



GENERAL BY-LAWS

1/7/2020

TOWN OF OXFORD

GENERAL BY-LAWS

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**TOWN OF OXFORD
GENERAL BY-LAWS**

**CHAPTER ONE
GENERAL PROVISIONS**

Section 1. These By-Laws shall be known and may be cited as the By-Laws of the Town of Oxford, Massachusetts. All Town By-Laws presently in effect are hereby repealed as of the effective date of these By-Laws except for (a) Sections 3 and 4 of the Zoning By-Law adopted by the Town at the special town meeting held on December 28, 1956; (b) the By-Law relating to trailers adopted by the Town at the special town meeting held on August 18, 1960; (c) the Building By-Law adopted by the Town at the special town meeting held on November 20, 1967 and subsequently amended; (d) the Zoning By-Law adopted by the Town at the special town meeting held on December 7, 1968 and subsequently amended; and (e) the Dog Restraint By-Law adopted by the Town at the special town meeting held on June 19, 1972.

Section 2. These By-Laws may be altered, amended or repealed at a town meeting by a majority vote of those present and voting, an article or articles for that purpose having been inserted in the warrant for such meeting, unless otherwise required by law.

Section 3. No person shall be prosecuted for any offense against any of these By-Laws unless complaint for the same shall be instituted and commenced within thirty days from the time of committing such offense.

3/15/78

Section 4. Whoever violates any of the provisions of these By-Laws whereby any act or thing is enjoined or prohibited shall, unless other provisions are expressly made, forfeit and pay a fine not to exceed fifty dollars (\$50) for each offense.

Section 5. It shall be the duty of the Selectmen to prosecute upon written complaint all breaches of the provisions of these By-Laws except for those provisions for which another enforcing authority is specifically named, and may initiate action at such times as they deem appropriate.

Section 6. All Town Departments may enact their own procedural rules and regulations and shall file copies thereof with the Town Clerk. Such rules and regulations of any department for which the Town Manager is responsible shall be subject to his approval.

Section 7. These By-Laws shall remain in full force and effect until duly altered, amended or repealed by vote of the Town.

Section 8. All special committees upon completing their duties shall file their records with the Town Clerk.

Section 9. There shall be a By-Law Committee consisting of nine registered voters of the Town appointed by the Selectmen for the following terms: three for the term of three years, three for the term of two years and three for the term of one year, and upon the expiration of said initial terms, subsequent appointments to be for a term of three years. Appointments shall be made on or before April 1 of each year. The Selectmen shall fill any vacancies that may occur. No member shall receive compensation for his services. It shall be the duty of the Committee to make recommendations to the Town concerning proposed changes in these By-Laws.

Section 10. The invalidity of any chapter or section of these By-Laws shall not invalidate any other chapter or section thereof.

Section 11. These By-Laws shall take effect upon their passage by the Town Meeting and approval by the Attorney General and publication and posting according to law.

CHAPTER TWO TOWN MEETINGS

3/15/78
1/15/93 Section 1. The annual town meeting for the transaction of business shall be held during the first week of May on a date to be set by the Selectmen. The town meeting shall also meet regularly in October on a date set by the Selectmen. Every town meeting shall be held in an adequate place in the Town of Oxford designated by the Selectmen in the warrant calling the same.

8/15/19 Section 2. The warrant for the May annual town meeting shall be closed thirty-six (36) days prior to the date of the meeting and the date for closing the warrant for any other town meeting shall be at the discretion of the Board of Selectmen. The warrant for the May annual town meeting shall be posted on the Town website and posted in at least four public places within the Town at least seven days prior to the date of the meeting. The warrant for every other town meeting shall be posted on the Town website and posted in at least four public places within the Town at least fourteen days prior to the date of the meeting.

10/26/07 Section 3. At any town meeting, one hundred (100) registered voters shall constitute a quorum, provided, however, that once the meeting has been called to order there shall be no minimum quorum required to conduct the business of the Town. A quorum of seventy-five (75) registered voters shall be required to reconvene any adjourned session of any such meeting.

Section 4. All main motions and amendments submitted for consideration of the town meeting shall be in writing if required by the Moderator. Every person speaking shall address the Moderator in a standing position if physically able. All voters wishing to address the meeting shall give his or her name and address for the Town Clerk's records when first being recognized.

Section 5. No person shall speak more than twice upon any question without first obtaining leave of the Moderator except for the correction of an error or to make an explanation, and not until others who have not spoken upon the question shall speak if they so desire.

Section 6. All motions to lay on the table or to take from the table shall be decided without debate and shall require a majority vote of the town meeting.

Section 7. The order of consideration of articles as printed in the warrant may be changed only by a four-fifths vote of the town meeting.

Section 8. No vote fixing the time for closing the ballot shall be reconsidered after such ballot has commenced, but it shall be in order to extend the period without reconsideration.

Section 9. No final vote shall be reconsidered unless the person moving the same shall have made a declaration of his intention to do so within one hour of actual meeting time after its adoption; and no final vote shall be reconsidered more than once at the same meeting unless ordered to by a two-thirds vote of the voters present and voting.

Section 10. No action shall be had at any special town meeting on the report of any committee previously chosen unless the same shall be specifically notified in the warrant calling such meeting.

10/26/07 Section 11. In all procedural matters, the town meeting shall follow the latest revised edition of Town Meeting Time A Handbook of Parliamentary Law written and published by the Massachusetts Moderators Association.

12/7/01 Section 12. Whenever a two-thirds vote is required by statute, such vote may be declared as such by the Moderator without a count and be recorded as such by the town clerk upon such declaration; provided, however, that seven (7) or more members of a town meeting may challenge such declaration, at which time a count shall be held.

CHAPTER THREE ELECTIONS

3/15/78 Section 1. The regular election for all town offices shall be by official ballot held on the third Tuesday in May of each year in a place or places within the Town of Oxford designated by the Selectmen in the warrant for the election.

Section 2. All elections of town officers shall be nonpartisan, and election ballots for town officers shall be printed without any party mark, emblem, or designation whatsoever.

**CHAPTER FOUR
VACANCIES AND APPOINTMENTS**

Section 1. Vacancies arising in appointed town boards, commissions and committees shall be filled by the respective appointive authority for the unexpired portion of the term.

Section 2. The power to rescind an appointment shall be exercised in accordance with the provisions of Section 10-5-1 of the Town Charter. The request for a public hearing in accordance with the provisions of said section, shall be made within thirty days of receipt of the written notice specified in said section.

Section 3. All appointments, unless otherwise specified by the General Laws, Town Charter, or these By-Laws, shall be made within 30 days following the annual town election by the appointing authorities.

**CHAPTER FIVE
FINANCIAL AFFAIRS AND TOWN CONTRACTS**

Section 1. All accounts of the Town shall be audited at the close of each financial year under the supervision of the Director of Accounts in accordance with the provisions of Section 35, Chapter 44, as amended, of the General Laws.

3/15/78 Section 2. The bonds of the Treasurer, Town Collector, Town Clerk, Constable and all other persons bonded for the benefit of the Town shall be safely kept and retained by the Town Accountant and shall not be surrendered or cancelled until the accounts of the bonded persons are closed by the Town.

1/16/75 Section 3. The Town Manager shall be the chief procurement officer for the
9/18/81 Town pursuant to Massachusetts General Laws Chapter 30B. Unless otherwise
8/31/90 provided by a vote of Town Meeting, the Town Manager is authorized to enter into any
contract for the exercise of the Town's corporate powers, on such terms and conditions as
are deemed appropriate. Notwithstanding the foregoing, the Town Manager shall not
contract for any purpose, on any terms, or under any conditions inconsistent with any
applicable provision of any general or special law. In compliance with the Town Charter,
the Town Manager shall delegate procurement authority to an employee of the school
department and an employee of the library respectively for procurements by their
respective departments in the manner provided by Massachusetts General Laws Chapter
30B.

8/31/90 Section 4. Repealed.

8/31/90 Section 5. Repealed.

8/31/90 Section 6. Repealed.

**CHAPTER SIX
MODERATOR**

Section 1. A moderator shall be elected for a term of three years and shall preside at all sessions of the town meeting.

Section 2. The powers and duties of the moderator shall include the powers and duties prescribed in Section 2-4-2 and 2-4-3 of the Town Charter.

**CHAPTER SEVEN
BOARD OF SELECTMEN**

Section 1. A Board of Selectmen of five members shall be elected at the annual town election for three year overlapping terms.

Section 2. All executive powers of the Town, except as provided by the Town Charter, shall be vested in the Board of Selectmen. The Board shall exercise control over town affairs by recommending major courses of action to the town meeting and by establishing policies to be carried out by the Town Manager and other officers, boards and commissions appointed by the Board of Selectmen. The Board shall have the power to enact rules and regulations relating to the conduct of town elections and for the establishment of town policies, not otherwise governed by General Law, the Town Charter or By-Law, provided however, that whenever an appropriation shall be necessary to implement such action, the vote of the Board shall be effective only if such appropriation shall be made by the Town Meeting.

Section 3. The Selectmen shall be the licensing authority for the Town and shall issue all permits and licenses except as otherwise provided by General Law, the Town Charter, or these By-Laws.

Section 4. The Selectmen shall have control of all public places and real and personal property of the Town, the custody of which is not by law reposed in any other authority.

Section 5. The Selectmen may appear either personally or by counsel before any Committee of the Legislature, or Board, or Commission, to protect the interests of the Town, but are not committed by this By-Law to any course of action.

Section 6. Before issuing a new license or permit involving the use of land, or buildings or other structures thereon, the Selectmen shall secure the advice of the Inspector of Buildings and Planning Board relative to any applicable provisions of the zoning by-law.

Section 7. Before issuing a new license or permit or a renewal thereof, the Selectmen shall, upon request by the Selectmen, be furnished by the Board of Health any relevant information possessed by said Board.

3/27/85 Section 8. The Selectmen, or a majority of them, shall have the authority to sell at public auction after first giving notice of the time and place in the Town, and by publishing in a newspaper of local distribution, fourteen days at least before such sale, property taken by the Town under Tax Title Procedure, provided that the Selectmen, or whomever they authorize to hold such sale, may reject any bid they deem inadequate.

3/15/78 Section 9. The Selectmen shall file with the Town Accountant a monthly statement of all fees collected during the preceding month. All fees shall be paid to the Town Treasurer monthly, for which a receipt shall be issued.

**CHAPTER EIGHT
TOWN CLERK**

8/22/94 Section 1. The Town Clerk shall be appointed by the Town Manager with the approval of the majority of the full Board of Selectmen and shall become a resident of Oxford within six months of the appointment.

 Section 2. The Town Clerk shall furnish all Boards, Committees, and Officers of the Town with a copy of all votes affecting them. Said Clerk shall keep a file of all Town Reports, reports of all Committees chosen by the Town, and all original documents and all records of the Town which may come into said Clerk's possession. The Clerk shall suitably index all such reports, documents and all records of the Town in said Clerk's custody, in a manner convenient for reference and examination.

 Section 3. The Town Clerk shall keep in books, which shall be alphabetically arranged the names of all streets, highways and sidewalks which are now or may hereafter be accepted or laid out with the date of the layout or acceptance, the width thereof, any alterations therein from time to time made by the Town, and reference to the records of the Town, showing the layout, alteration or discontinuance of such streets, ways and sidewalks.

 Section 4. The Town Clerk shall as soon as practicable after any elections shall have been held by the Town, in addition to such notices as now directed to give to Officers, who are required to take oath of office, also issue a written or printed notice to all persons who shall have been elected to any other office or chosen to serve on any other Committee, stating the office to which such person shall have been elected, or the duties which such Committee shall have been chosen to perform.

 Section 5. The Town Clerk shall state in his annual report all vital statistics of the Town.

3/15/78 Section 6. The Town Clerk shall file with the Town Accountant a monthly statement of all fees collected during the preceding month. All fees shall be paid to the Town Treasurer monthly, for which a receipt shall be issued.

Section 7. The Town Clerk shall arrange for the publication of all By-Laws, copies thereof to be available to all registered voters requesting the same.

9/18/81 Section 8. The fees of the Town Clerk for the services enumerated below shall
8/31/88 be as follows:
12/18/15

- (1) Certified copy of a Birth, Marriage or Death Certificate, \$10.00, or any fee prescribed by Mass. General Laws.
- (2) Delayed record of birth, marriage or death, \$10.00.
- (3) Abstract copy of a record of birth, marriage or death, \$4.00.
- (4) Notice of Intention of Marriage, \$25.00.
- (5) Recording certificate of marriage for persons married out of the Commonwealth, \$10.00.
- (6) Recording amendments or corrections on a birth, marriage or death record, \$20.00.
- (7) Filing certificate of a person conducting business under any title other than his real name (d/b/a certificate), \$30.00.
- (8) Filing a statement of change of residence, discontinuance, withdrawal from, change of ownership or change of location on d/b/a certificate, \$20.00.
- (9) Certified copy of a d/b/a certificate or statement of change, \$10.00.
- (10) Certificate of voter registration or certificate of residency, \$5.00.
- (11) Recording power of attorney, \$10.00.
- (12) Recording the name, address, date and number of a certificate issued to a person registered to practice podiatry in the Commonwealth, \$20.00.
- (13) Recording a certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof, \$20.00.
- (14) Recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth, \$20.00.
- (15) Recording an order granting location of poles, piers, abutments or conduits, alterations or transfers thereof, and increase of number of wires and cable or attachments, \$40.00 or any fee prescribed by Mass. General Laws Chapter 166, Section 22.
- (16) Receiving and filing a complete inventory of all items to be included in a "closing out sale", "going out of business sale", "discontinuance of business sale", "selling out", "liquidation", "lost our lease", "must vacate", "forced out", or other designation of like meaning, \$10.00 first page and \$2.00 for each additional page.
- (17) Filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof, as prescribed by Mass. General Laws Chapter 182, Section 2, \$20.00.

9/18/81 Section 9. The fees of the Town Clerk for services not specifically enumerated in
Section 8 shall be as provided by law.

**CHAPTER NINE
TOWN TREASURER**

Section 1. A Treasurer shall be appointed by the Town Manager for a three year term.

Section 2. The Treasurer shall have the custody of all receipts, notes, bonds and coupons which have been paid.

Section 3. The Treasurer shall keep a record in a book of all bonds, notes, script, or other evidence of indebtedness of the Town paid by said Treasurer.

Section 4. Whenever the Treasurer is to borrow, in behalf of the Town, a sum of money exceeding \$5,000.00 unless otherwise directed by the Town, said Treasurer shall obtain bids thereon.

3/15/78

Section 5. The Treasurer shall prepare an annual report stating total receipts and payments, the balance in the treasury, the amount of notes and obligations outstanding against the Town with the purpose for which the money was borrowed, the date, amount, rate and maturity of each. Also, a list of all properties placed during the preceding year in his charge by law or by virtue of any gift, devise, bequest, deposit, grant, or otherwise. The treasurer shall receive all monies belonging to the Town giving a receipt therefor.

**CHAPTER TEN
TOWN ACCOUNTANT**

Section 1. A Town Accountant shall be appointed by the Town Manager for a three year term, such appointment to coincide with the fiscal year.

3/15/78

Section 2. The Town Accountant shall make an annual report for the past fiscal year in accordance with the provisions of the General Laws.

**CHAPTER ELEVEN
TOWN COLLECTOR**

Section 1. A Town Collector shall be appointed by the Town Manager for a three year term.

Section 2. The annual report of the Town Collector shall contain a statement of the amount of taxes and assessments committed to him for collection, the amount collected thereon, together with the interest, the amount of abatements and discounts, the amount of uncollected taxes and the amount paid to the Treasurer.

3/15/78

Section 3. The Town Collector shall file with the Town Accountant a weekly statement of all taxes and fees collected during the preceding week. All taxes and fees to be paid to the Town Treasurer weekly for which a receipt shall be issued.

**CHAPTER TWELVE
FINANCE COMMITTEE**

3/15/78 Section 1. A Finance Committee of seven members shall be appointed by the
8/22/94 Moderator for three year overlapping terms. Appointments shall be made annually. The
term of office of each member shall commence on the first day of the Town's fiscal year.
8/12/10 Members in office at the time this by-law is amended shall continue in office until the
end of the fiscal year in which their term was due to expire. Members of said committee
shall not serve more than two full consecutive three year terms at one time. A member
may serve an additional two full consecutive three year terms after a hiatus of three years.

8/22/94 Section 2. The Moderator shall also appoint to the Finance Committee such
number of members as may be necessary to fill any vacancies which shall have arisen
subsequent to the appointments made by the Moderator the year before. The term of
office of any person so appointed by the Moderator to fill a vacancy shall expire at the
time for expiration of the term of the person to whose place he succeeds.

Section 3. No member shall hold any town office or be employed by the Town.

Section 4. Said committee shall choose its own officers and serve without pay,
except the clerk, who shall receive reasonable compensation for his services. The clerk
of said committee may, but need not be, a member of the committee.

Section 5. All articles in any warrant for a town meeting shall be referred to the
Finance Committee which shall report thereon to the town meeting and make such
recommendations as it deems best for the interests of the Town and its citizens. This
committee shall also consider and make such reports as it deems necessary as to all
matters relating to the appropriation, borrowing and expenditure of money by the Town,
its indebtedness, methods of administration of its various departments, and other
municipal affairs.

Section 6. In the discharge of its duty, said committee shall have free access to all
books of record and accounts of any office or department of the Town.

**CHAPTER THIRTEEN
TOWN COUNSEL**

Section 1. A Town Counsel shall be appointed by the Town Manager for a term
of one year.

Section 2. Duties of the Town Counsel shall include giving advice upon request
and upon approval of the Town Manager or the Selectmen to the various officials during
the year as they may need it in connection with their duties.

**CHAPTER FOURTEEN
SCHOOL COMMITTEE**

Section 1. A School Committee of five members shall be elected at large for three year overlapping terms.

Section 2. They shall have general charge of all of the public schools, including evening schools and evening high schools. They may subject to general law determine the number of weeks and the hours during which such schools shall be in session and make regulations as to attendance.

**CHAPTER FIFTEEN
TOWN MANAGER**

Section 1. The Board of Selectmen, by an affirmative vote of at least three members, shall appoint a Town Manager for an indefinite term to serve at its pleasure.

Section 2. The Town Manager shall be the chief administrative officer of the town, and he shall be directly responsible to the Board of Selectmen for the performance of his duties.

**CHAPTER SIXTEEN
BOARD OF HEALTH**

Section 1. Three members of a Board of Health, one of whom shall be a professional health practitioner, shall be appointed by the Town Manager for three year overlapping terms.

Section 2. The Board of Health shall have all of the powers and duties prescribed by general law.

Section 3. The Town Manager shall annually and whenever the office is vacant for any reason appoint an Inspector of Gas Piping and Gas Appliances in Buildings who shall be a licensed plumber or licensed gas fitter and who shall hold office until his successor is appointed and qualified.

Section 4. The Board of Health shall appoint an Inspector of Plumbing who shall be a licensed plumber and who shall hold office until his successor is appointed and qualified.

Section 5. The Board of Health shall appoint such other inspectors as are required by general law to be appointed by said board.

Section 6. All inspectors appointed by the Board of Health shall have such powers and duties as are prescribed by general law and the rules and regulations of said Board.

Section 7. The Board of Health may issue licenses in accordance with General Laws, Chapter 94, Section 303B.

3/15/78 Section 8. The Board of Health shall file with the Town Accountant a monthly statement of all fees collected during the preceding month. All fees shall be paid to the Town Treasurer monthly for which a receipt shall be issued.

12/7/01 Section 9. Any rule or regulation enacted by the Board of Health, and any Town by-law within the jurisdiction of the Board of Health, the violation of which is subject to a specific penalty, may in the discretion of the enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. The non-criminal fine for each such violation, if not otherwise specified, shall be \$50.00 and each day on which any violation exists shall be deemed to be a separate offense. "Enforcing persons", as used in this by-law shall be members of the Board of Health and its agents, inspectors or other designees of the Board.

CHAPTER SEVENTEEN BOARD OF ASSESSORS

Section 1. Three Assessors shall be appointed by the Town Manager, one of whom shall serve full-time and possess appropriate professional qualifications. The full-time Assessor shall be appointed for an indefinite term to serve at the pleasure of the Town Manager. The other two Assessors shall be appointed for three year overlapping terms.

Section 2. The Assessors shall publish their Annual Report. They shall cause copies to be printed of their report every fifth year, commencing with the year 1975 conforming in size to the Annual Report of Town Officers, containing a list of their valuations to all Real and Personal Property in the Town and a special appropriation shall be made at the Annual Town Meeting for this purpose.

3/15/78 Section 3. The Board of Assessors shall file with the Town Accountant a monthly statement of all fees collected during the preceding month. All fees shall be paid to the Town Treasurer monthly for which a receipt shall be issued.

CHAPTER EIGHTEEN TOWN ENGINEER

Section 1. The Town Manager may appoint an Engineer and an Assistant Engineer of suitable qualifications and experience and they shall be designated as the Town Engineer and the Assistant Town Engineer, respectively. The Town Engineer shall perform all necessary engineering work required by the Town.

Section 2. The Town Engineer in his annual report to the Town shall review the work done during the year and may make recommendations which he may deem best for the welfare of the Town.

**CHAPTER NINETEEN
SEALER OF WEIGHTS AND MEASURES**

Section 1. The Town Manager shall appoint a Sealer of Weights and Measures.

3/15/78 Section 2. The Sealer of Weights and Measures shall file monthly with the Town Accountant a statement of all fees collected during the preceding month. All fees shall be paid to the Town Treasurer monthly, for which a receipt shall be issued.

12/27/83 Section 3. The fees of the Sealer of Weights and Measures for sealing the
1/12/01 following weighing or measuring devices shall be as follows:
12/21/10

- 12/18/15
- (1) Each scale with a weighing capacity of more than ten thousand pounds, \$150.00.
 - (2) Each scale with a weighing capacity of five thousand to ten thousand pounds, \$100.00.
 - (3) Each scale with a weighing capacity of one thousand to five thousand pounds, \$75.00.
 - (4) Each scale with a weighing capacity of one hundred to one thousand pounds, \$50.00.
 - (5) Scales and balances with a weighing capacity of more than ten pounds and less than one hundred pounds, \$30.00.
 - (6) Scales and balances with a weighing capacity of ten pounds or less, \$25.00.
 - (7) Each liquid capacity measure, except vehicle tanks, of the capacity of more than one gallon and measures on pumps, \$17.00.
 - (8) Each liquid measuring meter, except water meters, the diameter of the inlet pipe of which is one half inch or less, \$5.00, more than one half inch but not more than one inch, \$6.00. For each such type of liquid meter, the diameter of the inlet pipe of which is more than one inch, the following shall apply: vehicle tank pump, \$33.00; vehicle tank gravity, \$33.00; bulk storage, \$55.00.
 - (9) Each taxi meter or measuring device used in vehicles to determine the cost of transportation, \$25.00.
 - (10) Each machine or other mechanical device used for determining linear or area measurement (Fabric, Rope), \$15.00; Yard Sticks, \$10.00.
 - (11) Milk bottle or jars, \$12.00 per gross.
 - (12) Vehicle tanks used in the sale of commodities by liquid measure \$5.00 for each hundred gallons or fraction thereof.
 - (13) Drug store weights, \$2.00.
 - (14) All weights and other measures, \$5.00.
 - (15) Adjustments and reasonable repairs (if made), \$20.00.
 - (16) Reverse Vending Machines (Bottle & Can Return Machines), \$18.00.
 - (17) Cord Wood, \$20.00.
 - (18) Each automated electronic retail checkout system with fewer than four cash registers or computer terminals, not more than \$75.00.
 - (19) Each automated electronic retail checkout system with no less than four and no more than 11 cash registers or computer terminals, not more than \$150.00.

- (20) Each automated electronic retail checkout system with greater than Eleven (11) cash registers or computer terminals, not more than \$250.00.
- (21) Pill Counter, \$15.00.
- (22) Wire, rope, carpet meter, \$15.00.

12/27/83 Section 4. The fees of the Sealer of Weights and Measures for sealing, weighing or measuring devices not specifically enumerated in Section 3 shall be as provided by law.

**CHAPTER TWENTY
TREE WARDEN**

Section 1. The Town Manager shall appoint a Tree Warden who shall also serve as Moth Superintendent and Superintendent of Pest Control.

Section 2. Any person or firm requiring the services of the Tree Warden or Moth Superintendent shall pay for such services on the basis of a table of rates on file with the Town Treasurer.

5/19/03 Section 3. The Tree Warden shall file with the DPW Director a monthly report of his services performed during the preceding month.

**CHAPTER TWENTY-ONE
INSPECTOR OF WIRES**

3/15/78 Section 1. The Board of Selectmen shall annually appoint an Inspector of Wires and Assistant Inspector of Wires who shall be licensed electricians and shall hold office until their successors are appointed and qualified. The Inspector of Wires shall have all powers and duties conferred and imposed upon him by general law and the By-Laws.

Section 2. Every person proposing to place or attach wires designed to carry a current of electricity for lighting, heating, power, in or attached to a public or private building, pole, or structure, shall give notice thereof to the Inspector of Wires before commencing work and no wiring shall be covered or concealed until it shall have been inspected and approved by the Inspector of Wires and such wires shall not be energized until permission to do so has been given by said Inspector of Wires. This section, however, shall not apply to repairs by nor to the movement of wires or a machine energized with electricity under the supervision of or by a licensed electrician.

Section 3. Whenever, in the opinion of the Inspector of Wires, any electrical conductors or apparatus used for the distribution or application of an electrical current in, on, or attached to a building, pole, or structure, are in an unsafe or dangerous condition, he is hereby authorized to cause the electricity to be shut off if the existing defects shall not have been remedied within a reasonable period of time as determined by the Selectmen.

3/15/78 Section 4. The Inspector of Wires shall file with the Town Accountant a monthly statement of all fees collected during the preceding month. All fees to be paid to the Town Treasurer monthly for which a receipt shall be issued.

**CHAPTER TWENTY-TWO
CEMETERY COMMISSIONERS**

Section 1. A Board of Cemetery Commissioners consisting of three members shall be appointed by the Town Manager for three year overlapping terms.

5/19/03 Section 2. The DPW Director shall serve as the Superintendent of Cemeteries.

Section 3. The powers and duties of the Cemetery Commissioners shall be as prescribed in General Laws, Chapter 114.

Section 4. The Board of Cemetery Commissioners may, by deed made and executed in such manner and form as it may prescribe, convey to any person the sole and exclusive right of burial in any lot in such cemeteries and of erecting tombs, cenotaphs and other monuments or structures thereon upon such terms and conditions as its regulations prescribe. Such deeds and all subsequent deeds of such lots made by owners thereof shall be recorded in the office of the Town Clerk in books kept for that purpose upon the payment of the fee provided by clause (78) of section thirty-four of chapter two hundred and sixty-two of the General Laws, and said records shall be open to the public at all reasonable times.

Section 5. The seal of the Town shall be the seal of the conveyance of lots in public cemeteries in the Town.

**CHAPTER TWENTY-THREE
CONSERVATION COMMISSION**

3/15/78 Section 1. A Conservation Commission of seven members shall be appointed by the Town Manager, subject to the approval of the Selectmen, in accordance with the provisions of the General Laws, for three year overlapping terms.

Section 2. The Commission shall exercise such powers and duties as are prescribed by general law, the Town Charter and these By-Laws.

Section 3. The Commission may recommend such protective measures as it deems may protect the public interest and shall, within seven days thereafter, transmit such recommendations to the Commissioner of Natural Resources.

Section 4. The Commission shall co-operate with all other agencies and groups of the Town concerned with the conservation and preservation of natural resources such as parks, mini-parks and related areas.

Section 5. The Commission may receive gifts of property, both real and personal, in the name of the Town of Oxford, subject to the approval of the Selectmen and acceptance by the Town. It may, from time to time, recommend the purchase or gift of, for public use, suitable lands and areas for conservation purposes only.

3/15/78

Section 6. The Conservation Commission shall file with the Town Accountant a monthly statement of all fees collected during the preceding month. All fees shall be paid to the Town Treasurer monthly, for which a receipt shall be issued.

CHAPTER TWENTY-FOUR PLANNING BOARD

Section 1. A Planning Board of seven members shall be appointed by the Town Manager to serve for five year overlapping terms.

Section 2. Except for the Conservation Commission, Industrial Development Financing Authority, Industrial Commission and any ad hoc committee created for environmental purposes, members of the Planning Board shall be ineligible for appointment to other offices established by the Town Charter.

Section 3. The Board shall exercise such powers and duties as prescribed by general law, the Town Charter and these By-Laws.

Section 4. The Board shall make recommendations to the Town Manager and to the Board of Selectmen on all matters concerning the physical, economic and environmental development of the Town.

3/15/78

Section 5. The Planning Board shall file with the Town Accountant a monthly statement of all fees collected during the preceding month. All fees shall be paid to the Town Treasurer monthly, for which a receipt shall be issued.

CHAPTER TWENTY-FIVE DEVELOPMENT AND INDUSTRIAL COMMISSION

1/16/75

1/12/01

Section 1. A Development and Industrial Commission of five members shall be appointed by the Town Manager for five year overlapping terms in accordance with the provisions of General Laws, Chapter 40, Section 8A.

**CHAPTER TWENTY-SIX
INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY**

Section 1. The Industrial Development Financing Authority consisting of five directors shall be appointed by the Selectmen for five year overlapping terms in accordance with Chapter 40D of the General Laws.

Section 2. The directors shall have such powers and duties as are prescribed by general law, the Town Charter and these By-Laws.

**CHAPTER TWENTY-SEVEN
RECREATION COMMISSION**

Section 1. A Recreation Commission of seven members shall be appointed by the Town Manager for five year overlapping terms. Presidents of leagues sponsored by the Commission shall serve ex officio.

Section 2. The Recreation Commission shall be responsible for the development of Town recreation programs within the Division of Public Services in accordance with Section 6-4-1 of the Town Charter, excepting for those programs under the supervision of the school department.

5/19/03 Section 3. The DPW Director shall have charge of any recreation area assigned to the Recreation Commission by the Board of Selectmen or Town Meeting and shall be responsible for the upkeep of any such area.

Section 4. The Recreation Commission shall present finance and management reports of the Greenbriar Recreation area to the Board of Selectmen annually.

3/15/78 Section 5. The Recreation Commission shall file with the Town Accountant a monthly statement of all fees collected during the preceding month. All fees shall be paid to the Town Treasurer monthly, for which a receipt shall be issued.

9/19/80 Section 6. No person shall sell, purchase or possess a glass bottle used for the containment of beer or other alcoholic beverage in area under the jurisdiction of the Oxford Recreation Commission designated solely or partially for recreational use. Any violation of the provisions of this section may be prosecuted by a police officer.

**CHAPTER TWENTY-EIGHT
FIRE DEPARTMENT**

Section 1. Until such time as a full-time fire department is established within the Division of Public Safety, the Town Manager shall appoint five members of a Board of Fire Engineers for three year overlapping terms.

Section 2. Until such time as a full-time fire department is established within the Division of Public Safety, the Board of Fire Engineers shall annually in May appoint a Fire Chief.

Section 3. The Selectmen shall annually in June appoint a Forest Warden in accordance with Section 8 of Chapter 48 of the General Laws.

Section 4. During Fire Prevention Week, as determined by the Board of Fire Engineers, and with the voluntary consent of property owners, the Chief of the Fire Department and duly assigned members of the Department may make a yearly inspection of dwellings and other buildings within the Town limits for the purposes of fire prevention only.

Due notice stating the period during which such inspections shall be held shall be published in a newspaper having general circulation in the town at least seven days prior to such inspections.

The Chief and members of the Department so assigned shall issue to the owner or occupant of each property inspected a card stating that the property has been inspected, noting the date of inspection and the name of the Fire Department member making such inspection.

12/29/78 Section 5. Within 72 hours after being notified in writing by the Chief of the Fire Department that rubbish and/or other matter has been permitted to accumulate upon property owned or occupied by the person notified, to an extent liable to cause or spread fire, said owner or occupant so notified shall cause to be removed such rubbish and/or other matter.

3/15/78 Section 6. The Fire Department shall file with the Town Accountant a monthly statement of all fees collected during the preceding month. All fees shall be paid to the Town Treasurer monthly, for which a receipt shall be issued.

CHAPTER TWENTY-NINE LIBRARY TRUSTEES

Section 1. A Board of Library Trustees of three members shall be elected at the annual town election for three year overlapping terms.

Section 2. The Board shall be responsible for the administration and operation of the town library, including professional library staffing, acquisition of books, journals, periodicals and other material relating to the library function, and the promulgation of library rules and regulations.

**CHAPTER THIRTY
POLICE DEPARTMENT**

Section 1. It shall be the duty of the members of the Police Department immediately to make a careful examination of every case of accident or injury to person or property coming within their knowledge in which the Town might be liable, to secure the names of all witnesses thereto, and make report thereof to the Chief of Police who shall report forth-with to the Selectmen in writing.

3/15/78 Section 2. The Police Department shall file with the Town Accountant a monthly statement of all fees collected during the preceding month. All fees shall be paid to the Town Treasurer monthly, for which a receipt shall be issued.

3/15/78 Section 3. Any person who refuses to obey the lawful command of a police officer who is in uniform or who displays his badge conspicuously may be arrested without a warrant.

3/15/78 Section 4. Any person who commits a misdemeanor, as defined in the Massachusetts General Laws, in the presence of a police officer who is in uniform or who displays his badge conspicuously may be arrested without a warrant.

**CHAPTER THIRTY-ONE
STREETS AND SIDEWALKS**

Section 1. Whenever the word "street" or "streets" or "public way" are mentioned in these By-Laws they shall be understood to mean all alleys, lanes, courts, public squares, and public places, including sidewalks and gutters, unless the contrary is expressed or the construction will be inconsistent with the manifest intent of these By-Laws.

8/26/91 Section 2. No person, except the Superintendent of Streets, in the lawful
1/30/92 performance of his duties or those acting under his orders or those who are fully covered with statutory power, shall break up or dig out the ground in any street or public way in the Town without first obtaining a written permit from the Superintendent of Streets or his designee; said permit shall state the regulations under which such excavation shall be done. After notice and a public hearing, the Board of Selectmen shall adopt and may, from time to time, amend reasonable rules and regulations relative to street excavation and shall post copies thereof with the Town Clerk. All persons acting under such a permit shall place, erect and maintain a suitable railing or fence around the part of the street so excavated so long as the same shall remain unsafe or inconvenient for travelers, and shall keep suitable lights attached to such railings or fence or in some other way expose every night from sunset until sunrise until the work is completed. The work of excavation done under said permit must be in accordance with such regulations and upon completion of said work the surface of the said street or way shall be restored to a condition satisfactory to the Superintendent of Streets or his designee. Any person, firm or corporation who violates any of the regulations established under this By-law shall be

guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00). Each day such violation continues shall constitute a separate offense.

Section 3. Whenever the Superintendent of Streets is about to construct or make a major repair to any street or way, he shall, before beginning the work, give reasonable notice of such intention to other departments and corporations affected thereby and to all abutting owners. After such notice has been given no department, corporation, or person shall for a period of one year break up or disturb the surface of said street or way within the area so constructed or repaired except in the case of reasonable necessity.

8/26/91 Section 4. Any person who intends to repair or take down any building on land abutting on any way which the Town is required to keep in repair and intends to make use of any portion of said way for the purpose of placing thereon building material or rubbish, shall first give notice thereof to the Superintendent of Streets or his designee. Thereupon, the Superintendent of Streets or his designee may grant a permit to occupy a portion of said way to be used for such purposes as in their judgment the necessity of the case and the security of the public require; such permit in no event to exceed a period of more than ninety days, shall contain such conditions as the Superintendent of Streets or his designee may require; sufficient lights shall be so placed from sunset to sunrise as to effectually secure all travelers from injury.

8/26/91 Section 5. The Superintendent of Streets or his designee may, before granting
1/30/92 the permit required by Section 2 or Section 4 of this Chapter, require such persons to furnish a satisfactory bond, deposit of money or other surety satisfactory to the Superintendent of Streets or his designee to save the Town harmless from any damages that may arise from such obstructions in the streets and to insure the faithful compliance with the conditions of said permit.

8/26/91 Section 5A. Any person aggrieved by the decision of the Superintendent of
1/30/92 Streets or his designee denying a permit under this Chapter may appeal said denial to the Board of Selectmen within twenty (20) days of the date of the decision.

Section 6. No person shall erect, set up or maintain any fence, portico, roof, platform, or doorstep extending into or over any highway or street.

Section 7. No person shall hoist any material from any street into a building adjoining such street without first obtaining a written permit from the Inspector of Buildings. The Inspector of Buildings shall issue such a permit only if he finds that the apparatus to be used is proper for such purpose and is to be used in a proper manner.

Section 8. No person shall establish or maintain any shade or awning over any part of a street or highway unless the same be securely and safely supported and said awning or shade must be at least eight feet above the sidewalk.

Section 9. No person shall allow any gate or door belonging to the premises under his legal control and adjoining any public way, to swing on, over, or into said public way.

Section 10. No person shall place or cause to be placed, any wood, lumber, coal, box, crate, barrel, waste-paper, store refuse, or other obstruction upon any public way or sidewalk nor allow it to remain after being notified by a Police Officer to remove the same; no person shall sweep rubbish onto any sidewalk or street in the Town.

Section 11. No person shall move a building in a public way without written permission from the Selectmen, to be granted upon such terms as in their opinion the public safety may require after receiving the recommendations of the Tree Warden, Chief of Police and Superintendent of Streets.

Section 12. Every way, hereinafter, accepted by the Town as a street or public highway, shall be a minimum of forty feet in width, and shall not be accepted unless a plan showing in detail the location and proposed grade of such way is placed on file with the Town Clerk seven days, at least, before the date of the town meeting at which the acceptance of such way as a street or public highway is requested; and unless the surface of such way has been put in condition reasonably safe for public travel, conformable to the grade set forth in said plan by the person or persons owning the fee in said way. Any way not conforming to General Laws Chapter 81 or Chapter 90 and any dead end street without a turnaround circle having a diameter of more than 80 feet shall not be accepted as a public way.

Section 13. The Superintendent of Streets or his designee in the performance of his duty relating to the removal or plowing of snow or removing of ice, may request the Police Department to cause to be removed to some convenient place or public garage, any vehicle parked in such manner as to interfere with such work referred to in the preceding, the cost of such removal and the storage charges, if any, to borne by the owner, of said vehicle.

7/19/11

Section 14. No person or entity shall shovel, throw, plow, discharge or otherwise move or place snow into or onto any portion of the Town's streets or sidewalks. Notwithstanding the foregoing, this section shall not apply to owners or lawful occupants of residential premises placing snow and ice on the sidewalk areas immediately adjacent to the driveway opening serving such premises provided that a minimum thirty-six (36) inch wide pathway along the sidewalk is provided for passage within twenty-four (24) hours of snow fall. In any one winter period (November through April) a first violation of this Section 14 shall be subject to a written warning, a second violation will be subject to a Twenty-five Dollar (\$25.00) fine and any subsequent violation will be subject to a Fifty Dollar (\$50.00) fine and shall be enforced by the Superintendent of Streets or his designee who is authorized to enforce this Section 14 under the non-criminal disposition provision of G.L. c. 40, § 21D.

Section 15. No person shall use any truck or other vehicle for the conveyance from place to place within the Town, for consideration, of rubbish or other refuse without a license for each such truck or other vehicle from the Selectmen. The fee for each such license shall be prescribed by the Board of Selectmen and be paid into the treasury of the Town upon receipt by the Selectmen.

Each person to whom a license is issued under the provisions of this section shall cause to be placed upon the exterior of each side of each vehicle for which a license is issued the name of the owner thereof and the number of the license in clearly visible legible letters and figures not less than one and one-half inches in height.

12/29/78

Section 16. No person shall operate on any public way in the Town, a vehicle which is not constructed or loaded so as to prevent any of its load from dropping, sifting, leaking or other-wise escaping therefrom, and if it is loaded with sand, gravel, washed stone, wood chips, glass or other materials which may escape from said vehicle, unless its load is fully and adequately covered. This section shall not prohibit the dropping of sand for the purpose of securing traction, or the sprinkling of water or other substance on such a way in cleaning or maintaining the same. This section may be enforced by a police officer.

Section 17. No person shall construct a transmission line upon, along, under or across a public way of the Town without prior permission of the Selectmen in accordance with the provisions of Chapter 166 of the General Laws.

Section 18. No person having charge of a vehicle in any street shall neglect or refuse to stop the same or to place the same when stopped as directed by a police officer.

Section 19. No gathering of four or more people shall obstruct any sidewalk after being requested to move on by a Police officer, except a parade passing along the street.

Section 20. No person shall fire or discharge any cannon, gun, firearm, air-gun, bowgun, or any other instrument discharging a projectile in or across any of the streets, public parks, or squares, or near any dwelling house, except in the performance of a legal duty.

Section 21. No person shall use any indecent or profane language in any public place or within audible distance of any dwelling house or building.

Section 22. No person shall be or remain upon any sidewalk, doorstep, portico or other projection of any house or other building, not his own, to the annoyance or disturbance of any owner or occupant thereof, nor shall any person stand or loiter in a street after being directed by a police officer to move on.

Section 23. No person shall stand on any public way in such manner as to obstruct free passage for vehicles or pedestrians.

Section 24. No person shall throw stones, snowballs, sticks or other missiles, nor play at or kick a football, or play at any game in which a ball is used, or shoot with or use a bow and arrow, or otherwise throw any missiles in any of the public ways of the Town so as to endanger others.

Section 25. No person shall hitchhike on or about any public way in the Town between the period one-half hour after sunset to one-half hour before sunrise.

1/16/75
2/24/76

Section 26. No person shall consume intoxicating beverages on any town owned or controlled place or public way or have in his possession on any such place or way an open bottle, can or other container containing any such beverage unless a special permit is secured from the Board of Selectmen. Anyone violating this By-Law shall be subject to a fine of Twenty-Five Dollars (\$25.00) and may be subject to arrest without a warrant by a police officer.

CHAPTER THIRTY-TWO NUMBERING OF HOUSES ON STREETS

Section 1. The Selectmen shall within ten days from the date of any request designate to the owners the numbers to be affixed to the buildings owned by the person or persons making such request.

Section 2. The Selectmen may order numbers to be affixed to the buildings on any street as they may deem proper. The owner of every such building shall comply with said order within thirty days thereafter.

1/30/92

Section 3. The Selectmen may order the naming of private ways which serve more than one building and the numbering of buildings thereon if said actions will benefit the public safety. A sign, indicating the name of the way and the fact that it is a private way, shall be posted and maintained by the owner(s) of said named private way. The naming of private ways under this provision of the By-Laws shall be in accordance with the provisions of M.G.L. Chapter 85, Section 3A and 3B and shall not be justification for maintenance by the Town nor for consideration as public roads under the Zoning By-Law or Subdivision Control Law.

7/22/97

Section 4. The figures used in numbering residential dwellings, commercial or industrial buildings shall be made of durable material and of a color contrasting to the background or building color. Such number (Arabic numerals in block type) shall be at least four inches (4") in height on single-family residential buildings and at least ten inches (10") in height for two-family, multi-family, commercial or industrial buildings the exact size of which shall be determined by inspection from the street to assure visibility. Such numbers shall be placed in a conspicuous place near the door that faces the public or private way. If numbers cannot possibly be seen from the public or private way, a second number at least four inches (4") in height shall be placed on not less than three (3) sides of a post (4" x 4" or larger) or mailbox at the property line adjacent to the

main entrance to the building site from the public or private way.

7/22/97

Section 5. The cost of complying with the provisions of this By-Law shall be borne by the owner of the property as listed by the Assessors. Any property owner who fails to affix a number to his building as ordered in Section 2 or who displays any number other than that assigned or otherwise fails to comply with the requirements of this By-Law shall be subject to a fine of \$25.00 for each offense.

CHAPTER THIRTY-THREE SOLICITATIONS AND SALES

1/31/03

Section 1. Purpose.

This section, adopted pursuant to G.L. c. 43B, s. 13 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operation requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Oxford in order to (1) protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and (2) to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

Section 1.2 Definitions:

1.2.1 "Soliciting" shall mean and include any one or more of the following door-to-door activities:

- a. selling or seeking to obtain orders for the purchase of goods or services, including advertising in any type of publication, for any kind of consideration whatever;
- b. selling or seeking to obtain prospective customers for application for purchase of insurance of any kind;
- c. seeking to sell subscriptions to books, magazines, periodicals, newspapers or any other type of publication;
- d. seeking to obtain gifts or contributions of money, or any other valuable thing for the support or benefit of any association, or any other valuable thing for the support or benefit of any association, organization, corporation or project;
- e. seeking to obtain information on the background, occupation, economic status, political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly or in part, for commercial purposes.

1.2.2 "Canvassing" shall mean and include any one or more of the following door-to-door activities:

- a. person-to-person distribution of literature, periodicals, or other printed materials for commercial purposes, but shall not include placing or dropping off

printed materials on the premises;

- b. seeking to enlist membership in any organization for commercial purposes;
- c. seeking to present, in person, organizational information for commercial purposes.

1.2.3 “Residence” shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons.

1.2.4 “Registered solicitor” shall mean any person who has obtained a valid certificate of registration from the Town as required by this by-law.

1.2.5 “Charitable Organization” “Professional Fundraiser” and “Commercial Co-venturer” shall be defined as set forth in G.L. c.68, §18.

Section 1.3 Registration.

Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of Oxford must apply for a permit with the Chief of Police at least three (3) business days in advance by filing a registration application form with the Chief of Police.

1.3.1 Organization application forms shall include the following information:

a. The name and address of the organization applying for registration, and the names and addresses of the organizations’ principal officers. If the organization is a charitable organization, a copy of the Annual Registration Statement filed with the Attorney General’s Division of Public Charities must be provided with this application. Failure to include a copy of the Annual Registration Statement under such circumstances will render the application incomplete and no action will be taken thereon.

If the organization is a professional fundraiser or a commercial co-venturer for a charitable organization, a copy of the contract with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon.

b. The name, title and phone number, IRS or Social Security (optional) number of the persons filing the application form.

c. The names and addresses of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Oxford.

d. A list of the names, addresses, dates of birth of all individuals who will be employed in solicitation or canvassing by the applicant.

e. Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 90 day period).

f. Names of the last three communities (if any) in which the organization has conducted a solicitation or canvassing operation, complete with the date issued and date expired.

g. Insurance information and license, if applicable.

1.3.2 Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under Section 1.3.1.a. hereof. Individual registration forms shall contain the following information:

- a. Name and address of the present place of residence and length of residence at that address; if less than three years residence at present address, the address of residence(s) during the past three years.
- b. Date of birth.
- c. Name and address and telephone number of the person or organization whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization. If the individual is a professional fundraiser or a commercial co-venturer for a charitable organization, a copy of the contract, if any, with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon.
- d. Name and address of employer during the past three years, if other than listed in Section 1.3.1 hereof.
- e. Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 90 day period).
- f. Name of the last three communities (if any) in which the applicant has solicited or canvassed door-to-door, complete with the date of issue and expiration date.
- g. Social Security number. (Optional).
- h. Recent passport-sized photograph of the applicant to be affixed to registration card.
- i. Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

Section 1.4 Registration Fee.

Each applicant for registration or re-registration shall pay a fee of \$5.00 to the Town.

Section 1.5 Registration Cards.

1.5.1 The Police Chief, after a review, but in no event more than seven (7) business days after receipt of a fully completed application, shall furnish each person with a registration card which shall contain the following information:

- a. The name of the person.
- b. A recent photograph of the person.
- c. The name of the organization (if any) which the person represents.
- d. A statement that the individual has been registered with the Town of Oxford Police Department but that registration is not an endorsement of any individual or organization.
- e. Specific dates or period of time covered by the registration.

1.5.2 Persons engaged in solicitation or canvassing as defined in this by-law must

wear the registration card at all times and present the card to any person solicited or upon the request of any police officer.

1.5.3 Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days.

1.5.4 The Police Chief shall refuse to register an organization or individual whose registration has been revoked for violation of this by-law within the previous two year period, or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary, breaking and entering, assault, larceny.

1.5.5 The Police Chief shall refuse to register any individual who has been convicted of murder/manslaughter, rape, robbery, arson, burglary, breaking and entering, assault or larceny, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to register a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

Section 1.6 Exceptions.

1.6.1 Registration shall not be required for officers or employees of the Town, County, State or Federal governments when on official business.

1.6.2 Individual registration shall not be required for minors under the age of 18 except in connection with canvassing or soliciting on behalf of a for-profit organization, newspaper carriers excepted.

Section 1.7 Duties of Solicitors.

1.7.1 It shall be the duty of every solicitor or canvasser, upon going into any residential premises in the Town of Oxford, to first examine any notice which may be posted prohibiting solicitation. If such a notice is posted, the solicitor or canvasser shall immediately and peacefully depart from the premises.

1.7.2 Any solicitor or canvasser who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

1.7.3 Immediately upon gaining entrance to any residence, each solicitor or canvasser must do the following:

- a. Present his registration card for inspection by the occupant.
- b. Request that the occupant read the registration card.
- c. Inform the occupant in clear language of the nature and purpose of his

business and, if he is representing an organization, the name and nature of that organization.

d. It shall be the duty of every organization employing solicitors or canvassers within the definition of this by-law to notify the Police Department daily as to what area(s) of the Town they will be operating in.

Section 1.8 Restrictions on Methods of Solicitation.

It shall be unlawful for a solicitor or canvasser to do any of the following:

- a. Falsely represent, directly or by implication, that the solicitation or canvassing is being done on behalf of a governmental organization, or that the solicitation or canvassing is being done on behalf of any municipal employee or elected official.
- b. Solicit or canvass at any residence where there is a posted sign prohibiting solicitation, without express prior permission of an occupant.
- c. Disapproved and deleted by the Attorney General January 28, 2003.
- d. To utilize any form of endorsement from any department head currently employed or serving the Town of Oxford.

Section 1.9 Penalty.

1.9.1 Any person or organization who, after being advised and given a copy of this by-law, shall violate any of the provisions of this by-law or any applicable state or federal laws governing soliciting or canvassing, including but not limited to Mass. G.L. c. 68, shall be subject to a fine not to exceed \$300.00 for each offense.

1.9.2 Any person or organization who for himself, itself, or through its agents, servants or employees shall violate any provision of sub-sections 1.7 or 1.8 of this by-law, or any applicable state or federal laws governing soliciting or canvassing, including but not limited to Mass. G.L. c. 68, or who knowingly provides false information on the registration application, or who is found, after investigation by a police officer, to have conducted himself or itself in a threatening, abusive or illegal fashion, shall have his, her, or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

Section 1.10 Appeals.

Any person or organization who is denied registration or whose registration has been revoked may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within 5 days after receipt of the notice of denial or revocation. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Board of Selectmen fails to make a determination within 30 days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

Section 1.11 Severability.

Invalidity of any individual provision of this section shall not affect the validity of the

by-law as a whole.

1/16/75

Section 2. No person shall conduct a so-called yard, garage or barn sale without first obtaining a permit therefor from the Board of Selectmen.

Section 3. No person shall hawk or peddle any of the articles enumerated in Chapter 101 of the General Laws, and amendments thereto, until he shall have recorded his name and residence with the Chief of Police and have been assigned a number by him, nor unless any vehicles or receptacles in which he shall carry or convey such articles shall have placed on it in letters and figures at least two inches in height, the name of the person selling and the number given him by said Chief.

Section 4. No person hawking, peddling, or selling or exposing for sale any articles enumerated in Chapter 101 of the General Laws shall cry his wares to the disturbance of the peace and comfort of the inhabitants.

Section 5. No hawker or peddler shall carry or convey any article described in Chapter 101 of the General Laws in any manner that will tend to injure or disturb the public health or comfort nor otherwise than in vehicles or receptacles which shall be neat and clean and shall not leak.

Section 6. No person, except as provided by Chapter 101 of the General Laws shall hawk or peddle any fruit or vegetables unless he shall have been licensed thereto by the Selectmen, licenses so granted shall expire one year from date of issue and may be revoked at the pleasure of the Selectmen.

Section 7. Every keeper of a shop for the purchase, sale or barter of junk, old metals or second-hand articles within the limits of the Town shall keep a book in which shall be written at the time of every purchase of any article, a description thereof, the name, age, and residence of the person from whom purchased, and the day and the hour when such purchase was made; such book, such shop and all articles or merchandise therein shall at all times be open to the inspection of the Selectmen and of any person authorized by them to make such inspection; every keeper of such shop shall put in a suitable and conspicuous place in his shop a sign having the name and occupation legibly inscribed thereon in large letters; and no keeper of such shop and no junk collector shall, directly or indirectly, either purchase or receive by way of barter or exchange any of the articles aforesaid of a minor or apprentice, knowing or having reason to believe him to be such.

1/16/75

Section 8. No person shall conduct an outdoor business without first having obtained a permit therefor from the Board of Selectmen. Each such permit shall state the location where such business is to be conducted and shall be for a period not exceeding one year. The fee shall be determined by the Board of Selectmen. For the purpose of this section the term "outdoor business" shall mean (a) any sale or exhibition for sale of flowers, fruits, vegetables or other goods, wares or merchandise which is conducted

outdoors and not in any tent, booth, building or other structure; and shall not (b) include a "temporary or transient" business as that term is defined in General Laws Chapter 101, Section 1: the business of a "hawker" or "pedlar" as these words are defined in said Chapter 101, Section 13: or any sale within the scope of Section 2 of this Chapter.

CHAPTER THIRTY-FOUR ANNUAL TOWN REPORTS

3/15/78 Section 1. The Annual Town Reports containing reports of all financial matters, funds, and business conducted by the Town shall be made available to the voters of the Town by the Selectmen at their office at least seven days prior to the May annual town meeting.

 Section 2. The Selectmen shall cause publication of a notice of availability of reports to appear in a newspaper of local circulation.

 Section 3. The Annual Town Reports shall contain:

 (a) The reports of all Town Boards, officers and committees having control of expenditures of the Town's money.

3/15/78 (b) A statement of the amounts appropriated for the current fiscal year and those recommended for the next ensuing fiscal year.

 (c) A report of all town meetings held during the year, including the articles of the warrants and the action of the meetings thereon.

 (d) Reports of all special committees made at any town meetings held during the year together with any other action taken at said meetings, including committee appointments and resolutions passed at any meeting held during the year.

 (e) A list of jurors with the occupation of each juror in accordance with Section 9 of Chapter 234 of the General Laws.

 Section 4. The reports of all Board, Committees and Officers which are to be printed in the Town's Annual Report shall be delivered to the Board of Selectmen not later than fifteen days after the completion of the year for which such report shall have been made.

3/15/78 Section 5. The Selectmen may, subject to an appropriation therefor, cause to be printed such fiscal year reports as they deem suitable within ninety days of the close of the fiscal year.

**CHAPTER THIRTY-FIVE
BARRIERS ON EXCAVATION**

2/12/09

Section 1. No person shall cause to be made the excavation of a trench on public ways, public property, or private property without having fully complied with the requirements of M.G.L. Chapter 82A and 520 CMR 14.00.

Section 2. The DPW Director shall serve as the Permitting Authority for the implementation of 520 CMR 14.00 and shall be responsible for the issuance of trench permits to any entity that performs trench excavation work in the Town of Oxford and shall be responsible for the coordination of the issuance of trench permits with the permits issued by the Building Inspector, Wiring Inspector, Plumbing Inspector, Board of Health and the DPW. The fee for trench permits shall be established by the DPW Director subject to the approval of the Board of Selectmen.

Section 3. This By-Law may be enforced by Town of Oxford Police Officers, the DPW Director or his designee, the Building Inspector, the Wiring Inspector, the Plumbing Inspector, or the Sewerage Inspector.

Section 4. Any person who violates the provisions of Section 1 of this By-Law shall be subject to a fine of Fifty Dollars (\$50.00) for each offense, each day of a continued violation being considered a separate offense. In lieu of enforcement through criminal proceeding, any enforcing person, may, at his or her discretion, enforce this By-Law by non-criminal disposition in accordance with M.G.L. Chapter 40, Section 21D.

**CHAPTER THIRTY-SIX
COUNCIL ON AGING**

06/12/18

Section 1. There shall be a Council on Aging consisting of seven registered voters of the Town appointed by the Town Manager for three year overlapping terms. The term of office of each member shall expire on the day of the annual town election in the last year of his term. The Town Manager shall fill any vacancies that may occur.

Section 2. The Council shall have all the powers and duties conferred and imposed upon councils on aging by Section 8B of Chapter 40 of the General Laws and any amendments thereof now or hereafter enacted.

**CHAPTER THIRTY-SEVEN
DISPOSAL OF PERSONAL PROPERTY**

Section 1. All personal property of the Town which is of no further use to the particular board, officer or department in charge of the same shall be disposed of in the following manner.

1. The particular board, officer or department shall submit to the Selectmen a report in writing itemizing such property with an estimated value for each item.

2. The Selectmen may transfer such property to another board officer or department having use for the same.

3. The Selectmen shall from time to time sell or cause to be sold all such property not so transferred at public auction after first giving notice of the time and place of sale by publication in a newspaper having general circulation in the Town at least fourteen days before such sale. The Selectmen may scrap any property for which there was no buyer at such a sale. All sale proceeds shall be paid into the treasury of the Town upon receipt by the Selectmen.

4. Any such property in the charge of the Selectmen shall be disposed of in accordance with paragraphs numbered 2 and 3 of this chapter.

CHAPTER THIRTY-EIGHT STORAGE OF UNREGISTERED MOTOR VEHICLES

10/7/87 Repealed. (Zoning By-Law, Chapter 3, Section 7.0)

CHAPTER THIRTY-NINE DISPOSAL OF RUBBISH AND REFUSE

Section 1. The function of rubbish and refuse disposal shall be carried out within the Division of Public Works.

CHAPTER FORTY DOG RESTRAINT AND REGULATION

7/8/13 Section 1. Administration

The Board of Selectmen shall annually appoint an Animal Control Officer who shall be responsible for the enforcement of this By-Law and the Massachusetts General Laws relating to the regulation of animals.

Section 2. Definitions

The following words and phrases as used in the By-Law, unless the context otherwise requires, shall have the following meanings:

“At Large” shall refer to a dog, whether licensed or unlicensed, owned or kept in the Town of Oxford, which is somewhere other than the premises of its owner or keeper or the premises of another person with the knowledge and express permission of such person, unless such dog is (1) attached to and restrained by a suitable restraining device and is under the care and custody of a person competent to restrain it so that it shall not be a threat to public safety, or (2) engaged in hunting, or training, and is supervised by a person competent to restrain it so that it shall not be a threat to public safety. The mere muzzling of a dog shall not prevent it from being deemed at large.

“Hearing Authority” shall, for purposes of this By-Law and Massachusetts

General Laws, Chapter 140, section 157, mean the Board of Selectmen.

“Keeper” shall mean person, other than the owner, harboring or having in his possession any dog.

“Person” shall include corporations, societies, associations and partnerships.

Section 3. Prohibition

No owner or keeper of a dog shall permit such dog to be at large in the Town of Oxford. No owner of a dog or other domestic animal shall be allowed to bring the animal to any public gathering, sponsored by the Town, of 50 or more people without first securing a permit from the Town Animal Control Officer, except as necessary for the health or safety of any such individual.

Section 4. Impoundment

1. Authority of the Animal Control Officer

The animal control officer shall apprehend any dog found by him to be at large and impound such dog in a suitable place or order the owner or keeper thereof to restrain it.

2. Notice to Owner or Keeper

The animal control officer shall immediately notify the owner or keeper of any dog impounded by him under the provisions of this By-Law if such owner or keeper is known by him; if such owner or keeper is not known by him, no notice shall be required.

3. Redemption of Impounded Dogs

The owner or keeper of any dog impounded under the provisions of the By-Law may redeem such dog provided he first (a) reimburses the animal control officer for his expenses at the rate of Forty Dollars (\$40.00) for each day, or portion thereof, that he has confined such dog, and (b) procures from the Town Clerk a license and tag for any such dog that is not licensed.

4. Disposition of Unredeemed Dogs

Any dog which has been impounded under the provisions of this By-Law and has not been redeemed by its owner or keeper within seven days shall be disposed of in accordance with the provisions of Section 151A of Chapter 140 of the Massachusetts General Laws, as amended.

Section 5. Field Trials

No person shall conduct a Field Trial involving dogs in the Town of Oxford without first procuring a permit therefore from the animal control officer. Any such permit shall contain such limitations as the animal control officer shall deem reasonably necessary to prevent such dogs from being a threat to public safety.

Section 6. Fees, Collection and Turnover

The animal control officer shall keep an account of all money received by him under the provisions of this By-Law and shall forthwith pay over such money to the Town Treasurer. The animal control officer shall monthly file with the Town Accountant a statement of all fees collected during the preceding month.

Section 7. Enforcement

1. Indictment

The animal control officer shall have the authority to seek complaints in the District Court for violations thereof. The animal control officer shall investigate complaints of alleged violations of this By-Law. Any person violating Section 3 shall be assessed a penalty of Fifty Dollars (\$50.00). Any person violating the provisions of Section 5 of this By-Law shall be liable to a fine of Twenty Dollars (\$20.00) for each offense.

2. Non-Criminal Disposition

In addition to the other methods of enforcement available herein or under the General Laws, the provisions of this By-Law may also be enforced, by the animal control officer, by non-criminal complaint pursuant to Massachusetts General Laws Chapter 40, Section 21D and Chapter 140, Section 173A. Each day on which a violation exists shall be deemed to be a separate offense. The fine for violation of this By-Law shall be as follows: no fine for the first offense in a calendar year; Twenty-Five Dollars (\$25.00) for the second offense committed within a calendar year; Thirty Dollars (\$30.00) for the third offense committed within a calendar year; and Fifty Dollars (\$50.00) for the fourth and each subsequent offense committed within a calendar year. The fine for violation of Section 5 shall be Twenty Dollars (\$20.00) for each offense.

Section 8. Nuisance and Dangerous Dogs

Any person may make a written complaint to the selectmen that any dog owned or kept within the Town of Oxford is a Nuisance Dog or a Dangerous Dog, as those terms are defined in Massachusetts General Laws, Chapter 140, Section 157. The Board of Selectmen shall investigate or cause to be investigated such complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a Nuisance Dog or a Dangerous Dog, and shall make such order concerning the restraint or disposal of such dog as provided in Massachusetts General Laws, Chapter 140, Section 157. Violations of such orders shall be subject to the enforcement provisions of Massachusetts General Laws, Chapter 140, Sections 157 and 157A, which, upon conviction, may include: for a first offense, a fine of not more than \$500 or imprisonment for not more than 60 days in a jail or house of correction, or both, and for a second or subsequent offense by a fine of not more than \$1,000 or imprisonment for not more than 90 days in a jail or house of correction.

**CHAPTER FORTY-ONE
EARTH REMOVAL**

10/7/87 Repealed. (Zoning By-Law, Chapter 18)

**CHAPTER FORTY-TWO
SWIMMING POOLS**

6/19/74

Every above ground swimming pool, if allowed to remain in place year-round shall be equipped with a ladder which shall either be removed or raised to an upright position at all times when the pool is not in use. Every outdoor inground swimming pool shall be completely surrounded at all times, by a suitable fence or wall not less than four feet in height. A building may be used as part of such enclosure. All gates or door openings through such enclosure shall be of not less than the same height as the fence or wall and shall be equipped with a self-closing and self-latching device located not more than one foot below the top of the fence or wall for keeping the gate or door securely closed at all times when not in actual use. The door of any dwelling which forms a part of the enclosure need not be so equipped. Each such gate or door shall be kept locked at all times when the swimming pool is not in use.

1/16/75
1/10/91

**CHAPTER FORTY-THREE
BOATING**

Section 1. No person shall operate a boat on Carbuncle Pond which has a motor exceeding five horsepower attached thereto; and no person shall operate a boat on said Pond at a rate of speed greater than five miles per hour.

Section 2. No person shall operate a boat on Sacarrappa Pond (also known as Slater's Pond) which is equipped with an internal combustion motor rated in excess of two horsepower.

Section 3. Whomever violates any of the provisions of this chapter shall be subject to a fine of not more than Twenty-Five Dollars (\$25.00) for each offense.

**CHAPTER FORTY-FOUR
BOARD OF WATER COMMISSIONERS**

9/12/77

Section 1. A Board of Water Commissioners is hereby established.

Section 2. The board shall consist of three Commissioners appointed by the Town Manager. Such Commissioners shall, in the first instance, be appointed to hold office as follows: one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the date of the first annual town election following the effective date of this Chapter; and on the date of the annual town election held on the day on which the shortest of such terms expires, and on the date of

each annual town election thereafter, one such commissioner shall be appointed for the term of three years.

Section 3. A majority of the Commissioners shall constitute a quorum for the transaction of business.

Section 4. After the appointment of a Board of Water Commissioners under Section 2 of this Chapter, any vacancy occurring in the board from any cause shall be filled for the remainder of the unexpired term by the Town Manager.

Section 5. The Commissioners shall have exclusive charge and control of the water department within the division of public works and of the town water system, shall have such powers and duties as are conferred and imposed on water commissioners by general law, and shall be subject to the Town charter and by-laws and to such rules and regulations as the Town may from time to time impose by vote.

Section 6. This Chapter shall take effect on the later of (a) the date on which the requirements of General Laws Chapter 40, Section 32 relative to the taking effect of by-laws are satisfied or (b) the date on which the Town acquires title to the franchise, property, rights and privileges of the Oxford Water Company pursuant to Chapter 193 of the Acts of 1904.

**CHAPTER FORTY-FIVE
HISTORICAL COMMISSION**

3/15/78

Section 1. An Historical Commission of seven members shall be appointed by the Town Manager, subject to the approval of the Selectmen, in accordance with the provisions of the General Laws, for three year overlapping terms.

Section 2. The Historical Commission shall exercise such powers and duties as are prescribed by the General Laws, the Town Charter and these By-Laws.

**CHAPTER FORTY-SIX
PUBLIC ENTERTAINMENTS**

3/15/78

Section 1. For purposes of this chapter, the term public entertainments shall mean any public gathering which 200 or more persons attend and for which an admission or attendance charge made for profit, except for school functions held on school property.

Section 2. No public entertainment shall be held within the Town without a permit issued by the selectmen.

Section 3. An application for such a permit shall be submitted to the selectmen at least 45 calendar days prior to the date on which the public entertainment is held.

Section 4. The selectmen, police chief, fire chief and such other town officials as the selectmen shall deem appropriate shall meet jointly to consider each application for such a permit. The joint meeting shall have the authority to:

(a) Decide whether the grant of the permit would be in the best interests of the citizens of the Town; (b) Prescribe public safety and health regulations for the public entertainment; (c) Prescribe the hours during which the public entertainment may be held; (d) Require a bond or other security to secure compensation to the Town or its citizens for damage which may result from the public entertainment; and, (e) Determine the amount of the fee to be charged for the permit.

Section 5. The selectmen shall invite the school committee to the joint meeting if in their judgement:

(a) The number of persons expected to attend the public entertainment presents a threat to the safety, well being or peace of the citizens of the Town; or (b) A riotous or tumultuous situation may result from the public entertainment.

Section 6. The selectmen shall invite the chairman of the board of health to the joint meeting if the public entertainment is to be held out-of-doors or if in their judgment such entertainment may present a public health danger.

**CHAPTER FORTY-SEVEN
SELF SERVICE GASOLINE STATIONS**

3/15/78

Section 1. Any person owning or operating a gasoline filling station shall be allowed to have a self service station, provided that there is at least one full service island where an attendant who is employed by the station is present to hold the gas nozzle while gasoline is pumped into the tank of a vehicle or other suitable container. Any person owning or operating a self service gasoline station prior to the effective date of this chapter may continue to do so.

8/22/94

**CHAPTER FORTY-EIGHT
AUTOMATIC AMUSEMENT DEVICES**

10/20/78

Section 1. No person keeping or offering for operation or allowing to be kept or offered for operation any automatic amusement device licensed under General Laws Chapter 140, Section 177A, shall permit the same to be operated by any person under the age of sixteen years.

10/3/79

CHAPTER FORTY-NINE JUICE BARS

Section 1. Definitions.

The following words and phrases used in this by-law shall have the following meanings unless a contrary intention clearly appears:

1. "Alcohol" shall mean all alcohol other than denatured alcohol or alcohol described in General Laws Chapter 94, Section 303A.
2. "Alcoholic beverages" shall mean any liquid intended for human consumption as a beverage and containing one-half of one per cent or more of alcohol by volume at sixty degrees Fahrenheit.
3. "Board" shall mean the board of selectmen of the Town of Oxford.
4. "Juice bar" shall mean a place of business at which the patrons of the business consume alcoholic beverages supplied by such patrons, and shall not include any place required to be licensed under General Laws Chapter 138.
5. "Persons" shall include a corporation, society, association and partnership.
6. "Premises" shall mean the area of land on which a juice bar is located if the juice bar is operated out-of-doors, or the building or portion thereof in which the juice bar is located if it is operated indoors.

Section 2. Prohibition.

No person shall operate a juice bar without having first obtained a license therefor from the board.

Section 3. Application for license.

1. Each application for a license shall be filed with the board.
2. Each application shall contain the following information:
 - a. The name and address of the applicant.
 - b. The names and addresses of all persons who will have a direct or indirect beneficial interest in the license; and a description of such interest; provided that this provision shall not apply to stockholders of a corporation whose stock is listed for sale to the general public with the Securities & Exchange Commission and who hold less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation.
 - c. The street address of the premises.
 - d. A complete description of the premises.
 - e. A plan of the premises in such form as may be required by the board.
 - f. The name and address of the owner of the premises.
 - g. The applicant's interest in the premises.
 - h. The hours during which it is proposed that the juice bar be open for business.
 - i. Such other information as the board may reasonably require.

Section 4. Action on Application

1. Before issuing an original license, the board shall hold a public hearing thereon.
2. Before holding a public hearing, the board shall at the expense of the applicant give notice of the time, place and subject matter of the hearing at least seven days prior thereto by:
 - a. Publication in a newspaper of general circulation in the Town of Oxford.
 - b. Posting a copy of such notice in the Town Hall; and
 - c. Certified or registered mail, postage prepaid, to all abutters to the premises and all owners of land directly opposite the premises on any public or private way, all as they appear upon the most recent tax list, to all schools, hospitals and churches any portion of the grounds of which are located within a radius of five hundred feet from the nearest portion of the premises, and to the applicant.
3. In acting upon an application for an original or a renewal license the board shall consider all factors that they deem to affect the public welfare including, but not limited to:
 - a. The character, residential or otherwise, of the neighborhood in which the premises are located;
 - b. Road and traffic conditions in the area of the premises;
 - c. The effect that the operation of the juice bar may have on the neighborhood in which the premises are located;
 - d. The effect that the activities of patrons while on route to or departing from the juice bar may have on the neighborhood in which the premises are located.
 - e. The public need or demand for a juice bar in the area of the premises; and
 - f. The need for additional police protection in the area of the premises.

Section 5. License and fee

1. Unless sooner revoked, each license shall expire on December 31 of the year of issue except that a license issued subsequent to July 1 expire on December 31 of the year following the year of issue.
2. Each license shall contain:
 - a. The name and address of the licensee.
 - b. The nature of the business to be conducted under the license.
 - c. The address of the premises, and a description of the area of the land or the portion or portions of the building or buildings in which the license is to be exercised, as the case may be.
 - d. The hours during which the business is to be open for business.
 - e. Such additional conditions and restrictions as the board may deem advisable to carry out the provisions of this by-law.

Section 6. Renewal

1. Each application for renewal of a license shall be filed with the board during the month of October of the year of expiration.

2. Upon receipt of an application for renewal, the board shall forthwith give notice of the receipt of such application by:
 - a. Publication in a newspaper of general circulation in the Town of Oxford;
 - b. Posting a copy of such notice in the Town Hall; and
 - c. Certified or registered mail, postage prepaid, to all abutters to the premises and all owners of land directly opposite the premises on any public or private way, all as they appear upon the most recent tax list.
3. If within fourteen days of the giving of notice of receipt of an application for renewal, the board does not receive written notice of objection of such renewal from three or more persons, the board may issue the renewal license without a public hearing. If within such time, the board receives written notice of objection from three or more persons, it shall hold a public hearing prior to issuing the renewal license. In such case, the provisions of Section 4-2 shall apply. All members of a household shall constitute one person for purposes of this provision.
4. The board may in its discretion hold a public hearing in any case before issuing a renewal license. In such case, the provisions of Section 4-2 shall apply.

Section 7. Revocation, suspension, modification and refusal to renew a license.

1. The board may for cause by a majority vote of its members present and voting revoke, suspend, modify by the imposition of different or additional conditions and restrictions, or refuse to renew a license issued by it.
2. The board shall not take such action unless at least seven days prior to the meeting at which the vote is to be taken, it shall have notified the licensee in writing of such intended vote; nor unless, if the licensee so requests in writing, he shall have been furnished by the board with a written statement of the cause or causes for which the intended vote is proposed; nor unless, if he so requests in writing, he had been given a hearing before the board at which he may be represented by counsel, present evidence and call witnesses to testify in his behalf and to examine them and cross-examine other witnesses; nor unless one or more of the stated cause or causes shall have been substantiated by a fair preponderance of the credible evidence at such a hearing.
3. For purposes of this section, cause shall include, but not be limited to:
 - a. The violation by the licensee, or any of his agents, servants or employees, of any provision of General Laws Chapter 138, of this chapter, of his license, or of any regulation of the board issued under this chapter.
 - b. The fact that the operation of the juice bar adversely affected traffic conditions in the area of the premises.
 - c. The fact that the operation of the juice bar adversely affected the neighborhood in which the premises are located.
 - d. The fact that activities of patrons of the juice bar while on route to or departing from the juice bar adversely affected the neighborhood in which the premises are located.
 - e. The fact that there is no longer a public need or demand for a juice bar in the area of the premises.

- f. The fact that the operation of the juice bar necessitated additional police protection in the area of the premises.
4. Upon written notice from the board of revocation, suspension or modification of a license, the licensee shall forthwith deliver the license to the board.

Section 8. Age limitation.

No license or any agent, servant or employee of a licensee shall permit or allow any person under the age of twenty years to consume any alcoholic beverages on the licensed premises.

Section 9. Regulations.

1. The board may adopt regulations to carry out the provisions of this by-law which shall be filed with the Town Clerk.
2. Such regulations shall take effect upon their being published in a newspaper of general circulation in the Town of Oxford.

Section 10. Penalty.

Any person who violates any provision of this by-law or of any license or regulation issued hereunder shall be liable to a penalty not exceeding \$200.00 for each violation. Each day that a violation continues shall constitute a separate offense.

Section 11. Separability.

The provisions of this chapter are separable, and the invalidity of any provision shall not in and of itself invalidate any other provision.

5/19/03
12/27/83

**CHAPTER FIFTY
BUILDING INSPECTOR FEES**

Section 1. A permit to begin work for new construction, alteration, removal, demolition or other building operation shall not be issued until the fees for such shall have been paid to the Building Department, nor shall an amendment to a permit necessitating an additional fee be approved until the additional fee has been paid.

Section 2. The payment of the fee for the construction, alteration, removal demolition for all work done in connection with or concurrently with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law, regulation, or by-law for water taps, sewer connections, electrical permits, plumbing permits, gas permits, erection of signs and display structures, marquees or other appurtenant structures, or fees of inspections, certificates of occupancy or other privileges or requirements, both within and without the jurisdiction of the Building Department.

Section 3. The fees for Building Department permits shall be sufficient to cover the cost of operating the Building Department including the cost of plan examination, the issuance and tracking of permits, the collection and filing of data

related to the building project, the actual inspections and all other duties and functions required of the Building Department and the Building Inspector. The Building Inspector is authorized to establish, subject to approval by the Board of Selectmen, a schedule of unit rates for buildings and structures of all use groups and types of construction as classified and defined in 780 CMR.

Section 4. The Board of Selectmen is authorized to waive in part or reduce the Building Permit Fee for municipal buildings and structures if requested and recommended by the Town Manager.

Section 5. The Building Inspector shall file with the Town Accountant a monthly statement of all fees collected during the preceding month. All fees shall be paid to the Town Treasurer monthly, for which a receipt shall be issued.

8/15/19 Section 6. Any person, owner, firm or corporation who erects, constructs, alters, reconstructs, repairs, removes or demolishes any structure, building component, mechanical system or equipment regulated by this Chapter before obtaining a permit from the Building Department shall be penalized by a fine of \$300 per trade/permit for the first offense, \$600 for the second offense, and \$1,000 for the third and any subsequent offenses as set forth in the State Building Code, 780 CMR 5118, and the penalties and procedures described therein, as the same may from time to time be amended, are incorporated herein.

CHAPTER FIFTY-ONE REGULATION OF DOGS

4/1/87

Section 1. Services Performed in Office of the Town Clerk.

The registering, numbering, describing and licensing, pursuant to the provisions of Chapter 140 of the General Laws, of all dogs kept in the Town and of all dog kennels maintained in the Town shall be conducted in the Office of the Town Clerk.

9/14/87 Section 2. Fees.

12/3/87 The fees for the services prescribed in Section 1 shall be as prescribed by
8/31/88 Chapter 140 of the General Laws, except that the annual fees for licenses for dogs
11/10/88 shall be (a) for unspayed females and unneutered males, ten dollars and (b) for spayed females and neutered males, six dollars, and (c) the fee for a substitute tag shall be one dollar, and the fee for a transfer license shall be one dollar, and (d) the fees for kennel licenses shall be thirty dollars for four dogs and under, forty dollars for ten dogs and under, and fifty dollars for more than ten dogs.

2/12/09 No fee shall be charged for a license for a dog owned by an Oxford resident who, upon presentation of a valid form of identification, is aged 70 or over before April 30th of the year in which the license is to be obtained.

1/17/06 Section 3. Dog License Late Charges.

Each owner or keeper of a dog who fails to obtain a license for such dog within

thirty days after the date prescribed therefore by Chapter 140 of the General Laws shall be required to pay, in order to obtain a license for such dog, a late charge in the amount of Ten Dollars (\$10.00) in addition to the license fee prescribed by said Chapter 140 and Section 2.

2/12/09 No late charge shall be required in order to obtain a license for a dog owned by an Oxford resident who, upon presentation of a valid form of identification, is aged 70 or over before April 30th of the year in which the license is to be obtained.

Section 4. Kennel License Late Charge.

Each person maintaining a kennel who fails to obtain a license for such kennel within thirty days after the date prescribed therefor by Chapter 140 of the General Laws shall be required to pay, in order to obtain a license for such kennel, a late charge in the amount of ten dollars in addition to the license fee prescribed by said Chapter 140.

8/15/19 Section 5. Repealed.

Section 6. Liability of Owners and Keepers.

Each owner or keeper of a dog which has done damage to livestock or fowls shall be jointly and severally liable in tort to the Town for all damages so done for which the Selectmen have directed payment to be made under Section 5.

Section 7. Repeal.

Chapter Fifty-One, Dog and Kennel Licenses Late Charges, of these General By-Laws is hereby repealed.

Section 8. Effective Date.

This chapter shall take effect on April 1, 1987.

1/15/98 Section 9. Control of Dogs.

No person owning or having the care, custody or control of any dog shall permit such dog to deposit fecal matter, soil, defile or commit any nuisance upon any sidewalk, street, thoroughfare, beach or wetland, in or upon any public property, or in or upon the property of persons other than the owner or persons having the care, custody or control of such dog, unless said person picks up any such waste and disposes of same in a sanitary manner. This section shall not apply to physically handicapped persons in sole custody or control of said dog. Penalty for violation of this section shall be twenty-five dollars (\$25.00) per offense and shall be enforced by the Animal Control Officer.

12/21/10

**CHAPTER FIFTY-TWO
PUBLIC NUISANCES PROHIBITED**

01/25/10

8/12/10 Section 1. No person shall engage in conduct constituting a public nuisance. The following conduct shall constitute a public nuisance: public urination or defecation; unduly interfering with or obstructing public right of passage over sidewalks, public ways, right-of-ways or other public property; or disorderly conduct. Unless flight by the

person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern, which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true, and, if believed by the officer at the time, would have dispelled the alarm or immediate concern. This section shall be interpreted so as to be consistent with the General Laws of the Commonwealth of Massachusetts.

Section 2. No person shall throw or drop any glass, paper, plastic, refuse or waste, filth or other litter upon the streets, roads, public parks, public playgrounds and recreational areas including ponds and beaches, or any public parking lots and driveways, public cemeteries, or any land or building owned by the Town including school sites.

Section 3. No person shall operate or ride any wheeled device for human transportation, including but not limited to a scooter, bicycle, skateboard, roller skates, roller skis or in-line skates, but not including devices to aid the handicapped or infirm, or carriages, strollers or similar devices being used to transport infants or young children, in any public building and walkway, stairs or grounds of a public building or on any Town property, public way or part thereof, except as otherwise provided by the traffic laws and regulations of the Commonwealth.

Section 4. Any person who violates any provision of this chapter shall be subject to a fine of Twenty-five Dollars (\$25.00) for each offense, each day or a continued violation being considered a separate offense. In lieu of enforcement through criminal proceeding, any town appointed police officer may, at his or her discretion, enforce this By-Law by non-criminal disposition in accordance with M.G.L. Chapter 40, Section 21D.

CHAPTER FIFTY-THREE LICENSES AND PERMITS

6/30/86

Section 1. Definitions.

The following words and phrases used in this chapter shall have the following meanings, unless a contrary intention clearly appears:

1. "Collector" shall mean the collector of taxes of the Town of Oxford.
2. "License and Permit" shall include all licenses and permits, including renewals and transfers, issued by any board, officer, department, commission or division of the Town of Oxford, except the following licenses and permits issued under the following provisions of the General Laws: (a) open burning permits, Section 13 of Chapter 48; (b) bicycle permits, Section 11A of Chapter 85; (c) sales of articles for charitable purposes, Section 33 of Chapter 101; (d) children's work permits, Section 69 of Chapter 149; (e) clubs, associations dispensing food or beverage licenses, Section 21E of Chapter 140; (f) dogs licenses, Section 137 of Chapter 140; (g) fishing, hunting, trapping licenses, Section 12 of Chapter 131; (h) marriage licenses, Section

28 of Chapter 207; and (i) theatrical events, public exhibition permits, Section 181 of Chapter 140.

3. "Licensing authority" shall include all boards, officers, departments, commissions and divisions of the Town of Oxford that issue licenses or permits.
4. "Person" shall include a corporation and a business enterprise.

6/24/96

Section 2. List.

The collector shall annually furnish to each licensing authority a list of all parties that have neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, including, where applicable, identification of the real estate which is the subject of such tax, fee, assessment, betterment or other municipal charge, and who have not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

6/24/96

Section 3. Revocation, Suspension or Denial.

The licensing authority may deny, revoke or suspend any license or permit of any person whose name appears on such a list furnished to it by the collector, or any license or permit with respect to which the licensed or permitted activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any person whose name appears on such a list, provided, however, that written notice is given to the person and the collector, as required by applicable provisions of laws, and the person 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 person. The collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority received a certificate issued by the collector that the person is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Town as of the date of issuance of said certificate.

Section 4. Payment Agreement.

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

Section 5. Waiver.

The Board of Selectmen of the Town of Oxford may waive such denial,

suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in General Laws Chapter 268, Section 1, in the business or activity conducted in or on said property.

CHAPTER FIFTY-FOUR

6/30/86 FEES FOR LICENSES FOR STORAGE AND SALE OF VOLATILE INFLAMMABLE FLUIDS AND FOR PERMITS FOR REMOVAL OR RELOCATION OF UNDERGROUND GASOLINE TANKS

Section 1. Storage for Purpose of Sale.

The fees for licenses for the storage for the purpose of sale of volatile inflammable fluids under the provisions of General Laws Chapter 148, Section 13, shall be as follows:

(A) For licenses permitting a total storage capacity of

not more than	1,000 gallons	-----	\$ 10.00
not more than	2,000 gallons	-----	15.00
not more than	5,000 gallons	-----	25.00
not more than	10,000 gallons	-----	50.00
not more than	30,000 gallons	-----	100.00
not more than	100,000 gallons	-----	150.00
not more than	200,000 gallons	-----	200.00
for more than	200,000 gallons	-----	250.00

(B) For certificates of the head of the fire department-\$10.00

(C) For annual registrations of

not more than	1,000 gallons	-----	5.00
not more than	2,000 gallons	-----	7.50
not more than	5,000 gallons	-----	12.50
not more than	10,000 gallons	-----	25.00
not more than	30,000 gallons	-----	50.00
not more than	100,000 gallons	-----	75.00
not more than	200,000 gallons	-----	100.00
for more than	200,000 gallons	-----	125.00

Section 2. Storage for Purposes other than Sale.

The fees for licenses for the storage for purposes other than the sale of volatile inflammable fluids under the provisions of General Laws Chapter 148, Section 13, shall be as follows:

(A) For licenses of

not more than	1,000 gallons	-----	\$ 10.00
not more than	2,000 gallons	-----	15.00
not more than	5,000 gallons	-----	25.00
not more than	10,000 gallons	-----	50.00
not more than	30,000 gallons	-----	100.00

not more than	100,000 gallons	-----	150.00
not more than	200,000 gallons	-----	200.00
for more than	200,000 gallons	-----	250.00

(B) For certificates of the head of the fire department-\$10.00

(C) For annual registrations of

not more than	1,000 gallons	-----	5.00
not more than	2,000 gallons	-----	7.50
not more than	5,000 gallons	-----	12.50
not more than	10,000 gallons	-----	25.00
not more than	30,000 gallons	-----	50.00
not more than	100,000 gallons	-----	75.00
not more than	200,000 gallons	-----	100.00
for more than	200,000 gallons	-----	125.00

Section 3. Removal or Relocation of Underground Gasoline Tanks.

The fees for permits under the provisions of General Laws Chapter 148, Section 33A, for the removal or relocation of underground tanks which have been used for the keeping or storage of gasoline shall be the fees specified in Section 1 of this chapter, depending upon the total storage capacities of such tanks.

8/31/88

**CHAPTER FIFTY-FIVE
BANDSTAND COMMITTEE**

Section 1. A Bandstand Committee consisting of seven (7) members shall be appointed by the Town Manager to serve for five year overlapping terms. The Bandstand Committee shall be established within the Division of Public Services.

Section 2. The Bandstand Committee shall be responsible for the operation, maintenance and programming of the Town Bandstand located on the Town Common.

Section 3. The Bandstand Committee shall be responsible for scheduling of all events taking place at the Bandstand, subject to the approval of the Board of Selectmen.

Section 4. The Bandstand Committee shall file with the Town Accountant a monthly statement of all fees collected during the preceding month. All fees shall be turned over to the Town Treasurer monthly, for which a receipt shall be issued.

8/31/88

**CHAPTER FIFTY-SIX
FALSE ALARMS**

Section 1. DEFINITIONS.

(a) "ALARM SYSTEM" means: an assembly of equipment and devices or a

single device arranged to signal the presence of a condition requiring urgent attention and to which Police and/or Firefighters are expected to respond. Fire alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premise or an attempted break at a premise are included.

(b) "FALSE ALARM" means:

1. The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or his employees or agents.
2. Any signal or oral communication transmitted to the Police and/or Fire Department requesting, requiring or resulting in a response on the part of the Police and/or Fire Department when in fact there has been no fire or threat of fire.
3. For purposes of this definition, activation of alarm systems by acts of vandals, by acts of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes, lightning and similar weather or atmospheric disturbance shall not be deemed a false alarm.

(c) "USER" means: the occupant of the premises containing the alarm system.

Section 2. CONTROL AND CURTAILMENT OF SIGNALS EMITTED BY ALARM SYSTEMS.

(a) Every user shall submit to the Police and/or Fire Department the name and telephone numbers of at least three (3) persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed.

(b) All alarm systems 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 horn or bell within fifteen (15) minutes after activation of the alarm system.

(c) Any alarm system presently installed prior to the effective date of this By-Law shall have retrofitted to the system within one hundred and eighty (180) days after the effective date of this By-Law such a silencing device as described in SECTION 2 (b).

(d) Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between the hours of 11:00 p.m. and 7:00 a.m., which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or his agents as designated in SECTION 2 (a), and which disturbs the peace, comfort or repose of a community, neighborhood, or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police and/or Fire Department shall endeavor to contact the alarm user or his agent to silence the nuisance.

Section 3. PENALTIES

The user shall be assessed a false alarm service fee on the following schedule:

1st Time	WRITTEN WARNING
2nd Time	WRITTEN WARNING
3rd Time	\$ 50.00
4th Time	\$100.00
5th and Subsequent Times	\$200.00

FOR THE OCCURRENCE AFTER THREE FALSE ALARMS THE FOLLOWING WILL RESULT:

- (1) Where alarms are not necessary to meet life safety conditions, legal action shall be sought to silence the system.
- (2) Where alarms are necessary to meet life safety conditions and no watchman service can be provided by the user, firefighters shall be placed on fire watch at all times until such time as the alarm system is returned to service. The firefighters shall be compensated for their time at a rate of fifteen (\$15.00) dollars per hour. The number of firefighters or watchmen needed to provide fire watch shall be in sufficient numbers as the Fire Chief in charge deems necessary.
- (3) The Fire Department shall file with the Town Accountant a monthly statement of all service fees collected during the preceding month. All service fees shall be turned over to the Town Treasurer monthly, for which a receipt shall be issued.

**CHAPTER FIFTY-SEVEN
TEMPORARY REPAIRS ON PRIVATE WAYS**

11/10/88

The Town may make temporary repairs on private ways which have been opened to public use for a period of six years or more, provided the repairs are for the protection of the health and safety of the general public using such roads.

Such repairs shall include the filling of holes in the subsurface of such ways and repairs to the surface materials thereof. Materials for such repairs, where practical, should be the same as, or similar to, those used for the existing surfaces of such ways, but may include surfacing the ways with bituminous materials, including but not limited to bituminous concrete.

Drainage, as determined by the Highway Superintendent to be necessary as a result of the repairs, may also be done. Drain repairs shall be made only if petitioned for by all the abutters who own frontage on such ways with the approval of the land owner, if necessary, and if the Board of Selectmen declare that they are required by the public necessity and convenience to make such repairs based on an advisory opinion of the Highway Superintendent. Drainage easements shall, if necessary, be the responsibility of the petitioners. The cost of such repairs shall be paid by the abutters by a cash deposit as

herein provided.

No repairs shall be commenced unless and until a cash deposit equal in amount to the estimated cost of such repairs, as determined by the Highway Superintendent, is paid over to the Town and the Board of Selectmen have given their approval for the project. No betterment charges shall be assessed.

The Town shall not be liable on account of any damage whatsoever, caused by such repairs and Section 25 of Chapter 84 shall not apply. The Board of Selectmen may require an indemnity agreement executed by the petitioning abutters, indemnifying the Town for all claims and damages which may result from making such repairs.

The Town may, subject to the approval of the Board of Selectmen, and based on an advisory report from the Highway Superintendent, make temporary minor repairs to private ways not to exceed \$500.00 in total, provided the private way has been open to public use for a period of six years or more. The repair shall be limited to minor work such as filling, patching and not more than grading or scraping twice per year.

No such repairs shall be done unless there is a unanimous agreement by all abutters that the work should commence and the Town of Oxford shall be held harmless from any and all damages or claims arising out of such repairs. Massachusetts General Laws, Chapter 84, Section 25 shall not apply.

8/26/91

CHAPTER FIFTY-EIGHT OPEN BURNING PERMITS

No person shall cause, suffer, allow or permit the open burning of any combustible material without first obtaining written permission from the Chief of the Fire Department. Said permission shall be issued only in accordance with the provision set forth in General Laws Chapter 48, Section 13 and the Code of Massachusetts Regulations, at 310 C.M.R. 7.07.

A fee structure for permits shall be established by the Board of Fire Engineers subject to the approval of the Board of Selectmen. Whoever violates any provision of this by-law shall be fined Fifty Dollars (\$50.00) for each offense.

1/15/93

CHAPTER FIFTY-NINE INDIVIDUAL HEALTH INSURANCE CONTRACTS

Section 1. Pursuant to the Second Article of Amendment to the Massachusetts Constitution and Chapter 43B of the General Laws, the Town of Oxford is hereby empowered to pay for, in whole or in part, individual or family health care insurance and benefits for persons unable to be covered by group health plans and health maintenance organization plans by the Town, in accordance with this Article.

Section 2. The Board of Selectmen is hereby authorized to approve reimbursement by the Town to employees and retirees of the Town who reside outside the service area of any health maintenance organization plan offered by the Town for reasonable expenses incurred by such persons in the purchasing of individual or family health insurance contracts, in such amounts and in such manner and under such

conditions as the Board of Selectmen deem to be in the interest of the Town, subject to the availability of funds.

Section 3. The School Committee is hereby authorized to approve reimbursement by the Town to School Department employees who reside outside the service area of any health maintenance organization plan offered by the Town for reasonable expenses incurred by such persons in the purchasing of individual or family health insurance contracts, or under such contracts, in such amounts and in such manner and under such conditions as the School Committee deems to be in the interest of the Town, subject to the availability of funds, and the Rules and Regulations promulgated by the Board of Selectmen pursuant to this Article. The School Committee may delegate its authority under this Section to the Board of Selectmen.

Section 4. The Board of Selectmen shall have the authority to issue rules and regulations concerning the carrying out of this Article, including but not limited to the type of coverage of any insurance plans to be subject to reimbursement by the Town and the amount of such reimbursement.

Section 5. No person who resides within the service area of a health maintenance organization plan offered through the Town or who is otherwise eligible to be covered by any health insurance plan offered through the Town shall be eligible for reimbursement pursuant to this Article.

Section 6. Reimbursement pursuant to this Article shall not be allowed in the event the Town obtains group indemnity health insurance available to all employees and retirees of the Town eligible to participate in group plans under Chapter 32B, or if the Commonwealth or some agency of the Commonwealth under Chapter 32B or any comparable statute provides health care coverage to persons eligible to participate in group plans under Chapter 32B but are unable to be covered by the health insurance plans offered by the Town.

Section 7. Only persons otherwise eligible to participate in group health insurance plans of the Town under any section of Chapter 32B of the General Laws accepted by the Town, or rules and regulations promulgated pursuant to said Chapter, but unable to do so because of the lack of a group indemnity health insurance plan, shall be eligible for reimbursement under this Article.

CHAPTER SIXTY HANDICAPPED PARKING

8/22/94

It shall be unlawful for any person to park or leave standing unattended any motor vehicle not bearing a distinguishing license plate bearing an authorized handicapped symbol or disabled veteran symbol, in any parking space reserved for the use of such persons. The provisions of this by-law shall apply to all parking spaces and facilities owned or controlled by the Town and to all public and private ways or property used as

off-street parking. The required number and form of parking spaces to be maintained in such off-street parking areas shall be governed by the following formula:

- (a) If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five percent of such spaces but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such spaces but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one-half percent of such spaces but not less than ten; more than one thousand but not more than two thousand, one percent of such spaces but not less than fifteen; more than two thousand but less than five thousand, three fourths of one percent of such spaces, but not less than twenty; and more than five thousand, one-half of one percent of such spaces but not less than thirty.
- (b) Parking spaces designated as reserved under the provision of paragraph (A) shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them.

It shall be unlawful for any person to park or leave standing unattended a motor vehicle in such manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.

Any person violating this by-law shall be fined \$15.00 for the first offense and \$25.00 for the second or subsequent offense.

The provisions of this by-law shall not pre-empt the authority of the Oxford Board of Selectmen to enact rules or orders regarding parking of motor vehicles.

In addition to other methods of enforcement available herein, the provisions of this by-law may also be enforced, by officers of the Town police department, by non-criminal disposition pursuant to Massachusetts General Laws, Chapter 40, Section 21D. Each day upon which a violation exists shall constitute a separate violation. The fine for the non-criminal disposition of any such offense shall be in the amount specified above.

2/10/95
7/11/95

CHAPTER SIXTY-ONE REGULATIONS PERTAINING TO CATS

Preamble

As a result of the current rabies epizootic existing in the Town of Oxford, this by-law is enacted to protect the public health and welfare. By requiring the licensing of cats and that cats wear a tag identifying the cat and its license number, and further requiring that all cats must be properly vaccinated against rabies prior to being licensed, the Town seeks to curb the further spread of rabies and be able to better determine whether a cat is properly protected against rabies.

Section 1. General Requirements

A person, who at the commencement of a license period, is, or who during any license period, becomes, the owner or keeper of a cat six months old or over which is not duly licensed, and the owner or keeper of a cat when it becomes six months old during a license period, shall cause it to be registered, numbered, described and licensed until the end of such a license period. The owner or keeper of a cat so registered, numbered, described and licensed during any license period, in order to own or keep such a cat after the beginning of the succeeding license period, shall, before the beginning, thereof, cause it to be registered, numbered, described and licensed for such period. The registering, numbering, describing and licensing of a cat shall be in the office of the Oxford Town Clerk.

The Oxford Town Clerk shall not grant such a license for any cat unless the owner thereof provides the Town Clerk either a veterinarian's certification that such cat has been vaccinated in accordance with the provisions of section One-hundred and forty-five B of Chapter One hundred and forty of the Massachusetts General Laws or has been certified exempt from such provision as herein after provided, or a notarized letter from a veterinarian that a certification was issued or a metal rabies tag bearing an expiration date indicating that such certification is still in effect.

The Oxford Town Clerk or Oxford Animal Control Officer may grant an exemption from the provisions of the proof of vaccination for any cat which has not yet attained the age of six months, any cat which the Oxford Board of Health, for a specified period of time, declared exempt upon presentation of a veterinarian's certificate stating that because of infirmity, to her physical condition or regimen of therapy, that inoculation is thereby deemed inadvisable, or any cat in transit, or cat brought into the Town of Oxford, temporarily, for the sole purpose of showing in cat shows or exhibitions.

The license shall be in a form prescribed by the Town Clerk and Animal Control Officer, upon a blank to be furnished by the Town of Oxford. The owner of the cat may add descriptive words, not over ten in number, upon the license to indicate the color, breed, weight and special markings of the licensed cat. The owner or keeper of a licensed cat shall cause it to wear around its neck or body a collar or harness of leather or other

suitable material, to which shall be securely attached a tag in a form prescribed by the Town Clerk and Animal Control Officer, and upon which shall appear the license number the year of issue and the words "Town of Oxford". Such tags shall be furnished in the same manner as the license blanks, and if any such tag shall be lost, the owner or keeper of such cat shall forthwith secure a substitute tag from the Town Clerk at a cost of one dollar and fifty cents.

The licensing period shall be during the month of February, annually. The schedule of fees for the licensing of cats is as follows:

1. Spayed or neutered cats--six dollars per cat per license period or any portion thereof.
2. All other cats--ten dollars per cat per license period or any portion thereof.

In order to qualify for the spayed or neutered cat rate, a veterinarian's certification of the spaying or neutering, as a result of performing the procedure or by examination, must be presented to the Town Clerk at the time of licensure. If no certification is or can be provided at the time of licensure, the owner or keeper shall be liable for the "all other cats rate" of ten dollars.

2/12/09 No fee shall be charged for a license for a cat owned by an Oxford resident who, upon presentation of a valid form of identification, is aged 70 or over before April 30th of the year in which the license is to be obtained.

1/17/06 Section 2. Late Charges.

Each owner or keeper of a cat who fails to obtain a license for such cat within thirty days after the date prescribed in this by-law shall be required to pay, in order to obtain a license for such cat, a late charge in the amount of Ten Dollars (\$10.00) in addition to the license fee prescribed in this regulation.

2/12/09 No late charge shall be required in order to obtain a license for a cat owned by an Oxford resident who, upon presentation of a valid form of identification, is aged 70 or over before April 30th of the year in which the license is to be obtained.

Section 3. Enforcement

The Animal Control Officer shall enforce the provisions of this regulation and to that end shall have the authority to seek complaints in the District Court for violations thereof. He shall investigate complaints of alleged violations of this regulation. He also shall apprehend any cat found by him to be in violation of this by-law and impound such cat in a suitable place or order the owner or keeper thereof to cause it to be vaccinated for rabies and licensed before returning to said owner or keeper.

Section 4. Impoundment

The Animal Control Officer shall immediately notify the owner or keeper of any cat

impounded by him under the provisions of this by-law, if such owner or keeper is known by him. If such owner or keeper is not known by him, no notice shall be necessary. The owner or keeper of any cat impounded under the provisions of this regulation may redeem such cat provided he:

- 5/24/07
- A. reimburses the Animal Control Officer for his expenses at a rate of not more than Twenty-five Dollars (\$25.00) for his initial handling of such cat plus Ten Dollars (\$10.00) for each day, or portion thereof, that he has confined such cat, and
 - B. procures from the Town Clerk a license and/or a tag for any such cat that is not licensed and/or not displaying the required license tag.

Any cat which has been impounded under the provisions of this by-law and has not been redeemed by its owner or keeper within three full days shall be disposed of in the same manner as provided in section one hundred and fifty-one A of Chapter one-hundred and forty of the Massachusetts General Laws, as amended. In such a case for disposal as described in this section, if the owner or keeper of any disposed of cat is known by the Animal Control Officer, the owner or keeper shall be responsible for all of the costs incurred by the Animal Control Officer for the initial handling, daily keeping fee and/or the cost of disposal, that is whatever services are provided.

- 7/11/95
- Section 5. Penalty
- Any person violating the provisions of this regulation shall forfeit not more than three hundred dollars.

In addition to the other methods of enforcement available herein, the provisions of this by-law may also be enforced, by the Animal Control Officer by non-criminal complaint pursuant to the Massachusetts General Laws Chapter 40, Section 21D. Each day on which a violation exists shall be deemed to be a separate offense. The fines for each violation shall be as follows: Twenty-five dollars (\$25.00) for the first offense committed within a calendar year; thirty dollars (\$30.00) for the second offense committed within a calendar year; and fifty dollars (\$50.00) for the third and each subsequent offense committed within a calendar year.

**CHAPTER SIXTY-TWO
YOUTH COMMISSION**

- 1/15/98
- 7/26/00
5/20/05
- Section 1. A youth commission, hereinafter called the commission, consisting of five (5) members, adult residents of the Town, shall be appointed by the Town Manager, subject to the approval of the Board of Selectmen.

Section 2. The commission shall have the purpose of establishing, developing, and governing a youth center and to carry out programs, which may be designed or

established to meet the opportunities, challenges, needs, and problems of youth of said town, and in conjunction with any similar or related programs of any agency of the commonwealth, or any agency of the federal government. The commission shall be the governing body of the youth center. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the Annual Town Report.

Section 3. The Town Manager shall appoint such clerks and other employees as may be necessary from time to time, subject to the advice and consent of the youth commission, and the with approval of the Board of Selectmen.

Section 4. When the commission is first established, the terms of members will be for one, two, or three years and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for a term of three (3) years each.

Section 5. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall by the Town Manager be filled for the unexpired term in the same manner as an original appointment.

Section 6. Said commission may receive gifts of property, both real and personal, in the name of the Town of Oxford, subject to the approval of the Board of Selectmen, such gifts to be managed and controlled by the commission for purposes of this section.

**CHAPTER SIXTY-THREE
FEEDING OR BAITING OF MIGRATORY WATERFOWL**

1/03/00

No person, except the director of the Division of Fisheries and Wildlife or his agent or designee, as authorized pursuant to Chapter 131 of the Massachusetts General Laws, shall feed or bait any waterfowl of the family Anatidae (including, but not restricted to ducks, geese and swans) at any place within the Town of Oxford. As used in this paragraph, "feeding" and "baiting" shall mean the placing, exposing, depositing, distributing, or scattering, directly or indirectly, of shelled, shucked, or unshucked corn, wheat, or other grain, bread, salt, or any other feed or nutritive substances, in any manner or form, so as to constitute for such birds a lure, attraction, or enticement to, on, or over any such area where such feed items have been placed, exposed, deposited, distributed, or scattered.

7/26/00

Nothing in this By-Law shall be construed to limit the feeding of domesticated waterfowl, as defined by the Division of Fisheries and Wildlife, by a farmer as defined in Section 1A of Chapter 128 on property owned or leased by him, or the feeding of waterfowl or other birds by propagators licensed under Section 23 of

Chapter 131 of the General Laws when such waterfowl or other birds are confined in such a manner as may be required, pursuant to said Section 23 and any Rules and Regulations issued under authority thereof; or the feeding by any person or his agents, invitees or licensees of waterfowl lawfully kept as a pet by that person.

Notwithstanding any of the above, the Director of the Division of Fisheries and Wildlife or his agent or designee may authorize the emergency feeding of waterfowl and other birds when, in his opinion, such action is necessary in order to alleviate undue losses and suffering of such birds due to unusual weather conditions and other circumstances. The Director may authorize such action by such means as he deems necessary and expedient, but such means shall include the immediate notification of the Selectmen thereof by first-class mail.

This By-Law may be enforced by Town of Oxford Police Officers, Natural Resource Officers, agents or members of the Oxford Board of Health, Environmental Police Officers, and other enforcement officers of the Division of Law Enforcement, and by Deputy Environmental Police Officers.

Any person who violates any provision of this By-Law shall be subject to a fine of Fifty Dollars (\$50.00) for each offense thereof. In lieu of enforcement through criminal proceedings, an enforcing person may, at his or her discretion, enforce this By-Law by non-criminal disposition in accordance with Massachusetts General Laws Chapter 40, Section 21D.

Any provision of this by-law which is found to be invalid by the court shall be deemed to be severable.

**CHAPTER SIXTY-FOUR
BROWNFIELDS TAX ABATEMENT AGREEMENT**

7/26/00

Section 1. Purpose.

It is the intent of this By-law to provide an incentive to eligible persons, as defined in G.L.c.21E, §2, to implement environmental cleanups and the redevelopment of sites located within the Town which are zoned for industrial and commercial use from or at which there has been a release of oil or other hazardous materials.

Section 2. Eligible Sites.

Sites or portions of sites which are eligible for consideration for Brownfields tax abatement agreements pursuant to the provisions of G.L. c.59, §59A and this by-law must:

1. be a site or a portion of a site from or at which there has been a release of oil or hazardous material;

2. be owned by an eligible person, as that term is defined in G.L. c.21E, §2; and
3. be zoned for commercial or industrial use under the current zoning by-laws adopted by the Town;

Section 3. Abatement Agreements

1. The Town Manager is hereby authorized to negotiate and execute real estate tax abatement agreements on behalf of the Town with eligible persons. All such real estate tax abatement agreements are subject to approval by the Board of Selectmen.
2. Real estate tax abatement agreements may allow for abatement of outstanding real estate taxes, interest and/or penalties as the Town Manager shall deem appropriate to facilitate the remediation and/or redevelopment of the subject property.
3. All real estate tax abatement agreements shall incorporate terms including, but not limited to,
 - a. the amount of taxes, interest and penalties outstanding;
 - b. the percent of interest to accrue if determined applicable by the parties;
 - c. a description of quantifiable monthly payments to be made pursuant to the agreement;
 - d. the inception date of such payments;
 - e. the date of final payment;
 - f. penalties to be imposed in the event payments are not made in a timely manner; and
 - g. any and all other contractual terms negotiated and stipulated by the Town Manager and the property owner or other eligible person.
4. All real estate tax abatement agreements shall be executed by the Board of Selectmen on behalf of the Town, and by the eligible person, whose signatures shall be notarized and attested to by the Town Clerk.
5. A copy of each real estate tax abatement agreement executed pursuant to this by-law shall be provided to the Department of Environmental Protection, the Federal Environmental Protection Agency, the Commissioner of the Department of Revenue, the Board of Selectmen, and the owners of the real property to which the agreement relates.

1/14/05

CHAPTER SIXTY-FIVE DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM

Section 1. Purpose

- 1.01 Increased and contaminated stormwater runoff are major causes 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's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

1.02 The purpose of this By-Law is:

1. To prevent pollutants from entering the town's municipal separate storm sewer system (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; and
5. To establish the legal authority to ensure compliance with the provisions of this By-Law through inspection, monitoring, and enforcement.

Section 2. Definitions

AUTHORIZED ENFORCEMENT AGENCY: The Oxford Department of Public Works (hereafter the DPW) its Director or his designee.

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 (33USC §1251 *et seq.*) as amended.

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 illicit discharge 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 6. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or resulting from fire fighting activities exempted pursuant to Section 6 of this By-Law.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating into the underlying soil. Impervious surface includes, without limitation, roads, paved parking lots, sidewalks, 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 Oxford.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by the 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.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, or any agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

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, accumulation 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;
10. construction wastes and residues; and
11. noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water that, 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: Runoff from precipitation or snow melt.

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 MGL c.21C and c.21E,

and the regulations at 310 CMR 30.00 and 310 CMR 40.00.

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. Authority

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

Section 4. Applicability

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

Section 5. Responsibility for Administration

The Department of Public Works (DPW), acting through its Director shall administer, implement, and enforce this By-Law.

Section 6. Regulations

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

Section 7. Prohibited Activities

7.01 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.

7.02 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.

7.03 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 approval from the DPW.

7.04 Exemptions

1. Discharge of flow resulting from fire fighting activities;
2. Waterline flushing provided that prior notice is made to the DPW and the discharged water is not a significant contributor of a pollutant;
3. Natural non-storm related flows from springs, riparian habitats and wetlands, stream flow diverted by wildlife or natural causes, groundwater from roadway sub-drains, uncontaminated groundwater infiltration;
4. Water from exterior foundation drains, and footing drains (not including active groundwater dewatering systems) as allowed and conditioned by a DPW Road Opening Permit;
5. Sump pump discharges as conditioned and permitted by a DPW Road Opening Permit provided the permit is subject to immediate revocation if testing uncovers contaminated discharges;
6. Over driveway flow from residential car washing;
7. Discharge of overspray from landscape irrigation or lawn watering provided no chemical additives are in the water;
8. 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, provided that prior notice is given to the DPW;
9. Discharge from street sweeping;
10. Dye testing, provided prior notice is provided to the DPW;
11. Non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
12. Discharges for which advanced written approval is received from the DPW as necessary to protect public health, safety, welfare or the environment.

Section 8. Emergency Suspension of Storm Drainage System Access

The DPW may suspend municipal storm system 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 DPW may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Section 9. 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 the facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, that person shall immediately notify the

Oxford Fire Department, the Oxford Police Department and the Oxford Board of Health. In the event of a release of non-hazardous material, the reporting person shall notify the DPW no later than the next business day. The reporting person shall provide to the DPW 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 10. Enforcement

- 10.01 The DPW acting through its Director shall enforce this By-Law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- 10.02 If a person violates the provisions of this By-Law, regulations, permit, notice, or order issued thereunder, the DPW may seek injunctive relief in a court of competent jurisdiction restraining that person from activities which would create further violations or compelling that person to perform abatement or remediation of the violation.
- 10.03 The DPW may issue a written order to enforce the provision of this By-Law or the regulations promulgated thereunder, which may include: orders to eliminate illicit connections or discharges to the MS4; orders to perform monitoring, analyses, and reporting; orders that unlawful discharges, practices, or operations shall cease and desist; and orders requiring remediation of contamination in connection therewith. Said order shall be sent certified mail, return receipt requested to the violator and owner. If the DPW 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. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner.
- 10.04 If the DPW takes action upon failure of the violator or owner to abate or remediate, notice shall be given to the violator and owner of the costs, including administrative costs, incurred by the Town. Said notice shall be sent within thirty (30) days of completion of all measures necessary to abate the violation or to perform remediation. The violator or owner shall also be notified that they may, within thirty (30) days of receipt of said notice, file an appeal in writing to the Board of Selectmen objecting to either the amount or basis of the costs incurred. If the amount due is not received by the expiration of the time in which to file an appeal or within (30) days following a decision by the Board of Selectmen affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate

provided by MGL c.59 §57 after the thirty-first day at which the cost first become due.

- 10.05 Any person who violates any provision of this By-Law, regulation, order or permit issued thereunder, shall be punished by a fine of \$250.00 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- 10.06 As an alternative to criminal prosecution or civil action, the DPW may, at the discretion of the Director, enforce this By-Law by non-criminal disposition in accordance with MGL c.40 §21D.
- 10.07 To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the DPW, its agents, employees, and duly authorized contractors 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 reasonably necessary.
- 10.08 The remedies listed in this By-Law are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 11. Severability

The provisions of the By-Law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this by-Law of 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 12. Transitional Provisions

Residential property owners shall have 180 days from the effective date of this By-Law to comply with its provisions provided good cause is shown for the failure to comply with the By-Law during that period.

1/14/05

CHAPTER SIXTY-SIX STORMWATER MANAGEMENT AND LAND DISTURBANCE

Section 1. Purpose

- 1.01 Soil erosion and sedimentation can result in harmful impacts including: 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; flooding; and overloading or clogging of municipal catch basins and storm drainage systems.
- 1.02 The purpose of this By-Law is:
 - 1. To protect water resources;
 - 2. To require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities;
 - 3. To promote infiltration and the recharge of groundwater;

4. To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
5. To require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites;
6. To comply with state and federal statutes and regulations relating to stormwater discharges; and
7. To establish the town's legal authority to ensure compliance with the provisions of this By-Law through inspection, monitoring, and enforcement.

Section 2. Definitions

ABUTTER: The owner(s) of land within one hundred (100) feet of the activity.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

APPLICANT: Any person requesting a soil erosion and sediment control permit for proposed land disturbance activity.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC):
A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

CLEARING: Any activity that removes the vegetative surface cover.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:
Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310CMR10.00) and the Forest Cutting Practices Act Regulations (304CMR11.00).

LAND DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

MASSACHUSETTS ENDANGERED SPECIES ACT: MGL c.131A and its

implementing regulations (310CMR10.00) which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act (MGL c.131 §40) and Massachusetts Clean Waters Act (MGL c.21 §§ 23-56). The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL 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 Oxford.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, or any agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

PRE-CONSTRUCTION: All activity in preparation for construction.

PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

VERNAL POOLS: Temporary bodies of freshwater that provide critical habitat for a number of vertebrate and invertebrate wildlife species.

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

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands

Protection Act MGL c.131, §40.

WETLANDS: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels, brackish and salt marshes; common names include marshes, swamps, and bogs.

Section 3. Authority

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

Section 4. Applicability

Except as authorized in a Land Disturbance Permit (LDP) or as otherwise provided in this By-Law, no person shall perform any activity that results in the disturbance 10,000 square feet or more of land that drains to the municipal separate storm sewer system. This By-Law shall not apply to normal maintenance or improvement of agricultural or aquacultural land as defined by the Wetlands Protection Act regulation 310CMR10.04.

Section 5. Responsibility for the Issuance of Permits

- 5.01 The Planning Board (the Board) shall act as the Land Disturbance Permit Granting Authority for all land-disturbance activities except as provided below.
- 5.02 The Board shall, by authority of this By-Law, require an Erosion and Sediment Control Plan (see Section 7) for any activity that requires site plan review under the Oxford Zoning By-Law regardless of the area of land disturbance.
- 5.03 The Planning Board shall require a LDP for all subdivisions regardless of size. The LDP issued for a subdivision shall also govern the development of individual lots.
- 5.04 The Conservation Commission shall, by authority of this By-Law, require an Erosion and Sediment Control Plan (see Section 7) in addition to other submission requirements of 310CMR10.00 regardless of the size of the land disturbance. Any Order of Conditions issued shall incorporate the requirements of the LDP issued by the Planning Board. If no LDP from the Planning Board is required for the land disturbance activity governed by the Conservation Commission, the Order of Conditions granted shall serve as an LDP but shall be enforced by the Conservation Commission.
- 5.05 The Board of Selectmen shall, by authority of this By-Law, require an Erosion and Sediment Control Plan (see Section 7) in addition to other submission requirements for Earth Removal Special Permits.
- 5.06 The Board may adopt, and periodically amend rules and regulations to effectuate the purposes of the By-Law. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-Law.
- 5.07 The Board may, where such action is allowed by law, and in the public interest

and not inconsistent with the purpose and intent of this By-Law, waive strict compliance with any requirement of this By-Law or the rules and regulation promulgated hereunder.

Section 6. Permits and Procedures

- 6.01 One (1) original and three (3) copies of a complete application package for a Land Disturbance Permit (LDP) plus payment of the application and review fees shall be filed with the Board. A complete LDP application package shall include:
1. A completed Application Form with original signatures of all owners;
 2. A list of abutters, certified by the Assessor's Office; and
 3. An Erosion and Sediment Control Plan as specified in Section 7 of this By-Law.
- 6.02 Upon receipt of the complete application packages at a regularly scheduled meeting of the Board, the Board shall transmit one (1) copy of the completed application package to the DPW for review and comment and file one (1) copy of the completed application package in the office of the Town Clerk. The date of the regularly scheduled meeting of the Board at which the completed application packages are accepted shall become the date of receipt and the start date for all deadlines for action by the Board.
- 6.03 The filing of an application for a LDP grants the Board and the DPW or its agent(s) permission to enter the site to verify the information in the application and to inspect for compliance with any LDP conditions.
- 6.04 The Board shall, within twenty-one (21) days of receipt of a complete application for an LDP, hold a public hearing on the matter to allow comment from abutters, other boards and commissions and staff. The Board shall take final action on the application within sixty-five (65) days of the receipt of the complete application unless the time for action is extended by mutual consent of the applicant and the Board. Notice of the public hearing shall be given by publication in a newspaper of local circulation, by posting at the office of the Town Clerk, and by first-class mailings to abutters at least seven (7) days prior to the hearing. The application and the Erosion and Sediment Control Plan shall be made available for inspection by the public during normal business hours at the office of the Board and the office of the Town Clerk.
- 6.05 The applicant shall submit any additional information in response to all reasonable requests of the Board.
- 6.06 Based upon the information received in the completed application, at the public hearing and in response to any requests for additional information, the Board shall:
1. Approve the LDP Application as submitted and issue a permit but only upon a finding that the proposed plan will protect water resources and meets the purpose and requirements of this By-Law;
 2. Approve the LDP Application and issue a permit with conditions, modifications, and/or restrictions that the Board finds are required to ensure that the project will protect water resources and meet the purpose and

requirements of this By-Law;

3. Disapprove the LDP Application and deny the permit upon a finding that the proposed plan will not protect water resources or fails to meet the purpose and requirements of this By-Law.

The decision of the Board shall be final. Further relief shall be to a court of competent jurisdiction.

- 6.07 Failure of the Board to take final action on the LDP Application within the time specified above shall be deemed to be approval of the LDP Application as submitted. Upon certification by the Town Clerk that the allowed time for action has passed without mutually agreed upon extension or action by the Board, the Board shall issue a permit.
- 6.08 The application fee for an LDP shall be determined by the Board. The fee shall be sufficient to cover any expenses connected with the public hearing and the cost of in-house staff review of the application or the cost of any outside professional consultants required to advise the Board on any or all aspects of the Application.
- 6.09 The permittee, or their agent, must notify the Board in writing of any change or alteration of a land-disturbing activity authorized in an LDP before any change or alteration occurs. If the Board determines that the change or alteration is significant, based on the design requirements listed in Section 7. and accepted construction practices, the Board may require that an amended LDP application be filed and a new public hearing held. If any change or alteration from the LDP occurs during any land disturbing activities, the Board may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

Section 7. Erosion and Sediment Control Plan

- 7.01 The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements in Section 7.02 below.
- 7.02 The design requirements of the Erosion and Sediment Control Plan are:
 1. Minimize the total area of disturbance.
 2. Sequence activities to minimize simultaneous areas of disturbance.
 3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Management Policy.
 4. Minimize soil erosion and control sedimentation during construction. Prevention of erosion is preferred over sedimentation control.
 5. Divert uncontaminated water around disturbed areas.
 6. Maximize groundwater recharge.
 7. Install, and maintain all Erosion and Sediment control measures in accordance with the manufacturer's specifications and good engineering practices.
 8. Prevent off-site transport of sediment.

9. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project).
 10. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control.
 11. Prevent adverse impacts from the proposed activities to habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened, or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species.
 12. Institute interim and permanent measures. The measures shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site.
 13. Properly manage on-site construction and waste materials.
 14. Prevent off-site vehicle tracking of sediments.
- 7.03 The Erosion and Sedimentation Control Plan, prepared by, stamped and certified by a qualified Massachusetts Registered Engineer or a Certified Professional in Erosion and Sediment Control, shall contain the following information:
1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
 2. Title, date, north arrow, names of abutters, scale, legend, and locus map;
 3. Watercourses and water bodies, wetland resources areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for area not shown on said maps;
 4. Existing vegetation of various kinds including tree lines, shrub layer, ground cover and herbaceous vegetation, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities;
 5. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity;
 6. Lines of existing abutting streets showing drainage and driveway location and curb cuts;
 7. Existing soils, volume and nature of imported soil materials;
 8. Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevation provided as needed;
 9. Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
 10. Proposed finish topography and drainage patterns and approximate slopes

- anticipated after major grading activities (Construction Phase Grading Plans);
11. Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
 12. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
 13. Location and description of industrial discharges, including storm water discharges from dedicated asphalt plants and dedicated concrete plants, which is covered by this permit;
 14. Stormwater runoff calculations in accordance with the Massachusetts Stormwater Management Policy;
 15. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other measures;
 16. A description of construction and waste materials expected to be stored on-site including a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to storm water, and spill prevention and response;
 17. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed; and
 18. Such other information as is required by the Board.

Section 8. Inspection and Site Supervision

- 8.01 Prior to starting excavation or construction, the applicant, the applicant's technical representative, the general contractor and/or any other person with authority to make changes to the project, shall meet with the assigned agent for the Board to review the permitted plans and their implementation.
- 8.02 The assigned agent for the Board shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the LDP as approved. The LDP and associated plans for grading, stripping, excavating, and filling work, bearing the approval of the Board, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the assigned agent for the Board by delivery of a written request hand delivered to the Town Hall Office of the Board at least two (2) working days before each of the following:
 1. Erosion and sediment control measures are in place and stabilized.
 2. Site clearing has been substantially completed.
 3. Rough grading has been substantially completed.
 4. Final grading has been substantially completed.
 5. Close of the construction season.
 6. Final landscaping (permanent) and project final completion.
- 8.03 The permittee or his agent shall conduct and document inspections of all control measures no less than weekly or as specified in the LDP, and prior to and following

storm events. The purpose of such inspection will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his agent shall submit monthly reports to the Board or their assigned agent in an approved form.

- 8.04 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 may make or cause to be made such examinations, surveys or sampling as is deemed necessary to determine compliance with the LDP.

Section 9. Surety

The Board may require the permittee to post a security to cover the cost of restoring the disturbed site as part of the LDP approval. The form of the security shall be approved by Town Counsel and be in an amount that in the opinion of the Board is sufficient to restore the site to a condition that will not cause any adverse impact on the environment. If the project is phased, the Board may release part of the security as each phase is completed in compliance with the permit but the security may not be fully released until the Board has received the final report as required by Section 10 and issued a certificate of completion.

Section 10. Final Reports

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from an Engineer, Surveyor, or CPESC, certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved LDP. Any discrepancies shall be noted in the cover letter.

Section 11. Enforcement

- 11.01 The DPW acting through its Director shall enforce this By-Law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- 11.02 If a person violates the provisions of this By-Law, regulations, permit, notice, or order issued thereunder, the DPW may seek injunctive relief in a court of competent jurisdiction restraining that person from activities which would create further violations or compelling that person to perform abatement or remediation of the violation.
- 11.03 The DPW may issue a written order to enforce the provision of this By-Law or the regulations promulgated thereunder, which may include: a requirement to cease and desist from land disturbing activities until there is compliance with the By-Law and provisions of the LDP; a requirement for maintenance, installation, or performance of additional erosion and sediment control measures; a requirement to perform monitoring, analyses, and reporting; and/or a requirement for remediation of erosion and sedimentation resulting directly or indirectly from the land-

disturbing activity. Said order shall be sent certified mail, return receipt requested to the violator and owner. If the DPW determines that abatement or remediation of erosion or sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner.

- 11.04 If the DPW takes action upon failure of the violator or owner to abate or remediate, notice shall be given to the violator and owner of the costs, including administrative costs, incurred by the Town. Said notice shall be sent within thirty (30) days of completion of all measures necessary to abate the violation or to perform remediation. The violator or owner shall also be notified that they may, within thirty (30) days of receipt of said notice, file an appeal in writing to the Board of Selectmen objecting to either the amount or basis of the costs incurred. If the amount due is not received by the expiration of the time in which to file an appeal or within (30) days following a decision by the Board of Selectmen affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided by MGL c.59 §57 after the thirty-first day at which the costs first became due.
- 11.05 Any person who violates any provision of this By-Law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$250.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- 11.06 As an alternative to criminal prosecution or civil action, the DPW may, at the discretion of the Director, enforce this By-Law by non-criminal disposition in accordance with MGL c.40 §21D.
- 11.07 To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the DPW, its agents, employees, and duly authorized contractors 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 reasonably necessary.
- 11.08 The remedies listed in this By-Law are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 12. Certificate of Completion

The Board shall issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the LDP has been satisfactorily completed in conformance with this By-Law.

Section 13. Severability

The provisions of the 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

Residential property owners shall have 180 days from the effective date of this By-Law to comply with its provisions provided good cause is shown for the failure to comply with the By-Law during that period.

1/14/05

**CHAPTER SIXTY-SEVEN
STORMWATER MANAGEMENT REQUIREMENTS**

Section 1. Purpose

1.01 Regulation of discharges to the municipal separate storm sewer system (MS4) and the streams and waterways of the Town is necessary for the protection of water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surfaces are major causes 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; flooding; and overloading or clogging of municipal catch basins and storm drainage systems.

1.02 The purpose of this By-Law is to:

1. To require practices to control the flow of stormwater from new and redeveloped sites into the town storm drainage system in order to prevent flooding and erosion;
2. To protect groundwater and surface water from degradation;
3. To promote groundwater recharge;
4. To prevent pollutants from entering the town's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
5. To ensure adequate long-term operation and maintenance of structural stormwater best management so that they work as designed;
6. To comply with state and federal statutes and regulations relating to stormwater discharges; and
7. To establish the town's legal authority to ensure compliance with the provisions of this By-Law through inspection, monitoring, and enforcement.

Section 2. Definitions

ABUTTER: The owner(s) of land within one hundred (100) feet of the activity.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its

implementing regulations.

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

AUTHORIZED ENFORCEMENT AGENCY: The Oxford Department of Public Works (hereafter the DPW) its Director or his designee.

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

CLEARING: Any activity that removes the vegetative surface cover.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISTURBANCE OF LAND: Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

GRADING: Changing the level or shape of the ground surface.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

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

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act (MGL c.131 §40) and Massachusetts Clean Waters Act (MGL c.21 §§ 23-56). The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL 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 Oxford.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into Water of the Commonwealth.

OUTSTANDING RESOURCE WATERS (ORWs): Waters so designated by the Massachusetts Department of Environmental Protection (DEP). These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314CMR4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other water specifically designated.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, or any agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

STORMWATER: Runoff from precipitation or snowmelt.

Section 3. Authority

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

Section 4. Applicability

4.01 No person shall, by development or redevelopment activity, alter the drainage characteristics of land without an approved Stormwater Management Plan. The regulated projects shall include without limitation:

1. Land disturbance associated with construction or reconstruction of structures.
2. Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs one or more acres.
3. Paving or other change in surface material causing a significant reduction of permeability or increase in runoff.
4. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of more than 10,000 square feet.
5. Any activity that will, or may, result in increased stormwater runoff flowing from the property into a public way or the MS4.
6. Construction or reconstruction of structures where more than 10,000 square feet

of roof drainage is altered.

4.02 Exemptions

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310CMR10.04.
2. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling provided such maintenance does not include the addition of soil material, construction of any walls or alteration of existing grades.
3. The construction of fencing that will not alter existing terrain or drainage patterns.
4. Construction of utilities other than drainage (e.g. gas, water, electric, telephone, etc.) that will not alter terrain, ground cover, or drainage patterns.
5. Projects wholly within the jurisdiction of the Conservation Commission and requiring an Order of Conditions.

Section 5. Responsibility for Administration

5.01 The Planning Board (Board) shall act as the Stormwater Management Permit (SMP) granting authority for all projects that require site plan review under the Oxford Zoning By-Law.

5.02 The Board shall act as the SMP granting authority for all subdivisions regardless of size. The SMP issued for a subdivision shall govern the development of individual lots.

5.03 The Conservation Commission shall, by authority of this By-Law, require the submission of a Stormwater Management Plan (Section 7) and an Operation and Maintenance Plan (see Section 8) in addition to other submission requirements of 310CMR10.00 regardless of the size of the land disturbance. Any Order of Conditions issued shall incorporate the requirements of the SMP issued by the Planning Board. If no SMP from the Planning Board is required for the proposed activity governed by the Conservation Commission, the Order of Conditions granted shall serve as an SMP but shall be enforced by the Conservation Commission.

5.04 The Board may adopt, and periodically amend rules and regulations to effectuate the purposes of the By-Law. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-Law.

Section 6. Permits and Procedures

6.01 One (1) original and three (3) copies of a complete application package for a Stormwater Management Permit (SMP) shall be filed with the Board. A complete SMP application package shall include:

1. A completed Application Form with original signatures of all owners;
 2. A list of abutters, certified by the Assessor's Office;
 3. A Stormwater Management Plan as specified in Section 7 of this By-Law;
 4. An Operation and Maintenance Plan as specified in Section 8 of this By-Law;
- and

5. Payment of the application and review fees.
- 6.02 Upon receipt of the complete application packages at a regularly scheduled meeting of the Board, the Board shall file one (1) copy of the completed application package in the office of the Town Clerk. The date of the regularly scheduled meeting of the Board at which the completed application packages are accepted shall become the date of receipt and the start date for all deadlines for action by the Board.
- 6.03 The filing of an application for a SMP grants the Board or its agent(s) permission to enter the site to verify the information in the application and to inspect for compliance with any SMP conditions.
- 6.04 The Board shall, within twenty-one (21) days of receipt of a complete application for an SMP, hold a public hearing on the matter to allow comment from abutters, other boards and commissions and staff. The Board shall take final action on the application within sixty-five (65) days of the receipt of the complete application unless the time for action is extended by mutual consent of the applicant and the Board. Notice of the public hearing shall be given by publication in a newspaper of local circulation, by posting at the office of the Town Clerk, and by first-class mailings to abutters at least seven (7) days prior to the hearing. The application package shall be made available for inspection by the public during normal business hours at the Planning Department office and the office of the Town Clerk.
- 6.05 The applicant shall submit any additional information in response to all reasonable requests of the Board.
- 6.06 Based upon the information received in the completed application, at the public hearing and in response to any requests for additional information, the Board shall:
1. Approve the SMP Application as submitted and issue a permit but only upon a finding that the proposed plan will protect water resources and meets the purpose and requirements of this By-Law;
 2. Approve the SMP Application and issue a permit with conditions, modifications, and/or restrictions that the Board finds are required to ensure that the project will protect water resources and meet the purpose and requirements of this By-Law;
 3. Disapprove the SMP Application and deny the permit upon a finding that the proposed plan will not protect water resources or fails to meet the purpose and requirements of this By-Law.
- 6.07 Failure of the Board to take final action on the SMP Application within the time specified above shall be deemed to be approval of the SMP Application as submitted. Upon certification by the Town Clerk that the allowed time for action has passed without mutually agreed upon extension or action by the Board, the Board shall issue a permit.
- 6.08 The application fee for an SMP shall be determined by the Board. The fee shall be sufficient to cover any expenses connected with the public hearing and the cost of in-house staff review of the application or the cost of any outside professional consultants required to advise the Board on any or all aspects of the Application.

- 6.09 The permittee, or their agent, must notify the Board in writing of any change or alteration of a land-disturbing activity authorized in an SMP before any change or alteration occurs. If the Board determines that the change or alteration is significant, based on the design requirements listed in Section 7. and accepted construction practices, the Board may require that an amended SMP application be filed and a new public hearing held. If any change or alteration from the SMP occurs during any land disturbing activities, the Board may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.
- 6.10 The Board may, where such action is allowed by law, and in the public interest and not inconsistent with the purpose and intent of this By-Law, waive strict compliance with any requirement of this By-Law or the rules and regulation promulgated hereunder.
1. Any applicant may submit a written request for a waiver. Such request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the By-Law or rules and regulations will not further the purposes or intent of this By-Law.
 2. All waiver requests shall be discussed and voted on at the public hearing for the project.
 3. If in the opinion of the Board, additional time or information is required for review of a waiver request, the Board may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

Section 7. Stormwater Management Plan

- 7.01 The Stormwater Management Plan shall contain sufficient information for the Board to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan must be designed to meet the Massachusetts Stormwater Management Standards as set forth in Section 7.02 below and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan must fully describe the project in drawings, and narrative. It must include:
1. A locus map,
 2. The existing zoning, and land use at the site,
 3. The proposed land use,
 4. The location(s) of existing and proposed easements,
 5. The location of existing and proposed utilities,
 6. The site's existing and proposed topography with contours at 2-foot intervals and spot elevations as necessary,
 7. The existing site hydrology,
 8. A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which storm

water does or will flow.

9. Watercourses and water bodies, wetland resources areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for area not shown on said maps.
 10. Estimated seasonal high groundwater elevation (November to April) in areas to be used for storm water retention, detention, or infiltration.
 11. The existing and proposed vegetation and ground surfaces with runoff coefficient for each.
 12. A drainage area map showing pre and post construction watershed boundaries, drainage area, and storm water flow paths.
 13. A description and drawings of all components of the proposed drainage system including:
 - a. locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of ;
 - b. all measures for the detention, retention or infiltration of water;
 - c. all measures for the protection of water quality;
 - d. the structural details for all components of the proposed drainage systems and storm water management facilities;
 - e. notes on drawings specifying materials to be used, construction specifications, and typicals; and
 - f. expected hydrology with supporting calculations.
 14. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable.
 15. Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative .
 16. A maintenance schedule for the period of construction.
- 7.02 Projects must meet the Standards of the Massachusetts Stormwater Management Policy, however, when one or more of the standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided. These standards are:
1. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.
 2. Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
 3. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
 4. For new development, stormwater management systems must be designed to remove 80% of the average annual load(post development conditions) of Total

Suspended Solids (TSS). It is presumed that this standard is met when:

- a. Suitable nonstructural practices for source control and pollution prevention are implemented;
 - b. Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
 - c. Stormwater management BMPs are maintained as designed.
5. Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.
 6. Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
 7. Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is no practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
 8. Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
 9. All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.
- 7.03 The permittee, or their agent, must notify the Board in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Board determines that the change or alteration is significant, based on design requirements of this By-Law and accepted construction practices, the Board may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or deviation from the Stormwater Management Permit occurs during a project, the Board may require the installation of interim measures before approving the change.

Section 8. Operation and Maintenance Plans

- 8.01 An Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects. The O&M Plan shall be designed to ensure that Water Quality Standards are met in all seasons and throughout the life of the system. The Board shall make the final decision of what maintenance option is appropriate in a given situation. The Board will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The O&M Plan shall remain on file with the Board and shall be an ongoing requirement. The O&M Plan shall include:

1. The name(s) of the owner(s) for all components of the system.
2. Maintenance agreement that specify:
 - a. The names and addresses of the person(s) responsible for operation and maintenance.
 - b. The person(s) responsible for financing maintenance and emergency repairs.
 - c. A maintenance schedule for all drainage structures, including swales and ponds.
 - d. A list of easements with the purpose and location of each.
 - e. The signature(s) of the owners(s).
3. Stormwater management easements provided by the property owner(s) as necessary for: access for facility inspections and maintenance; preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and direct maintenance access by heavy equipment to structures requiring regular cleanout. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner(s). Stormwater management easements are required for all areas used for off-site stormwater control, unless the Board grants a waiver. Easements shall be recorded with the Worcester District Registry of Deeds prior to issuance of a Certificate of Completion by the Board.

8.02 The owner(s) of the stormwater management system must notify the Board of changes in ownership or assignment of financial responsibility. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this By-Law by mutual agreement of the Board and the responsible parties. Amendments must be in writing and signed by all responsible parties

Section 9. Surety

The Board may require the permittee to post a security prior to the start of land disturbance or construction activity to cover to the cost of restoring the disturbed site in the event of the permittee's failure to perform. The form of the security shall be approved by Town Counsel and be in an amount that in the opinion of the Board is sufficient to restore the site to a condition that will not cause any adverse impact on the environment. If the project is phased, the Board may release part of the security as each phase is completed in compliance with the permit but the security may not be fully released until the Board has received the final report as required by Section 10 and issued a certificate of completion.

Section 10. Inspection and Site Supervision

10.01 Prior to starting excavation or construction, the permittee, the permittee's technical representative, the general contractor and/or any other person with authority to make changes to the project, shall meet with the assigned agent for the Board to review the permitted plans and their implementation.

- 10.02 The assigned agent for the Board shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the approved permit. The permit and associated plans for grading, stripping, excavating, and filling work, bearing the approval of the Board, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the assigned agent for the Board by delivery of a written request hand delivered to the Town Hall Office of the Board at least two (2) working days before each of the following:
1. Erosion and sediment control measures are in place and stabilized.
 2. Bury inspection prior to backfilling of any underground drainage or storm water conveyance structures.
 3. Final inspection after the stormwater management system has been constructed and before the security has been released and after an “as-built” record plan has been submitted to the Board. This inspection shall be made to confirm the “as-built” features and to evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the Board which will issue a Certificate of Completion and release the project security.

Section 11. Certificate of Completion

The Board will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this By-Law.

Section 12. Enforcement

- 12.01 The DPW acting through its Director shall enforce this By-Law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- 12.02 If a person violates the provisions of this By-Law, regulations, permit, notice, or order issued thereunder, the DPW may seek injunctive relief in a court of competent jurisdiction restraining that person from activities which would create further violations or compelling that person to perform abatement or remediation of the violation.
- 12.03 The DPW may issue a written order to enforce the provision of this By-Law or the regulations promulgated thereunder, which may include: orders to cease and desist from construction or land disturbing activities until there is compliance with the By-Law or the provisions of the Stormwater Management Permit; orders to perform monitoring, analyses, and reporting; orders to repair, maintain, or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan; and orders requiring remediation of adverse impacts resulting directly or indirectly from malfunction of the stormwater management system. Said order shall be sent certified mail, return receipt requested to the violator and owner. If the DPW determines that abatement or remediation of adverse impacts is required, the order shall set forth a deadline by

which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner.

- 12.04 If the DPW takes action upon failure of the violator or owner to abate or remediate, notice shall be given to the violator and owner of the costs, including administrative costs, incurred by the Town. Said notice shall be sent within thirty (30) days of completion of all measures necessary to abate the violation or to perform remediation. The violator or owner shall also be notified that they may, within thirty (30) days of receipt of said notice, file an appeal in writing to the Board of Selectmen objecting to either the amount or basis of the costs incurred. If the amount due is not received by the expiration of the time in which to file an appeal or within (30) days following a decision by the Board of Selectmen affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided by MGL c.59 §57 after the thirty-first day at which the cost first become due.
- 12.05 Any person who violates any provision of this By-Law, regulation, order or permit issued thereunder, shall be punished by a fine of \$250.00 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- 12.06 As an alternative to criminal prosecution or civil action, the DPW may, at the discretion of the Director, enforce this By-Law by non-criminal disposition in accordance with MGL c.40 §21D.
- 12.07 To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the DPW, its agents, employees, and duly authorized contractors 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 reasonably necessary.
- 12.08 The remedies listed in this By-Law are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 13. Severability

The provisions of the By-Law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this by-Law of 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.

10/23/06

**CHAPTER SIXTY-EIGHT
OPEN SPACE COMMITTEE**

There shall be a committee of the Town known as the Open Space Committee. Said committee shall consist of seven (7) members and up to four (4) alternate members to be appointed by the Board of Selectmen. Upon adoption of the by-law, the Board of Selectmen shall appoint three (3) members for three-year terms, two (2) members for two-year terms, and two (2) members for one-year term, and up to four (4) alternate members for three-year terms, with all subsequent appointments to be for three-year terms. Members of the Open Space Committee shall serve without compensation. Said Committee shall recommend to the Board of Selectmen the acquisition of specific parcels of real property to be held for the purposes of open space, conservation and/or passive recreation. In considering any such acquisition, the Committee shall use as a guideline any local or regional open space plan or master plan, including any conservation and passive outdoor recreation plan that may be adopted by the Conservation Commission pursuant to Massachusetts General Laws, Chapter 40, Section 8C. The Committee shall coordinate its activities with the Conservation Commission.

12/21/10

**CHAPTER SIXTY-NINE
AGRICULTURAL COMMISSION**

Section 1. There shall be an Agricultural Commission consisting of seven (7) members, at least four of whom shall be engaged in farming or related agricultural industries and up to three who are interested in farming. Upon adoption of this chapter, the Board of Selectmen shall appoint three (3) members for terms of three-years, two (2) members for terms of two-years, and two (2) members for terms of one-year; all subsequent appointments shall be for three-year terms. The Board of Selectmen shall fill any vacancies as they occur.

Section 2. The Agricultural Commission shall serve as facilitator and advocate for encouraging the pursuit of farming and agriculture in Oxford, shall promote agricultural-based economic opportunities in the Town, and shall work with Town officials, boards, committees and commissions to promote and protect agricultural interests.

Section 3. The Agricultural Commission shall report on its activities on an annual basis in the Annual Town Report.

7/19/11

**CHAPTER SEVENTY
RIGHT TO FARM BY-LAW**

Section 1. Purpose and Intent

The Town of Oxford recognizes and endorses the right to farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including, but not limited to, Massachusetts General Laws Chapter

40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A and Chapter 128 Section 1A. The intent of this By-Law is to: encourage the pursuit of agriculture, promote agriculture-based economic opportunities, and protect farmlands within the Town of Oxford by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. The benefits and protections of this By-Law are intended to apply exclusively to those commercial, agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Said benefits and protections do not extend to the non-commercial, personal and/or occasional accessory keeping of farm animals or agricultural activities. This By-Law shall apply to all jurisdictional areas within the Town.

Section 2. Definitions

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

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to, the following: farming in all its branches and the cultivation and tillage of the soil; dairying; producing, cultivating, growing, and harvesting of any agricultural, aquacultural, floricultural, viticulture, or horticultural commodities; growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations; raising of livestock including horses; keeping of horses as a commercial enterprise; and keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

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

Section 3. Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Oxford. The above-described agricultural activities may include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of

agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-Law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices.

Section 4. Protections

The foregoing agricultural activities must conform to applicable federal and state laws and local By-Laws, rules and regulations which regulate the lawful conduct of agricultural activities and specify the rights and obligations of the agricultural community, the Town, abutters, and the citizens of Oxford. Moreover, nothing in this Right to Farm By-Law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law. All applicable zoning, conservation, health, and animal inspection By-Laws and rules and regulations take precedence over this By-Law.

The provisions of this By-Law shall not apply whenever an impact results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

2/2/12

CHAPTER SEVENTY-ONE SEX OFFENDER RESIDENCY BY-LAW

Section 1. Definition of Terms

(a) "PARK" means public land designated for active or passive recreational or athletic use by the Town of Oxford, the Commonwealth of Massachusetts or other governmental subdivision, and located within the Town of Oxford.

(b) "SCHOOL" means any public or private educational facility that provides services to children in grades kindergarten - 12, or any one or more of such grades.

(c) "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.

(d) "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.

(e) "SEX OFFENDER" means a person who resides in, works in, or attends an institution of higher learning located 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. 123 A, § 14, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said chapter 123 A, whichever last occurs, on or after August 1, 1981.

(f) "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.

(g) "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 the establishment of such a dwelling place or abode by means of purchasing real property or entering into a lease or rental or occupancy agreement for real property.

Section 2. Sex Offender Residence Prohibition

It is unlawful for any sex offender who has undergone an individualized risk assessment and has been finally classified as a level 2 or level 3 sex offender pursuant to the guidelines of the Massachusetts Sex Offender Registry Board, so long as so classified, to establish a permanent residence within one thousand (1,000) feet of any school, day care center, park or elderly housing facility. 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, day care center, park or elderly housing facility.

Section 3. Notice to Move

Any sex offender who has undergone an individualized risk assessment and has been finally classified as a level 2 or level 3 sex offender, so long as so classified, who establishes a permanent residence within one thousand (1,000) feet of any school, day care center, park or elderly housing facility shall be in violation of this By-Law and shall, within thirty (30) days of receipt of written notice of such sex offender's noncompliance with this By-Law, move from said location to a new location, but said location may not be within one thousand (1,000) feet of any school, day care center, park or elderly housing facility. It shall constitute a separate violation for each day beyond the thirty (30) days such sex offender continues to reside within one thousand (1,000) feet of any school, day care center, park or elderly housing facility. Furthermore, it shall be a separate violation each day that such sex offender shall move from one location in the Town of Oxford to another that is within one thousand (1,000) feet of any school, day care center, park or elderly housing facility.

Section 4. Penalties

Violation of this By-Law may be enforced through any lawful means in law or in equity by the Board of Selectmen, the Town Manager, or their duly authorized agents, or any police officer of the Town of Oxford 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 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 bylaw.

Section 5. Exceptions

A person residing within one thousand (1,000) feet of any school, day care center, park or

elderly housing facility does not commit a violation of this By-Law if any of the following apply:

(a) The person established the permanent residence and reported and registered the residence, in accordance with the Massachusetts Sex Offender Registry Law and any applicable regulations of the Massachusetts Sex Offender Registry Board, prior to the effective date of this By-Law.

(b) The person was a minor when he/she committed the offense and was not convicted as an adult and who has not been or is no longer classified as a Level 3 sex offender.

(c) The person is a minor.

(d) The school, day care center, park or elderly housing facility within one thousand (1,000) feet of the personal permanent residence was established after the person established the permanent residence and reported and registered the residence in accordance with the Massachusetts Sex Offender Registry Law and any applicable regulations of the Massachusetts Sex Offender Registry Board.

(e) The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility located within the aforementioned one thousand (1,000) foot area.

(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 located within the aforementioned one thousand (1,000) foot area.

(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 facility or group residence licensed by the Commonwealth that is professionally staffed and supervised 24 hours a day and located within the aforementioned one thousand (1,000) foot area.

Section 6. Application of Law

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 By-Law is in conflict with state law, state law will prevail.

7/8/13

CHAPTER SEVENTY-TWO JUNK DEALERS

Section 1. General

In accordance with the provisions of Massachusetts General Laws, Chapter 140, Section 54, the Board of Selectmen is the licensing authority of 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, hereinafter referred to as “junk dealers.”

Section 2. License Application

The Board of Selectmen shall establish rules and regulations regarding the submission requirements and procedures for the consideration of applications for junk dealer licenses and shall have the authority to include in the license conditions and restrictions in addition to those

contained in this chapter. Licenses shall be issued in accordance with the provisions of Massachusetts General Laws, Chapter 140 Sections 202 and 203.

Section 3. Designation of Location & Display of License

The holder of a junk dealers license shall not carry on his business in any place other than that designated on his license, unless consent to his relocation is granted by the Board of Selectmen and an amended license is issued designating the new address. Licenses shall be displayed in plain sight at the place of business designated on the license.

Section 4. Retention of Articles

All articles or property deposited with or sold to a junk dealer must be retained by the junk dealer at his place of business for a period of at least 30 days before sale or transfer to another location unless the junk dealer has received written permission from the Oxford Police Chief or his designee, but in no case shall the time of retention be less than 48 hours. If the Police Chief has reasonable grounds to believe that a particular item is associated with criminal conduct and so notifies the junk dealer in writing, the junk dealer shall hold the item until released by the Police Chief or his designee. During the time of retention, the junk dealer shall cause the retained item(s) to be held in substantially the same form as obtained and separate from other items.

Section 5. Record Book and Reports

The holder of a junk dealers license shall cause to be kept in the place of business a book in which shall be legibly recorded in the English language and at the time of receiving articles, an account and description, including all distinguishing marks, of article(s) received including the amount paid for the article(s), the time and date of such transaction, a transaction number, and the name and address of the person from whom the article(s) was received, as well as a copy of that person's photo identification. Each week, the junk dealer shall furnish a correct record of such transaction information to the Police Chief.

Section 6. Examination of Articles

The holder of a junk dealers license shall, as a condition of such license, allow the Police Chief or his designee reasonable access at reasonable times to view and inspect articles kept or stored at the place of business and all books and records relating thereto.

Section 7. Violations and Penalties

The Police Chief shall have authority to enforce the provisions of this chapter. Any person found in violation of the terms of his junk dealers license or any person engaged in the business of junk dealing without a valid license shall be subject to a fine of Two Hundred dollars (\$200.00). The provisions of this By-Law may be enforced by non-criminal disposition pursuant to Massachusetts General Laws, Chapter 40 Section 21D or other means available in law or equity. Each day a violation exists shall constitute a separate violation.

Section 8. Suspension or Revocation of License

The holder of a junk dealers license who is determined by the Board of Selectmen or Police Chief or his designee, to be in violation of this By-Law or rules and regulations issued by the Board of Selectmen under Section 2 herein, shall be notified, by certified mail or hand delivery, of the hearing regarding the violation and intended action by the Board of Selectmen to revoke or suspend the license. Such notice shall include the time, date and location of the hearing and a description of the violation.

Section 9. Severability

The provisions of this chapter are severable, and if any of the provisions are held unconstitutional or invalid by any court of competent jurisdiction, the decision of said court shall not affect or impair any of the remaining provisions.

6/20/17

**CHAPTER SEVENTY-THREE
REVOLVING FUNDS**

8/15/19 Section 1. There are hereby established in the Town pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E½, the following Revolving Funds:

Program or Purpose	Representative or Board Authorized to Spend	Department Receipts
Animal Control - to pay costs and expenses related to Animal Control Operations	Town Manager or his designee	Fees received from licensing of cats and from Animal control activities.
Wiring Inspector Fees – to pay costs and expenses associated with inspections	Wiring Inspector	Fees received from inspections.
Plumbing Inspector Fees– to pay costs and expenses associated with inspections	Plumbing Inspector	Fees received from inspections.
Gas Inspector Fees– to pay costs and expenses associated with inspections	Gas Inspector	Fees received from inspections.
Building Inspector Fees– to pay costs and expenses associated with inspections	Building Inspector	Fees received from inspections.
Sealer of Weights and Measures– to pay costs and expenses associated with inspections	Sealer of Weights and Measures	Fees received from inspections.
Utilities - to pay costs and expenses related to Town energy costs	Town Manager or his designee	Fees received from sale of fuel and energy

Section 2. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting or any increase therein as may later be authorized by the Board of Selectmen and Finance Committee in accordance with Massachusetts General Laws, Chapter 44, Section 53E½.

8/15/19

**CHAPTER SEVENTY-FOUR
STRETCH ENERGY CODE**

Section 1. Definitions

The following words and phrases as used in the By-Law shall have the following meanings:

“International Energy Conservation Code (IECC)” shall mean the building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

“Stretch Energy Code” shall mean - Codified by the Board of Building Regulation and Standards as 780 CMR Appendix 115.AA of the Massachusetts Building Code, the Stretch Energy Code is an appendix to the Massachusetts Building Code, based on further amendments to the International Energy Code (IECC) to improve the energy efficiency of buildings built to this code.

Section 2. Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to relevant sections of the building code for both new construction and existing buildings.

Section 3. Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as applicable.

Section 4. Stretch Energy Code

The Stretch Energy Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115 AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Oxford General By-Laws. The Stretch Code is enforceable by the building inspector.

Section. 5. Effective Date

The Stretch Energy Code was adopted by the May 1, 2019 Annual Town Meeting, with an effective date of January 1, 2020.

**CHAPTER SEVENTY-FIVE
CIVIL FINGERPRINTING BY-LAW**

Section 1. Purpose and Scope

This By-law authorizes the Police Department to conduct state and national fingerprint based criminal history checks for individuals applying for specific licenses in Town to enhance public safety, as authorized by Massachusetts General Laws Chapter 6, Section 172B½. To carry out the criminal history checks authorized by this by-law, the Police Department shall be authorized to use state and Federal Bureau of Investigation (“FBI”) records, provided, however, that such records shall not be disseminated to unauthorized entities and shall be maintained and disclosed in accordance with all applicable law.

The By-law further authorizes the Board of Selectmen, in consultation with the Chief of Police, to promulgate regulations to implement this by-law, which may include, but shall not be limited to, establishment of submission deadlines, procedures for making recommendations to the licensing authority or making a licensing as a result of the criminal history check, procedures for assessing, correcting or amending any such record, criteria for fitness determinations, security of information obtained and penalties for failure to comply with this by-law.

Section 2. Criminal History Check Authorization

The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172B½, conduct State and Federal Fingerprint Based Criminal History checks for individuals and entities for the following licenses:

- Hawking and Peddling or other Door-to-Door Salespeople
- Manager of Alcohol Beverage License
- Owner or Operator of Public Conveyance
- Dealer of Second-hand Articles
- Pawn Dealers
- Hackney Drivers
- Ice Cream Truck Vendors
- Bodywork Practitioners
- Motor Vehicle Dealers

At the time of fingerprinting, the Police Department shall notify the individual being fingerprinted that the fingerprints will be used to check the individual's criminal history records and obtain the individual's consent. After the applicant completes a consent form, provides his/her fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (“DCJIS”), and/or the FBI or the successors of such agencies

as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks for the license applicants specified in this by-law.

The Town authorizes the Massachusetts State Police, the DCIS and the FBI and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law and its implementing regulations. In accordance with its implementing regulations, the Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town.

Section 3. Use of Criminal Record by Licensing Authorities

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this by-law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed licensed activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

Licensing authorities of the Town are hereby authorized to deny an application for any license specified herein and in the implementing regulations, including renewals and transfers of said licenses, from any person who is determined unfit for the license due to information obtained pursuant to this by-law. Factors that shall be considered in making a determination of fitness shall include, but not be limited to, whether the record subject has been convicted of, or is under pending indictment for a crime, that bears upon the subject's ability or fitness to serve in that capacity, including any felony or a misdemeanor that involved force or threat of force, possession of a controlled substance, or sex-related offense.

Section 4. Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100) for each fingerprinting and criminal history check. A portion of the fee, as specified in Massachusetts General Laws Chapter 6, Section 172B¹/₂, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

1/7/2020

**CHAPTER SEVENTY-SIX
REGISTRATION AND MAINTENANCE OF
VACANT AND FORECLOSING PROPERTIES**

Section 1. Purpose

The purpose and intent of this By-law is to protect the health, safety and welfare of the citizens of Oxford by preventing blight, protecting the Town's resources, avoiding the creation and maintenance of nuisances and ensuring the safety and sanitary maintenance of all buildings and structures. Inadequately maintained residential or commercial/business buildings are at an increased risk for fire, unlawful entry, or other public health and safety hazards. This chapter will help secure the welfare of the Town's residents and neighborhoods by requiring all property owners, including lenders, trustees and service companies and the like, to register and properly maintain their respective properties.

Section 2. Definitions

The following words and phrases as used in the By-Law shall have the following meanings, unless a contrary intention clearly appears:

“Building” shall mean an enclosed structure; either a principal building or shed, garage, stable, greenhouse, or other accessory building.

“Code Enforcement Official” shall mean the Board of Health Agent, the Building Commissioner, the Inspector of Buildings, Assistant Inspector of Buildings and the Fire Chief; or their designees.

“Day” shall mean consecutive calendar days.

“Dilapidated” shall mean a condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to: 1) property having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or inadequately secured windows or doors; or 2) personal property that is broken, rusted, worn, partially or wholly dismantled or otherwise due to deterioration is unsuitable for the purpose for which designed.

“Foreclosed” means a residential, commercial or industrial property, placed as security for a real estate loan, as to which all rights of the mortgagor or his grantee in the property have been terminated as a result of a default of the loan.

“Hazard” shall mean a condition likely to expose persons to injury or negative health impacts, or property to damage, loss or destruction, including but

not limited to burned structures not otherwise lawfully habitable or usable, dilapidated real or personal property, and/or dangerous or unsafe structures or personal property.

“Initiation of the foreclosure process” shall mean taking any of the following actions: 1) taking possession of a property pursuant to Massachusetts General Laws Chapter 244, Section 1; 2) delivering the mortgagee's notice of intention to foreclose to the borrower pursuant to Massachusetts General Laws Chapter 244, Section 17B; or commencing a foreclosure action on a property in either the Land Court or Superior Court.

“Local” shall mean within twenty (20) driving miles distance of the property in question.

“Mortgagee” shall mean the creditor, including, but not limited to, service companies, lenders in a mortgage agreement, and any agent, servant, or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

“Owner” shall mean every person, entity, service company, property manager or real estate broker who alone or jointly or severally with others: 1) has legal or equitable title to any building, structure or property; 2) has care, charge, or control of any such building, structure or property in any capacity, including but not limited to as agent, executor, executrix, administrator, administratrix, trustee, guardian or conservator of the estate of the holder of legal title; or as life tenant; 3) is a lessee under a written lease agreement; 4) has a mortgage in possession of any such property; 5) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or (6) is an officer or trustee of the association of unit owners of a condominium. However, this By-law shall not apply to a condominium association created pursuant to Massachusetts General Laws Chapter 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association.

“Vacant Property” shall mean any property not currently legally occupied and not properly maintained or secured.

Section 3. Registration

All owners must register vacant and/or foreclosed properties with the Building Department on forms provided by the Department. If the owner is an out-of-state corporation, person, or other entity, the owner shall appoint an in-state agent authorized to accept service of process and other documents under this By-law.

All registrations must state the individual owner's or agent's telephone number and mailing address located within the commonwealth as required by Massachusetts General Laws Chapter 59, Section 57D, Massachusetts General Laws Chapter 156D, Section 5.02, and 950 CMR 113.20. The mailing address shall not be a P.O. Box. This registration must also certify that the property was inspected and identify whether the property is vacant at the time of filing. If the property is vacant, the owner and/or registrant must designate and retain a local individual or local property management company responsible for the security and maintenance of the property. This designation must state the individual's or company's name, telephone number, and local mailing address. The mailing address shall not be a P.O. Box. The property manager shall be available twenty-four hours per day, every day, by telephone and/or electronic mail notification, and shall respond to all notifications from the Code Enforcement Officials to secure, maintain, inspect or repair the property within twenty-four hours.

If the property is in the process of foreclosure, then the registration must be received within seven days of the initiation of the foreclosure process. If a Code Enforcement Official determines that the property is vacant and that foreclosure proceedings have not been initiated, the registration must be received within 14 days of the Code Enforcement Official's first citation for improper maintenance.

All property registrations are valid for one calendar year from the date when the registration is received by the Building Department. An annual registration fee of three hundred dollars (\$300.00) must accompany the registration form. Subsequent annual registrations are due within thirty (30) days of the expiration of the previous registration and must certify whether the foreclosed property remains vacant or not.

Once the property is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of occupancy to the Building Department.

Section 4. Maintenance

Owners of vacant and foreclosed properties must fulfill the following minimum adequate maintenance requirements for any such property they own:

1. Properties subject to this chapter must be maintained in accordance with the relevant sanitary codes, building codes, and local regulations. The owner, local individual or local property management company must inspect and maintain the property on a monthly basis for the duration of the vacancy.

2. The property must be posted with the name and twenty-four-hour contact telephone number of the local individual or local property management company responsible for the maintenance. This posting must be placed on the front door of the property so it is clearly visible from the street.
3. In accordance with the state law, including but not limited to Massachusetts General Laws Chapter 143 sections 6 through 10 and the State Building Code, property that is vacant must be safe and must be secured from exposure to the elements and so not to be accessible to unauthorized persons.
4. The owner shall maintain properties subject to this section, including but not limited to maintaining and keeping in good repair any building(s), structure(s), and improvements, the removal of trash and debris, and the regular mowing of lawns, pruning and/or trimming of trees and shrubbery, and upkeep of other landscape features.
5. The owner shall repair or replace broken windows or doors within thirty days of breakage. Boarding up doors and windows is prohibited unless ordered by the City or a court except as a temporary measure for no longer than thirty days.

Compliance with this section shall not relieve the owner of any applicable obligations set forth in any other codes, regulations, covenant conditions or restrictions, and/or homeowners' or condominium association rules and regulations.

Section 5. Administration, Violations and Penalties

1. This chapter shall be enforced by the Code Enforcement Officials. The Code Enforcement Officials shall have the authority to inspect properties subject to this chapter for compliance and to issue citations for any violations. Code Enforcement Officials shall have the discretion to determine when and how such inspections are to be made, provided their policies are reasonably calculated to ensure this Chapter is enforced.

The Owner, or the Owner's agent or designee, shall cooperate with Code Enforcement Officials and shall permit access to the property upon reasonable notice to the Owner or the Owner's agent.

2. In addition to any other means of enforcement available to the Code Enforcement Officials, the Code Enforcement Officials may enforce this ordinance by means of noncriminal enforcement pursuant to Massachusetts General Laws Chapter 40 section 21D. The following penalties are established for purposes of said noncriminal disposition;

- (a) Failure to initially register with the Building Department is punishable by a fine of three hundred dollars (\$300.00).
- (b) If applicable, failure to properly identify the name of the local individual or local property management company is punishable by a fine of three hundred dollars (\$300.00).
- (c) Failure to maintain the property is punishable by a fine of three hundred dollars (\$300.00) for each week the property is not maintained.

The penalties provided in this section shall not be construed to restrict the Town from pursuing other legal remedies available to the Town, including recovery of costs and reasonable attorney fees. Violation of this By-law shall be subject to a fine not to exceed three hundred dollars for each violation; each day shall be considered a new violation.

Section 6. Appeals

Any person aggrieved by the requirements of this section may seek an administrative appeal to the Inspector of Buildings. Any person aggrieved by a final decision issued under this section by the Inspector of Buildings may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

Section 7. Applicability

If any provisions of this ordinance impose greater restriction or obligations than those imposed by any general law, special law, regulation, ordinance, order or policy, then the provisions of this ordinance shall control.

Section 8. Severability

If any provision of this ordinance is held to be invalid by a court of competent jurisdiction, then such provisions shall be considered separately and apart from this ordinance's remaining provisions, which shall remain in full force and effect.