

**CODE OF THE
TOWN OF LITTLETON,
MASSACHUSETTS, v51**
Updated: 8-11-2016

**OFFICIALS
OF THE
TOWN OF LITTLETON
Town Offices**

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2016

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PREFACE

In the northwestern part of Middlesex County, Massachusetts, is a notable highland called Nashoba Hill. From this hill, legend tells us, one can hear a mysterious rumbling, known simply as "the shooting of Nashoba Hill." It was in 1715, December 3 to be exact, when this highland and areas adjacent were incorporated as the Town of Littleton. The name was in honor of George Lyttelton, M.P., of England. Through the years, the Town has grown, expanded and looked to the future, a future that would not have been possible if it hadn't been for the strengths of its past.

The Town of Littleton has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Town, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the Town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Town Meeting and Board of Selectmen ordered the following codification of the Town's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Town Meeting. The Code is broken down into two volumes, one containing the general and administrative provisions of the Code and the other containing the Zoning Ordinances.

Reserved Chapters

Space has been provided in the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters entitled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

Numbering of Sections

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 6 is § 6-1, while the fourth section of Chapter 53 is § 53-4. New sections can then be added between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 53-4 and 53-5, they would be numbered as §§ 53-4.1 and 53-4.2.

Histories

Each chapter contains the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing Parts or Articles derived from more than one item of

legislation, the source of each Part or Article is indicated in the History. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or complete new additions, should be adopted as amending the Code. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the table of contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the table of contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 45 and 46 should be designated Chapter 45A). New Articles may be inserted between existing Articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" Articles (e.g., a new Article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 45-30 and Article XVII begins with § 45-31, Article XVIA should contain §§ 45-30.1 through 45-30.6).

TABLE OF CONTENTS

PART I

ADMINISTRATIVE LEGISLATION

CHAPTER	PAGE
1. General Provisions	1
2. (Reserved)	-
3. Administrator, Town	6
4. Audit, Town	7
5. (Reserved)	-
6. Betterments	7
7. Boards, Appointed	8
8. Boards and Commissions	8
Article I Planning Board	8
Article II Conservation Commission	9
Article III Board of Selectmen	9
Article IV Board of Park Commissioners	9
Article V Recreation and Playground Commission	9
Article VI Agricultural Commission	10
9. (Reserved)	-
10. Civil Defense	10
11. (Reserved)	-
12. (Reserved)	-
13. Committees	11
Article I Finance Committee	12
Article II Industrial Committee	12
Article III Shade Tree Committee	13
Article IV School Planning Committee	13
Article V Permanent Municipal Building Committee	14
Article VI (Reserved)	15
Article VII Housing Authority Committee	16
Article VIII Committee on Roads	16
Article IX (Reserved)	16
Article X Gypsy Moth Control Committee	16
Article XI Reuben Hoar Building Study Committee	16
Article XII Clean Lakes Committee	17

Article XIII	Littleton Community Television (LCTV) Advisory Committee	17
14.	Community Preservation Committee By-law	17
15.	Council on Aging	18
16.	(Reserved)	-
17.	Finance and Budget, Department of	19
18.	Finances	20
	Article I Road Machinery Fund	20
	Article II Disposition of Fees	20
	Article III Purchasing	20
	Article IV Deeds of Conveyances	21
19.	(Reserved)	-
20.	Gas Piping and Appliances Inspector	21
21.	(Reserved)	-
22.	(Reserved)	-
23.	Harbormaster	21
24.	(Reserved)	-
25.	(Reserved)	-
26.	(Reserved)	-
27.	(Reserved)	-
28.	(Reserved)	-
29.	Officers and Employees	22
	Article I Miscellaneous Terms	22
	Article II Handling of Fees	22
30.	(Reserved)	-
31.	(Reserved)	-
32.	Veteran's Preference	22
33.	Personnel	23
34.	Procurement	48
35.	Property, Sale of	48
36.	(Reserved)	-
37.	Regional Transit Authority	49

38.	Stormwater	49
	Article I Illicit Connections and Discharges to Storm Drain System	49
	Article II Stormwater Management and Erosion Control	53
39.	Stretch Energy Code	62
40.	(Reserved)	-
41.	Town Meetings	63
42.	(Reserved)	-
43.	(Reserved)	-
44.	Veterans’ Services, Department of	63
45.	(Reserved)	-
46.	Youth Advisory Council	64
47.	(Reserved)	-
48.	(Reserved)	-

**PART II
GENERAL LEGISLATION**

49.	(Reserved)	-
50.	(Reserved)	-
51.	(Reserved)	-
52.	(Reserved)	-
53.	Public Consumption of Alcoholic Beverages and Marijuana/Tetrahydrocannabinol	64
54.	(Reserved)	-
55.	(Reserved)	-
56.	(Reserved)	-
57.	(Reserved)	-
58.	Beano	65
59.	(Reserved)	-
60.	(Reserved)	-
61.	(Reserved)	-
62.	Boats	65

63.	(Reserved)	-
64.	Building Construction	65
	Article I Building Code	65
	Article II Board of Appeals	65
	Article III Fees	66
65.	Building Demolition	66
	Article I Historically Significant Buildings and Structures	66
66.	Buildings, Numbering of	70
67.	(Reserved)	-
68.	Burglar and Fire Alarms	70
	Article I Burglar Alarm Systems	70
	Article II Fire Alarm Systems	72
69.	Burning, Open Air	73
70.	(Reserved)	-
71.	(Reserved)	-
72.	Cemeteries	74
73.	(Reserved)	-
74.	Civil Fingerprinting	78
75.	(Reserved)	-
76.	(Reserved)	-
77.	Conservation Land	80
78.	(Reserved)	-
79.	(Reserved)	-
80.	(Reserved)	-
81.	(Reserved)	-
82.	(Reserved)	-
83.	(Reserved)	-
84.	Dogs and Other Animals	81
	Article I Fees and Fines	81
	Article II Destruction	82
	Article III Leash Law	83
	Article IV Public Nuisance	83

Article V	Enforcement	84
85.	(Reserved)	-
86.	(Reserved)	-
87.	(Reserved)	-
88.	(Reserved)	-
89.	(Reserved)	-
90.	Farming Bylaw, Right To	85
91.	(Reserved)	-
92.	(Reserved)	-
93.	(Reserved)	-
94.	Firearms	87
95.	(Reserved)	-
96.	(Reserved)	-
97.	(Reserved)	-
98.	(Reserved)	-
99.	(Reserved)	-
100.	(Reserved)	-
101.	(Reserved)	-
102.	Gasoline Filling Stations	87
Article I	Licensing	87
Article II	Self-Service Stations	87
103.	(Reserved)	-
104.	(Reserved)	-
105.	(Reserved)	-
106.	(Reserved)	-
107.	(Reserved)	-
108.	(Reserved)	-
109.	Hawking, Peddling and Soliciting	88
110.	(Reserved)	-
111.	Hazardous Materials	88

112.	(Reserved)	-
113.	(Reserved)	-
114.	(Reserved)	-
115.	Junk Dealers	91
116.	(Reserved)	-
117.	(Reserved)	-
118.	Library	91
119.	Lighting	91
120.	(Reserved)	-
121.	(Reserved)	-
122.	(Reserved)	-
123.	(Reserved)	-
124.	(Reserved)	-
125.	(Reserved)	-
126.	(Reserved)	-
127.	(Reserved)	-
128.	(Reserved)	-
129.	(Reserved)	-
130.	(Reserved)	-
131.	(Reserved)	-
132.	(Reserved)	-
133.	Parking Regulations	92
	Article I Handicapped Parking	92
134.	(Reserved)	-
135.	(Reserved)	-
136.	Permits and Licenses	92
	Article I Permits and Licenses of Delinquent Taxpayers	92
137.	(Reserved)	-
138.	Plans, Filing of	93
139.	(Reserved)	-

140.	(Reserved)	-
141.	(Reserved)	-
142.	(Reserved)	-
143.	Scenic Roads	93
144.	(Reserved)	-
145.	(Reserved)	-
146.	(Reserved)	-
147.	Soil Removal	94
148.	(Reserved)	-
149.	(Reserved)	-
150.	Streets and Sidewalks	96
	Article I Miscellaneous Provisions	96
	Article II Street Specifications	97
	Article III Debris on Streets	97
151.	(Reserved)	-
152.	(Reserved)	-
153.	(Reserved)	-
154.	(Reserved)	-
155.	(Reserved)	-
156.	(Reserved)	-
157.	(Reserved)	-
158.	(Reserved)	-
159.	(Reserved)	-
160.	(Reserved)	-
161.	(Reserved)	-
162.	(Reserved)	-
163.	Valuable Second Hand Items	98
164.	(Reserved)	-
165.	Vehicles, Unregistered	100
166.	(Reserved)	-

167. (Reserved)	-
168. (Reserved)	-
169. Wells	102
170. (Reserved)	-
171. Wetlands Protection	102
172. (Reserved)	-
173. Zoning	107
174. (Reserved)	-
175. (Reserved)	-
176. (Reserved)	-
177. (Reserved)	-
178. (Reserved)	-
179. (Reserved)	-
180. (Reserved)	-
181. Littleton Transfer Station	107
182. (Reserved)	-
183. Repairs to Private Ways	107
Appendix	109
Disposition List	113

DIVISION 1
TOWN MEETING ENACTMENTS

PART I
ADMINISTRATIVE LEGISLATION

Chapter 1, GENERAL PROVISIONS

[HISTORY: Adopted as Art. 6 of the 1977 compilation. Amendments noted where applicable.]

§ 1-1. Repeal or amendment of bylaws.

These bylaws may be repealed or amended at any Annual Town Meeting or at any other Town Meeting specially called for the purpose, an Article or Articles for such purpose having been inserted in the warrant for such meeting.

§ 1-2. General penalty. [Amended 5-4-1987 ATM, Art. 27]

Every violation of any of the bylaws of the Town of Littleton, except as otherwise provided by law or these bylaws, shall be punished by a fine of not more than three hundred dollars (\$300.) for each violation thereof.

§ 1-3. When effective; repealer.

These bylaws shall go into effect upon their acceptance by the town and their approval and publication in the manner required by law, and all bylaws heretofore existing are hereby repealed.

§ 1-4. Noncriminal disposition of certain violations. [Added 5-4-87 ATM, Art. 28; amended 5-5-2008 ATM, Art. 22]]

- A. Criminal complaint. Whoever violates any provision of these bylaws may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation or offense brought in such manner shall be \$300.
- B. Noncriminal complaint. Whoever violates any provision of these bylaws, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in MGL C. 40, § 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty. Without intending to limit the generality of the foregoing, it is the intention of this provision that the following bylaws and sections of bylaws are to be included within the scope of this subsection, that the specific penalties, as listed here, shall apply in such and that, in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the

municipal personnel listed for each section, if any, shall also be enforcing persons for such section; each day on which any violations exist shall be deemed to be a separate offense.

- (1) List of provisions subject to enforcement under MGL C. 40, § 21D, procedures:
 - (a) Alcoholic Beverage Bylaw (Chapter 53, Art. I).
 - [1] Fine allowed: fifty dollars (\$50.).
 - [2] Enforcement agents: police officers.
 - [3] Fine schedule: first and subsequent offenses, fifty dollars (\$50.).
 - (b) Firearms Discharge Bylaw (Chapter 94).
 - [1] Fine allowed: fifty dollars (\$50.).
 - [2] Enforcement agents: police officers.
 - [3] Fine schedule: first and subsequent offenses, fifty dollars (\$50.).
 - (c) Street Numbers Bylaw (Chapter 66).
 - [1] Fine allowed: ten dollars (\$10.).
 - [2] Enforcement agents: Board of Selectmen or designee.
 - [3] Fine schedule: first and subsequent offenses, ten dollars (\$10.).
 - (d) Long Lake Powerboat Bylaw (Chapter 62).
 - [1] Fine allowed: three hundred dollars (\$300.).
 - [2] Enforcing agents: Building Inspector/police officers.
 - [3] Fine schedule: first offense, twenty-five dollars (\$25.); second offense, fifty dollars (\$50.); third and subsequent offenses, one hundred dollars (\$100.).
 - (e) Abandoned Well Bylaw (Chapter 169).
 - [1] Fine allowed: one hundred dollars (\$100.) to five hundred dollars (\$500.).
 - [2] Enforcement agents: Building Inspector/police officers.
 - [3] Fine schedule: first offense, twenty-five dollars (\$25.); second offense, fifty dollars (\$50.); third and subsequent offenses, one hundred dollars (\$100.).
 - (f) Removed 5-2-2016 Art.19
 - (g) Junk Car Bylaw (Chapter 165).
 - [1] Fine allowed: fifty dollars (\$50.).
 - [2] Enforcement agents: police officers.

- [3] Fine schedule: first offense, warning; second offense, twenty-five dollars (\$25.); third and subsequent offenses, fifty dollars (\$50.).
- (h) Junk Collectors Bylaw (Chapter 115).
 - [1] Fine allowed: three hundred dollars (\$300.) (MGL C. 40, § 21D).
 - [2] Enforcement agents: police officers.
 - [3] Fine schedule: first offense, warning; second offense, five dollars (\$5.); third and subsequent offenses, fifty dollars (\$50.).
- (i) Hawkers and Peddlers Bylaw (Chapter 109).
 - [1] Fine allowed: three hundred dollars (\$300.) (MGL C. 40, § 21D).
 - [2] Enforcement agents: police officers.
 - [3] Fine schedule: first offense, warning; second offense, twenty-five dollars (\$25.); third and subsequent offenses, fifty dollars (\$50.).
- (j) Sidewalks and Highways Bylaw (Chapter 150, Art. I).
 - [1] Fine allowed: three hundred dollars (\$300.).
 - [2] Enforcement agents: police officers.
 - [3] Fine schedule: first offense, \$25; second offense, \$50, third and subsequent offenses, \$100.
- (k) Conservation Land Bylaw (Chapter 77).
 - [1] Fine allowed: \$200.
 - [2] Enforcement agents: police officers.
 - [3] Fine schedule: first offense, \$25; second offense, \$50; third and subsequent offenses, \$100.
- (l) Animal Control Bylaws (Chapter 84).
 - [1] Fine allowed: \$50.
 - [2] Enforcement agents: Animal Control Officer/police officers.
 - [3] Fine schedule: first offense, \$10; second and subsequent offenses, \$20.
- (m) Animal Control Bylaws (Chapter 84, § 84-2F) (failure to quarantine).
 - [1] Fine allowed: \$50.
 - [2] Enforcement agents: Animal Control Officer/police officers.
 - [3] Fine schedule: first offense, \$25; second and subsequent offenses, \$50.
- (n) Animal Control Bylaws (Chapter 84, § 84-2G) (stray dog sheltering).
 - [1] Maximum fine: \$10.

- [2] Enforcement agents: Animal Control Officer/police officers.
 - [3] Fine schedule: first offense, warning; second and subsequent offenses, \$10.
- (o) Leash Law (Chapter 84, Art. III).
- [1] Fine allowed: \$300.
 - [2] Enforcement agents: Animal Control Officer/police officers.
 - [3] Fine schedule: first offense, \$25; second offense, \$50; third and subsequent offenses, \$100.
- (p) Burglar Alarm Bylaw (Chapter 68, Art. I). [Added 5-8-2000 ATM, Art. 35]
- [1] Fine allowed: \$50 and \$75.
 - [2] Enforcement agents: Police officers.
 - [3] Fine schedule: First three violations, warning; fourth and fifth violations, \$50; six and more violations, \$75.
- (q) Fire Alarm Bylaw (Chapter 68, Art. II). [Added 5-8-2000 ATM, Art. 35]
- [1] Fine allowed: \$50 and \$150.
 - [2] Enforcement agents: Fire Control Officer and police officers.
 - [3] Fine schedule: first three violations, warning; subsequent violations, \$50; initiation of false alarm during maintenance, repair or installation where no permit has been obtained, \$150.
- (r) Valuable Second Hand Items Bylaw (Chapter 163)
- [1] Fine allowed: \$300.
 - [2] Enforcement agents: Police Officers.
 - [3] Fine Schedule: \$300 per violation.
- (s) Illicit Connections and Discharges to Storm Drain Bylaw (Chapter 38, Art. I)
- [1] Fine allowed: \$300.
 - [2] Enforcement agents: Highway Department employees, Board of Health agents, and police officers.
 - [3] Fine Schedule: First violation \$100; subsequent violations, \$300.
- (t) Stormwater Management and Erosion Control Bylaw (Chapter 38, Art. II)
- [1] Fine allowed: \$300.
 - [2] Enforcement agents: Planning Department employees and the Building Commissioner.
 - [3] Fine Schedule: First violation \$100; subsequent violations, \$300.

- (2) Rules and regulations of the Board of Health and landfill.
- (a) Criminal complaint. Whoever violates any provision of these rules and regulations may be penalized by indictment or on complaint brought in the District Court. Except as may otherwise be provided by law and as the District Court may see fit to impose, the maximum penalty for any violation of these provisions shall be \$300 for each offense.
 - (b) Noncriminal disposition. Whoever violates any provision of these rules and regulations may, in the discretion of the Health Agent, be penalized by a noncriminal complaint in the District Court pursuant to the provisions of MGL C. 40, § 21D. For the purpose of this provision, the penalty to apply in the event of a violation shall be as follows: \$25 for the first offense; \$50 for the second offense; \$100 for the third and each subsequent offense. Each day on which a violation exists shall be deemed to be a subsequent offense.
 - (c) Specific provisions.
 - [1] Rules and regulations of the Board of Health.
 - [a] Fine allowed: \$300.
 - [b] Enforcement agents: Board of Health agents.
 - [c] Fine schedule: first offense, twenty-five dollars (\$25.); second offense, fifty dollars (\$50.); third and subsequent offenses, one hundred dollars (\$100.).
 - [2] Nuisance Bylaws (Sections 1 and 2).
 - [a] Fine allowed: three hundred dollars (\$300.).
 - [b] Enforcement agents: Board of Health agents.
 - [c] Fine schedule: first offense, warning; second offense, after time specified in warning, twenty-five dollars (\$25.); third and subsequent offenses, one hundred dollars (\$100.).
 - [3] Nuisance Bylaws (Sections 3, 4, 5 and 6).
 - [a] Fine allowed: three hundred dollars (\$300.).
 - [b] Enforcement agents: Board of Health agents/police officers.
 - [c] Fine schedule: first offense, twenty-five dollars (\$25.); second offense, fifty dollars (\$50.); third and subsequent offenses, one hundred dollars (\$100.).
 - [4] Landfill regulations (Sections 2 to 5).
 - [a] Fine allowed: one hundred dollars (\$100.).
 - [b] Enforcement agents: Board of Health agents/police officers.

[c] Fine schedule: first offense: twenty-five dollars (\$25.); second offense, fifty dollars (\$50.); third and subsequent offenses, one hundred dollars (\$100.).

- (3) [Added 6-26-1989 STM, Art. 9] Zoning bylaws. Notwithstanding the enforcement and penalties prescribed in § 173-5 of the Zoning Bylaw and the provisions of MGL C. 40A, the provisions of said bylaw may be enforced by the Building Commissioner by noncriminal complaint. Each day of violation may constitute a separate offense. No enforcement under this section shall be authorized until the enforcing officer has mailed by certified mail or delivered in hand to the offender a written notice of violation and 30 days have expired from the date of mailing or delivery and no appeal pursuant to Chapter 40A has been timely filed or, if an appeal has been filed, final determination has been made favorable to the town. The penalty for violation(s) shall be as follows:
- (a) First offense: twenty-five dollars (\$25.).
 - (b) Second offense. fifty dollars (\$50.).
 - (c) Third offense and each subsequent offense: one hundred dollars (\$100.).

Chapter 3, ADMINISTRATOR, TOWN

[HISTORY: Adopted 5-5-2007 Annual Town Meeting, Art. 12, amended 5-4-2009 ATM, Art. 25]

Section 1. The Board of Selectmen (BOS) shall appoint, and may remove, a Town Administrator. The Town Administrator shall be selected in accordance with Section 2.

Section 2. The Town Administrator shall report to the BOS. The Town Administrator shall be appointed according to the following process:

- 1) The TASC shall consist of 5 members as follows:
 - a) Chair, a member of the BOS, appointed by the BOS.
 - b) A member of the Finance Committee, appointed by the Finance Committee.
 - c) A member of the School Committee, appointed by the School Committee.
 - d) A member of the Personnel Committee, appointed by the Personnel Committee.
 - e) A member at large with municipal management experience appointed by the BOS.
- 2) The Town Administrator Selection Committee (TASC) shall submit more than one candidate to the BOS. The BOS shall:
 - a) Conduct final interviews as required.
 - b) Appoint a candidate to the position by majority vote.
 - c) Or, send back to the TASC with directions for further action.

Section 3. [Amended 5-4-2009 ATM, Art. 25, 5-7-2012 ATM, Art. 21, 5-6-2013 ATM, Art. 25]
The Town Administrator shall directly supervise and conduct performance reviews for the following current and future department heads unless otherwise specified by statute: Assistant Town Administrator for Finance and Budget; Head of the Highway Department; Facilities Manager; Head of Information Technology; Building Commissioner; Human Resources; Director of Elder and Human

Code of the Town of Littleton, Massachusetts

Services; and Littleton Community Television (LCTV) Executive Director. The department heads shall be appointed by, and can be removed by, the Town Administrator subject to the approval of the Board of Selectmen. The appointment of the Director of Elder and Human Services shall also be subject to approval by the Council on Aging. Employees of the heads of said departments shall be appointed by the department head subject to approval of the Town Administrator.

Section 4. The Town Administrator shall administer the Town's performance review process in order to ensure consistent reviews across all departments. The Town Administrator shall have the following responsibility to ensure that the reviews are conducted in a fair and timely manner:

- a) Responsibility of performance reviews for direct reports of the Town Administrator;
- b) Oversee the review process for employees who report to a department head; and
- c) Provide input for employees who report to Town Boards.

Section 5. The Town Administrator shall have input in the hiring of employees of the Town Boards unless otherwise stated in a statute. The Town Boards retain the hiring decision. The Town Administrator shall provide input to performance reviews to ensure that the reviews are conducted in a fair and timely manner in accordance with the Town's performance review process.

Section 6. The Town Administrator shall be responsible for the budget process.

Section 7. At the direction of the BOS, the Town Administrator shall establish working hours, holidays, and vacations days for Town departments reporting to the Town Administrator in accordance with the Town's Personnel Bylaw, if any. The Town Administrator shall establish working hours, holidays, and vacations days in consultation with Town Boards for their employees in accordance with the Town's Personnel Bylaw, if any.

Section 8. The Town Administrator shall establish and maintain operational systems, hours of operation, and proximity of departments to ensure that Town Offices operate in an efficient manner for the benefit of the citizens.

Section 9. The Town Administrator shall conduct regular department meetings and report on such meetings to the BOS.

Section 10. The Town Administrator shall perform other duties as directed by the BOS.

Chapter 4, AUDIT, TOWN

[HISTORY: Adopted as Art. 9 of the 1977 compilation. Amendments noted where applicable.]

§ 4-1. Establishment.

There shall be an annual audit of the Town's accounts under the supervision of the Director of Accounts of the Department of Corporations and Taxation, in accordance with the provisions of MGL C. 44, § 35.

Chapter 6, BETTERMENTS

[HISTORY: Adopted 2-11-1979 Annual Town Meeting, Art. 52. Amendments noted where applicable.]

§ 6-1. Submittal of proposals.

Every proposal for betterments, such as water mains, electric light lines or cement sidewalks, shall be submitted to the vote of the town under MGL C. 80, § 1.

Chapter 7, BOARDS, APPOINTED

[HISTORY: Adopted 11-12-2014 Special Town Meeting, Art. 12, amended 11-12-2014 STM Art. 13.]

§ 7-1. Residency Requirement.

Except as otherwise provided by state law or regulation, a person shall not be a member of an appointed town board, committee or commission established by statute or vote of town meeting unless he or she is a resident of the town of Littleton.

§ 7-2. Removal.

Any appointed member of a town board, committee or commission established by statute or vote of town meeting may be removed for cause by the appointing authority upon written charges and after a public hearing.

Chapter 8, BOARDS AND COMMISSIONS

[HISTORY: Art. I, adopted 3-4-1946 Annual Town Meeting, Art. 34; Art. II, adopted 8-7-1967 Special Town Meeting, Art. 5; Art. III, adopted as Art. 3, Sec. 1, of the 1977 compilation and 5-5-1984 Annual Town Meeting, Art. 14; Art. IV, adopted 5-4-1992 Annual Town Meeting, Art. 27; Art. V, adopted 5-4-1992 Annual Town Meeting, Art. 28. Amendments noted where applicable.]

ARTICLE I, Planning Board [Adopted 3-4-1946 ATM, Art. 34]

§ 8-1. Establishment; membership.

The Town establishes a Planning Board pursuant to authority granted in MGL C. 41, § 81A, said Board to consist of five (5) members.

§ 8-2. Terms.

The terms of office shall be so arranged that the term of one (1) member will expire each year, their successors to be elected for terms of five (5) years.

§ 8-3. Election of members.

The initial Board shall be elected at this meeting if this motion is carried, and hereafter its successors

shall be elected each year by official ballots.

ARTICLE II, Conservation Commission [Amended 11-14-2011 STM, Art. 12]

§ 8-4. Membership, terms.

The Conservation Commission established by the 1961 Annual Town Meeting's acceptance of MGL C. 40, §8C shall consist of seven regular members appointed by the Board of Selectmen for three-year overlapping terms so arranged that the term of at least two members shall expire each year. In addition, the Conservation Commission, with the approval of the Board of Selectmen, may appoint such other associate members as they deem necessary for staggered three-year terms. Associate members shall have no vote.

ARTICLE III, Board of Selectmen [Adopted as Art. 3, Sec. 1, of the 1977 compilation and 5-5-1984 ATM, Art. 14]

§ 8-5. Action on claims against Town.

The Selectmen shall cause the appearance and answer to the town to be entered and made in all suits brought against the town at law or in equity and the interests of the town to be defended therein. They shall consider all claims for damages made against the town or breaches of contract and may, with the advice of counsel, settle the same, provided that in no case shall a settlement be so made by a payment of more than three hundred dollars (\$300.) without the authority of the town.

§ 8-6. Employment of counsel.

The Selectmen are hereby authorized to employ or appoint legal counsel to advise with respect to and to prosecute, defend and compromise any and all lawsuits, claims, actions and proceedings on behalf of or against the town or any matters in which the interests of the town are or may be involved and to represent the town at any hearing in which it is or may become interested before a committee or committees of the General Court, and to pay compensation for such services.

§ 8-7. Increase in members.

The town increased the number of Selectmen from three (3) to five (5), each to serve a term of three (3) years, such increase to be done in accordance with MGL C. 41, § 2.

ARTICLE IV, Board of Park Commissioners [Adopted 5-4-1992 ATM, Art. 27]

§ 8-8. Membership.

Pursuant to MGL C. 45, § 2, the Board of Park Commissioners shall be an elected five-member Board.

ARTICLE V, Recreation and Playground Commission [Adopted 5-4-1992 ATM, Art. 28]

§ 8-9. Establishment; membership.

Pursuant to MGL C. 45, § 14, a Recreation and Playground Commission is hereby established, which Commission shall consist of the elected members of the Board of Park Commissioners.

ARTICLE VI, Agricultural Commission [Amended 5-7-2012 ATM, Art. 23]

§ 8-10. Establishment; purpose.

There shall be an Agricultural Commission to promote agricultural-based economic opportunities; to preserve, revitalize and sustain the Littleton agricultural industry; to encourage the pursuit of agriculture as a career opportunity and lifestyle in the Town of Littleton; and to represent the Littleton farming community.

§ 8-11. Membership; terms.

The commission shall consist of seven members appointed by the Board of Selectmen for staggered three-year terms. The Commission shall also include those alternate members serving terms on the date this Bylaw became effective, provided that each such alternate position shall be retired when the alternate member no longer serves in that capacity, or upon expiration of their term, whichever is sooner. Not less than four members shall be, or have been, engaged in farming (as defined in M.G.L. c.128, §1A) or related agricultural industries; all other members shall possess experience or expertise relevant to the work of the Commission. Appointments made to the Commission should reflect the diversity and scale of agricultural businesses, the diversity and scale of the Town's population, and serve to encourage next generation farmers. In filling vacancies thereon, the Board of Selectmen shall invite the recommendation of the Commission, and shall, in the first instance, consider any alternate members that apply.

§ 8-12. Work Plan.

The Commission shall develop a work plan to guide its activities. Such activities include but are not limited to, the following: shall serve as facilitators for encouraging the pursuit of agriculture in Littleton; shall promote agricultural-based economic opportunities in Town; shall act as mediators, advocates, educators, and/or negotiators on farming issues; shall work for preservation of prime agricultural lands; and shall pursue all initiatives appropriate to creating a sustainable agricultural community.

Chapter 10, CIVIL DEFENSE

[HISTORY: Adopted as Art. 12 of the 1977 compilation. Amendments noted where applicable.]

§ 10-1. Department of Civil Defense established.

There is hereby established a Department of Civil Defense, hereinafter called the "Department." It shall be the function of the Department to have charge of civil defense as defined in Section 1, Ch. 639, Acts of 1950, and to perform civil defense functions as authorized or directed by said chapter or by any and all executive orders or general regulations promulgated thereunder and to exercise any authority delegated to it by the Governor under said Chapter 639.

§ 10-2. Director.

- A. The Department shall be under the direction of a Director of Civil Defense, hereinafter called the "Director," who shall be appointed as prescribed by law.
- B. The Director shall have direct responsibility for the organization, administration and operation of the Department, subject to the direction and control of the appointing authority, and shall receive such salary as may be fixed from time to time by the appointing authority.
- C. The Director may, within the limits of the amount appropriated therefor, appoint such experts, clerks and other assistants as the work of the Department may require and may remove them and may make such expenditures as may be necessary to execute effectively the purposes of Ch. 639, Acts of 1950.
- D. The Director shall also have authority to appoint district coordinators and may accept and may receive, on behalf of the town, services, equipment, supplies, materials or funds, by way of gift, grant or loan, for purposes of civil defense, offered by the federal government or any agency or officer thereof or any person, firm or corporation, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. The Director shall cause appropriate records to be kept of all matters relating to such gifts, grants or loans.

§ 10-3. Advisory Council.

There is hereby established a Civil Defense Advisory Council, hereinafter called the "Council." Said Council shall serve without pay and shall consist of the Director of Civil Defense, such other department heads and such other persons as the authority appointing said Director may deem necessary. Such member of said Council as said appointing authority shall designate shall serve as Chairman of said Council. Said Council shall serve subject to the direction and control of the appointing authority and shall advise said appointing authority and the Director on matters pertaining to civil defense.

§ 10-4. Police Department aid to other municipalities.

The Police Department is hereby authorized to go to aid another city or town at the request of said city or town in the suppression of riots or other forms of violence therein.

§ 10-5. Period of effect.

This chapter shall remain in force during the effective period of Ch. 639, Acts of 1950, and any act in amendment or continuation thereof or substitution therefor.

§ 10-6. Applicability of references.

All references to Ch. 639, Acts of 1950, as now in force, shall be applicable to any act or acts in amendment or continuation of or substitution for said Chapter 639.

Chapter 13, COMMITTEES

[HISTORY: Art. 1, adopted 2-14-1938 Annual Town Meeting, Art. 40; Art. II, adopted 3-1-1954 Annual Town Meeting, Art. 21; Art. III, adopted 3-2-1959 Annual Town Meeting, Art. 23; Art. IV, adopted 12-14-1959 Special Town Meeting, Art. 2; Art. V, adopted 3-6-1961 Annual Town Meeting,

Art. 29, amended in its entirety 10-20-1975 Special Town Meeting, Art. 4; Art. VII, adopted 3-2-1970 Annual Town Meeting, Art. 26; Art. VIII, adopted 5-3-1980 Annual Town Meeting, Art. 6; Art. IX, adopted 5-3-1980 Annual Town Meeting, Art. 7; Art. IX, adopted 5-3-1980 Annual Town Meeting, Art. 7; Art. X, adopted 10-26-1981 Special Town Meeting, Art. 13, Art. XI, adopted 11-18-1986 Special Town Meeting, Art. 6, Art. XII, adopted 11-14-2011 Special Town Meeting, Art. 14. Amendments noted where applicable.]

ARTICLE I, Finance Committee [Adopted 2-14-1938 ATM, Art. 40]

§ 13-1. Creation; membership. [Amended 5-9-1988 ATM, Art. 2]

There shall be a Finance Committee composed of seven members, appointed as follows: two members by the Board of Selectmen, one member by the Board of Electric Light Commissioners, two members by the School Committee, one member by the Board of Assessors and one member by the Moderator.

§ 13-2. Terms. [Amended 2-13-1939 ATM, Art. 37]

The members of said Committee shall hold office until the third Annual Town Meeting after their respective appointments or until their successors are appointed, except that the members first appointed hereunder shall determine, by lot, one of their number to hold office for one year, two for two years and two for three years and shall notify the officers or boards having the appointing power of their determination.

§ 13-3. Eligibility for appointment. [Added 2-13-1939 ATM, Art. 37, amended 11-12-2014 STM, Art. 11]

No one shall be eligible for appointment to the Finance Committee who, at the time of his/her appointment, is not a resident of the town, is an elected officer of the town or an appointed officer with power to incur expense chargeable against appropriated funds. If a member, during his/her term, becomes ineligible for appointment to the Finance Committee, his/her place shall become vacant.

§ 13-4. Filling of vacancies.

Vacancies may be filled for the unexpired term by the officer or board whose appointee has ceased to be a member of the Committee.

ARTICLE II, Industrial Committee [Adopted 3-1-1954 ATM, Art. 21]

§ 13-5. Appointment authorized.

The Selectmen shall appoint an Industrial Committee or Board.

§ 13-6. Duties.

The prime duties of the members would be to encourage small industries to locate in Littleton, to make a study of developments of new industries in other towns and to obtain all information possible from the national and state governments, New England Council and other sources.

§ 13-7. Membership; expenses.

The Industrial Committee shall be comprised of three (3) members, citizens of the Town, and the sum of two hundred dollars (\$200.) for expenses shall be transferred from E and D.

ARTICLE III, Shade Tree Committee [Adopted 3-2-1959 ATM, Art. 23]

§ 13-8. Appointment authorized.

The town authorized the Selectmen to appoint a Committee of five (5), one (1) of whom shall be the Tree Warden, to be known as the "Public Shade Tree Committee," for the purpose of purchasing, planting and cultivating public shade trees in or near public ways.

§ 13-9. Expenses.

The sum of four hundred dollars (\$400.) shall be transferred from available funds to defray the expenses of such program.

ARTICLE IV, School Planning Committee [Adopted 12-14-1959 STM, Art. 2]

§ 13-10. Appointment authorized.

The establishment of a permanent School Planning Committee to be appointed by the Board of Selectmen is authorized, said Committee to be composed of nine (9) members, one (1) of whom is to be a member of the School Committee.

§ 13-11. Terms.

Initially, three (3) members are to be appointed for one-year terms, three (3) for two-year terms, three (3) for three-year terms and thereafter for three-year terms.

§ 13-12. Filling of vacancies.

Any vacancy is to be filled by the Board of Selectmen.

§ 13-13. Purpose.

The purpose of this Committee is to make studies of and recommendations for a long-range school building and site program.

§ 13-14. Required reports.

Such Committee is to submit a written report at each Annual Town Meeting and such other reports as the Committee deems necessary.

§ 13-15. Expenses.

A transfer from available funds of two hundred dollars (\$200.) for the expenses of said Committee shall be made.

ARTICLE V, Permanent Municipal Building Committee [Adopted 3-6-1961 ATM, Art. 29; amended in its entirety 11-12-2002 STM, Art. 7, amended 5-7-2012 ATM Art.24]

§ 13-16. General provision; membership.

- A. The Town shall have a Permanent Municipal Building Committee consisting of seven residents of the Town appointed by the Board of Selectmen for staggered five-year terms. The Committee shall be responsible, when authorized by the Board of Selectmen, and/or Town Meeting vote, for investigating and advising the Town regarding the design, construction, reconstruction, alteration or enlargement of all buildings and facilities owned by the Town or constructed on land owned, leased or operated by the Town.

All solicitations for designer services and invitations for bids for construction shall be coordinated with the Town Administration through its Chief Procurement Officer, to assure compliance with the applicable provisions of the General Laws. The Assistant Town Administrator for Finance and Budget and Permanent Municipal Building Committee chair shall award and co-execute all designer services contracts and construction contracts.

- B. Each voting member of the Committee shall be a registered voter of the Town. At least one member shall also be a member of the School Committee, or its designee, pursuant to M.G.L. c. 71, §68.
- C. The Board of Selectmen shall appoint the department head and/or two (2) committee members for which a project is being planned or constructed as a non-voting ex officio members of the Permanent Municipal Building Committee for the duration of said project.

§ 13-18. Town Meeting appointment of separate building or project committees.

- A. Town Meeting may authorize the appointment of a different and separate building or project committee with respect to a particular project.
- B. Any different and separate building or project committee authorized by Town Meeting shall include one or more Permanent Municipal Building Committee members designated by the Permanent Municipal Building Committee. Permanent Municipal Building Committee members serving on any such building or project committee shall serve as full voting members for the duration of said building or project committee. In the event that the Town Meeting does not authorize the appointment of a building or project committee with respect to a particular project, the Permanent Municipal Building Committee shall assume the responsibility with respect to said project in accordance with § 13-20.1 of this article.

§ 13-19. Term.

- A. Members shall serve at the pleasure of the Board of Selectmen for a term not to exceed five years from the date of appointment; provided, however, that any member may be reappointed for an additional term upon the expiration of any such five years.
- B. A member may hold his or her seat after his or her term expires until a successor is qualified. If a member vacates his or her seat before the expiration of his or her term, the Board of Selectmen shall appoint a replacement to complete the unexpired term. If any regular member of the Committee ceases to be a resident of the Town, or accepts any position that would have made him

or her ineligible for appointment to the Committee, he or she forthwith ceases to be a member of the Committee.

- C. The adoption of this article shall not affect the term of any member of the Committee as constituted and existing on the effective date of this article.

§ 13-20. General duties.

- A. When authorized by the Town, the Committee shall be responsible for:
 - (1) Financial estimates;
 - (2) The design of every project; and
 - (3) The construction of those projects for which funds are appropriated to the Committee.
- B. The Committee shall work to achieve the project goals of the proposed board or committee for which a project is being planned or constructed. The Committee shall advise the Board of Selectmen and the board or committee for which such project is being constructed when the goals have been substantially completed, at which time, or at any other time as determined by the Board of Selectmen, the Committee's continuing responsibility for the project shall be terminated.
- C. The plans and specifications for all construction, equipping and furnishing shall be subject to the approval of the board or committee for which such building is being planned or constructed.

§ 13-20.1. Appropriations.

- A. The funds for the design and construction of a project shall be appropriated to and expended under the direction of the Committee.
- B. Whenever project funding approval is sought from Town Meeting, the Committee and the Board or committee for which a project is being planned or constructed shall provide a detailed report to Town Meeting that includes an explanation of the project need, scope of work, schedule and costs.

§ 13-20.2. Records.

The Committee shall retain record drawings and specifications. These copies shall be kept on file in the Selectmen's office and other offices as appropriate. The Committee is encouraged to make the minutes of its public meetings available to the Town web site in a timely manner.

§ 13-20.3. Policies and procedure.

The Committee shall adopt and make available policies and procedures describing its activities. The Committee shall make recommendations and reports to the Town from time to time and shall submit a report of its activities and recommendations to the Board of Selectmen upon request, and annually for publication in the Town's annual report.

§ 13-20.4. Litigation.

All litigation matters pertaining to the design, construction, reconstruction, alteration or enlargement of all buildings owned by the Town or constructed on land owned, leased or operated by the Town

shall be governed by Article III of Chapter 8 of the Town of Littleton Code.

ARTICLE VI, (Reserved)

ARTICLE VII, Housing Authority Committee [Adopted 3-2-1970 ATM, Art. 26]

§ 13-21. Establishment; membership; expenses.

The Town establishes a Housing Authority Committee, pursuant to MGL c. 121, § 26K, to consist of five members to be appointed by the Board of Selectmen.

ARTICLE VIII, Committee on Roads [Adopted 5-3-1980 ATM, Art. 6]

§ 13-22. Establishment; purpose.

The Town establishes a Committee on Roads to do long-range planning of roads in Littleton.

§ 13-23. Membership; terms.

The Committee shall be made up of three members to be appointed by the Board of Selectmen for one, two and three years originally. Thereafter, one member shall be appointed each year for a term of three years.

§ 13-24. Expenses.

One hundred dollars for expenses shall be raised and appropriated.

ARTICLE IX, Committee on Personnel [Adopted 5-3-1980 ATM, Art. 7; amended in its entirety 12-11-2000 STM, Art. 4; repealed 11-14-2011 STM Art. 15]

ARTICLE X, Gypsy Moth Control Committee [Adopted 10-26-1981 STM, Art. 13]

§ 13-28. Establishment authorized; expenses.

The Town authorized the Board of Selectmen, with the advice of the Conservation Commission, to establish a Gypsy Moth Control Committee and raised and appropriated \$10,000 to be used by the Committee as needed to protect vulnerable areas along public ways and Town-owned property.

ARTICLE XI, Reuben Hoar Building Study Committee [Adopted 11-18-1986 STM, Art. 6]

§ 13-29. Establishment; purpose; membership.

The Board of Selectmen has been authorized to establish a Study Committee to review and develop a plan to determine a compatible reuse of the existing library building, said Committee to consist of a

representative of the Board of Selectmen, Planning Board, Finance Committee, Library Trustees and Historical Commission.

ARTICLE XII, Clean Lakes Committee [Adopted 11-14-2011 STM, Art. 14]

§ 13-30. Establishment; purpose.

There is hereby established a Clean Lakes Committee to assess conditions and coordinate improvements to Littleton's lakes and ponds, by providing a forum which brings together town committee representatives and concerned citizens with representatives from neighborhood associations on Long Lake, Mill Pond, Spectacle Pond, and Lake Matawanatee to plan and implement necessary actions to help restore and preserve water bodies, streams and wetlands in the Town of Littleton. As circumstances dictate, the Committee shall coordinate its activities with the Board of Selectmen, Board of Water Commissioners, Conservation Commission, Board of Health, and Planning Board or their representatives.

§ 13-31. Membership; terms.

The Committee shall consist of one member and one alternate from each of the neighborhood associations on Long Lake, Mill Pond, Spectacle Pond, and Lake Matawanatee, each nominated by their respective neighborhood association; and three citizens at large. All appointments shall be made by the Board of Selectmen for three-year overlapping terms so arranged that the term of at least two members shall expire each year.

ARTICLE XIII, Littleton Community Television (LCTV) Advisory Committee [Adopted 5-7-2012 ATM, Art. 21]

§ 13-32. Establishment; purpose.

There is hereby established a Littleton Community Television (LCTV) Advisory Committee to advise the Board of Selectmen throughout the cable television licensing process and during the term of licenses issued by the Board of Selectmen pursuant to MGL C. 166A. The Committee shall also provide policy direction to the LCTV Executive Director in operation of the cable television studio.

§ 13-33. Membership; terms.

The Committee shall consist of seven members appointed by the Board of Selectmen for three-year overlapping terms so arranged that the term of at least two members shall expire each year.

Chapter 14, COMMUNITY PRESERVATION COMMITTEE BY-LAW

[HISTORY: Adopted 11-5-2007 Special Town Meeting, Art. 8, amended 11-12-2014 STM, Art. 10]

§ 14-1. Membership of the Committee.

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to the provisions of M.G.L., c.44B, §5. The composition of the Committee, the appointing authority and the term of office for the Committee members shall be as follows: one

member of the Conservation Commission as designated by said Commission; one member of the Historical Commission as designated by said Commission; one member of the Planning Board as designated by said Board; one member of the Park and Recreation Commissioners, as designated by said Commissioners; one member of the Littleton Housing Authority as designated by said Authority; one member of the Finance Committee as designated by said Committee; and three individuals to be appointed by the Board of Selectmen. Each member of the Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier; provided, however, that two of the Board of Selectmen's appointees shall be appointed for initial terms of three years, one appointee shall be appointed for an initial term of two years, and the final appointee shall be appointed for an initial term of one year. Should any of the officers and commissions, boards, or committees who have appointing authority under this Chapter be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

§ 14-2. Duties.

The Community Preservation Committee shall have the powers and responsibilities specified in M.G.L. Chapter 44B, section 5(b) or other applicable provisions of the General Laws.

§ 14-3. Requirement for a quorum and cost estimates.

The Committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the Committee's anticipated costs.

§ 14-4. Severability.

If any provision of this Chapter is found invalid for any reason by a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of this Chapter shall be deemed to be amended to the minimum extent necessary to provide the Town substantially the benefits set forth in this Chapter.

§ 14-5. Appointments.

Each appointing authority shall have thirty (30) days after the effective date to make its appointments.

Chapter 15, COUNCIL ON AGING

[HISTORY: Adopted 6-5-1972 Special Town Meeting, Art. 4; amended in its entirety 5-7-2012 ATM, Art. 22., amended 11-2-2015 STM, Art. 10]

§ 15-1. Membership, terms.

There shall be a Council on Aging pursuant to MGL c. 40, §8B, which shall consist of nine (9) regular members appointed by the Board of Selectmen for three-year overlapping terms so arranged that the term of at least two members shall expire each year.

Chapter 17, FINANCE AND BUDGET, DEPARTMENT OF

[HISTORY: Art 11, adopted 5-5-2007 Annual Town Meeting; amended in its entirety 6-11-2007, Special Town Meeting, Art. 2, amended 5-4-2009 ATM, Art. 24]

Section 1. There is hereby established in the Town of Littleton a Department of Finance and Budget ("Department"). The Department shall be managed by an Assistant Town Administrator for Finance and Budget ("AAFB") who shall be appointed by, and may be removed by, the Town Administrator, subject to the approval of the Board of Selectmen, for a term of up to three years. The Assistant Town Administrator for Finance and Budget shall report to the Town Administrator.

Section 2. [Amended 5-4-9009 ATM, Art. 24] The AAFB shall also serve in the capacity of and have all the powers and duties presently vested in one of the following positions, as determined by the Town Administrator subject to approval of the Board of Selectmen: Town Accountant, Treasurer, or Tax Collector. The following positions and the respective staff shall become part of the Department and report to the AAFB: Town Accountant, Town Treasurer, Tax Collector, and Chief Assessor.

Section 3A, The Assistant Town Administrator for Finance and Budget shall have direct authority over and conduct performance reviews for the following current and future department heads unless otherwise specified in by law or statutes as structured below. The department heads shall be appointed by, and can be removed by, the Assistant Town Administrator for Finance and Budget and the Town Administrator subject to the approval of the Board of Selectmen. (1) Town Accountant; (2) Town Treasurer if appointed; (3) Town Tax Collector if appointed.

Section 3B, The Assistant Town Administrator for Finance and Budget, subject to the approval of the Board of Assessors, shall have direct authority over, conduct performance reviews, appoint and remove the Chief Assessor.

Section 4. The powers and duties of the AAFB shall include, but not be limited to, the following:

- 1) Coordinating, managing budgetary and financial information, forecasting revenues for the forthcoming fiscal year and preparing the Finance Committee's annual budget in advance of the annual town meeting and coordinating and managing the budget and financial information throughout the year;
- 2) implementing policies and monitoring procedures for the collection of all revenues due to the Town;
- 3) reviewing, on a yearly basis, the various Town funds, and to ensure that the funds are prudently invested;
- 4) serving as chief procurement officer;
- 5) reporting to the Board of Selectmen and Finance Committee upon request concerning all financial conditions of the town;
- 6) ensuring the Town's timely reporting to the Massachusetts Department of Revenue (DOR) in accordance with all requirements of the DOR municipal calendar
- 7) performing other duties as directed by the Town Administrator.

Chapter 18, FINANCES

[HISTORY: Art. I, adopted 2-14-1938 Annual Town Meeting, Art. 34; Art. II, adopted 3-3-1958 Annual Town Meeting, Art. 23; Art. III, adopted as Art. 2, Secs. 1, 2, 3, 5 and 6, of the 1977 compilation; Art. IV, adopted as Art. 3, Sec. 2, of the 1977 compilation. Amendments noted where applicable.]

ARTICLE I, Road Machinery Fund [Adopted 2-14-1938 ATM, Art. 34]

§ 18-1. Establishment.

The town establishes a Road Machinery Fund, to which shall be credited all receipts received for the use or rental of road machinery, the proceeds to be appropriated as voted by the town for road machinery purposes.

ARTICLE II, Disposition of Fees [Adopted 3-3-1958 ATM, Art. 23]

§ 18-2. Payment into town treasury.

Except as otherwise provided by statute, all town officers, whether elected or appointed, shall pay all fees received by them by virtue of their office into the town treasury, and the amounts so received shall be published in the Annual Town Report.

ARTICLE III, Purchasing [Adopted as Art. 2, Secs. 1, 2, 3, 5 and 6 of the 1977 compilation]

§ 18-3. Custody of notes, bonds and receipts.

Money receipts and receipted bills, when required, shall be promptly returned to the several departments from which warrants for payment of the same were issued. The Treasurer shall have custody of all notes, bonds and coupons which have been paid and all bonds running to the town, except his own and all other official surety, which shall be in the custody of the Selectmen.

§ 18-4. Approval of bills and charges.

No bill, charge or account against the town shall be paid without being first approved, in writing, by the person or board incurring the same.

§ 18-5. Disposition of unexpended appropriations.

Any portion of an appropriation, other than for a specific purpose on which the work has not been completed, remaining unexpended at the close of the financial year shall revert to the town treasury unless otherwise provided by law or by vote of the town.

§ 18-6. Manner of authorizing indebtedness. [Amended 11-4-2013 STM, Art. 14]

Whenever a two-thirds vote is required by law to authorize the Town to incur indebtedness, the manner of voting shall be by ballot, and a checklist of the voters of the Town shall be used; provided, however, that, by unanimous vote, the Town Meeting may dispense with the requirement for use of the ballot and checklist, and the vote to incur indebtedness may be conducted in such manner as the Moderator determines.

§ 18-7. Advertisement for certain proposals. [Amended 10-26-1981 STM, Art. 16; 5-7-1990 ATM, Art. 15, 5-4-2009 ATM, Art. 23]

No contract for the purchase of equipment, supplies or materials, the actual or estimated cost of which amounts to \$25,000 or more, except in cases of special emergency involving the health or safety of the people or their property, shall be awarded unless proposals for the same have been invited by advertisement in at least one newspaper published in the Town or, if there is no such newspaper, in a newspaper published in the county, such publication to be at least one week before the time specified for the opening of said proposals. Such advertisement shall state the time and place for opening the proposals in answer to said advertisement and shall reserve to the Town the right to reject any and all such proposals. All such proposals shall be opened in public, and no bill or contract shall be split or divided for the purpose of evading any provisions of this chapter. Inconsistent with UPA.

ARTICLE IV, Deeds or Conveyances [Adopted as Art. 3, Sec. 2, of the 1977 compilation]

§ 18-8. Copies to be kept by Town Clerk.

The Town Clerk shall keep a true copy, in a book to be kept for such purpose alone, of all deeds or conveyances executed on behalf of the town by any town officer.

§ 18-9. Duty to record in Registry of Deeds.

It shall be the duty of the Town Clerk to see that every conveyance to the town of any interest in real estate is properly recorded in the Registry of Deeds.

Chapter 20, GAS PIPING AND APPLIANCES INSPECTOR

[HISTORY: Adopted as Art. 16 of the 1977 compilation. Amendments noted where applicable.]

§ 20-1. Appointment. [Amended 11-14-2011 STM, Art. 17]

Pursuant to Chapter 3, Section 3 of the Town Code, the Inspector of Gas Piping and Gas Appliances shall be appointed by the Building Commissioner with the approval of the Town Administrator.

Chapter 23, HARBORMASTER

[HISTORY: Adopted 11-18-1986 Special Town Meeting, Art. 19. Amendments noted where applicable.]

§ 23-1. Selectmen to act; duties.

The Board of Selectmen shall designate itself to act as Harbormaster. The duties shall be those that are presently regulated by either the federal, state or local authorities and are in accordance with MGL C. 91, § 10A.

Chapter 29, OFFICERS AND EMPLOYEES

[HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Miscellaneous Terms [Adopted 3-4-1963 ATM, Art. 10; amended 11-14-11 STM, Art. 18]

§ 29-1. Term of Town Treasurer. [Repealed 11-14-2011 STM, Art. 18]

§ 29-2. Term of Town Clerk.

The Town Clerk shall be elected for a term of three years, said change in term of office to take effect at the 1965 Annual Town Meeting and election.

§ 29-3. Term of Town Tax Collector. [Repealed 11-14-2011 STM, Art. 18]

ARTICLE II, Handling of Fees [Adopted 10-4-1999 STM, Art. 5]

§ 29-4. Town Clerk's handling of fees.

The Town Clerk shall pay into the Town Treasury all fees received by virtue of the office of the Town Clerk.

Chapter 32, VETERAN'S PREFERENCE

[HISTORY: Art. 25, adopted 5-5-2014 Annual Town Meeting]

§ 32-1. Application of Chapter.

This chapter shall apply to all Town of Littleton departments and to all positions of all employees in the service of the Town, whether benefit eligible, non-benefit eligible or seasonal, other than the School Department, Light and Water Departments, and other than those positions which are covered by separate agreement between any association of employees and the Town or any individual employee and the Town and developed through collective bargaining, except that all provisions of this chapter shall be applicable in so far as any collective bargaining agreement may refer to this chapter and to the extent applicable by statute or in the absence of any other provision.

§ 32-2. Veteran's Hiring Preference.

In the employment of individuals for all positions subject to this Chapter, preference shall be given to citizens of the Commonwealth who have been residents of the Commonwealth for at least six months at the commencement of their employment who are veterans as defined in G.L. c.4 § 7, Clause 43, and who are qualified to perform the work to which the employment relates. "Preference" in this context Code of the Town of Littleton, Massachusetts

means that if two or more individuals are equally qualified to perform the work to which the employment relates, the qualified veteran, as defined in this provision, shall be offered the position over the other qualified candidates.

Chapter 33, PERSONNEL

HISTORY: Adopted as Art. 14 of the 1977 compilation; amended in its entirety 5-4-1987 ATM, Art. 25; amended in its entirety 5-5-2007 ATM, Art 17, amended 5-2-2009 ATM, Art. 15, amended 5-3-2010 ATM Art. 12, amended 5-2-2011 ATM, Art. 12, amended 5-7-2012 ATM, Art. 14, amended 11-14-2012, Art. 3, amended 5-5-2014 ATM, Art. 24, amended 5-4-2015, Art. 10, amended 5-2-2016, Art. 9]

Town of Littleton Personnel By-Law

Chapter 33

Table of Content

§33-1 Authorization/Amendment

§33-2 Personnel Board: Membership;

Appointment; Terms

§33-3 Organization Structure: Meetings

§33-4 Meetings of Personnel Board and Employees

§33-5 Personnel Board Authority

§33-6 Applicability of the Personnel By-Law

§33-7 Definitions

§33-7A Workforce Development

§33-8 Classification Plan

§33-9 Hiring and Re-classification

§33-10 Job Descriptions

TOWN OF LITTLETON, MASSACHUSETTS

§33-11 Classification

§33-12 Rate Above Maximum

§33-13 Step Increases

§33-14 Merit Increases

§33-15 Annual Cost of Living

§33-16 Movement and Re-classification of Employees

§33-17 Pay Rate for New Personnel

§33-18 Overtime & Comp Time Policy

§33-19 Dept Pay Adjustment in Annual Budget

§33-20 Longevity

§33-21 Holidays

§33-22 Personal Days

§33-23 Vacation

§33-24 Personal Leave of Absence

§33-25 Sick Leave Policy

§33-26 Family and Medical Leave Act

§33-27 Military Leave

§33-28 Bereavement Leave

§33-29 Jury Duty

§33-30 Insurance Benefits

§33-31 HIPAA

§33-32 Performance Evaluations

§33-33 Disciplinary Action

§33-34 Complaint Resolution

§33-35 Reduction in Force, RIF

§33-36 Working From Home

§33-37 Technology Usage

§33-38 Discrimination and Sexual Harassment

TOWN OF LITTLETON, MASSACHUSETTS

§33-39 Severability

§33-40 Drug Free Workplace

§33-41 Workers Compensation

Schedule A: Classification Plan & Compensation Plan, Permanent Full & Part-Time Employees

Schedule B: Classification Plan & Compensation Plan, On-Call Meeting Clerk

Schedule B-1: Classification Plan & Compensation Plan, Other Employees

Schedule B-2: Classification Plan & Compensation Plan, Temp/Seasonal Employees

Schedule C: Classification Plan & Compensation Plan, Temp/Seasonal Park & Recreation Dept.

Schedule C-1: Classification Plan & Compensation Plan, Community Education-Temp Employees

Schedule D: Classification Plan & Compensation Plan, Fire Department/On-Call

TOWN OF LITTLETON

PERSONNEL BY-LAW

§ 33-1. AUTHORIZATION/AMENDMENT

Pursuant to the authority contained in Article LXXXIX of the Constitution of the

Commonwealth and Sections 108A and 108C of Chapter 41 of the General Laws, the Town of Littleton establishes plans, which may be amended from time to time by vote of the town at town Meeting:

- a. Authorizing a Classification Plan classifying positions in the service of the Town, other than those filled by popular election, those under the jurisdiction of the School Committee, those covered by collective bargaining agreements with the Town, and those with individual contracts with the Town, into groups and classes doing substantially similar work or having substantially equal responsibilities;
- b. Authorizing a Compensation Plan for positions in the Classification Plan;
- c. Providing for the administration of said Classification and Compensation Plans; and
- d. Establishing certain working conditions and fringe benefits for employees occupying positions in the Classification Plan.

The Classification Plan and/or Compensation Plan and/or other provisions of this By-Law may be amended by vote of the Town at either an Annual or Special Town Meeting. No amendment shall be considered or voted on by Town Meeting unless the Personnel Board has first considered the proposed amendment.

The Personnel Board, of its own motion, may propose an amendment to the plans or other provisions of this By-Law.

TOWN OF LITTLETON, MASSACHUSETTS

The Personnel Board shall report at least annually its recommendations on any proposed amendment to the Board of Selectmen. The Personnel Board shall make its recommendations with regard to any amendment at the Town Meeting at which such amendment is considered.

THE PERSONNEL BOARD

§33-2. MEMBERSHIP; APPOINTMENTS; TERMS

The Town establishes a Personnel Board which will report to the Board of Selectmen on matters of personnel policies and practices which affect the employees under the Classification Plan of the Town of Littleton. The members of the Personnel Board shall review and make recommendations to the Selectmen, town meeting or other Boards or Committees on all current and proposed personnel policies and procedures, compensation schedules and other matters, which directly affect the non-union employees of the Town as stated within this bylaw.

The Personnel Board shall be made of the following: one member of the Board of Selectmen, one member of the Finance Committee; two benefit eligible employees, one of whom shall be a department head, two citizens, one of whom should be a human resources professional; and the Town Administrator.

The Town department head and employee at large shall be nominated by their peers and the Personnel Board shall appoint those nominated for a term of two years so arranged that the term of one shall expire each year. All other appointments to the Personnel Board shall be made by the Board of Selectmen for three-year overlapping terms so arranged that the term of at least one member shall expire each year.

§33-3. ORGANIZATIONAL STRUCTURE: MEETINGS

- A. The Personnel Board shall have a Chairperson who shall preside over meetings, a Vice Chair who shall take over for the Chairperson in that person's absence and a Clerk who shall be responsible for taking minutes of meetings. The membership shall vote on these positions.
- B. The Personnel Board shall meet at least quarterly with minutes of such meetings taken and forwarded to the Board of Selectmen and filed with the Town Clerk.

§33-4. MEETINGS OF PERSONNEL BOARD AND EMPLOYEES

- A. All employees shall have the right to request an appointment to confer with the Personnel Board on any matter which is of interest or concern to them and which is covered by the plan. The Personnel Board shall meet as necessary or at least once annually with Appointing Authorities, Selectmen and the Finance Committee.
- B. The Personnel Board shall meet annually with all Town employees.
- C. The Personnel Board shall post all meeting dates and times and these will be public meetings.
- D. The Personnel Board shall provide sufficient copies of the Personnel By-Law or a summarization thereof in the form of an employee handbook to each department for distribution to each employee.

§33-5. PERSONNEL BOARD AUTHORITY

TOWN OF LITTLETON, MASSACHUSETTS

The Personnel Board shall have the authority to review, from time to time or at least annually, the work of all positions subject to the provisions of this By-law. The Personnel Board shall recommend changes in said positions as well as adjustments to salaries as it deems advisable, subject to appropriation of funds. Such reviews shall be made at such intervals, as the Personnel Board deems necessary and, to the extent that the Personnel Board considers practicable, shall include all occupational groups in the Classification Plan.

The Personnel Board, after meeting with the appropriate Appointing Authority, shall have the authority to adjust individual employee classifications and wages within the context of the By-Law whenever inequities exist.

On or before January 1st of each year, the Personnel Board shall meet with the Board of Selectmen to discuss any changes in the Compensation Plan for the forthcoming year as well as any matters related to the Classification or Compensation Plans, which said Board, deems appropriate to be considered by the town. The Personnel Board in conjunction with Appointing Authorities and the Town Administrator shall develop, maintain, and modify from time to time written personnel policies not inconsistent with the By-Law.

§33-6. APPLICABILITY OF THE PERSONNEL BY-LAW

This chapter shall apply to all Town of Littleton departments and to all positions of all employees in the service of the Town, whether benefit eligible, non-benefit eligible or seasonal, other than the School Department, Light and Water Departments, and other than those positions which are covered by separate agreement between any association of employees and the Town or any individual employee and the Town and developed through collective bargaining, except that all provisions of this chapter shall be applicable in so far as any collective bargaining agreement may refer to this chapter and to the extent applicable by statute or in the absence of any other provision.

The Town adheres to the policy of employment-at-will, which permits the Town or the employee to terminate the employment relationship at any time. Unless otherwise informed by written contract, Town employees are all employees-at-will.

The rights afforded herein shall be construed to be in addition to those rights secured by state and federal laws and regulations.

The Town agrees that, in all personnel matters, it will continue its policy of not discriminating against any person on any legally recognized basis. See §33-38.

As may be required, changes or additions to the Personnel By-law may be made at Town Meeting when necessary.

Employees covered by this By-law will not be able to benefit from other agreements that exist with the Town. Employees either benefit from this By-law or by a contract [union or personal] with the Town, not both.

§33-7. DEFINITIONS

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

- a. Absence -Any time an employee is not at work during a scheduled work period.

TOWN OF LITTLETON, MASSACHUSETTS

- b. Administrative Authority -The elected or appointed official or board having jurisdiction over a function or activity.
- c. Appointing Authority -Any person(s), Board, Committee, Commission, or Trustees who has the right to hire or discharge employees.
- d. Benefit Eligible Employee -Any employee regularly working at least 20 hours per week [see MGL c.32B, §2(d)] whose position is listed on Schedule A or Schedule B of the Classification and Compensation Plan.
- e. Classification Plan- Ranking of all jobs specifications/titles approved by the Personnel Board and appearing as Schedule A to these By-Laws.
- f. Compensation Plan -Specified ranges of pay for each job classification included in the Classification Plan, appearing as Schedule A through D to these By-Laws.
- g. Continuous Service -Length of employment with the Town of Littleton of a full time or benefit eligible part time employee, uninterrupted except for authorized military leave, vacation leave, sick leave, court leave, disability, maternal/paternal leave, or any other authorized leave of absence, if applicable and covered in the terms of this By-Law.
- h. Department -Any Board, Committee, Commission, Trustees or functional unit (or sub-unit) of the town.
- i. Employee -Any person who is paid by the town for services rendered to the town, excluding elected officials, persons with collective bargaining agreements, individuals with contracts, independent contractors, and persons under the direction of the School Committee.
- j. Exempt Employee- As defined in the federal Fair Labor Standards Act.
- k. Grade -A ranking of the value of various jobs.
- l. Job Classification -A particular job classification within the Classification Plan.
- m. Non-Benefit Eligible Employee -Any employee who works less than 20 hours each week not eligible for benefits under MGL c.32B.
- n. Non-exempt Employee- As defined in the federal Fair Labor Standards Act.
- o. On-Call or Temporary Employee- Any non-benefit eligible employee whose duration of employment with the Town is on an on-call or temporary basis.
- p. Position - Employment in Town service with duties and responsibilities.
- q. Promotion- For the purposes of this bylaw, all positions being filled, including promotions must follow the hiring process stated in §33-9.
- r. Range- The minimum and maximum rates for a particular grade.
- s. Rate - A sum of money designated as compensation for personal services on an hourly, daily, weekly, monthly, annual or other basis.

TOWN OF LITTLETON, MASSACHUSETTS

- t. Seasonal Employee -Any employee whose duration of employment with the Town is of a seasonal or emergency nature, or specified limited amount of time (not to exceed five (5) continuous months).
- u. Step Rate- A rate in a range of a grade.
- v. Town -The Town of Littleton, Massachusetts.
- w. Workforce Development- A strategic approach to ensure that the necessary talent and skills will be available when needed and that essential knowledge and abilities will be maintained.
- x. Work week - The Town of Littleton's work week is Thursday through Wednesday.

§33-7A. WORKFORCE DEVELOPMENT

The Town is committed to providing the highest levels of excellence in the provision of all service. In order to sustain this level of excellence, it is imperative that the department/employee retain the highest levels of performance and adaptability in a changing work environment. The Town should seek to employ and retain motivated and competent employees. The foundation for this effort is the management of the entire workforce through short and long term planning for competencies and skills needed to carry out each Town position. This will be, in part, accomplished through ongoing workforce development as a concerted effort to development both existing and future employees from within and outside the organization. Management should, when possible, identify and develop employees with the potential to fill key leadership positions throughout Town government. The Personnel Board and Town Administrator shall serve as a resource for workforce development.

§33-8. CLASSIFICATION PLAN

A. MANDATORY CLASSIFICATION

No person shall be appointed, employed or paid as a Town employee in any position under the Classification Plan and Compensation Plan under any title other than that of the class of which position is allocated.

B. EMPLOYEE CATEGORIES

All positions subject to the provisions of the Personnel By-law of the Town shall fall into one of the following categories:

- a. Benefit Eligible
- b. Non-Benefit Eligible
- c. Seasonal
- d. On-Call or Temporary

These categories will determine an employee's eligibility for benefits as specified by this By-Law.

§33-9. HIRING AND RE-CLASSIFICATION

TOWN OF LITTLETON, MASSACHUSETTS

The filling of all open benefit eligible and non-benefit eligible positions covered by this By-Law must follow the procedures detailed in the Town's Hiring Policy & Procedures manual including, but not limited to the following:

1. A job description agreed to by both the Appointing Authority and the Personnel Board shall be completed prior to the announcement of the job opening.
2. The hiring grade and step for the job opening shall be in accordance with the Classification and Compensation Plan, or be developed with and agreed to by the Personnel Board prior to the announcement of the job opening.
3. The Appointing Authority, in order to find the most qualified candidates, shall determine if the job opening should be posted (a) internally within the Town, or (b) internally and externally. Internal only openings shall be posted for a minimum of one week and marked as "Internal Town Candidates Only". Internal/External postings must be posted for two weeks and, if appropriate, shall be advertised externally. All postings shall be made on the Town Hall Bulletin Board.

§33-10. JOB DESCRIPTIONS

The Personnel Board shall maintain written descriptions of the jobs or positions in the Classification Plan. These descriptions shall be written by the Appointing Authority and approved by the Personnel Board. The descriptions shall include the grade, definitions describing the essential nature of the work, distinguishing features of the work and such illustrative examples of duties as may be deemed appropriate. The Personnel Board may, upon the request of an Appointing Authority or on their own initiative, along with the Appointing Authority's input, amend such job descriptions.

The departments shall be required to retain copies of the current job descriptions. They shall be responsible for drafting any revisions and submitting them to the Personnel Board for approval.

The description of any position shall be construed solely as a means of identification. It shall not limit the duties and responsibilities of any position or modify, or in any way affect, the power of any appointing Authority as otherwise existing, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

COMPENSATION/BENEFITS

§33-11. CLASSIFICATION PLAN & COMPENSATION PLAN

The Compensation Plan set forth in the By-Law, shall consist of the minimum and maximum salaries by grade and step for the positions in the Classification Plan. The Compensation Plan shall be reviewed and updated periodically, voted at the annual town meeting and be incorporated into the budget process.

§33-12. RATE ABOVE MAXIMUM

Any rate which is above the maximum for a job as established by this plan shall be deemed to be a personal rate and apply only to the incumbent. The employee's rate shall be held and not be increased until such time at the employee's rate is consistent with the Compensation Plan.

§33-13. STEP INCREASES

TOWN OF LITTLETON, MASSACHUSETTS

Step increases will be awarded on an annual basis on July 1st provided the employee has completed at least one (1) year of satisfactory performance. When an employee reaches the top step of the grade they will no longer be eligible for a step increase.

§33-14. MERIT INCREASES (RESERVED)

§33-15. ANNUAL SALARY SCHEDULE REVIEW & ADJUSTMENT

The Personnel Board will annually consider and vote to adjust the Classification and Compensation Schedule.

§33-16. MOVEMENT AND RE-CLASSIFICATION OF EMPLOYEES

- A. When a current employee is hired to a position with a higher-rated grade, he/she shall enter it at the step which provides an increase in salary. He/she may also receive a one step rate increase at the time if the Appointing Authority recommends that qualifications and performance warrant it, and the Personnel Board approves.
- B. If the employee is transferred to a job at the same grade, he/she shall remain at his/her current step.
- C. If the employee is transferred to a lower grade job, he/she shall enter it at his/her own step or at the maximum step for the job, whichever is lower, provided that the Personnel Board approves. The employee shall have the right of appeal to the Personnel Board and to be heard thereon.
- D. Employees who change positions as outlined in items A through C above may receive annual step increases in accordance with §33-13, even though they have not completed a year of service in the new position, so long as they have completed a year of satisfactory service to the Town.
- E. No employee may be reclassified to a position in another grade either higher or lower until the Personnel Board determines that such a re-classification will be consistent with the provisions of the Classification Plan and this by-law.

§33-17. PAY RATE FOR NEW PERSONNEL

1. The hiring rate shall be the minimum step for the grade of the job for which the new employee is hired. An appointing authority may assign a new employee, only for the purposes of pay, to a rate higher than the minimum rate, up to Step 3 of the Grade in any case where the employee's prior experience in the work warrants such action. Hiring an employee at a rate above Step 3 requires the advanced approval of the Personnel Board. The Personnel Board may investigate any request for a higher salary step and confer with the Appointing Authority relative to such employment.
2. The appointing authority may negotiate benefits to permit competitive hiring, subject to appropriation and the prior approval of the Personnel Board.

§33-18. OVERTIME AND COMPENSATORY TIME

Non-exempt employees begin to accrue overtime after they have worked 40 hours in a work week. Overtime must be pre-approved by the supervisor. The applicable budget must have funds available to cover the overtime pay.

TOWN OF LITTLETON, MASSACHUSETTS

Compensatory time may be utilized, on an exception basis, as an alternative to overtime pay, subject to the following restrictions. If overtime is authorized by the supervisor, the choice to accrue compensatory time in lieu of being paid overtime wages must be stated by the employee. As with overtime wages, compensatory time is earned at one and one half hours for every hour worked. All compensatory hours should be logged on the standard compensatory time sheet and attached to the employee’s regular time sheet each pay period. Employees should use accrued compensatory time in a timely matter. The use of accrued compensatory time must be pre-approved by the supervisor. In no case should the compensatory time accrual balance be allowed to exceed 24 hours. Compensatory time cannot be rolled over to the new fiscal year and therefore any accrued time must be paid out as overtime wages prior to June 30th of each year. Any unused compensatory time at time of separation of employment must be paid to the employee in their final paycheck.

Exempt employees are not eligible for compensatory time.

§33-19. DEPARTMENT PAY ADJUSTMENT IN ANNUAL BUDGET

Each Appointing Authority shall include in the annual budget a pay adjustment section to provide funds for anticipated pay adjustments (step increases) during the ensuing year, expenditures to be made only in accordance with the plan with the approval of the Personnel Board.

§ 33-20. LONGEVITY PAY

A. Each benefit eligible employee covered by the provisions of the Town of Littleton Personnel By-law shall receive a longevity payment, to be paid in a lump sum as of July 1 of each year through regular payroll, such payment to be based on the number of consecutive years of benefit eligible employment by the Town as of July 1, in accordance with the following:

Lump Sum	
Years of Service Payment	
5-9 years	\$700
10-14 years	\$750
15-19 years	\$800
20+ years	\$850

B. For purposes of this section, consecutive years of service shall mean the length of an employee's uninterrupted service in years in the employ of the Town of Littleton and in a position included within the Town of Littleton Personnel By-law Classification Plan and Compensation Plan in a benefit eligible position. Unpaid, approved leaves of absence shall not be considered as breaks in said consecutive years of service; however, only years, months and days spent on paid leaves of absence shall be included in the computation of consecutive years of service.

§33-21. HOLIDAYS

TOWN OF LITTLETON, MASSACHUSETTS

A. All benefit eligible employees shall receive one day at straight time for the following 11 holidays:

- | | |
|------------------------|---------------|
| New Years Day | Labor Day |
| Martin Luther King Day | Columbus Day |
| President’s Day | Veteran’s Day |
| Patriot’s Day | Thanksgiving |
| Memorial Day | Christmas |
| Fourth of July | |

B. If such holiday falls on a Saturday, the preceding Friday will be observed as a holiday. If the holiday falls on a Sunday, the holiday will be observed on the following Monday. If an employee is on vacation and a holiday falls within the vacation time period, the employee will not be required to use a vacation day for the holiday.

§33-22. PERSONAL DAYS

Personal days provide a means for employees to secure limited time off when such time is needed for important personal reasons. All benefit eligible employees shall receive three (3) paid personal days on July 1st to use during the fiscal year.

A new employee hired after July 1st shall in that year receive paid personal days as follows:

- Three personal days if hired prior to October 1st;
- Two personal days if hired prior to January 1st;
- One personal day if hired prior to April 1st.

Personal days will be taken in half-day increments and cannot be carried over into the next fiscal year or paid out upon termination.

An employee’s request for personal time must be approved by the supervisor prior to use.

§ 33-23. VACATION LEAVE

A. The vacation year is from July 1 through June 30 inclusive.

B. All benefit eligible employees will accrue at a proportional rate of vacation time. For each full calendar month of employment, employees will be credited with vacation pay as outline below:

(1) After one full month and up to five years of service, the employee will accrue vacation days at a rate of five-sixths (5/6) of a day per month, equaling (10) days per year from the date of employment.

TOWN OF LITTLETON, MASSACHUSETTS

(3) After the 5th year of service and up to 10 years of service, the employee will accrue vacation days at a rate of one and twenty-five hundredths (1.25) days per month, equaling (15) days per year.

(4) After the 10th year and up to twenty years of service, the employee will accrue vacation days at a rate of one and two-thirds (1 2/3) days per month, equaling (20) days per year.

(5) After the twentieth year the employee will accrue vacation days at a rate of two and eighty-three thousandths (2.083) days per month, equaling (25) days per year.

- C. In the event of termination for any reason, the employee will be paid for the full amount of vacation pay accrued to the date of termination. If the employee has taken more vacation time than accrued at the time of termination, the time not accrued shall be deducted from the final paycheck.
- D. Vacation shall be taken at the convenience of the department. Every effort will be made to arrange for the employee to have the vacation time desired. However, all operations have to be covered at all times, and the employees with the greatest length of service will have the first choice of time.
- E. All benefit eligible employees who have left the service of the Town voluntarily and who are re-employed, within two (2) years, shall after one (1) year of service receive credit for prior employment service in the calculation of the vacation benefit.
- F. The Town may offer vacation incentives in the recruitment and negotiation with potential new employees. No such incentive shall be greater than 20 days of vacation. Appointing Authority may not offer vacation incentives without prior approval of the Personnel Board. If granted, the employees then fall into the schedule adopted in Section B above.
- G. Employees may carry over any unused vacation time into the next fiscal year. In no case will the unused vacation time allowed to be carried into the next fiscal year be more than 5 weeks.

§33-24. PERSONAL LEAVE OF ABSENCE

Personal leave of absence not to exceed 12 weeks may be granted by an Appointing Authority but shall be without compensation. A leave of absence of over 12 weeks duration shall be considered a break in employment and on return to work the employee shall have the status of a new employee unless an extension of leave beyond 12 weeks has been authorized by the Personnel Board in advance. Unless otherwise stated, personnel leave of absences without pay shall be considered inactive employment, where time spent on such leave does not count as service (time worked) for purposes of seniority, vacation, sick leave, longevity and other benefits. Those employees on an approved leave of absence who are removed from payroll are responsible for remitting their portion of the payment due for health and other insurance premiums to the Treasurer's office within the requested time frame.

§33-25. SICK LEAVE POLICY

1. SICK LEAVE - Sick leave is available to benefit eligible employees, limited to absences caused by illness, injury, exposure to contagious disease, illness of a member of an employee's immediate family as defined by FMLA guidelines or illness or disability arising out of or caused by pregnancy or childbirth.

TOWN OF LITTLETON, MASSACHUSETTS

- A. Annual Benefit - Subject to limitations in the personnel policies, all benefit eligible non-union employees shall be awarded fifteen (15) days of sick leave on July 1st of each fiscal year based on the number of hours scheduled in a normal workweek as of July 1st of each year. Part-time employees would receive a pro-rated number of hours based on their normal work week. For example, a full-time forty (40) hour per week employee would be awarded 120 sick hours at the beginning of the fiscal year. A 35 hour per week employee would be awarded 105 sick hours (15 days x 7 hours per day). New employees, upon completion of thirty (30) days of continuous service for the Town, shall be awarded a pro-rated amount based on an accrual of 1.25 days per month rounded to ½ day increments for the remainder of the fiscal year (i.e. a full-time employee completing their 30 day period on November 15th would be awarded 9.5 sick days – 7.5 months x 1.25 days = 9.375 days rounded to 9.5 days x 8 hours per day = 76 sick hours). Part-time employees would receive a pro-rated number of hours based on their normal work week.
- B. Employees shall be entitled to sick leave without loss of pay if the employee has notified their supervisor, or designee, of the absence and cause thereof within one hour of the start of the workday, or as soon thereafter as practicable. Sick leave may be taken in hourly increments.
- C. Extended Absences - The Town may require employees absent from work due to illness or injury for 3 or more consecutive working days, to provide medical documentation concerning the nature, severity, and duration of the illness or injury. All work related injuries that exceed three days will also be covered by the Family and Medical Leave Act. The Town may require an employee who seeks to return to work after being absent, whether paid or unpaid, for five (5) consecutive work days or more, to be examined by a Town selected physician to determine the employee's fitness for work. If the Town requires a medical certificate from a Town selected physician, the Town will pay the cost of the physician's services in examining the employee.
- D. If an employee has been warned of sick leave abuse, the Town, in its exclusive discretion, may require medical documentation from an employee's physician or a written certificate from a Town selected physician establishing incapacity, illness or injury as a condition of payment of sick leave benefits. The Town may initiate disciplinary action for employees engaged in sick leave abuse. If an employee uses sick leave for purposes other than legitimate illness or injury the employee may, at the Town's discretion, be subject to discipline up to and including discharge.
- E. Sick leave may not be carried into the next fiscal year and no payment will be made for unused sick time upon termination of the employee for any reason. However at the end of the fiscal year, unused sick leave may be used to establish or replenish a Short Term Disability leave bank. Employees using four (4) or fewer sick leave days in the preceding fiscal year shall be awarded, in return for two (2) of the unused sick leave days, two (2) additional personal days as of July 1 of the new fiscal year, for use in that year. New employees hired within the first six months of the fiscal year (ending December 31st) and

TOWN OF LITTLETON, MASSACHUSETTS

using four (4) or fewer sick leave days during that fiscal year, shall be awarded, in return for two (2) of the unused sick leave days, three (3) STD bank days to be added to the employee's STD bank as of July 1 of the new fiscal year. New employees hired after December 31st of the fiscal year will not be eligible for STD bank bonus days until the following fiscal year.

2. SHORT TERM DISABILITY - Short Term Disability benefits are available to eligible employees once they have completed one year of employment. This section does not apply to those on approved Worker's Compensation leave.
 - A. Coverage Period - Employees who experience a personal illness or injury that causes a continuous and uninterrupted absence up to 26 weeks will be considered for short term disability (STD) benefits upon the 31st calendar day of uninterrupted absence. Employees that qualify for short-term disability benefits will be compensated beginning on the 31st calendar day of absence, at 60% of weekly base pay, not to exceed \$1,000. The employee may augment their disability payment up to 100% of their normal weekly wage by using the following; accrued sick days, personal days accrued vacation days, and their Short-Term Disability Bank (any order).
 - B. Qualifications - An employee will qualify for short-term disability benefits upon meeting the eligibility requirements specified in the STD benefits document. The Town may engage a third-party administrator whose decisions regarding the availability or applicability of this benefit to a given individual or in a given situation shall not be subject to appeal by employees. In the event the Town does not have a third-party administrator, the Board of Selectmen will establish any benefit requirements. This benefit may also be modified or eliminated by the Board of Selectmen.
 - C. While on disability, an employee will be required to report to the Department Head or Human Resources at least once per week to provide a status update as to their condition and approximate date of return to work. During a period of disability, the employee will not be awarded sick or personal time or continue to accrue vacation time but will continue to participate in other voluntary benefits such as health, life and dental insurances and flexible spending plans on the same basis as active employees as long as they continue to meet the provider's eligibility requirements. When returning from short term disability that has crossed fiscal years, an employee will immediately earn sick and personal time on a pro-rated basis similar to new employees as described in §33-25, 1. A. The difference between the pro-rated sick time award and the normal amount that would have been awarded on July 1st will be added to the employee's short term disability leave bank.
 - D. Employees shall not hold any type of employment during short term disability. Disability benefits may be offset by payments from retirement, social security, worker's compensation, or other disability coverage (federal, state or county).
 - E. The STD bank may be established and replenished with unused sick time as stated in the sick leave policy, however at no time will the STD bank be allowed to exceed 40 days.

TOWN OF LITTLETON, MASSACHUSETTS

No payment will be made for unused STD bank time upon termination of the employee for any reason.

- F. The STD bank may be used during the 30 day waiting period to augment wages only when all current fiscal year accrued sick days, personal days and vacation days have been exhausted. The use of these STD days is only allowed in the event of a qualified STD leave.
3. LONG TERM DISABILITY -Benefit eligible employees are eligible for long term disability benefits after completing one year of employment. This section does not apply to those on approved Worker's Compensation leave.
- A. Coverage Period - Employees who experience a personal illness or injury that causes a continuous and uninterrupted absence beyond 180 days will be considered for long term disability. This benefit can provide up to 60% of weekly base wage, not to exceed \$5,000 per month. While on disability, an employee will be required to report to their supervisor at least once per week to provide a status update as to their condition and approximate date of return to work. During a period of disability, the employee will not continue to be awarded sick or personal time or continue to accrue vacation time but will continue to participate in other voluntary benefits such as health, life and dental insurances and flexible spending plans on the same basis as active employees as long as they continue to meet the provider's eligibility requirements and employment has not been terminated.
 - B. When returning from long term disability that has crossed fiscal years, an employee will immediately earn sick and personal time on a pro-rated basis similar to new employees as described in §33-25, 1. A. The difference between the pro-rated sick time award and the normal amount that would have been awarded on July 1st will be added to the employee's short term disability leave bank.
 - C. Wages will freeze at the current step while out on long term disability leave. Disability benefits may be offset by payments from retirement, social security, worker's compensation, or other disability coverage (federal, state or county).
 - D. Qualifications - An employee will qualify for long-term disability benefits upon meeting the eligibility requirements of the LTD provider who will be solely responsible for any disability determination or decision. In the event the Town does not have a long-term disability insurance policy in force, the Board of Selectmen will establish any benefit requirements.

§33-26. FAMILY AND MEDICAL LEAVE ACT

The Town is committed to complying with the Family and Medical Leave Act (FMLA), as the same may be amended from time to time. Our 'Year' for purposes of leave requests is a 12-month period measured forward from the first FMLA usage. The Town requires the use of accrued, available paid leave concurrently with FMLA leave.

§33-26A. Maternity Leave: Maternity Leave is available in accordance with the Family and Medical Leave Act and/or the Massachusetts Maternity Leave Act, as appropriate. When available, this leave is unpaid, unless the employee has accrued paid leave time available, to be used concurrently.

TOWN OF LITTLETON, MASSACHUSETTS

§33-26B. Paternity Leave: See Maternity Leave above. The Town of Littleton will provide leave under the Family and Medical Leave Act and/or the Massachusetts Maternity Leave Act to all employees, regardless of gender, who otherwise meet the requirements for leave under one or both of these Acts.

§33-27. MILITARY LEAVE

A benefit eligible employee who has been granted a military leave of absence because the employee is a member of the Army National Guard, the Air National Guard or a reserve component of the Armed Forces of the United States called to active service in the armed forces of the United States shall be entitled to receive pay at his regular base salary as such an employee, and shall not lose any seniority or any accrued vacation leave, sick leave, personal leave, compensation time or earned overtime. An employee eligible under this section shall be paid his regular base salary as such an employee for each pay period of such military leave of absence, reduced by any amount received from the United States as pay or allowance for military service performed during the same pay period, excluding overtime pay, shift differential pay, hazardous duty pay or any other additional compensation. For the purposes of this section, the words "active service" shall not include active duty for training or temporary duty in the Army National Guard or Air National Guard or as a reservist in the Armed Forces of the United States.

§33-28. BEREAVEMENT LEAVE

Benefit eligible employees shall be given up to three (3) consecutive working days leave with a Straight day's pay upon the death of immediate family members as defined by mother, father, spouse, mother-in-law, father-in-law, sister, brother, child, grandchild, grandparent, step-parent, step sibling, step-grandchild, or step-grandparent. One (1) day of leave with pay shall be given upon the death of the employee's aunt, uncle, niece or nephew.

Vacation days or Personal days may be use as bereavement upon the death of family members not specifically mentioned above.

§33-29. JURY DUTY

Employees required to report for jury duty shall submit their notice to their immediate supervisor. Employees will receive payment for their normal work hours while attending jury duty. Employees should notify their supervisor of their jury status on a daily basis. Employees will be paid the difference between their regular salary and their jury duty pay if selected for jury duty.

INSURANCE

§33-30. INSURANCE BENEFITS

The Town of Littleton offers the following insurance coverage to its benefit eligible employees:

HEALTH INSURANCE

The Town of Littleton will offer health insurance in accordance with Chapter 32B of Massachusetts General Laws. Insurance deductions are taken automatically from the employee's paycheck. Health Insurance is offered at the time of employment and during the annual open enrollment. Under COBRA law, employees may be entitled to continued coverage in the Town's group health insurance plan

TOWN OF LITTLETON, MASSACHUSETTS

effective upon termination of employment. The employee is responsible for 102% of the Premium. Specific information is available from the Treasurer's Office.

Open enrollment is offered once a year, usually in early April. At this time employees have the opportunity to change their current benefit plans and coverage to suit their personal needs. Employees will be notified by the Treasurer's Office of the dates of the open enrollment and when any changes will become effective.

If you are an active benefit eligible employee 65 or over you will remain on your current active health plan until you retire. At age 65, if you are Medicare eligible, you must apply for your Medicare Coverage through Social Security and defer your Part B coverage until retirement.

RETIRED EMPLOYEES

Retired employees under age 65 will be covered by the Town's active health plans until age 65. The retiree must enroll in Medicare, if eligible. The retiree may elect to participate in the Town's Medigap insurance plan.

Retired employees not eligible for Medicare will remain on their current active plan upon providing proof that they are ineligible for Medicare.

BASIC LIFE INSURANCE

The basic life insurance offered by the Town is \$10,000. The employer will automatically deduct this from the employee's paycheck. This is term life insurance and expires upon termination of Employment with the Town. Retirees coverage drops to \$5,000 for half the cost. Life insurance is offered to new hires at the time of their employment. If you do not take this insurance you must sign a waiver of refusal.

OPTIONAL BENEFITS

Employees may select additional benefits as offered by the Town. The costs of these benefits will be paid entirely by the employee.

§33-31. HIPAA

As stated in Federal Law.

§33-32. PERFORMANCE EVALUATIONS

All employees covered by this bylaw shall have a performance evaluation annually. .

§33-33. DISCIPLINARY ACTION

A. DISCIPLINARY PROCEDURE

Standards of employment conduct are essential to efficient and effective operations. Employees are expected to exercise common sense and good judgment, and conduct themselves in a manner that will be a credit to the Town. The Town recognizes that all of its employees have high standards, however, there are times when it may be necessary to discipline individual employees. Disciplinary action may be initiated for failure of an employee to fulfill responsibilities as an employee. The standards as listed below are not intended to be exhaustive, but are provided for illustrative purposes. The Town reserves

TOWN OF LITTLETON, MASSACHUSETTS

the right to discipline for any conduct it deems inappropriate, whether or not it is enumerated herein. Violation of the Standards of Employment Conduct may result in disciplinary action, ranging from reprimand to immediate discharge.

The following is a non-exhaustive list of examples of violations of the Standards of Employment Conduct:

- Incompetence or inefficiency in performing assigned duties
- Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a proper supervisor
- Habitual tardiness or absence from duty
- Violation of safety rules, practices and policies
- Engaging in sexual or other harassment
- Insubordination
- Fighting on the job – Physical or verbal abuse
- Theft of Town or another employee's property
- Falsification of time records
- Use of illegal substance or alcohol on the job
- Intentional disclosure of confidential information
- Misuse or unauthorized use of Town property
- Fraud in securing an appointment
- Conviction of a felony
- Violation of safety rules, practices, policies (after appropriate training)
- Unauthorized absences during work hours
- Falsification of Town records

§33-34. COMPLAINT RESOLUTION

Step 1. Any employee who believes that they have in any manner been unfairly treated in accordance with this bylaw may appeal for relief from that condition. An employee must discuss the complaint initially with their direct supervisor. Then, if the matter is not settled, the employee should submit said complaint in writing to the department head. The department head shall respond in writing, within fourteen calendar days. If the employee's department head is also the immediate supervisor, he/she should proceed to Step 2.

TOWN OF LITTLETON, MASSACHUSETTS

Step 2. If the employee feels that his/her complaint is still unresolved, he/she may appeal to the Personnel Board within fourteen calendar days after receiving the decision of the Department Head. The Personnel Board may require a written statement from the employee in such form and containing such information as they may require. The Personnel Board shall hear the complaint at their next Regularly scheduled meeting and shall render a decision within 14 calendar days of the hearing. Any decision of the Personnel Board shall, within five (5) business days of its final decision, be transmitted to the Board of Selectmen.

§33-35. REDUCTION IN FORCE (RIF)

In the event that, it becomes necessary to reduce the number of employees or their hours under the Personnel By-law, the Town of Littleton, in determining which of its employees are to be terminated, will take into consideration the departmental needs, the qualifications of such employees and the quality of their past performance.

Where, in the opinion of the appointing authority, the qualifications and quality of performance of employees are equal, employees will be terminated in the order of reverse seniority as employees of the department.

The employee will be notified whenever possible four (4) weeks in advance of the layoff or reduction in schedule, insofar as practicable.

- A. An employee who has been laid off shall be entitled to recall rights to this same position for a period of two (2) years from the effective date of his/her layoff.
- B. An employee recalled within one year of his/he day of lay off will return with service accrued up to the time of the lay off.
- C. Recall notices shall be sent via certified or registered mail. Employees are required to keep the Town informed of their current mailing addresses.
- D. An employee who is recalled must report to work within 14 calendar days of the date of mailing the recall notice or some other mutually agreed upon time.

§33-36. WORKING FROM HOME

Employees covered by this by-law who have assigned office space are not permitted to work from home. Our goal is to have town offices open to the public whenever possible. The appointing authority of the employee must grant permission in writing for any exceptions to this policy.

§33-37. TECHNOLOGY USAGE

The technology usage policy covers all computer, communications, and information technology systems. This includes, but is not limited to: computers, internet services, e-mail, telephones and fax machines. Any employee abusing the privileges and authorized uses of this technology will be subject to disciplinary action ranging from oral reprimand to dismissal and/or legal prosecution.

§33-38. DISCRIMINATION AND SEXUAL HARASSMENT

As stated in Federal, and State Law and in accordance with the Town's Equal Employment Opportunity, Discrimination, and Sexual Harassment Policy.

TOWN OF LITTLETON, MASSACHUSETTS

§33-39. SEVERABILITY

In the event that any provision of this chapter, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this chapter.

§33-40. DRUG FREE WORKPLACE

As stated by Town's current policy.

§33-41. WORKERS COMPENSATION

WORK RELATED INJURIES – Employees injured while on duty will be covered by Worker's Compensation Benefits. All work related injuries that exceed three (3) days will also be covered by the Family Medical Leave Act.

- A. Worker's Compensation wages will be governed by MGL Chapter 152. Employees may supplement any difference between Worker's Compensation wages and the regular straight time rate of pay by first using any accumulated sick time followed by any other accrued leave. During a period of Worker's Compensation leave, the employee will not be awarded sick or personal time or continue to accrue vacation time but will continue to participate in other voluntary benefits such as health, life and dental insurances and flexible spending plans on the same basis as active employees as long as they continue to meet the provider's eligibility requirements and employment has not been terminated.

Prior to returning to work, after a work related injury, employees will be required to present a fitness-for-duty certificate addressing their ability to perform the essential functions of the position. When returning from worker's compensation leave that has crossed fiscal years, an employee will immediately earn sick and personal time on a pro-rated basis similar to new employees as described in §33-25,1 A. The difference between the pro-rated sick time award and the normal amount that would have been awarded on July 1st will be added to the employee's short term disability leave bank.

TOWN OF LITTLETON, MASSACHUSETTS

TOWN OF LITTLETON, MASSACHUSETTS FY 2017 CLASSIFICATION & COMPENSATION PLAN

SCHEDULE A, Permanent Full and Part-time Employees

GRADE		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
<i>Employees</i>									
1	<i>hourly</i>	\$14.05	\$14.54	\$15.05	\$15.58	\$16.12	\$16.68	\$17.26	\$17.86
	<i>annual</i>	\$29,336.40	\$30,359.52	\$31,424.40	\$32,531.04	\$33,658.56	\$34,827.84	\$36,038.88	\$37,291.68
2	<i>hourly</i>	15.03	15.57	16.11	16.67	17.25	17.85	18.48	19.13
	<i>annual</i>	31,382.64	32,510.16	33,637.68	34,806.96	36,018.00	37,270.80	38,586.24	39,943.44
3	<i>hourly</i>	16.09	16.65	17.23	17.83	18.45	19.10	19.77	20.46
	<i>annual</i>	33,595.92	34,765.20	35,976.24	37,229.04	38,523.60	39,880.80	41,279.76	42,720.48
4	<i>hourly</i>	17.21	17.81	18.43	19.08	19.75	20.43	21.15	21.89
	<i>annual</i>	35,934.48	37,187.28	38,481.84	39,839.04	41,238.00	42,657.84	44,161.20	45,706.32
5	<i>hourly</i>	18.41	19.06	19.73	20.41	21.13	21.87	22.64	23.43
	<i>annual</i>	38,440.08	39,797.28	41,196.24	42,616.08	44,119.44	45,664.56	47,272.32	48,921.84
6	<i>hourly</i>	19.71	20.39	21.11	21.85	22.61	23.41	24.24	25.08
	<i>annual</i>	41,154.48	42,574.32	44,077.68	45,622.80	47,209.68	48,880.08	50,613.12	52,367.04
7	<i>hourly</i>	21.09	21.83	22.58	23.38	24.20	25.04	25.92	26.83
	<i>annual</i>	44,035.92	45,581.04	47,147.04	48,817.44	50,529.60	52,283.52	54,120.96	56,021.04
8	<i>hourly</i>	22.56	23.36	24.17	25.02	25.90	26.81	27.73	28.70
	<i>annual</i>	47,105.28	48,775.68	50,466.96	52,241.76	54,079.20	55,979.28	57,900.24	59,925.60
9	<i>hourly</i>	24.27	25.11	25.99	26.90	27.84	28.80	29.81	30.86
	<i>annual</i>	50,675.76	52,429.68	54,267.12	56,167.20	58,129.92	60,134.40	62,243.28	64,435.68
10	<i>hourly</i>	26.68	27.62	28.59	29.59	30.63	31.70	32.81	33.96
	<i>annual</i>	55,707.84	57,670.56	59,695.92	61,783.92	63,955.44	66,189.60	68,507.28	70,908.48
11	<i>hourly</i>	29.89	30.94	32.03	33.15	34.31	35.51	36.75	38.04
	<i>annual</i>	62,410.32	64,602.72	66,878.64	69,217.20	71,639.28	74,144.88	76,734.00	79,427.52
<i>Senior Management</i>									
12	<i>hourly</i>	35.27	36.51	37.79	39.11	40.48	41.90	43.36	44.88
	<i>annual</i>	73,643.76	76,232.88	78,905.52	81,661.68	84,522.24	87,487.20	90,535.68	93,709.44
13	<i>hourly</i>	41.62	43.07	44.58	46.14	47.76	49.43	51.15	52.95
	<i>annual</i>	86,902.56	89,930.16	93,083.04	96,340.32	99,722.88	103,209.84	106,801.20	110,559.60
14	<i>hourly</i>	46.61	48.25	49.93	51.67	53.49	55.36	57.29	59.30
	<i>annual</i>	97,321.68	100,746.00	104,253.84	107,886.96	111,687.12	115,591.68	119,621.52	123,818.40
15	<i>hourly</i>	52.20	54.04	55.94	57.89	59.91	62.02	64.19	66.44
	<i>annual</i>	108,993.60	112,835.52	116,802.72	120,874.32	125,092.08	129,497.76	134,028.72	138,726.72

TOWN OF LITTLETON, MASSACHUSETTS

GRADE 1

No positions assigned

GRADE 2

Cemetery Laborer

GRADE 3

Library Assistant

Library Processing Clerk

GRADE 4

Building Maintenance Custodian

Department Clerk

Driver's Education Instructor I

Financial Technician

GRADE 5

Assessing Clerk

Cemetery Groundskeeper

Driver's Education Instructor II

Library Technician

P/T Communications Officer

LCTV – P/T Program Coordinator

GRADE 6

Administrative Assistant – Building

Administrative Assistant – Conservation

Administrative Assistant – Highway

Administrative Assistant– Human Resources

Administrative Assistant- Parks & Recreation

Administrative Clerk – Collector / Clerk

Senior Library Technician

Special Programs Instructor

Program Specialist I

GRADE 7

Business Administrator – Highway

Payroll and Finance Coordinator

Reserve Police Officer

Library Office Coordinator

Wellness Coordinator

GRADE 8

Assistant Town Clerk

Executive Assistant of Public Safety- Fire

Executive Assistant of Public Safety- Police

Program Specialist II

Recreation Coordinator

GRADE 9

Assistant Assessor

Assistant Director-PRCE

Assistant Town Accountant

Building Maintenance Supervisor

Cemetery Superintendent

Children's Services/Senior Librarian

Conservation Coordinator

Driver's Education Program Coordinator

Elder and Human Services Outreach Coordinator
and Respite Care

Executive Assistant to the Town Administrator

Head of Circulation & Interlibrary Loan/Senior
Librarian

TOWN OF LITTLETON, MASSACHUSETTS

LCTV Production Supervisor	Town Engineer
Senior Librarian	GRADE 12
Technical Services/Senior Librarian	Building Commissioner/Zoning Enforcement Officer
Young Adult Services/Reference Services/ Senior Librarian	Chief Assessor/Appraiser
Zoning Assistant / Permit Technician / Business Administrator	Highway Operations Manager and Superintendent
GRADE 10	Information Systems Manager
Assistant Library Director	Town Treasurer
Inspector of Wires	<i>Deputy Fire Chief*</i>
Plumbing & Gas Inspector	<i>Deputy Police Chief*</i>
GRADE 11	<i>Library Director*</i>
Assistant Treasurer and HR Administration	GRADE 13
Director of Elder and Human Services	<i>Assistant Town Administrator for Finance & Budget*</i>
Littleton Community Television Executive Director	<i>Fire Chief*</i>
Parks, Recreation & Community Education Director	GRADE 14
Planning Administrator/Permit Coordinator	<i>Chief of Police*</i>
<i>Police Lieutenant*</i>	GRADE 15
Tax Collector	<i>Town Administrator*</i>
<i>Town Clerk**</i>	<i>Management contract (*) and elected (**) positions not subject to this By-law</i>

[Amended 5-2-11 STM, Art. 12; 11-14-2012, STM Art. 3; 5-4-2015 ATM, Art. 10; 5-2-16 ATM, Art. 9]

SCHEDULE B:

On-Call Meeting Clerk	\$12.12 per hour
Election Warden	\$17.23 per hour

SCHEDULE B1 – Other Employees

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
1 hourly	\$11.53	\$11.76	\$12.00	\$12.24	\$12.48

TOWN OF LITTLETON, MASSACHUSETTS

2 hourly	\$14.42	\$14.71	\$15.00	\$15.30	\$15.61
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Grade 1

COA Dispatcher

[Added 11-14-2012, STM Art. 3, amended 5-2-16 ATM, Art. 9]

Grade 2

COA Van Driver

SCHEDULE B2 – Temporary /Seasonal Employees

GRADE	STEP 1	STEP 2	STEP 3	STEP 4
1 hourly	\$14.05	\$14.33	\$14.62	\$14.91
2 hourly	\$15.03	\$15.33	\$15.64	\$15.95
3 hourly	\$16.09	\$16.41	\$16.74	\$17.07
4 hourly	\$17.21	\$17.55	\$17.90	\$18.26

Grade 1

No positions assigned

Grade 2

Seasonal Highway Laborer

Grade 3

No positions assigned

Grade 4

Seasonal Truck Driver/Laborer

Step increases on Schedule B-2 will be awarded on the basis of performance as determined by the Department Head.

[Added 11-14-2012, STM Art. 3]

SCHEDULE C: Park & Recreation Department

Seasonal / Temporary / Fee-Based Positions [Hourly]

TOWN OF LITTLETON, MASSACHUSETTS

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1	\$10.00	\$10.10	\$10.20	\$10.30	\$10.40
2	\$10.15	\$10.25	\$10.35	\$10.45	\$10.55
3	\$10.30	\$10.40	\$10.50	\$10.61	\$10.72
4	\$10.45	\$10.55	\$10.66	\$10.77	\$10.88
5	\$10.61	\$10.80	\$10.99	\$11.18	\$11.38
6	\$10.88	\$11.15	\$11.43	\$11.72	\$12.01
7	\$11.26	\$11.57	\$11.89	\$12.22	\$12.56
8	\$11.77	\$12.09	\$12.42	\$12.76	\$13.11
9	\$12.30	\$12.64	\$12.99	\$13.35	\$13.72
10	\$12.92	\$13.28	\$13.65	\$14.03	\$14.42
11	\$13.57	\$13.94	\$14.32	\$14.71	\$15.11
12	\$14.18	\$14.57	\$14.97	\$15.38	\$15.80

GRADE 1

Program Aide I
Camp Junior Counselor
Snack Hut Attendee

GRADE 2

Program Aide II
Lifeguard I
Junior Sailing Instructor
Maintenance Technician

GRADE 3

Camp Senior Counselor

GRADE 4

Intern
Junior Guard Coordinator
Snack Hut Manager

GRADE 5

Aftercare Coordinator
Camp Lead II
Lifeguard II/WSI
Sailing Instructor

GRADE 6

Camp Lead II Program Coordinator

GRADE 7

Camp Specialists

GRADE 8

Head Lifeguard
Camp Assistant Director
Sailing Coordinator

GRADE 9

Seasonal Programs Instructor

GRADE 10

Special Course Coordinator

GRADE 11

Preschool Instructor

GRADE 12

Camp Director

TOWN OF LITTLETON, MASSACHUSETTS

SCHEDULE C-1: Community Education- Temporary Employees FY2017

Grade	Step 1	Step 2	Step 3
1	\$10.00		
2	14.00	14.35	14.71
3	20.00	20.50	21.01
4	25.00	25.63	26.27
5	30.00	30.75	31.52
6	35.00	35.88	36.77

GRADE 1

Community Education Teacher's Aide

GRADE 2

Community Education Assistant

GRADE 3

Community Education Instructor 1

GRADE 4

Community Education Instructor 2

GRADE 5

Community Education Instructor 3

GRADE 6

Community Education Instructor 4

[Added 5-3-2010, ATM Art. 12, amended 5-7-2012 ATM, Art.14, amended 5-4-2015, Art.10, amended 5-2-2016, Art.9]

SCHEDULE D: Fire Department On-Call

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
1 hourly	\$10.40					
2 hourly	\$14.57	\$14.86	\$15.16	\$15.46	\$15.77	\$16.09
3 hourly	\$15.15	\$15.45	\$15.76	\$16.08	\$16.40	\$16.73
4 hourly	\$15.75	\$16.07	\$16.39	\$16.72	\$17.05	\$17.39
5 hourly	\$16.22	\$16.54	\$16.87	\$17.21	\$17.55	\$17.90
6 hourly	\$16.71	\$17.04	\$17.38	\$17.73	\$18.08	\$18.44
7 hourly	\$17.21	\$17.55	\$17.90	\$18.26	\$18.63	\$19.00
8 hourly	\$17.73	\$18.08	\$18.44	\$18.81	\$19.19	\$19.57
9 hourly	\$18.26	\$18.63	\$19.00	\$19.38	\$19.77	\$20.17
10 hourly	\$18.44	\$18.81	\$19.19	\$19.57	\$19.96	\$20.36

On-Call Stipend \$4.00/hour

Code of the Town of Littleton, Massachusetts

Grade 1

Probationary Firefighter or EMT

Grade 2

No positions assigned

Grade 3

On-Call Firefighter

On-Call EMT

Grade 4

Firefighter/EMT

Grade 5

No positions assigned

Grade 6

No positions assigned

Grade 7

Firefighter/EMT (Firefighter I/II or advanced EMT certification)

Grade 8

Lieutenant

Grade 9

Captain

Grade 10

Deputy Chief

Step increases on Schedule D will be awarded on the basis of performance as determined by the Fire Chief.

[Added 5-2-2011, ATM Art. 12; Amended 11-14-2012, STM Art. 3; amended 5-2-16, Art. 9]

Chapter 34, PROCUREMENT

[HISTORY: Adopted 11-5-2007 Special Town Meeting, Art. 14]

§ 34-1. Any Town officer or board authorized by the General Laws or the Town Code to enter into contracts for the procurement of goods or services is hereby authorized, pursuant to General Laws Chapter 30B, section 12, to enter into such contracts for terms not to exceed five (5) years, unless a longer term is specifically authorized by a vote of Town Meeting.

Chapter 35, PROPERTY, SALE OF

[HISTORY: Adopted as Art. 7 of the 1977 compilation. Amendments noted where applicable.]

§ 35-1. Authorization to sell certain lands.

The Town Treasurer, with the approval of the Selectmen, is authorized to sell at public auction or private sale all or any of its property acquired by virtue of sale for nonpayment of taxes, which sales have been confirmed by the Land Court or the Tax Commissioner, and to give deeds therefor.

§ 35-2. Sale preference to adjoining owners.

The Selectmen may give preference in the sale of such property to the owners of adjoining lands and may impose such restrictions pertaining to the erection of buildings thereon as the Board may determine to be in the best interests of the town.

TOWN OF LITTLETON, MASSACHUSETTS

§ 35-3. Holding of property for recreation or conservation purposes.

If the Selectmen shall determine that any of such property is appropriate for park and recreation or conservation purposes, the Selectmen may authorize the Town Treasurer to hold such property for the benefit of the town and transfer its care and custody to the Park and Recreation Department or the Conservation Commission.

§ 35-4. Sale of obsolete or unnecessary personal property.

Any board or officer in charge of a department of the town may, with the approval of the Selectmen, sell any personal property of the Town within the possession or control of the department which has become obsolete or is not required for further use by the department and which does not, in the opinion of the Selectmen, exceed two hundred dollars (\$200.) in value.

Chapter 37, REGIONAL TRANSIT AUTHORITY

[HISTORY: Adopted 5-3-1980 Annual Town Meeting, Art. 20. Amendments noted where applicable.]

§ 37-1. Intent to join.

The town shall join the Regional Transit Authority in conformity with and pursuant to all of the applicable provisions of Chapter 161B of the General Laws, or acts in relation thereto.

Chapter 38, STORMWATER

[HISTORY: Adopted 5-2-2016 Annual Town Meeting, Art. 20, 21. Amendments noted where applicable.]

ARTICLE I, Illicit Connections and Discharges to Storm Drain System

§ 38-1. Purpose and Authority.

- A. Non-stormwater discharges to a municipal storm drain system can harm water quality and create public health hazards. The purpose of this Bylaw is to provide for the health, safety, and general welfare of the citizens of the Town of Littleton through the regulation of non-stormwater discharges to the municipal storm drain system.
- B. The objectives of this Bylaw are to:
 1. Prevent pollutants from entering the storm drain system of the Town of Littleton;
 2. Prohibit illicit connections and illicit discharges to the storm drain system;
 3. Comply with the requirements of the Town of Littleton's National Pollutant Discharge Elimination System (NPDES) permit for discharges from the municipal storm drain system; and
 4. Establish legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring and enforcement.
- C. This Bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act.

§ 38-2. Definitions.

TOWN OF LITTLETON, MASSACHUSETTS

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

- A. Hazardous Material: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- B. Illicit Connection: Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the storm drain system, including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection was previously allowed, permitted or approved before the effective date of this Bylaw.
- C. Illicit Discharge: Any direct or indirect non-stormwater discharge to the Town's storm drain system (including dumping), except as exempted in § 38-4 of this Bylaw.
- D. Municipal Storm Drain System (or Storm Drain System): Town of Littleton-owned facilities by which stormwater is collected and/or conveyed. The municipal storm drain system includes but is not limited to municipal roads, catch basins, manholes, gutters, curbs, sidewalks, inlets, piped storm drains, outfalls, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures.
- E. Person: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government (to the extent permitted by law) and any officer, employee or agent of such person.
- F. Pollutant: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural waste, and any other material that may cause or contribute to exceedance of water quality standards in the waters to which the storm drain system discharges.
- G. Stormwater: Any surface flow, runoff or drainage resulting entirely from any form of natural precipitation.
- H. Town: The Town of Littleton, Massachusetts, including its employees and designees.

§ 38-3. Responsibility for Administration.

The Littleton Highway Department and the Littleton Board of Health shall administer, implement, and enforce the provisions of this Bylaw as set forth herein. Any powers granted to the Highway Department or the Board of Health, except the power to hear appeals, may be delegated in writing by (respectively) Highway Department management or the Board of Health to employees or agents of the Town.

§ 38-4. Prohibitions.

- A. Prohibition of Illicit Discharges. No person shall commence, allow, conduct or continue any illicit discharge to the municipal storm drain system. The following non-stormwater discharges are not considered illicit discharges:
 - 1. Water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR

TOWN OF LITTLETON, MASSACHUSETTS

- 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual resident car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and residential building wash waters without detergents, and discharges or flow from firefighting, unless the Highway Department or the Board of Health determines that the discharge is a significant contributor of pollutants to the storm drain system;
2. Discharges associated with dye testing, provided that the discharger makes a verbal and written notification to the Highway Department before the test; and
 3. Discharges permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the U.S. Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the Highway Department for any discharge to the storm drain system.
- B. Prohibition of 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.
- C. Prohibition of Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Highway Department.

§ 38-5. Notification of Releases.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials at that facility or operation that are resulting or may result in illicit discharges to the municipal storm drain system, that person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous material, that person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services and shall notify the Highway Department by phone or electronic mail within two hours. In the event of a release of non-hazardous material, that person shall notify the Highway Department in person or by phone, facsimile or electronic mail no later than the next business day. For all releases, the initial notification shall be confirmed by written notice addressed and mailed to the Highway Department within two (2) business days.

§ 38-6. Enforcement.

- A. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Bylaw. The Highway Department and the Board of Health, and their authorized agents, shall enforce this Bylaw and may pursue all civil and criminal remedies for violations.
- B. Enforcement Orders.
 1. If any person violates or fails to comply with any of the requirements of this Bylaw, the Highway Department or Board of Health may order compliance by written notice to the responsible person via certified mail or hand delivery. The order shall include the name

TOWN OF LITTLETON, MASSACHUSETTS

and address of the alleged violator, the address at which the violation is occurring or has occurred, a statement specifying the nature of the violation, a description of the actions needed to resolve the violation and come into compliance, the deadline within which such actions must be completed, and a statement that, if the violator fails to come into compliance by the specified deadline, the Town may do the work necessary to resolve the violation at the expense of the violator.

2. Said order may require, without limitation:
 - a. Elimination of illicit connections or discharges to the storm drain system;
 - b. Performance of monitoring, analyses and reporting;
 - c. Remediation of contamination caused by the illicit connection or discharge; and
 - d. The implementation of source control or treatment Best Management Practices.
 3. Any person aggrieved by an enforcement order may appeal the order to the Board of Health. Appeals shall be made by submitting to the Board of Health, within 30 days of the order being appealed, a letter explaining why the order or decision was not justified. A copy of the letter shall be submitted simultaneously to the Highway Department. The decisions of the Board of Health regarding appeals shall be final. Any further appeal shall be to a court of competent jurisdiction.
- C. Action by the Town to Remedy a Violation. If a violator fails to come into compliance by the deadline specified in an enforcement order, the Highway Department or Board of Health may do the work necessary to resolve the violation at the expense of the violator and/or property owner. For situations involving an immediate threat to public health, safety or natural resources, the Highway Department or Board of Health may remove the illicit connection immediately and take such other action as is necessary to protect public health, safety or natural resources; written notice of the removal shall be provided to the property owner by hand within 48 hours of the removal or by certified mail postmarked no later than the next business day following the removal.
- D. Recovery of Costs. If the Highway Department or Board of Health undertakes work to correct or mitigate any violation of this Bylaw, the Department or Board shall (within thirty (30) days after completing the work) notify the violator and the owner(s) of the property (if different) in writing of the costs incurred by the Town, including administrative costs, associated with that work. The violator and the property owner(s) shall be jointly and severally liable to pay the Town those costs within thirty (30) days of the receipt of that notice. The violator and/or the property owner(s) (if different) may file a written protest objecting to the amount or basis of costs with the Board of Health within thirty (30) days of receipt of the notice. If the amount due is not received by the Town by the expiration of the time in which to file such a protest, or within sixty (60) after the final decision of the Board of Health or (if appealed to court) a court of competent jurisdiction resolving that protest, the amount of the Town's costs shall be a special assessment against the property and shall constitute a lien on the property pursuant to G.L. c. 40, § 58. Interest shall accrue on any unpaid costs at the statutory rate, as provided in G.L. c. 59, § 57.
- E. Civil Relief. If a person violates the provisions of this Bylaw or an order issued thereunder, the Town may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to abate or remedy the violation. Any such civil action must be authorized by the Board of Selectmen.
- F. Criminal Penalty. Any person who violates any provision of this Bylaw or any order issued thereunder may be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. A criminal

TOWN OF LITTLETON, MASSACHUSETTS

complaint may be filed by the Highway Department or Board of Health, with the authorization of the Board of Selectmen.

- G. Non-Criminal Disposition (Ticketing). As an alternative to criminal prosecution, the Highway Department or the Board of Health may elect to utilize the non-criminal disposition procedure set forth in G.L. c. 40, § 21D and the Town of Littleton Bylaw Providing for Non-Criminal Disposition of Violations of Town Bylaws (§1-4.B of the Littleton Town Code), in which case the enforcing agents will be: employees of the Highway Department; agents of the Board of Health; and police officers. The penalty for the first violation shall be \$100.00. The penalty for each subsequent violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- H. Entry to Perform Duties Under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Town and its agents, officers and employees may enter privately owned property for the purpose of performing their duties under this Bylaw and may make or cause to be made such examinations, surveys, sampling, or remedial activities as the Town deems reasonably necessary.
- I. Remedies Not Exclusive. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 38-7. Compatibility with Other Town Laws and Regulations.

The requirements of this Bylaw are in addition to the requirements of any other policy, rule, regulation or other provision of law. Where any provision of this Bylaw imposes restrictions different from those imposed by any other policy, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

§ 38-8. Severability.

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

ARTICLE II, Stormwater Management and Erosion Control

§ 38-11. Purpose and Authority.

- A. The harmful impacts of soil erosion and sedimentation include: 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 overloading or clogging of municipal catch basins and storm drainage systems. Stormwater runoff from developed land uses can have these harmful impacts; it can also increase flooding and decrease groundwater recharge. The purpose of this Bylaw is to provide for the health, safety and general welfare of the citizens of the Town of Littleton through the regulation of stormwater runoff from land disturbance and developed and redeveloped land uses.
- B. The objectives of this Bylaw are to:
 - 1. Require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities

TOWN OF LITTLETON, MASSACHUSETTS

- and developed land uses;
 - 2. Promote infiltration and the recharge of groundwater;
 - 3. Ensure that adequate 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;
 - 4. Require practices to control waste associated with construction activities, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary wastes;
 - 5. Ensure adequate long-term operation and maintenance of stormwater management structures;
 - 6. Comply with the requirements of the Town of Littleton's National Pollutant Discharge Elimination System (NPDES) permit for discharges from the municipal storm drain system; and
 - 7. Establish legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement.
- C. This Bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act.

§ 38-12. Definitions.

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

- A. Applicant: Any person requesting a Stormwater Permit.
- B. Best Management Practice ("BMP"): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.
- C. Common Plan of Development (or Common Plan): Any announcement or documentation (including but not limited to a contract, public notice or hearing, advertisement, drawing, plan, or permit application) or physical demarcation (including but not limited to boundary signs, lot stakes, survey or marking) indicating imminent or future plans to disturb earth regardless of how long the plans will take to complete.
- D. 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.
- E. Development: The modification of land to accommodate a new use or expansion of use, usually involving construction.
- F. 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.
- G. Grading: Changing the level or shape of the ground surface.
- H. 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-disturbing activities.
- I. Impervious Surface: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

TOWN OF LITTLETON, MASSACHUSETTS

- J. Land-Disturbing Activity or Disturbance of Land: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.
- K. Massachusetts Stormwater Management Standards: The Stormwater Management Standards issued by the Massachusetts Department of Environmental Protection (as amended), aimed at encouraging recharge and preventing stormwater discharges from causing or contributing to the pollution of the surface waters and groundwaters of the Commonwealth. These Standards were first adopted by the Department in 1996 and are more fully set forth in the Massachusetts Stormwater Handbook.
- L. Municipal Storm Drain System or Storm Drain System: Town of Littleton-owned facilities by which stormwater is collected and/or conveyed. The municipal storm drain system includes but is not limited to municipal roads, catch basins, manholes, gutters, curbs, sidewalks, inlets, piped storm drains, outfalls, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures.
- M. 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 ensure that it continues to function as designed.
- N. Owner: A person with a legal or equitable interest in property.
- O. Person: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government (to the extent permitted by law) and any officer, employee, or agent of such person.
- P. Pollutant: Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural waste, and any other material that may cause or contribute to exceedance of water quality standards in the waters to which the storm drain system discharges.
- Q. Redevelopment: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.
- R. Runoff: Rainfall, snowmelt, or irrigation water flowing over the ground surface.
- S. Sediment: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.
- T. Sedimentation: The process or act of deposition of sediment.
- U. Site: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.
- V. Soil: Any earth, sand, rock, gravel, or similar material.
- W. Stabilization: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.
- X. Stormwater: Any surface flow, runoff or drainage resulting entirely from any form of natural precipitation.
- Y. Stormwater Management Plan: A plan containing 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, including controlling stormwater runoff and promoting infiltration.
- Z. Town: The Town of Littleton, Massachusetts, including its employees and designees.

TOWN OF LITTLETON, MASSACHUSETTS

§ 38-13. Responsibility for Administration.

- A. The Littleton Planning Board (“Board”) shall administer, implement and enforce this bylaw, with assistance from the Littleton Building Commissioner as set forth herein. Any powers granted to or duties imposed upon the Board, except the power to hear appeals, may be delegated in writing by the Board to employees or agents of the Town.
- B. Waiver. The Board may waive strict compliance with any requirement of this Bylaw or the rules and regulations promulgated hereunder, where such action:
 - 1. Is allowed by federal, state and local statutes and/or regulations and the Town’s NPDES stormwater discharge permit;
 - 2. Is in the public interest; and
 - 3. Is not inconsistent with the purpose and intent of this Bylaw.
- C. Rules and Regulations. The Board may adopt, and periodically amend, rules and regulations to effectuate the purposes of this Bylaw. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

§ 38-14. Applicability.

This bylaw shall apply to all activities that result in disturbance of one or more acres of land. Except as authorized by the Board in a Stormwater Permit or as provided below, no person shall perform any activity that results in disturbance of an acre or more of land or is part of a larger common plan of development or sale that will ultimately disturb one or more acres of land.

- A. The following activities are exempt from the requirements of this Bylaw:
 - 1. Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (G.L. c. 131, § 40) and its implementing regulations (310 CMR 10.00);
 - 2. Normal maintenance of lawns and landscaping; and
 - 3. Activities that:
 - a. Are subject to jurisdiction under the Wetlands Protection Act (including the stormwater management requirements of the Wetlands Protection Regulations);
 - b. Demonstrate compliance with the Massachusetts Stormwater Management Standards, as reflected in an Order of Conditions issued by the Littleton Conservation Commission or the Massachusetts Department of Environmental Protection; and
 - c. Are in compliance with that Order of Conditions.

§ 38-15. Permits and Procedure.

- A. Application. A completed application for a Stormwater Permit shall be filed with the Board. A permit must be obtained prior to the commencement of land disturbing activity regulated by this Bylaw. The Stormwater Permit Application package shall include:
 - 1. A completed Application Form with original signatures of all owners;
 - 2. An Erosion and Sediment Control Plan as specified in this Bylaw;
 - 3. A Stormwater Management Plan as specified in this Bylaw;

TOWN OF LITTLETON, MASSACHUSETTS

4. An Operation and Maintenance Plan as specified in this Bylaw; and
 5. Payment of the application and review fees.
- B. Entry. Filing an application for a permit grants the Board or its agent permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- C. Public Hearing. The Board shall hold a public hearing on the application. The hearing may be combined with the hearing for any other permit or approval for the same project that is within the jurisdiction of the Board. The Board shall make the application available for inspection by the public during business hours at the Littleton Planning Department Office and shall accept comments from the public in writing and at the public hearing.
- D. Information Requests. The applicant shall submit all additional information requested by the Board to issue a decision on the application.
- E. Action by the Board. The Board may:
1. Approve the Stormwater Permit Application and issue a permit if it finds that the proposed plans will protect water resources and meet the objectives and requirements of this Bylaw;
 2. Approve the Stormwater Permit Application and issue a permit with conditions, modifications or restrictions that the Board determines are required to ensure that the project will protect water resources and meet the objectives and requirements of this Bylaw; or
 3. Disapprove the Stormwater Permit Application and deny the permit if it finds that the proposed plans will not protect water resources or fail to meet the objectives and requirements of this Bylaw.
- F. Fee Structure. Each application must be accompanied by the appropriate application fee as established by the Board. Applicants shall pay the application fee before the review process commences. The Board is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Board on any or all aspects of the application. The Board may require the applicant to pay reasonable costs to be incurred by the Board for the employment of outside consultants pursuant to Planning Board rules as authorized by G.L. c. 44, § 53G.
- G. Project Changes. The permittee, or the permittee's agent, must notify the Board in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Permit before any change or alteration occurs. If the Board determines that the change or alteration is significant, the Board may require that an amended Stormwater Permit application be filed.

§ 38-16. Erosion and Sediment Control Plan.

- A. 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 and other pollution prevention measures. A Stormwater Pollution Prevention Plan that meets the requirements of the U.S. Environmental Protection Agency Construction General Permit and the design requirements set forth below shall be considered to meet this requirement.
- B. The erosion and sediment control and pollution prevention measures set forth in the Erosion and Sediment Control Plan shall be designed to meet Standard 8 of the

TOWN OF LITTLETON, MASSACHUSETTS

Massachusetts Stormwater Standards, minimize the total area of disturbance, and properly manage construction and waste materials.

- C. Site Plan. The Erosion and Sediment Control Plan shall include a site plan, stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control, containing 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, scale, legend, and locus map;
 3. Locations of watercourses and water bodies;
 4. Lines of existing abutting streets showing drainage (including catch basins), driveway locations and curb cuts;
 5. Property lines showing the size of the entire parcel, and a delineation and number of square feet of the land area to be disturbed;
 6. Drainage patterns and approximate slopes anticipated after major grading activities (construction phase grading plans);
 7. Location and details of erosion and sediment control measures, including both structural and non-structural measures, interim grading, and material stockpiling areas;
 8. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures; and
 9. Such other information as is required by the Board.

§ 38-17. Stormwater Management Plan.

- A. 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 post-construction. The Stormwater Management Plan shall fully describe the project in drawings and narrative. The Stormwater Management Plan may (but is not required to) follow the format and content of the “Stormwater Report” specified by the Massachusetts Department of Environmental Protection to document compliance with the Massachusetts Stormwater Standards.
- B. The stormwater management measures described in the Stormwater Management Plan shall, at a minimum, be designed to meet Massachusetts Stormwater Management Standards 1-6 (for new development) or 7 (for redevelopment). To the extent that the Town’s NPDES stormwater discharge permit contains post-construction requirements that go beyond the Massachusetts Stormwater Management Standards, additional design requirements implementing the NPDES permit requirements may be adopted by the Planning Board in Rules and Regulations developed under § 38.13.C.
- C. Site Plan. The Stormwater Management Plan shall include a site plan, stamped and certified by a qualified Professional Engineer registered in Massachusetts, containing 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, scale, legend, and locus map;
 3. The site’s existing and proposed topography with contours at 2 foot intervals;
 4. The existing site hydrology, including any existing stormwater conveyances or impoundments;

TOWN OF LITTLETON, MASSACHUSETTS

5. Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration;
6. The existing and proposed vegetation and ground surfaces with runoff coefficient for each;
7. A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths;
8. Drawings of all components of the proposed drainage system; and
9. Such other information as is required by the Board.

§ 38-18. Operation and Maintenance Plan.

- A. 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 all aspects of the stormwater management system operate as designed throughout the life of the system. The Board shall make the final decision regarding what maintenance requirements are appropriate in a given situation. Each parcel must have its own O&M Plan. The O&M Plan shall remain on file with the Board and shall be an ongoing requirement, enforceable against the owner of the parcel to which it applies, pursuant to the provisions of this Bylaw.
- B. The O&M Plan shall include:
 1. The name(s) of the owner(s) of the parcel for which the O&M Plan is being submitted;
 2. Maintenance specifications, including a schedule, for all drainage structures, including swales and ponds, and any other component of the stormwater system that requires maintenance; and
 3. The signature(s) of the owner(s).
- C. In the case of stormwater BMPs that are serving more than one lot, the applicant shall include a mechanism for implementing and enforcing the O&M Plan. The applicant shall identify the lots or units that will be serviced by the proposed stormwater BMPs. The applicant shall also provide a copy of the legal instrument (deed, declaration of trust, articles of incorporation, etc.) that establishes the terms of and legal responsibility for the operation and maintenance of stormwater BMPs. In the event that the stormwater BMPs will be operated and maintained by an entity or person other than the sole owner of the lot upon which the BMPs are placed, the applicant shall provide a plan and easement deed that provides a right of access for the entity or person to be able to perform said operation and maintenance functions.
- D. The Board may require that notice of the O&M Plan be recorded with the Registry of Deeds.
- E. The Board may require that the property owner submit an annual report documenting maintenance activities.
- F. Changes to Operation and Maintenance Plans.
 1. The owner(s) of the parcel to which an O&M Plan applies must notify the Board of any changes in ownership of the parcel.
 2. In the case of a stormwater BMP that serves more than one lot, the owners of the parcels served by the BMP must notify the Board of any change to the entity or person operating or maintaining the BMP or the legal instrument that establishes terms and legal responsibility for the operation and maintenance of the BMP.

TOWN OF LITTLETON, MASSACHUSETTS

3. The O&M Plan may be amended to achieve the purposes of this Bylaw by mutual agreement of the Board and the parcel owner(s). Amendments must be in writing and signed by all owners and the Board.

§ 38-19. Inspections, As-Built Plan and Access.

- A. Board Inspection. The Board or its designated agent may make inspections (before, during and/or after construction) to assess compliance with the Stormwater Permit. The Board may require the applicant to notify the Board before significant site milestones, such as installation of erosion and sediment control measures or completion of site clearing.
- B. Permittee Inspections. The Board may require the permittee or his/her agent to periodically conduct and document inspections of all control measures (before, during and/or after construction) and submit reports to the Board.
- C. As-Built Plan. After the stormwater management system has been constructed and before the surety has been released, the applicant must submit to the Board a record plan detailing the actual stormwater management system as installed.
- D. Access Permission. 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 Bylaw and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary to determine compliance with the permit.

§ 38-20. Surety.

The Board may require the permittee to post, before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Board may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Board has received the final as-built plan.

§ 38-21. Enforcement.

- J. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Bylaw. The Board and its authorized agents shall enforce this Bylaw and may pursue all civil and criminal remedies for violations.
- K. Enforcement Orders.
 1. If any person violates or fails to comply with any of the requirements of this Bylaw, the Board may order compliance by written notice to the responsible person via certified mail or hand delivery. The order shall include the name and address of the alleged violator, the address at which the violation is occurring or has occurred, a statement specifying the nature of the violation, a description of the actions needed to resolve the violation and come into compliance, the deadline within which such actions must be completed, and a statement that, if the violator fails to come into compliance by the specified deadline, the Town may do the work necessary to resolve the violation at the expense of the violator.

TOWN OF LITTLETON, MASSACHUSETTS

2. Said order may require, without limitation:
 - a. A requirement to cease and desist from land-disturbing activity until compliance is achieved;
 - b. Maintenance, installation or performance of additional erosion and sediment control measures;
 - c. Repair, maintenance or replacement of the stormwater management system or portions thereof in accordance with the Stormwater Permit and/or the O&M Plan;
 - d. Monitoring, analyses, and reporting; and
 - e. Remediation of erosion, sedimentation, or any other adverse impact resulting directly or indirectly from failure to comply with the Erosion and Sediment Control Plan, the Stormwater Management Plan, the O&M Plan, or any other terms or conditions of a Stormwater Permit or this Bylaw.
 3. Any person aggrieved by an enforcement order may appeal the order to the Board. Appeals shall be made by submitting to the Board, within 30 days of the order being appealed, a letter explaining why the order or decision was not justified. The decisions of the Board regarding appeals shall be final. Any further appeal shall be to a court of competent jurisdiction.
- L. Action by the Town to Remedy a Violation. If a violator fails to come into compliance by the deadline specified in an enforcement order, the Board may do the work necessary to resolve the violation at the expense of the violator and/or property owner. For situations involving an immediate threat to public health, safety or natural resources, the Board may immediately take such action as is necessary to protect public health, safety or natural resources; written notice of the action shall be provided to the property owner within twenty-four (24) hours.
- M. Recovery of Costs. If the Board undertakes work to correct or mitigate any violation of this Bylaw, the Department or Board shall (within thirty (30) days after completing the work) notify the violator and the owner(s) of the property (if different) in writing of the costs incurred by the Town, including administrative costs, associated with that work. The violator and the property owner(s) shall be jointly and severally liable to pay the Town those costs within thirty (30) days of the receipt of that notice. The violator and/or the property owner(s) (if different) may file a written protest objecting to the amount or basis of costs with the Board within thirty (30) days of receipt of the notice. If the amount due is not received by the Town by the expiration of the time in which to file such a protest, or within sixty (60) after the final decision of the Board or (if appealed to court) a court of competent jurisdiction resolving that protest, the amount of the Town's costs shall be a special assessment against the property and shall constitute a lien on the property pursuant to G.L. c. 40, § 58. Interest shall accrue on any unpaid costs at the statutory rate, as provided in G.L. c. 59, § 57.
- N. Civil Relief. If a person violates the provisions of this Bylaw or an order issued thereunder, the Town may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to abate or remedy the violation. Any such civil action must be authorized by the Board of Selectmen.
- O. Criminal Penalty. Any person who violates any provision of this Bylaw or any order issued thereunder may be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. A criminal complaint may be filed by the Board, with the authorization of the Board of Selectmen.

TOWN OF LITTLETON, MASSACHUSETTS

- P. Non-Criminal Disposition (Ticketing). As an alternative to criminal prosecution, the Board or its agents may elect to utilize the non-criminal disposition procedure set forth in G.L. c. 40, § 21D and the Town of Littleton Bylaw Providing for Non-Criminal Disposition of Violations of Town Bylaws (§1-4.B of the Littleton Town Code), in which case the enforcing agents will be: employees of the Planning Department and the Building Commissioner. The penalty for the first violation shall be \$100.00. The penalty for each subsequent violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- Q. Entry to Perform Duties Under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Town and its agents, officers and employees may enter privately owned property for the purpose of performing their duties under this Bylaw and may make or cause to be made such examinations, surveys, sampling, or remedial activities as the Town deems reasonably necessary.
- R. Remedies Not Exclusive. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 38-22. Compatibility with Other Town Laws and Regulations.

The requirements of this Bylaw are in addition to the requirements of any other policy, rule, regulation or other provision of law. Where any provision of this Bylaw imposes restrictions different from those imposed by any other policy, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

§ 38-23. Severability.

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Chapter 39, STRETCH ENERGY CODE

[HISTORY: Adopted 5-4-2015 Annual Town Meeting, Art. 18. Amendments noted where applicable.]

§ 39-1. Definitions.

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a 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 (the “Base Energy Code”) are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§39-2 Purpose.

TOWN OF LITTLETON, MASSACHUSETTS

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

§39-3 Applicability.

The Stretch Energy Code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

§39-4 Stretch Code.

The Stretch 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 Chapter 39 of the Town Code. The Stretch Code is enforceable by the Building Commissioner.

Chapter 41, TOWN MEETINGS

[HISTORY: Adopted as Art. 1 of the 1977 compilation. Amendments noted where applicable.]

§ 41-1. Dates when held. [Amended 5-8-2006 ATM, Art. 12; 11-5-2007 STM, Art. 9]

The Annual Town Meeting shall be held on the first Monday in May at 7 p.m. and the Annual Town Election on the following Saturday.

§ 41-2. Posting of warrant. [Amended 5-5-2008 ATM, Art. 21]

Every Town Meeting shall be called by posting attested copies of the warrant calling the same in eight public places, as determined by the Board of Selectmen, at least seven days before the annual town meeting and at least fourteen days before any special town meeting.

§ 41-3. Town Meeting Report. [Amended 5-3-1982 ATM, Art. 6, 11-14-2012 STM, Art. 17]

For every annual and special town meeting, the Board of Selectmen shall mail to each occupied dwelling at least fourteen (14) days prior to said meeting a Town Meeting Report containing the full text of the articles as posted in the warrant; proposed motions and town board recommendations, if any; and concise explanations of each article, including the fiscal impact of any financial articles. The Town Meeting Report for the annual town meeting shall include the Finance Committee's report to the voters.

Chapter 44, VETERANS' SERVICES, DEPARTMENT OF

[HISTORY: Adopted 3-2-1964 Annual Town Meeting, Art. 38. Amendments noted where applicable.]

§ 44-1. Establishment purpose.

TOWN OF LITTLETON, MASSACHUSETTS

A Department of Veterans' Services is established and maintained as authorized by MGL C. 115, § 10, for the purpose of furnishing such information, advice and assistance to veterans as may be necessary.

§ 44-2. Appointment of Director.

A Director of Veterans' Services shall be annually appointed.

Chapter 46, YOUTH ADVISORY COUNCIL

[HISTORY: Adopted 5-3-1980 Annual Town Meeting, Art. 30. Amendments noted where applicable.]

§ 46-1. Appointment authorized.

The Selectmen are authorized, on the advice of the Chief of Police and the Superintendent of Schools, to appoint a body hereinafter known as the "Youth Advisory Council."

§ 46-2. Terms of membership.

Each member shall serve annually.

§ 46-3. Purpose.

The Council's purpose shall be to assist and guide the town's youth in their development.

PART II GENERAL LEGISLATION

Chapter 53, PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES AND MARIJUANA/TETRAHYDROCANNABINOL

[HISTORY: Art. I, adopted as Art. 15, Sec. 4, of the 1977 compilation, revised in its entirety at the May 4, 2009 ATM, Art. 15. Amendments noted where applicable.]

§ 53-1. No person shall consume an alcoholic beverage as defined by General Laws Chapter 138, Section 1, as amended, or possess an opened container of such beverage, or smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol as defined by General Laws Chapter 94C, Section 1 within the limits of any park, playground, public building, schoolhouse, school grounds, cemetery, parking lot or any area owned by or under the control of the Town of Littleton nor shall any person consume an alcoholic beverage, or consume marijuana or tetrahydrocannabinol on any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is in, on, or upon any public way or any way to which the public has a right of access as aforesaid, within the limits of the Town of Littleton.

§ 53-2. All alcoholic beverages, marijuana or tetrahydrocannabinol being used in violation of this section may be seized and held until final adjudication of the charge against any such person or

TOWN OF LITTLETON, MASSACHUSETTS

persons has been made by the court. Upon final adjudication all alcoholic beverage and marijuana/THC evidence will be destroyed.

§ 53-3. With respect to possession or consumption of alcoholic beverages, this by-law may be enforced through any lawful means in law or equity including, but not limited to, enforcement by arrest and criminal indictment pursuant to G. L. c. 272, § 59. With respect to possession or consumption of marijuana or tetrahydrocannabinol, this by-law may be enforced by non-criminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents or any police officer. The fine for violation of this by-law with respect to alcoholic beverages, marijuana or tetrahydrocannabinol shall be up to three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, §32L.

Chapter 58, BEANO

[Pursuant to Question No. 1, voted in the affirmative at a Special Town Meeting held 10-20-1975, licenses for the operation, holding or conducting of beano games are granted in the Town.]

Chapter 62, BOATS

[HISTORY: Adopted as Art. 15, Sec. 6, of the 1977 compilation. Amendments noted where applicable.]

§ 62-1. Horsepower restrictions on Long Lake.

Effective January 1, 1975, no person shall operate a boat on Long Lake powered by internal combustion engines whose total horsepower rating at time of original manufacture exceeds twenty (20) horsepower, except as approved by the Board of Selectmen for safety or rescue purposes.

Chapter 64, BUILDING CONSTRUCTION

[HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Building Code

[Article 20, adopted 5-7-1990 Annual Town Meeting, adopted as the Town's building code the Massachusetts State Building Code, as amended.]

ARTICLE II, Board of Appeals [Adopted as Art. 10 of the 1977 compilation.]

§ 64-1. Appeals.

If a person is dissatisfied with the decision of the Building Inspector, he may appeal from said decision within 10 days of the time of said decision.

§ 64-2. Establishment of Board. [Amended 5-9-2005 ATM, Art. 29]

TOWN OF LITTLETON, MASSACHUSETTS

A Board of Appeals is established, to consist of five members to be appointed by the Selectmen.

§ 64-3. Associate members. [Amended 5-9-2005 ATM, Art. 29]

The Board of Selectmen may appoint associate members to the Board of Appeals. If any member is unable to sit on the Board in case of absence, inability to act, or conflict of interest, or because of a vacancy on the Board, the Chairman of the Board of Appeals may designate an associate to sit and such associate shall have all the powers conferred upon a regular member.

§ 64-4. Securing of professional assistance.

In cases involving engineering problems, the Board may secure professional or expert assistance.

§ 64-5. Majority decisions to rule.

Each decision shall be by majority of the Board and shall be in writing.

§ 64-6. Payment of expenses.

Any expense incurred shall be borne by the side against which the decision is made.

ARTICLE III, Fees [Adopted 5-5-1986 ATM, Art. 39; amended 9-25-1989 STM, Art. 3; amended in its entirety 11-14-2011 STM, Art.16]

§ 64-7. Building permit fees. [Amended 5-5-2003 ATM, Art. 16; repealed 11-14-2011 STM, Art. 16 (see also 5-3-2003 ATM, Art. 15)]

§ 64-8. Plumbing and gas fees. [Added 5-3-1993 ATM, Art. 25; 5-5-2003 ATM, Art. 17; repealed 11-14-2011 STM, Art. 16 (see also 5-3-2003 ATM, Art. 15)]

Chapter 65, BUILDING DEMOLITION

[HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Historically Significant Buildings and Structures [Adopted 5-8-2000 ATM, Art. 32]

§ 65-1. Intent and purpose.

This article is adopted for the purpose of protecting the historic and aesthetic qualities of the town by encouraging owners to preserve, rehabilitate or restore, whenever possible, buildings or structures which constitute or reflect distinctive features of the architectural or historic resources of the town. Such preservation will thereby promote the public welfare and preserve the cultural heritage, economic heritage and social history of the town.

§ 65-2. Definitions.

TOWN OF LITTLETON, MASSACHUSETTS

For the purposes of this article, the following words and phrases have the following meanings:

BUILDING or STRUCTURE -- Any combination of materials capable of being used for shelter of persons, animals or property.

COMMISSION -- The Littleton Historical Commission.

COMMISSIONER -- The Littleton Building Commissioner.

DEMOLITION PERMIT -- The permit issued by the Commissioner as required by the State Building Code for the demolition, partial demolition or removal of a building or structure.

HISTORICALLY SIGNIFICANT BUILDING OR STRUCTURE -- Any building or structure that is:

- A. Importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the town, the Commonwealth of Massachusetts or the United States of America; or
- B. Historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

§ 65-3. Regulated buildings and structures.

- A. The provisions of this article shall apply only to the following buildings or structures:
 - (1) A building or structure listed on the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending application for listings on either of said registers; or
 - (2) A building or structure located within 200 feet of the boundary line of any federal, state or local historic district; or
 - (3) A building or structure included in the Inventory of the Historic and Prehistoric Assets of the Commonwealth, or designated by the Historical Commission for inclusion in said Inventory.
- B. Notwithstanding the preceding sentence, the provisions of this section shall not apply to any building or structure located in a local historic district and subject to regulation under the provisions of Chapter 40C of the Massachusetts General Laws.

§ 65-4. Procedure for obtaining demolition permit.

- A. The Building Commissioner shall forward a copy of each demolition permit application for a building or structure identified in § 65-3 of this article to the Historical Commission within five days after the filing of such application. No demolition permit shall be issued at that time.
- B. Within 20 days after its receipt of such application, the Historical Commission shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the Historical Commission if he or she makes a timely request, in writing, to the Historical Commission.
- C. If the Historical Commission determines that the building or structure is not historically significant, it shall so notify the Building Commissioner and the applicant, in writing, and the Building

TOWN OF LITTLETON, MASSACHUSETTS

Commissioner may issue a demolition permit. If the Historical Commission determines that the building or structure is historically significant, it shall notify the Building Commissioner and the applicant, in writing, that a demolition plan review must be made prior to the issuance of a demolition permit. If the Historical Commission fails to notify the Building Commissioner and the applicant of its determination within 25 days after its receipt of the application, then the building or structure shall be deemed not historically significant and the Building Commissioner may issue a demolition permit.

- D. Within 60 days after the applicant is notified that the Historical Commission has determined that a building or structure is historically significant, the applicant for the permit shall submit to the Historical Commission 10 copies of a demolition plan that shall include the following information:
- (1) A map showing the location of the building or structure to be demolished, with reference to lot lines and to neighboring buildings and structures.
 - (2) Photographs of all street facade elevations.
 - (3) A description of the building or structure, or part thereof, to be demolished.
 - (4) The reason for the proposed demolition and data supporting said reason, including, where applicable, data sufficient to establish any economic justification for demolition.
 - (5) A brief description of the proposed reuse of the parcel on which the building or structure to be demolished is located.
- E. The Historical Commission shall hold a public hearing with respect to the application for a demolition permit and shall give public notice of the time, place and purposes thereof at least 14 days before said hearing, in such manner as it may determine and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the Historical Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board, to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Historical Commission shall deem entitled to notice. Within 60 days after its receipt of the demolition plan, the Historical Commission shall file a written report with the Building Commissioner on the demolition plan, which shall include the following: a description of the age, architectural style, historic association and importance of the building or structure to be demolished; and a determination as to whether or not the building or structure should preferably be preserved. The Historical Commission shall determine that a building or structure should preferably be preserved only if it finds that the building or structure is an historically significant building or structure which, because of the importance made by such building or structure to the town's historical and/or architectural resources, it is in the public interest to preserve, rehabilitate or restore.
- F. If, following the demolition plan review, the Historical Commission does not determine that the building or structure should preferably be preserved, or if the Historical Commission fails to file a report with the Building Commissioner within the time limit set out in Subsection E next above, then the Building Commissioner may issue a demolition permit.
- G. If, following the demolition plan review, the Historical Commission determines that the building or structure should preferably be preserved, then the Building Commissioner shall not issue a demolition permit for a period of six months from the date of the filing of the Historical Commission's report unless the Historical Commission informs the Building Commissioner prior to

TOWN OF LITTLETON, MASSACHUSETTS

the expiration of such six-month period that it is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure, or his agreed to accept a demolition permit on specified conditions approved by the Historical Commission.

§ 65-5. Emergency demolition.

If the condition of a building or structure poses a serious and imminent threat to the public health or safety due to its deteriorated condition, the owner of such building or structure may request the issuance of an emergency demolition permit from the Commissioner. As soon as practicable after the receipt of such a request, the Commissioner shall arrange to have the property inspected by a board consisting of himself, the Chairman of the Commission, the Board of Health and the Chief of the Fire Department, or their respective designees. After the inspection of the building or structure and consulting with this board, the Commissioner shall determine whether the condition of the building or structure represents a serious or imminent threat to public health or safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect the public health and safety. If the Commissioner finds that the condition of the building or structure poses a serious and imminent threat to public health or safety, and that there is no reasonable alternative to the immediate demolition thereof, he may issue an emergency demolition permit to the owner of the building or structure. Whenever the Commissioner issues an emergency demolition permit under the provisions of § 65-5, he shall prepare a written report describing the condition of the building or structure and the basis for his decision to issue an emergency demolition permit with the Commission. Nothing in § 65-5 shall be inconsistent with the procedures for the demolition and/or securing of buildings and structures established by Chapter 143, Sections 6-10, of the Massachusetts General Laws. In the event that a Board of Survey is convened under the provisions of Section 8 of said Chapter 143 with regard to any building or structure identified in § 65-3 of this article, the Commissioner shall request the Chairman of the Commission or his designee to accompany that Board of Survey during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the Commission.

§ 65-6. Noncompliance.

Anyone who demolishes a building or structure identified in § 65-3 of this article without first obtaining and complying fully with the provisions of a demolition permit shall be subject to a fine of not less than \$100 nor more than \$300. In addition, unless a demolition permit was obtained for such demolition, and unless such permit was fully complied with, the Commissioner shall not issue a building permit pertaining to any parcel on which a building or structure identified in § 65-3 of this article has been demolished for a period of three years after the date of demolition. Upon determination by the Commission that a building is a preferably-preserved significant building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Commissioner. Should the owner fail to secure the building, the loss of such building through fire or other cause shall be considered "voluntary demolition."

§ 65-7. Appeals to Superior Court.

Any person aggrieved by a determination of the Commission may, within 20 days after the filing of the notice of such determination with the Commissioner, appeal to the Superior Court for Middlesex County. The Court shall hear all pertinent evidence and shall annul the determination of the Code of the Town of Littleton, Massachusetts

TOWN OF LITTLETON, MASSACHUSETTS

Commission if it finds the decision of the Commission to be unsupported by the evidence or to exceed the authority of the Commission or may remand the case for further action by the Commission or make such other decree as justice and equity shall require.

Chapter 66, BUILDINGS, NUMBERING OF

[HISTORY: Adopted as Art. 15, Sec. 5, of the 1977 compilation. Amendments noted where applicable.]

§ 66-1. General requirements.

Street numbers shall be provided for each dwelling, each business building and each industrial building by the owners of such structure in accordance with the following.

- A. The number shall be at least three (3) inches in height and shall be clearly visible from the street or roadway upon which the building faces. The numbers shall be placed on the structure itself or on a suitable support near the main entrance of the structure.
- B. The numbers shall be those which have been in current use, except as provided in Subsection C below. If the structure has not been previously assigned a street number, it shall be the owner's responsibility to obtain such number from the Board of Assessors of the town during regular office hours.
- C. If a survey of the street numbering is completed, and if changes in street numbering are required in order to implement that survey, then the owner of the affected structure shall make the required changes within three (3) months of receiving proper notification. Numbers shall be installed as outlined in Subsection A above.

§ 66-2. Enforcement.

The enforcement of this chapter shall be in the jurisdiction of the Selectmen.

§ 66-3. Violations and penalties.

Failure to comply with this chapter shall subject the offending property owner to a fine not exceeding ten dollars (\$10.).

Chapter 68, BURGLAR AND FIRE ALARMS

[HISTORY: Adopted 5-8-2000 Annual Town Meeting, Art. 34. Amendments noted where applicable.]

ARTICLE I, Burglar Alarm Systems

§ 68-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BURGLAR ALARM SYSTEM -- An assembly of equipment and devices or a single device, such as, but not limited to, a solid-state unit which plugs directly into a one-hundred-ten-volt

TOWN OF LITTLETON, MASSACHUSETTS

alternating current line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Fire alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this article. The provisions of § 68-3 of this article shall apply to all users.

FALSE ALARM -- 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 or any signal or oral communication transmitted to the Police Department requesting or requiring or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusion, robbery or burglary or attempted threat. For the purposes of this definition, activation or alarm systems by acts of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances, shall not be deemed to be false alarms.

§ 68-2. Regulations governing systems.

- A. Every alarm user shall submit it to the Police Chief the names and telephone numbers of at least two other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the promises wherein the alarm system is installed. It shall be incumbent upon the owner of said premises to immediately notify the Littleton Police Department of any changes in the list of authorized employees so named in the business listing to respond to alarms.
- B. All alarm systems installed after the effective date of this article which use an audible horn or bell shall be equipped with a device that will shut off such bell or horn within 15 minutes after activation of the alarm system. All existing alarm systems in the Town of Littleton must have a shutoff device installed within six months of passage of this article.
- C. Any alarm system emitting a continuous and uninterrupted signal for more than 15 minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under Subsection A of this section and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located shall constitute a public nuisance.
- D. No alarm system which is designated to transmit emergency messages or signals of intrusion to the Police Department will be tested until the Police Dispatcher and the alarm company central call station have been notified.

§ 68-3. False alarm charges; violations and penalties.

- A. The user shall be assessed \$50 as a false alarm service fee for each false alarm in excess of three occurring within a calendar year. The Police Chief shall notify the alarm user of each such violation, either by certified mail or by service in hand by a police officer. The user shall submit payment within 15 days of notice of fee assessment to the Town Treasurer/Collector for deposit to the general fund.
- B. The owner of a system which occasions six or more false alarms within a calendar year, and/or installer who is not in conformance with this article, shall be assessed \$75 for each such violation.

TOWN OF LITTLETON, MASSACHUSETTS

The owner may be ordered to disconnect and otherwise discontinue the use of the same by the Board of Selectmen after a public hearing.

- C. Any user, owner or installer found to be in violation of any provision of this article for which no other penalty is specified shall be punished by a fine of \$20.
- D. This chapter may be enforced by a police officer by noncriminal civil disposition pursuant to MGL c.40, § 21D.

ARTICLE II, Fire Alarm Systems

§ 68-4. Definitions.

As used in this article, the following terms shall have the meanings indicated:

FALSE ALARM -- The activation of a fire, heat or smoke alarm system through mechanical failure, malfunction, lack of maintenance, improper installation or negligence of the user of the fire alarm system or his employees or agents or any signal or recorded communication designed to transmit either directly or through a third party to the Fire Department requesting, requiring or otherwise resulting in a response of the Fire Department when in fact there is no fire, smoke, heat, fumes, products of combustion or other hazardous condition to which the Fire Department would normally respond. For the purposes of this definition, activation of a fire alarm system by acts of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric condition, shall not be deemed to be false alarms except in the circumstance that the fire alarm system is designed in such a way as to continue uninterrupted operation in the event of a power outage and that such a system has a failure, malfunction or lack of maintenance that during a power outage transmits an alarm to the Fire Department, as listed above, in the absence of fire, smoke, heat, fumes, products of combustion or hazardous condition. Alarm systems that transmit a specific, distinctly different, signal designed to indicate a system malfunction or other trouble condition indicating a condition other than an alarm as defined above shall not be deemed a false alarm.

FIRE ALARM -- An assembly of equipment and devices or a single device such as but not limited to a solid-state unit which plugs into one-hundred-ten-volt alternating current or an assembly or combination of equipment and devices designed to operate on lower voltages to operating separately or as part of an integrated fire alarm system or any combination thereof arranged to detect and signal the presence of a hazardous condition such as smoke, fire, fumes or other products of combustion requiring immediate attention and to which the Fire Department is customarily expected to respond. Burglar alarm systems as listed in Article I are excluded from this provision unless interconnected as part of a combination fire and burglar alarm system.

§ 68-5. False alarm charges; violations and penalties.

- A. The user shall be assessed \$50 as a false alarm service fee for each false alarm in excess of three occurring within a calendar year. The Fire Chief shall notify the user, either by certified mail or by service in hand by a Department officer, of the third such violation, and thereafter shall assess a service fee for each false alarm. Said user shall submit payment within 15 days of said notice to the Town Treasurer/Collector for deposit in the general fund.

TOWN OF LITTLETON, MASSACHUSETTS

- B. Any user, owner or installer found to be in violation of any provision of this article for which no other penalty is specified shall be punished by a fine of \$50.
- C. Any installer, contractor or other person who, while conducting installation, maintenance or repair of a fire alarm system, initiates a false fire alarm without first obtaining a permit, either verbal or in writing, as outlined in the Fire Prevention Code of Massachusetts, from the Town of Littleton Fire Department shall be assessed \$150 as a false alarm service fee. Notification and payment shall be consistent with Subsection A of this section.
- D. This chapter may be enforced by any fire officer or police officer by noncriminal civil disposition pursuant to MGL, c.40, § 21D.

Chapter 69, BURNING, OPEN AIR

[HISTORY: Adopted 5-3-2004 Annual Town Meeting, Art. 21. Amendments noted where applicable.]

§ 69-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ENFORCEMENT OFFICIAL -- The Littleton Fire Chief or his designee.

OPEN AIR BURNING -- Any fire set in the open air for the purpose of the disposal of brush, cane, driftwood, and forestry debris excluding grass, hay, leaves, and stumps.

§ 69-2. Regulations governing open air burning.

Open air burning shall be permitted in the Town of Littleton only as allowable by Massachusetts regulations, 527 CMR 10.22 (fire prevention regulations), and 310 CMR 7.07 (Department of Environmental Protection Regulations). The following restrictions shall also apply:

- A. Authorization to burn shall be given only to those who possess a valid permit under this section. Additionally, the permit holder must obtain specific authority from an Enforcement Official each day a burn is requested. Such Enforcement Official may refuse or cancel any and all burning authorizations for reasons of public safety, atmospheric conditions or a revoked permit.
- B. Burning shall be allowed from January 15 through May 1, inclusive, or on such other dates established by the Massachusetts Department of Environmental Protection. A permit shall be valid for the entire burning season, unless revoked by an Enforcement Official.
- C. Residential open air burning shall be conducted only between the hours of 10:00 a.m. and 4:00 p.m.

§ 69-3. Fees.

- A. Fees for both residential and agricultural permits shall be \$10 per season or as otherwise established by the Board of Selectmen. Said fees shall be payable upon permit application at the fire station.

TOWN OF LITTLETON, MASSACHUSETTS

§ 69-4. Violations and penalties.

- A. Anyone conducting open air burning in violation of the burning regulations shall be subject to the following:
- (1) First offense: warning and possible extinguishments of fire to be determined by an Enforcement Official.
 - (2) Second offense: revocation of permit and extinguishment of fire.
 - (3) Third offense: fine of \$100.
- B. As an alternative to criminal prosecution, the Littleton Fire Department may elect to utilize the noncriminal disposition procedure set forth in Massachusetts General Laws c. 40, § 21D, in which case the penalty shall be as follows:
- (1) First offense: \$25.
 - (2) Second offense: \$100.
 - (3) Third and subsequent offenses: \$300.
- C. Except as otherwise noted in § 69-4A, a permit may be suspended or revoked by an Enforcement Official if the permit holder has engaged in any actions in violation of these regulations or other applicable law, has conducted burning so as to cause a nuisance or hazard to others, or has created or allowed other unsafe conditions as determined by the Enforcement Official.

Chapter 72, CEMETERIES

[HISTORY: Adopted 5-6-1985 Annual Town Meeting, Art. 17. Amendments noted where applicable.]

§ 72-1. Supervision of burials and removals.

All burials and removals in the town cemeteries shall be conducted under the supervision of the Superintendent.

§ 72-2. Furnishing of costs and conditions.

The Superintendent will, upon application, furnish to persons who desire to purchase lots or individual rights of burial information relative to the cost of the same and other conditions upon which interments may be made.

§ 72-3. Concrete containers required. [Amended 9-18-1995 STM, Art. 15]

All interments, except ashes, shall be made in a concrete container.

§ 72-4. Foundation requirements.

Every monument, headstone or memorial structure must have a foundation. All foundations must be laid and built under the direction of the Superintendent and must comply with the specifications detailed by the Cemetery Commissioners. Copies of the requirements may be had from the Superintendent upon request.

TOWN OF LITTLETON, MASSACHUSETTS

§ 72-5. Approval of monuments.

Only monuments which are in keeping with the other monuments in the section in which they are to be erected will be allowed. Designs, locations and materials of all markers or other structures must be submitted to the Superintendent for approval. This should be done before contracts are signed or orders placed.

§ 72-6. Material and dimensions of monuments. [Amended 5-3-1999, Art. 30]

A. No monument or headstone shall be constructed of any material other than granite or natural stone. No artificial material will be permitted. The dimensions for natural stones will be:

- (1) On two- and four-grave lots: 36 inches wide; 24 inches deep; 36 inches high.
- (2) One single-grave lots: 24 inches wide; 24 inches deep; 36 inches high.

[NOTE: Height dimension denotes total inches above grade level]

B. Monuments are permitted only on those single- and two-grave lots that are sold with that provision written into the deed. Monuments are allowed only in designated monument sections. Only flat stones are permitted in the flat stone sections.

§ 72-7. Number of headstones; removal. [Amended 9-18-1995 STM, Art. 15]

In the monument sections, monuments and headstones are allowed on four-grave burial lots and designated two-grave burial lots. Only one memorial above grade is allowed on a lot, and monuments are not allowed on lots which already contain headstones, unless the headstones are removed. If headstones are removed, the data on them must be inscribed on the monument to be erected.

§ 72-8. Setting of grave markers.

Grave markers must be set flush with grade and be not over three feet in length by one foot in width. "Marker" shall mean a stone intended to indicate the location of a particular grave.

§ 72-9. Work done by those outside Department.

All work to be done by people not employed by the Cemetery Department must be submitted to the Superintendent for approval before commencing, and approval of work must be obtained when the work is finished.

§ 72-10. Removal of materials from lots and avenues.

Immediately upon completion of any work on lots, all surplus material must be removed by those doing the work. Avenues or lots other than the ones upon which the work is being done must be kept clear at all times.

§ 72-11. Providing materials to those outside Department.

No materials of any kind will be provided by the Cemetery Department to outside parties without charge.

TOWN OF LITTLETON, MASSACHUSETTS

§ 72-12. Prohibited structures.

Curbings, corner posts, buttresses, wooden structures and similar such structures are not allowed.

§ 72-13. Enclosures. [Amended 9-18-1995 STM, Art. 15]

Mounds over graves and stones or other enclosures around graves or lots are not permitted.

§ 72-14. Removal of cans and similar articles.

Cans and similar articles on lots are inconsistent with the proper keeping of the grounds and will be removed.

§ 72-15. Keeping of floral frames or baskets.

Floral frames or baskets will not be kept over one (1) week from the day of interment. If baskets are desired by the family, the Superintendent should be notified.

§ 72-16. Artificial flowers; limit on number of articles on lot. [Amended 9-18-1995 STM, Art. 15]

No artificial flowers will be allowed in the cemetery between April 1 and November 1. Funeral pieces are exempted. Lot owners are requested to limit the number of baskets, flower pots and articles of similar nature placed on the burial lot. The Commissioners will not be responsible for turf on lots destroyed by such articles. The Superintendent will remove articles that have deteriorated and hold such articles for a reasonable period of time.

§ 72-17. Cutting or disturbing of flower beds and turf. [Amended 9-18-1995 STM, Art. 15]

In the monument section, permission must be obtained from the Superintendent for cutting of flower beds or otherwise disturbing the turf. Cutting of turf shall be contained to the front of the monument or headstone. The cutting shall not exceed the width of the monument or headstone and twelve (12) inches out from the base of the monument or headstone. No turf may be disturbed at the back of monuments or headstones. If permission should be given, it is with the understanding that flower beds will be kept weeded and cared for. While the employees of the cemetery will take all reasonable care when mowing, the Department will not be responsible for accidental damage to plants on lots. Unless vases or flower pots are filled with plants each season, it will be necessary for the Superintendent to remove vases, and sod over flower beds that are not maintained annually.

§ 72-18. Regulations for flat section. [Amended 9-18-1995 STM, Art. 15]

- A. In the flat stone section, two-grave burial lots may only be marked with flat-stone or granite markers.
- B. No section of the cemetery designated as a "flat section" shall have a monumental stone or granite marker of any kind placed above grade. Each interment shall be identified by a marker of bronze, or Barre-type granite, of approved size and design indicating the location of the burial lot.
- C. No planting or disturbance of the turf will be permitted. Baskets, potted plants and flowers will be allowed on the burial lot only during Memorial Day season. Such articles will be removed fourteen (14) days after Memorial Day.

TOWN OF LITTLETON, MASSACHUSETTS

§ 72-19. Organizational and veterans' markers.

No flag holders or organizational emblems to mark individual graves are allowed, except for veterans. Flush government markers giving the veteran's record are acceptable. Nonveteran organization membership should be shown on flush markers if desired.

§ 72-20. Committing of illegal acts.

Any trespass, vandalism or other illegal act will subject the offender to action or arrest and prosecution in court.

§ 72-21. Tampering with flowers, trees and shrubs.

All persons are forbidden to gather flowers, either wild or cultivated, or break or remove any tree, shrub, plant or part thereof in the cemetery.

§ 72-22. Dogs restricted.

Dogs will not be allowed in the cemetery, other than Seeing Eye dogs.

§ 72-23. Improvement of lots.

Burial lots needing improvement may be improved at the expense of the lot owners or their legal representatives if they can be found; otherwise, at reasonable expense to the town.

§ 72-24. Transferability of burial lots.

Lots and burial rights may not be sold by the owners or their heirs or assigns. They must revert to the town through the Commissioners, who will refund the original purchase price, provided that no burials have been made in the lot. Rights for interment may be transferred or granted only upon approval of the Commissioners.

§ 72-25. Gravestone rubbings restricted.

All art transfer work called "rubbings" is prohibited, except under the direct and continuous supervision of the Superintendent.

§ 72-26. Flower trust fund.

The owner of rights of burial in a lot may establish a trust fund to provide flowers at specified times. The money paid to establish this trust will be put in the Perpetual Care Fund account through the Town Treasurer, and proper record will be kept by the Superintendent as to dates and kind of flowers and other pertinent data as required by the donor.

§ 72-27. When fees to be paid.

All money due on a lot, including the opening fee, shall be paid to the Commissioners before opening a grave.

§ 72-28. Enforcement.

TOWN OF LITTLETON, MASSACHUSETTS

The Superintendent is empowered, authorized and required by the Commissioners to enforce these rules and regulations and any additions or changes thereto as may later occur.

§ 72-29. Bronze-faced niches. [Added 9-18-1995 STM, Art. 15]

Only the following may be inscribed on a bronze-faced niche: the deceased's name, date of birth and date of death. The inscription shall use a font style known as "Gaudy Regular" in three-fourths-inch size.

§ 72-30. Glass-faced niches. [Added 9-18-1995 STM, Art. 15]

In a glass-faced niche only the following may be inscribed on a self-standing plaque or on the urn itself: the deceased's name, date of birth and date of death. The inscription shall use a font style known as "Gaudy Regular" in eighteen-point size. The plaque must be constructed of one (1) of the following materials: metal, glass or wood.

§ 72-31. Urns to be placed in niches. [Added 9-18-1995 STM, Art. 15]

Human ashes shall be in containers specifically designed for this purpose. No paper or cardboard shall be allowed. Containers used in double-size glass-faced niches shall be of a size that is appropriate for the niche.

§ 72-32. Ashes interment in burial lots. [Added 9-18-1995 STM, Art. 15]

No more than six (6) sets of human ashes shall be interred in a single-grave lot. No more than three (3) flat grave markers shall be allowed.

§ 72-33. Decorations requiring permission. [Added 9-18-1995 STM, Art. 15]

Urns, boxes, markers, ornaments or memorials of permanent nature shall be placed upon the graves or lots only with the approval of the Superintendent.

Chapter 74, CIVIL FINGERPRINTING

[HISTORY: Adopted 5-7-2012 Annual Town Meeting, Art. 25.]

§74-1. Purpose and Authorization.

In order to protect the health, safety, and welfare of the inhabitants of the Town of Littleton, and as authorized by Chapter 6, Section 172B½ of the Massachusetts General Laws, this bylaw shall require (a) applicants for a license listed in Section 74-2 below to submit to fingerprinting by the Littleton Police Department, (b) the Police Department to arrange for the conduct of fingerprint-based criminal record background checks, and (c) the Town to consider the results of such background checks in determining whether to grant such a license.

The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), as may be applicable, to conduct on the behalf of the Town and its Police Department fingerprint-based state and national criminal history records checks, including FBI records, consistent with this bylaw. The Town authorizes the Police Department to receive and utilize state and FBI records in connection with such Code of the Town of Littleton, Massachusetts

TOWN OF LITTLETON, MASSACHUSETTS

background checks, consistent with this bylaw. The Town shall not disseminate criminal record information received from the state or FBI to unauthorized persons or entities.

§74-2. Licenses Subject to Fingerprinting.

Any applicant for a license to engage in any of the following occupational activities shall have a full set of fingerprints taken by the Police Department for the purpose of conducting a state and national fingerprint-based criminal history records check:

Manager of Alcoholic Beverage License

Hawkers, Peddlers, and Solicitors

Ice Cream Truck Vendor

Junk Dealers

Owner or Operator of a Public Conveyance

§74-3. Police Department Procedure.

The Police Department will forward the full set of fingerprints obtained pursuant to this Chapter either electronically or manually to the State Identification Section of the Massachusetts State Police.

The Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based criminal background check and supply the applicant with opportunity to complete, or challenge the accuracy of, the information contained in it, including the state and FBI identification record. Any applicant that wishes to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34 and any applicable DCJIS policy.

The Police Department shall communicate the results of fingerprint-based criminal history records check to the applicable Town licensing authority (the “licensing authority”). The Police Department shall in addition render to the licensing authority its evaluation of the applicant’s suitability for the proposed occupational activity based on the results of the criminal records background check and any other relevant information known to it. In rendering its evaluation, the Police Department shall indicate whether the applicant has been convicted of, or is under pending indictment for, a crime that bears upon his or her suitability for the proposed occupational activity, or any felony or misdemeanor that involved force or threat of force, controlled substances, or a sex-related offense.

§74-4. Reliance by Licensing Authority on Results of Fingerprint-Bases Criminal Records Background Checks.

The licensing authority shall utilize the results of any fingerprint-based criminal records background check performed pursuant to this Chapter for the sole purpose of determining the applicant’s suitability for the proposed occupational activity. The licensing authority may deny an application for any license specified herein, including renewals and transfers thereof, if it determines that the results of the fingerprint-based criminal records background check render the applicant is unsuitable for the proposed occupational activity.

No application shall be denied on the basis of information contained in a criminal record until the applicant has been afforded a reasonable time, as determined by the licensing authority, to correct or complete the information, or has declined to do so.

TOWN OF LITTLETON, MASSACHUSETTS

§74-5. Town Policy.

The Police Department, subject to the approval of the Board of Selectmen, will develop and maintain written policies and procedures for its licensing-related criminal record background check system.

§74-6. Fees.

Each applicant for a license listed in §74-2 shall pay a fee of \$100. A portion of said fee, as specified by Chapter 6, Section 172B½ of the General Laws, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder shall be retained by the Town for costs associated with the administration of the system.

Chapter 77, CONSERVATION LAND

[HISTORY: Adopted 5-4-1981 Special Town Meeting, Art. 4. Amendments noted where applicable.]

§ 77-1. Hours when open. [Amended 5-9-2005 ATM, Art. 18]

All people are welcome to enjoy themselves upon the lands under the control of the Littleton Conservation Commission from 30 minutes before sunrise to 30 minutes after sunset.

§ 77-2. Restricted vehicles and tools.

No cars, trucks, motorbikes or other powered vehicles or tools are allowed on Conservation Commission land, other than approved vehicles or tools.

§ 77-3. Tampering with structures, fences and signs.

No person shall cut, break, remove, deface, defile or ill-use any structure, fence, bound or sign or have possession of any part thereof.

§ 77-4. Tampering with trees, bushes and flowers.

No trees, bushes, plants or flowers shall be cut or defaced, except with the approval of the Conservation Commission.

§ 77-5. Making of trails and structures.

No trails shall be cut or marked nor shall any structure, such as a lean-to or bridge, be constructed without written permission from the Conservation Commission.

§ 77-6. Overnight camping.

Overnight camping by organizations requires written permission from the Conservation Commission.

§ 77-7. Hunting.

Hunting is not allowed on conservation land.

TOWN OF LITTLETON, MASSACHUSETTS

§ 77-8. Violations and penalties.

Any person who violates any provision of this chapter shall be punished by a fine of not more than \$200. Each day or portion thereof during which a violation continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

§ 77-9. Enforcement.

This chapter may be enforced by a police officer or other officer having police powers pursuant to MGL c. 40, § 21D. Upon request of the Commission and Board of Selectmen, the Town Counsel shall take such legal action as may be necessary to enforce this chapter.

Chapter 84, DOGS AND OTHER ANIMALS

[HISTORY: Adopted 5-5-1997 Annual Town Meeting, Art. 32.]

ARTICLE I, Fees and Fines

§ 84-1. Dog licenses. [Amended 5-9-2005 ATM, Art. 22]

A. The fees for all dog licenses shall be as follows:

Type of Dog	Fee
Male	\$15.00
Female	\$15.00
Spayed female	\$10.00
Neutered male	\$10.00
Dogs licensed after April 1	\$25.00

B. Dogs must be licensed prior to April 1 every year. The owner or keeper of any dog determined to be unlicensed after May 30 will be subject to a late fee of \$25 in addition to the dog license fee.

§ 84-2. Dog offense fines.

The following is a schedule of fines for dog offenses:

- A. The owner or keeper of any dog found at either the Town beach during beach hours or on the property of any public school during school hours may be fined as follows: first offense, \$25; subsequent offenses, \$50.
- B. The owner or keeper of any dog found unlicensed in the Town of Littleton may be fined as follows: each offense, \$25.
- C. The owner or keeper of any dog who has been ordered restrained by either the Dog Officer, the Selectmen or the Police Department and who fails to obey such order may be fined as follows: first offense, \$25; subsequent offenses, \$50.
- D. The owner or keeper of any dog who is left unattended for a period of 24 hours or longer may be fined as follows: first offense, twenty-five dollars (\$25.); subsequent offenses, fifty dollars (\$50.)

TOWN OF LITTLETON, MASSACHUSETTS

- E. The owner or keeper of any dog determined to be a nuisance as defined in § 84-7 by either the Dog Officer or the Police Department may be fined as follows: first offense, twenty-five dollars (\$25.); subsequent offenses, fifty dollars (\$50.)
- F. The owner or keeper of any dog which has been ordered quarantined for suspicion of rabies and who fails to obey such order may be fined as follows: fifty dollars (\$50.)
- G. Any person who takes in or otherwise shelters a stray dog without notifying the Dog Officer, the Police Department or the Board of Selectmen may be fined as follows: each offense, twenty-five dollars (\$25.)
- H. The owner or keeper of any dog having reached the age of six months and/or having been brought into the Commonwealth of Massachusetts longer than thirty (30) days shall have the dog vaccinated against rabies. Whoever violates the provisions of this subsection shall be fined fifty dollars (\$50.)

§ 84-3. Dog Officer fees.

- A. The following schedule of fees is for the services of the Dog Officer:
 - (1) The owner or keeper of any dog who has violated a town dog regulation or state dog law as determined by the Board of Selectmen or Police Department shall be charged fifteen dollars (\$15.) for each time such dog shall be picked up by the Dog Officer between 8:00 a.m. and 6:00 p.m.
 - (2) The owner or keeper of any dog who has violated a town dog regulation or state dog law as determined by the Board of Selectmen or Police Department shall be charged twenty-five dollars (\$25.) for each time such dog shall be picked up by the Dog Officer between 6:00 p.m. and 8:00 a.m. The owner shall have in his possession a current town license as well as a license tag, both of which shall have been issued with respect to the dog. The license tag shall be attached to the dog by a suitable collar before the dog is released from the custody of the Dog Officer.
 - (3) The following charges shall also be assessed against the owner or keeper of a dog who is handled by the Dog Officer:
 - (a) For a dog who is kept by the Dog Officer, ten dollars (\$10.) per day or portion thereof.
 - (b) For a dog who must be destroyed by the Dog Officer, the veterinarian's fees plus two dollars (\$2.)
 - (c) For a dog who must be disposed of by the Dog Officer, twenty-five dollars (\$25.)
 - (d) For a dog who must be delivered by the Dog Officer to a residence of the owner or keeper, fifteen dollars (\$15.)
- B. The fees collected by the Dog Officer shall be turned over to the Town Treasurer as required by law.

ARTICLE II, Destruction

§ 84-4. Right to destroy.

TOWN OF LITTLETON, MASSACHUSETTS

The Town of Littleton has the right to destroy an animal after 10 days that is not claimed by its keeper or owner even though the keeper or owner is known. Due notice must be given to the keeper or owner first.

ARTICLE III, Leash Law

§ 84-5. Restraint and confinement required.

- A. Any person owning or harboring a dog shall not cause or allow said dog to roam at large in any of the streets or public ways or places within the confines of the Town of Littleton or upon the premises of anyone other than the owner or keeper unless the owner or occupant of such premises expressly grants permission. Under no circumstances shall a dog, even though secured by suitable lead, be allowed on private property unless specific permission has been granted by the owner of said property.
- B. No dog shall be permitted in any public place or on any public thoroughfare, inclusive of all town-owned property and properties under the authority of the Commonwealth of Massachusetts that are situated in the Town of Littleton, unless said dog is restrained by a chain or lead not exceeding seven feet in length that is of suitable test for the size of dog that is being restrained and is attended by a person of adequate age and discretion to properly control its actions or is at the heel position beside a competent person and demonstrably obedient to the person's command.

§ 84-6. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AT HEEL -- A dog under complete control of a person of adequate age and discretion to control its actions as adequately as a dog that is on a lead.

AT LARGE -- A dog which is unaccompanied by a person of adequate age and discretion to properly control its actions and is unrestrained by a lead or chain of less than seven (7) feet that is of suitable test for the size of the dog being restrained.

ARTICLE IV, Public Nuisances

§ 84-7. Public nuisances enumerated.

Any dog shall be deemed a "public nuisance" when such dog is witnessed to be engaged in any combination of one or more of the following activities:

- A. Attacking, threatening, harassing or menacing, as determined by the Dog Officer following an appropriate investigation, persons, fowl, livestock or other domestic animals such as cats, dogs or other household pets, whether under such owner's control or not.
- B. Destroying, disturbing or otherwise molesting the property, including refuse, of another, while outside the enclosure of the owner, whether under such owner's control or not.
- C. Being in any public park, playground, school yard, beach or other public recreation area during permitted times while not under the physical control of the owner or keeper.

TOWN OF LITTLETON, MASSACHUSETTS

- D. Being upon any public way or private way to which the public has access, chasing motor vehicles, bicycles or pedestrians.
- E. Continually or prolonged barking or making other objectionable noise for more than a reasonable period as determined by the Dog Officer; continued or prolonged barking or other disturbance for more than a brief period, as determined by an investigation of the Dog Officer.
- F. Being an unspayed female or unneutered male not appropriately confined on the property of the owner.
- G. Being over the age of six (6) months and not wearing a suitable collar and current license tag.
- H. Being a dog which has been abandoned.
- I. Being a dog which is permitted to run unrestrained at large on property other than that of its owner. The running of hunting dogs or the exercising of dogs which are under the immediate control of their owner or keeper shall not constitute a public nuisance hereunder.
- J. Being a dog which deposits solid waste not removed by the dog's owner upon any public park, playground, school yard, beach, other public recreation area, public or private way, sidewalk or any property other than that of the dog's owner.

ARTICLE V, Enforcement

§ 84-8. Enforcement.

- A. In all cases it shall be the duty of the duly appointed Dog Officer to investigate any violation under this chapter either witnessed by the Dog Officer or reported to the Dog Officer in a written complaint by any citizen of the Town. The Dog Officer shall provide the dog owner with a written copy of the complaint and investigation report not more than three days after the conclusion of the investigation but, in any event, not more than thirty (30) days after receiving the complaint.
- B. If, after the Dog Officer's investigation of an alleged violation under this chapter, such officer has reason to believe that the described violation did in fact occur as set forth in said written complaint or as witnessed by the Dog Officer, it shall be the Dog Officer's duty to issue the owner, in writing, the appropriate order and/or to impose the appropriate fine, designed to prevent a recurrence or continuation of such violation. The period of time during which the order shall be in effect shall be on the order. If the complainant and the owner involved are in agreement with the order so issued, then the matter respecting that particular violation under this chapter shall be considered resolved. If the parties are not in agreement, then recourse can be had to the remedies of each under provisions of applicable law. If the parties are not in agreement with the Dog Officer's finding of a violation pursuant to § 84-7A or E, they may seek a hearing before the Board of Selectmen, pursuant to MGL C. 140, § 157.
- C. In all cases it shall be the duty of the Dog Officer, if in the Dog Officer's opinion appropriate action is necessary to prevent further or continued violations of this chapter pending an investigation pursuant to § 84-8A, to take the following action:
 - (1) Notify the owner, if known and available, of the alleged violation and issue a preliminary order, in writing, requiring the owner to restrain the dog pending a complete investigation.
 - (2) If the owner is not known or, if known, is not immediately available:

TOWN OF LITTLETON, MASSACHUSETTS

- (a) Take the dog into custody in the most humane manner possible.
- (b) Confine the dog in a suitable facility.
- (c) Use every means available to identify and contact the owner.
- (d) Take such further action as is allowed by law.

Chapter 90, RIGHT TO FARM BYLAW

[HISTORY: Adopted 5-8-2006 Annual Town Meeting, Art. 15. Amendments noted where applicable]

§ 90-1. Legislative Purpose and Intent.

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations there under 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. We the citizens of Littleton restate and republish these rights pursuant to the town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Littleton by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

§ 90-2. 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:

- A. farming in all its branches and cultivation and tillage of the soil;
- B. dairying;
- C. production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- D. growing and harvesting of forest products upon forest land, and any other forestry of lumbering operations;
- E. raising of livestock including horses;
- F. keeping of horses as a commercial enterprise;
- G. 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 furbearing animals.

"farming" shall encompass activities including, but not limited to the following:

TOWN OF LITTLETON, MASSACHUSETTS

- A. operation and transportation of slow-moving farm equipment over roads within the Town;
- B. control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- C. application of manure, fertilizers and pesticides;
- D. conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are regulated to marketing the agricultural output or services of the farm;
- E. 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
- F. on-farm relocation of earth and the clearing of ground for farming operations.

§ 90-3. Right To Farm Declaration.

The Right To Farm is hereby recognized to exist within the Town of Littleton. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. 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.

§ 90-4. Public Notification.

The Town shall use available media as appropriate to notify and educate the public regarding its commitment to encourage

- A. the pursuit of agriculture,
- B. the promotion of agriculture-based economic opportunities and
- C. protection of farmlands within the Town of Littleton by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

§ 90-5. Resolution of Disputes.

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending on the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town Authority within an agreed upon time frame.

Should the Town establish an Agricultural Commission, this shall be one of its ongoing tasks. The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

§ 90-6. Severability Clause.

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

Chapter 94, FIREARMS

[HISTORY: Adopted 5-6-1985 Annual Town Meeting, Art. 29. Amendments noted where applicable.]

§ 94-1. Discharge restricted.

Within the town, no person shall fire or discharge any firearm within the limits of any park, playground or other public property, except with the consent of the Board of Selectmen, nor fire or discharge any firearm on any private property, except with the consent of the owner or tenant thereof.

§ 94-2. Violations and penalties.

Any person violating any of the provisions of this chapter shall be punished by a fine of not more than fifty dollars (\$50.) for each offense.

§ 94-3. Exceptions.

This chapter shall not apply to the lawful defense of life or property nor to any law enforcement officer acting in the discharge of his duties.

Chapter 102, GASOLINE FILLING STATIONS

[HISTORY: Art. I, adopted 2-11-1929 Annual Town Meeting, Art. 51; Art. II, adopted as Art. 15, Sec. 6, of the 1977 compilation, amended in its entirety 5-3-1982 Annual Town Meeting, Art. 24. Amendments noted where applicable.]

ARTICLE I, Licensing [Adopted 2-11-1929 ATM, Art. 51]

§ 102-1. Public hearing required.

Before granting a license for the sale of gasoline or the establishing of a gasoline filling station, the Board of Selectmen shall hold a public hearing, proper notice of which shall be given to the voters, at which hearing the voters shall have opportunity to be heard either in favor of or in opposition to the granting of said license.

ARTICLE II, Self-Service Stations [Adopted as Art. 15, Sec. 6, of the 1977 compilation; amended in its entirety 5-3-1982 ATM, Art. 24; repealed 5-5-2008 ATM Art. 22]

Chapter 109, HAWKING, PEDDLING AND SOLICITING

[HISTORY: Adopted as Art. 4, Secs. 5, 6, 7 and 8, of the 1977 compilation. Amendments noted where applicable.]

§ 109-1. Registration required for solicitors permit.

No person shall go from house to house within the town taking orders for any goods, wares or merchandise nor shall any person go begging or soliciting for any purpose, on foot or from a vehicle, without first recording his name and address with the Chief of Police and furnishing such other information as may be requested. The Chief of Police shall thereupon, if satisfied with the honesty of the applicant, issue a permit for a period not exceeding twelve (12) months. Such permit must be shown on request and shall state that said person has duly registered and is entitled to go from house to house within the Town for the purpose specified.

§ 109-2. Registration required for salespersons.

No person, unless properly licensed by the Board of Selectmen or by the state, shall go from house to house within the town selling, bartering or carrying for sale or barter or exposing therefor any goods, wares or merchandise, and such licensed person by the state shall register with the Police Department of the town.

§ 109-3. Exemptions.

The Chief of Police may, however, authorize the director of any worthy cause to solicit contributions within the town without having each solicitor under his direction register.

§ 109-4. Location of street vendors restricted.

Street vendors shall not obstruct sidewalks or streets in the town. Restrictions may be imposed by the Chief of Police regarding location of such vendors.

Chapter 111, HAZARDOUS MATERIALS

[HISTORY: Adopted 10-26-1981 Special Town Meeting, Art. 4. Amendments noted where applicable.]

§ 111-1. Authority.

This chapter is adopted by the town under its home rule powers, its police powers to protect the public health and welfare and its authorization under MGL C. 40, § 21.

§ 111-2. Purpose.

The purpose of this chapter is to protect, preserve and maintain the existing and potential groundwater supply, groundwater recharge areas and surface water within the town from contamination with toxic or hazardous materials.

§ 111-3. Definitions.

TOWN OF LITTLETON, MASSACHUSETTS

As used in this chapter, the following terms shall have the meanings indicated:

TOXIC OR HAZARDOUS MATERIALS -- Includes all liquid hydrocarbon products, including but not limited to gasoline, fuel and diesel oil, and also any other toxic, caustic or corrosive chemicals, radioactive materials or other substances controlled as being toxic or hazardous by the Division of Hazardous Waste under the provisions of Massachusetts General Laws, Chapter 21C.

§ 111-4. General provisions.

- A. Every owner or operator of a commercial or industrial establishment, including permitted home occupations, storing toxic or hazardous materials in containers, any of which holds more than five (5) gallons' liquid volume or twenty-five (25) pounds' dry weight, except heating oil stored in the building it heats; kerosene, liquefied propane and fuel or diesel oil stored in two-hundred-seventy-five-gallon or smaller containers; and lubricants, gasoline and hydraulic oil stored in fifty-five-gallon or smaller containers, shall register with the Board of health the types of material stored, quantities, location and method of storage. The Board of Health may require, by written notification, that an inventory of some or all of such materials be maintained on the premises and be reconciled with purchase, use, sales and disposal records on a monthly basis, in order to detect any product loss. Registration required by this provision shall be initially submitted by January 1, 1982, and annually thereafter. Agricultural and horticultural operations are exempt. Maintenance and reconciliation of inventories shall begin within seven (7) days of receipt of notification from the Board of Health that inventories are required. The Board of Health may publish lists of specific materials or classes of materials which, even though stored in quantities less than those specified above, must be registered and inventoried. The Board of Health all consider the cost and inconvenience of maintaining inventories and related records compared with the degree of hazard before requiring that inventories be kept.
- B. Wastes containing toxic or hazardous materials shall be held on the premises in product-tight containers for removal by a licensed carrier and for disposal in accordance with the Massachusetts Hazardous Waste Management Act, Chapter 21C. Containers used to store petroleum wastes and, with the written permission of the Board of Health, other materials may be vented to the air.
- C. The Board of Health may require that containers which hold more than five (5) gallons' liquid volume or twenty-five (25) pounds' dry weight of toxic or hazardous materials, except heating fuel stored within the building it heats, be stored on an impervious, chemical-resistant surface compatible with the material being stored and that the storage area be enclosed with a permanent dike of impermeable construction.

§ 111-5. Underground storage.

The following provisions shall apply to all underground liquid toxic or hazardous material storage systems with capacities of fifty (50) gallons or greater:

- A. Owners shall file with the Fire Department the size, type, age and location of each tank and the type of material stored in each on or before January 1, 1982. Evidence of date of purchase and installation shall be included along with a sketch map showing the location of such tanks on the property. The Fire Department shall notify the Board of Health of all underground storage systems containing toxic or hazardous waste materials, including flammable and explosive materials, as regulated under MGL C.148.

TOWN OF LITTLETON, MASSACHUSETTS

- B. Owners of a tank system(s) for which evidence of installation date is not available shall, at the order of the Board of Health/Fire Department, as applicable, have such tank system tested. Should the governing board/department determine that the tank is not product-tight, it shall be removed.
- C. Nonconforming steel tanks installed prior to January 1, 1961, shall be removed and properly disposed of by June 1, 1982. All other nonconforming steel tanks installed prior to the effective date of this chapter shall be tested annually when twenty (20) years old. Certification of testing shall be submitted to the Fire Department, with a copy sent to the Board of Health.
- D. New installations and replacements are restricted to tanks of Owens/Corning fiberglass, Buffhide tanks or the equivalent.
- E. Tank installations on lots not having a permit prior to adoption of this chapter are not permitted within four (4) feet of the maximum high-water table or within one hundred (100) feet of a surface water body.
- F. Fifteen (15) years after installation, all tanks shall be subject to one (1) of the following tests conducted in the presence of the Fire Chief and/or the Board of Health: the five-pounds-per-square-inch air-pressure test performed on an empty tank or the Kent-Moore pressure test. Twenty (20) years after installation, all tanks must pass one (1) of these tests annually. Any tank without evidence of the date of installation shall be required to be tested annually. Any tank failing either of these tests shall be immediately replaced with a new tank or immediately repaired or suitably dismantled or abandoned with its contents removed. Removal, repair or abandonment shall be done with the approval of the Board of Health and the Fire Chief or by the issuance of a permit by the Fire Chief pursuant to Massachusetts General Laws, Chapter 148.

§ 111-6. Variances.

The Board of Health may vary the application of any provision of this chapter, with the exception of materials regulated pursuant to Massachusetts General Laws, Chapter 148, in any case when, in its opinion, the enforcement thereof would do manifest injustice and the applicant has demonstrated that the same degree of environmental protection required under this chapter will still be achieved. Requests for such variance shall be in writing. The applicant must notify all abutters by certified mail, at his own expense, at least ten (10) days before the Board of Health meeting at which the variance request will be considered.

§ 111-7. Authority to charge for expenses.

The Board of Health and the Fire Department may charge for expenses incurred for the enforcement of this chapter.

§ 111-8. Discharges prohibited.

All discharges of toxic or hazardous materials within the town are prohibited.

§ 111-9. Reports of spills and leaks.

All spills, leaks or other loss of toxic or hazardous materials shall be reported to the Board of Health and the Fire Department.

§ 111-10. Violations and penalties.

Any person who violates any provision of this chapter shall be punished by a fine of not more than the maximum allowed by the state. Each day during which a violation continues shall constitute a separate offense; if more than one (1), each condition violated shall constitute a separate offense.

§ 111-11. Enforcement.

This chapter may be enforced by the Board of Selectmen pursuant to MGL C. 40, § 21D.

Chapter 115, JUNK DEALERS

[HISTORY: Adopted as Art. 4, Secs. 1, 2, 3 and 4, of the 1977 compilation. Amendments noted where applicable.]

§ 115-1. License required.

No person shall go about picking up or collecting, by purchase or otherwise, rags, paper, junk, old metal or other waste matter in this town, unless he is duly licensed by the Board of Selectmen.

§ 115-2. Licensing authority.

The Board of Selectmen may grant licenses to suitable persons to act as collectors of junk.

§ 115-3. Fee.

For any license so granted, there shall be paid to the Town Treasurer a fee that shall be set by Board of Selectmen pursuant to M.G.L. c.40, §22F. [Amended 11-4-2014 STM, Art. 15]

§ 115-4. Keeping of rags and wastepaper.

Rags and wastepaper collected by junk dealers, junk collectors or ragpickers shall not be kept or stored within the limits of the town, except in substantial brick or stone buildings.

Chapter 118, LIBRARY

[HISTORY: Adopted 11-9-1987 Special Town Meeting, Art. 7; amended in its entirety 5-3-2010 ATM Art. 18.]

Chapter 119, LIGHTING

[HISTORY: Adopted 5-3-1982 Annual Town Meeting, Art. 27. Amendments noted where applicable.]

§ 119-1. Sodium-vapor lamps prohibited.

The use of sodium-vapor lamps for exterior lighting is prohibited.

Chapter 133, PARKING REGULATIONS

[HISTORY: Art. I, adopted 10-3-1994 Special Town Meeting, Art. 12. Amendments noted where applicable.]

ARTICLE I, Handicapped Parking [Adopted 10-3-1994 STM, Art. 12]

§ 133-1. Fine for illegal parking.

The fine for illegal parking in a handicapped parking space in the Town of Littleton is set at one hundred dollars (\$100.).

Chapter 136, PERMITS AND LICENSES

[HISTORY: Adopted by the Town of Littleton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Permits and Licenses of Delinquent Taxpayers [Adopted 5-5-2003 ATM by Art. 12]

§ 136-1. List of delinquent taxpayers.

The Town Treasurer shall annually furnish to each department, board or commission, 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 or such tax or a pending petition before the Appellate Tax Board.

§ 136-2. Authority to deny, revoke or suspend; hearing.

- A. 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 Treasurer; provided, however, that written notice is given to the party and the Treasurer, 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.
- B. The Treasurer 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.
- C. Any license or permit denied, suspended, or revoked under this article shall not be reissued or renewed until the licensing authority receives a certificate issued by the Treasurer that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments, or other municipal charges, payable to the municipality as of the date of issuance of said certificate.

TOWN OF LITTLETON, MASSACHUSETTS

§ 136-3. Payment agreements.

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

§ 136-4. Waiver of licensing authority determination.

The Board of Selectmen may waive such denial, suspension, or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in (M.G.L. c. 258A, § 1, in the business or activity conducted in or on said property.

§ 136-5. Exceptions.

This article does not apply to the following licenses and permits: open burning (M.G.L. c. 48 § 13), bicycle permits (M.G.L. c. 85 § 11A); sales of articles for charitable purposes (M.G.L. c. 101, § 33); children work permits (M.G.L. c. 149 § 69); clubs, associations dispensing food or beverage licenses (M.G.L. c. 140 § 21E); dogs license (M.G.L. c. 140 § 137); fishing, hunting, trapping license (M.G.L. c. 131 §12); marriage licenses (M.G.L. c. 207, § 28); theatrical events, public exhibitions permits (M.G.L. c. 140 § 181); and any other license or permit hereafter exempted by M.G.L. c. 40 § 57.

Chapter 138, PLANS, FILING OF

[HISTORY: Adopted 5-3-2010 Annual Town Meeting, Art. 15. Amendments noted where applicable.]

§ 138-1. Electronic Files.

To facilitate maintaining the Town of Littleton's records, for example the assessor's tax maps, an electronic file (the "standard digital file") of definitive subdivision plans and plans for which approval under the subdivision control law is not required pursuant to G.L. c.41, §81P shall be filed with the Planning Board within 15 business days after endorsement. The standard digital file shall comply with Level III of the current version of the MassGIS "Standard for Digital Plan Submission to Municipalities" (hereafter "the standard"), available on the Internet at <http://www.mass.gov/mgis/standards.htm>. The standard digital file submitted must comply with Level III of the standard, and the vertical datum shall be the North American Vertical Datum 1988.

Upon written request, the Planning Board may waive the requirement for submitting the standard digital file or for complying with Level III of the standard. In place of the Level III requirement, the Planning Board may allow submission of a standard digital file that complies with Level I. Any request for a waiver must include a statement as to why submitting a digital file is not possible or why the requirement should be for Level I of the standard.

Chapter 143, SCENIC ROADS

[HISTORY: Adopted 5-6-1974 Annual Town Meeting, Art. 16. Amendments noted where applicable]

TOWN OF LITTLETON, MASSACHUSETTS

§ 143-1. Roads enumerated.

The following roads within the Town have been designated as scenic roads under the provisions of MGL C. 40, § 15C, in order to preserve the natural character and physical appearance of said roads, and the Planning Board is instructed, in exercising its responsibility hereunder, to take into consideration solid planning principles, aesthetic considerations and preservation of natural resources, as well as public safety. The roads are the following, which list may be added to through future votes of Town Meetings:

Name of Road –

Boxborough Road
Bruce Street
Bulkeley Road
Crane Road
Fort Pond Road
Foster Street
Gilson Road
Goldsmith Street
Hartwell Avenue
Harvard Road
Harwood Avenue
Lake Shore Drive
Lawrence Street
Maple Street
Mill Road
Nagog Hill Road
Nashoba Road
New Estate Road
Newtown Road
Oak Hill Road
Powers Road
Russel Street
Sanderson Road
Shaker Lane
Spectacle Pond Road
Tahattawan Road
Taylor Street
Whitcomb Avenue

Chapter 147, SOIL REMOVAL

[HISTORY: Adopted as Art. II of the 1977 compilation. Amendments noted where applicable.]

§ 147-1. Permit required.

The removal of soil, loam, sand and gravel from any parcel of land not in public use in the Town of Littleton, except as hereinafter provided may be allowed only after a written permit therefor is obtained from the Board of Selectmen after a public hearing of which due notice is given.

TOWN OF LITTLETON, MASSACHUSETTS

§ 147-2. Exception. [Amended 5-7-1979 ATM, Art. 34]

No permit shall be required for the removal of soil, loam, sand or gravel from any parcel of land when incidental to and in connection with the construction of a building on the parcel.

§ 147-3. Conditions imposed by Selectmen.

In issuing a permit under this chapter, the Board of Selectmen may impose such conditions not specifically provided for herein as it may deem necessary for the adequate protection of the neighborhood and the town. Any conditions imposed by the Board shall be attached to and made a part of the permit. The Board may, in its discretion, require a bond, certified check or other security for compliance with said conditions or as evidence of good faith as to the completion of any proposed construction.

§ 147-4. Revocation of permits.

The Board may, after a public hearing on proof of violation of any condition, revoke any permits so issued.

§ 147-5. Permit period.

No permit shall be issued under the provisions of said chapter for a period of more than three (3) years.

§ 147-6. Removal of sand and gravel.

Sand and gravel may be removed from any parcel of land, except within three hundred (300) feet of a street or way, and the Board shall issue a permit therefor, provided, however, that the Board shall impose such reasonable conditions as to the disposition of topsoil and the reestablishment of ground levels and grades as it may deem necessary.

§ 147-7. Removal of soil or loam.

Soil or loam may be removed from any parcel of land within such parcel determined by the Board to be unsuited to agricultural use, and the Board may issue a permit for such removal; provided, however, that the Board shall, in making such decision, obtain the recommendations of the appropriate Soil District Supervisor and the County Extension Director or Agent, or their successors, and their recommendations shall be made a part of the records of the Board. In issuing a permit, the Board may impose reasonable conditions as to the reestablishment of ground levels and grades.

§ 147-8. Exception for construction purposes.

Notwithstanding the provisions of the above, the Board may issue a permit for the removal of soil or loam from any parcel of land in the town where such removal is necessarily incidental to and in connection with the construction of a road or other facility involving a permanent change in the use of the land. The Board shall issue no such permit unless it is reasonably satisfied that the construction will be completed, and evidence thereof shall be made part of the records of the Board.

§ 147-9. Removal near streets and ways.

TOWN OF LITTLETON, MASSACHUSETTS

Soil, loam, sand or gravel may be removed from any parcel of land within such parcel lying within three hundred (300) feet of any street or way, provided that a permit therefor has been issued by the Board after satisfactory evidence that such removal will not be seriously detrimental or injurious to the neighborhood, provided further that the Board shall impose reasonable conditions as to the method of removal, the reestablishment of ground levels and grades and the planting of the area to suitable cover, as it may deem necessary. Removal of soil or loam under authority of this section shall be further subject to the provisions of §§ 147-7 and 147-8 of this chapter.

Chapter 150, STREETS AND SIDEWALKS

[HISTORY: Art. I, adopted as Art. 5 of the 1977 compilation; Art. II, adopted as Art. 8 of the 1977 compilation; Art. III, adopted 9-13-1982 Special Town Meeting, Art. I. Amendments noted where applicable.]

ARTICLE I, Miscellaneous Provisions [Adopted as Art. 5 of the 1977 compilation]

§ 150-1. Horses and carriages on sidewalks.

No person shall hitch his horse or suffer any horse to remain hitched across any sidewalk or draw or propel any handcart, wheelbarrow or carriage of burden or pleasure, except children's carriages drawn by hand, over any sidewalks so as thereby to cause any injury either to person or property of others or to obstruct the safe and convenient passing of persons lawfully using the same or to injure or encumber any such sidewalk. No person shall stop his team, carriage or other vehicle or unnecessarily place any obstruction on any foot crossing made in and across any public ways in the town.

§ 150-2. Obstructions on sidewalks.

No person shall leave any vehicle or material or place any obstruction on any sidewalk, street or public place without the permission of the Selectmen or suffer the same to remain there after dark without maintaining a sufficient light and suitable guards over or near the same or allow the same to remain after notice by a police officer, Constable or Selectman to remove the same.

§ 150-3. Injuring of animals' hooves and rubber tires.

No person shall throw or deposit in any manner on any public way, place or square in the town any article, substance or material which may prove injurious in any respect to the hooves of animals, the tires of bicycles or the rubber tires of automobiles and other vehicles.

§ 150-4. Tampering with safety lights.

No person shall, without proper authority, extinguish or remove any light placed to denote an obstruction or defect in a street or way.

§ 150-5. Crossing or obstructing sidewalks or curbing.

No person shall park upon, obstruct, damage or destroy any sidewalk, berm or curbing, nor shall any person drive, wheel or draw any vehicle, except a child's carriage drawn by hand or except at a permanent driveway, upon or across any sidewalk, berm or curbing unless a permit is first obtained

TOWN OF LITTLETON, MASSACHUSETTS

from the Superintendent of Streets and Highways as provided in Subsection A hereof.

- A. The Superintendent of Streets and Highways may grant a permit to any person authorizing the crossing or obstruction of a sidewalk, berm or curbing by vehicles where the same may be necessary to the performance of any work on land, building or structure abutting thereon. All damage to any sidewalk, berm or curbing caused thereby shall be repaired and restored by the person to whom the permit is issued to a condition satisfactory to the Superintendent of Streets and Highways at the expense of the holder of such permit, and the Superintendent may require, as a condition of the issuance of any such permit, a bond in such amount and in such form and with such surety as may be satisfactory to him for the performance of the requirements thereof and of this chapter.
- B. The use of velocipedes or bicycles is permitted on the sidewalks of the town. This chapter shall not be construed to prevent the temporary obstruction of sidewalks during periods of loading or unloading, provided that no vehicle shall be driven upon any sidewalk, berm or curbing, except at a permanent driveway or pursuant to a permit issued by the Superintendent of Streets and Highways, as provided in Subsection A.
- C. Before the issuance of a permit for the construction of a building or other structure, there shall be endorsed on the application for the building permit certification by the Superintendent of Streets and Highways that a permit has been issued in accordance with the provisions of this section when the proposed construction requires the crossing by vehicles of any sidewalk, berm or curbing.

ARTICLE II, Street Specifications [Adopted as Art. 8 of the 1977 compilation]

§ 150-6. Required dimensions and materials. [Amended 11-18-1986 STM, Art. 9]

Every way that shall be laid out for acceptance by the Town as a Town way shall be constructed having rights-of-way and pavement widths in conformance with the Subdivision Regulations of the Planning Board, unless a lesser width is recommended to the Town Meeting by the Planning Board.

§ 150-7. Required certification.

If an existing private way shall be laid out for the acceptance of the Town as a Town way, such way shall not be accepted unless and until the Selectmen shall have certified, in writing, that such way meets the requirements of § 150-6; provided, however, that this section shall not apply to ways laid out subject to the provisions of law relating to the assessment of betterments.

ARTICLE III, Debris on Streets [Adopted 9-13-1982 STM, Art. 1]

§ 150-8. Prohibited activity. [Amended 10-4-1999 STM, Art. 12]

No person shall place or cause to be placed or deposited upon any street or other public place in this town merchandise, ashes, shavings, house dirt, filth, offal, rubbish or snow which shall in any way obstruct and/or disfigure the same; and no person shall place or deposit or cause to be placed or deposited any newspaper, circular, card or wastepaper of any kind or description upon any street or other public place in this town; and no person shall saw or split wood or pile the same on any sidewalk, provided that rubbish in suitable containers may be placed in the streets for collection in such manner and on such days as the Board of Health may direct.

§ 150-9. Definitions.

As used in this article, the following terms shall have the meanings indicated:

STREET -- Includes lanes, alleys, courts, public squares and sidewalks, public commons, parks and parking lots, unless otherwise expressed.

§ 150-10. Violations and penalties.

Whoever violates this article shall forfeit and pay a fine of not more than \$250.

Chapter 163, VALUABLE SECOND HAND ITEMS

[HISTORY: Adopted 11-14-2012, Art. 18.]

§ 163-1. Dealers in Gold, Silver and Other Valuable Secondhand Items License Required.

No person who makes a business of purchasing, or purchasing and selling, or who keeps a place of business in the Town of Littleton for purchasing, or purchasing and selling, either gold or silver, coins, stamps, other precious metals, jewelry, and electronics shall engage in such business or open such place of business for the said purposes unless duly licensed by the Board of Selectmen. This by-law shall not pertain to businesses within Littleton that take items in on consignment or that are licensed as Antique Dealers.

§ 163-2. Application for License; Term of License; Fee.

Each application for a license shall set forth the name of the party to be licensed, the nature of the business and the building or place in which it is to be carried on. Any license granted under this Article shall continue in force until the first day of January next ensuing unless sooner revoked by the Board of Selectmen. Each license shall specify the kind and character of the business to be carried on and the fee for such license shall be determined by the Board of Selectmen.

§ 163-3. Record of Purchases.

- A. Every dealer or keeper of a shop shall record, at the time of purchase, the name, age, and residence, giving a street and number, of the person from whom the purchase was made. Such name, age and residence shall be obtained by the production of a valid photo identification issued by the Commonwealth of Massachusetts, passport or out of state driver's license containing a photo of the seller. Such record shall consist of a digital photograph taken of such identification, alongside the item/s being purchased, so as to match the seller with the item/s. Said photograph to be of high enough resolution as to make possible the positive identification of the article in question. In the case of all electronics bearing a serial number, an additional photograph recording the serial number shall be taken. At the time of purchase the day, date and hour of the purchase shall also be recorded, either through the device producing the photograph or in writing by the shop clerk. No entry on such record shall be changed, erased, obliterated or defaced and shall be kept in a secure location. Such record shall be maintained on a form approved by the Chief of Police and shall have the ability to be reproduced. Said record

TOWN OF LITTLETON, MASSACHUSETTS

of purchase shall be delivered to the Criminal Investigations Division (CID) at the Littleton Police Department, or through agreed upon electronic means, on a weekly schedule, to be determined by the CID. After transfer that is acknowledged by the Littleton Police Department, the owner or dealer shall destroy said records. Said record shall be kept in some suitable place by the owner or dealer, on the premises of the licensed business, and shall be available for inspection by any person authorized by the Chief of Police.

- B. For the purposes of this By-Law the term “purchase” shall refer to a retail transaction between the shop owner and a private citizen. It shall not include purchases made off site, such as at an estate sale, or trade show. It shall also not pertain to dealer-to-dealer transactions on or off site.

§ 163-4. Articles Purchased To Be Kept For 21 Days Before Resale Or Removal From Littleton.

- A. No such item purchased or received by any dealer or keeper of a shop shall be removed from the town or sold or otherwise disposed of, nor its identity changed, for at least twenty-one (21) days from its date of purchase, unless permission in writing has been obtained from the Chief of Police, or his designee, who may request to observe and photograph such item.

- B. Exemptions to the Holding Period:

- (1) Coins that are purchased shall not be subject to the 21 day holding period, provided that they are properly recorded in the following manner:

- a. Type coins shall be photographed alongside the picture identification of the seller, individually or in groups, so that the face of each coin is plainly visible; and
- b. For commodity coins purchased in quantity, a single representative coin for each denomination (i.e. nickels, dimes, quarters, etc.) shall be photographed alongside the picture identification of the seller, and the licensee shall further document with the photograph the total number of each denomination purchased and the years of issuance of each coin within a given denomination.

§ 163-5. Purchase from Persons Under Eighteen Years of Age Prohibited.

No dealer or keeper of a shop shall directly or indirectly receive or buy any such items from any person under the age of eighteen (18) years.

§ 163-6. Display of License.

Each such dealer or keeper of a shop shall have conspicuously displayed his license at the place where he does business.

§ 163-7. Revocation of License.

TOWN OF LITTLETON, MASSACHUSETTS

Any violation of any provision of the license or any rule or regulation that may be adopted by the Board of Selectmen in accordance with this Article shall be sufficient cause and reason to revoke said license. Prior to any suspension or revocation, the Board of Selectmen shall hold a public hearing, giving written notice to the licensee. Such notice shall be mailed by certified mail, return receipt requested, or shall be delivered in hand by a constable authorized to provide such service.

§ 163-8. Penalty for Violation of Article.

Violations of any provision of this Article may be addressed by way of criminal complaint or through the procedure for noncriminal disposition provided in section 21D of Chapter 40 of the General Laws. In the event of such noncriminal disposition, a noncriminal penalty shall be assessed a penalty of three hundred (\$300.00) dollars.

Each offense will require a meeting with the Board of Selectmen to discuss corrective measures to be taken.

§ 163-9. Examination and Inspection of Records, Articles and Merchandise.

The Chief of Police, or his designees, and any authorized representative of the Littleton Board of Selectmen, or its designees, shall at all times have the authority to inspect or examine all books kept by the keeper or dealer of a shop as well as to inspect and examine all articles and merchandise therein.

§ 163-10. Hours of Operation.

No dealer or keeper of a shop shall purchase or conduct business except between the hours of 7:00a.m. until 9:00p.m.

Chapter 165, VEHICLES, UNREGISTERED

[HISTORY: Adopted 5-4-1992 Annual Town Meeting, Art. 29. Amendments noted where applicable.]

§ 165-1. License required.

No more than one (1) unregistered or junk vehicle shall be kept in any area of the Town of Littleton by the owner of the vehicle or by the owner or one in control of the premises wherein such vehicle is kept, unless a license has been granted in accordance to the procedure hereafter described.

§ 165-2. Enclosed vehicles.

Motor vehicles kept in an enclosed building are not subject to this chapter so long as they remain within the building. If more than one (1) motor vehicle is taken outside of the building, it is subject to this chapter.

§ 165-3. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

TOWN OF LITTLETON, MASSACHUSETTS

JUNK VEHICLE -- One which is worn out, cast off or discarded and which is ready for dismantling or destruction or which has been collected or stored for salvage or for stripping in order to make use of parts thereof. Any parts from such a vehicle shall be considered a "junk vehicle" under this chapter.

UNREGISTERED VEHICLE -- Any motor vehicle which does not display a current registration plate assigned to that vehicle will be considered unregistered for the purposes of enforcement of this chapter.

§ 165-4. Exempt businesses.

- A. Any business which has a Class 1, 2 or 3 vehicle license under the provisions of MGL C. 140, § 58, as amended, is exempt from the provisions of this chapter.
- B. This chapter does not apply to motor vehicles on property where the principal business use is a farm, garden or nursery, provided that such motor vehicle is necessary to the operation of such business.

§ 165-5. License application.

A license to keep more than one (1) unregistered or junk vehicle may be requested by filing with the Executive Secretary an application, in writing, to the Board of Selectmen. The Board of Selectmen shall hold a public hearing upon such request, notice of which shall be given by publication in a newspaper having a general circulation in Littleton at least seven (7) days before the date of the hearing. The cost of the publishing shall be paid by the applicant for the license.

§ 165-6. Term of license; renewal.

The Board of Selectmen may grant a license for not longer than one (1) year, upon such conditions the Selectmen deem proper, to keep such unregistered and junk vehicles in the open, after a public hearing has been held and the Selectmen determine that the keeping of the same will not depreciate property values in the area, will not create a hazard to the public safety or will not become a public nuisance. Renewals of said license shall be made only after the procedure set forth above is followed.

§ 165-7. Revocation.

Upon the filing with the Board of Selectmen of a petition signed by at least ten (10) legal residents of Littleton asking for revocation of any license issued under this chapter, the Selectmen shall call a public hearing to review the conduct of the licensee under said license. If the Selectmen determine that the operation of the licensee under said license is such as to depreciate property values of surrounding property, to create a hazard to the public safety or to constitute a public nuisance, the Selectmen, by a majority vote, may revoke said license. The effective date of such revocation shall be thirty (30) days after said vote of revocation.

§ 165-8. Enforcement.

The enforcing authority under this chapter shall be the Littleton Police Department.

§ 165-9. Violations and penalties.

TOWN OF LITTLETON, MASSACHUSETTS

The enforcing authority shall give written notice of any violation of this chapter to the person or entity committing the violation. Thirty (30) days after the receipt of such notice of violation, the person or entity shall be liable to a penalty of not more than fifty dollars (\$50.) for each separate offense. Each day of a continuing violation shall constitute a separate offense.

Chapter 169, WELLS

[HISTORY: Adopted as Art. 15, Sec. 1, of the 1977 compilation. Amendments noted where applicable.]

§ 169-1. Cover required.

Any owner of land whereon is located an abandoned well or a well in use shall either provide a securely fastened covering for such well capable of sustaining a weight of three hundred (300) pounds or fill the same to the level of the ground.

§ 169-2. Violations and penalties.

Violation of this chapter shall be punishable by a fine of not less than one hundred dollars (\$100.) nor more than five hundred dollars (\$500.).

Chapter 171, WETLANDS PROTECTION

[HISTORY: Adopted by the Annual Town Meeting of the Town of Littleton 5-5-2003 by Art. 11. Amendments noted where applicable.]

§ 171-1. Purpose and jurisdiction. [Amended 5-6-2013 ATM, Art. 24]

- A. The purpose of this chapter is to protect the wetland and water resources of the Town of Littleton by regulating activity in or near wetland resource areas. Conditions shall be imposed by the Littleton Conservation Commission (the Commission) after a public hearing at which the Commission determines that the area on which the proposed work is to be done is significant to public or private water supply, to groundwater supply, to flood control, to storm damage prevention, to prevention of pollution, to protection of land containing shellfish, to the protection of wildlife habitat or the protection of fisheries (collectively, the "interests protected by this chapter").
- B. Except as permitted by the Littleton Conservation Commission or as provided in this chapter, no person shall remove, fill, dredge, or alter any bank, freshwater wetland, marsh, meadow, bog, or swamp bordering any creek, river, stream, pond, or lake, or land under said waters or any land subject to flooding or riverfront area (collectively, the "areas subject to protection").
- C. The Commission may establish, in its rules and regulations, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, and other work limits for protection of such areas subject to protection.
- D. Any activity proposed or undertaken within the "buffer zone" as defined in G.L. c. 131, § 40 and 310 CMR 10.02(2)(b) or areas subject to protection (collectively the "resource area") which, in the judgment of the Commission, will remove, fill, dredge or alter an area subject to protection under

TOWN OF LITTLETON, MASSACHUSETTS

this chapter is subject to regulation under the chapter and requires the filing of a request of determination (RFD) or Notice of Intent (NOI).

- E. Any activity proposed or undertaken outside the areas subject to protection and outside the buffer zone is not subject to regulation under this chapter and does not require the filing of an NOI unless and until that activity actually alters an area subject to protection under this chapter. In the event that such activity has in fact altered an area subject to protection under this chapter, the Commission shall impose such conditions on the activity or any portion thereof as it deems necessary to contribute to the interests protected under this chapter.

§ 171-2. Applications.

- A. Any person who proposes to perform activities affecting the above referenced resource areas protected by this chapter shall submit a NOI to the Commission, which bears the signature of the applicant and the landowner for work on the subject property. Application under this chapter may be identical in form to the Notice of Intent filed pursuant to G.L. c. 131, § 40, and shall be sent by certified mail or hand delivered to the Commission. The written application shall include such information and color plans as may be necessary to describe such proposed activity and its effect on the resource areas.
- B. Any person who desires a determination as to whether this chapter applies to land or work that may affect areas subject to protection may submit an RFD to the Commission. The RFD application may be identical in form to a Request for Determination filed pursuant to G.L. c. 131, § 40. If the person submitting the RFD is not the owner, the applicant shall send a copy of the RFD by certified mail, return receipt requested, to the owner, with a copy to the Commission. The Commission requires submitted plans to be in color.
- C. Each NOI or RFD filed shall be assigned a unique identification number (hereinafter, "file number") to facilitate record keeping by the Commission. Said file number may be identical to that assigned by the Massachusetts Department of Environmental Protection.
- D. Any person filing a NOI or a RFD with the Commission shall give at the same time written notice thereof, by certified mail (return receipt requested) or hand delivery to the owner and all abutters at their mailing addresses shown on the most recent Town Assessor's records.

§ 171-3. Fee/charges.

- A. At the time of the submission of the NOI application or RFD, or application for certificate of compliance, the applicant shall pay a filing fee as specified in this chapter. The fee is in addition to that required by the Wetlands Protection Act, M.G.L. c. 131, § 40, and the Regulations, 310 CMR 10.00. This fee is assessed to compensate the town for its anticipated costs and expenses of processing the application.
- B. Fees shall be set by the Conservation Commission with the approval of the Board of Selectmen pursuant to M.G.L. c.40, §22F. [Amended 11-4-2013 STM, Art. 15]
- C. In addition to any filing fee imposed by this Bylaw, the applicant shall reimburse the reasonable costs and expenses borne by the Commission for specific expert engineering, consulting, and town counsel services deemed necessary by the Commission in order to issue a decision on the application. The consultant services may include but are not limited to resource area survey and delineation, analysis of resource area values, including wildlife habitat evaluations, hydrogeology

TOWN OF LITTLETON, MASSACHUSETTS

and drainage analysis. [Amended 11-8-2005 STM, Art. 13]

- D. The Commission may require services of a consultant and/or an engineer or town counsel at any point in its deliberations prior to a final decision. The exercise of discretion by the Commission in making its determination to require the services of a consultant shall be based upon its reasonable finding that additional information acquirable only through outside engineering or consultant services would be necessary for the making of an objective decision. [Amended 11-8-2005 STM, Art. 13]
- E. The Commission shall hire and pay for said engineering and/or consultant services and the applicant shall reimburse the Town such services and costs, including reimbursement to the Town for town counsel services. [Amended 11-8-2005 STM, Art. 13]
- F. The reimbursement of costs and expenses necessary to render a decision shall constitute a municipal charge pursuant to M.G.L. c. 40, § 58. [Amended 11-8-2005 STM, Art. 13]
- G. Said municipal charge (reimbursement) shall be paid by the applicant within 30 calendar days of receipt of a written statement of charges from the Town of Littleton. Payment shall be made to the Town of Littleton and deposited in the general fund pursuant to M.G.L. c.44, § 53. Failure to pay the charge shall constitute a lien against the property.
- H. The Commission may waive the filing fee, consultant fee, and costs and expenses for a permit application or RFD filed by a department or officer of the Town of Littleton.

§ 171-4. Hearings and meetings.

- A. For an RFD, the Commission shall hold a public meeting within 21 calendar days of its receipt. Notice of the time and place of the meeting shall be given by the Commission at the expense of the applicant, not less than five days prior to the meeting, by publication in a newspaper of general circulation (in Littleton) and by mailing a notice to the applicant and to the owner by certified mail (return receipt requested).
- B. For an NOI, the Commission shall hold a public hearing within 21 calendar days of its receipt. Notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five days prior to the hearing, by publication in a newspaper of general circulation (in Littleton) and by mailing a notice to the applicant and to the owner by certified mail (return receipt requested).
- C. A public hearing and public meetings may be continued as follows:
 - (1) Without the consent of the applicant to a date announced at the hearing, within 21 calendar days of receipt of the notice of intent;
 - (2) With the consent of the applicant, to an agreed-upon date, which shall be announced at the hearing; or
 - (3) With the consent of the applicant for a period not to exceed 21 calendar days after the or the occurrence of a specified action.

§ 171-5. Permits and conditions.

- A. For an RFD, the Commission shall issue a determination of applicability within 21 calendar days of

TOWN OF LITTLETON, MASSACHUSETTS

receipt of said application. If, after the public meeting, the Commission determines that the area is significant to the interests protected by this chapter, the Commission shall issue a positive determination and request that the applicant file an NOI. If the Commission determines that the area which is the subject of the application is NOT significant to the interests protected by this chapter, or that the proposed activity does not require the imposition of conditions, it shall issue a negative determination. When the person requesting a determination is other than the owner, notice of the determination shall be sent to the owner as well as to the requesting person by certified mail (return receipt requested).

- B. For an NOI, the Commission shall issue an order of conditions within 21 calendar days of the close of the public hearing for said application. The Commission shall impose such conditions as will contribute to the protection of the interests protected by this chapter and all work shall be done in accordance with those conditions. The order shall prohibit any work or any portion thereof that cannot be conditioned to protect said interests. If the Commission finds that the information submitted is not sufficient to describe the site, the work or the effects of the work on the interests protected by this chapter, it may issue an Order prohibiting the work. The order shall specify the information which is lacking and why it is necessary. If the Commission makes a determination that the proposed activity does not require the imposition of such conditions, the applicant shall be notified of the Commission's decision within 21 days after said hearing. Such order or notice that the proposed activity does not require conditions shall be signed by the majority of the Commission and a copy thereof shall be sent forthwith to the applicant by certified mail (return receipt requested).
- C. An order of conditions shall be valid for three years unless specifically stated otherwise. The Commission may renew an order of conditions for an additional period not to exceed three years. If renewal of an order of conditions is requested, it must be received in writing by the Commission at least 30 calendar days prior to the expiration date of the order.
- D. No work proposed in any application shall be undertaken until the order of conditions, with respect to such work, issued by the Commission has been recorded in the Registry of Deeds or, if the land affected thereby be registered land, in the registry section of the Land Court for the district wherein the land lies, and until the holder of the order of conditions certifies in writing to the Commission that the order has been so recorded.
- E. Within 21 days of the receipt of a written request, by the applicant or the owner of the property, for a certificate of compliance with an order of conditions, the Commission shall grant such request if the activity, or portions thereof, complies with the order of conditions. The certificate of compliance shall state that the activity, or portions thereof, has been completed in accordance with such order.
- F. No conditions shall be imposed, nor shall the Commission, in reference to this chapter, render any determination unless the Commission meets with a quorum present.

§ 171-6. Exemptions.

The provisions of this chapter shall not apply to work exempted under the provisions of the Wetlands Protection Act, M.G.L. c. 131, § 40, and the Regulations, 310 CMR 10.00.

§ 171-7. General provisions, presumptions, performance standards, rules and regulations, and statute of limitations. [Amended 5-6-2013 ATM, Art. 24]

TOWN OF LITTLETON, MASSACHUSETTS

- A. Except as otherwise provided in this chapter or in the Rules and Regulations promulgated in accordance with this chapter, the provisions set forth in M.G.L. c.131, § 40, 310 CMR 10.03(1) through 10.03(6)(Presumptions), 310 CMR 10.04 (Definitions), and 310 CMR 10.51 through 10.60 (Performance Standards) shall be used for the interpretation and implementation of this chapter.
- B. After due notice, a public hearing, and approval by the Board of Selectmen, the Commission shall promulgate rules, regulations and procedures for compliance with this Bylaw, a copy of which shall be filed with the Town Clerk. Failure by the Commission to promulgate such rules, regulations or procedures or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effects of this Bylaw.
- C. The limitations on actions and prosecutions as set out in M.G.L. c.131, §§ 40 and 91 shall be applicable to this chapter.

§ 171-8. Enforcement; violations and penalties.

- A. The filing of an NOI or RFD shall constitute implied permission for the Commission to enter upon the land for the purpose of performing the duties triggered by this chapter and M.G.L. c.131, § 40.
- B. The Commission shall have the authority and duty to enforce this chapter and order of conditions issued hereunder by enforcement orders, civil and criminal court actions.
- C. When the Commission determines that violation of this chapter has occurred, it may request the Board of Selectmen and the Town Counsel to take legal action for enforcement under civil law. In addition, the Commission may request the Chief of Police or other authorities to take legal action for enforcement under criminal law.
- D. Any person who violates any provision of this chapter may be punished by a fine of not more than \$300 per offense. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the Bylaw, regulations, or order of conditions violated shall constitute a separate offense.
- E. In the alternative to criminal prosecution, the Commission may elect to utilize the noncriminal disposition procedure set forth in M.G.L. c. 40, § 21D, in which case the penalty shall be as follows:
 - (1) First offense: \$25.
 - (2) Second offense: \$100.
 - (3) Third and subsequent offenses: \$300.
- F. No person shall remove, fill, dredge, or alter any area subject to protection under this chapter without the required authorization, or cause, suffer or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with an Enforcement Order issued pursuant to this chapter. Each day such violation continues constitutes a separate offense, except that any person who fails to remove unauthorized fill or otherwise fails to restore illegally altered land to its original condition after giving written notification of said violation to the Commission shall not be subject to additional penalties unless said person thereafter fails to comply with an enforcement order or order of conditions.

§ 171-9. Severability.

TOWN OF LITTLETON, MASSACHUSETTS

The invalidity of any provision or feature of this chapter shall not affect the validity of any other provision or feature not manifestly inseparable therefrom.

Chapter 173, ZONING

[The Zoning Code is in a separately bound volume.]

Chapter 181, LITTLETON TRANSFER STATION

[HISTORY: Adopted by the Annual Town Meeting of the Town of Littleton 5-7-2001, Art. 23.]

§ 181-1. Authority.

The Board of Selectmen shall have the power and duty to establish rules, regulations and fees necessary for the operation of the Littleton Transfer Station.

§ 181-2. Public hearing; input from Town boards and departments.

The Board of Selectmen, prior to the establishment or amendment of these rules, regulations and fees, shall hold a public hearing to receive comment from the general public and will solicit and incorporate into these rules, regulations and fees, where appropriate, the input of the Littleton Board of Health, pursuant to their statutory authority under MGL c. 111, § 150A and B, and that of the Highway Superintendent, relative to his/her authority as the official responsible for the operation of the Transfer Station.

Chapter 183, REPAIRS TO PRIVATE WAYS

[HISTORY: Adopted 5-6-1991 Annual Town Meeting, Art. 22. Amendments noted where applicable.]

§ 183-1. Private ways open to public.

The Town may make repairs on private ways which have been opened to public use for a period of six (6) years or more and which provide access to three (3) or more residences, provided that the repairs are for the protection of the health and safety of the general public using such roads.

§ 183-2. Minor repairs.

Minor repairs [twenty-five dollars (\$25.) or less in material cost] shall be limited to work such as filling, patching, brush/tree trimming, street sweeping and not more than grading or scraping twice per year. Materials for such repairs, where practical, should be the same as, or similar to, those used for the existing surface of the way.

§ 183-3. Major repairs.

Major repairs, [more than twenty-five dollars (\$25.) in material cost] such as drainage work, tree removal, reconstruction and/or paving, may also be done.

TOWN OF LITTLETON, MASSACHUSETTS

§ 183-4. Petitions.

Major repairs shall be made only if petitioned for by all the abutters who own frontage on such ways and if the Board of Selectmen determines, based on an advisory opinion of the Highway Superintendent, that public necessity and convenience require such repairs to be made. Drainage easements shall, where 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.

§ 183-5. Cash deposit.

No major 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 has given its approval for the project. No betterment charges shall be assessed.

§ 183-6. Liability.

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

§ 183-7. Agreement

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

APPENDIX

Chapter A264, GENERAL LAWS AND SPECIAL ACTS

Accepted/ Voted	Reference	Subject
1896 1903	MGL C. 114, §§ 22 - 26 Ch. 80, Acts of 1903	Public cemeteries Board of Health established
1910 1911 1912 1914	MGL C. 41, § 6 Ch. 508, Acts of 1912 MGL C. 164, §§ 34 - 69 MGL C. 152, § 68	Town election ballots Water supply Municipal lighting Injury compensation during public employment
1914	MGL C. 48, § 36	Promotion of Fire Department personnel
1917 1922 1927	MGL C. 45, §§ 1 - 11 MGL C. 94, § 120 MGL C. 41, §§ 45 - 47	Laying out public parks Slaughter license fees Board of Commissioners of Trust Fund established
1928 1930 1934 1936 1938 1939 1946	MGL C. 143, § 3 MGL C. 40, §§ 42A - 42F MGL C. 136, §§ 21 - 25 Ch. 275, Acts of 1934 Ch. 77, Acts of 1937 Ch. 403, Acts of 1936 MGL C. 41, § 8	Inspection of buildings Water liens Games on Sundays Steel traps Absentee voting Workmen's compensation Planning Board established
1946 1949	MGL C. 41, §§ 81F - 81J MGL C. 41, §§ 81B - 81Y	Official Map and plans Planning Board powers and duties
1949 1950 1951	MGL C. 40, § 6C MGL C. 40, § 12 MGL C. 40, § 6E	Removal of ice and snow Public bathing places Temporary repairs on private ways by town
1951 1953 1955	MGL C. 152 Ch. 678, Acts of 1950 MGL C. 40, §§ 5 and 8A	Workmen's compensation Motorboats Industrial Commission established
1955 1956 1956 1957 1959 1960	MGL C. 118B MGL C. 40-A, § 20 Ch. 670, Acts of 1955 MGL C. 40, §§ 42G - 42I MGL C. 94, § 236 MGL C. 40A, § 8	Welfare district Petition for variance Town pensions Water pipe assessments Weighers of hay Unfavorable action on Zoning at a Town Meeting

TOWN OF LITTLETON, MASSACHUSETTS

1960	Ch. 493, Acts of 1959	Increased pensions
1961	MGL C. 140, § 185H	Dancing schools licenses
1961	MGL C. 40, § 8C	Conservation Commission established
1961	MGL C. 32B	Group insurance for employees
1962	MGL C. 136, § 7	Lord's day licenses
1962	Ch. 322, Acts of 1961	Towing vehicles from town ways
1963	MGL C. 40, § 6B	Clothing allowance for police
1964	MGL C. 39, § 23	Election of town officers
1965	MGL C. 71, §§ 16 - 16I	Regional school district established
1966	Ch. 478, Acts of 1963	Pension increase
1968	MGL C. 85, § 11A	Bicycles
1970	Ch. 768, Acts of 1969	Accelerated highway program
1972	MGL C. 40, § 8B	Council on Aging
1973	MGL C. 44, § 53C	Off-duty pay for police
1973	MGL C. 164A	New England power pool
1974	MGL C. 44, § 65	Pay advances
1978	MGL C. 40, § 6N	Temporary repairs on private ways
1978	MGL C. 41, § 100I	Municipal indemnification
1979	MGL C. 40, § 8D	Historical Commission
1980	MGL C. 90, § 20C	Noncriminal disposition of parking violations
1982	MGL c. 41, § 23A	Board of Selectmen Executive Secretary
1982	MGL c. 90, § 20A 1/2	Parking fines
1983	MGL c. 44, § 53O	Parks and recreation revolving fund
1983	MGL c. 148, § 26C	Installation of smoke and heat detectors
1983	MGL c. 41, § 41B	Direct deposit of compensation
1984	MGL c. 43, § 71F	Nonresident student tuition fund
1984	Ch. 597, Acts of 1982	Excise tax exemption for former POW's
1986	MGL c. 59, § 5, clause	Tax exemption for certain elderly, widows and minors
1986	MGL c. 59, § 5, clause	Tax exemption for certain elderly persons
1986	MGL c. 59, § 5, clause	Tax exemption for blind persons

TOWN OF LITTLETON, MASSACHUSETTS

1991	MGL c. 48, § 42A	Fire Department established
1991	MGL c. 41, § 97	Police Department established
1992	Ch. 80, Acts of 1903	An amendment to said Acts (regarding Board of Health) rescinding the words "and that one or more shall be a physician"
1992	Ch. 73, § 4, Acts of 1986, as amended by Ch. 126, Acts of 1988	Additional property tax exemption, not to exceed 20% for fiscal year 1993 for those who qualify under MGL C. 59, § 5
1992	MGL c. 140, § 22A	Cooking facilities in lodging houses
1992	MGL c. 41, § 100 G 1/4	Funeral and burial expenses of fire fighters and police officers killed while on duty; payment by accepting cities and towns
1992	MGL c. 31, § 111	Operation of solid waste facilities temporarily prohibited
1992	MGL c. 90, § 8J	Establish Disability Commission
1999	MGL c. 138, § 33B	Sale of alcoholic beverages on Sunday and holidays between 11:00 a.m. and 12:00 p.m.
2000	MGL c. 59, § 5K	Senior citizen tax work-off abatement program
2002	MGL c. 41, § 81U, Paragraph 12	Use of subdivision bonds
2003	MGL c. 40, § 57	Permits and licenses of delinquent taxpayers
2003	MGL c. 40, § 8G	Mutual aid agreements for Police Department
2003	MGL c. 40, § 22F	To fix reasonable fees and municipal charges (and to collect any unpaid fee or municipal charge pursuant to MGL c. 40, § 58)
2003	MGL c. 59, § 5, 5(A)	Exempt from taxation real and personal estate of

TOWN OF LITTLETON, MASSACHUSETTS

2003	MGL c. 49, § 5, cl. 41C	incorporated organizations of veterans of any war Increase personal exemptions for senior citizens
2014	Ch. 139, § 69-83, Acts of 2012	Reauthorization of the Community Preservation Act surcharge

DISPOSITION LIST

The following is a chronological listing of legislation of the Town of Littleton adopted since January 1, 2005, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Consult municipal records for disposition of prior legislation.

Adoption Date	AG Approval	Subject	Disposition
5-5-2003 ATM, Art. 15	n/a	General Law acceptance (MGL c. 40, §_22F)	Ch. A264
9-22-2003 STM, Art. 12	n/a	General Law acceptance [MGL c. 59, §_5, 5(A)]	Ch. A264
10-14-2004 STM, Art. 7	n/a	General Law acceptance (MGL c. 49, §_5, 41C)	Ch. A264
Board of Health 4-25-2005	n/a	Sewers	Ch. 224
5-9-2005 ATM, Art. 18	6-15-2005	Conservation land hours amendment	Ch. 77
5-9-2005 ATM, Art. 22	6-15-2005	Dogs amendment	Ch. 84
5-9-2005 ATM, Art. 29	6-15-2005	Board of Appeals amendment	Ch. 64
11-8-2005, STM, Art. 4	12-29-2005	Zoning amendment	Ch. 173
11-8-2005, STM, Art. 5	12-29-2005	Zoning amendment	Ch. 173
11-8-2005, STM, Art. 13	12-29-2005	Wetland protection amendment	Ch. 171