-establishment of ground levels and grades;

(9) provisions for temporary and permanent drainage;

(10) disposition of boulders and tree stumps;

(11) replacement of loam over the area of removal;

(12) planting of the area to suitable cover, including shrubs and trees;

(13) cleaning, repair, and/or resurfacing of streets used in removal activities which have been adversely affected by the removal activity.

(14) Effective barriers shall be erected on all access and egress ways to prevent vehicular access except during the working hours.

(15) The applicant shall pay for the employment of a Police Officer or officers at the point where

trucks make access to or egress from the excavated area onto a public highway, if so required by the Board of Selectmen of the officer in charge of the Police Department.

b. A restoration performance bond or equivalent security, satisfactory to the Board of Selectmen, is required to insure compliance with all permit conditions, and which is to be established at $4,000 per acre, or any part thereof, based on the total of all existing unrestored and applied for removal areas.

(Amended June 6, 1983), (Approved by the Attorney General, November 2, 1983)

c. Restoration of disturbed areas, as finished grades are approached, is required on a continuous basis by the respreading of loam or other approved soil over subject areas, and followed by planting of grass, trees, or approved cover for the protection and retention of topsoil, all as approved by the Board of Selectmen. Any exceptions must be approved in writing by the Board of Selectmen.

d. Compliance bonds or equivalent surety shall be released only after the completion of all restoration procedures, including conforming grades, drainage, disposal of all decayable material and boulders, and the required loaming and planting.

e. The Board of Selectmen, or its agents, may inspect, survey, grade and contour stake any portion of the complete operational area.

Section 4. Existing Operations

a. Soil, loam, sand, gravel, or other earth material permit in lawful operation on any premises on March 6, 1972, may continue if operating under a prior permit issued by the Board of Selectmen, until the expiration thereof.

Section 5. Other Exceptions

The removal of earth material in any of the following operations shall be an exempt operation:

a. The removal of less than ten (10) cubic yards of material in the aggregate in any year from any one lot.

b. The transfer of material from one part of a lot to another part of the same lot.

c. The removal of material necessarily excavated in connection with the lawful construction of a building, structure or street, or of a driveway, way, sidewalk, path or other appurtenance incidental to any such building, structure, or street; provided that the quantity of the material removed does not exceed that actually displaced by the portion of such building, structure, street, driveway, sidewalk, path or other appurtenance below finished grade.

d. The removal of material from land in public use.

e. The removal of material in compliance with the requirements of a subdivision plan approved by the Town Planning Board.

Section 6. Failure to Comply

Failure to comply with any of the conditions of the permit will result in rescission of the permit. The Board of Selectmen may suspend all rights incidental to said permit pending the completion of an investigation by the Board of Selectmen into the compliance or non-compliance with any conditions of a permit issued pursuant to this Article.

Section 7.

No soil, loam, sand, gravel and other earth materials shall be stored within 250 ft. of a public way (defined as a Town accepted road, a way shown on an approved subdivision plan, or a way certified by the Town Clerk to be used by the public) for more than six months unless screened and invisible from a public way. Exemptions include: piles less than tree feet high above all surrounding grades and less than fifteen cubic yards in volume; work done in accordance with a lawful gravel removal permit; work done in accordance with an approved and unexpired subdivision plan; and work done in accordance with an approved site plan where active construction has not lapsed for more than six months.

(Accepted May 4, 1992), (Approved by the Attorney General, August 25, 1992)

Section 8. Violations

The penalty of violation of this Article shall be as follows:

For the first offense, fifty dollars;
For the second offense, one hundred dollars;
and for each subsequent offense, two hundred dollars.
Each 24 hour period that a violation continues shall be construed as a separate offense.

Section 9. Invalidity

The invalidity of any Section or Provision of this Article shall not effect the validity of any other Section of Provision thereof.

6-6 ACCEPTANCE OF A WAY

(Amended May 1997), (Approved by the Attorney General, September 5, 1997)

Section 1.

Whenever a plan is made by the laying out of a new way over private property, such way shall be laid out not less than forty feet wide, and the owners of the land over which the way is to be laid out shall be required to prepare said roadway in accordance with the Definitive Plan for such way given approval by the Planning Board.

(Accepted March 5, 1951), (Approved by the Attorney General, July 6, 1951)
(Amended May, 1985), (Approved by the Attorney General, August 19, 1985)

Section 2.

The petition shall be accompanied by three copies of an as-built plan of said way, prepared and stamped by a Registered Professional Engineer; said plan to be prepared in accordance with the Rules and Regulations governing the subdivision of land, and shall denote the location of all monuments, and shall also be accompanied by three (3)

copies of a written description of said way by its metes and bounds denoting the location of each monument. One copy of each plan and its description shall be filed with the Town Clerk and the Board of Public Works.

(Accepted May, 1985), (Approved by the Attorney General, August 19, 1985)

Section 3.

The Board of Public Works shall conduct a Public Hearing on said acceptance prior to the Annual Town Meeting, having first advertised in a newspaper of general circulation at least seven days prior to said hearing and having similarly notified abutters by 1st class mail.

(Accepted May, 1985), (Approved by the Attorney General, August 19, 1985)

6-7 CAR DEALERS

Section 1.

The licensing authorities, when issuing Class One, Two and Three automobile dealers licenses, may prescribe the number and placement of automobiles to be stored, kept, maintained or dismantled at any one time on the premises described in the license and may require the licensee to erect and maintain suitable fences around the area within which such automobiles shall be stored, kept, maintained or dismantled and shall designate the area to be fenced with reference to side lines, rear lines and street lines.

(Accepted March 4, 1957), (Approved by the Attorney General, February 12, 1958)
(Amended May 7, 1990), (Approved by the Attorney General, August 29, 1990)

6-7A LICENSING OF AUTOMOTIVE LEASING FACILITIES

Section 1.

No person shall engage in the business of leasing or renting motor vehicles, or trailers for motor vehicles, and display such vehicles or trailers for motor vehicles in the course of such business, within the Town of Hanover without first securing a license therefor from the Board of Selectmen.

Section 2.

There shall be two classifications of licenses hereunder as follows:

Class 1: A person whose business is the sale, leasing or renting of new motor vehicles or trailers.
Class 2: A person whose business is the sale, leasing or renting of used motor vehicles or trailers.

(Amended May 1, 2000) (Approved by the Attorney General, August 1, 2000)

Section 3.

Licenses hereunder shall be issued and governed by the same terms and conditions as are set forth in Sections 57 through 69 of Chapter 140 of the Massachusetts General Laws, and Class 1 and Class 2 licenses hereunder shall be subject to the same requirements as apply to Class 1 and Class 2 licenses under said statutes.

(Accepted May 3, 1999) (Approved by the Attorney General, August 5, 1999)

6-7B LICENSING OF SELF STORAGE FACILITIES

Section 1.

No person shall engage in the business of leasing or renting Self Storage Facilities, with the Town of Hanover without first securing a license therefor from the Board of Selectmen.

Section 2.

Licenses hereunder shall be issued and generally governed by the terms and conditions as are set forth by the Board of Selectmen.

(Accepted May 3, 1999) (Approved by the Attorney General, August 5, 1999)

6-8 JUNK AND CAR DISPOSAL LAW

Section 1.

No person shall store or place, or permit to be stored or placed on premises which he owns, leases or occupies any debris, junk scrap metals or other waste material or products, which in the opinion of the Board of Selectmen shall be considered detrimental to the public safety, health and good.

Section 2.

No junked, disabled, or more than one unregistered motor vehicle, or parts thereof, shall be stored, parked on, placed on any premises unless the same shall be within a building or area unexposed to view of the public abutters, or within an area licensed under Chapter 140, Sections 55 -57 of the General Laws for the storage of same by licensed junk dealers and automobile dealers.

(Amended May, 1981), (Approved by the Attorney General, August 11, 1981)

Section 3.

Any person violating any of the provisions of this by-law may be fined not more than twenty dollars for each offense. Each day that such violation continues shall constitute a separate offense.

(Accepted March, 1966), (Approved by the Attorney General, April 11, 1966)

6-9 SIGN BYLAW

(See entire Sign Bylaw, Section 6-9 contained in a separate document)
(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

6-10 ANIMAL CONTROL BYLAW

A. Animal Control Officer

The Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" shall annually appoint an Animal Control Officer whose duties will be to: (1) act as the Dog Officer and implement and enforce the Dog Control Law as set forth herein in Section B; (2)

implement and enforce animal control laws as set forth herein in Section C; and (3) remove and dispose of dead animals on Town owned property, including schools, municipal buildings, recreational areas, and public ways, as set forth in Section D.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

B. Dog Control By-law

Section 1. Duties of the Animal Control Officer (Acting as Dog Officer)

The Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" shall annually appoint an Animal Control Officer, acting as Dog Officer, whose duty will be to apprehend any dog found running at large on any public way or public recreational area within the Town of Hanover or in violation of any of the provisions of this By-Law and to impound such dogs in the place provided therefor. The Animal Control Officer, upon receiving any such dog, shall make a complete registry, by entering the breed, color, sex and whether the dog is licensed. If licensed, the Animal Control Officer shall enter the owner's name, address and the license tag number. The owner, if known, shall be notified as soon as possible that the dog has been impounded. The owner of any dog, so impounded, may reclaim the dog upon payment of the fines, license fees, as set by the Board of Selectmen, and all of the costs incurred by the Town of Hanover for the impounding and maintenance of such dog as provided by law. An unlicensed or licensed dog not claimed by its owner within the waiting period of ten days shall be disposed of according law.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 2. Disturbing the peace by barking, etc.

No person shall own, keep or harbor in the Town of Hanover, any dog which, by barking, biting, howling or in any way or manner disturbs the quiet of any person for a prolonged period of time or endangers the safety of any person.

Section 3. Restraining of Dogs

No person owning or harboring a dog shall allow it onto any street, sidewalk, or public way unless it is effectively controlled by a restraint. No person owning or harboring a dog shall allow it onto any private residence under any circumstances without the prior consent of the property owner. No dog shall be allowed in any schoolyard without prior permission from the Dog officer or on any public recreation area unless it is controlled by a restraint. For the purposes of this section, a restraint shall be no longer than seven feet in length and shall be designed for the size, weight and power of the dog. Any dog used for demonstration or teaching purposes will be allowed off lead with prior notice to the Dog Officer.

Section 4. Muzzling or Confinement of Dogs

The Animal Control Officer may order a dog to be muzzled or confined to its owner's premises, when, in the Animal Control Officer's judgment, such action is required, for one or more of the following reasons:

1. If found at large or unmuzzled while an order of the Dog Officer for the confinement or muzzling of such dog is in effect.

2. If found running at large on a public way, in Town owned property such as schools, municipal

buildings or in a public recreational area.

3. For having bitten or have threatened the safety of any person.

4. For having killed or maimed or otherwise damaged any domesticated animal.

5. For having chased any vehicle upon any public way or way open to the public travel in the Town of Hanover.

6. For disturbing the peace, damaging property or for any violation of Section 2 and Section 3 of the Dog Control Law.

Section 5.

If any person shall make a complaint to the Animal Control Officer, concerning any violation of the By-Law, the Animal Control Officer shall investigate such complaint, and make such order concerning the restraint or disposal of the dog as may be deemed necessary.

Any person aggrieved by an order of the Animal Control Officer may make a complaint in writing about the dog, within 10 days of said order, to the Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" who shall act thereon, in accordance with the procedures set forth in Massachusetts General Laws Chapter 140, Section 157. Any person aggrieved by an order of the Town Manager issued pursuant to Massachusetts General Laws, shall have a right to first appeal to the Selectmen and then to the District Court as provided for in Massachusetts General Laws, Chapter 140, Section 157.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 6. Penalty

Any person who violates a provision of this By-Law shall be subject to a fine as shall be set by the Board of Selectmen, and all the incurred costs of the Town of Hanover for the impounding and maintenance of the dog and license fees (if applicable).

Section 7. License Fees

The annual fees to be charged by the Town of Hanover for the issuance of licenses for dogs shall be set by the Board of Selectman.

Section 8.

There is hereby established a late fee, which shall be set by the Board of Selectmen, to be paid by the owners of record as of January 1 of each year, who license said dog or dogs after the 1st of May. Said fee shall be due and payable at the time of licensing or after impoundment in accordance with Section 1 of this By-Law.

C. Animal Control Bylaw

Section 1 Duties of the Animal Control Officer

The Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of

Government for the Town of Hanover" shall annually appoint an Animal Control Officer whose duty will be to control problem animals in accordance with the provisions of 321 Code of Massachusetts Regulations 2.14., when such animals are on Town property, including, but not limited to, municipal buildings and grounds, school buildings and grounds, recreational areas, and public ways, or under the circumstances stated in 321 Code of Massachusetts Regulations, 2.14(18)(a) – (e), the terms of which are incorporated herein by reference.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 2. Certification

The Animal Control Officer shall be required to comply with the examination and recertification requirements set forth in 321 Code of Massachusetts Regulations 2.14(19) and 2.14(20), except in the circumstances set forth in 321 Code of Massachusetts Regulations 2.14(18)(a)-(3), the terms of which are incorporated herein by reference.

D. Removal of Dead and Injured Animals

Section 1. Dead Animals

The Animal Control Officer shall be authorized to remove and dispose of dead animals on Town property, including, but not limited to, municipal buildings and grounds, school buildings and grounds, recreational areas and public ways.

Section 2. Injured Animals

The Animal Control Officer may transport injured domestic animals on Town property, including, but not limited to, municipal buildings and grounds, school buildings and grounds, recreational areas, and public ways, to appropriate veterinary care, if, in the Animal Control Officer's discretion, such action is warranted. Once an injured domestic animal is taken into the Animal Control Officer's custody, the Animal Control Officer shall follow the procedures set forth in Section 1 of the Dog Control Law. If the domestic animal dies while in the Animal Control Officer's custody, the animal shall be disposed of as set forth in Section 1 herein.

The Animal Control Officer shall be authorized to deal with injured wild animals on Town property, including, but not limited to, municipal buildings and grounds, school buildings and grounds, recreational areas, and public ways, in a humane manner or as required by law.

(Accepted May 6, 2002) (Approved by the Attorney General April 7, 2003)

6-11 SOLICITATION

Section 1. Definitions

As used in this By-Law, the following terms shall have the meaning indicated:

'Solicitor' shall include the following: any person who, for himself or another person, firm, corporation, group or organization travels by foot, automobile or any type of conveyance from place to place, house to house, or from street to street, taking or attempting to take orders for goods, wares, merchandise, services, or securing or attempting to secure donations.

Solicitor shall also include any person requesting directly or indirectly any money, credit, property, financial assistance or anything of value in exchange for goods or service.

Solicitor shall not include any person who secures money, credit, property financial assistance or any other thing of value on the plea or representation that it will be used for a charitable or religious purpose or that it is to be exchanged for any such goods or services.

'Charitable' shall mean and include the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic, or fraternal, either actual or purported.
'Religious' and 'religion' as used herein shall not mean and include the word 'charitable' as herein defined, but shall be given their commonly accepted definitions.

'Person' shall mean any individual, firm, co-partnership, corporation, company, association, or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent, or other representative thereof.

Section 2.

No solicitor or any person representing a religious or charitable group as defined in Section 1 shall enter upon the property of a resident or business which is affixed with a sign prohibiting solicitors or canvassers or any similar signs prohibiting trespassers or entry onto property.

Section 3.

All solicitors as defined in section 1 must obtain a license from the Board of Selectmen prior to soliciting within the Town of Hanover. Upon receipt of the license, all solicitors must present said license to the Hanover police and register as a solicitor. All solicitors must have said license in their possession when soliciting within the Town of Hanover.

Section 4.

The Selectmen shall make available an application entitled "APPLICATION FOR SOLICITATION LICENSE." Upon receipt of the completed application and the application fee, the selectmen shall forward the application to the Town of Hanover Police Chief. The Police Chief shall review the application. Within twenty days of receipt of the application, the Police Chief shall issue a solicitation license or deny the application. If the Police Chief denies said application, he shall issue a written decision stating the reasons for the denial. Within twenty days of any such denial, the applicant can request a meeting with the Chief of Police to review the reasons for said denial. After any such meeting, the Police Chief shall either grant the application for a solicitation license or affirm the previous denial.

Section 5.

No license for solicitation shall be granted by the Police Chief unless the Board finds that the applicant has presented substantial evidence of the goods or services he is proposing to solicit.

Section 6.

If due notice is given of a violation of this section and that such a violation continues thereafter on the date of such notice, such a continuation shall constitute a separate offense. For each day thereafter that a violation continues

each day shall constitute a separate offense. Any person who commits an unlawful act described in this By-Law shall be punished by a fine of $100.00.

Section 7.

Each provision of this By-Law shall be deemed independent of all other provisions hereof, and it is further the intention of Town of Hanover that, if any provision of this By-Law is declared invalid, all other provisions hereof shall remain valid and enforceable.

(Accepted, May, 2003), (Approved by the Attorney General, August 20, 2003)

6-12 GASOLINE FILLING STATIONS

Section 1.

No person owning or operating a gasoline filling station shall allow the pumping of gasoline for retail sale without an attendant employed by the station present to hold the nozzle while gasoline is being pumped into the tank of the vehicle, except that:

A. The Board of Selectmen may issue a permit, after the same notice and hearing as required for Special Permits in Section 11 of chapter 40A of the General Laws, to provide self-service gasoline pumps only where the gasoline station also provides gasoline pumps staffed by station attendants. Approval shall not be granted until it is satisfactorily demonstrated that said use is safe and appropriate for the specific site and that it will not create a nuisance by virtue of odor, noise, smoke, vibration, traffic and further provided that the owner of the gasoline station first:

1. Notifies the Hanover Fire Chief, or his designee, in writing of his intention to seek a permit for self-service pumps; and

2. Obtains a permit from the Office of the Massachusetts Fire Marshall for the self-service gasoline pumps at the location to be considered by the Selectmen.

B. Failure to post a conspicuous notice to handicapped drivers or disabled veteran drivers at a gasoline station offering self-service pumps that handicapped or disabled veteran drivers with handicap or disabled plates or placards may obtain attendant service at self-service prices. Failure to comply with notice will be grounds for revoking self-service gasoline permit.

(Amended May 2, 1989), (Approved by the Attorney General, July 6, 1989)

6-13 SWIMMING POOL FENCING

(Amended in entirety May 11, 1976), (Approved by the Attorney General, August 10, 1976)

Section 1.

For the purpose of this article only, the term "swimming pool" shall mean any outdoor swimming or wading pool, above or below grade, located within the Town on privately owned land. The term "swimming pool" shall not apply to any swimming or wading pool which is totally enclosed by a building upon the owner's land.

Section 2.

Any swimming pool having a water depth exceeding 24 inches at any point shall be enclosed by a chain link fence with openings no greater than two (2) inches wide or by a stockade type fence. Said fence shall not be less than four (4) feet in height and shall be secured by a self-latching gate or gates which shall be kept securely closed when the swimming pool is not in use. Said fence and gate(s) shall be constructed and maintained so as to discourage entry over, though, or under the fence by small children.

Section 3.

A cabana, bath house, or other permanent structure may form part of the fence as described herein, provided that such permanent structure shall be constructed and maintained so as to discourage entry into the pool area by small children. If the said structure contains a door or gate accessible from outside the pool area, said door or gate shall be kept securely closed when the swimming pool may not be in use.

Section 4.

An above grade swimming pool may be excluded from the provisions of Section 2 of this article upon application by owner or his agent to the Selectmen, with the reasonable consent of abutting property owners, where all of the following conditions are met:

a. The sides of the pool structure are at least four (4) feet high;

b. The pool structure incorporates a deck and fence unit on top of and surrounding the pool structure;

c. The fence unit includes a self-latching gate or gates at least four (4) feet above grade which shall be kept securely closed when the swimming pool is not in use;

d. The pool structure shall be constructed and maintained so as to discourage entry to the pool by small children.

Section 5.

The Town Manager, or as otherwise provided for in accordance with "an Act establishing a Town Manager form of Government for the Town of Hanover" shall annually appoint an inspector who shall investigate any non-conformity with this article and shall promptly submit his findings and recommendations to the Town Manager.

(Amended May 3, 2011), (Approved by the Attorney General, January 9, 2012)

Section 6.

This article shall apply to all swimming pools within the Town, whether constructed before, on, or after the effective date of this article.

6-14 WETLANDS PROTECTION BYLAW

I. Purpose

The purpose of this bylaw is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Hanover by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect on resource area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, prevention and control of pollution, fisheries, shellfisheries, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, aquaculture, and recreation values deemed important to the community (collectively, the "resource area values protected by this bylaw").

This bylaw is intended to utilize the Home Rule authority of this municipality so as to protect the resource areas under the Wetlands Protection Act Massachusetts General Laws (M.G.L.) Ch.131 §40; (the Act) to a greater degree, to protect additional resource areas beyond the Act recognized by the Town as significant, to protect all resource areas for their additional values beyond those recognized in the Act, and to impose in local regulations and permits additional standards and procedures stricter than those of the Act and regulations there under (310CMR 10.00), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant bylaws of the Town of Hanover.

II. Jurisdiction

Except as permitted by the Conservation Commission no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater wetlands, marshes, wet meadows, bogs, swamps, vernal pools, springs, banks, reservoirs, lakes, ponds of any size, beaches, estuaries, lands under water bodies, and intermittent streams/brooks/creeks; or lands adjoining these resource areas out to a distance of 100 feet, known as the buffer zone. Said resource areas shall be protected whether or not they border surface waters. The buffer zone is not in itself a resource area.

Except as permitted by the Conservation Commission no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter perennial rivers, streams, brooks and creeks, and lands adjoining these resource areas out to a distance of 200 feet, known as the riverfront area.

Except as permitted by the Conservation Commission no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: lands subject to flooding or inundation by groundwater or surface water; and lands subject to tidal action, coastal storm flowage, or flooding. Said resource areas shall be protected whether or not they border surface waters.

The jurisdiction of this bylaw shall not extend to uses and structures of agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing agriculture, including work performed for normal maintenance or improvement of land in agricultural or aquacultural uses as defined by the Wetlands Protection Act regulations, found at 310 CMR 10.04.

III. Exemptions and Exceptions

Local Wetland Bylaws contain fewer exemptions than the MA Wetland Protection Act. As in this Bylaw, they often contain definitions that add to or improve upon those in the MA Wetland Protection Act. For example, the state Wetland Protection Act defines a pond (which is a protected resource) as having a size threshold of 10,000 sq. ft. This Bylaw would establish the threshold of a pond as 3000 sq. ft. allowing for the protection of such ponds as those off of Silver St. and Summer St. It is important that the bylaw be written in a way that meets local community needs.

The applications and permits required by this bylaw shall not be required for work performed for normal maintenance or improvement of land in agricultural and aquacultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04. The Attorney General interprets state laws encouraging agriculture as pre-empting the field of regulation by local bodies.

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

The applications and permits required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this bylaw, the exceptions provided in the Wetlands Protection Act (M.G.L. Ch. 131 §40) and regulations (310 CMR 10.00) shall not apply under this bylaw.

IV. Applications and Fees

Written application shall be filed with the Conservation Commission to perform activities affecting resource areas protected by this bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw. Proposed projects that incorporate Low Impact Development (LID) techniques are encouraged under this Bylaw.

The Commission in an appropriate case may accept as the application and plans under this bylaw any application and plans filed under the Wetlands Protection Act (M.G.L. Ch. 131 §40) and regulations (310 CMR 10.00), but the Commission is not obliged to do so.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination of Applicability (RDA), Abbreviated Notice of Resource Area Delineation (ANRAD) or ANRAD with Simplified Review filed under the Act shall include information and plans as are deemed necessary by the Commission.

At the time of the submission of any application, the applicant shall pay a filing fee specified in regulations of the Commission. The fee is in addition to that required by the MA Wetlands Protection Act and regulations. The Regulations for the Town of Hanover Wetland Protection Bylaw contain the up-to-date fee schedule for permits related to this Bylaw. Changes to the town fees related to wetland permitting will be done in consultation with the Hanover Fee Study Committee.

Pursuant to M.G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose (a Guaranteed Deposit Account). Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.

The applicant may appeal the selection of an outside consultant to the Selectmen, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received within ten (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

V. Notice and Hearings

Any person filing a permit application, including but not limited to an RDA, ANRAD, or ANRAD with Simplified Review, Notice of Intent or other request with the Conservation Commission that requires a public meeting or hearing, shall at the same time give written notice thereof, by certified mail with return receipt, or certificate of mailing, or hand delivered, to all abutters within 100 feet of the property lines of the subject parcel(s), at their mailing addresses shown on the most recent applicable property tax list of the assessors, including owners of land directly opposite on any public or private street or way, within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. Wording for said notice shall be approved by the Conservation Commission. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters also shall include a copy of the application or request, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Applicant or his/her representative to the owner(s) as well as to the person making the request.

The Commission shall conduct a public hearing on any permit application (NOI), RDA, or ANRAD with written notice given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in the municipality. The Commission shall commence the public hearing within 21 days from receipt of a completed permit application, RDA, or ANRAD unless an extension is authorized in writing by the

applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission in its discretion, based on comments and recommendations of the boards and officials listed in §VI.

The Commission shall issue its permit, other order or determination in writing within 21 days of receipt of a complete RDA application and within 21 days of the close of the public hearing for an NOI or ANRAD application, thereon unless an extension is authorized in writing by the applicant. The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act (M.G.L. Ch.131 §40) and regulations (310 CMR 10.00). In the event the Commission is prepared to deny an application or impose substantial conditions not proposed in the application, it shall notify the applicant of same prior to issuance of its final decision. If the applicant authorizes an extension for issuance of the decision and so requests, the Commission shall meet with the applicant to attempt to mutually resolve the applicant's concerns with the proposed decision.

VI. Coordination with Other Boards

Any person filing a permit application (NOI), RDA, or ANRAD with the Conservation Commission shall provide a copy thereof at the same time, by certified mail, or certificate of mailing, or by hand delivery, to the Conservation Commission of the adjoining municipality, if the application or RDA pertains to property within 100 feet of that municipality. An affidavit of the person providing notice, with a copy of the public hearing notice mailed or delivered shall be filed with the Commission. The Commission shall notify all pertinent Town Departments, as necessary, of the public hearing and will review any and all written comments or recommendations received by those boards or departments. The applicant shall have the right to receive any such written comments and recommendations, and shall be given time to respond to them at a public hearing of the Commission, prior to final action.

VII. Permits and Conditions

If the Conservation Commission, after a public hearing, determines that the activities which are subject to the permit application, or the land and water uses which will result therefrom, are likely to have a significant individual or cumulative effect on the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect. The Commission also shall take into account any loss, degradation, isolation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, not permitted or exempt, and foreseeable future activities.

If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect said resource area values, and all activities shall be conducted in accordance with those conditions. Where no conditions are adequate to protect said resource area values, the Commission is empowered to 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 comply with the procedures, design specifications, performance standards, and other requirements in regulations of the Commission; or for failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this bylaw. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its regulations, provided that: the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that

would allow the proposed activity to proceed in compliance with said regulations; that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and that the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

In reviewing activities within the buffer zone, the Commission shall presume the buffer zone is important to the protection of resource areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission may establish, in its regulations, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of such lands, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the bylaw. This Bylaw establishes the no-build setback from most wetland resource areas (including bordering vegetated wetlands) at 35 feet for single family & multifamily homes, paved driveways, sheds, pools, garages, & barns, and at 50 feet for commercial and industrial development projects.

In reviewing activities within the riverfront area, the Commission shall presume the riverfront area is important to all the resource area values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this bylaw, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the high likelihood of failure of replication.

The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it deems appropriate, regardless of the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or actual or possible presence of rare plant or animal species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act regulations (310 CMR 10.60).

The Commission shall presume that all areas meeting the definition of "vernal pools" under §IX of this bylaw, including the adjacent area, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations.

A permit, Order of Conditions (OOC), Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed for one or more periods of up to three years provided that the request for a renewal is received in writing by the Commission no less than 30 days prior to the expiration date of the corresponding permit. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.

For good cause the Commission may revoke any permit, (OOC), DOA, or ORAD or any other order, determination or other decision issued under this bylaw after notice to the holder, the public, abutters, and town boards, pursuant to §V and §VI, and after a public hearing.

Amendments to permits, (OOC), DOAs, or ORADs shall be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.

The Commission in an appropriate case may combine the decision issued under this bylaw with the permit, (OOC), DOA, ORAD, or Certificate of Compliance (COC) issued under the Wetlands Protection Act and regulations.

No work proposed in any application shall be undertaken until the permit, or ORAD issued by the Commission with respect to such work has been recorded in the Registry of Deeds, or if the land affected is registered land, in the Registry Section of the Land Court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish the recording fee therefore, either at the time of recording or as a condition precedent to the issuance of a COC.

VIII. Regulations

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw, effective when voted and filed with the town clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. At a minimum these regulations shall reiterate the terms defined in this bylaw, define additional terms not inconsistent with the bylaw, and impose filing and consultant fees.

IX. Definitions

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

The term **"agriculture"** shall refer to the definition as provided by M.G.L. Ch. 128 §1A.

The term **"alter"** shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
   B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
   C. Drainage, or other disturbance of water level or water table

D. Dumping, discharging, or filling with any material which may degrade water quality
E. Placing of fill, or removal of material, which would alter elevation
F. Driving of piles, erection, expansion or repair of buildings, or structures of any kind
G. Placing of obstructions or objects in water
H. Destruction of plant life including cutting of trees and shrubs
I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
K. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

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

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

The term **"pond"** shall follow the definition of 310 CMR 10.04 except that the size threshold of 3,000 square feet shall apply.

The term **"rare species"** shall include, without limitation, all vertebrate and invertebrate animals 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 Division.

The term **"vernal pool"** shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression. Regulations promulgated by the Conservation Commission will address the protection of the vernal pool habitat surrounding the vernal pool.

Except as otherwise provided in this bylaw or in associated regulations of the Conservation Commission, the definitions of terms and the procedures in this bylaw shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

X. Security

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

A. By a proper bond, deposit of money or negotiable securities under a written third-party escrow arrangement, 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 COC for work performed pursuant to the permit. These funds shall be held by the Town Treasurer in an Escrow Account which is non-interest bearing, and shall be released upon successful completion of the requirements as established for each account.

B. 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 municipality 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.

XI. Enforcement

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

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

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under G.L. Ch. 40 §21D, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

Upon request of the Commission, the Selectmen and town counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the chief of police shall take legal action for enforcement under criminal law.

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

Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of not more than $300 each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Commission may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40 §21D.

XII. Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Conservation Commission

supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

XIII. Appeals

A decision of the Conservation Commission shall be reviewable in the Superior Court in accordance with M.G.L. Ch. 249 §4, or in Land Court in instances where Land Court has jurisdiction.

XIV. Relation to the Wetlands Protection Act

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (M.G.L. Ch. 131 §40) and regulations (310 CMR 10.00) thereunder. It is the intention of this bylaw that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and regulations.

XV. Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

6-15 WATER RESOURCE PROTECTION BYLAW

Section 1. Purpose

The purpose of this by-law is to protect the public health by establishing performance standards which shall govern activities potentially affecting groundwater in the Water Resource Protection District.

Section 2. Applicability

A. The by-law shall apply to land within the Water Resource Protection District as delineated in the Zoning By-Law of the Town of Hanover.

B. All changes in land use, expansion of existing facilities, changes in drainage, wastewater disposal, logging, earthmoving, application of herbicides, pesticides and fertilizers, storage and handling of hazardous materials are regulated by this by-law.

C. Uses and activities in existence at the effective date of this by-law may be continued provided such uses and activities were in compliance with the Performance Standards in effect as of January 1, 2000 and a certificate of compliance was issued for such uses.

Section 3. Administrative Authority

Before a building permit may be issued in the case of new construction or before any change of use of any parcel of land within the district, a certificate of compliance shall be obtained from the Board of Public Works in accordance with this by-law.

A. The Board of Health shall require compliance with the applicable performance standards in this by-law in issuing permits to repair, enlarge or construct sewage disposal systems.

B. The Board of Public Works shall issue the certificate for existing uses in compliance with the Performance Standards in this by-law and shall inform applicants not in compliance of what requirements must be met. A certificate shall not be required for wood lots, uncultivated land and single family dwellings.

Section 4. Performance Standards

A. To limit nitrogen loading from sewage flow and fertilizer application to amounts which will be adequately diluted by natural recharge all uses shall meet the following performance standards:

1. The concentration of nitrate nitrogen resulting from domestic-type wastewater disposal and from fertilizer application shall not exceed 5 milligrams per liter as specified in the Cape Cod Commission Water Resources Office Nitrogen Loading Technical Bulletin 91-001 (April 1992) and Massachusetts Department of Environmental Protection, Bureau of Resource Protection Nutrient Loading approach to Wastewater Permitting and Disposal (August 1999). The method for calculating the nitrate-nitrogen loading is outlined in the Cape Cod Commission Technical Bulletin, and shall be based upon the following assumptions:

   a. Wastewater nitrate - N concentration of 35 mg/1 for residential, commercial, and other non-industrial wastewater.

      Fertilizer nitrate - Application rate of 3 lbs per 1,000 square feet of lawn, and an N leaching rate of 25%.

   b. Precipitation recharge rate of 18 inches per year.

   c. Recharge from impervious surfaces of 40 inches per year, with a nitrate-nitrogen concentration of 1.5 mg/l from paved surfaces, and 0.75 mg/l from roofs.

2. Compliance with this standard is presumed with a sewage flow as determined by Title 5 of the State Environmental Code (310 C.M.R. 15.00).

3. Compliance with this standard shall otherwise be certified by a registered Professional Engineer.

B. To prevent groundwater contamination from toxic and hazardous substances, all use, handling, and disposal of such substances shall meet the performance standards outlined in this section. Toxic and hazardous substances include any substance, solution or mixture thereof which because of its quality, concentration, physical, chemical, or infectious characteristics may present a potential hazard to human health when introduced into a drinking water supply, except sanitary wastewater from hygiene and food preparation for residents, employees and patrons. This includes, but is not limited to, the list of hazardous substances found in Parts 116 and 261 Title 40 of the Code of Federal Regulations, the list of Toxic Substances found in Section 307 of the Federal Clean Water Act of 1977, chemical constituents specified in Tables C and E of the Drinking Water Regulations of Massachusetts in concentrations greater than drinking water limits, acids and alkalis beyond the PH range of 5.5-8.5, heavy metal wastes and solutions, petroleum products including fuels and waste oils, organic solvents and any solid material which, if exposed to water, will partially dissolve, forming a toxic or hazardous liquid.

1. All toxic and hazardous substances shall be stored in product tight containers, as approved by the Board of Health, protected from corrosion, accidental damage or vandalism, and shall be used and handled in such a way to prevent spillage into the ground of surface waters. A product inventory shall be maintained and reconciled with purchase, use, sales and disposal records at sufficient intervals to detect product loss. New subsurface fuel and chemical storage tanks and piping shall be installed in concrete vaults or constructed of corrosion resistant materials approved by the Board of Health.

2. No toxic or hazardous substances shall be present in wastes disposed on the site. Wastes composed in part or entirely of hazardous substances shall be retained in product tight containers for removal and disposal by a licensed disposal contractor or as directed by the Board of Health.

3. Contaminant levels, except nitrate-nitrogen as discussed above, in groundwater resulting from disposal of process wastes or from wastewater treatment and disposal systems shall not exceed those levels specified in Sections 22.06 through 22.09 of the "Massachusetts Drinking Water Regulations" (DEP, March, 1997), and Sections 22.07C and 22.08 of the DEP addendum of June 1999, after allowing for dilution by natural recharge on the premises. If higher, background levels of individual constituents in the groundwater shall not be exceeded.

4. Pesticides applied shall be registered by the U.S. Environmental Protection Agency and the Commonwealth of Massachusetts Department of Food and Agriculture. Individual household application shall be in accordance with directions on those registered pesticides. Application for pesticides for other than individual household use is prohibited, unless prior approval is obtained from the Board of Public Works acting as the Board of Water Commissioners and in consultation with the Massachusetts Department of Environmental Protection and the Pesticide Program of the Massachusetts Department of Food and Agriculture.

C. To insure continued groundwater recharge, clearing, earthmoving and paving shall meet the following Performance Standards.

1. Clearing and earthmoving operations shall not cause siltation of recharge areas and streams.

2. Excavations other than temporary construction operations shall not lower the ground surface to within less than four feet of the groundwater level, as established by testing procedures under Title V of the State Environmental Code (310 C.M.R. 15.000) and the regulations of the Board of Health.

3. Runoff from impervious surfaces shall be directed to recharge the groundwater on the lot. Runoff from paved vehicular areas except single family residence drives shall first be treated as stormwater in accordance with Subsection 5 of this By-Law and, where applicable, the Massachusetts Stormwater Management Standards.

Section 5. Compliance Review

A. The Board of Health and the Board of Public Works shall specify the type of information required

in order to review each application for a Disposal Permit or Certificate of Water Quality Compliance. The required information shall include, but not be limited to the following:

1. A complete list of all chemicals, pesticides, fuels and other potentially hazardous substances to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures to protect from vandalism, corrosion and leakage, and to provide for control of spills.

2. A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal methods.

3. Evidence of approval by Massachusetts Department of Environmental Protection of any industrial waste treatment or disposal system of any wastewater treatment system over 10,000 gallons per day capacity accompanied by analysis by a Professional Engineer in Sanitary or Civil Engineering, certifying compliance with all applicable performance standards.

B.

1. The Board of Health and/or Board of Public Works may require the installation of monitoring wells and analysis of groundwater samples at the applicant's expense.

2. The Board of Public Works and/or the Board of Health shall require periodic testing and inspection of all subsurface fuel and chemical storage tanks. The frequency and type shall be specified in regulations by the Board of Health.

C. The Board of Public Works shall issue Certificates of Water Quality Compliance and the Board of Health shall issue Disposal Permits within 30 days of receipt of all required information providing such application for use or construction conforms to Section 4 of this by-law.

Section 6. Enforcement

A. The agent for the Board of Public Works, acting as a Board of Water Commissioners, shall be the enforcing agent for provisions of a Certificate of Water Quality Compliance.

B. The enforcing agent may according to law enter upon any premises at any reasonable time to inspect for compliance with the provisions of the by-law. Information necessary to demonstrate compliance shall be submitted at the request of the enforcing officer. If requested, a sample of wastewater disposed to onsite sewage disposal systems shall be provided to the enforcing officer for testing. All records pertaining to waste disposal and removal shall be retained for no less than five (5) years, and shall be made available for review by the enforcing officer within 48 hours of a request.

C. Written notice of a violation shall be given by the enforcing agent specifying the nature of the violation and a time for compliance including clean-up of any spilled materials which is reasonable in relation to the public health hazard involved and the difficulty of compliance.

D. Penalty for failure to comply with any provisions of the by-law shall be $200 per day of violation.

Section 7. Severability

In any provision hereof or the application thereof to any person or circumstances is held invalid such invalidity shall not affect other provisions hereof or applications thereof which can be given effect without the invalid provision or application.

(Accepted October, 1980), (Approved by the Attorney General, January 22, 1981)
(Amended May 1, 2000), (Approved by the Attorney General, August 1, 2000)

6-16 NUMBERING OF DWELLINGS AND BUSINESSES

Section 1.

A. Each new dwelling or business building shall be numbered on front of building in location which is clearly visible from street. Said numbers shall be a minimum of "3" high. A compliance tag will be required by the Building Inspector before Certificate of Occupancy is issued.

B. Upon transfer of title of any building existing before acceptance of this by-law, a similar certificate of compliance will be required.

C. All other buildings, not affected by above shall comply with this by-law within two (2) years of its acceptance.

D. The purpose of this Article is to clearly mark all buildings in the town of Hanover for proper identification with regard to public safety.

(Accepted May 6, 1986), (Approved by the Attorney General, June 26, 1986)

6-17 FEES FOR REMOVAL OR RELOCATION OF UNDERGROUND GASOLINE STORAGE TANKS

The Board of Selectmen shall establish a fee for removal or relocation of underground gasoline storage tanks. Said fee shall be in the amount not to exceed the maximum established by Massachusetts General Laws, Chapter 148, Section 38A.

(Accepted September 6, 1989), Approved by the Attorney General, Dec. 18, 1989)

6-18 FEES

Section 1. Town Clerk

The Town Clerk is authorized to set all fees or charges associated with the operation of his office.

(Amended May 4, 1992), (Approved by the Attorney General, August 25, 1992)

Section 2. Board of Selectmen

The Board of Selectmen is authorized to establish reasonable fees or charges, including fees and charges for

licenses, certificates, permits and services, not otherwise committed to the responsibility of other Officers of the Town.

(Amended May 4, 1992), (Approved by the Attorney General, August 25, 1992)

Section 3. Town Boards and Departments

All Boards and Departments of the Town are authorized to require that any reasonable costs incurred, directly or indirectly, to issue a license, certificate, permit, or service required by the Town be borne by the applicant/beneficiary of such license, certificate, permit or service, either by reimbursement to the Town or by direct payment by the applicant/beneficiary to any third party provider from whom services have been procured by the Town of such purposes.

(Accepted May 7, 1990), (Approved by the Attorney General, August 29, 1990)

Section 4.

A. All Town Departments, Boards, Commissions and Officers shall seek and obtain Town Meeting approval for any increase in the fee(s) or amount(s) charged for any license, certificate, fine, permit, penalty, inspection, application, or service or work performed for a person or class of persons by that Town Department, Board, Commission or Officer, except as otherwise authorized by law. Town Meeting approval shall not be required for a state- or federally-mandated increase in the fee(s) or amount(s) charged for any license, certificate, fine, permit, penalty, inspection, application, or service or work performed for a person or class of persons by a Town Department, Board, Commission or Officer. In the event of an unforeseen circumstance the Board of Selectmen can temporarily approve a requested increase to be ratified at the next Annual Town Meeting, provided that no other Town Department, Board, Commission or Officer is exclusively authorized by law to increase said fee(s) or charge(s). Exempt are revolving accounts. Any temporary increase in fees, thus approved, and that are not subsequently ratified at town meeting, will be refunded to the payee.

B. All Town Departments, Boards, Commissions and Officers shall seek and obtain Town Meeting approval to establish or create a new fee or amount charged for any license, certificate, fine, permit, penalty, inspection, application, or service or work performed for a person or class of persons by that Town Department, Board, Commission or Officer, except as otherwise authorized by law. Town Meeting approval shall not be required for a state- or federally-mandated fee(s) or amount(s) charged for any license, certificate, fine, permit, penalty, inspection, application, or service or work performed for a person or class of persons by a Town Department, Board, Commission or Officer. In the event of an unforeseen circumstance the Board of Selectmen can temporarily approve a request for a new fee, with such new fee to be ratified at the next Annual Town Meeting. Exempt are revolving accounts. Any temporary fees, thus approved, and that are not subsequently ratified by town meeting, will be refunded to the payee.

C. Any proposal by a Town Department, Board, Commission or Officer to create a new, fee or charge or increase an existing fee or charge for a license, certificate, fine, permit, penalty, inspection, application, or service or work performed for a person or class of persons shall require a public hearing to be held no later than 30 days prior to the Town Meeting, at which it is to be considered.

Section 5.

All Town Departments, Boards, Commissions and Officers shall provide to the Town Clerk a list of all licenses, fees, fines and permits for applications, service, inspection or penalty to be published in the Annual town report. In addition they shall also visibly post in their respective offices a complete list of all licenses, fees, fines and permits. The Board of Selectmen shall cause this information to be posted and updated as needed on the Town's web site.

6-19 RECYCLING OF WASTE MATERIALS

Section 1.

In order to implement a program of recycling in conjunction with ordinary waste disposal, all owners, residents, and occupants of every household, residential unit, commercial facility, or other building whose waste is deposited at the Transfer Station shall separate for disposal, in such manner as designated by the Board of Public Works, any type of solid waste, including, but not limited to paper, glass, scrap metal, aluminum, white goods, rubber, plastics, used tires, oil, yard waste, as may be designated from time to time.

Section 2.

The Board of Public Works shall adopt regulations to implement a program of recycling in the Town. The regulations adopted by the Board may be amended to add other categories to the above list of waste materials to be separated as the Town develops programs and the capacity to recycle other types of waste material.

Section 3.

If waste materials are not separated as required by the regulations promulgated under this by-law, the owner of the property or the person responsible for the waste shall be subject to a fine not exceeding $200.

Section 4.

Anyone who generates recyclable waste within the Town Boundaries, but does not deposit that waste at the Town Transfer Station, shall be required to recycle. Any owner of property or person who deposits waste within the Town boundaries, but not at the Transfer Station, to circumvent this By-Law and/or regulations promulgated shall be subject to a fine not exceeding two hundred ($200) dollars.

(Amended May 3, 1999) (Approved by the Attorney General, August 5, 1999)

Section 5.

If any provision hereof, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions hereof, or application thereof, which can be given effect without the invalid provision or application.

(Accepted May, 1991), (Approved by the Attorney General, August 22, 1991)

6-20 DEFENSE OF TOWN OFFICIALS

In the event that any civil action, suit, or proceeding, of whatever nature, is brought by any party other than the Town of Hanover against a present or former officer, department head, or member of a board or committee in his individual capacity, based upon, or arising out of an act, or a failure to act, of such officer, department head, or

member, which is in his official capacity, the Board of Selectmen may, upon the written request of such officer, department head, or member, retain legal counsel or authorize the private retention of legal counsel for the defense thereof and pay from any available general appropriation for legal services all costs and expenses of such defense including the fees of said counsel provided that such officer, department head, or member shall enter into an undertaking , in such form and with such security or without security as the Selectmen shall determine to repay to the Town all such costs and expenses directly related to the defense of such officer, department head, or member, if he is finally adjudged to have acted in a grossly negligent, willful or malicious manner or outside the scope of his official duties or employment.

(Accepted May, 1994), (Approved by Attorney General, August 17, 1994)

6-21 REVIEW BY TOWN APPOINTED ENGINEERING FIRM

A Town-appointed engineering firm shall be required to review all plans associated with the construction of buildings or building projects as defined in Chapter 2 and Chapter 6 of the Commonwealth of Massachusetts State Building Code where the provisions of Chapters 9, 10, 16 and 22 of the Commonwealth of Massachusetts State Building Code are required. Buildings classified as R-3, R-4, and Use Group U as defined in the Commonwealth of Massachusetts Building Code shall be exempt from this by-law. The cost of the review by the Town-appointed engineering firm shall be paid by the developer, applicant, or owner.

(Accepted May, 1994), (Approved by the Attorney General, August 17, 1994)
(Amended May 1997), (Approved by the Attorney General, August 20, 1997)

6-22 VIOLATION OF THE FIRE CODES

Section 1. Incorporation of Regulations

In order to protect and enhance public safety by reducing the risk of fire hazard, the provisions of the Code of Massachusetts Regulations 527 CMR 1.00 to 50.00 as from time to time amended, are hereby incorporated in and made part of this by-law and any violation of any provision thereof shall constitute a violation of this section.

Section 2. Violations and Penalties

Whoever violates any provision of this by-law shall be punished by a fine of fifty dollars ($50) for each offense. In the case of any continuing violation, each day said violation continues shall constitute a separate offense. This by-law may be enforced pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21D by the head of the Fire Department or his authorized designee as well as by town officers having police powers.

Section 3. Abatement of Fire Hazards

The Fire Chief or his authorized designee, upon complaint of a person having an interest in any building or premises or property adjacent thereto, shall at any reasonable hour, enter into said buildings and upon said premises, or adjacent property, within the jurisdiction of said Town and make an investigation as to the existence of conditions likely to cause fire. He shall, in writing, order such conditions to be remedied, and whenever such officers or persons find in any building or upon any premises any accumulation of combustible rubbish, including, but not limited to, wastepaper, rags, cardboard, string, packing material, sawdust, shavings, sticks, waste leather or rubber products, broken boxes or barrels or any refuse or unusable material that is or may become dangerous as a fire hazard or as an obstacle to easy ingress into or egress from such buildings or premises, they shall, in writing, order the same to be removed or such conditions to be remedied. Notice of such order shall be served upon the owner, occupant or his authorized agent by a member of the Fire or Police Department. If said order is not complied within twenty-four (24) hours or such additional time as the enforcing person determines reasonable as

stated in said notice, the person making such order, or any person designated so to do, may enter into such building or upon such premises and remove such refuse, or any unusable materials or abate such conditions and the owner or occupant of said premises shall be liable for reasonable expenses incurred in doing so. Any expense so incurred shall be a lien upon such building or premises, effective upon the filing in the appropriate Registry of Deeds a statement of claim therefor signed by the enforcing person and setting forth the amount of said lien.

The lien shall be enforced within the time and in the manner provided for the collection of taxes upon real estate. Any such owner or occupant who fails or refuses to comply with said order shall be punished by a fine of fifty dollars ($50.00). Each day non-compliance continues shall constitute a separate offense.

(Accepted May, 1994), (Approved by the Attorney General, August 17, 1994)

6-23 STREET OPENING PERMITS

No person, except a duly authorized officer of the Town, shall without a permit from the Board of Public Works, acting through the Superintendent of Public Works, dig up a portion of a public way. Every permit granted shall specify the length of time it shall continue in force. Every person receiving such permit shall execute a written agreement to indemnify and save harmless the Town against all damages, attorneys' fees or costs by reason of any claim for damages arising out of the existence of such excavation. The Board of Public Works may impose such conditions, terms and limitations as they shall see fit in respect to erecting barricades, maintaining lights, and taking other precautions for the safety of travelers.

Whenever the Town has developed plans to apply an asphalt overlay, or to perform any other kind of substantial repair or reconstruction of a publicly maintained street, the Board of Public Works, or its representative, will give written notice to the Town Departments and to all public utilities, which it knows to have pipes, wires or other facilities in or under the street proposed for repair. Notice shall also be given by publishing the same once in a newspaper of general circulation in the Town. Such notices shall be given at least sixty (60) days prior to the date upon which construction is to begin.

Any person or utility wishing to install pipes, wires or their facilities under the street proposed for repair shall have sixty (60) days from the date such notice is published in which to install or lay any such facility. If an extension of time is needed by a person or utility for the installation of such facilities, the person or utility shall make a written application to the Board of Public Works explaining fully the reasons for requesting such an extension of time. In making its decision the Board shall weigh the public interest in expeditious completion of the proposed street improvements against any hardship which will be suffered by the applicant, if an extension is not granted.

(Accepted, May 1996) (Approved by the Attorney General, September 4, 1996)

6-24 WATER USE RESTRICTION BY-LAW

(Voted at Annual Town Meeting, May 1, 2000 as 6-23. A scrivener's/numerical error. Article inserted as 6-24)

Section 1. Authority

This By-Law is adopted by the Town under its police powers to protect public health and welfare and its powers under 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 water supply emergency issued by the Massachusetts 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 Conservation or 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 Massachusetts Department of Environmental Protection.

Section 3. Definitions

Person shall mean any individual, corporation trust, partnership, association, or entity.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Massachusetts 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 public and private users of the Town of Hanover's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

Section 4. Declaration of a State of Water Supply Conservation

The Town through its Board of Public Works may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water 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. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

a) Odd/Even Day Outdoor Watering Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.

b) Outdoor Watering Ban Outdoor watering is prohibited.

c) Outdoor Watering 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.

d) Filling Swimming Pools Filling of swimming pools is prohibited.

e) Automatic Sprinkler Use The use of automatic sprinkler systems is prohibited.

f) Sprinkler Use The use of sprinklers of any kind is prohibited.

Section 6. Public Notice of a State of Water Supply Conservation; Notification of DEP

Notification of any provision, 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. Any restrictions imposed under section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

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 Public Works, 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 required by section 6.

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

Upon notification to the public that a State of Water Supply Emergency has been issued by the Massachusetts Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

Section 9. Penalties

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 which shall inure to the Town for such uses as the Board of Public Works may direct. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws. Each day of violation shall constitute a separate offense.

Section 10. Severability

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

(Accepted May 1, 2000) (Approved by the Attorney General, August 1, 2000)

6-25 REGULATION OF MECHANICAL POTECTION DEVICES

Section 1. Definitions

When used in the By-law, the following terms, phrases and words shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. Hanover Emergency Communication Center: Hereinafter referred to as ECC

B. Hanover Police Department: hereinafter referred to as HPD

C. Hanover Fire Department: hereinafter referred to as HFD

D. Alarm System

An assembly of equipment and devices or a single device arranged to signal the presence of a hazard requiring urgent attention to which police and/or fire personnel are expected to respond.

Exceptions:

Alarm systems which monitor temperature, smoke, humidity and other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery or a fire at a premises.

E. False Alarm

a. The activation of an alarm through mechanical failure, malfunction, improper installation, an action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or occupant, causing accidental activation of the internal alarm system.

b. Any signal or automatic dialing device, or oral report, transmitted to the ECC requesting or requiring or resulting in a response on the part of the Police or Fire Department, when, in fact, there has been no unauthorized intrusion, robbery or burglary, attempted threat, or fire, or smoke, heat or health emergency.

Exceptions:

i. Activation of alarm systems for the purposes of testing with prior approval of the Police or Fire Departments shall not be deemed a false alarm.

ii. An act of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes, and similar weather or atmospheric disturbances shall not be deemed a false alarm.

F. Alarm System Owner/User

a. An individual or entity that owns the title to and/or has on a business or residential premises an Alarm system equipped to send a signal to a central station operating company or directly to the ECC.

b. Any system, which employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, shall be within the definition of "alarm system" and shall be subject to this by-law.

G. Central Station Operating Company

An office to which remote alarm and supervisory signaling devices are connected where operators supervise circuits or where guards are maintained continuously to investigate signals.

H. Automatic Dialing Device

Refers to an alarm system which sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm

system is designed to protect.

Section 2. Control and Curtailment of Signals Emitted by Alarm Systems

A. Every alarm user shall submit to the HPD and/or HFD his/her name, address and telephone number, and the names and telephone numbers of at least two other persons who are authorized to respond, after notification by the ECC, HPD or HFD, to an emergency signal transmitted by an alarm system and who can access the premises wherein the alarm is installed. IT shall be incumbent upon the owner of said premises to immediately notify the HPD and/or HFD of any change in the list of employees, or other persons authorized to respond to alarms.

B. Any alarm system installed after the effective date of this by-law which use an audible horn or bell shall be equipped with a device that will shut off such bell or horn within fifteen (15) minutes if activation of the alarm system. All existing alarms within the Town of Hanover must have a shut-off device installed within 6 months of passage of this by-law.

C. Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7 PM and 6 AM which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph (A) of this section, and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance, The Police Chief shall cause to be recorded the names and addressed of all complaints and the time each complaint was made.

D. No alarm system, which is designated to transmit emergency messages as signals to the ECC, will be tested unless the ECC, HPD and/or HFD have been notified in advance. Any unauthorized test constitutes a false alarm.

E. The provisions of this by-law shall not apply to premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle or trailer.

Section 3. Penalties

If there is a False Alarm, as defined herein, the Town of Hanover shall assess a fine against the alarm system owner for each False Alarm per fiscal year (July 1 – June 30). According to the following schedule.

A. First through third malfunction: No charge.

Upon recording of the third false alarm by the ECC, the HPD and/or HFD shall notify the owner of the building, in writing and by certified mail, of such fact, and at that time inform the owner of the Department's policy with regard to charging for false alarms. (Attach copy of this policy to notification).

Further Alarms: Fines will be set by the Board of Selectmen. Following a review of pertinent circumstances, the Police or Fire Chief or his/her designee may waive the penalty phase of this by-law.

B. Property/Business owners will be billed once a month for the previous month's false alarm activity. All fines shall be paid to the Town of Hanover Police and/or Fire Department for deposit to the Town's general fund.

C. After thirty (30) days, delinquent bills, with any additional administrative fee as set by the Board of Selectmen, will be forwarded to the Town's Deputy Collector. All fees associated with the Collection of fines are the responsibility of the Property/Business Owner.

(Accepted May, 2002) (Approved by the Attorney General, April 7, 2003)

6-26 PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS

Section A. Intent and Purpose

This by-law is adopted for the purpose of identifying and protecting the historic and aesthetic qualities of the Town by preserving, rehabilitating or restoring whenever possible, buildings, structures or properties which constitute or reflect distinctive features of the architectural, aesthetic, or historic resources of the Town.

Section B. Definitions

Abutter - Any owner of a property that is contiguous to another, or for the interpretation of this by-law is directly opposite to the property in question.

Building - Any combination of materials forming a shelter for person, animals, or property.

Commission - The Hanover Historical Commission

Demolition - Any act of commencing to pull down or destroy or raze a building

Inspector - Hanover Building Inspector

Significant Building - A building determined by the Commission or its designee to be significant based on any of the following criteria:

The Building is listed on the National Register of Historic Places or is eligible for listing.

The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or Commonwealth.

The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

Preferably Preserved - Any significant building which the Commission determines, following a public hearing, is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to not more than a twelve (12) month demolition delay period by this by-law.

Section C. Procedure

No demolition permit for a building, which is in whole or in part, seventy five (75) years or more old, shall be issued without following the provision of this by-law. If a building is of unknown age, it shall be assumed that the building is over 75 years old for the purposes of this by-law.

An applicant proposing to demolish a building subject to this by-law shall file with the Building Inspector an application, provided by his office.

If the application for demolition is for a structure subject to this bylaw, the Building Inspector shall within seven (7) days forward a copy of the application to the Commission.

The Commission, shall within thirty (30) days after the receipt of the application, make determination of whether the building is significant.

Upon the determination by the Commission that the building is not significant, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.

Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Inspector and applicant in writing. No demolition permit may be issued at this time.

If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Inspector and the applicant in writing. The Building Inspector may then issue the demolition permit.

If the Commission finds that the building is significant, it shall hold a public hearing within thirty (30) days of the written notification to the Building Inspector. Public notice of the time, place, and purpose of the hearing shall be posted in a conspicuous place in town hall for a period of not less than seven (7) days prior to the date of said hearing. Abutters shall be notified in writing at least five (5) business days before a proposed hearing.

The Commission shall decide at the public hearing or within fourteen (14) days after the public hearing whether the building should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may be issued within twelve months of the day of notification unless otherwise agreed by the Commission. During this delay the Commission will meet with the applicant to explore alternatives to demolition.

If no alternative to demolition is reached during the delay period, and/or the Commission finds it is in the public interest to do so, it may notify the Building Inspector in writing that the demolition permit may be issued.

At the conclusion of the delay period, absent action by the Commission, the Building Inspector may issue the demolition permit.

Section D. Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms of this by-law.

The Commission is authorized to adopt a schedule of any fees to cover the costs that may be associated with the administration of this by-law.

The Commission may delegate authority to one or more members of the Commission.

The Commission may delegate authority to municipal staff under this by-law.

Section E. Emergency Demolition

If after a site inspection, the Building Inspector, the Fire Chief, or the Board of Health Agent determine that a building poses an immediate threat to public health or safety due to its deteriorated condition, the Building Inspector may issue an emergency demolition permit, and report to the Commission the conditions of the action.

Section F. Enforcement and Remedies

The Commission and/or Building Inspector are each specifically empowered to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of the by-law or to prevent a threatened violation thereof. Any owner of a building demolished without first obtaining a demolition permit in accordance with the provisions of this by-law shall be subject to a fine of not more than Three Hundred Dollars ($300.000). Each day the violation exists shall constitute a separate offense unless a faithful restoration of the demolished building is completed. If the building is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of three (3) years from the date of the demolition on the subject parcel of land unless a building permit is issued for a faithful restoration or unless otherwise agreed to by the commission.

Section G. Severability

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

(Accepted May, 2003), (Approved by the Attorney General, August 20, 2003)

6-27 SEX OFFENDER RESIDENCY BYLAW

Section 1. Definitions

1. "Park" means public land owned or controlled by a unit of local government, and located within the Town of Hanover, that is designated by the unit of local government for use solely or primarily for children's recreation; town recreational areas including but not limited to, a forest preserve, jogging trail, hiking trail, water park, swimming pool, soccer field or baseball field under the jurisdiction of a unit of local government.

2. "Town Library" means the structure in which the John Curtis Free Library is located.

3. "School" means any public or private educational facility that provides services to children in grades kindergarten – 12, or any one or more such grades.

4. "Day Care Center" means an establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Department of Early Education and Care, or its successor.

5. "Elderly Housing Facility" means a building or buildings on the same lot containing four or more dwelling units restricted to occupancy by households having one or more members fifty-five years of age or older.

6. "Place of Worship" means a structure used for religious worship or religious education purposes on land owned by, rented by, or held in trust for the use of any religious organization.

7. "Loiter" means remaining in or around town park property for more than fifteen (15) minutes.

8. "Sex Offender" means a person who resides, works or attends an institution of higher learning in the Commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under G.L. c. 123A §14, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said c. 123A, whichever last occurs, on or after August 1, 1981.

9. "Sex Offender Registry" means the collected information and data that is received by the Criminal History Systems Board pursuant to General Law Chapter 6, Sections 178C to 178P, inclusive, as such information and data is modified or amended by the Sex Offender Registry Board or a Court of competent jurisdiction pursuant to said Sections 178C to 178P, inclusive.

10. "Permanent Residence" means a place where a person lives, abides, lodges, or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year.

11. "Temporary Residence" means a place where a person lives, abides, lodges, or resides for a period of less than five (5) consecutive days or fourteen (14) days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges, or resides and which is not the person's permanent residence.

12. "Establishing a Residence" means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

13. "Sex Offense Involving a Child" means an indecent assault and battery on a child under the age of 14 under MGL section 13B of Chapter 265; rape of a child under the age of 16 with force under MGL section 22A of said Chapter 265; rape and abuse of a child under MGL section 23 of said Chapter 265; assault of a child with intent to commit rape under MGL section 24B of said Chapter 265; kidnapping of a child under the age of 16 under MGL section 26 of said Chapter 265; enticing a child under the age of 16 for purposes of committing a crime under MGL section 26C of said Chapter 265; inducing a minor into prostitution under MGL section 4A of Chapter 272; living off or sharing earnings of a minor prostitute under MGL section 4B of said Chapter 272; disseminating to a minor matter harmful to a minor under MGL section 28 of said Chapter 272; posing or exhibiting a child in a state of nudity under MGL section 29A of said Chapter 272; dissemination of visual material of a child in a state of nudity or sexual conduct under MGL section 29B of said Chapter 272; unnatural and lascivious acts with a child under the age of 16 under MGL section 35A of said Chapter 272; aggravated rape under MGL section 39 of Chapter 277; and any attempt to commit a violation of any of the aforementioned sections pursuant to MGL section 6 of Chapter 274 or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.

Section 2. Sexual Offender Residence Prohibition; Penalties; Exceptions

1. It is unlawful for any sex offender so long as finally classified as a level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, to establish a permanent residence within one thousand (1,000) feet of any school, town library, day care center, park, elderly housing facility or place of worship.

2. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence to the nearest outer property line of a school, town library, day care center, park, elderly housing facility or place of worship.

3. Notice to move. Any sex offender, so long as finally classified level 2 or 3 offender who establishes a permanent residence within one thousand (1,000) feet of any school, town library, day care center, park, elderly housing facility or place of worship shall be in violation of this section and shall, within thirty (30) days of receipt of written notice of the sex offender's noncompliance with this bylaw, move from said location to a new location, but said location may not be within one thousand (1,000) feet of any school, town library, day care center, park, elderly housing facility or place of worship. It shall constitute a separate violation for each day beyond the thirty (30) days the sex offender continues to reside within one thousand (1,000) feet of any school, town library, day care center, park, elderly housing facility or place of worship. Furthermore is shall be a separate violation each day that a sex offender shall move from one location in the Town of Hanover to another that is within one thousand (1,000) feet of any school, town library, day care center, park, elderly housing facility or place of worship.

4. Penalties. Violation of this bylaw, or of any regulations adopted hereunder, may be enforced through any lawful means in law or in equity by the Board of Selectmen, Town Manager, or their duly authorized agents, or any police officer of the Town of Hanover including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D. Each day a violation exists shall constitute a separate violation. The penalties shall be as follows:

    a. First Offense: Notification to offender that he/she has thirty (30) days to move.

    b. Subsequent Offense: Non-criminal fine of $300.00, enforceable by a police officer, and notification to the offender's landlord, parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board that the person has violated a municipal ordinance.

5. Exceptions. A person residing within 1,000 feet of any school, town library, day care center, park, elderly housing facility or place of worship does not commit a violation of this section if any of the following apply:

    a. The person established the permanent residence and reported and registered the residence pursuant to G.L.C.6, §§178C to 178P, inclusive, prior to the effective date of this bylaw.

    b. The person was a minor when he/she committed the offense and was not convicted as an adult.

    c. The person is a minor.

    d. The school, town library, day care center, park, elderly housing facility or place of worship within 1,000 feet of the personal permanent residence was established after the person established the permanent residence and reported and registered the residence pursuant to the Sex Offender Registry Act, MGL c.6, §§178C to 178P.

    e. The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.

    f. The person is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to G.L. c. 123.

g. The person is a mentally ill person subject to guardianship pursuant to G.L. c. 201 §6 or a mentally retarded person subject to guardianship pursuant to G.L. c. 201 §6A, residing with his or her guardian or residing within a group residence that is professionally staffed and supervised 24 hours a day.

Section 3. Prohibition

1. It shall be unlawful for a sex offender who has been convicted of a sex offense involving a child to knowingly be present in any Town park.

2. It shall be unlawful for a sex offender who has been convicted of a sex offense involving a child to loiter within 300 feet of a Town park.

3. Enforcement. If a police officer has a reasonable suspicion that a sex offender who has been convicted of a sex offense involving a child is in a Town park or loitering within 300 feet of a Town park, in violation of this by-law, the officer shall be authorized to require said sex offender to provide his/her name, address, and telephone number. Failure to provide information as provided for in this bylaw shall be considered an arrestable offense. If it is established that the individual is a sex offender who has been convicted of a sex offense involving a child, then the officer shall notify said sex offender that he/she is in violation of this bylaw.

4. Non-Criminal Fine. In addition to enforcement by any means in law or in equitycriminal complaint, a violation of this section may also be enforced by a police officer by non-criminal complaint pursuant to the provisions of Mass. G.L. c. 40 section 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of this section shall be $300.00.

If any provision of this by-law is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect. If any provision of this bylaw is in conflict with state law, state law will prevail.

(Accepted May, 2010), (Approved by the Attorney General, October 18, 2010)

6-28 Discharges To The Municipal Storm Drain System

Section 1. Purpose

Increased and contaminated stormwater runoff is a major cause of: impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Hanover's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this By-Law are:

1. to prevent Pollutants, as defined herein, from entering the Town of Hanover's municipal separate storm sewer system (hereinafter, the "MS4");
2. to prohibit illicit connections and unauthorized discharges to the MS4;
3. to require the removal of all such illicit connections;

4. to comply with state and federal statutes and regulations relating to stormwater discharges;
5. to establish the legal authority to ensure compliance with the provisions of this By-Law through inspection, monitoring, and enforcement.
6. to provide the authority for the adoption of regulations by the Planning Board and Conservation Commission to aid in the implementation and enforcement of this Bylaw.

Section 2. Definitions

For the purposes of this By-Law, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCIES: The Town of Hanover Planning Board [the Board]) and Conservation Commission [the Commission], its employees or agents designated to enforce this By-Law.

BEST MANAGEMENT PRACTICE ("BMP"): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended.

CRAWL SPACE: A low space beneath the lowest story of a building that serves no other purpose (i.e., storage, living space) other than giving workers access to building utilities (e.g., plumbing or wiring equipment).

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER: Water beneath the surface of the ground.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an unauthorized discharge of pollutants into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water; and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this By-Law.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to Section 8, of this By-Law.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes, without limitation, roads, paved parking lots, sidewalks, tennis/sports courts and rooftops.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Hanover.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, unincorporated entity, business enterprise, 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.

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

(1) paints, varnishes, and solvents;
(2) oil and other automotive fluids;
(3) non-hazardous liquid and solid wastes and yard wastes;
(4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
(5) pesticides, herbicides, and fertilizers;
(6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
(7) dissolved and particulate metals;
(8) animal wastes;
(9) rock, sand, salt, soils unless applied for the purpose of public safety during winter conditions;
(10) construction wastes and residues; and
(11) noxious or offensive matter of any kind.

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

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

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

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

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.
WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Section 3. Applicability

This By-Law shall apply to flows entering the municipally owned storm drainage system.

Section 4. Authority

This By-Law is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

Section 5. Responsibility for Administration

The Board and Commission shall administer, implement and enforce this By-Law. Any powers granted to or duties imposed upon the Board and Commission may be delegated in writing by the Board and Commission to employees or agents of the Board and Commission.

Section 6. Regulations

The Board and Commission may promulgate rules and regulations to implement and enforce the purposes of this By-Law. Failure by the Board or Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-Law.

Section 7. Prohibited Activities

Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any Pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Board.

Section 8. Exemptions

Discharge or flow resulting from firefighting activities.

Discharge or flow resulting from DPW ice and snow control operations

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

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

Section 9. Sump Pumps

Other than sump pumps installed within crawl spaces, all sump pumps tied into the MS4 shall be registered with the Commission. If, for reasons of protecting public health or the environment, the Commission deems it necessary, disconnection of sump pump(s) or pretreatment of discharge may be required.

Section 10. Emergency Suspension of Storm Drainage Access

The Board or the Commission may suspend MS4 access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Board or the Commission may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Section 11. Notification of Spills

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

Section 12. Enforcement

The Board and Commission or an authorized agent of the Board or Commission shall enforce this By-Law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. This includes costs borne by the Board, which were directly associated with the investigation that led to the discovery of the illicit discharge.

Civil Relief. If a person violates the provisions of this By-Law, regulations, permit, notice, or order issued thereunder, the Board or Commission may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders. The Board and Commission or an authorized agent of the Board or the Commission may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed.

Any person that violates any provision of these regulations may be punished, under MGL C. 40 s 21D as a noncriminal offense, by fines of not more than $300. Each day or portion thereof during which a violation continues shall constitute a separate offense. The Board and Commission or its duly authorized agent is an authorized officer to impose such fines.

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

If the property owner violates more than one provision of this By-Law or any condition of an approval issued hereunder, each provision, or condition, so violated shall constitute a separate offense.

Entry to Perform Duties Under this By-Law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this By-Law and regulations and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary.

Section 13. Severability

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

Section 14. Transitional Provisions

Property owners shall have 30 days from the effective date of the By-Law to comply with its provisions provided good cause is shown for the failure to comply with the By-Law during that period.

(Amended May 2013), (Approved by the Attorney General August 20, 2013)