Town of Reading
Massachusetts

General Bylaw

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Not a part of the General Bylaw document. For information purposes only.

ARTICLE 1 GENERAL PROVISIONS

1.1 Purpose

The purpose of this bylaw is to implement the provisions of the Reading Home Rule Charter, and establish rules conducive to the welfare of the Town and the convenience of its inhabitants, the orderly direction and management of its affairs, and the preserving of peace and good order within its limits.

1.2 Construction of Bylaw

This bylaw shall be construed so as to give it effect consistent with the ordinary and reasonable meaning of its provisions and with the provisions of any general or special laws then in effect adopted by the Commonwealth of Massachusetts. No provisions of this bylaw shall be construed to limit the powers and duties of officers, boards, committees and commissions imposed upon them by applicable provisions of the general or special laws of Massachusetts or the Reading Home Rule Charter. The provisions of any bylaw so far as they are the same as the provisions of a bylaw heretofore in force, shall be construed as a continuation thereof and not as new enactments.

1.3 Amendment

This bylaw may be amended at any Annual or Special Town Meeting by a majority vote of Town Meeting Members present and voting at said meeting, provided that an article or articles for that purpose shall have been inserted in the warrant for said meeting.

1.4 Renumbering of the General Bylaw

Non-substantive changes to the numbering of the various bylaws within the Code of the Town of Reading shall be permitted in order that the numbering of amendments thereto and other consequent renumbering changes resulting there from be in compliance with the numbering format of said Code.

1.5 Repeal

The repeal of any section of this bylaw shall not affect any act done nor any right accrued or established nor any action or suit or proceeding commenced or had in a civil case, nor affect any punishment or penalty or forfeiture incurred under such bylaw.

1.6 Violations

1.6.1 Duty of Police to Enforce

It shall be the duty of the police to enforce the provisions of this bylaw, and to make complaint against any person violating the same. Prosecutions for offenses under this bylaw may be made by any police officer of the town, and all fines shall be paid into the Town treasury.

1.6.2 Fines

Except as otherwise provided specifically in any article of this bylaw, any person violating any of the provisions of this bylaw shall be punished by a fine of not more than Three Hundred ($300) Dollars for each offense.

1.7 Enforcement

Any person violating any of the provisions of this bylaw shall be punished by a fine of not more than Three Hundred ($300) Dollars for each offense, and in the case of continuing violation, every calendar day upon which such violation shall remain shall be considered a separate offense.

1.8 Non-Criminal Civil Disposition of Certain Violations of the Bylaw and any Rule or Regulation of a Town Officer, Board or Department

In addition to any other means of enforcement, the provisions of the following sections of the bylaw and any rule or regulation of any town officer, board or department may be enforced by non-criminal disposition in accordance with the provisions of MGL Chapter 40 Section 21D. For the purposes of such non-criminal disposition, the following table establishes the "enforcing person" and the penalties. Each day upon which the violation occurs is considered to be a separate offense.

Bylaw Section	Bylaw Title	Enforcing Person	Penalty – First Offense	Penalty – Second Offense	Penalty – Additional Offences
7.1	Wetlands Protection	Conservation Commission Conservation Administrator			
Regulation Section 2H	**a** Failure to file a Notice of Intent or Request for Determination of Applicability and to receive a valid Order of Conditions or Determination of applicability prior to activity.		$300		
	b Failure to promptly comply with an Enforcement Order		$300		
	c Failure to record Order of Conditions at the Registry of Deeds prior to activity.		$25		
	d Failure to notify the Commission prior to activity where a Condition of an Order of Conditions or a Request for Determination or a Minor Project permit requires such notice.		$25		
	e Failure to install and/or properly maintain erosion controls (per project).		Warning	$25	$100
	f Failure to comply with any Condition of an Order of Conditions or Determination of applicability or Minor Project permit		$25		
	g Failure to apply for a Certificate of Compliance in a timely manner.		Warning	$50	
	h Conducting an activity subject to the Bylaw and Regulations after the expiration of a valid Order of Conditions or Determination of Applicability.		$50		
7.3	Local Historic District	Historic District Commission Building Inspector	$100	$200	$300
7.4	Regulation of Certain Motor Vehicles	Police Department Building Inspector	$25	$50	$100
7.5	Wells	Health Director	$200	$300	$300
7.6	Licenses	Board of Selectmen Town Manager Police Department	$25	$50	$100
7.7	Retail Sales	Police Department Building Inspector	$100	$200	$300
8.1	Streets, Highways and Public Property	Director of Public Works Police Department	$25	$50	$100
8.3	Emergency Vehicle Access and Fire Lane	Police Department Fire Department	$100	$200	$300
8.4	Handicapped Spaces	Police Department	$100	$150	$200
8.5	Public Works	Board of Selectmen Town Manager Police Department Director of Public Works Health Director	$100	$200	$300
8.6	Anti-Litter	Health Director Police Department	Warning	$100	$300
8.8	Animal Control	Animal Control Officer	$50	$100	$300

Bylaw Section	Bylaw Title	Enforcing Person	Penalty – First Offense	Penalty – Second Offense	Penalty – Additional Offences
8.9.1 8.9.2 8.9.3 8.9.4 8.9.5 8.9.6	Public Conduct	Police Department	$50	$100	$300
8.9.7	Public Consumption of Marijuana or Tetrahydrocannabinol	Police Department	$300	$300	$300
8.9.8	Construction Hours	Police Department Zoning Officer Town Manager	$300	$300	$300
8.9.9	Door-To-Door Solicitors and Canvassers	Police Department	$100	$200	$300
8.10	Maintenance of Vacant Building and Land	Health Director Fire Department Police Department	$100 Each Day		
8.11	Trash Collection	Board of Health and Health Division Agents	$50	$100	$150
	Board of Health Regulations	Board of Health and Health Division Agents	$50	$100	$150

1.9 Severability

In the event any article or section, subsection or provision of any article of this bylaw shall be held to be unconstitutional or invalid, such invalidity shall not affect the validity or constitutionality of any other article or any other section, subsection or provision hereof.

1.10 Definitions

1.10.1 Bylaw

Any articles, sections, subsections or paragraphs of the general and zoning bylaw of the Town, and any amendments thereto.

1.10.2 Charter

Reading Home Rule Charter adopted March 24, 1986 and any amendments thereto made through any of the methods provided under Article LXXXIX of the amendments to the State Constitution.

1.10.3 He, His, Himself

Wherever in this bylaw the word "he" appears, this shall also mean "she", "his" shall also mean "her" and "himself" shall also mean "herself".

1.10.4 Inhabitant

A person who has established permanent residence in the Town.

1.10.5 MGL

Massachusetts General Laws.

1.10.6 Motion

A formal proposal by a member in a meeting that the body take certain action.

1.10.7 Official Body

Any Town officer, board, committee, commission, council, trusteeship or authority authorized by the Charter or bylaw with the exception of Town Meeting.

1.10.8 Person
Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate or any other legal entity or its legal representatives, agents or assigns.

1.10.9 Precincts
The areas into which the Town is divided for the purpose of conducting elections.

1.10.10 Private
When applied to any area, way or property shall mean that which is owned or leased by other than a governmental entity.

1.10.11 Public
When applied to any area, way or property shall mean that which is owned or leased by the Town or other governmental entity.

1.10.12 Public Street
The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular and/or pedestrian travel and it includes any alley or other public property in the Town.

1.10.13 Roadway
That portion of a public street improved, designed or ordinarily used for vehicular travel including the curb or shoulder.

1.10.14 Sidewalk
That portion of a public street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for use by pedestrians.

1.10.15 Town Officer
An elected or appointed person except for a Town Meeting Member who, in the performance of his duties of office, exercises some portion of the sovereign power of the Town whether great or small.

1.10.16 Warrant
A list of articles to be presented for Town Meeting consideration, with each article describing and establishing the scope of business to be considered under such article.

ARTICLE 2 TOWN MEETING

2.1 General

2.1.1 Date of Annual Town Election

The Annual Town Meeting shall be held on the third Tuesday preceding the fourth Monday in April of each year for the election of Town Officers and for such other matters as required by law to be determined by ballot. Notwithstanding the foregoing, the Board of Selectmen may schedule the commencement of the Annual Town Meeting for the same date designated as the date to hold any Federal or State election.

2.1.2 Hours of Election

The polls for the Annual Town Meeting shall be opened at 7:00 AM and shall remain open until 8:00 PM.

2.1.3 Annual Town Meeting Business Sessions

All business of the Annual Town Meeting, except the election of such Town officers and the determination of such matters are required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting to be held at 7:30 PM on the fourth Monday in April, except if this day shall fall on a legal holiday, in which case the meeting shall be held on the following day or at a further adjournment thereof.

2.1.4 Subsequent Town Meeting

A Special Town Meeting called the Subsequent Town Meeting shall be held on the second Monday in November, except if this day shall fall on a legal holiday, in which case the meeting shall be held on the following day. The Subsequent Town Meeting shall consider and act on all business as may properly come before it except the adoption of the annual operating budget.

2.1.5 Adjourned Town Meeting Sessions

Adjourned sessions of every Annual Town Meeting after the first such adjourned session provided for in Section 2.1.3 of this Article and all sessions of every Subsequent Town Meeting, shall be held on the following Thursday at 7:30 PM and then on the following Monday at 7:30 PM, and on consecutive Mondays and Thursdays unless a resolution to adjourn to another time is adopted by a majority vote of Town Meeting Members present and voting.

2.1.6 Posting of the Warrant

The Board of Selectmen shall give notice of the Annual, Subsequent or any Special Town Meeting at least fourteen (14) days prior to the time of holding said meeting by causing an attested copy of the warrant calling the same to be posted in one (1) or more public places in each precinct of the Town, and either causing such attested copy to be published in a local newspaper or providing in a manner such as electronic submission, holding for pickup, or mailing, an attested copy of said warrant to each Town Meeting Member.

2.1.7 Closing of the Warrant

All Articles for the Annual Town Meeting shall be submitted to the Board of Selectmen not later than 8:00 PM on the fifth (5th) Tuesday preceding the date of election of Town officers, unless this day is a holiday in which case the following day shall be substituted. All articles for the Subsequent Town Meeting shall be submitted to the Board of Selectmen not later than 8:00 PM on the seventh (7th) Tuesday

preceding the Subsequent Town Meeting in which action is to be taken, unless this day is a holiday in which case the following day shall be substituted.

2.1.8 Delivery of the Warrant

The Board of Selectmen, after drawing a Warrant for a Town Meeting, shall immediately deliver a copy of such Warrant to each member of the Finance Committee, the Community Planning and Development Commission, the Bylaw Committee and the Moderator.

2.2 Conduct of Town Meeting

2.2.1 In the conduct of all Town Meetings, the following rules shall be observed

Rule 1 A majority of Town Meeting Members shall constitute a quorum for doing business.

Rule 2 All articles on the warrant shall be taken up in the order of their arrangement in the warrant unless otherwise decided by a majority vote of the members present and voting.

Rule 3 Prior to debate on each article in a warrant involving the expenditure of money, the Finance Committee shall advise Town Meeting as to its recommendations and the reasons therefore.

Rule 4 Prior to a debate on each article in a warrant involving changes in the bylaw or Charter, petitions for a special act, or local acceptance by Town Meeting of a State statute, the Bylaw Committee shall advise Town Meeting as to its recommendations and reasons therefore.

Rule 5 Every person shall stand when speaking as they are able, shall respectfully address the Moderator, shall not speak until recognized by the Moderator, shall state his name and precinct, shall confine himself to the question under debate and shall avoid all personalities.

Rule 6 No person shall be privileged to speak or make a motion until after he has been recognized by the Moderator.

Rule 7 No Town Meeting Member or other person shall speak on any question more than ten (10) minutes without first obtaining the permission of the meeting.

Rule 8 Any non-Town Meeting Member may speak at a Town Meeting having first identified himself to the Moderator. A proponent of an article may speak on such article only after first identifying himself to the Moderator and obtaining permission of Town Meeting to speak. No non-Town Meeting Member shall speak on any question more than five (5) minutes without first obtaining the permission of the Meeting. Non-Town Meeting Members shall be given the privilege of speaking at Town Meeting only after all Town Meeting Members who desire to speak upon the question under consideration have first been given an opportunity to do so.

Rule 9 Members of official bodies and Town officials who are not Town Meeting Members shall have the same right to speak, but not to vote, as Town Meeting Members on all matters relating to their official bodies.

Rule 10 No speaker at a Town Meeting shall be interrupted except by a Member making a point of order or privileged motion or by the Moderator.

Rule 11 Any person having a monetary or equitable interest in any matter under discussion at a Town Meeting, and any person employed by another having such an interest, shall disclose the fact of his interest or his employer's interest before speaking thereon.

Rule 12 The Moderator shall decide all questions of order subject to appeal to the meeting, the question on which appeal shall be taken before any other.

Rule 13 When a question is put, the vote on all matters shall be taken by a show of hands, and the Moderator shall declare the vote as it appears to him. If the Moderator is unable to decide the vote by the show of hands, or if his decision is immediately questioned by seven (7) or more Members, or if the Moderator determines that a counted vote is required such as for a debt issue or Home Rule Petition, he shall determine the question by ordering a standing vote, and he shall appoint tellers to make and return the count directly to him. On request of not less than twenty (20) members, a vote shall be taken by roll call.

Rule 14 All original main motions having to do with the expenditure of money shall be presented in writing, and all other motions shall be in writing if so directed by the Moderator.

Rule 15 No motion shall be received and put until it is seconded. No motion made and seconded shall be withdrawn if any Member objects. No amendment not relevant to the subject of the original motion shall be entertained.

Rule 16 When a question is under debate, no motion shall be in order except:

- to adjourn,
- to lay on the table or pass over,
- to postpone for a certain time,
- to commit,
- to amend,
- to postpone indefinitely, or
- to fix a time for terminating debate and putting the question, and the aforesaid several motions shall have precedence in the order in which they stand arranged in this rule.

Rule 17 Motions to adjourn (except when balloting for offices and when votes are being taken) shall always be first in order. Motions to adjourn, to move the question, to lay on the table and to take from the table shall be decided without debate.

Rule 18 The previous question shall be put in the following form or in some other form having the same meaning: "Shall the main question now be put" and until this question is decided all debate on the main question shall be suspended. If the previous question is adopted, the sense of the meeting shall immediately be taken upon any pending amendments in the order inverse to that in which they were moved, except that the largest sum or the longest time shall be put first and finally upon the main question.

Rule 19 The duties of the Moderator and the conduct and method of proceeding at all Town Meetings, not prescribed by law or by rules set forth in this article, shall

be determined by rules of practice set forth in "Town Meeting Time Third Edition" except that to lay on the table shall require a majority vote.

2.2.2 Attendance by Officials

It shall be the duty of every official body, by a member thereof, to be in attendance at all Town Meetings for the information thereof while any subject matter is under consideration affecting such official body.

2.2.3 Appointment of Committees

All committees authorized by Town Meeting shall be appointed by the Moderator unless otherwise ordered by a vote of the Members present and voting. All committees shall report as directed by Town Meeting. If no report is made within a year after the appointment, the committee shall be discharged unless, in the meantime, Town Meeting grants an extension of time. When the final report of a committee is placed in the hands of the Moderator, it shall be deemed to be received, and a vote to accept the same shall discharge the committee but shall not be equivalent to a vote to adopt it.

2.2.4 Motion to Reconsider

2.2.4.1 Notice to Reconsider

A motion to reconsider any vote must be made before the final adjournment of the meeting at which the vote was passed but such motion to reconsider shall not be made at an adjourned meeting unless the mover has given notice of his intention to make such a motion, either at the session of the meeting at which the vote was passed or by written notice to the Town Clerk within twenty-four (24) hours after the adjournment of such session. When such motion is made at the session of the meeting at which the vote was passed, said motion shall be accepted by the Moderator but consideration thereof shall be postponed to become the first item to be considered at the next session, unless all remaining articles have been disposed of, in which case reconsideration shall be considered before final adjournment. There can be no reconsideration of a vote once reconsidered or after a vote not to reconsider. Reconsideration may be ordered by a vote of two-thirds (2/3) of the members present. Arguments for or against reconsideration may include discussion of the motion being reconsidered providing such discussion consists only of relevant facts or arguments not previously presented by any speaker.

2.2.4.2 Federal or State Law Affecting Reconsideration

The foregoing provisions relating to motions to reconsider shall not apply to any such motion made by the Board of Selectmen and authorized by the Moderator as necessary for the reconsideration of actions previously taken by Town Meeting by reason of State or Federal action or inaction or other circumstances not within the control of the Town or Town Meeting. In the event such a motion to reconsider is made and authorized, said motion may be made at any time before the final adjournment of the meeting at which the vote was passed, said motion may be made even if the vote was already reconsidered or was the subject of a vote not to reconsider, and reconsideration may be ordered by a vote of two-thirds (2/3) of the Members present.

2.2.4.3 Posting and Advertising

Notice of every vote to be reconsidered at an adjourned Town Meeting shall be posted by the Town Clerk in one (1) or more public places in each precinct

of the Town as soon as possible after adjournment, and he shall, if practicable, at least one day before the time of the next following session of said adjourned meeting, publish such notice in some newspaper published in the Town. Said notice shall include the vote to be reconsidered and the place and time of the next following session of said adjourned meeting. The foregoing notice provisions shall not apply when a motion to reconsider any Town Meeting action is made publicly at Town Meeting before the adjournment of any session of any adjourned Town Meeting.

2.2.5 State of the Town

The Selectmen shall, at each Annual Town Meeting, give to the Members information on the "State of the Town."

2.2.6 Annual Precinct Meeting

Town Meeting Members and Town Meeting Members-elect from each precinct shall hold an annual precinct meeting after the annual Town election but before the convening of the business sessions of the Annual Town Meeting. The purpose of the meeting shall be the election of a Chairman and a Clerk and to conduct whatever business may be appropriate. Chairmen shall serve no more than six (6) consecutive years in that position. Additional precinct meetings may be called by the Chairman or by a petition of six (6) Town Meeting Members of the precinct.

2.2.7 Removal of Town Meeting Members

2.2.7.1 Notice of Attendance

The Town Clerk shall mail, within thirty (30) days after the adjournment *sine die* of the Annual Town Meeting, to every Town Meeting Member who has attended less than one-half of Town Meeting sessions since the most recent Annual Town Election, a record of his attendance and a copy of Section 2-6 of the Charter.

2.2.7.2 Precinct Recommendation

All Precinct meeting held prior to consideration by Town Meeting of the warrant article pursuant to Section 2-6 of the Charter. Town Meeting Members of each precinct shall adopt a recommendation to Town Meeting on whether each member from the precinct listed in the warrant per Section 2-6 of the Charter should be removed from Town Meeting. The Chairman of each precinct or his designee shall make such recommendations along with supporting evidence and rationale to Town Meeting.

2.2.7.3 Grouped by Precinct

The names of the Members subject to removal in accordance with Section 2-6 of the Charter shall be grouped by precinct in the warrant article required by said section.

2.2.8 Meetings During Town Meeting

No appointed or elected board, committee, commission or other entity of Town government shall schedule or conduct any hearing, meeting or other function during any hours in which an Annual, Subsequent or Special Town Meeting is in session or is scheduled to be in session. Any such board, committee or commission which schedules or holds a meeting or hearing on the same calendar day, but at a time prior to a session of Town Meeting, shall adjourn or recess not less than five (5) minutes prior to the scheduled session of Town Meeting.

Any board, committee or commission may, at the opening of any session of Town Meeting, present to that Town Meeting an instructional motion requesting an exemption from this bylaw and asking that Town Meeting permit it to meet at a date and hour at which a future session of Town Meeting is scheduled, and may present reasons for Town Meeting to give such permission. Notwithstanding the foregoing, any board, committee or commission which meets the requirements of MGL Chapter 39 Section 23B concerning emergency meetings may, upon meeting such requirements, conduct such a meeting or hearing at a time scheduled for a Town Meeting.

2.2.9 Rules Committee

The members of the Rules Committee, established under Section 2-12 of the Charter, shall hold an annual meeting within thirty (30) days after the adjournment of the Annual Town Meeting for the purpose of electing a Chairman and a Clerk and to conduct whatever business may be appropriate. Additional Rules Committee meetings may be called by the Chairman.

In the absence of a Chairman, the Moderator shall convene a meeting of the Rules Committee within sixty (60) days after a vacancy for the purpose of electing a new Chairman.

ARTICLE 3 TOWN OFFICES AND TOWN OFFICERS

3.1 Elected Town Officers

3.1.1 Board of Selectmen

The Board of Selectmen is hereby authorized and empowered to aid any city or town bordering upon Reading in repairing and maintaining the physical properties of water supply systems of said cities or towns under the authority of MGL Chapter 40 Section 39H and may extend such aid subject to such terms and conditions as said Board may impose.

3.2 Appointed Town Officers

3.2.1 Town Treasurer-Collector

3.2.1.1 Duties

The Town Treasurer-Collector shall collect, under the title of Town Treasurer-Collector, all accounts due the Town which are committed to him.

3.2.1.2 Collection and Abatement

Any account committed by the Town Accountant, which the Town Treasurer-Collector is unable to collect by ordinary efforts, may be referred by the Town Treasurer-Collector to the Town Accountant or Town Counsel for instruction as to procedure. So far as permitted by law, any account or portion thereof may be abated by the department in which such account originated subject to the approval of the Town Manager. The Town Accountant shall be notified in writing of the abatement of any such committed account or portion thereof.

3.2.1.3 Receipts

The Town Treasurer-Collector shall, at least once in each week, pay over to the Treasurer's accounts all money received by him during the preceding week or lesser period, including any sum received as interest on moneys received by him on all accounts committed to him and deposited in any bank. He shall give bond to the Town for the faithful performance of his duties in a form approved by the Commissioner of Revenue and in such sum, not less than the amount that may be established by said Commissioner, as shall be fixed by the Selectmen.

3.2.2 Town Accountant

Every department of the Town shall deliver to the Town Accountant at least once in every month a separate statement of each account due the Town arising through any transaction with such Department. Upon receipt of such statements of accounts, the Town Accountant shall commit such accounts to the Town Treasurer-Collector for collection. This section shall not apply to

- taxes and special assessments, licenses and permits issued or granted by the various departments of the Town,
- costs and fees charged by said departments,
- interest on investments of sinking or trust funds or
- accounts due the Municipal Light Department.

3.2.3 Town Clerk

3.2.3.1 Duties

The Town Clerk shall keep a record which contains a true copy of all deeds and conveyances executed by the Board of Selectmen, or by any other authorized board or person.

3.2.3.2 Filing at Registry of Deeds

The Town Clerk shall see that every conveyance to the Town of any interest in land and any plan thereof are properly recorded in the Registry of Deeds.

3.2.3.3 Town Meeting Votes

The Town Clerk shall furnish all official bodies with a copy of all Town Meeting votes affecting them.

3.2.3.4 Reports to Town Meeting

Whenever any report of any official body or any minority report thereof is presented to a Town Meeting, the Town Clerk shall cause the report to be entered in full upon the regular record of the meeting.

3.2.3.5 Certification of Elections

As soon after election or appointment as practical the Town Clerk shall issue a written notice stating the office to which each person has been elected or appointed to serve. This written notice shall reference the requirement that they are required to take an oath of office.

3.2.3.6 Annual Report

The Town Clerk shall cause to be permanently bound one or more copies of each Annual Town Report, which shall be kept in the Town Hall.

3.3 Appointed Boards, Committees and Commissions

3.3.1 General

3.3.1.1 Recording Secretary

If resources permit, the Town Manager may appoint Recording Secretaries, as needed, to the various boards, committees and commissions. A Recording Secretary shall not be a member of the board, committee or commission.

3.3.1.2 Election of Officers

Each board, committee or commission shall meet at the call of the Chairman no earlier than June 1 and no later than July 31 of each year and shall then elect its Chairman and Vice Chairman for the new fiscal year.

3.3.1.3 Residency Required

Any member of any board, committee or commission, who shall cease to be an inhabitant of the Town, shall immediately cease to be a member of the board, committee or commission.

3.3.1.4 Removal for Absence

If any member of any board, committee or commission is absent from three (3) or more successive meetings of the board, committee or commission, the other members of said board, committee or commission may by an affirmative vote of its majority request the appointing authority to remove

such absenting member from his membership in accordance with the provisions of Section 8.12 of the Reading Home Rule Charter.

3.3.1.5 Term of Office

The term of office of each member of boards, committees and commissions shall commence on July 1 in the year of appointment, and shall expire on June 30 in the third following calendar year, except the terms of the members of the Reading Housing Authority are for five (5) years.

3.3.1.6 Appointment of Associate Members

All boards and committees appointed by the Board of Selectmen may have Associate Members. The provisions of this section shall be applicable to all Associate Members of such bodies except as otherwise provided.

The number of Associate Members on a board or committee shall not exceed two-thirds (2/3) of the number of regular members on that board or committee. Associate Members shall serve for a two (2) years term, so arranged that as nearly an equal number of terms as possible shall expire each year. Associate Members shall be appointed by the Board of Selectmen.

If any regular member is absent from a meeting, disqualified from acting, or otherwise unable to deliberate on a particular matter that comes before a board or committee, the chair of such board or committee may designate one or more Associate Members to deliberate and vote on any matter before the board or committee. If more than one Associate Member is available to fill a temporary vacancy, the chair shall designate the Associate Member having the greatest tenure on the board or committee; provided, however, that any Associate Member so designated shall be entitled to continue to participate in the matter as necessary and to remain qualified to vote thereon.

3.3.2 Finance Committee

3.3.2.1 Duties

The Finance Committee shall consider all matters of business included within the Articles of any warrant which involve the expenditure, appropriation and raising or borrowing of money.

3.3.2.2 Recommendation to Town Meeting

The Finance Committee shall make a written recommendation on all Articles that it has considered, and the Town Clerk shall make said written recommendations available to each Town Meeting Member at least seven (7) days prior to the first business session of the Annual Town Meeting, seven (7) days prior to the second Monday in November and four (4) days prior to any Special Town Meeting. The said recommendations should be those of a majority of the entire Committee but recommendations may also be made by a minority of said Committee. The Committee's report shall also state the total amount of appropriations recommended by it on the entire warrant.

3.3.2.3 Investigation

The Finance Committee, or its duly authorized agents, at any time may, and promptly upon the petition of one hundred (100) voters of the Town or a vote of Town Meeting, shall investigate the books, accounts, records or management of any Town Board, Committee, Commission or Department. The Finance Committee may call upon the assistance of any Town official or

employee and may to employ such expert or other assistance as it may deem advisable for that purpose. The books, records and accounts of any Town Board, Committee, Commission or Department shall be open to the inspection of the Finance Committee, its agents, assistants or employees upon request. The Committee shall have no power to incur any expenses payable by the Town without authorization by a majority vote taken at a public meeting of the Moderator, Chairman of the Finance Committee, and Town Accountant, and such expenses shall be paid from the Finance Committee Reserve Fund.

The Finance Committee shall make a report on every such investigation, setting forth its findings and recommendations, and shall transmit each such report to Town Meeting and to the Chair of the relevant Board, Committee or Commission.

3.3.2.4 Cannot Hold another Office

Any member of the Finance Committee, who shall be appointed or elected to any official body, shall forthwith upon his qualification in such office, cease to be a member of the Finance Committee. This provision shall not apply to the appointment of a Finance Committee member to serve as a member of any ad hoc board, commission or committee in the Town of Reading or to any board, commission or committee upon which a member of the Finance Committee shall serve in an ex officio capacity.

3.3.3 Bylaw Committee

The Bylaw Committee shall report to Town Meeting on all proposed changes to the bylaw which are included on the warrant for Town Meeting. Such report shall be prepared in writing and included in the Finance Committee report as specified in Section 3.3.2.2 of this bylaw. The Bylaw Committee may request proposals for bylaw amendments from official bodies and inhabitants. The Bylaw Committee may submit Articles to amend the bylaw on the Warrant for Town Meeting action.

3.3.4 Council on Aging

At least two (2) of its ten (10) members shall be over sixty-five (65) years of age.

3.3.5 Audit Committee

3.3.5.1 Membership

There shall be an Audit Committee consisting of seven (7) members. Members appointed by each appointing authority shall have terms that expire in different years. No member of the Audit Committee shall be a compensated Town employee. Notwithstanding the provisions of Section 3.3.2.4 of this bylaw to the contrary, a Finance Committee member may be a member of the Audit Committee. Two (2) members shall be appointed by the Board of Selectmen, two (2) members shall be appointed by the School Committee, one (1) member shall be appointed by the Reading Municipal Light Board, and two (2) members shall be appointed by the Finance Committee.

3.3.5.2 Selection of Audit Firm

The Audit Committee shall determine the firm or firms of independent auditor(s) that is to audit and report on the financial statements issued by the Town, including the Reading Municipal Light Department. The Audit Committee shall review the audit plan with the independent auditor(s) and, upon completion of the audit, meet with the independent auditor(s) to discuss the results of the audit and the annual financial reports. The Audit Committee

shall transmit a copy of the completed annual audit and report to the Board of Selectmen, the Finance Committee, the School Committee and the Reading Municipal Light Board by the end of the calendar year within which the Fiscal Year covered by the audit occurs.

3.3.6 Permanent Building Committee

There shall be a Permanent Building Committee consisting of five (5) Permanent Members and, except as otherwise provided herein, up to two (2) Temporary Members for each project that the Permanent Building Committee undertakes. Permanent and Temporary Members of the Permanent Building Committee shall be appointed by an Appointment Committee consisting of the Chair of the Board of Selectmen, the Chair of the School Committee and the Town Moderator.

Permanent Members shall be volunteers having practical experience and skills in professions that concentrate on the design, construction, management and/or financing of commercial / institutional buildings such as architects: civil engineers; structural engineers; mechanical, electrical and plumbing engineers, building contractors, project managers, property managers, attorneys and building tradespersons. The terms shall be so arranged that as nearly an equal number of terms as possible shall expire each year.

Temporary Members may be appointed for each individual project that the Permanent Building Committee undertakes. Temporary Members shall have the same participation and voting rights as Permanent Members on matters affecting the particular project for which they were appointed. Temporary Members shall be registered voters of the Town, selected by the Board or Committee that proposes a particular building or renovation project (the “Sponsoring Agency”) and shall serve only for the time during which the Permanent Building Committee is exercising its functions with respect to such project. In the event that a particular project is subject to participant requirements of a state funding authority, the Appointment Committee may appoint additional members to the Permanent Building Committee for that particular project; provided, however, that, in no event, shall the aggregate number of Permanent and Temporary Members with full voting rights for a particular project exceed nine (9). Quorum requirements for the Permanent Building Committee shall be the majority of the Permanent and Temporary Members for a particular project.

The Permanent Building Committee shall be responsible for the oversight and management of all major municipal and school building design studies and construction projects having expected aggregate costs exceeding two million dollars ($2,000,000). The Permanent Building Committee’s jurisdiction shall not extend to projects of the Reading Municipal Light Department. The Permanent Building Committee shall present all such projects to the Finance Committee for consideration of funding options and shall sponsor and present all such projects to Town Meeting for its consideration and approval of funding.

The Permanent Building Committee shall work with the School Committee, the Board of Selectmen and any other Sponsoring Agency. The Sponsoring Agency shall notify the Permanent Building Committee of its intention to undertake any such projects within eight (8) calendar days of a positive vote or general affirmation to do so.

The Permanent Building Committee shall work with the Director of Facilities to compile an inventory of the physical condition and anticipated repairs and

renovations of all existing municipal buildings and will summarize its findings in an annual report to Town Meeting.

ARTICLE 4 PERSONNEL

4.1 Personnel

4.1.1 Purpose and Authorization

The purpose of the Personnel bylaw is to establish fair and equitable personnel policies and to establish a system of personnel administration based on merit principles to ensure the uniform, fair and efficient application of personnel policies. This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and MGL Chapter 41 Sections 108A and 108C.

4.1.2 Application

All Town personnel shall be subject to the provisions of this Section 4.1 except for elected officers and except for employees of the School Department and Municipal Light Department.

4.1.3 Administrative

The Board of Selectmen shall be responsible for the establishment and maintenance of a personnel system based on merit principles, the classification and reclassification of positions, an annual compensation plan, and the development and promulgation of personnel policies pursuant to Section 4.1.5 of this bylaw.

4.1.4 Personnel System

A personnel system shall be established by promulgation of policies pursuant to Section 4.1.5. The Town Manager shall administer the personnel system. No employee may be appointed to a position that is not included in the classification plan. The personnel system shall make use of current concepts of personnel management and shall include but not be limited to the following elements:

4.1.4.1 Administration

The maintenance of personnel records, the implementation of effective recruitment and selection processes, the maintenance of the classification and compensation plans, the monitoring of the application of personnel policies and periodic review and evaluation of the personnel system.

4.1.4.2 Classification Plan

A position classification plan for all employees subject to this bylaw based on similarity of duties performed and the responsibilities assigned, so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to, all positions in the same class.

4.1.4.3 Compensation Plan

A compensation plan for all positions subject to this bylaw consisting of:

- A schedule of pay grades including minimum, maximum and intermediate rates for each grade; and
- An official list indicating the assignment of each position to specific pay grades.

4.1.4.4 Recruitment and Selection Policy

A recruitment, employment, promotion and transfer policy to ensure that reasonable effort is made to attract qualified persons and that selection criteria are job related.

4.1.4.5 Personnel Records

A centralized recordkeeping system maintaining essential personnel records.

4.1.4.6 Personnel Policies

The policies establishing the rights and benefits to which personnel employed by the Town are entitled and the obligations of said employees to the Town.

4.1.5 Adoption and Amendment of Personnel Policies

The personnel policies defining the rights, benefits and obligations of employees subject to this bylaw shall be adopted or amended as follows:

4.1.5.1 Preparation of Policies

Any member of the Board of Selectmen, the Town Manager, or any three (3) employees may propose a new policy or a policy amendment for the Board of Selectmen's consideration. The Board of Selectmen need not consider any proposal that has already been considered in the preceding twelve (12) months. Any person proposing a new policy or policy amendment shall provide the substance of the proposal and the reason therefor to the Board in writing.

The Board of Selectmen shall hold a public hearing on any proposed policy or policy amendment(s). Any proposed policy or policy amendment(s) shall be posted at least five (5) days prior to the public hearing in prominent work locations, and copies of all proposals shall be provided to representatives of each employee collective bargaining unit.

4.1.5.2 Public Hearing

At the public hearing the proponent(s) shall present the proposed policy or policy amendment(s), the purpose of the proposal, and the implication of any proposed change. Any person may attend the public hearing, speak and present information. Within twenty (20) days after such public hearing, the Board of Selectmen shall consider the proposed policy or policy amendment(s) and may vote to adopt the policy or policy amendment(s), with or without modifications, to reject the policy or policy amendment(s) or indicate that further study is necessary.

4.1.5.3 Computation of Time

In computing time (days) under this bylaw, only days when the Town Hall is open for business shall be counted.

4.2 Physical Qualifications for all Compensated Town Employees (including School Department and Municipal Light Department)

4.2.1 Establishment of Job Requirements and Testing

Subject to any other provisions or requirements of federal or state law, executive order or regulation, every official body having the authority to employ may establish the essential functions for all employment positions, and may establish job-related employment tests or other selection criteria for the positions in question; provided that the job-related employment tests or other selection criteria do not screen out, or have the effect of screening out handicapped persons or any class of handicapped persons, unless alternative job-related tests or criteria that do not screen out or have the effect of screening out as many handicapped persons are not available.

4.2.2 Requirement of Medical Examination

Every person hereafter offered employment by the Town, excluding

- elected officials, and
- occasional or substitute employees

after conditionally being offered employment subject to the results of a medical examination, shall undergo a medical examination conducted prior to the employee's entrance on duty. The purpose of the medical examination is to determine if said employee can perform the essential functions of the job. If deemed unfit to perform the duties of the position for which application has been made the appointing authority shall withdraw the offer of employment.

4.2.3 Town Pays for Medical Exam

The cost of all examinations under this bylaw shall be paid in full by the town department which has made the conditional offer of employment.

4.2.4 Designation of Approved Physician

The regularly appointed School Physician is approved for examination of School Department employees. The Town Manager shall designate the physician for all other employees.

4.2.5 Confidentiality of Records

All information obtained in accordance with this bylaw regarding the medical condition or history of an employee or conditional employee shall be collected and maintained on separate forms as confidential medical records, except that:

- supervisors and managers may be informed regarding restrictions on the work or duties of handicapped persons and any necessary accommodations;
- first aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and
- government officials investigating compliance with the provisions of applicable federal laws shall be provided relevant information upon request.

4.2.6 Applies upon Change of Employment

The provisions of this bylaw shall apply to all employees of the Town who seek a change of employment with the Town.

4.2.7 Aggrieved Employee Right of Appeal

In the event any employee or conditional employee is aggrieved by any action taken pursuant to this bylaw, an appeal may be made in writing as follows:

- to the Board of Selectmen if the employee or conditional employee is a municipal government employee or Library employee, or
- to the School Committee if the employee or conditional employee is an employee of the School Department, or
- to the Reading Municipal Light Board if the employee or conditional employee is an employee of the Reading Municipal Light Department.

Said appeal must be made within ten (10) days of the action complained of; and, after notice to all parties affected there will be an opportunity for a hearing which will afford all necessary due process rights to the parties in question, the Board of Selectmen or, School Committee, or the Reading Municipal Light Board shall within thirty (30) days of the completion of a hearing determine whether the bylaw was violated, or if the action taken was otherwise improper and shall provide a prompt and equitable resolution of the complaint.

In the event of such an appeal, the aggrieved party shall authorize the disclosure of information obtained regarding their medical condition or history to representatives of the Board of Selectmen, the School Department or the Reading Municipal Light Department, as applicable.

4.2.8 Authorizing or Requiring

Nothing contained herein shall be construed as authorizing or requiring the employment of an individual who cannot perform the essential functions of the job in question even with reasonable accommodations, or who is not otherwise qualified for the job in question.

ARTICLE 5 CONDUCT OF TOWN BUSINESS

5.1 Annual Town Reports and Records

5.1.1 Annual Town Report

All official bodies, and Town Counsel shall file an Annual Town Report of their activities with the Board of Selectmen on or before the fifth Monday preceding the first business session of the Annual Town Meeting of each year, and the Board of Selectmen shall cause such reports to be included in the Annual Town Report.

5.1.2 Printing the Annual Town Report

The Board of Selectmen shall have the Annual Town Report completed not later than the first Monday preceding the first business session of the Annual Town Meeting of each year.

5.1.3 Requirement to Keep Records

Each official body shall maintain detailed records of its proceedings and such records, excepting as otherwise provided by law, shall be public records.

5.1.4 Board of Assessors' Records Part of the Annual Report

There shall be included as an integral part of the Annual Town Report the Board of Assessors' records of abatements on real estate taxes, other than statutory exemptions as defined by MGL Chapter 59 Section 5, such records to include the name and address of the taxpayer, the location of the property, and the total sum of money abated.

5.1.5 Roll Call Town Meeting Votes

The vote of each Town Meeting Member on all roll call votes recorded at a Town Meeting shall be included in the Annual Town Report.

5.2 Resolution of Legal Matters

Town Counsel, or any other Special Counsel employed by the Board of Selectmen pursuant to Section 6-4 of the Charter, shall not make any final settlement of any litigation to which the Town is a party unless he has been duly authorized by a vote of the Board of Selectmen, or by a vote of Town Meeting. The Board of Selectmen shall have the authority to compromise and settle all suits involving the payment by the Town of Twenty-Five Thousand ($25,000) Dollars or less, and they shall further have the authority to compromise or settle all claims, actions, proceedings and suits arising under Worker's Compensation or related disability insurance statutes involving payment by the Town of Fifty Thousand ($50,000) Dollars or less. Town Meeting must approve the compromise or settlement of all suits involving payment by the Town of more than Twenty-Five Thousand ($25,000) Dollars, except claims, actions, proceedings and suits arising under Worker's Compensation or related disability insurance statutes in which case Town Meeting must approve or compromise the settlement of all such matters involving the payment by the Town of more than Fifty Thousand ($50,000) Dollars.

5.3 Rules and Regulations

5.3.1 Procedure for Adoption

All Town Agencies or Town Officers, as defined in Section 8-7 of the Charter, shall comply with the following procedures in the adoption or amendment of such rules or regulations which they are empowered to adopt or amend pursuant to this bylaw, the Charter, the General Laws of the Commonwealth or any other enabling act.

The provisions of this bylaw shall be in addition to the filing requirements of Section 8-8 of the Charter. The provisions of this bylaw shall not apply to the adoption, modification or amendment of any rules or regulations for which a procedure is otherwise provided by general or special law or to rules and regulations which relate primarily to the internal operations or procedure of a Town Agency or Town Officer.

5.3.2 Requirement for Public Hearing

No Town Agency or Town Officer shall adopt or amend any rule or regulation until after a public hearing, notice of the time and place of which, and of the subject matter sufficient for identification, shall be posted in a conspicuous place in the Town Hall for a period of not less than seven (7) days before the date of such hearing and published in a newspaper of general circulation in the Town not less than seven (7) days before the day of the hearing if such newspaper exists.

Copies of the legal notice of any proposed rule or regulation or amendment thereto by any Town Agency or Town Officer shall be supplied to the Board of Selectmen, the Finance Committee, the Bylaw Committee and Town Counsel not less than seven (7) days prior to said hearing, and the Board of Selectmen, Finance Committee, Bylaw Committee, or Town Counsel shall be supplied with the full text of the proposed rule or regulation or amendment thereto upon request. The full text of any proposed rule or regulation or amendment thereto shall be available to the public at the office of the Town Clerk and at said hearing. Prior to the adoption or amendment of any such rule or regulation, Town Counsel may render an opinion to the Town Agency or Town Officer proposing such adoption or amendment.

5.3.3 Filing of Approved Rules and Regulations

Within ten (10) days of adoption a copy of every rule or regulation adopted or amended shall be posted in a conspicuous place in the Town Hall for at least thirty (30) days and a copy of all such rules or regulations so adopted or amended shall be filed in the Office of the Town Clerk. As provided in Section 8-8 of the Charter, any such rules or regulations or amendments to rules or regulations shall not become effective until ten (10) days following the date they are so filed.

5.3.4 Inhabitant Proposal of a Rule or Regulation

Any inhabitant of the Town may propose a rule or regulation or amendment to the same by notifying the appropriate Town Agency or Town Officer in writing with a copy of the proposed rule or regulation or amendment. Within ninety (90) days of the receipt thereof, the Town Agency or Town Officer shall afford such inhabitant the opportunity to appear before said Town Agency or Town Officer to present the rationale for the proposed rule or regulation or amendment. If the Town Agency or Town Officer determines to adopt such rule, regulation or amendment, it shall thereafter follow the provisions of this bylaw.

5.3.5 Notification to Inhabitant of Non-Adoption

If the Town Agency or Town Officer determines that it will not adopt such rule, regulation or amendment, it shall give written notification of the same to the proposing inhabitant within thirty (30) days of the meeting on the proposal.

5.4 Criminal History Check Authorization

5.4.1 Fingerprint Based Criminal History Checks

The Police Department shall as authorized by MGL Chapter 6 Section 172 B 1/2 conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

- Hawking and Peddling or other Door-to-Door Salespeople - Police Chief
- Manager of Alcoholic Beverage License - Board of Selectmen
- Owner or Operator of Public Conveyance - Board of Selectmen
- Dealer of Second-hand Articles - Board of Selectmen
- Hackney Drivers - Board of Selectmen
- Ice Cream Truck Vendors - Board of Health

5.4.1.1 Notification

At the time of fingerprinting the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which has issued an Informational Bulletin which explains the requirements for town bylaw and the procedures for obtaining criminal history information to see if there have been any updates to be sure the Town remains in compliance.

5.4.1.2 State and National Criminal Records Background Checks

Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this bylaw to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this bylaw.

5.4.1.3 Authorization to Conduct Fingerprint-Based State and National Criminal Record Background Checks

The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this bylaw. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this bylaw. The State and FBI criminal history will not be disseminated to unauthorized entities. Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his criminal history record from the Police Department. Should the record subject seek to amend or correct his record, he must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants 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. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record

background check to any licensing authority pursuant to this bylaw until it has taken the steps detailed in this paragraph.

5.4.1.4 Municipal Officials

Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so. The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town as listed. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

5.4.1.5 Regulations

The Board of Selectmen, is authorized to promulgate regulations for the implementation of the proposed bylaw, but in doing so it is recommended that they consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute the FBI's requirements for access to the national database and other applicable state laws.

5.4.2 Use of Criminal Record by Licensing Authorities

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

The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this bylaw.

5.4.3 Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be determined by the Board of Selectmen and shall not exceed one hundred dollars ($100). The Town Treasurer shall periodically consult with Town Counsel and the Department of Revenue, Division of Local Services regarding the proper municipal accounting of those fees. A portion of the fee, as specified in MGL Chapter 6 Section 172B 1/2 shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

5.4.4 Effective Date

This bylaw shall take effect May 4, 2012 so long as the requirements if MGL Chapter 40 Section 32 are satisfied.

ARTICLE 6 FINANCIAL PROCEDURES

6.1 Capital Improvements Program

6.1.1 Submission of Project Requests

All official bodies shall submit their proposed capital outlays to the Town Manager as required by the Town Manager.

6.1.2 Presentation to Town Meeting

After submission of the Capital Improvements Program to the Board of Selectmen and the Finance Committee, the Town Manager shall present to each Annual Town Meeting such Program to be adopted by Town Meeting with or without amendment. The Capital Improvements Program may be amended by action of any regular or special Town Meeting.

6.1.3 Adoption of Capital Improvements Program is not Authorization to Spend Funds

Adoption of the Capital Improvements Program shall not constitute authorization of the expenditure of any funds. No funds may be appropriated for any capital item unless such item is included in the Capital Improvements Program, and is scheduled for funding in the Fiscal Year in which the appropriation is to be made.

6.2 Disposal of Surplus Property

6.2.1 Certain Disposition to be Approved by Town Meeting

Whenever an item or collection of items of tangible personal property with an estimated net value of up to Five Thousand ($5,000) Dollars within the control of an official body, but excluding the Municipal Light Board, shall be determined by that official body to be surplus, obsolete, salvage, or beyond repair, it may be disposed of by sale, trade or otherwise, by the Town Manager with the approval of the Finance Committee. Notwithstanding the foregoing, an item or collection of items of tangible personal property, with an estimated net value of less than Five Thousand ($5,000) Dollars no longer useful to the Town but having resale or salvage value, may be disposed of by the Town Manager with the approval of the Finance Committee, and without any further approval by Town Meeting at less than fair market value to a charitable organization which has received a tax exemption from the United States by reason of its charitable nature.

6.2.2 Non-Applicability to Library Materials

This bylaw shall not apply to the disposition of old books, magazines, periodicals, recordings and printed materials in the custody of the Board of Library Trustees. Such disposition may be made at the discretion of the Board of Library Trustees.

6.3 Delinquent Taxes; Denial, Revocation and Suspension of Permits and Licenses

6.3.1 Notice of Delinquencies to Departments

Pursuant to MGL Chapter 40 Section 57 the Town Treasurer-Collector shall annually furnish to each department, board, commission or division of the Town, 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 (12) month period, and that such party has not filed in good faith a pending application for abatement of such tax or a pending petition before the Appellate Tax Board.

6.3.2 Denial, Revocation, Suspension for Delinquencies

Each department, board, commission or division of the Town, that issues licenses or permits including renewals and transfers may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished by the Town Treasurer-Collector; provided, however, that written notice is given to the party and the Town Treasurer-Collector as required by Section 6.3.6 hereof, and the party is given a hearing to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Town Treasurer-Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the department, board, commission or division of the Town, that issues licenses or permits including renewals and transfers with respect to such license denial revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension.

Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the department, board, commission or division of the Town, that issues licenses or permits including renewals and transfers receives a certificate issued by the Town Treasurer-Collector that the party is in good standing with respect to the payment of all local taxes, fees, assessments, betterments or other municipal charges as of the date of issuance of said certificate.

6.3.3 Payment Agreement

Any party shall be given the opportunity to enter into a payment agreement, thereby allowing the department, board, commission or division of the Town, that issues licenses or permits including renewals and transfers to issue a certificate indicating that validity of the license or permit shall be conditioned upon the satisfactory compliance with the payment agreement. Failure to comply with the payment agreement shall be grounds for the suspension or revocation of a license or permit; provided, however, that the holder shall be given notice and a hearing as required by Section 6.3.6 hereof prior to the suspension or revocation.

6.3.4 Waiver

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the party, its officers or shareholders, if any, or members of his immediate family, as defined by MGL Chapter 268A Section 1 in the business or activity conducted in or on said property.

6.3.5 Non-Applicability

This section shall not apply to the following licenses and permits (as referenced to MGL): open burning, Chapter 48 Section 13; bicycle permits, Chapter 85 Section 11A; sales of articles for charitable purposes, Chapter 101 Section 33; children work permits, Chapter 149 Section 69; clubs, associations dispensing food or beverage licenses, Chapter 140 Section 21E; dog licenses, Chapter 140 Section 137; fishing, hunting, trapping license, Chapter 131 Section 12; marriage licenses, Chapter 207 Section 28, and theatrical events, public exhibition permits, Chapter 140 Section 181.

6.3.6 Written Notice

Written notice as required by this bylaw shall be hand-delivered and a signed receipt obtained therefore, or sent by registered or certified mail, return receipt requested, postage prepaid.

6.4 Surcharge on Details

Pursuant to MGL Chapter 44 Section 53C, a fee of ten (10%) percent of the cost of the services authorized by said section for work performed by one of the Town's employees on an off-duty work detail or for special detail work shall, except in the case of a city, town, district or the Commonwealth of Massachusetts, be added to the cost of said services and paid by the persons requesting such private detail.

6.5 Grant Fund Applications

Written notification of all grant fund applications to be submitted by any official body to any government agency, qualified tax-exempt entity or private organization shall be promptly forwarded to the Town Accountant, Town Manager and the Board of Selectmen.

ARTICLE 7 REGULATIONS ON THE USE OF PRIVATE LAND

7.1 Wetlands Protection

7.1.1 Purpose

The purpose of this bylaw is to protect the floodplains and wetlands of the Town by controlling activities deemed to have a significant effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution prevention, fisheries, wildlife habitat and wildlife.

7.1.2 Determination of Applicability

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may request a determination from the Conservation Commission in writing. The Conservation Commission shall issue its determination, in writing, within twenty-one (21) days from the receipt of such request.

7.1.3 Notice to the Conservation Commission

No person shall remove, fill, dredge or alter the following resource areas: bank; fresh water wetland; marsh; meadow; bog; swamp; creek; river; stream; pond; lake; lands under water bodies; land within one hundred feet of any of the preceding resource areas; land subject to flooding; and riverfront area, other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sanitary sewer, storm drainage, public roadway, telephone, telegraph and other telecommunication services, without filing written notice of his intention to so remove, fill, dredge or alter and without receiving and complying with an Order of Conditions, and provided all appeal periods have elapsed. Said resource areas shall be protected whether or not they border surface waters. Such notice shall be sent by certified mail or hand delivered to the Reading Conservation Commission, including such plans as may be necessary to describe such proposed activity and its effect on the environment.

7.1.4 Concurrent Notice and Hearings to Meet State Law Requirements

The same Notice of Intent, plans and specifications required to be filed by an applicant under MGL Chapter 131 Section 40 will be accepted as fulfilling the applicable requirements of this bylaw. The Conservation Commission may adopt and impose project review changes in accordance with regulations adopted pursuant hereto. Town projects are exempt from review fees under Section 7.1.14.

All hearings and public meetings held under MGL Chapter 131 Section 40 when it applies, and under this bylaw shall be held simultaneously, whenever possible. Definitions, time frames and procedures, not inconsistent with this bylaw or the regulations adopted pursuant hereto, set forth in said Section 40, and in the regulations promulgated by the Department of Environmental Protection, as the same may from time to time be amended, are hereby made a part of this bylaw. The critical wetland-related terms used in this bylaw and regulations adopted pursuant hereto shall be defined in regulations promulgated under this bylaw

7.1.5 Definition of “Person”

The term "person", as used in this bylaw, shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth whenever subject to Town bylaw, or any political

subdivision of the Commonwealth whenever subject to Town bylaw, administrative agency, public or quasi-public corporation or body, or any other legal entity or its legal representative, agents or assigns.

7.1.6 Authority to Enter upon Lands

The Conservation Commission, its agent, officers and employees, may enter upon the land upon which the proposed work is to be done in response to a request for a determination, or for the purpose of carrying out its duties under this bylaw, and may make or cause to be made such examination or survey as deemed necessary.

7.1.7 Authority to Deny Application

The Conservation Commission is empowered to deny permission for any activity that is likely to remove, dredge, fill or alter subject lands within the Town if, in its judgment, such denial is necessary for the protection of public or private water supply, groundwater, flood control, erosion control, storm damage prevention, or the prevention of pollution or the protection of fisheries or wildlife.

7.1.8 Authority to Impose Conditions

The Conservation Commission may, as an alternative to a denial, impose such conditions as it deems necessary to contribute to the protection and preservation of the subject lands in accordance with the purposes of this bylaw.

7.1.9 Authority to Require Posting of Bonds

The Conservation Commission may require the posting of a bond with surety, running to the municipality, and sufficient as to form and surety in the opinion of the Commission's Counsel, to secure faithful and satisfactory performance of work required by any Order of Conditions, in such sum and upon such conditions as the Conservation Commission may require. Other evidence of financial responsibility which is satisfactory to the Conservation Commission may be accepted in lieu of bonding.

Notwithstanding the above, the amount of such bond shall not exceed the estimated cost of the work required or the restoration of affected lands and properties if the work is not performed as required, whichever is greater. Forfeiture of any such bond or other security shall be recoverable at the suit of the municipality in Superior Court. Such bond or other security shall be released upon issuance of a Certificate of Compliance.

7.1.10 Emergency Projects

The notice required by Section 7.1.3 of this Bylaw shall not apply to emergency projects necessary for the protection of the health and safety of the citizens of Reading, and to be performed or ordered to be performed by an administrative agency of the Commonwealth or by the Town. Emergency projects shall mean any projects certified to be an emergency by the Conservation Commission. In no case shall any removal, filling, dredging or altering authorized by such certification extend beyond the time necessary to abate the emergency.

7.1.11 Mosquito Control Exempt

The provisions of this bylaw shall not apply to any mosquito control work done under the provisions of of MGL Chapter 40 Section 5 Clause (36) or MGL Chapter 252.

7.1.12 Agricultural Work Exempt

The provisions of this bylaw shall not apply to work performed for normal maintenance or improvement of lands in agricultural use as of the effective date of this bylaw.

7.1.13 Appeal of Decisions

A decision of the Conservation Commission shall be reviewable in the Massachusetts Superior Court in accordance with MGL Chapter 249 Section 4.

7.1.14 Authority to Charge Fees to Hire Consultants

The Conservation Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Conservation Commission for specific expert engineering, and other consultant services deemed necessary by the Conservation Commission to come to a final decision on an application for Determination of Applicability, Notice of Intent or other application or filing made pursuant to this bylaw. This fee is called the consultant fee and shall be in the maximum amount of Twenty-Five Thousand ($25,000) Dollars. The specific consultant services may include but are not limited to, resource area and wetlands survey and delineation, analysis of resource area and wetlands values, including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law.

The Conservation Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. If a revolving fund for the consultant expense fee is authorized by Town Meeting, or by any general or special law, the consultant fee shall be put into such revolving fund. The Commission may draw upon that fund for specific consultant services approved by the Commission at one of its public meetings. Any unused portion of the consultant fee shall be returned to the applicant unless the Conservation Commission decides at a public meeting that other action is necessary. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of Massachusetts General Laws.

The minimum qualifications of any consultant selected by the Conservation Commission shall consist either of an education degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.

7.1.15 Authority to Issue Enforcement Orders

The Conservation Commission may issue enforcement orders directing compliance with the provisions of this bylaw and the regulations adopted pursuant thereto, and may undertake any other enforcement action authorized by law. Any person who violates the provisions of this bylaw or the regulations adopted pursuant thereto may be ordered to restore the property to its original condition and take other actions deemed necessary to remedy such violations.

7.1.16 Violations

No person shall remove, fill, dredge or alter any area subject to protection under the provisions of this bylaw 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 the provisions of this bylaw. Each day such violation continues shall constitute 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 given written notification of said violation by the Conservation

Commission shall not be subject to additional penalties under this bylaw, unless said person thereafter fails to comply with an enforcement order or order of conditions.

7.1.17 Authority to Promulgate Rules

After due notice and public hearing, the Conservation Commission may promulgate rules and regulations to effectuate the administration of this bylaw. However, failure to promulgate rules and regulations as herein provided, or a legal declaration by a court of law of the invalidity of any section or provision of this bylaw, shall not invalidate any other section or provision thereof.

7.1.18 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and MGL Chapter 40 Section 21D.

7.2 Historic Demolition Delay

7.2.1 Purpose

The purpose of this bylaw is to provide the Reading Historical Commission with a tool to assist the Commission in its efforts to preserve the Town's heritage and to protect historically significant structures within the Town, which reflect or constitute distinctive features of the architectural, cultural, economic, political or social history of the Town.

The purpose of this bylaw, even if it ultimately cannot prevent demolition, is to find a reasonable option to prevent complete demolition, and to provide owners of such structures with time to consider alternatives, by encouraging owners to seek out ways to preserve, rehabilitate, or restore such structures

To achieve these purposes, the Reading Historical Commission is empowered to create a List of Historic Structures, and to provide a copy of that List, as it may be updated from time to time, to the Building Inspector. With the Building Inspector, the Reading Historical Commission will implement the provisions of this bylaw with respect to the issuance of permits for demolition of structures that are included on the List of Historic Structures

7.2.2 Definitions

The following terms when used in this bylaw shall have the meanings set forth below.

7.2.2.1 Commission

Reading Historical Commission.

7.2.2.2 Demolition

Any act of pulling down, destroying, removing or razing a structure or commencing the work of total destruction with the intent of completing the same which work would require a Demolition Permit.

7.2.2.3 Demolition Application

An official application form provided by the Building Inspector for an application for a Demolition Permit.

7.2.2.4 Hearing
A public hearing conducted by the Commission after due public notice as provided in this bylaw.

7.2.2.5 Legal Representative
A person or persons legally authorized to represent the owner of a structure that is or is proposed to be subject to this bylaw.

7.2.2.6 List
The List of Historic Structures as it is constituted pursuant to this bylaw.

7.2.2.7 Owner
Current owner of record of a structure that is included in or proposed to be included in the List of Historic Structures.

7.2.2.8 Premises
The parcel of land upon which a demolished structure that appears on the List as defined in 7.2.2.6 was located and all adjoining parcels of land under common ownership or control.

7.2.2.9 Structure
Materials assembled at a fixed location to give support or shelter, such as a building.

7.2.3 Commission to Establish a List of Historic Structures
The Commission will provide a List of Historic Structures to the Building Inspector. This List shall be updated by the Commission from time to time as needed. The List shall also be provided on the Town's web site or other electronic means of publishing information to the community.

This List shall be made up of:

- all structures listed on, or located within an area listed on, the National Register of Historic Places, or the Massachusetts Historical Register of Historic Places ; and
- all structures included in the Town of Reading Historical and Architectural Inventory, as of September 1, 1995, maintained by the Commission; and
- all structures that were added in 2010 pursuant to the processes in existence at that time; and
- following the procedures included in Section 7.2.3.1 of this bylaw, all structures that have been determined from time to time by the Commission to be historically or architecturally significant.

7.2.3.1 Procedures for expanding the List
In considering additional structures to be included on the List, pursuant to section 7.2.3, the following process shall be followed:

- The Commission shall prepare, or cause to be prepared, an inventory form for each structure considered for addition to the List. The inventory form for each property shall be prepared using a standard form provided by the Massachusetts Historical Commission. The criteria to be used for consideration for inclusion on the List will include:
  - The structure is determined to be importantly associated with one or more historic persons or events, or
  - The structure is determined to be associated with the broad architectural, cultural, economic or social history of the Town or Commonwealth, or

- The structure is believed to be historically or architecturally significant in terms of:
  - Period,
  - Style,
  - Method of building construction,
  - Association with a significant architect, builder or resident either by itself or as part of a group of buildings;
- The Commission will inform by regular US mail each property owner whose structure is being considered for preparation of an inventory form
- The owner of each structure for which an inventory form has been prepared shall be sent a notice of a public hearing at least 30 days in advance of the hearing. The notice shall be sent by Certified Mail – return receipt requested – or by service by a Constable. The notice shall include the following information:
  - that the structure that they own is being considered for inclusion on the List,
  - a copy of the inventory form for the structure,
  - a statement as to the criteria considered in including additional structures on the List, and
  - a copy of this bylaw.

In addition to the notice of the hearing delivered to each owner, legal notice of the hearing including the street address of all structures proposed to be added to the List shall be published at the Commission's expense at least 14 days in advance of the hearing in a newspaper of general circulation in the community. Additionally, at least 7 days prior to the hearing a copy of the newspaper notice will be mailed by regular U.S. mail to all property owners within 300 feet of each property containing a structure to be considered for inclusion on the List.

At the hearing, the Commission will hear comment from all owners and abutters who wish to be heard, and following the close of the hearing the Commission will make a determination as to which of the structures proposed for inclusion on the List of Historic Structures shall be voted onto that List. The decision as to what properties to include shall be made by the Commission, with the inclusion of a property on the List requiring the affirmative vote of at least 4 members of the Commission. The vote shall be taken at a public meeting, and the vote may be made either the same day as the close of the hearing, or at a later meeting of the Commission. If at a later meeting, the Commission shall inform each owner either upon closing the hearing or by regular US mail at least 3 days in advance of a public meeting, of the date of the meeting at which the matter is to be further discussed. Nothing shall preclude the Commission from voting to add structures onto the List at different meetings.

7.2.3.2 Owner's Appeal of addition of a structure to the List

An owner, at the public hearing at which additions to the List are to be considered, may object to inclusion of their structure onto the List. At the hearing or such later date as agreed by the Commission, the owner shall submit information or documentation in support of their objection. The Commission may consider their objection at the hearing and/or subsequent public meetings, and the Commission shall not vote to include the structure in question onto the List until all information supplied by the owner can be fully

considered by the Commission. In considering whether to finally vote to include a structure on the List the Commission will consider the information provided by the owner, and particularly how the structure meets the criteria established in 7.2.3.1. In addition to those criteria, the Commission will consider the uniqueness of the structure, quality of the materials remaining on the outside of the structure, and financial or other hardship that might be created to the owner by inclusion of the structure onto the List. A structure whose owner objects may only be included on the List if a minimum of four (4) members of the Commission vote to do so.

7.2.4 Referral of Demolition Applications of structures on the List by the Building Inspector to the Commission

Upon the receipt of a completed Demolition Application for a structure on the List, the Building Inspector shall

- As soon as possible but not later than 30 days from the submission of a complete Demolition Application, notify the owner that the structure they want to demolish is on the List, and therefore subject to this bylaw.
- Provide the owner with a packet to apply to the Commission for demolition approval, along with a copy of the inventory of their structure, a copy of this bylaw, and a copy of any guidelines that the Commission has adopted regarding the demolition delay process.
- Inform the Chairman of the Commission of a pending application under this bylaw.
- Obtain an abutters list, at the expense of the owner, of all properties within 300 feet.
- Upon receipt of a completed application for Commission demolition approval, determine the completeness of the application.
- Notify the Chairman of the Commission who will provide the Building Inspector with alternative dates for a public hearing not sooner than 7 days nor more than 21 days from the determination that the application to the Commission is complete.
- Arrange for the publication of a legal notice of the hearing, at the owner's expense, in a newspaper of general circulation in the community including the street address of all structures proposed to be demolished. The notice shall be published not later than 14 days prior to the hearing.
- Arrange for a mailing not later than 7 days prior to the hearing, at the owner's expense, of a copy of the newspaper notice to all property owners within 300 feet of the property containing a structure to be considered for demolition.
- Immediately forward a copy of the application to each of the members of the Commission.

7.2.4.1 Completed Application

The Owner shall be responsible for submitting seven sets of the following information as a completed application prior to the scheduling of the public hearing:

- Completed application form (if any)
- Description of the structure to be demolished (the inventory is an acceptable document for this purpose);
- A demolition plan;
- Assessor's map or plot plan showing the location of the structure to be demolished on its property with reference to the neighboring properties;
- Photographs of all facade elevations;

- Statement of reasons for the proposed demolition and data supporting said reasons;
- Description of the proposed reuse of the premises on which the structure to be demolished is located;
- If applicable, the name and contact information of the Legal Representative.

7.2.5 Public Hearing

The Commission will hold a hearing to allow all interested parties to voice their opinions and to present pertinent information concerning the structure, as well as its value and importance to the neighborhood and the Town. The Owner or the Legal Representative will present the requested demolition plan and supporting documentation. The public may present their opinions and additional relevant information. After the presentation and the public comments, the Commission will make one of two decisions:

- The presented information is insufficient for the Commission to make a final determination on requested demolition of the Structure. Therefore, the Commission may continue the hearing. A continued hearing shall be not later than 21 days from the initial hearing and the hearing shall be closed within 30 days of the initial hearing.
- The presented information is sufficient to make a final determination on the requested demolition of the Structure. Therefore, the Commission shall close the hearing.

7.2.6 Determination of whether the Demolition Delay is imposed

Once the Hearing is closed, a motion shall be made to determine if the loss of the structure would be detrimental to the Town when considering the purpose of this bylaw as detailed in section 7.2.1:

- An affirmative vote by 4 members of the Commission will declare that the structure is protected by this Bylaw, and therefore, a demolition delay of up to six (6) months is imposed beginning the date of the vote.
- A negative vote by the Commission (affirmative vote of less than 4 members of the Commission) will declare that the structure is not protected by this Bylaw, and the Building Inspector may issue a permit to demolish the structure.

The Commission will notify the Building Inspector within seven (7) days of the Commission's decision. If the notice is not received within the expiration of seven (7) days of the close of the hearing, the Building Inspector may act on the Demolition Permit Application with no further restrictions of this bylaw.

7.2.6.1 Demolition Delay imposed

The Commission shall advise the Owner and the Building Inspector of the determination that the Demolition Permit will be delayed up to six (6) months. During this time, alternatives to demolition shall be considered. The Commission shall offer to the Owner information about options other than demolition, including but not limited to resources in the preservation field, the Massachusetts Historical Commission, the Town Planner, and other interested parties that might provide assistance in preservation or adaptive reuse.

7.2.6.2 Responsibilities of Owner if Demolition Delay is imposed

The Owner shall be responsible for participating in the investigation of options to demolition by:

- Actively pursuing alternatives with the Commission and any interested parties;
- Providing any necessary information;

- Allowing reasonable access to the property; and
- Securing the premises.

7.2.6.3 Release of Delay

Notwithstanding the preceding section of this bylaw, the Building Inspector may issue a Demolition Permit at any time after receipt of written notice from the Commission to the effect that the Commission is satisfied that one of the following conditions has been met:

- There is no reasonable likelihood that either the Owner or some other person or group is willing to purchase, preserve, rehabilitate or restore the structure;
- The Owner, during the delay period, has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the structure, and that such efforts have been unsuccessful;
- The Owner has agreed in writing to accept a demolition permit on specified conditions, including mitigation measures approved by the Commission. Such mitigation could include a demolition of only a portion of the structure; or
- A period of six (6) months has elapsed since the conclusion of the Hearing referenced in section 7.2.5.

7.2.6.4 Appeal of the imposition of Demolition Delay

The owner of a structure for which the Commission has imposed a demolition delay may appeal from the imposition of the delay, and/or conditions of the imposition of the delay, by filing the Board of Selectmen a written notice of appeal within fourteen (14) days of the date of the decision of the Commission to impose the Demolition Delay. The filing of an appeal will stay the start of the 6 months imposed under Section 7.2.6.1 of this bylaw until the day following the final rendering of a decision by the Board of Selectmen on the adjudication of the appeal.

Within twenty-one (21) days of receipt of the notice of appeal, the Board of Selectman shall convene an appeal hearing. Notice of the hearing shall be sent to the Chairman of the Historical Commission and to the owner or the owner's Legal Representative, for the purpose of adjudicating the appeal. The Board of Selectmen at the hearing shall review the record of the proceedings before the Commission and input provided by the owner and by Commission representatives.

Notice of the hearing shall be given to the owner, to the Commission, and to abutters within 300 feet of the property.

Within fourteen (14) days of the conclusion of the hearing, the Board of Selectmen will render a decision on the appeal. The decision shall be based on the record of the Commission's hearing at which the Demolitions Delay was imposed; information provided by the owner or the Commission at the Board of Selectmen hearing; consideration of the purpose of the bylaw as stated in section 7.2.1; how the structure meets the criteria established in 7.2.3.1.; the uniqueness of the structure; quality of the materials remaining on the outside of the structure; and financial or other hardship that might be created to the owner.

7.2.7 Emergency Demolition

Nothing in this Section shall be construed to prevent the Building Inspector from ordering pursuant to MGL Chapter 143 the emergency demolition of a structure included in the List of Historic Structures. Before issuing an order for an emergency demolition of such a structure, the Building Inspector shall make reasonable efforts to inform the Chairperson of the Commission of his intent to issue such an order.

7.2.8 Enforcement and Remedies

In the event a structure on the List of Historic Structures is demolished in violation of this bylaw, then no building permit shall be issued for the premises for a period of two (2) years after the date of such demolition.

7.3 Local Historic District

The Town of Reading hereby establishes a Local Historic District, to be administered by a Historic District Commission as provided for under MGL Chapter 40C Section1, et sequens, as amended.

7.3.1 Purpose

The purpose of this bylaw is to promote the economic, educational, cultural and general welfare of the inhabitants of the Town of Reading through:

- the preservation and protection of the distinctive characteristics and architecture of Buildings and places significant in the history of the Town of Reading;
- maintaining and improving of the settings of these Buildings and places; and
- the encouragement of building design compatible with the Buildings existing in the area, so as to maintain the historic character of residences or commercial enterprises which distinguish the town as a desirable community.

7.3.2 Definitions

The terms defined in this section shall be capitalized throughout this bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this bylaw, the following terms shall have the following meaning:

7.3.2.1 Alteration, to Alter

The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

7.3.2.2 Building

A combination of materials forming a shelter for persons, animals or property.

7.3.2.3 Certificate

A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this bylaw.

7.3.2.4 Commission

The Historic District Commission as established in this bylaw.

7.3.2.5 Construction, to Construct

The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

7.3.2.6 Display Area

The total surface area of a sign, including all lettering, wording, designs, symbols, background and frame, but not including any support Structure or

bracing incidental to the sign. The Display Area of an individual letter sign or irregular shaped sign shall be the area of the smallest rectangle into which the letters or shape will fit. Where sign faces are placed back to back and face in opposite directions, the Display Area shall be defined as the area of one face of the sign.

7.3.2.7 District

The Local Historic District as established in this bylaw consisting of one or more District areas.

7.3.2.8 Exterior Architectural Feature

Such portion of the exterior of a Building or structure as is open to view from a Public Way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

7.3.2.9 Person Aggrieved

The applicant; an owner of adjoining property; an owner of property within the same District area; an owner of property within one hundred (100) feet of said District area; and any legal entity in which one of its purposes is the preservation of Historic Places, Structures, Buildings or Districts.

7.3.2.10 Public Way

This term shall include Public Ways, public streets, public parks, and public bodies of water. The term “Public Way”, however, shall not include a footpath, cart path or any easement or right of way that does not constitute a Public Way or public street.

7.3.2.11 Structure

A combination of materials other than a Building.

7.3.2.12 Temporary Structure or Building

A Building not to be in existence for a period of more than two years. A Structure not to be in existence for a period of more than one year. The Commission may further limit the time periods set forth herein as it deems appropriate.

7.3.3 District

The District shall consist of two areas as shown in Appendix A-1 and Appendix A-2.

7.3.4 Commission Composition and Appointments

7.3.4.1 Size and Terms

The District shall be overseen by a Commission consisting of five (5) members, to be appointed by the Board of Selectmen, one member initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years.

7.3.4.2 Commission Make-up

The Commission shall include, if possible, one member from one or more nominees solicited from the Reading Antiquarian Society, one member from one or more nominees solicited from the chapter of the American Institute of Architects covering Reading; one member from one or more nominees from the Board of Realtors covering Reading; one or two owners of property

located within a District area; one member nominated by the Reading Historical Commission. If, within thirty (30) days after submission of a written request for nominees to any of the organizations herein named, insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.

7.3.4.3 Alternates

The Board of Selectmen may appoint up to four alternate members to the Commission. In the case of the absence, inability to act or unwillingness to act because of self-interest on the part of a regular member of the Commission, his or her place shall be taken by an alternate member designated by the Chairman. Said alternate members shall initially be appointed for terms of one or two years, and for three year terms thereafter.

7.3.4.4 Continuation of Terms

Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

7.3.4.5 Meetings

Meetings of the Commission shall be held at the call of the Chairman, at the request of two members and in such other manner as the Commission shall determine in its Rules and Regulations.

7.3.4.6 Quorum

Three members of the Commission shall constitute a quorum.

7.3.5 Commission Powers and Duties

7.3.5.1 Exercise of Powers

The Commission shall exercise its powers in administering and regulating the Construction and Alteration of any Structures or Buildings within the District as set forth under the procedures and criteria established in this bylaw. In exercising its powers and duties hereunder, the Commission shall pay due regard to the distinctive characteristics of each Building, Structure, and District area.

7.3.5.2 Adoption of Rules and Regulations

The Commission may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this bylaw or MGL Chapter 40C setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and conduct of its business, including requirements for the contents and forms of applications for Certificates, fees, hearing procedures and other matters. The Commission shall file a copy of any rules and regulations with the office of the Town Clerk.

7.3.5.3 Adoption of Guidelines

The Commission, after a public hearing duly posted and advertised at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Reading, shall adopt and from time to time amend guidelines which set forth the designs and descriptions for certain exterior architectural features which are, in general, suitable for the issuance of a Certificate. No such design guidelines shall limit the right of an applicant for a Certificate to present other designs to the Commission for approval.

7.3.5.4 Election of Officers

The Commission shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.

7.3.5.5 Record Keeping

The Commission shall follow Town operating procedures for keeping its resolutions, transactions, decisions and determinations.

7.3.5.6 Community Education

The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of a District, to the extent that time and appropriations allow.

7.3.6 Alterations and Construction Prohibited Without a Certificate

7.3.6.1 Certificate Required for Improvements

Except as this bylaw provides, no Building or Structure or part thereof within a District shall be Constructed or Altered in any way that affects the Exterior Architectural Features as visible from a Public Way, unless the Commission shall first have issued a Certificate with respect to such Construction or Alteration.

7.3.6.2 No Alteration or Demolition without Certificate

No building permit for Construction of a Building or Structure or for Alteration of an Exterior Architectural Feature within a District and no demolition permit for removal of a Building or Structure within a District shall be issued by the Town or any department thereof until a Certificate as required under this bylaw has been issued by the Commission.

7.3.7 Procedures for Review of Applications

7.3.7.1 Application to Obtain a Certificate

Any person who desires to obtain a Certificate from the Commission shall file with the Commission an application for a Certificate of Appropriateness, or Non-Applicability or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application. The Commission shall determine whether said application involves any Exterior Architectural Features which are within the jurisdiction of the Commission.

7.3.7.2 Time to Determine if Certificate Required

The Commission shall determine within fourteen (14) days of receiving an application for a Certificate whether said application involves any Exterior Architectural Features which are within the jurisdiction of the Commission.

7.3.7.3 Certificate of Non-applicability

If the Commission determines that an application for a Certificate does not involve any Exterior Architectural Features, or involves an Exterior Architectural Feature that is not subject to review by the Commission under the provisions of this bylaw, the Commission shall forthwith issue a Certificate of Non-Applicability.

7.3.7.4 Public Hearing on Application

If the Commission determines that such application involves any Exterior Architectural Feature subject to review under this bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in the bylaw. The Commission shall hold such a public hearing within forty-five (45) days from the date of receiving the application. At least fourteen (14) days before said hearing, notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Reading. Concurrently, a copy of said public notice shall be mailed to the applicant; to the owners of all properties within three hundred 300 feet, and of other properties deemed by the Commission to be materially affected thereby, all as they appear on the most recent applicable tax list; to the Community Planning and Development Commission; to the Historical Commission; to any person filing a written request for notice of hearings, such request to be renewed yearly in December; and to such other persons as the Commission shall deem entitled to notice. The applicant is responsible for the costs of the mailing and advertising.

7.3.7.5 Waiver of Hearing

A public hearing on an application for a Certificate may be waived if the Commission determines that the Exterior Architectural Feature involved, or its category, is so insubstantial in its effect on the District that it may be reviewed by the Commission without a public hearing. If the Commission dispenses with a public hearing on application for a Certificate notice of such application shall be given to the owners of all property within three hundred 300 feet and of other property deemed by the Commission to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application and after considering any responses.

7.3.7.6 Time to Act on Application for Certificate

Within sixty (60) days after the filing of an application for a Certificate, or within such further time as the applicant may allow in writing, the Commission shall issue a Certificate or disapproval. In the case of a disapproval of an application for a Certificate, the Commission shall set forth in writing the reasons for such disapproval. The Commission may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the Commission in a subsequent application would make the application acceptable to the Commission.

7.3.7.7 Conditions on Certificates

In issuing Certificates, the Commission may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this bylaw and the Commission's Guidelines.

7.3.7.8 Issuance of Certificate of Appropriateness

If the Commission determines that the Construction or Alteration for which an application for a Certificate of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the District, the Commission shall issue a Certificate of Appropriateness.

7.3.7.9 Certificate of Hardship

If the Construction or Alteration for which an application for a Certificate of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a Certificate of Hardship, the Commission shall determine whether, owing to the conditions especially affecting the Building or Structure involved, but not affecting the District generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this bylaw. If the Commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the Commission shall issue a Certificate of Hardship.

7.3.7.10 Filing of Decisions

The Commission shall send a copy of its disapprovals and Certificates, including any conditions or limitations, to the applicant and shall file a copy of its disapprovals and Certificates, including any conditions or limitations, with the office of the Town Clerk and the Building Inspector. The date of issuance of a Certificate or disapproval shall be the date of the filing of a copy of such Certificate or disapproval with the office of the Town Clerk.

7.3.7.11 Failure to Act

If the Commission should fail to issue a Certificate or a disapproval within sixty (60) days of the filing of the application for a Certificate, or within such further time as the applicant may allow in writing, the Commission shall thereupon issue a Certificate of Hardship due to failure to act.

7.3.7.12 Signing of Certificates

Each Certificate issued by the Commission shall be dated and signed by its Chairman or such other person designated by the Commission to sign such Certificates on its behalf.

7.3.7.13 Appeal for Review of Decisions

A Person Aggrieved by a determination of the Commission may, within twenty (20) days of the issuance of a Certificate or disapproval, file a written request with the Commission for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the Metropolitan Area Planning Commission (MAPC). The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the Commission, unless a further appeal is sought in the Superior Court as provided in MGL Chapter 40C Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

7.3.8 Criteria for Determinations

7.3.8.1 Criteria

In deliberating on applications for Certificates, the Commission shall consider, among other things, the historic and architectural value and significance of the site, Building or Structure; the general design, proportions, detailing,

mass, arrangement, texture, and material of the Exterior Architectural Features involved; and the relation of such Exterior Architectural Features to similar features of Buildings and Structure in the surrounding area.

7.3.8.2 Appropriateness of New Construction and Additions

In the case of new Construction or additions to existing Buildings or Structures, the Commission shall consider the appropriateness of the scale, shape, sitting and proportions of the Building or Structure both in relation to the land area upon which the Building or Structure is situated and in relation to Buildings and Structures in the vicinity. The Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

7.3.8.3 Interior Arrangements Exempt

The Commission shall not consider interior arrangement or architectural features not subject to view from a Public Way.

7.3.8.4 Uses Exempt

The Commission shall not consider uses for the Building or Structure.

7.3.8.5 Solar Energy Encouraged

When ruling on applications for Certificates on solar energy systems as defined in MGL Chapter 40A Section 1A, the Commission shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

7.3.9 Exclusions

7.3.9.1 Exclusions

The Commission shall exclude from its purview the following:

- Temporary Buildings, Structures, or signs, subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the Commission may reasonably specify.
- Terraces, walks, driveways, sidewalks and similar Structures, provided that any such Structure is substantially at grade level.
- Storm windows and doors, screen windows and doors, shutters, and window and wall air conditioners.
- The color of exterior paint or the color of materials used on roofs.
- Flagpoles, sculpture, mailboxes (freestanding or attached), window boxes, gutters and leaders, house numbers, and garden furniture.
- Buildings that are less than seventy (70) years old are exempt from review of Alterations and additions, unless the Alterations affect more than twenty-five (25%) percent of any façade visible from a Public Way or unless any addition visible from a Public Way increase such Buildings by more than twenty-five (25%) percent.
- The reconstruction, substantially similar in exterior design, of a Building, Structure, or Exterior Architectural Feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within two (2) years thereafter and carried forward with due diligence.

7.3.9.2 Not Subject to Review

Upon request, the Commission shall issue a Certificate of Non-Applicability with respect to Construction or Alteration in any category not subject to review by the Commission in accordance with the above provisions.

7.3.9.3 Maintenance

Nothing in this bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any Exterior Architectural Feature within a District which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any Construction or Alteration under a permit duly issued prior to the effective date of this bylaw.

7.3.10 Categorical Approval

Additional Exclusions: Certain categories of Exterior Architectural Features may be Constructed or Altered without review by the Commission, provided such Construction or Alteration do not substantially derogate the intent and purposes of the District and of MGL Chapter 40C. The Commission may, upon conducting a public hearing, exclude from its purview Exterior Architectural Features, in addition to those listed in Section 7.3.9.1, which it determines do not significantly impact the purpose of the District.

7.3.11 Enforcement

7.3.11.1 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and MGL Chapter 40 Section 21D.

7.3.11.2 Building Inspector Authorized to Enforce

The Commission may designate the Building Inspector to pursue non-criminal disposition under MGL Chapter. 40 Section 21D, under the direction of the Commission.

7.3.11.3 Investigation of Complaints

The Commission, upon a written complaint of any resident of Reading, or owner of property within Reading, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Reading to prevent, correct, restrain or abate a violation of this bylaw. In the case where the Commission is requested in writing to enforce this bylaw against any person allegedly in violation of same and the Commission declines to act, the Commission shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty-one (21) days of receipt of such request.

7.4 Regulation of Certain Motor Vehicles

7.4.1 Unregistered, Uninspected, Disassembled Motor Vehicles Prohibited

No unregistered, uninspected or disassembled motor vehicle may be kept on any property within view from any public way, private way or abutting property, unless one of the following exceptions applies and such use or exception is otherwise in compliance with the General and Zoning Bylaw of the Town.

7.4.1.1 Exceptions - Farm Vehicles

The vehicle is regularly operated on the premises as a farm or other utility vehicle.

7.4.1.2 Exceptions - Dealers

The owner is licensed as a dealer of new cars, used cars or used parts under MGL Chapter 140 Section 58, and is licensed to operate such a business at that location.

7.4.1.3 Exceptions - Auto Body Repair

The owner is in the business of auto body repair at that location.

7.4.1.4 Exceptions - Personal Property

The vehicle is insured personal property regularly used in show or operating competitions or displayed as a collectible. Only one such vehicle shall be allowed per property.

7.4.1.5 Exceptions - Qualifies for Inspection and Registration

The vehicle is a fully assembled operable vehicle which would qualify for inspection and registration.

7.4.2 Enforcement

7.4.2.1 Violation Notice

Any vehicle(s) maintained on property in violation of this bylaw thirty (30) days after issuance of notice of such violation from the Building Inspector or Police Department shall be in violation of this bylaw.

7.4.2.2 Non-Criminal Disposition

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and MGL Chapter 40 Section 21D.

7.5 Wells

7.5.1 Well Safety

The owner or owners of land whereon is located a well in use shall either fill the well under a permit received from the Board of Health, or provide a covering for such well capable of sustaining weight of three hundred (300) pounds. Whoever violates this section shall pay for each offense a penalty of not less than One Hundred ($100) Dollars nor more than Five Hundred ($500) Dollars.

7.5.2 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and MGL Chapter 40 Section 21D.

7.6 Licenses

7.6.1 General Provisions

Any license issued subject to this bylaw shall issue on January 1 (or thereafter) of each year and shall expire on the next succeeding December 31 and may be revoked or suspended at any time by the Board of Selectmen for any violation of this bylaw or any rules, orders or regulation from time to time adopted by the Board of Selectmen.

7.6.2 Transport

7.6.2.1 License Required

No person shall engage in the business of transporting for hire, goods, wares, furniture or rubbish as specified in Section 7.6.2.2 of this bylaw without first obtaining a license or licenses therefore as set forth below.

7.6.2.2 All Vehicles to be Licensed

The Board of Selectmen may license suitable persons to use vehicles for the transporting for hire of goods, wares, furniture or rubbish within the Town. All persons engaging in such transportation for hire within the Town shall take out such number of licenses as will equal the greatest number of such vehicles to be used at any one time by said person during the year for which the license is issued. Such license shall expire on December 31 of each year and may be revoked at the pleasure of the Selectmen.

7.6.2.3 Information to be Placed on Vehicles

Every person licensed under the provisions of this bylaw shall cause his name and the number of his license to be printed or placed in plain legible words and figures in a conspicuous place on the outside of each vehicle used in exercising said license.

7.6.3 Junk

7.6.3.1 License Required

No person shall use any building, enclosure or other structure for the storage, sale or keeping of rags, waste paper stock or other inflammable material without a license therefore from the Board of Selectmen.

7.6.3.2 Dealers in Junk, Old Metals, Second Hand Articles

The Board of Selectmen may license suitable persons, upon such terms and conditions as the Board shall determine, to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals and second-hand articles, and no person shall be such a dealer or keeper without such a license.

7.6.3.3 Junk Collectors

The Board of Selectmen may also license suitable persons as junk collectors, to collect by purchase or otherwise, junk, old metals and second-hand articles from place to place within the Town, and no person shall engage in such business without such a license.

7.6.3.4 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and MGL Chapter 40 Section 21D.

7.7 Retail Sales

7.7.1 Hours of Operation

No retail, commercial operation or place of business shall be open for the transaction of retail business between the hours of 12:01 AM and 6:00 AM.

7.7.2 Exceptions

This bylaw shall not apply to the retail or commercial operation of facilities operated by innholders and/or common victualers and/or taverns where a license has been duly issued for the operation of the same which otherwise restricts or describes the hours of operation of such facilities. This bylaw shall not prevent a cinema from concluding the showing of a movie that has commenced prior to 12:01 AM.

7.7.3 Innholders

For the purposes of this bylaw, facilities operated by innholders shall include, but not be limited to: an inn, hotel, motel, lodging house and public lodging house or any other similar establishment for which a license is required under MGL Chapter 140; the term facilities operated by a common victualer shall include a restaurant and any other similar establishment which provides food at retail for strangers and travelers for which a common victualer's license is required under said Chapter; and the term "tavern" shall include an establishment where alcoholic beverages may be sold with or without food in accordance with the provisions of MGL Chapter 138.

7.7.4 License to Permit Operation between Midnight and 6:00 AM

If the Board of Selectmen determine that it is in the interest of public health, safety and welfare, or that public necessity or convenience would be served, the Board of Selectmen may grant, upon such terms and conditions as it deems appropriate, a license under this bylaw to permit the operation of a retail or commercial establishment between the hours of 12:01 AM and 6:00 AM or any portion thereof. However, a license shall not be issued unless the Board of Selectmen has made the following specific findings with respect to each license application:

7.7.4.1 Reasons for Night-time Operation

That the operation of the retail or commercial establishment during the night-time hours will not cause unreasonable disruption or disturbance to, or otherwise adversely affect, the customary character of any adjacent or nearby residential neighborhood;

7.7.4.2 Findings for Approval of Night-time Operation

That operation of the retail or commercial establishment during the night-time hours is reasonably necessary to serve the public health, safety and welfare; or serve a public need or provide a public convenience which outweighs any increase in any of the following impacts on the adjacent or nearby residential neighborhood (or the character thereof): noise, lighting, vibration, traffic congestion or volume of pedestrian or vehicular retail customer traffic that might create a risk to pedestrian or vehicular safety, or other adverse public safety impact.

The Board of Selectmen may adopt rules and regulations to govern the administration of the licensing process and in so doing may impose such terms and conditions upon such license as it may consider appropriate.

7.7.5 Hearing for Initial Approval

The Board of Selectmen shall give public notice of the initial request whereby a retail or commercial operation or place of business seeks to be open for the transaction of retail business between the hours of 12:01 AM and 6:00 AM or any portion thereof and shall hold a public hearing on the initial request within thirty (30) days of receipt of any such request. The Board may determine annually whether a public hearing will be required on an application to renew the annual approval of a business to be open between the hours of 12:01 AM and 6:00 AM.

7.7.6 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and MGL Chapter 40 Section 21D.

7.8 Outdoor Loudspeakers and Public Address Systems

No commercial establishment shall install or operate any outdoor loudspeaker or public address system on its premises except for the sole purpose of direct communication with a customer to assist that customer or to conduct a specific business transaction at the commercial establishment, as for example at a drive-up window of a fast food or banking establishment, or at self-service gasoline pumps. Any such loudspeaker or public address system shall be operated only during the regular business hours of the establishment. The owner of the establishment shall at all times ensure that the volume of sound produced outdoors by such loudspeaker or public address system shall be such as not to be audible from any portion of a public way or residential property.

ARTICLE 8 PUBLIC ORDER

8.1 Streets, Highways and Public Property

8.1.1 Obstructions Prohibited

No person shall place or cause to be placed any obstruction in any street, public place or private way in the Town without the permission of the Board of Selectmen or its designee. The provisions of this section shall not apply to news racks as defined in Section 8.7.2.3 of this bylaw.

8.1.2 Approval Required for Parade

No person shall form or conduct any parade in any street, sidewalk or public way within the Town or form or conduct for the purpose of display or demonstration any procession or assembly of people, except a military or funeral parade or procession within such street, sidewalk or way, without first obtaining a written permit from the Board of Selectmen or its designee; and no person shall take part in any such parade, procession or assembly which is not authorized by such a permit. The application for such a permit shall identify

- the person or organization seeking to conduct the parade and the parade chairman who will be responsible for its conduct,
- the proposed date, starting and termination time and route of the parade,
- the approximate number of persons, animals and vehicles and the type of animals and vehicles to be in the parade,
- the location of any assembly areas and the time units will begin to assemble at such areas, and
- the intervals of space to be maintained between the parade's units.

The applicant shall provide such further information as the Board of Selectmen or its designee shall find reasonably necessary for a fair determination as to whether a permit should be issued. The Board of Selectmen or its designee shall issue a permit unless it finds that the conduct of the parade is reasonably likely to

- cause injury to persons or property, provoke disorderly conduct or create a disturbance,
- interfere unduly with proper fire and police protection for, and ambulance service to, areas contiguous to the proposed line of march or other areas in the Town, or
- substantially interrupt the safe and orderly movement of other traffic contiguous to the parade route.

The Board of Selectmen or its designee shall promptly notify the applicant of its decision, including the terms of the permit issued or the reasons for any denial or revocation of such a permit. Immediately upon the issuance of a parade permit, the Board of Selectmen or its designee shall send a copy thereof to the Police Chief, Fire Chief and Director of Public Works.

8.1.3 Silly String Prohibition

No person, during any parade, festival, concert, sporting event or other public event, shall sell or distribute or use on any street, sidewalk or public way of the Town or upon any property owned by the Town, a product known as "Silly String" or any similar product sold or used for amusement that ejects a soft rubbery substance; any aerosol can that ejects paint, shaving cream, foam or makes loud noises or an explosive device.

8.1.4 Removal of Vehicles - Snow Removal

The Director of Public Works, for the purpose of removing or plowing snow or removing ice from any way within the limits of the Town and from the Town parking areas and from any other land owned or used by the Town, may remove or cause to be removed to some public garage or other convenient place any vehicle parked upon such highway, parking area or land and interfering with such work, and the storage charges and other cost of such removal shall be borne and paid by the owner of the vehicle.

8.1.5 Prohibiting Placing Snow on Public Property

No person shall move or remove snow or ice from private lands upon any public street, sidewalk or common land of the Town in such a manner as to obstruct or impede the free passage of vehicular or pedestrian traffic upon the street, sidewalk or common land of the Town, unless he has first obtained a permit therefore issued by the Director of Public Works.

8.1.6 Prohibiting Putting Water on Public Way

No person shall, during the period from November 15 to April 15 inclusive, discharge or pipe, or cause to be discharged or piped, any ground water onto a public way or sidewalk within the limits of the Town unless he has first obtained a permit therefore issued by the Director of Public Works.

8.1.7 Driveway Permits Required

No person shall make or construct or reconstruct or modify a driveway or other means of access or exit for motor vehicles onto a public way or across a sidewalk, unless he has first obtained a permit therefore issued by the Director of Public Works.

8.1.8 Permit for Rubbish and other Material Hauling

No person, except the duly authorized agents and employees of the Town, shall carry in or through any of the public streets or ways of this Town any rubbish, garbage, offal, contents of cesspools or other offensive substances, unless the person so carrying the same shall have secured a permit therefore from the Board of Health or its designee, which permit may be issued upon such terms and conditions as the Board or its designee may determine.

8.1.9 Permit for the Use of Public Property

Any person who intends to erect, repair or take down any building abutting on any way, sidewalk, parking lot, or other Town property which the Town is obliged to keep in repair and desires to make use of any portion of said way, sidewalk, parking lot, or other Town property for the purpose of placing thereon building materials or rubbish, shall give notice thereof to the Director of Public Works, and thereupon, the Director of Public Works may grant a permit to occupy such portion of said way to be used for such purpose as in its judgment the necessity of the case demands and the security of the public allows. Such permit shall in no case be in force longer than ninety (90) days (subject to renewal), and shall be issued on such conditions as the Director of Public Works may require.

8.1.10 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and MGL Chapter 40 Section 21D.

8.2 Scenic Roads

8.2.1 Designation

Upon recommendation of the Community Planning and Development Commission, Conservation Commission or Historical Commission, Town Meeting may vote to designate any road, other than a numbered route or state highway, as a scenic road.

8.2.2 Limitations on Work on a Public Way

After a road has been designated as a scenic road, any repair, maintenance, reconstruction or paving work done with respect thereto shall not involve or include the cutting or removal of trees or the tearing down or destruction of stone walls or portions thereof, except with the prior written consent of the Community Planning and Development Commission after a public hearing duly advertised twice in a newspaper of general circulation in the area as to time, date, place and purpose, the last publication to occur at least seven (7) days prior to such hearing.

8.2.3 Regulations

The Community Planning and Development Commission shall establish and adopt regulations for exercising its responsibilities under this bylaw, taking into consideration sound planning principles and preservation of aesthetic and natural resources of the Town.

8.3 Emergency Vehicle Access and Fire Lanes

8.3.1 Purpose

It is the purpose of this bylaw to regulate the parking of motor vehicles so that such vehicles will not impede access to properties by emergency vehicles or obstruct fire lanes.

8.3.2 Definition

As used in this section, "fire lane" shall mean a fire lane designated by the Board of Selectmen upon the recommendation of the Chief of the Reading Fire Department. Fire lanes shall be a distance of twelve (12) feet from the curbing of a sidewalk; however, where no sidewalk with curbing exists, the distance shall be twenty (20) feet from the front wall of the nearest building. These distances may be modified by the Board of Selectmen to any distance that the Chief of the Fire Department determines is necessary for public safety.

8.3.3 Blocking Access Prohibited

No person shall park a motor vehicle or otherwise obstruct or block, the entrance to any roadway, highway, street, private way or driveway so as to prevent access by emergency vehicles to any single or multi-family dwelling, business, commercial establishment, shopping center, school, sports or recreational facility, other place of public assembly or public or private parking area.

Vehicles making a delivery to a building abutting a driveway may obstruct or block the entrance to the driveway for the reasonable length of time necessary to actually make such delivery, if the nature of the delivery or use in the building prohibits or unreasonably restricts the use of any other access to such building.

8.3.4 Blocking Fire Lane Prohibited

No person shall park a motor vehicle or otherwise obstruct or block a fire lane, provided that such fire lane has been identified pursuant to Section 8.3.6.

8.3.5 Exemptions

Emergency vehicles may park in fire lanes while responding to calls for emergency service. Vehicles making a delivery to a building abutting a fire lane may park in the fire lane for the reasonable length of time necessary to actually make such delivery, if the nature of the delivery or business in the building prohibits or unreasonably restricts the use of any other access to such building.

8.3.6 Signs for Fire Lane

The Board of Selectmen shall place and maintain signs relating to fire lanes where applicable to public buildings, public ways and public parking areas. The owner(s) of record of all other properties or private ways containing fire lanes shall place and maintain signs so identifying the fire lanes. All such signs shall be no less than twelve (12) inches by eighteen (18) inches and shall read: "FIRE LANE - NO PARKING - TOW ZONE".

8.3.7 Enforcement

Any motor vehicle found violating the provisions of this section may be issued a parking violation by the Reading Police Department and/or towed under the direction of the Reading Police Department, and all towing and storage charges shall be as authorized by MGL Chapter 266 Section 120D.

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and MGL Chapter 40 Section 21D.

8.4 Designated Parking Spaces and Curb Ramps for Disabled Veterans or Handicapped Persons

8.4.1 Parking for Disabled Veteran or Handicapped Persons Required

Any person or body having lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees shall reserve the number of parking spaces required by Section 8.4.2 in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by MGL Chapter 90 Section 2 or for any vehicle transporting a handicapped person and displaying the special identification plate authorized by MGL Chapter 90 Section 2 or for any vehicle bearing the official identification of a handicapped person issued by any other state or any Canadian Province.

8.4.2 Parking Spaces Required

If the number of parking spaces in any area designated in Section 8.4.1 is:

- more than fifteen (15) but not more than twenty-five (25), one (1) parking space shall be provided;
- more than twenty-five (25) but not more than forty (40), five (5%) percent of such spaces but not less than two (2) shall be provided;
- more than forty (40) but not more than one hundred (100), four (4%) percent of such spaces but not less than three (3) shall be provided;
- more than one hundred (100) but not more than two hundred (200), three (3%) percent of such spaces but not less than four (4) shall be provided;
- more than two hundred (200) but not more than five hundred (500), two (2%) percent of such spaces but not less than six (6) shall be provided;

- more than five hundred (500) but not more than one thousand (1,000), one and one-half (1 1/2%) percent of such spaces but not less than ten (10) shall be provided;
- more than one thousand (1,000) but not more than two thousand (2,000), one (1%) percent of such spaces but not less than fifteen (15) shall be provided;
- more than two thousand (2,000) but less than five thousand (5,000), three-fourths of one (3/4%) percent of such spaces but not less than twenty (20) shall be provided; and
- more than five thousand (5,000), one-half of one (1/2%) percent of such spaces but not less than thirty (30) shall be provided.

8.4.3 Identification of Spaces

Parking spaces designated as reserved under the provisions of Section 8.4.1 shall be:

- Identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May Be Removed At Owner's Expense";
- Located as near as possible to a building entrance or walkway and adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and
- Twelve (12) feet wide or consist of two (2) eight (8) foot wide areas with four (4) feet of cross hatch between them.

8.4.4 Signs Placed and Maintained

The Board of Selectmen shall place and maintain signs relating to reserved spaces for use by disabled veterans and handicapped persons where applicable to public buildings, public ways and public parking areas. The owner(s) of record of all other properties or private ways shall place and maintain signs so identifying the reserved parking spaces in accordance with Section 8.4.3.

8.4.5 Parking Only with Distinguishing Disabled Veterans or Handicapped Person's Identification Permitted

No person shall park, or leave unattended, a motor vehicle that does not bear the distinguishing disabled veterans or handicapped license plates or other identifications referenced in Section 8.4 of this bylaw in a space designated for use by disabled veterans or handicapped persons, or otherwise obstruct or block curb ramps designated for use by handicapped persons as a means of egress to a street or public way.

8.4.6 Enforcement

Any motor vehicle found violating the provisions of this Section 8.4 may be issued a parking violation by the Reading Police Department and/or towed under the direction of the Reading Police Department, and all towing and storage charges shall be as authorized by MGL Chapter 266, Section 120D.

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and MGL Chapter 40 Section 21D.

8.5 Public Works

8.5.1 Street Numbering

8.5.1.1 Establishment of Numbering System

The Board of Selectmen shall establish a system for the numbering of any building on or near the line of public or private ways and shall prescribe by suitable rules and regulations the method in which such numbering shall be done.

8.5.1.2 Street Numbers Required to be Affixed to Buildings

No person shall neglect or refuse to affix to any building owned by him the street number designated for such building by the Director of Public Works or by the Building Inspector acting in accordance with the numbering system and the Rules and Regulations established by the Board of Selectmen, nor shall any person affix to or suffer to remain on any building owned or occupied by him, a street number other than the one designated for such building by the Director of Public Works or by the Building Inspector. Owners shall be allowed ten (10) days after written notice to comply with the provisions of this section.

8.5.2 Dumping of Waste Regulated

No person shall deposit in any area any liquid or solid waste materials, including garbage and rubbish, except in a dumping ground or area designated for such deposits by the Board of Health.

No person shall make any such deposit in a dumping ground or area so designated unless he has first obtained a permit from the Board of Selectmen, and unless he complies with the rules and regulations for such dumping ground or area as the Board of Selectmen may from time to time establish. The Board of Selectmen shall from time to time establish the fees for the issuance of permits.

8.5.3 Public Water Service

8.5.3.1 Tampering Prohibited

No person shall turn on or off the water at any water main, service pipe, hydrant, water post, drinking fountain or other fixture or appurtenance connected with the Reading water system or make any opening into or connection therewith without authority from the Director of Public Works, except that hydrants may be used by Firefighters or Police Officers in the discharge of their duty.

8.5.3.2 Entry Required

No person shall refuse entry to any building owned by him after receipt of written request from the Board of Selectmen or its designee, to any authorized representatives or employees of the Department of Public Works bearing proper credentials and identification for the purposes of inspection, observation, measurement, sampling, installation and testing of water meters used for the measurement of water supplied by the Department of Public Works. If such entry cannot be obtained during normal working hours then, after adequate notice and reasonable attempts to schedule said entry, the owner may be billed an amount established by the Board of Selectmen for additional costs incurred by the Town.

8.5.4 Water Supply Protection

8.5.4.1 Purpose

The purpose of this section of the bylaw is to protect, preserve and maintain the public health safety and welfare whenever there is in force a state of water supply emergency.

8.5.4.2 Water Emergency

Whenever a state of water supply emergency has been declared by the Massachusetts Department of Environmental Protection pursuant to MGL Chapter 21G or Chapter 111, or any other enabling authority or by the Governor, no user of water supplied by the Town shall violate any provision, condition, requirement or restriction included in a plan adopted by the Board of Selectmen and approved by the Department of Environmental Protection which plan has as its purpose the abatement of a water supply emergency, provided that notice of any such provision, condition, requirement or restriction has previously been given to such users by publication in a newspaper of general circulation within the Town, or by such other notice as is reasonably calculated to reach and inform all such users.

8.5.5 Creating a Hazard Prohibited

No person shall, except as authorized or required by law, remove, alter the position of, deface or disturb in any manner, any barrier, sign, manhole cover or grating placed or installed for the purpose of eliminating or mitigating a public safety hazard or potential hazard in or on any street, sidewalk or public place within the Town.

8.5.6 Violation and Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and MGL Chapter 40 Section 21D. Further, any enforcing person, or his designee or agent, may enter onto any property and in any building thereon for the purpose of inspecting or investigating any violation of this bylaw or enforcing the same, except that no dwelling unit shall be entered without the consent of the resident.

8.6 Anti-Litter

8.6.1 Definitions

For the purpose of this bylaw, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

8.6.1.1 Private Receptacle

A litter storage and collection receptacle as required or authorized in the Town.

8.6.1.2 Garbage

Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

8.6.1.3 Litter

Garbage, refuse and rubbish as defined herein and all other waste materials which, if thrown or deposited as prohibited in this article, tends to create a danger to public health, safety, and welfare.

8.6.1.4 Park

A park, reservation, playground, recreation center, Conservation land, Town Forest, school ground or any other public area in the Town, owned or used by the Town and devoted to active or passive recreation.

8.6.1.5 Person

An individual, firm, partnership, association, corporation, company or organization of any kind.

8.6.1.6 Private Premises

Any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant and shall include any yard, grounds, walks, driveway, porch, steps, vestibule or mailbox appurtenant to any such dwelling, house, building, or other structure.

8.6.1.7 Public Place

Any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

8.6.1.8 Refuse

All putrescible and nonputrescible solid wastes (except bodily wastes) including garbage, rubbish, ashes, street cleanings, dead animals, and solid and industrial wastes.

8.6.1.9 Rubbish

Nonputrescible solid waste consisting of both combustible and non-combustible wastes such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

8.6.1.10 Vehicle

Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

8.6.2 Littering Streets and Other Public Places

8.6.2.1 Littering Prohibited

No person shall throw or deposit litter in or upon any park or other public place or upon any private premises within the Town except in public receptacles, in authorized private receptacles for collection.

8.6.2.2 Proper Use of Receptacles, Where Provided

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent the litter from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. Where public receptacles are not provided, all such litter shall be carried away from the park or other public place by the person responsible for its presence and disposed of elsewhere as provided herein.

8.6.2.3 Sweeping Litter onto Public Property Prohibited

No person shall sweep into or deposit in any gutter, street, or other public place within the Town the accumulation of litter from any building or lot or any litter from any public or private sidewalk or driveway.

8.6.2.4 Prevention of Blowing Litter

All loose material which normally fits into containers but which are excess as a result of special circumstances such as holidays, shall be bundled and tied securely to prevent them from blowing or scattering and shall be placed by the containers.

8.6.3 Throwing Litter from Vehicles

No person, being the driver or a passenger in a vehicle, shall throw or deposit litter upon the street or public place within the Town, or upon any private property.

8.6.4 Vehicles Transporting Loose Materials

No person shall drive or move a vehicle within the Town nor shall the owner of any vehicle require or permit the same to be driven or moved within the Town, unless such vehicle is constructed or loaded so as to prevent any of its load from dropping, sifting, leaking, blowing, or otherwise escaping therefrom and being deposited upon any street or other public or private place. Vehicles loaded with any material which may be blown about by wind shall be suitably covered to prevent the contents from being blown upon the streets or highways. This section shall not prohibit the dropping of sand or salt or similar product for the purpose of securing traction or the sprinkling of water or other substance on such land in cleaning or maintaining the same.

8.6.5 Distribution of Handbills and Leaflets

It shall be the duty of every person distributing handbills, leaflets, flyers or any other advertising and informational material to place or deposit such material in a manner so as to secure or prevent such material from littering public or private property.

8.6.6 Litter in Bodies of Water

No person shall throw or deposit litter in any fountain, pond, stream, river or any other body of water in the Town.

8.6.7 Placing Commercial and Non-Commercial Handbills on Vehicles

No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

8.6.8 Duty to Maintain Private Property Free of Litter

The owner or person in control of any private property shall at all times maintain his premises free of litter so that the same does not constitute a danger to the public health, safety, and welfare. This section shall not prohibit the storage of litter in authorized private receptacles for collection.

8.6.9 Deposit of Litter on Open or Vacant Property

No person shall throw or deposit litter on any open or vacant private property within the Town, whether owned by such person or not, so that the same shall create danger to the public health, safety, and welfare.

8.6.10 Clearing of Litter From Open or Vacant Private Property

The Board of Health is hereby authorized and empowered to direct the owner of any private property within the Town, or the agent of such owner, to properly dispose of litter located on such owner's property which is dangerous to the public health, safety, and welfare. Such request shall be by registered or certified mail, addressed to the owner at their last known address. Alternatively, the Board of Health may proceed to abate a nuisance as defined and provided by MGL Chapter 111, as amended.

8.6.11 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and MGL Chapter 40 Section 21D.

8.7 News Racks

8.7.1 Findings and Purpose

Whereas, the proliferation of scattered news racks in the Town of Reading often block crosswalks and handicap ramps, unreasonably impedes access for the use and maintenance of poles, posts, traffic signs or signals, hydrants and mailboxes, unreasonably obstructs the flow of pedestrian and vehicular traffic, unreasonably obstructs access to bus stops, taxi cab stands, valet parking areas, loading zones and fire lanes, impede emergency snow removal operations, creates undue nuisances and hazards to passersby in bad weather and storms and otherwise unreasonably restricts public access and creates undue perils and public safety hazards; and

Whereas, news racks often create a visual blight due to their varying shapes and colors and disarray, and are often not properly maintained and are allowed to deteriorate, and fall into states of disrepair in which news racks collect trash and other debris, become covered with graffiti, are tipped over, moved, cause damage to curbs, sidewalks, streets, poles; traffic signals and signs, and or remain empty and abandoned; and

Whereas, reasonable standards for the appearance, placement and maintenance of news racks in the public way will allow for unrestricted access to crosswalks and handicapped ramps and further provide for pedestrian and driving safety and convenience by alleviating unreasonable interference with the flow of pedestrian and vehicular traffic, allow for reasonable access and use of poles, posts, traffic signs and signals, hydrants and mailboxes, bus stops, taxi stands, valet parking areas, loading zones and fire lanes, provide for the safety of the public and protection of property during times of snow emergencies and other bad weather conditions, and reduce the potential for creating perils in the way of passersby, safety hazards and visual blight that often are associated with unregulated news racks.

8.7.2 Definitions

When used in this bylaw, unless the context otherwise requires, the following terms shall have these meanings:

8.7.2.1 Certificate of Compliance

Shall mean the Certificate of Compliance issued by the Board of Selectmen or its designee to the Certificate Holder in accordance with the provisions of this bylaw.

8.7.2.2 Certificate Holder

Shall mean the holder of a Certificate of Compliance issued by the Board of Selectmen or its designee in accordance with the provisions of this bylaw. A certificate holder is responsible for the installation and maintenance of news racks encompassed by any Certificate of Compliance issued pursuant to the provisions of this bylaw and for compliance with all provisions contained herein.

8.7.2.3 News Rack

Shall mean any type of self-service device for the vending or free distribution of newspapers or periodicals.

8.7.2.4 Operator

Shall mean any natural person or other legal entity including, but not limited to, corporations, partnerships, joint ventures and the like who either own, operate or are otherwise in control of a news rack.

8.7.2.5 Board of Selectmen

Shall mean the Board of Selectmen of the Town of Reading or its designee.

8.7.3 Certificate of Compliance

8.7.3.1 Requirement

No person shall place, affix, erect, constitute or maintain a news rack in or on any part of a public way without first obtaining a Certificate of Compliance from the Board of Selectmen in accordance with the provisions of this bylaw.

The Certificate of Compliance must be renewed annually by application to the Board of Selectmen.

8.7.3.2 Issuing Authority

The Board of Selectmen shall be the issuing authority and coordinator of the application process and administration of this bylaw.

8.7.3.3 Approving Authority

The approving authority shall be the Board of Selectmen. The Board of Selectmen or its designee shall review and approve for compliance with Section 8.7.2, entitled Certificate of Compliance, Section 8.7.5, entitled Standards, and Section 8.7.9, entitled Installation and Maintenance.

8.7.3.4 Application Process

Applicants must complete an application on a form provided by the Board of Selectmen.

8.7.3.5 Application

The application shall describe in sufficient detail, the number, location and type of news racks for which the Certificate of Compliance is sought and shall contain the following information:

- The name, address and telephone number of the applicant who is the owner operator or other person who is the principal responsible person in charge of the news rack(s);
- The name, address and telephone number of a natural person (if different from the applicant) whom the Town may notify and/or contact at any time concerning the applicant's news racks. This person would be responsible

for receiving complaints and notices of violations when a certificate of compliance is issued and for providing information relating to the application during the application process; and

- The number of news racks and a written description specifying the proposed approximate location of each; and
- A certificate of insurance naming the Town of Reading as an additional insured in an amount sufficient to indemnify the Town and hold it harmless from any and all claims or judgments for personal and bodily injury, including death, or property damage and from costs and expenses to which the Town may be subjected or which it may suffer or incur by reason of the design, placement, installation, operation or maintenance of any of the applicant's news racks. Reasonable evidence of self-insurance coverage may be substituted by the applicant for the certificate of insurance. Insurance under this section shall run continuously with the presence of the applicant's news rack in Town of Reading public ways and any termination or lapse of such insurance shall be a violation of this bylaw, subject to appropriate remedy under section 8.7.10 of this bylaw; and
- A certification from the applicant stating that the proposed location for all of the news racks listed in the application are in compliance with the provisions of this bylaw.

8.7.3.6 Issuance of a Certificate of Compliance

Upon a finding by the Board of Selectmen that the applicant is in compliance with the provisions of this bylaw, the Board of Selectmen shall issue a Certificate of Compliance for installation by the applicant. The Board of Selectmen shall issue a partial Certificate of Compliance upon a finding that some of the proposed news rack locations are in compliance with the provisions of this bylaw. Issuance of a Certificate of Compliance or a partial Certificate of Compliance shall designate the applicant to be the Certificate Holder. The Board of Selectmen shall issue a Certificate of Compliance within ten (10) days of the Board of Selectmen's receipt of the completed application. Proposed locations shall be approved on a first come, first serve basis by the Board of Selectmen. No preference shall be given to applicants who might have had news racks in a particular location prior to the effective date of this ordinance.

8.7.3.7 Denial of Certificate of Compliance

If an application for a news rack location is denied, the Board of Selectmen shall notify the applicant within ten (10) days of the Board of Selectmen's receipt of the completed application. The Board of Selectmen shall state, the specific reasons for denial. The applicant may reapply for a substitute alternative location without having to pay an additional application fee. An applicant who has been denied a Certificate of Compliance pursuant to this bylaw may appeal within thirty (30) days of such denial by requesting in writing to the Board of Selectmen an appearance before the Board of Selectmen to review said denial. The appeal shall be heard within twenty (20) days of receipt of the appeal. The decision on the appeal shall be sent to the applicant within five (5) days after the hearing. Any such appeal shall be subject to the Massachusetts Administrative Procedures Act, MGL Chapter 30A.

The Board of Selectmen reserves the right to order by written notice to the Certificate Holder that news racks be removed from an approved location, either temporarily or permanently, in the interests of public safety.

8.7.4 Fees

There shall be a Certificate of Compliance fee in the amount of Two Hundred ($200) Dollars paid to the Town. This fee shall be due upon initial application and upon each annual renewal.

8.7.4.1 Additional Certificate of Compliance

If at any time after the Board of Selectmen has issued a Certificate of Compliance a Certificate Holder proposes to install additional news racks, then the provisions of 8.7.3 are to be repeated. Additional Certificate of Compliance fees shall be in accordance with Section 8.7.4, except that the Certificate of Compliance fee is waived if previously paid.

In addition to the Certificate of Compliance fee, an annual fee of Ten ($10) Dollars per news rack authorized shall be paid to the Town to offset the Town's cost of monitoring compliance with this ordinance.

Where the Board of Selectmen has required news racks to be set in corrals, or at hitching posts pursuant to 8.7.5.1 below, additional fees shall be imposed by the Board of Selectmen on Certificate Holders to offset the Town's costs for each such corral or hitching post used by such Certificate Holder.

Upon a showing of significant financial hardship, whereby the payment of the full Certificate of Compliance fee will impair the ability of the publisher to distribute a publication through news racks to members of the public, the Board of Selectmen may reduce the fee due upon initial application or upon an annual renewal by an amount it determines, in his sole discretion, as appropriate.

8.7.5 Standards

8.7.5.1 Placement

Subject to the prohibitions contained in this section news racks shall be placed parallel to and not less than eighteen inches (18") nor more than twenty-four inches (24") from the edge of the curb. News racks so placed shall face the sidewalk, not the street. News racks placed near the wall of a building or other structure must be placed parallel to and not more than six inches (6") away from the wall.

No news rack(s) shall be affixed, erected, installed, placed, used or maintained:

- at any location in excess of eight (8) feet in width (plus the width of a news rack) whereby the clear space for the passage of pedestrians is reduced to less than eight (8) feet in width; or, if the sidewalk location is less than eight (8) feet in width (plus the width of a news rack), then the clear space for the passage of pedestrians shall not be reduced to less than five (5) feet in width; however, a width of four (4) to five (5) feet may be approved by the Board of Selectmen if requested, only after the Board of Selectmen consults with the Town Engineer as to whether the particular location at issue necessitates the 4-5 foot width, and whether

the pedestrian passage there could safely and reasonably be reduced to a width of 4-5 feet; and

- within five (5) feet of crosswalk or handicapped ramp; and
- within five (5) feet of any fire hydrant, fire lane, fire call box, police call box or other emergency facility, mail box, telephone booth or stand; and
- within five (5) feet of any part of a curb return of a curb ramp or driveway, or in the case of a curb ramp or driveway without a curb return, within five (5) feet of the point where the curb edgestone or edging begins a change in grade toward the driveway or ramp on each side thereof, or in the case of a termination of the curb, edgestone or edging without a change in grade or a turn, within five (5) feet of the point where of the same terminates on each side of the ramp or driveway; and
- within five (5) feet of any traffic control signal or traffic sign; and
- within five (5) feet of a bicycle rack; and
- within five (5) feet ahead or fifteen (15) feet to the rear of any designated bus stop, taxi stand, valet parking area, loading zone or fire lane, or any disabled parking space, unless such news rack is placed parallel against a wall that is within four (4) feet of a designated bus stop, taxi stand, valet parking area, loading zone or fire lane and the news rack so placed does not project into or otherwise interfere with the unobstructed flow of pedestrian and vehicular traffic;
- which in any way protrudes onto a street; or
- on any sidewalk immediately abutting a public school.

The Board of Selectmen may require that news racks at locations in which more than three (3) are adjacent shall be set within an open-ended corral installed by the Town; and the Board of Selectmen may require that news racks at a particular location be chained to each other and/or to a permanent hitching post installed by the Town. The Board of Selectmen may choose the locations for corrals and hitching posts based on the history of misaligned or knocked over news racks at the location, the high volume of pedestrian traffic at the location, or the relatively high concentration of news racks at the location. However, nothing in this paragraph shall be construed to limit the locations at which corrals and hitching posts may be required.

8.7.6 Attachment to Property

Attachment to trees and other objects is prohibited. Except to the extent permitted by regulations promulgated by the Board of Selectmen, no Operator shall place or cause to be placed and no operator shall suffer to remain, any news rack chained or otherwise attached to any tree, street light post, traffic signal or sign.

8.7.7 Attachment to Other News Racks

News racks, when placed side by side, may be chained or otherwise attached to one another, provided that no group of news racks shall extend for a distance of more than eight (8) feet along a curb, and a space of not less than five (5) feet shall separate each group of news racks.

8.7.8 Advertising Prohibited

It shall be unlawful for any Operator to use a news rack for advertising or publicity purposes other than that dealing with the display, sale or purchase of the publications dispensed therein.

8.7.9 Installation, Maintenance, and Delivery Time

News racks shall be of a sturdy material and installed or otherwise placed and maintained by the Certificate Holder in accordance with the following provisions:

- Each news rack shall prominently display the name, address and phone number of a person or entity responsible for that news rack.
- Each news rack shall be:
  - Installed and placed on the pavement in an upright, sufficiently weighted and secured position;
  - Of a type that is completely enclosed, with a self-closing door that is either self-latching or otherwise requires manual or mechanical release at each use;
  - Maintained in a state of good repair and in a neat and clean condition;
  - Maintained in a condition that is free of accumulations of outdated printed materials, trash, rubbish, or debris; and
  - Handicapped accessible, as defined by the state Architectural Access Board at 521 Code of Massachusetts Regulations.
- Each news rack shall be regularly serviced so that:
  - It is kept reasonably free of graffiti;
  - It is kept reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof;
  - It is kept reasonably free of rust and corrosion in the visible unpainted metal areas thereof;
  - The clear glass or plastic parts thereof, if any, through which the printed material is being dispensed are not broken and are kept reasonably free of tears, peeling or fading; and
  - The structural parts of the news rack are not broken or unduly misshapen.
- Anyone disturbed by noise from the delivery of papers to any news rack may complain to the Board of Selectmen. The Board of Selectmen shall forthwith notify the Certificate of Holder of the complaint and attempt to resolve the complaint. If the complaint is not resolved to the complainant's satisfaction within ten (10) days, the complainant may request a meeting before the Board of Selectmen, or its designee, and the Certificate Holder. After such meeting, the Board of Selectmen shall have the authority to impose a reasonable resolution to the complaint, including ordering the relocation of the news rack causing the noise problem.

8.7.10 Enforcement Procedures

8.7.10.1 Non-Conforming News Racks

Any news racks found not to be in compliance with this bylaw shall be subject to the enforcement provisions contained herein.

8.7.10.2 Abandonment

In the event that any news rack installed pursuant to the provisions of this bylaw does not contain the printed material being dispensed therein for a period of seventy-two (72) hours after the release of the current issue, the Board of Selectmen may deem the news rack abandoned and take appropriate action under this bylaw. A news rack shall otherwise be deemed abandoned if no printed material is found in the news rack for a period of more than fifteen (15) consecutive days. In the event that a Certificate Holder voluntarily abandons a news rack location, the Certificate Holder shall so notify the Board of Selectmen, completely remove the news rack and restore the public way to a safe condition.

8.7.10.3 Enforcement

- Enforcement of the provisions of this bylaw shall be carried out by the Board of Selectmen. Upon a determination that a violation of any provision of this bylaw exists the Board of Selectmen shall notify the Certificate Holder of the violation in writing by first class mail. The notice shall include:
  - the location of the news rack;
  - the date of the incident or other cause giving rise to the violation; and
  - a brief and concise statement of the facts causing the violation.
- The notice shall inform the certificate holder that at the expiration of ten (10) days from the receipt of the violation notice, the news rack will be removed by the Board of Selectmen, unless the violation is corrected.
- Upon removal of a news rack, the Board of Selectmen shall send, by first-class mail, written notice of such removal to the Certificate Holder.
- Notwithstanding the provisions of the foregoing paragraphs of this section, the Board of Selectmen may order the immediate removal of any news rack(s) that the Board of Selectmen determines presents an imminent threat or peril to public safety, provided that the certificate holder, shall be notified of such removal as soon as practicable thereafter, and further provided that any news rack so removed shall be stored a period of thirty (30) days in order to allow the Certificate Holder to retrieve the news rack. If the Board of Selectmen removes a news rack under this section which does not have a certificate of compliance, the Board of Selectmen shall dispose of the news rack at the end of the thirty (30) day period.

8.7.11 Fees For Removal And Storage

A news rack removed pursuant to this bylaw may be retrieved by the Certificate Holder at any time within thirty (30) days of its removal upon payment of a removal fee of Twenty-Five ($25) Dollars plus a storage fee of Five ($5) Dollars per day, to a maximum combined removal and storage fee of One Hundred ($100) Dollars.

After thirty (30) days, any news racks removed by the Board of Selectmen pursuant to 8.7.10 of this bylaw shall be deemed "abandoned property" and become the property of the Town of Reading.

Failure of a Certificate Holder to retrieve a news rack within the specified thirty (30) day period shall not operate to dismiss any fees owed to the Town for removal and storage of such news rack. Unpaid fees accrued pursuant to this 8.7.11 shall be considered a debt payable to the Town.

8.7.12 Regulations

The Board of Selectmen may promulgate such rules and regulations consistent with the provisions of this bylaw and the laws of the Commonwealth of Massachusetts as shall carry out the purposes of this bylaw.

8.7.13 Effect On Other Laws

Nothing in this bylaw shall affect the adoption of regulations concerning news racks by other government bodies, such as historic district commissions, to the extent such bodies are authorized to adopt such regulations.

8.8 Animal Control

Pursuant to the authority set forth in MGL Chapter 140 Sections 136A–174E, inclusive, and any other relevant statutes and regulations issued pursuant thereto, the following requirements are adopted for the regulation of dogs in the Town of Reading.

8.8.1 Definitions

The definitions of words and terms set forth in MGL Chapter 140 Section 136A are incorporated into Section 8.8 and shall be applicable to the interpretation thereof. In addition, unless the context clearly indicates otherwise, the following words and terms, as used in Section 8.8, shall have the following meanings:

8.8.1.1 Animal Control Appeals Committee (ACAC)

The "Hearing Authority," as that term is defined in MGL Chapter 140 Section 136A, charged with the responsibility of handling dog complaints for the Town of Reading, pursuant to MGL Chapter 140 Section 157.

8.8.1.2 Animal Control Officer (ACO)

A person appointed by the Town Manager who is authorized to enforce this Bylaw and MGL Chapter 140 Sections 136A–174E.

8.8.1.3 Effective Voice Control

An animal shall be deemed to be "under effective voice control" if it is within the owner's or keeper's sight, the owner or keeper is carrying a leash, and the animal refrains from illegal activities.

8.8.1.4 Running at Large

A dog is running at large if it is not on the private property of its owner or keeper, or on private property with the express permission of that property's owner, or on a leash, or under effective voice control.

8.8.2 Licensing and Fees

8.8.2.1 License and Vaccination Requirements

In accordance with MGL Chapter 140 Section 137, the owner or keeper of a dog(s) six months of age or older, while residing in the Town of Reading, shall obtain a license for the dog from the Town Clerk, which shall be affixed to the dog's collar. To obtain or renew a license, each dog owner or keeper shall annually present proof of a current rabies vaccination or a certification of exemption from the vaccination requirement, pursuant to MGL Chapter 140 Sections 137(b) and 145B.

8.8.2.1.1 New Dogs and Puppies

Within thirty (30) days of either (a) acquiring a dog six (6) months of age or older or (b) a puppy's six-month birthday, each dog owner or keeper in Reading shall present proof of that dog's current rabies vaccination and obtain a license and dog tag from the Town Clerk.

8.8.2.1.2 Lost Tags and Replacement Tags

Dog owners and keepers shall replace a lost tag within three (3) business days of the loss, by obtaining a replacement tag from the Town Clerk.

8.8.2.1.3 Tag Exemptions for Dog Events

While actually participating in an official dog sporting or dog fancy event, a dog may, if the event sponsors do not allow participants to wear tags, be exempt from the requirement of section 8.8.2.1 that its license tag be affixed to its collar; provided, however, that the dog owner or keeper shall have the tag at the event and available for inspection by the ACO.

8.8.2.1.4 Tag Exemptions for Medical Reasons

During any period when a veterinarian has determined that a dog cannot wear a collar for medical reasons, the dog shall be exempt from the requirement of section 8.8.2.1 that its license tag be affixed to its collar; provided, however, that its owner or keeper shall have the tag in his or her possession and available for inspection by the ACO.

8.8.2.1.5 Annual Renewal

Dog owners and keepers shall renew each dog license annually. The annual licensing period runs from January 1 through December 31.

8.8.2.1.6 License due Date and Late Fee

Application forms for obtaining, renewing or transferring a license shall be made available annually no later than December 31 each year. Dog owners and keepers shall return forms and fees to the Town Clerk by March 31 or, if such date is not a business day, by the first business day thereafter. Any license renewed after this date shall be deemed overdue, and the owner or keeper shall be required to pay a late fee as determined by the Town Meeting in addition to the license renewal fee. The license fee and the late fee may be secured through the imposition of a municipal charges lien on any property standing in the name of the dog owner or keeper, pursuant to MGL Chapter 40 Section 58.

8.8.2.1.7 License Fees

Fees for licensing each dog shall be determined by the Town Meeting; provided, however, that the fee for neutered or spayed dogs shall be less than the fee for nonneutered or nonspayed dogs. No dog license fee shall be charged for any service dog as defined by the Americans with Disabilities Act or regulations issued thereunder; or for a license for a dog owned by a person 70 years of age or older.

8.8.2.2 Kennel Licenses

No person may own or board four or more dogs within the Town of Reading without first obtaining a Kennel License from the Town Clerk, in accordance with MGL Chapter 140 Section 137A; provided, however, that this requirement shall not apply to medical boarding by any licensed veterinarian practicing in the Town of Reading. To obtain or renew such kennel license, the owner or keeper of the dogs shall:

a Present proof of current rabies vaccinations for each dog older than six months in the kennel or a certification of exemption from the vaccination requirement, pursuant to MGL Chapter 140 Sections 137(b) and 145B; and

b Pass an inspection by the Animal Control Officer pursuant to MGL Chapter 140 Sections 137A and 137C.

8.8.2.2.1 New Dogs and New Puppies

A kennel licensee who is also the owner or keeper of dogs shall report to the Town Clerk each new dog in the kennel within thirty (30) days of its acquisition; shall show proof of current vaccination; and shall obtain a kennel tag for that dog. The kennel licensee shall show proof

of current vaccination and obtain a tag for each puppy when it reaches six months old.

8.8.2.2.2 Periodic Inspections

The Town may perform an inspection of any kennel at any time pursuant to MGL Chapter 140 Section 137C.

8.8.2.2.3 Annual Renewal

Each kennel licensee shall renew the kennel license annually. The annual licensing period runs from January 1 to December 31.

8.8.2.2.4 License Due Date

Application forms for obtaining, renewing or transferring a kennel license shall be made available annually no later than December 1 each year. Kennel licensees shall return forms and fees to the Town Clerk by January 15 or, if such date is not a business day, by the first business day thereafter. Any kennel license renewed after this date shall be deemed overdue, and the owner or keeper shall be required to pay a late fee as determined by the Town Meeting in addition to the license fee. The overdue license fee and the late fee may be secured through the imposition of a municipal charges lien on any property standing in the name of the kennel licensee, pursuant to MGL Chapter 40 Section 58.

8.8.2.2.5 Fees

The fees for licensing each kennel shall be established by the Board of Selectmen.

8.8.2.2.6 Penalties

Any person maintaining a kennel after the kennel license therefor has been denied, revoked or suspended shall be subject to the penalties set forth in Section 8.8.6.

8.8.3 Conduct of Dogs

8.8.3.1 Nuisance and Dangerous Behavior

No dog owner or keeper shall permit the dog to become or remain a nuisance dog or a dangerous dog, as those terms are defined and used in MGL Chapter 140 Sections 136A and 157.

8.8.3.2 Leash Law

When not on the private property of its owner or keeper, or on private property with the express permission of that property's owner, a dog shall be on a leash; provided, however, that it may be under effective voice control when within the Town Forest or on conservation lands if allowed by Conservation Commission rules.

8.8.3.2.1 Public Gatherings - Leash Control Only

Except as otherwise specified in Section 8.8, a dog may be at any public gathering only if it is on a six-foot or shorter leash and refrains from illegal activities.

8.8.3.2.2 School Grounds

Unless the School Principal gives permission in advance, no dog may be on school grounds from thirty (30) minutes before classes begin

until thirty (30) minutes after classes end. At all other times, the dog may be on school grounds only if it is on a six-foot or shorter leash or remains within a vehicle.

8.8.3.2.3 Exception for Assistance Animals (service animals)
The provisions of this Section 8.8.3.2 shall not apply to any properly trained assistance animal or service animal while performing its duties.

8.8.3.3 Dog Litter
Every dog owner or keeper shall be responsible for expeditiously removing any feces that the dog deposits anywhere except on its owner's or keeper's private property, or on other private property with the property owner's permission

8.8.4 Animal Control Officer

8.8.4.1 Appointment
The Town Manager shall appoint an ACO pursuant to MGL Chapter 140 Sections 151 and 151A to carry out the provisions of Section 8.8 and to perform such other duties and responsibilities as the Town Manager or its designee may determine.

8.8.4.2 Duties
The ACO's duties shall include the enforcement of the provisions of Section 8.8 and of MGL Chapter 140 Sections 136A-174E and any relevant state or local regulations.

8.8.4.3 Issuance of Temporary Restraint Orders
The ACO may issue a Temporary Restraint Order to the owner or keeper of any dog that is alleged to be a nuisance dog or a dangerous dog and is awaiting a decision under Section 8.8.5.2. A Temporary Restraint Order shall be in force for no more than thirty (30) days unless the ACO renews it in writing for subsequent thirty (30) day periods. The ACO may rescind or stop renewing the order when, in the ACO's judgment, restraint is no longer required. The ACO's order shall expire upon receipt of a decision from the ACAC on the nuisance dog or dangerous dog hearing.

8.8.4.4 Issuance of a Temporary Confinement Order
The ACO may make arrangements for the temporary housing of any dog that requires such temporary housing, and may issue an Order of Temporary Confinement authorizing such temporary housing. The housing may be at local veterinary clinics, or at dog kennels within the Town or neighboring towns, and shall be at the dog owner's or keeper's expense.

8.8.4.5 Complaint Investigation
The ACO shall make a written record of and shall investigate all complaints arising within the Town pertaining to violations of Section 8.8 or MGL Chapter 140 Sections 136A-174E and report its findings to the ACAC.

8.8.4.6 Recordkeeping
The ACO shall keep accurate, detailed records of the confinement and disposition of all dogs held in custody, all bite cases reported, and the results of investigations. The ACO shall maintain a telephone log of all calls received regarding dogs and submit a monthly report summarizing the log to the ACAC.

8.8.5 Animal Control Appeals Committee

8.8.5.1 Composition of the ACAC

The Animal Control Appeals Committee shall be composed of three Reading residents, none of whom shall otherwise be employees of the Town, appointed to three-year overlapping terms by the Board of Selectmen. The ACAC shall annually select a member to serve as the Chair. At least one of the three members must be a dog owner.

8.8.5.2 Nuisance or Dangerous Dog Hearings

Any person may file a complaint in writing to the ACAC that a dog owned or kept in the Town is a nuisance dog or a dangerous dog. All such complaints shall be investigated and addressed in accordance with MGL Chapter 140 Section 157.

8.8.6 Penalties

8.8.6.1 Fines

Any dog owner or keeper who maintains a kennel after the kennel license has been denied, revoked or suspended, or who fails to obtain a kennel license; and any dog owner or keeper who fails to comply with Section 8.8.3 shall be subject to penalties as determined by the ACAC, not exceeding Three Hundred ($300) Dollars per day for every day of the violation.

8.8.6.2 Reimbursement of Costs

If the ACO confines a dog and the dog owner or keeper does not pay all fees directly to the kennel or veterinary clinic, then the dog's owner or keeper shall be required to reimburse the Town for any expenses incurred in boarding that dog. If the dog has not been licensed, the owner or keeper shall obtain a license and pay any applicable late fee before the dog can be released.

8.8.6.3 Penalties for Violating Temporary Restraint Orders

The ACAC shall determine a schedule of penalties not exceeding Three Hundred ($300) Dollars per day for each and every violation of Temporary Restraint Orders.

8.8.6.4 Penalties for Non-Compliance with and Order of the ACAC

An owner or keeper of a dog who fails to comply with an order of the ACAC shall be punished in accordance with MGL Chapter 140 Section 157A.

8.8.6.5 Enforcement

In addition to any other means of enforcement, the provisions of Section 8.8 and the regulations adopted pursuant thereto may also be enforced by non-criminal disposition in accordance with the provisions of Section 1.8, and MGL Chapter 40 Section 21D. The penalty for such violation shall be $300 for each offense. Each day or part thereof shall constitute a separate offense.

8.9 Public Conduct

8.9.1 Firearms

8.9.1.1 Definitions

As used in Section 8.9.1, the following terms shall have the following definitions:

- **Firearm:** shall mean a pistol, revolver, rifle, shotgun or other weapon of any description, from which a bullet or shot can be discharged using a propellant powder.

8.9.1.2 Discharges Prohibited

Except as provided in Section 8.9.1.3, no person shall fire or discharge any Firearm of any kind:

- On, over or onto any street, highway, park or other public property; or
- Within 1,000 feet from a dwelling or other building in use, or 300 feet from a public way; or
- On, over or onto any private property except by the owner or legal occupant thereof, or a person carrying the written consent of such owner, which shall be valid for no more than one year from its issuance, and which shall be available for review upon the request of any law enforcement officer.

8.9.1.3 Authorized Discharges

The prohibition set forth in Section 8.9.1.2 shall not apply to

- The use of such weapons in the lawful defense of any person, family or property; or
- Any law enforcement officer or member of the armed forces acting within the scope of lawfully authorized duties; or
- The use of such weapons on any lawfully permitted target, trap or skeet range.

8.9.2 Peeping

No person, except an officer of the law in the performance of his duties, shall enter upon the premises of another or upon public lands with the intention of peering into the windows or doors of a house or of spying upon, in any manner, any person or persons therein.

8.9.3 Burning Leaves

No person shall burn or cause to be burned in the open, fallen leaves within the Town.

8.9.4 Public Buildings, Public Property and Public Ways

8.9.4.1 Gambling Prohibited

No person shall gamble in any building or room owned or occupied by the Town, or upon any public property or public ways, except as otherwise authorized by the Board of Selectmen, special Statute or general laws.

8.9.4.2 Liquor Prohibited

No person shall keep, use or have in his possession any spirituous or intoxicating liquor in any building or room owned or occupied by the Town, or upon any public property or public ways, except as otherwise authorized by the Board of Selectmen, special Statute or general laws.

8.9.4.3 Tobacco Regulated

No person shall smoke or have in his possession any lighted cigar, cigarette, or other tobacco product in any building or room owned or occupied by the Town.

8.9.5 Loitering

No person, after being otherwise directed by a Police Officer, shall loiter, sit or stand in any street, common place or public building so as to obstruct or impede the free passage of any other person.

8.9.6 Consumption of Alcoholic Beverages

No person shall consume any alcoholic beverages as defined in MGL Chapter 138 Section 1, while on, in or upon any public way, public parking lot or upon any vehicle on such way, lot or place except as otherwise authorized by the Board of Selectmen, special Statute or general laws.

All alcoholic beverages being used in violation of this bylaw shall be seized and safely held until final adjudication of the charges against the person or persons arrested or summoned before the Court, at which time they shall be returned to the person entitled to lawful possession.

8.9.7 Public Consumption of Marijuana or Tetrahydrocannabinol

No person shall smoke, ingest or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in MGL Chapter 94C Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, school house, school grounds, cemetery, parking lot or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier, or in any place accessible to the public.

This bylaw may be enforced through any lawful means in law or in equity including enforcement by noncriminal disposition, pursuant to MGL Chapter 40 Section 21D, by the Police Department. The fine for violation of this bylaw shall be Three Hundred ($300) Dollars for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under MGL Chapter 94C Section 32L.

8.9.8 Construction Hours

8.9.8.1 Purpose

The intent of this bylaw is to regulate the hours during which construction and demolition activities may take place within the Town and otherwise to limit the impact of such activities on nearby residents and business.

8.9.8.2 Definition

“Construction” shall mean and include the construction, reconstruction, alteration, repair, demolition and/or removal of any building, structure or substantial part thereof if such work requires a building permit, razing permit, electrical permit, plumbing permit, gas permit, or mechanical permit. “Construction” shall also include excavation that involves the use of blasting jackhammers, pile drivers, back hoes and/or other heavy equipment. “Construction” shall also include the starting of any machinery related to the above; deliveries; fueling of equipment; and any other preparation or mobilization for construction which creates noise or disturbance on abutting properties.

For purposes of this section a “small contractor” shall mean a licensed person hired to perform less substantial construction work which shall mean work performed entirely on the interior of a building, with no evidence of such

activity visible or audible at the property line of the property where construction is taking place.

8.9.8.3 Hours

No person shall perform any construction within the Town except between the following hours, except that set-up and delivery may take place as early as 6:30 AM:

- 7:00 AM and 8:00 PM, Monday through Friday;
- 7:00 AM to 5:00 PM on Saturdays;
- None on Sundays and legal holidays.

8.9.8.4 Exemptions

The restrictions set forth in this bylaw shall not apply to any work performed as follows:

- By any federal or state department, Reading Department of Public Works, the Reading Municipal Light Department and/or any contractors working directly for these agencies, when working within a public way or within easements;
- By a resident on or in connection with his residence, without the aid of hired contractors, whether or not such residence is a detached single family home;
- Less substantial construction performed by a small contractor as defined above;
- Work occasioned by a genuine and imminent emergency, and then only to the extent necessary to prevent loss or injury to persons or property.

8.9.8.5 Permits

The Chief of Police or his designee (the Chief), may in his reasonable discretion, issue permits in response to written applications authorizing applicants to perform construction during hours other than those permitted by this bylaw. Such permits may be issued upon a determination by the Chief, in consultation with the Building Inspector, the Town Engineer or other Town staff, that literal compliance with the terms of this bylaw would create an unreasonable hardship and that the work proposed to be done (with or without any proposed mitigative measures) will have no adverse effects of the kind which this bylaw seeks to reduce. Each such permit shall specify the person authorized to act, the dates on which or within which the permit will be effective, the specific hours and days when construction otherwise prohibited may take place, and any conditions required by the Chief to mitigate the effect thereof on the community. The Chief may promulgate a form of application and charge a reasonable fee for each permit. No permit may cover a period of more than thirty (30) days. Mitigative measures shall include notice to residents in the surrounding area, and other mitigation as determined by the Chief. Objections by such residents shall be noted by the Chief and shall be taken into account when considering issuance of such permit.

8.9.8.6 Unreasonable Noise

Regardless of the hour or day of the week, no construction shall be performed within the Town in such a way as to create unreasonable noise. Noise shall be deemed unreasonable if it interferes with the normal and usual activities of residents and businesses in the affected area and could be reduced or eliminated through reasonable mitigative measures.

8.9.8.7 Copy of Bylaw

The Building Inspector shall deliver a copy of this bylaw to each person to whom it issues a building permit, razing permit, electrical permit, plumbing permit, gas permit or mechanical permit at the time that the said permit is issued.

8.9.8.8 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and MGL Chapter 40 Section 21D.

8.9.9 Door-To-Door Solicitors and Canvassers

8.9.9.1 Definitions

- As used in this section, the terms “solicit” and “canvas” shall mean and include any one or more of the following activities conducted at residences without the previous consent of the owner:
  - Seeking to obtain the purchase, or orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever for any kind of consideration whatsoever; or
  - Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

8.9.9.2 Applicability

- The provisions of this section shall not apply to officers or employees of the Town, State or Federal government, or any subdivision thereof when on official business, or to neighborhood youth and students who solicit for the shoveling of snow or cutting of lawns or similar services to residents, nor shall it be construed to prevent route salespersons or other persons having established customers to whom they make periodic deliveries from calling upon such customers.
- If any solicitor or canvasser is under the age of eighteen (18) years and is selling goods or periodicals for a commercial purpose, the provisions of MGL Chapter 101 Section 34 shall apply.
- The provisions of this section shall not apply to any person soliciting solely for religious, charitable or political purposes.

8.9.9.3 Registration Required

It shall be unlawful for any person to solicit or canvas or engage in or conduct business as a canvasser or solicitor without first having obtained a Certificate of Registration from the Chief of Police as provided in this section.

8.9.9.4 Application for Certificate of Registration

- Application for a Certificate of Registration shall be made upon a form provided by the Police Department along with a nonrefundable application fee. Said fee to be determined by the Board of Selectmen.
- An authorized representative of the sponsoring organization shall apply to the Chief of Police or his designee either in person or by mail. All statements on the application or in connection therewith shall be under oath. The applicant shall provide all information requested on the application, including:
  - Name, address and telephone number of the sponsoring organization, along with a listing of all officers and directors;

- State and/or Federal Tax Identification Number of the sponsoring organization;
- Name, residential and business address, length of residence at such residential address, telephone number, social security number and date of birth of each representative of the sponsoring organization who will be soliciting or canvassing in the Town;
- Description sufficient for identification of the subject matter of the soliciting or canvassing in which the organization will engage;
- Period of time for which the Certificate is applied (every Certificate shall expire within one year of date of issue);
- The date of the most recent previous application for a Certificate under this section;
- Any previous revocation of a Certificate of Registration issued to the organization or to any officer, director or representative of the organization by any city or town and the reasons therefore;
- Any convictions or imprisonment for a felony, either state or federal, within five (5) years of the application, by the sponsoring organization, any of its officers or directors, or any representative who will be soliciting or canvassing in the Town;
- Names of the three (3) communities where the organization has solicited or canvassed most recently;
- Proposed dates, hours and method of operation in the Town;
- Signature of an authorized representative of the sponsoring organization.

- A photograph or an acceptable photocopy of a photograph of each representative of the sponsoring organization who will be soliciting or canvassing in the Town shall be attached to the application.
- No Certificate of Registration shall be issued to any person, or to any organization having an officer or director, who was convicted of commission of a felony, either state or federal, within five (5) years of the date of the application, nor to any organization or person whose Certificate of Registration has previously been revoked as provided below.
- Fully completed applications for Certificates shall be acted upon within five (5) business days of receipt. The Chief of Police shall cause to be kept in his office accurate records of every application received together with all other information and data pertinent thereto and of all Certificates of Registration issued under this section and of all denials.
- Upon approval of an application, each solicitor or canvasser shall be issued a Certificate of Registration with a photo identification badge to carry upon his person at all times while soliciting or canvassing in the Town and to display the certificate whenever asked by any police officer or any person solicited.

8.9.9.5 Revocation of Certificate

- Any Certificate of Registration issued hereunder may be revoked by the Chief of Police for good cause, including conviction of the holder of the Certificate of a Violation of any of the provisions of this section or a false material statement in the application. Immediately upon such revocation, the Chief of Police shall give written notice to the holder of the Certificate in person or by certified mail addressed to his residence address set forth in the application.
- Immediately upon the giving of such notice, the Certificate of Registration shall become null and void. In any event, every Certificate of Registration

shall state its expiration date, which shall be no later than one year from date of issue.

8.9.9.6 Deceptive Practices

No solicitor or canvasser registered or exempt from registering may use any plan, scheme, or ruse which misrepresents the true status or mission of any person conducting the solicitation or canvas in order to gain admission to the home, office or other establishment of any person in the Town.

8.9.9.7 Duties of Solicitors and Canvassers

It shall be the duty of every solicitor and canvasser going onto any premises in the Town to:

- Display a Town-issued photo identification badge on the outside of their person; and
- First examine whether there is a notice posted stating that no solicitors are welcome. If such notice is present, then the solicitor or canvasser shall immediately and peacefully depart from the premises; and
- Any solicitor or canvasser who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

8.9.9.8 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and MGL Chapter 40 Section 21D.

8.10 Maintenance of Vacant Buildings and Land

All vacant structures and vacant land within the Town of Reading shall be maintained in a safe, secure and clean condition so as not to compromise the health, safety and general welfare of the community.

8.10.1 Definitions

For purposes of this bylaw the following definitions shall apply:

8.10.1.1 Building

A structure enclosed within exterior walls or firewalls, built, erected, or framed of any materials, and fixed to the ground, having a roof, to form a structure for the shelter of persons, animals or property, or the storage of commercial or industrial personal property.

8.10.1.2 Owner

A person, entity, service company, property manager or real estate broker, who alone or severally with others:

- has legal or equitable title to any building, structure or parcel of land, vacant or otherwise; or
- has care, charge or control of any building or structure, parcel of land, vacant or otherwise, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- is a mortgagee in possession of any such property; or
- is an agent trustee or other person appointed by the courts and vested with possession or control; or

- is an officer or trustee of the association of unit owners of a condominium; each such person being bound to comply with the provisions of these minimum standards as if he were the owner; or
- is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated a foreclosure process.

8.10.1.3 Vacant

Buildings or property that are unoccupied for a period greater than one hundred eighty (180) days by a person or persons with legal right to occupancy thereof.

8.10.2 Minimum Maintenance Requirements

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

- Maintain vacant properties in accordance with all applicable local and state Sanitary Codes, Building Codes and Fire Codes.
- Secure vacant properties to prevent unauthorized entry and exposure to the elements.
- Maintain vacant properties in a manner that ensures their external/visible maintenance, including but not limited to the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery, and other landscape features.
- Remove graffiti, carvings or markings from all structures, signs, walls and fences.
- Repair or replace broken windows or doors within thirty (30) days. Boarding up any doors or windows is prohibited except as a temporary measure for no longer than thirty (30) days, unless an extension is approved by the Building Inspector.
- For properties vacant for six months or more, the utilities for which have been shut off, remove or cut and cap such utilities to prevent accidents.
- Maintain free from the storage of any junked, wrecked, or abandoned vehicles.

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

8.10.3 Notice of Failure to Maintain Property

Upon identifying a property as failing to meet the minimum maintenance requirements set out in section 8.10.2, the Building Inspector may notify the owner in writing at the owner's last known address of maintenance deficiencies. If any maintenance deficiency is not corrected within 30 days of said notice, or if a maintenance plan is not approved by the Building Department within 30 days of said notice, the Town may impose a penalty in accordance with the provisions of this bylaw.

8.10.4 Inspections

The Building Department, the Board of Health, the Chief of the Police Department and the Chief of the Fire Department, or their designees, shall have the authority to periodically inspect any property reasonably understood to be a vacant property for compliance. The Building Department shall have the discretion to determine when and how such inspections are to be made, provided that the time and manner of such inspections are reasonably calculated to ensure that this bylaw is enforced.

8.10.5 Penalties

Violations of this bylaw, including violations of any regulation promulgated hereunder, or failure to comply with a maintenance plan approved by the Building Department, shall be punishable by a fine of one hundred dollars ($100.00) for each

day during which the violation continues. In addition to any other means of enforcement, the provisions of this bylaw may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and MGL Chapter 40 Section 21D. For the purposes of such non-criminal disposition, the "enforcing person" shall mean the Building Inspector, the Health Director, the Police Department, the Fire Department, or their designee.

8.10.6 Enforcement

The Building Department or its designee, the Board of Health, Fire Department and/or the Police Department or their designees(s) shall enforce all provisions of this bylaw; including any regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance.

8.10.7 Unsafe Buildings

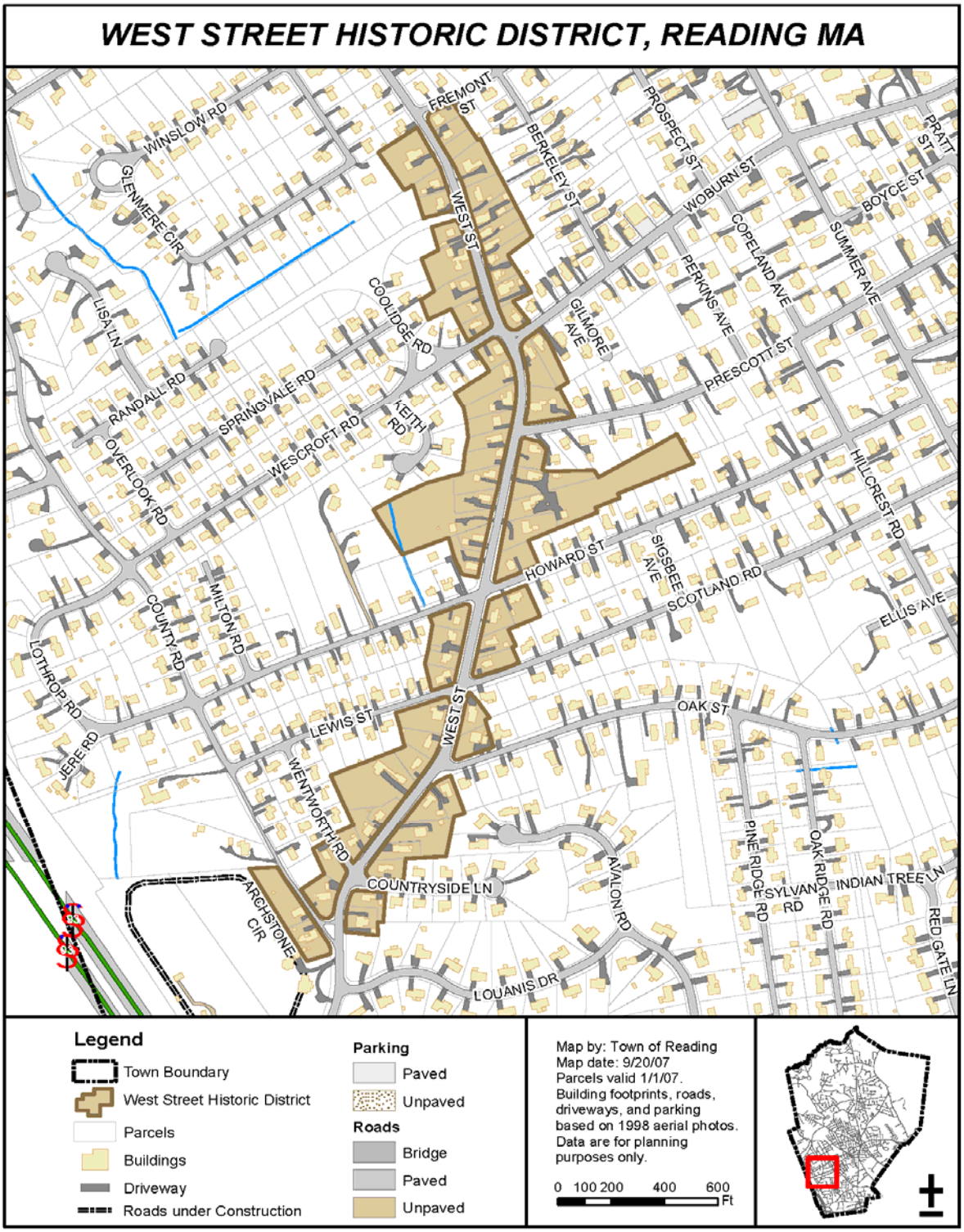
If the Building Inspector determines the building to be unsafe, he may act immediately in accordance with the State Building Code to protect public safety. Furthermore, nothing in this bylaw shall abrogate the powers and/or duties of municipal officials to act pursuant to any general statutory authority including, without limitation, MGL Chapter 139 Section 1 et sequens and MGL Chapter 143 Section 6 et sequens.

8.11 Trash Collection

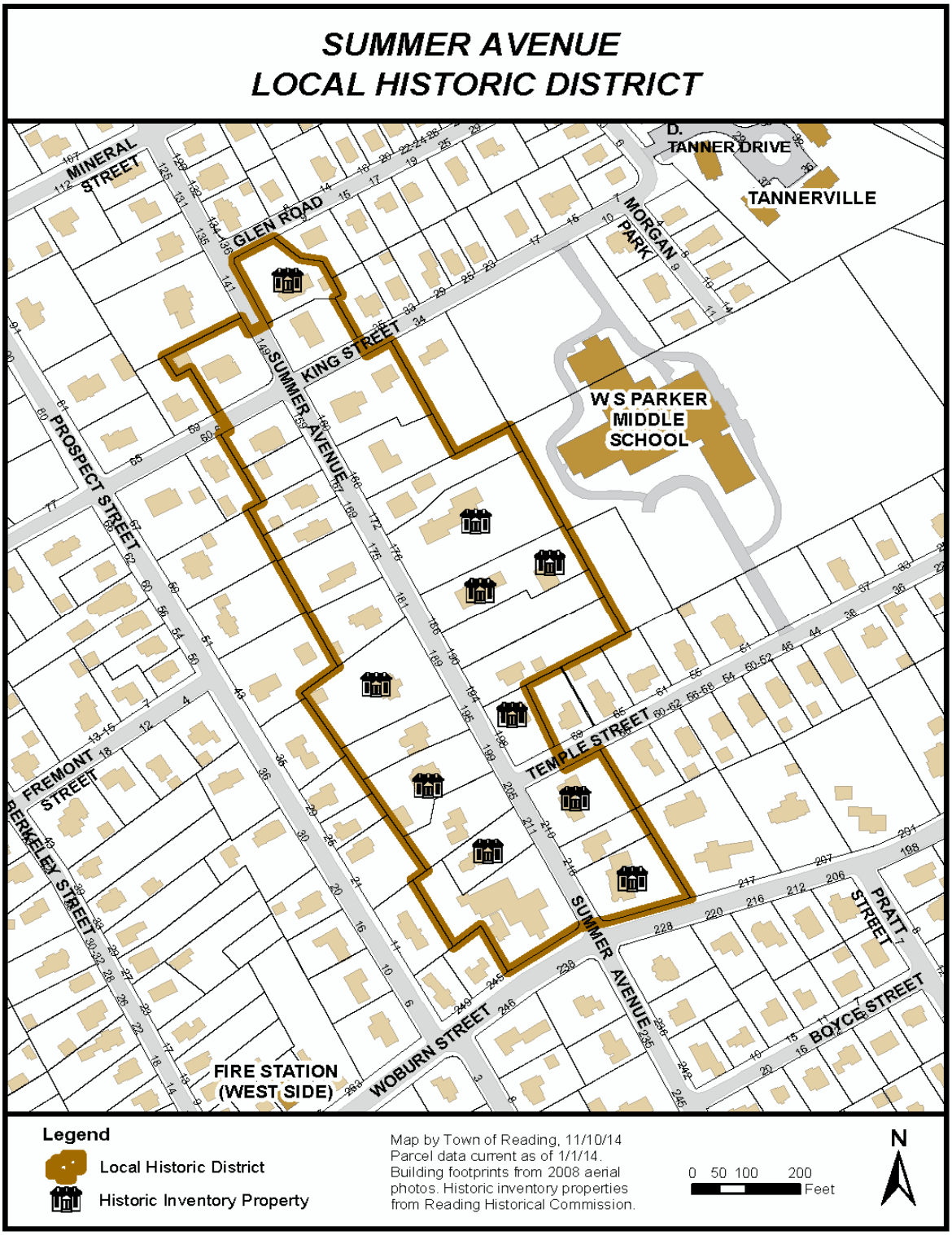
No person shall collect, or cause others to collect trash, rubbish, garbage, recycling, offal or other offensive substances (whether from dumpsters, barrels, or otherwise, and whether on the public way, a private way or any lot) after 9:00 PM and before 6:30 AM in any residential district of the Town or within 100 yards of such a district as shown on the then current Zoning Map.

APPENDICES

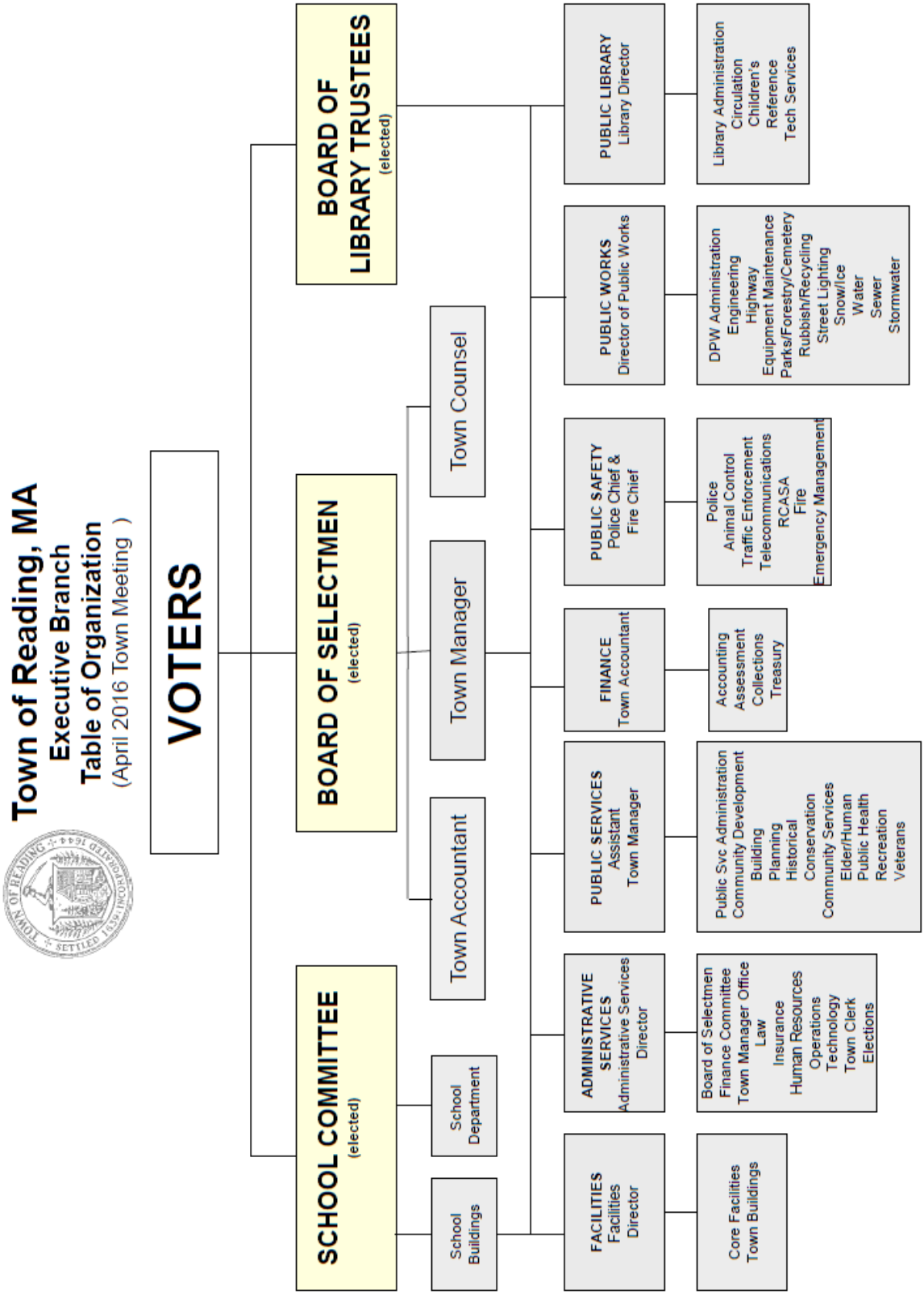
Appendix A1: Map - West Street Historic District Area



Appendix A2: Map - Summer Avenue Historic District Area



Appendix B: Table of Organization



CHRONOLOGY

Article	Bylaw	Date Adopted by Town Meeting	Warrant Article	Amendments
1.1	Purpose of Bylaw	November 13, 1989	4	
1.2	Construction	November 13, 1989	4	
1.3	Amendment	March 27, 1958	63	1988
1.4	Repeal	June 5, 1916	13	1972
1.5	Enforcement	March 2, 1896	52	1916, 1972
1.6	Severability	November 13, 1989	4	
1.7	Definitions	November 30, 1990		
1.8	Non-Criminal Civil Disposition of Certain Violations of the Bylaw and any Rule or Regulation of a Town Officer, Board or Department	November 15, 2012	14	2013
2.1	General Town Meeting [(1)]	March 2, 1896	52	1917, 1992, 1994, 1995, 1996, 1999, 2005
2.2	Conduct of Town Meeting	March 2, 1896	52	1916, 1994, 1998, 2003, 2005
3.1	Board of Selectmen [(1)]	June 15, 1916	13	1972
3.2	Town Treasurer Collector -Accountant	March 2, 1896	52	1947, 1958, 1972
3.3	Town Clerk [(1)]	June 15, 1916	13	1972
3.3	Permanent Building Committee	January 5, 2015	6	
3.3	Appointment of Associate Members	April 27, 2015	12	
3.3	Removal for Absence	November 9, 2015	11	2015
3.4	Finance Committee [(1)]	June 15, 1916 March 1, 2007 September 29, 2014	13 11 15	1958, 1991, 2007, 2014
3.5	Bylaw Committee	November 17, 1977	14	1990
3.6	Council on Aging	March 21, 1957	31	1977
3.7	Gas Inspector	May 24, 1961	2	
3.8	Audit Committee	November 12, 1992	35	2003
4.1	Capital Improvements Program	April 17, 1977	15	

Article	Bylaw	Date Adopted by Town Meeting	Warrant Article	Amendments
4.2	Resolution of Legal Matters	November 13, 1986	16	Various
4.3	Town Reports and Records	March 20, 1972 April 23, 2007	5 12	 2007
4.4	Conflict of Interest (Contracts)	March 2, 1896	52	1916, 1958, 1990, 1996, 1998
4.5	Licenses	April 23, 1981 April 22, 2002	23 18	2001 2002
4.6	Disposal of Surplus Property	November 16, 1970 November 10, 2003	11 15	1991 2003
4.7	Personnel	January 17, 1949	2	1975, 1987
4.8	Physical Qualifications for Town Employees	March 24, 1960	24	1982
4.9	User Fees	April 23, 1981 April 22, 2002	21 18	1990 2002
4.10	Municipal Data Processing Center	June 10, 1982	6	
4.11	Rules and Regulations	November 14, 1988	30	
5.1	Public Works	March 2, 1896	52	Various, 1991
5.2	Streets, Highways and Public Property	March 2, 1896	52	1916, 1958, 1994, 1996
5.3	Anti-Litter	March 20, 1972	5	
5.4	Excavation and Wells	October 5, 1953	2	1990
5.4	Criminal History Check Authorization	April 30, 2012	20	
5.5	Public Conduct	Various as Per:		
5.5.1	Firearms	April 16, 1956	49	
5.5.2	Peeping	March 21, 1968	36	
5.5.3	Burning Leaves	March 30, 1970	57	
5.5.4	Public Buildings	March 20, 1972 April 25, 2002 November 10, 2003 November 9, 2009	5 24 16 12	1987, 1993 2002
5.5.5	Loitering	March 3, 1896	9	1972
5.5.6	Consumption of Alcoholic Beverages	September 24, 1973	3	
5.5.7	Creating a Hazard	November 12, 1985	13	
5.5.8	Construction Hours and Noise Limits	November 16, 2006	15	

Article	Bylaw	Date Adopted by Town Meeting	Warrant Article	Amendments
5.5.9	Door- to-Door Solicitors and Canvassers	May 1, 2006	23	
5.5.10	Public Consumption of Marijuana or Tetrahyudrocannabinol	May 4, 2009	17	
5.6	Animal Control Bylaw	March 30, 1970 April 22, 2002 May 1, 2006 April 30, 2007	59 18 21 26	1972, 1998, 2000 2002, 2006, 2007
5.7	Wetlands Protection	November 15, 1979 November 19, 2001	14 23	1990, 1991, 1992 2001
5.8	Scenic Roads	April 14, 1983	10	
5.9	News Racks	November 28, 1983	18	
5.10	Retail Sales	April 14, 1988 March 1, 2007	4 12	2000 2007
5.11	Non-Criminal Disposition of Certain Violations of Bylaws and Rules and Regulations	November 14, 1988	21	1991, 1994
5.12	Regulation of Certain Motor Vehicles	November 12, 1992	37	
5.13	Demolition of Structures of Potential Historical Significance	November 16, 1995 May 4, 2006 April 28, 2011	13 24 19	2006, 2011
5.14	Emergency Vehicle Access and Fire Lanes	April, 1997	29	
5.15	Designated Parking Spaces and Curb Ramps for Disabled Veterans or Handicapped Persons	May 5, 1997	30	
5.16	Outdoor Loudspeakers and Public Address Systems	April 30, 1998	23	
5.17	Storing and Handling of Crude Petroleum or any Crude Petroleum Products	April 26, 2004 April 25, 2011	11 18	2011
5.18	Local Historic District	November 18, 2004 May 5, 2005 November 10, 2014	17 27 9	
6.0	Building Code	March 4, 1902	42	Various
7.2	Historic Demolition Delay	November 15, 2012	13	
8.8	Animal Control	April 22, 2013 April 25, 2016	22 7	2015 2016

Article	Bylaw	Date Adopted by Town Meeting	Warrant Article	Amendments
8.9	Firearms	November 9, 2015	14	2015
8.11	Trash Collection	November 15, 2012	12	2013

(1) Function was not initiated by a bylaw but mandated by State statute.

Major Revisions of bylaw were conducted in 1916, 1949, 1958, 1972, 1989 and 2011.

Not a part of the General Bylaw document. For information purposes only.