

TOWN OF WALES BY-LAWS



WALES, MASSACHUSETTS
MAY 2006

TOWN OF WALES, MASSACHUSETTS
BY-LAWS
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CHAPTER ONE

1.) GENERAL PROVISIONS

Sec. 1 The following provisions shall constitute the General By-Laws of the Town of Wales, which shall be in lieu of all by-laws heretofore in force.

Sec. 2 The Selectmen shall cause these by-laws to be published every five (5) years as a part of the Annual Town Report, and additions or amendments thereto in the year in which they are adopted.

Sec. 3 No Town Zoning by-law or portion thereof shall be adopted, amended, or repealed unless approved by at least a two-thirds (2/3) majority of the votes cast. (APPROVED 5/19/77)

Sec. 4 The repeal of a by-law shall not revive any law not in force when the by-law was repealed.

Sec. 5 Words and phrases specifying or naming any board, commission, committee or officer of the Town, shall be construed as including the lawful successor or the person or persons having the powers and performing the duties of such board, commission, committee, or officer of the Town.

Sec. 6 Whenever publication of actions or by-laws is required by law or by-law is to be published in a town newspaper, it shall be sufficient when there is no such paper, that it be printed or published in a paper which has a general and substantial circulation therein.

Sec. 7 When, in a by-law, anything is prohibited from being done without license or permission of a certain officer, board or committee, such officer, board or committee shall have the right to license or permit such thing to be done.

Sec. 8 These by-laws shall take effect from and after their adoption by the Town, approval of the Attorney General and Publication as provided by law.

Sec. 9 Whoever violates any of the provisions of these by-laws whereby any act or thing is enjoined or prohibited, shall, unless other provision is expressly made, forfeit and pay a fine not exceeding fifty dollars (\$50) for each offense. (APPROVED 8/22/73)

Sec. 10 Upon the written complaint often (10) registered voters, it shall be the duty of the Selectmen to prosecute, and cause such neglect or violation of duty to be performed by persons appointed by them to fulfill such duties.

CHAPTER TWO

1.) TOWN MEETINGS

- Sec. 1 The Annual Town Meeting shall be held the third (3rd) Wednesday in May each year, at which time all business of the Annual Town Meeting, except the election of officers and the determination of matters as are required by law to be elected or determined by ballot, shall be considered. (APPROVED 2/12/85)
- Sec. 2 All matters concerning and relating to the election of officers and the determination of matters as are required by law to be elected or determined by ballot shall be considered at an adjournment of said meeting to take place on the last Tuesday in May. (APPROVED 2/12/85)
- Sec. 3 The polls shall be opened at 12 o'clock noon and shall remain open until 7 o'clock in the evening, but in no case shall be kept open after 8 o'clock in the evening.
- Sec. 4 Annual Town Meetings and all other Town meetings, and meetings for elections under any of the provisions of the laws of the Commonwealth shall be warned by posting attested copies thereof in at least three (3) conspicuous public places in the Town. (APPROVED 2/12/85)
- Sec. 5 At least seven (7) days before the day fixed in the warrant for the Annual Town Meeting, the Selectmen shall cause to be mailed to each dwelling house in the Town, occupied by a registered voter, a copy of the warrant and a copy of the Annual Town Report. (APPROVED 3/10/71).
- Sec. 6 At least seven (7) days before the day fixed in the warrant for any Special Town Meeting, the Selectmen shall cause to be mailed to each dwelling house, occupied by a registered voter, a summary copy of the warrant for the warned meeting. (APPROVED 12/20/05)
- Sec. 7 The necessary quorum for any Town Meeting shall be four percent (4%) of the registered voters, a quorum for a Special Town Meeting shall be Thirty (30) registered voters provided, however, that a number less than a quorum may from time to time adjourn the same; at no time shall the quorum be less than the twenty-five (25) registered voters required for a caucus quorum. This section shall not apply to such parts of meetings as are devoted exclusively to the election of Town officers. (APPROVED 12/20/05)
- Sec. 8 Articles of the warrant shall be acted upon in the order in which they appear unless otherwise determined by vote of the meeting.
- Sec. 9 All motions having to do with the expenditure of money for special appropriations shall be presented in writing; other motions shall be in writing if so directed by the Moderator.

- Sec. 10 When a question is before the Meeting, the following namely: to adjourn, to lay on the table; for the previous questions; to postpone to a time certain; to commit; re-commit or refer; to amend; to postpone indefinitely; shall be received and shall have precedence in the foregoing order; and the first three (3) shall be decided without debate.
- Sec. 11 On proposed amendments involving sums of money or time, the larger or largest amount or the longer or longest time shall be put to the question first, an affirmative vote thereon shall be a negative vote for any smaller amount or time element.
- Sec. 12 Any person who is employed as an attorney by another individual in any matter under discussion at a Town Meeting shall disclose the fact of his employment before speaking thereon.
- Sec. 13 At any Special or Annual Town Meeting, if fifteen (15) voters present request a secret ballot on any question, said vote shall be taken accordingly. In addition, a ballot vote may be called for on any question by a majority of the voters present and voting. (APPROVED 7/15/75).

CHAPTER THREE

1.) TOWN OFFICERS

Sec. I The officers of the Town shall be elected at the Annual Town Meetings when the term of office of any incumbent expires, and except when other provision is made by law, shall be chosen by official ballot from its registered voters. (APPROVAL DATES)

- a. Their terms of office shall be: A Moderator for one year, three (3) Selectmen ^(9/9/76) subject to the provisions of Chapter 41, Sec. 21 one (1) member shall be elected each year for a term of three (3) years; a Town Treasurer for three (3) years; a Collector of Taxes for three (3) years; a Town Clerk for three (3) years; three (3) Assessors for three (3) years each, one to be elected annually; five (5) members of the School Committee for three year terms, three (3) Constables for three (3) years, one to be elected annually; three (3) Library Trustees for three (3) years, one to be elected annually; three (3) members of the Cemetery Commission for three (3) years, one to be elected annually; a Road Commissioner ^(11/26/90) for three (3) years; three (3) members for three (3) years for the Board of Health ^(10/1/70) , one (1) to be elected annually; a five (5) member Planning Board ^(1/26/76) for three (3) year terms; and a five (5) member Council on Aging ^(1/26/76) to be appointed for one (1) year terms and a Tree Warden ^(6/30/78) to be appointed for a one (1) year term. (AG approval as of March 21, 2005)
- b. All other Town officials shall be appointed by the Selectmen unless other provision is made by law or by vote of the Town.
- c. In any case where three (3) or more members of a board are to be elected for terms of more than one (1) year, as nearly as one-third (1/3) as may be shall be elected annually.
- d. Vacancies shall be filled according to Chapter 41, Sec. 11.

2.) POWERS AND DUTIES

Sec. I The **Selectmen** shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law, by-law or vote of the Town.

- a. They may from time to time make suitable rules and regulations concerning all departments of the Town under their jurisdiction.
- b. They shall have full authority as agents of the Town, acting upon the advice of the Town Counsel, to settle any claims or suits against the Town in which their judgment cannot be successfully defended, when the sum to be paid does not exceed five hundred

(\$500) dollars. Any settlement requiring a greater sum shall be authorized by the voters of the Town.

- c. All conveyances of land which may be hereafter authorized by vote of the Town, or otherwise, shall be signed by a majority of the Board of Selectmen, unless otherwise provided by the law or by the Town; and shall be sealed with the Town Seal.
- d. The Selectmen shall request an annual audit of the financial books and accounts of the Town by the State Division of Accounts.
- e. The Selectmen shall cause to be printed in the Annual Town Report the summary report as submitted to the Town by the Director of Accounts if available to them in time for inclusion in the report.

Sec. 2 The **Town Clerk** shall be subject to provision in General Laws, Chapter 41, Sec. 12 through Sec. 19F wherein they pertain to towns and are applicable.

- a. The Town Clerk shall keep and cause to be permanently bound, one or more files of Town Reports and all original documents of the Town pertaining to vital statistics.
- b. It shall be the duty of the Town Clerk immediately after every Town Meeting to notify, in writing, all members of committees who may be elected or appointed at such meeting, stating the business upon which they are to act and the names of the persons composing the committees;
- c. also to notify all officers, boards and committees of all votes passed at such meeting in any way affecting them.
- d. Each Town board or committee shall organize within ten (10) days; choose a chairman and a clerk from within their membership; names of the chairman and clerk shall be given, in writing, to the Town Clerk for record and file.
- e. No committee elected or appointed in the Town shall receive compensation for their services, except as voted by the Town.
- f. The Town Clerk shall suitably index all reports and records which come into his/her custody in a manner convenient for references and examination.
- g. The Town Clerk shall cause to be entered upon the regular record of the meeting such portions of the report of any board or committee presented to the Town and adopted, as may be necessary for the understanding of the action taken by the Town.

Sec. 3 The **Treasurer** shall annually make a report showing:

- a. A classified statement showing the items of town debt, date when each was contracted, its amount, rate of interest, date on which it will be due, and purpose for which borrowed.
- b. A statement of all money borrowed by the Town during the year and for what purposes; the amount of increase or decrease in the Town debt, and the object for which it was increased.
- c. The relation of the Town debt to the percent limit of indebtedness, if relevant data supplied to him by the Commonwealth is available to him in time for insertion in the report.

Sec. 4 The **Assessors** are subject to General Law, Chapter 41, Sec. 24 through Sec. 30A.

- a. They shall annually make a summary statement, to the Town, of their doings as Assessors.
- b. They shall have printed Biannually their evaluation lists and cause them to be made available to the taxpayers at the Assessors' Office as soon as January after the assessment. (APPROVED 3/1/82)

Sec. 5 The **Town Accountant**, appointed by the Selectmen, shall perform the duties and possess the powers of a town auditor;

- a. shall keep a complete set of books wherein shall be entered the amount of each specific appropriation; the amount and purposes of expenditures; the receipts from each source of income and all other duties prescribed in Sec. 55, through Sec. 61 of the General Laws;
- b. shall send monthly statements to the Selectmen, each board, committee, head of department or officer having the disbursement of an appropriation, a statement of the amount of orders approved and warrants drawn on behalf of said board, department or officer during the preceding month, and a statement of the balance of such appropriation remaining subject to draft;
- c. shall make an annual report, to be published as a Town document, arranged in accordance with the classifications prescribed by the Director of Accounts, such report shall contain a statement of any change in the amount of the Town debt during the year and a list of indebtedness incurred and unpaid at the end of the financial year.
- d. a tabulated statement showing the objects of each appropriation for the year, the amount appropriated, the money expended, the balance unexpended and the balance on hand at the end of the preceding year.

- e. The amount received outside of the appropriation from transfer from another appropriation, or otherwise; and a separate statement of transfer from one appropriation to the other.
- f. A classified statement of all expenditures and receipts of the Town so as to give a fair and full exhibit of the objects and methods of all expenditures. (APPROVED 8/22/73).

Sec. 6 The **Road Commissioner** shall annually:

- a. make a detailed report of all money spent during the year, properly classified under the different divisions of work;
- b. make a detailed and specific report of how and where expended; how much paid each person employed by him; what price per hour and how much taken for him for his own services.

Sec. 7 The **Cemetery Commissioner** shall annually:

- a. make a detailed report of all money spent during the year, properly classified for each of the cemeteries;
- b. A detailed and specific report of how much expended in each of the cemeteries; how much was paid to each person employed by them; price per hour and how much was taken for their own services;
- c. how much received for sale of lots, perpetual care fluids for the lots, and all other receipts and expenditures.

Sec. 8 The **Board of Health** shall annually make a report showing:

- a. the number of complaints made to them
- b. nuisances noted and dispositions made
- c. unusual illnesses or epidemics
- d. detailed report of all receipts and expenditures of the board

Sec. 9 **Fire Chief and Forest Fire Warden** shall annually make a report containing:

- a. a statement of the property and apparatus in possession of the Town, its condition, number of calls, estimated property loss and general facts relating to the department.
- b. A detailed report of the receipts and expenditures for the department.

- c. The Forest Fire Report shall contain a statement of all receipts and expenses for this department for the year past; the location of the fires and estimated property loss and cause, if known.

Sec. 10 The ***Inspector of Slaughtering*** shall annually report:

- a. All money received and expended in this department.
- b. Number of inspections made and facts of general interest.

Sec. 11 The ***School Committee*** report shall contain:

- a. A report of the year's work in the schools with such recommendations and suggestions as they deem fitting;
- b. The school calendar for the year;
- c. The tabulation of membership, attendance and truancy for each school.
- d. A detailed statement of their expenditures and receipts during the year;
- e. A list of the teachers and their salaries.

Sec. 12 The ***Library Trustees*** shall make an annual report:

- a. A detailed statement of their receipts and expenditures from Town appropriations and Trust Fund interest, sale of books and magazines, fees from overdue books and all other sources;
- b. Number of books circulated;
- c. Number of new memberships;
- d. Scheduled hours for library and Bookmobile visits;
- e. Circulation by number of school reference books;
- f. Number of books lent to Wales Elementary School; (APPROVED 8/22/73).

Sec. 13 The ***Tree Warden*** shall make an annual report giving:

- a. a detailed and specific report of how many trees removed and location prior to removal;
- b. How much was paid to each person employed by him, price per hour and how much was taken for his own services;

- c. An accurate and detailed report of all other money received from any and all sources in pursuit of his duties as Tree Warden.

Sec. 14 **Outstanding Bills and Attendance:** All other Town offices, boards, commissions and committees shall make annual reports as required by the General Laws; each department head, board or committee authorized to expend money shall furnish the Town Accountant at the close of the financial year, a list of bills remaining unpaid, showing to whom and for what is due and their amounts. All appointed committees shall keep a record of attendance. The members of any appointed committee who fail to attend any three consecutive meetings called by the committee shall have his or her name reported to the Town Clerk by the remaining committee members of the committee. The Town Clerk shall notify the said member and the appointing authority that a vacancy exists by reason of absence. (APPROVED 7/15/75).

Sec. 15 A **Finance Committee** of five (5) members and two (2) alternates shall be appointed by the Board of Selectmen for three (3) year overlapping terms. Members shall serve without compensation and no member shall hold any other elected or appointed Town position during his term of office. In making appointments to the Committee, the Board of Selectmen shall take into consideration the demographic composition of the Town. The Finance Committee shall consider all articles in the warrant for all Town Meetings and referenda and shall report its recommendations in print before each meeting or vote. It shall hold a public meeting with respect to the warrant at least seven (7) days prior to Town Meetings. The Department heads, Executive Secretary, and Selectmen shall file a proposed budget for the ensuing fiscal year with a summary budget message and supporting documents. The summary budget message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the Town for the ensuing year and shall indicate any major changes from the current year in financial policies, expenditures, and revenues. The budget shall indicate proposed expenditures for both current operations and capital projects during the succeeding fiscal year, detailed by purpose, offices, departments, commissions and committees. The Board of Selectmen may rescind an appointment to the Committee if the appointee has failed to attend three (3) or more consecutive meetings and may fill any vacancy for the unexpired term. The Committee shall annually choose a Chairman, a Secretary, and other officers as necessary. (APPROVED 10/7/88)

Sec. 16 A **Counsel On Aging** consisting of five (5) members, who are residences of Wales, to be appointed for a term of one (1) year.

Sec. 17 **Tax Collector:** The Tax Collector shall retain all fees received for the preparation of Certificates of Municipal Liens for personal services and shall provide an accounting thereof on a monthly basis to the Town Accountant.

3.) TOWN COUNSEL

Sec. I The Selectmen shall annually appoint some member of the Massachusetts Bar as Town Counsel. (APPROVED 1/26/76)

- a. The Town Counsel shall draft all legal instruments and do every professional act which may be required of him by vote of the Town or any board of Town Officers; also when required by said boards or any committees of the Town, he shall furnish a written opinion on any legal question that may be submitted to him; and he shall at all times furnish legal advice to an Officer of the Town who may require his opinion upon any subject concerning the office of such person.
- b. The Town Counsel shall have charge of all suits by the Town, shall prosecute and shall defend all actions brought by and against the Town or its Officers in their official capacity. He shall try and argue any and all cases in which the Town shall be a party, before any tribunal, or before any board of reference or commissioners.
- c. He shall receive for his services a salary and shall be subject at any time to removal by the Selectmen.

4.) RECORDS, REPORTS AND DOCUMENTS

Sec. I Except as otherwise provided by law, the Selectmen shall have custody of bonds, deeds, contracts, insurance policies and other similar documents owned by the Town.

Sec. 2 All officers, boards, and committees of the Town shall cause records of the doings and their accounts to be kept in suitable books. Said books shall be kept in their respective places in the Town Office, unless otherwise provided by law, be open to public inspection under supervision of the officer, board, or committee having custody thereof.

Sec. 3 All officers, boards, standing committees and special committees of the Town having charge of the expenditures of Town money shall annually report thereon in writing, in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, and such recommendations as they deem proper. Such reports shall be submitted to the Selectmen for inclusion in the Annual Town Report on or before the fifteenth (15th) day of February of each year.

Sec. 4 The Selectmen shall cause to be printed the annual report which shall contain:

- a. A statement of their expenditures of appropriations in detail.
- b. A concise and clear account of their doings during the year.

Sec. 5 The annual reports of all Town officers and committees shall be issued in one (1) book and in addition to the department reports for the municipal year, the book shall contain:

- a. A complete list of the elected Town officers, with their salaries or compensations; the organization of the different boards, and the expiration of the term of office of each member.
- b. A complete list of the appointees for the year, with their salaries or compensation, including the school and police.
- c. A copy of the warrant for the Annual Town Meeting next to be held

CHAPTER FOUR

1.) DOG RESTRICTIONS

Sec. I Declaration of Policy

- a. Any dog, whether licensed or unlicensed, is hereby declared to constitute a public nuisance unless it –
 - i. is confined to the premises of its owner or of another person with the knowledge and consent of such person, or
 - ii. is attached to and restrained by a leash or other suitable device and is in the control of a person capable of restraining it so that it will not be a threat to public safety, or
 - iii. is engaged in hunting, or training therefore, and is supervised by a person competent to restrain it so that it will not be a threat to public safety and who has the legal right to engage in such activity at the location where it is being carried out.
- b. Any dog is hereby declared to be a public nuisance which habitually barks or howls in a manner disturbing to neighbors between the 11:00 PM and 7:00 AM.

Sec. 2 Enforcement

- a. Any failure of an owner or keeper of any dog to prevent such dog from becoming a public nuisance shall be a violation of this by-law. Each day such failure continues shall be a separate offense. As used herein a "keeper" shall be any person, corporation or society, other than the owner, harboring or possessing any dog.
- b. The Animal Control Officer is authorized to enforce this by-law by any or all of the following methods:
 - i. By filing a complaint in the District Court for any violation thereof against the owner or keeper of any dog found to be a nuisance.
 - ii. By noncriminal complaint against the owner or keeper of any such dog pursuant to the provisions of Chapter 40, Section 21D of the General Laws and by imposing a noncriminal assessment of TWENTY-FIVE (\$25.00) DOLLARS for a first violation or FIFTY (\$50.00) DOLLARS for each subsequent violation within a twelve (12) month period. The Animal Control Officer shall have discretion to issue a warning in lieu of a criminal or noncriminal complaint to anyone found in violation of this

By-law who has not been found in violation thereof during the preceding twelve (12) months.

iii. By impounding any dog found to be a public nuisance.

Sec. 3 Procedure Following Impoundment

i. The Animal Control Officer shall promptly notify the owner or keeper of any impounded dog if his/her identity can be readily ascertained.

ii. If the owner or keeper cannot be readily identified, the Animal Control Officer shall cause public notice to be posted at the Town Hall describing the impounded dog and stating that the dog will be disposed of in accordance with section 3iv hereof if not redeemed within ten (10) days.

iii. The owner or keeper of any impounded dog may obtain its release by obtaining a license for any such dog not currently licensed and by reimbursing the Animal Control Officer at the rate of TEN (\$10.00) DOLLARS for the initial handling of the dog and EIGHT (\$8.00) DOLLARS a day for each day or portion thereof the dog has been impounded. (APPROVED 8/03)

iv. Any impounded dog which has not been redeemed within (10) days from the notification of the owner or keeper or of the posting of notice pursuant to section 3ii hereof shall be disposed of in accordance with the provisions of Section 151A, Chapter 140, of the General Laws, as amended.

v. The Animal Control Officer shall forthwith pay over to the Town Treasurer all moneys received under the provisions of this by-law and shall file with the Town Accountant a monthly statement of all such moneys received during the preceding month. (APPROVED 8/26/94)

2.) LITTERING

a. Any person or persons found guilty of the unauthorized disposal of rubbish or any other unwanted matter upon a private or public way, beach, park or other municipal property owned or maintained by the Town may be punished by a fine not to exceed THREE HUNDRED (\$300.00) DOLLARS. This by-law shall not apply to the disposal of rubbish or unwanted matter in designated areas or containers provided for the disposal of such matter. (APPROVED 9/16/04)

3.) PUBLIC DRINKING

a. No person shall consume any alcoholic beverage, as defined by the General Laws, Chapter 138, Section I, in any public way, town park, town cemetery, public school building or land, or any recreation area under public control, except during such time as

a special license may be issued for such places. Any person violating this by-law shall be subject to a fine of not more than TWENTY-FIVE (\$25.00) DOLLARS and may be arrested without a warrant by a Police Officer.

4.) **DRIVEWAY PERMITS**

- a. No driveway or road shall be constructed in the Town of Wales that leads directly onto a Town way without first obtaining a permit from the Highway Superintendent. The Highway Superintendent shall require sufficient plans as he deems necessary to judge the impact of said driveway or road on the Town way entered, may set fees, and may set conditions on the construction of said road or driveway so as to preserve the Town way involved and promote traffic safety. (APPROVED 2/24/87)
- b. The inspector of buildings, before issuing a new Building Permit, shall first ascertain that the above driveway permit has been complied with.

5.) **DENIAL OF PERMITS & LICENSES: NON-PAYMENT OF TAXES**

- a. The Town of Wales hereby accepts the provisions of C.40. Section 57.
- b. The Town of Wales may deny any application for, or revoke or suspend a building permit, or any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of section twenty-one D or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.
- c. The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission, or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.
- d. The licensing authority may deny, revoke or suspend any license or permit including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is

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

- e. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failures to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder is given notice and a hearing as required by applicable provisions of law.
- f. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is not direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.
- g. This section shall not apply to the following licenses and permit: open burning; section thirteen of chapter forty-eight; bicycle permit; section eleven A of chapter eight-five; sales or articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty, dog licenses, section one hundred and thirty-seven of chapter one hundred forty, fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty. (APPROVED 2/5/99)

6.) **RECYCLING**

- a. Resident of every household shall separate waste material into the following Categories before depositing same for disposal:
 1. Glass and cans
 2. Paper
 3. Other waste

Any resident who fails to separate waste material for disposal at the disposal location shall not be accepted. Repeat violators shall, suffer a fine of TEN (\$10.00) DOLLARS. (APPROVED 10/1/92)

7.) **NOISE BY-LAW**

- a. Between the hours of 11 :OOPM and 10:OOAM, no loud music shall be played or amplified neither outside of nor from within a building so as to be audible outside from a distance of more than fifty (50) feet from the building.
- b. Each instance of the previously-described excessive noise shall be penalized as follows:
 - First instance: verbal warning by police
 - Second instance: written warning
 - Third instance and all subsequent instances:
finned at ONE HUNDRED (\$100.00) DOLLARS each.
- c. This by-law is to be enforced by the Police Department. (APPROVED 9/23/88)

8.) **NUMERATION SYSTEM**

- a. The Town voted to implement a numeration system for identifying every structure within the Town of Wales, said numeration system to be assigned by the Board of Assessors. Each number must be three (3) inches high, reflectorized, displayed and visible within twenty (20) feet from the street. (Pursuant to the procedures established in M.G.L. C.40, §21D, the penalty for each violation of this by-law shall be a fine of \$25.00. A violation shall be deemed to have occurred when after the Police or Fire Department has given a property owner a written warning giving the party one week in which to remedy the violation.) (APPROVED 10/1/92) (Implemented October 1, 1992)

9.) **PARKING BAN**

- a. The Town voted to impose a winter parking ban on Town Roads and Private Ways. This ban would start at the beginning of snow storms and last twenty four (24) hours after the storm's end. No vehicles, boats, trailers, etc. would be allowed to park on any road in Town during this time. Public or otherwise.

10.) **NO PARKING ORDINANCE**

The Town voted to have a "NO PARKING" ordinance on Union and Lake George Roads (both sides/both roads). (APPROVED 4/29/97)

11.) **CAPITAL IMPROVEMENT PLANNING COMMITTEE**

Sec.1 The Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Planning Committee, composed of one member of the Board of Selectmen, One member of the Finance Committee, one member of the Planning Board and the School Committee, and a member at large to be appointed by the Selectmen. The Town Accountant (or the Executive Secretary or other administrative officer) shall be an ex-officio Committee staff member without the right to vote. The Committee shall choose its own officers.

Sec.2 The Committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which: 1) are purchased or undertaken at intervals of not less than five years; 2) have a useful life of at least five years and 3) cost over \$50,000.00. All officers, boards and committees, including the Selectmen and the School Committee, shall, by August 31" of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing six years or more. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the Committee shall first have submitted a report to the Board of Selectmen explaining the omission.

Sec.3 The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Board of Selectmen for its consideration and approval. The Board shall submit its approved Capital Budget to the Annual Town Meeting for adoption by the town.

Sec.4 Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the town through the appropriations of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.

Sec.5 The Committee's report and the Selectmen's recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Finance Committee report. The Committee shall deposit its original report with the Town Clerk.

12) SETTING OF FEES

- a. Any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, who is authorized to set fees pursuant to G.L.c.40, section 22F or in the case of a board or officer appointed by an elected board, the elected board, shall submit such proposed fees to the Board of Selectmen for review and approval. Said fees shall become effective upon the approval of the Board of Selectmen.
- b. The Board of Selectmen may adopt regulations to implement this bylaw, including but not limited to: a process for review and approval of fees adopted pursuant to G.L.c.40, section 22F; criteria for determining the reasonableness of such fees; periodic review of all fees set by municipal officers and boards, including elected officers and boards; and the designation of a particular town employee to create and maintain a single document setting forth all municipal fees.

TOWN OF WALES ACCEPTENCE OF PROVISIONS:

The Town of Wales voted on November 1, 1983 at a Special Town Meeting to accept the provisions of Section 12B of Chapter 138 of the General Laws of Massachusetts prohibiting nude entertainment on premises licensed to serve alcohol.

The Town of Wales voted on May 15, 1991 at an Annual Town Meeting to accept the provisions of Chapter 291 of the Acts of 1990, thereby allowing the Town to receive enhanced 911 service as defined in said Act.

The Town of Wales voted on October 22, 1991 at a Special Town Meeting to accept the Massachusetts General Law, Chapter 59, Section 57C, regarding the Quarterly Tax Payment System.