

¹GENERAL GOVERNMENT BY-LAWS

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GENERAL GOVERNMENT BY-LAWS

ARTICLE 1 GENERAL PROVISIONS

SECTION 1. These by-laws shall be designated as “By-laws of the Town of Nahant”.

SECTION 2. So far as the provisions of these by-laws are the same in effect as those of previously existing by-laws, they shall be construed as a continuation of such by-laws, but all other previously existing by-laws or portions thereof heretofore in force are hereby repealed. The repeal of a by-law heretofore adopted shall not affect any act done or any right accruing or accrued or established, or any action, suit or proceeding commenced in any civil case, or affect any punishment, penalty or forfeiture incurred under such a by-law.

SECTION 3. Words and phrases specifying or naming any officer or governmental body of the Town, shall be construed as including the lawful successor, or the person or persons having the powers and performing the duties of such officer or governmental body of the Town.

SECTION 4. When in any by-law anything is prohibited from being done without the license or permission of a certain officer or governmental body, the officer or governmental body shall have the power to license or permit such thing to be done.

SECTION 5. Whoever violates a provision of any by-law of the Town, shall, unless other provision is expressly made, be liable to a penalty not exceeding three hundred dollars for each offense. (Rev. 10-82)

SECTION 6. These by-laws may be amended at any Town Meeting, an article or articles for that purpose having been inserted in the warrant for such a meeting. (Rev. 4-29-95)

ARTICLE II
TOWN MEETINGS

SECTION 1. The Annual Town Meeting shall be held on the third Saturday in May of each year. All business, except the election of officers and the determination of such matters as by statute law are required to be elected or determined by official ballot, shall be considered at 12:30 p.m. For such consideration, a quorum of seventy-five (75) voters is required; however, a number less than the quorum may adjourn the meeting. **(Rev. ATM 4-27-2019.)**

SECTION 2. The Annual Town Election shall be held on the last Saturday of April of each year. The polls shall be open at 7:00 a.m. and shall remain open until 8:00 p.m. **(Rev. ATM 4-27-2019.)**

SECTION 3. The warrant for all Town Meetings shall contain a statement of all subjects to be acted upon at the meeting. When an article is petitioned for by the legal number of voters, there shall be appended thereto the name of the first person signing said petition and the words, et al. All petitions for insertions of articles in the warrant for the Annual Town Meeting shall be filed with the Board of Selectmen on or before the thirty-first (31st) day of January.

- A. The proponent of an article for consideration in the warrant at a Town Meeting may submit a written summary of the reasons supporting the proposed warrant article. If the summary is three hundred (300) words or less, and is submitted before January 31 for an Annual Town Meeting, or eight (8) weeks prior to a Special Town Meeting, the Advisory and Finance Committee shall cause the summary to be printed in its Report to the Voters for the Town Meeting. The Advisory and Finance Committee shall have sole discretion with respect to printing in its report any summary, which is submitted, that is not within the size or time requirements of this paragraph, or which is frivolous, defamatory or obscene. (Rev. 2-92)

Rev. 4-29-95

SECTION 4. No person whose name is not upon the voting list of the Town, or who does not present a proper certificate from the Board of Registrars of Voters, shall enter upon the floor of the hall during any meeting, except at the discretion of the Moderator, who may give him permission to speak. To ensure the foregoing, the Town Clerk shall employ clerks and check-off lists, similar to the procedure used in all elections. They shall be stationed at the several entrances. It shall be the duty of the police officers to enforce this by-law under the direction of the Moderator. (Rev. 1-77)

SECTION 5. After the Meeting is called to order, the Town Clerk shall read the call for the Meeting, the direction of the Selectmen to the Constable and the Constable's return of service.

SECTION 6. Articles of the warrant shall be acted upon in the order in which they appear, unless otherwise determined by the vote of the Meeting.

SECTION 7. Every motion shall be presented in writing when so requested by the Moderator.

SECTION 8. If a motion is susceptible of division, it shall be divided and the question shall be put separately upon each part thereof, if seven (7) voters so request.

SECTION 9. When a question is under debate, no motion shall be in order except to indefinitely postpone, to refer, to recommit, the previous question and to amend, which several motions shall have precedence in the order named. However, the Meeting may order that the vote on any motion shall be taken by a “yes” and “no” ballot furnished by ² the Town Clerk if, on a motion so made, there shall be twenty-five (25) or more voters in ³the affirmative, and a motion so to vote shall be in order at any time and shall take precedence over any motion or amendment before the house except a motion under Section 15 (formerly 15-A) of this article. A motion to refer, to recommit and the previous question shall be decided without debate. No person shall speak upon the same question more than twice or more than ten (10) minutes at any one time, if another person wishes to speak on the same question. (Rev. 4-29-95)

SECTION 10. Any person, who represents another interested in any matter under discussion, shall disclose the fact of such representation before speaking thereon.

SECTION 11. When a question is put, the sense of the Meeting shall be determined by voice of the voters, and the Moderator shall declare the vote as it appears to him. If the division of the house is called for by seven or more voters, the Moderator shall request all persons in the house to be seated and may appoint tellers. The question shall then be distinctly stated, and those voting in the affirmative and negative, respectively, shall rise and stand in their places until counted by the Moderator or tellers, if any. No person shall be counted who does not comply with the request to occupy a seat, if seats are available. If there are not available seats, those standing shall be counted separately by a show of hands.

SECTION 12. A vote on any appropriation specifically for salaries and wages of officers and employees of the Town shall be taken by a “yes” or “no” ballot.

SECTION 13. If the declaration of a vote taken by “yes” or “no” ballots is immediately questioned by seven (7) or more voters, the Moderator shall verify the vote by a recount of the said ballots.

SECTION 14. No vote shall be reconsidered unless notice that said motion will be made is given within fifteen (15) minutes after such vote is declared, and a motion to reconsider it is made and voted on at the same Meeting before any adjournment thereof. Such a motion, if defeated, shall not be renewed. (Rev 4-29-95)

SECTION 15 (formerly 15-A). A vote on the original motion, as and if amended, under any article in the warrant, shall be postponed to an adjourned meeting if, on a motion to so postpone, there shall be twenty-five (25) or more votes in the affirmative. Such motion to postpone shall take precedence over any pending motion to amend and shall not be subject to postponement or to amendment, nor shall the vote thereon be subject to reconsideration or decision except by unanimous consent. After such postponement is moved, the original motion under the warrant, as and if amended, shall not be opened to amendment except by acceptance of such amendment by the mover of the original motion nor shall any amendment, except by acceptance thereof by the mover of the prior amendment, provided nevertheless that if the vote on the said original motion, as and if amended, is postponed by the same procedure. The adjourned meeting shall be held on a day and hour to be appointed by the Moderator, but not more than ten (10) days after the final action on all articles in the warrant, other than those upon which the voting has been postponed under this section. At such meetings, voting shall be by ballot. The checklist shall be used and the polls shall remain open at least four (4) hours. The Moderator shall appoint ballot clerks and tellers who shall receive such compensation, as the Selectmen shall determine. The Town Clerk shall prepare ballots for use at such adjourned meeting and cause to be printed thereon in the original order, the articles of the warrant, voting upon which has been postponed as herein provided and under each article the original motion thereon as and if amended, and there under successively the unaccepted amendments, as and if amended, upon which voting has been postponed hereunder. Spaces on an official ballot shall be printed to the right of each motion and amendment, if any, so that each voter may record his vote by an "X" in a "yes" or "no" square. In the event that more than one of the original motions and amendments under the same article shall receive more than a majority of the votes in the affirmative under said article, that one which receives the most votes shall be deemed to be adopted. (Rev. 4-29-95)

SECTION 16. No motion, the effect of which shall be to dissolve the meeting, shall be in order until every article in the warrant therefore has been duly considered and acted upon, but this shall not preclude postponement of any article to an adjourned meeting at a stated time and place.

SECTION 17. As soon as possible after the adjournment of any Town Meeting, on a vote to adjourn to another day, the Town Clerk shall cause to be posted in the same manner as the warrants for the Town Meeting, a statement of the day and hour to which adjournment was voted and a brief statement of the business remaining to come before said adjourned meeting.

SECTION 18. Town Meetings shall be regulated according to the rules of parliamentary practice contained in "Robert's Rules of Order (revised)", so far as they are applicable and not inconsistent with law or with these by-laws. **(Rev 4-28-2008) substituting "Roberts Rules of Order" revised with "Town Meeting Times" third edition.**

SECTION 19. For consideration of all business to be conducted at a Special Town Meeting, a quorum of seventy-five (75) voters is required; however, a number less than the quorum may adjourn the meeting. (Rev 4-26-80)
Rev. 4-29-95

ARTICLE III DUTIES OF TOWN OFFICERS

SECTION 1. The Selectmen shall be agents of the Town to institute, prosecute, defend and compromise any and all claims, actions and proceedings on behalf of or against the Town, or in which the interests of the Town are or may be involved. The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law or in these by-laws.

SECTION 2. The Town Administrator shall annually appoint and employ a member of the bar in good standing as Town Counsel, who shall hold office for the term of one year and until his successor is appointed and enters upon the performance of his duties. The Town Administrator shall in like manner fill any vacancy in said office and may employ special counsel to assist the Town Counsel if and when, in their judgment, necessity therefore shall rise. During his term as Town Counsel, he shall not hold any other office. He shall attend to all legal matters arising with the performance of the duties of any officer, board or committee, subject to the approval of the Town Administrator. He shall make a written report to the Town Administrator concerning the services rendered by him during the year, which shall be printed in the Annual Town Report.

SECTION 3. The Board of Assessors shall assign numbers to all buildings or parts thereof on or near the line of public or private ways within the Town, and a list of such numbers shall at all times be on file or in the office. Every occupant or owner of such building shall cause to be displayed upon some suitable portion thereof, facing such street or way, the proper street number of said building. No number other than the one shown on the list on file in the Assessor's office shall be displayed on any such building or part thereof.

ARTICLE IV
FINANCIAL AFFAIRS

SECTION 1. An audit of the accounts of the Town shall be made annually.

SECTION 2. The Town Accountant shall prescribe the methods of accounting and the forms to be used by the officers, boards and committees of the Town pertaining to their receipts and disbursements, and shall provide that such methods and forms shall conform to the requirements prescribed by law or any rules or regulations thereunder.

SECTION 3. If it shall seem advisable to the Town Collector that suit shall be instituted on any account due to the Town, except a tax account, he shall notify the Town Administrator, and he shall report to him from time to time, as he may direct, upon all uncollected accounts in his hands. The Town Administrator shall take such action with respect to all such accounts, as he deems prudent and consistent with the interests of the Town.

SECTION 4. The Town Collector shall, at least once in each week, pay over to the Town Treasurer all money received by him on every account, including any such sums received as interest on monies received by him on such accounts and deposited in any bank.

SECTION 5. Except as otherwise provided by law, the Treasurer shall have custody of bonds and other similar documents owned by the Town, except that the bonds given by the Treasurer and Collector of the Town shall be in the custody of the Town Administrator.

SECTION 6. Every officer of the Town, whether elected or appointed, shall be required to transmit to the Town Treasurer a list, description and payment of all monies received by any such officer by virtue of this office, except as otherwise provided by law. The aforesaid shall be completed within thirty (30) days of receipt of any such monies.

SECTION 7.

- A. The Town Collector shall annually furnish to each department, board or committee hereinafter referred to as the licensing authority that issues licenses or permits, including renewals and transfers, a list of each 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 fee, or a pending petition before the Appellate Tax Board.

- B. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Town Collector; provided, however, that written notice is given to the party and the Town Collector, as required by applicable provisions of law, 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 Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension, shall be made only for the purposes of such proceeding and shall not be relevant to nor 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 re-issued or renewed until the licensing authority receives a certificate issued by the Town Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or municipal charges payable to the municipality as of the date of the issuance of said certificate.

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

- D. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its

- E. Officers or stockholders, if any, or members of his immediate family, as defined in Section 1 of Chapter 268 of the Massachusetts General Laws in the business of activity conducted in or on said property. (Rev. 4-26-86)

SECTION 8.

- A. This bylaw, adopted in accordance with General Laws Chapter 44, §53E½ establishes and authorizes revolving funds for use by the Town entities listed in connection with the operation of specific programs or activities that generate receipts to support all or some of the expenses of those programs or activities.

B. Expenditure Limitations: An authorized department or agency head, board, committee or officer may incur liabilities against and spend monies without further appropriation from a revolving fund established hereunder, subject to the following:

- Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund;
- No liability shall be incurred in excess of the available balance of the fund; and
- The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting or any increased amount approved during that fiscal year by the Board of Selectmen and Finance Committee.

C. Interest: Interest earned on monies credited to an authorized revolving fund shall be credited to the General Fund.

D. Procedures and Reports. Except as provided in General Laws Chapter 44, §53E½ and this bylaw, revolving funds authorized hereunder shall be subject to all applicable state laws and regulations governing municipal funds. The Town Accountant shall include on the regular report to the entity authorized to expend each revolving fund a statement on the collections credited and the encumbrances and expenditures charged to such fund, as well as the balance available for expenditure.

E. Authorized Revolving Funds

<u>FUND</u>	<u>REVENUE SOURCE</u>	<u>AUTHORITY TO SPEND FUNDS</u>	<u>USE OF FUNDS</u>
Council on Aging Revolving Fund	Council on Aging fees	Council on Aging	Activities for Seniors
Cemetery Revolving Fund	Burial opening fees, cremation fees, and grave stone-setting fees	Public Works Department	Maintenance, operation and capital improvements of the Greenlawn Cemetery

(Rev. ATM 4-27-2019. AG approved June 10, 2019)

ARTICLE V
RECORDS AND REPORTS

SECTION 1. All officers and governmental bodies of the Town shall cause records of their doings to be kept in suitable books. Said books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under supervision of the officer or governmental body having custody thereof.

SECTION 2. All officers and governmental bodies of the Town shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such activities, and make therein such recommendations, as they deem proper. Such reports shall be submitted to the Selectmen for inclusion in the Annual Town Report on or before the first day of February each year. (Rev 1-77)

SECTION 3. The annual report shall contain, in addition to the reports of officers and governmental bodies as herein before provided, the following financial reports:

- A. The amounts appropriated and the amounts expended from each appropriation for the preceding fiscal year, the amounts appropriated for the current fiscal year and the amounts expended from such appropriations during the first six months of such year and the amounts estimated to be expended from such appropriations during the second six months of such year, as required by Chapter 41, Section 60 of General Laws.
- B. List of payments made from the proceeds of loans as capital outlays for permanent improvement for the preceding fiscal year.
- C. Report of the collection of taxes, including all receipts, payments and abatements for the preceding fiscal year.
- D. Statement of all funds belonging to the Town or held for the benefit of its inhabitants for the preceding fiscal year.
- E. A statement of the liabilities of the Town on bonds, notes, certificates of indebtedness or otherwise and of indebtedness authorized but not incurred, and the purpose thereof, all for the preceding fiscal year.
- F. A statement of transfers made to or from any appropriation for the preceding fiscal year. In addition, the report shall include abstracts of the records of the meetings of the Town held since publication of the last Annual Report, a copy of the Warrant for the next Annual Town Meeting, and such matters as the said report is required by law to contain, or as may be inserted by the Selectmen under the discretion granted them by law. The annual report shall be printed and a copy made available to every voter at least seven (7) days before the Annual Town Meeting.

- G. A list of all parcels of land sold by it, together with a description of the location, the square foot area of each parcel, the name and address of each purchaser, the amount of money for which each parcel was sold, and the assessed valuation and the amount of outstanding taxes of each parcel at the time of foreclosure by the Town.

SECTION 4. Any officer and governmental body adopting rules and/or regulations shall deliver a copy of same together with the effective date to the Town Clerk within ten (10) days after they take effect.

SECTION 5. The Town Clerk shall cause to be printed in a form suitable for insertion in the loose-leaf by-law binder all by-laws and standing votes of the Town and the rules and/or regulations adopted by any officer and governmental body. The printing shall be accomplished within ninety (90)-days of the effective date of said by-laws, votes or rules and/or regulations. The expense associated with said printing shall be paid from the Town Clerk's expense appropriation.

SECTION 6. The public records of all governmental bodies and Town officials shall be kept in the Town Hall, except for the following: records of the School Committee shall be kept in the offices of the school administrators and records of the Library Trustees shall be kept in the library. It shall be the responsibility of the Board of Selectmen to provide the proper storage space and facilities within the Town Hall, as requested by the various bodies and officials. It shall be the responsibility of the Town Clerk to know and maintain a record of the location of all storage areas and containers, their general contents and the body of officials to whom assigned.

ARTICLE VI
APPOINTED COMMITTEES AND COMMISSIONS

SECTION 1. Notification of appointment

The Town Clerk shall notify, in writing, all committees that may be appointed at any Town Meeting and the nature of the business upon which they are expected to act, and shall notify the chairmen of committees of votes of the Town pertaining to their respective committees.

SECTION 2. Advisory and Finance Committee

- A. An election or appointment to Town office or employment by the Town shall terminate membership on said committee.
- B. The Moderator of every Annual Town Meeting shall, after the declaration of the vote for Town Officers, appoint three (3) voters to be members of the Advisory and Finance Committee for the term of three (3) years from the adjournment of the Annual Town Meeting of that year. All vacancies shall be filled by the Moderator for the remainder of the unexpired term, by an appointment in writing sent to the Town Clerk. The term of office of outgoing members shall expire coincidentally with the adjournment of the Annual Town Meeting.
- C. The Advisory and Finance Committee shall, promptly after the adjournment of the Annual Town Meeting in each year, meet, organize by the choice of a chairman and a secretary, who shall notify the Town Clerk of such choice and thereafter shall meet from time to time at the call of the chairman or any three (3) members thereof.
- D. The Advisory and Finance Committee shall inform themselves concerning those affairs and interests of the Town, the subject matter of which generally is included in the warrants of its Town Meetings, and may consider any and all municipal questions affecting Town government and the conduct of Town affairs, for the purpose of making reports and recommendations thereon to the Town.
- E. It shall be the duty of the Selectmen, immediately after a warrant is drawn, to send a copy thereof to each member of the Advisory and Finance Committee shall consider the various articles therein and shall cause to be delivered, by mail or otherwise, a copy of each article in the warrant with their recommendations appended thereon, to every household in which there resides a registered voter in the Town, not less than seven (7) days before the date of the meeting.

(Rev.4-2009)

- F. In the performance of their duties, the Advisory and Finance Committee shall have access to all books, vouchers and other documents and papers belonging to the Town and it shall be the duty of all Town officers, employees and committees to furnish, on request from said committee, through its chairman, all the information they possess relating to any matter properly under their consideration. (Rev. 1-77)

SECTION 3. Insurance Committee

- A. The Insurance Committee shall consist of three (3) members. To the extent possible, each of the persons appointed to the committee shall be knowledgeable and experienced in specifying and procuring insurance coverages.
- B. The Moderator of every Annual Town Meeting shall, after the declaration of the vote for Town officers, appoint one voter to be a member of the Insurance Committee for a term of three (3) years from the adjournment of the Annual Town Meeting of that year. All vacancies shall be filled by the Moderator for the remainder of the unexpired term, by an appointment in writing sent to the Town Clerk. The term of office of out-going members shall expire coincidentally with the adjournment of the Annual Town Meeting.
- C. It shall be the duty of the Selectmen to furnish the Insurance Committee with the replacement value of all Town properties. The Selectmen shall also notify the Insurance Committee immediately upon the subsequent acquisition or disposition of any properties.
- D. It shall be the duty of the Insurance Committee, no less than annually, to investigate and consider all insurance needs of the Town, including but not limited to fire, theft, vandalism, property damage, general, automobile and personal liability, and employee health and disability insurance and to report in writing its recommendations as to coverages and deductibles to the Board of Selectmen. (Rev. 10-82)

SECTION 4. Memorial Day and Fourth and July Committees

- A. The Memorial Day Committee shall consist of nine (9) or more members and the Fourth of July Committee shall consist of twelve (12) or more members, appointed as hereinafter provided. A chairman of each committee shall be appointed by the members of the respective committees.

- B. The Moderator of every Annual Town Meeting shall appoint three (3) or more voters to be members of the Memorial Day Committee and four (4) or more voters to be members of the Fourth of July Committee for a term of three (3) years from the adjournment of the Annual Town Meeting of that year. All vacancies shall be filled by the Moderator for the remainder of the unexpired term, by an appointment in writing sent to the Town Clerk. The term of office of out-going members shall expire coincidentally with the adjournment of the Annual Town Meeting.
- C. It shall be the duty of the Memorial Day Committee to plan and administer a program for the proper observance of Memorial Day, and the Fourth of July Committee to plan and administer a program for the proper observance of the Fourth of July.

SECTION 5. Public Recreation Commission

- A. The Moderator shall appoint a Public Recreation Commission of five (5) members, for the purpose of conducting and promoting recreation, play, sport and physical education. One (1) member shall serve for one (1) year, two (2) members for two (2) years and two (2) members for three (3) years, and thereafter each member shall serve for three (3) years.
- B. Immediately after their appointment, they shall meet and organize by electing one of their members chairman, and from their own membership appoint such other officers as may be necessary.
- C. The Recreation Commission shall conduct and supervise public playgrounds, playfields, indoor recreation centers and other recreation areas and facilities on properties under its control and on other public properties with the consent of the authorities thereof. It shall have the power to conduct any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner.
- D. The Recreation Commission shall submit a budget to the Town for approval by the Town Meeting. The Committee may accept any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for their respective uses.

SECTION 6. Youth Commission

- A. The Selectmen shall appoint a Youth Commission of five (5) members for the purpose of carrying out programs, which may be designated or established to meet the opportunities, challenges and problems of the youth of the Town of Nahant. One (1) member shall serve for one (1) year, two (2) members for two (2) years and two (2) members for three (3) years. Thereafter, each member shall serve for three (3) years without pay. The commission

membership shall, if feasible, include a member of the clergy, an attorney-at-law and a representative of the young people.

- B. Immediately after their appointment, they shall meet and organize by electing one of their members chairman, and from their own membership, appoint such other officers, as they may deem necessary. The Commission shall meet regularly.
- C. The Commission shall function in conjunction with any similar or related programs of any agency of the Town, the Commonwealth or any agency of the federal government. The Commission shall have the power to adopt reasonable rules and regulations for the proper conduct of any activities within its jurisdiction.
- D. The Youth Commission shall have the power to appoint and/or designate, from time to time, individuals, other than members of the Commission, to carry out the Commission's purposes.
- E. Annually, the Youth Commission may submit a budget to the Town for approval by the Town Meeting. The Commission may receive gifts of property, both real and personal, in the name of the Town, subject to the approval of the Board of Selectmen.

SECTION 7. Council On Aging

- A. The Selectmen shall appoint a Council on Aging, consisting of nine (9) members, for the purpose of which may be designated or established to meet the problems and/or requirements of the elderly population of the Town of Nahant. Three (3) members shall serve for one (1) year, three (3) members shall serve for two (2) years and three (3) members shall serve for three (3) years, and thereafter, each shall serve for three (3) years.
- B. They shall meet and organize by electing one of their members chairman and from their own membership may appoint such other officers as they deem necessary. The council shall meet regularly.
- C. The Council shall function in conjunction with any similar or related programs of any agency of the Town, the Commonwealth, or any agency of the federal government. The Council shall have the power to adopt reasonable rules and regulations for the proper conduct of any activity within its jurisdiction.

- D. Annually, the Council on Aging may submit a budget to the Town for approval by the Town Meeting. The Council may receive gifts of property, both real and personal, in the name of the Town, subject to the approval of the Board of Selectmen, such gifts to be managed and controlled by the Council on Aging for the purpose of this by-law. (Rev. 3-73)

SECTION 8. **Capital Program Committee**

- A. A committee, to be known as the Capital Program Committee, is hereby established under M.G.L., Ch. 41, Sect. 106B, composed of two (2) members of the Advisory and Finance Committee, appointed by it, and four (4) additional members to be appointed by the Moderator. The members from the Advisory and Finance Committee shall be appointed for one (1) year terms. The other members shall be appointed for four (4) year terms, such that one shall expire each year. None shall be a Town officer or Town employee. The Town Accountant shall be ex-officio member without the right to vote. A member who ceases to reside in the Town or who accepts employment for it shall resign. A vacancy shall be filled for the unexpired term in the manner of the original appointment. The committee shall choose its own officers. It may spend such sums as shall annually be appropriated for its use.
- B. The committee shall study proposed capital out-lays involving the acquisition of land or an expenditure of \$20,000, having a useful life of at least five (5) years. All officers, board members and committees, including the Selectmen and the School Committee shall, by September 1st of each year, give to said committee, on forms prepared by it, information concerning all project anticipated by them to need Town Meeting action during the ensuing six (6) years. The Committee shall consider the relative need, timing and cost of these expenditures and the effect each will have on the financial position of the Town. No expenditure shall be voted for a capital outlay, which is not reflected in the committee's report, unless that committee shall first have submitted a report explaining the omission. Notwithstanding for the foregoing, nothing shall limit the authority of the Board of Selectmen or School Committee to offer a warrant article at any Annual or Special Town Meeting, or right of the Town to vote such an appropriation.
- C. The committee shall transmit its recommendations to the appropriate office, board, agency or department involved in the proposed capital improvement. These shall constitute a capital improvement program. The report of this program shall, as to items planned for the ensuing fiscal year, be given to the Advisory and Finance Committee by February 1st of each year for its review and possible inclusion in the budget. The text and tables of a capital program for the following five (5) years shall be published with the Advisory and Finance Committee report.
- D. Such capital program shall be presented to the Annual Town Meeting for acceptance in principle, subject to final action of a subsequent meeting or meetings. The original shall be deposited with the Town Clerk. (Rev. 8-89)

SECTION 9. Harbor and Marine Advisory Committee

- A. The Harbor and Marine Advisory Committee shall consist of five (5) voters. All shall serve without pay. In addition, the Harbormaster and Wharfinger shall serve as ex officio members, but may not vote or hold office.
- B. Following the Town Meeting that enacts this section, the Moderator and Selectmen, jointly, shall appoint one (1) member for one (1) year, two (2) members for two (2) years and two (2) members for three (3) years. Thereafter, the Moderator and the Selectmen, jointly, shall make appointments for three (3) year terms, such terms to commence on the first day of May in that year.
- C. The Moderator and the Selectmen shall fill any vacancy on the committee, jointly, for the remainder of the unexpired term by an appointment in writing sent to the Town Clerk, the chairman and the appointee. A vacancy shall be declared if a member fails to attend three (3) successive meetings without communicating with the chairman or secretary.
- D. Immediately after their appointment, they shall organize by electing a chairman, a secretary and other officers, as they deem necessary. The committee shall meet at least quarterly for the conduct of business.
- E. The Harbor and Marine Advisory Committee shall inform themselves concerning those affairs, interests and activities relating to the beaches, harbor wharf area and waters surrounding the Town for the purpose of making recommendations and reports thereon to the Town or any of its agencies or officials. Further, they shall develop and continually update a master plan for the maintenance, improvement and public use of the beaches, harbor, wharf area and surrounding waters.
- F. The committee shall keep accurate records of its meetings and actions and shall file an annual report with the Board of Selectmen for insertion in the Annual Town Report.
- G. Annually, the committee may submit a budget to the Town for approval by the Town Meeting (Rev. 4-84 and 4-89)

**ARTICLE VII
PRIVATE WAYS**

SECTION 1. The Board of Selectmen may, subject to appropriation and to the Board's determination that such repairs are required by public necessity, direct such repairs to private ways as are allowed by General Laws, Chapter 40, Section 6N to be made, including, without limiting, the foregoing, the paving and repaving of bituminous concrete and other surfaces of said ways and the improvement of surface drainage therefrom. No abutters on said ways need petition of such repairs, nor shall there be any requirement that said ways have been open to the public for any period of time. No betterment assessments shall be charged for said repairs, nor shall any cash deposit be required for same. In the event that any damages, of whatever type or description, are caused by such repairs, the liability of the Town therefore shall be one dollar (\$1.00). (Rev 4-79) (Rev. 4-97)

Storm Water By law

Article XVI GENERAL BYLAW

Town of Nahant

SECTION I. PURPOSE

Regulation of activities that result in the disturbance of land and the creation of storm water runoff is necessary for the protection of the Town of Nahant to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town of Nahant, including the water bodies and groundwater. The purpose of this Bylaw is to prevent or diminish these impacts by controlling runoff and preventing soil erosion and sedimentation resulting from site construction and development.

A. The harmful impacts of soil erosion and sedimentation are:

- 1 Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater:
 2. Contamination of drinking water supplies;
 3. Alteration or destruction of aquatic and wildlife habitat;
 4. Flooding; and
 5. Overloading or clogging of municipal catch basins and storm drainage systems.

The objectives of this by-law are:

1. To require practices that eliminate soil erosion and sedimentation and control the volume and rate of storm water runoff resulting from land disturbance activities;
2. To ensure that soil erosion and sedimentation control measures and storm water runoff control practices are incorporated into the site planning and design process and are implemented and maintained.
3. To require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
4. To require practices to control the flow of storm water from new and redeveloped sites into the Town of Nahant storm drainage system in order to prevent flooding and erosion.
5. To protect ground water and surface water from degradation;
6. To promote groundwater recharge.
7. To prevent pollutants from entering the Town of Nahant municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4.
8. To ensure adequate long-term operation and maintenance of structural storm water best management practices so that they work as designed.
9. To comply with the state and federal statutes and deregulations relating to storm water discharges.
10. To establish the Town of Nahant legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement;
11. To establish decision-making processes surrounding the land development activities that protect the integrity of the watershed and preserve the health of wetland and water resources;
12. to require that new development, redevelopment and all land conversion activities maintain the after-development runoff characteristics equal to or less than predevelopment runoff characteristics to provide recharge and to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream, channels and aquatic habitats;
13. To establish construction/alteration and post-development storm water management standards and design criteria for the regulation and control of storm water runoff quality and quantity

14. To establish design criteria for measures to minimize nonpoint source pollution from storm water runoff which would otherwise degrade water quality;

15. To establish design and application criteria for the construction and to use of structural storm water control facilities that can be used to meet minimum construction/alteration and post-development storm water management, storm water site design practices or "low-impact development" practices, such as reducing impervious cover and the preservation of open space and other natural areas, to the maximum extent practicable;

16. To establish provisions for the long-term responsibility for and maintenance of structural storm water control facilities and nonstructural storm water management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;

17. To establish provisions to ensure that there is an adequate funding mechanism, including surety, for the proper review, inspection, and long term maintenance of storm water facilities implemented as part of this by-law.

18. To establish administrative procedures and fees for the submission, review, approval, or disapproval of storm water management plans, and for the inspection of approved active projects and long-term follow-ups.

SECTION 2. DEFINITIONS

ABUTTER: The owner(s) of land abutting the activity.

AGRICULTURE: The normal maintenance or improvement of land agricultural or aqua cultural use, as defined by the Massachusetts Wetlands Protection Act G.L. c. 131, § 40, and its implementing regulations.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed land disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: The Planning Board its employees or agents designated to enforce this by-law.

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

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

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

CLEARING: Any activity that removes the vegetative surface cover.

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

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

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

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS. Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 1.00) and the Forest Cutting Practices Act Regulations (304 CMR 1.1.00).

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

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

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

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

MASSACHUSETTS ENDANGERED SPECIES ACT: (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORM WATER MANAGEMENT POLICY. The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L.

c. 131 §. 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses storm water impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

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

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

OUTFALL: The point at which storm water flows out from a point source discernable, confined and discrete conveyance into waters of the Commonwealth.

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Storm water Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

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

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

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

PRE-CONSTRUCTION: All activity in preparation for construction.

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

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

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

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

SEDIMENTATION: The process or act of deposition of sediment.

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

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

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

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

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

STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Storm water Management Permit. See Section 7. A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

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

TSS: Total Suspended Solids.

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

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

WETLAND RESOURCE AREA. Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40 and in the Town of Nahant wetland bylaw/ordinance.

SECTION 3. AUTHORITY

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

Nothing in this Bylaw is intended to replace the requirements of any other bylaw that has been made or may be adopted by the Town of Nahant.

SECTION 4. APPLICABILITY

This bylaw shall apply to all activities that result in disturbance of one or more acres of land that drains to the municipal separate storm sewer system. Except as authorized by the Planning Board in a Storm water Management Permit or as otherwise provided in this bylaw, no person shall perform any activity that results in disturbance of an acre or more of land. Normal maintenance and improvement of land in

Agricultural or aquacultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.4, are exempt. In addition, as authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the above activities that are subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of conditions issued by the Conservation Commission are exempt from compliance with this bylaw.

No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land draining in to the Town of Nahant municipal storm sewer system without a permit from the Planning Board. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site.

Construction activities that are exempt are:

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulations 310 CMR 10.04 and MGL Chapter 40A, section 3;
2. Maintenance of existing landscaping gardens, or lawn areas associate with a single family dwelling provided such maintenance does not include the addition of more than 100 cubic yards of soil material, or alteration of drainage patterns;
3. The construction of fencing that will not substantially alter existing terrain or drainage patterns:
4. Normal maintenance of Town owned public land, ways, and appurtenances:
5. Maintenance, reconstruction or resurfacing of any public way; and the installation of drainage structures or utilities within or associated with public ways that have been approved by the appropriate authorities provided that written notice be filed with the Planning Board fourteen (14) days prior to commencement of activity;
6. Activities that are subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of Condition issued by the Conservation Commission.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

- A. The Planning Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Planning Board may be delegated in writing by the Planning Board to its employees or agents.
- B. Waiver. The Planning Board may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:
 - (1) Such action is allowed by federal, state and local statutes and/or regulations,
 - (2) Is in the public interest, and
 - (3) Is not inconsistent with the purpose and intent of this by-law.
- C. Public Hearing. The Permit Authority shall hold a public hearing within sixty five (65) days of the receipt of a complete application and shall take final action within ninety (90) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Permit Authority. Notice of the public hearing shall be given by publication and posting and by certified mail at the applicants expense to abutters at least fourteen (14) days prior to the hearing. The Permit Authority shall make the application available for inspection by the public during business hours at the Nahant Town Hall.

- D. Information requests. The applicant shall submit all additional information requested by the Permit Authority to issue a decision on the application

- E. Actions by the Permit Authority may include;
 - 1.. Approve the Storm water Management Permit (Storm water Management Permit) Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;

 - 2. Approve the Storm water Management Permit application and issue a permit with conditions, modifications or restrictions that the Permit Authority determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by-law;

 - 3. Disapprove the Storm water Management Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.

- F. Failure of the Permit Authority to take final action. Failure of the Permit Authority to take final action upon an Application within the time specified above shall be deemed to be approval of said application. Upon certification by the Town Clerk that the allowed time has passed without the permit authority's action, the Storm water Management permit shall be issued by the Town Clerk

SECTION 6. RULES AND REGULATIONS

The Planning Board may adopt, and periodically amend rules and regulations to effectuate the purposes of this by-law. Failure by the Planning Board to promulgate such rules and regulations shall not have the effect of suspending or in this by-law. The Rules and Regulations shall include Permits and Procedure; Storm water Management Plan; Operation and Maintenance Plans, etc.

SECTION 7. SURETY

The Planning Board may require the permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Planning Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Planning Board may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Planning Board has received the final report as required by Section 10 and issued a certificate of completion.

SECTION 8. FINAL REPORTS

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans, as outlined in Subdivision Regulations, Section IV.B.8.a, from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modification, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

SECTION 9. ENFORCEMENT

A. The Planning Board or an authorized agent of the Planning Board shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Orders

1. The Planning Board or an authorized agent of the Planning Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:

- (a) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the land-disturbance permit:
- (b) Maintenance, installation or performance of additional erosion and sediment control measures:
- (c) Monitoring, analyses, and reporting
- (d) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.

2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline the Town of Nahant. may, at its option, undertake such work, and the propelty owner shall reimburse the Town of Nahant expenses

9(B) (3) (Special Assessment)

3. With in thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Nahant, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. **If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a municipal charges lien against the property owner pursuant to G.L.Ch. 40§58 for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty first day following the day on which the costs were due. Rev. 3/6/2017 by Town Counsel and TA. Due to the defects the AG found then later voted corrections at ATM 2017. Article 36 (Storm water bylaw)**

- C. **Criminal Penalty.** Any person who violates any provision of this by-law, regulation, order or permit issued there under, shall be punished by a fine of not more than \$100.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. **Non-Criminal Penalty**
As an alternative to criminal prosecution or civil action, the Town of Nahant may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch.40,§ 21 D. and Article XIII (Non-Criminal Disposition of Violations) within the Police By-Laws of the Town of Nahant, in which case the Planning Board of the Town of Nahant shall be the enforcing person. The penalty for the 1st violation shall be \$25.00. The penalty for the 2nd violation shall be \$50.00. The penalty for the 3rd and subsequent violations shall be \$100.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. **Rev. 3/6/2017 by Town Counsel and TA.**
- E. **Appeals.** The decisions or order of the Planning Board shall be final. Further relief shall be to a court of competent jurisdiction
- F. **Remedies Not Exclusive.** The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 10. CERTIFICATE OF COMPLETION

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

SECTION 11. SEVERABILITY

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

ATM 4/25/2015

Warrant Article 11. (General) approved *amendment* to the Town's bylaws.

AG amendment approval 8/31/2015 Case # 7562

ATM 4/29/2017

AG approved /Article 21 and 36 on November 7, 2017. Case # 8580

Article XVII STRETCH

ENERGY CODE

Adopted 4-28-2018 ATM

§ ____-1 Definitions

§ ____-2 Purpose

§ ____-3 Applicability

§ ____-4 Stretch Code

§ ____-1 Definitions

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

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

§ ____-2 Purpose

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

§ ____-3 Applicability

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

§ ____-4 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of NAHANT General Bylaws, **ARTICLE XVII**. The Stretch Code is enforceable by the inspector of buildings and effective as of **July 1, 2018**

Article XVIII WETLANDS

PROTECTION Adopted 7-

27-2018 STM

ARTICLE WETLANDS PROTECTION

Section 1. Purpose

The purpose of this by-law is to protect the wetlands, water resources, and adjoining land areas in Nahant by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, water pollution control, fisheries, shellfish, land containing shellfish, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, recreation, and aesthetic values deemed important to the community (collectively, the “resource area values protected by this by-law”). This by-law is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act (G.L. ch. 131, s.40) and Regulations thereunder (310 CMR 10.00).

Section 2. Definitions

Except as otherwise provided in this by-law or in regulations of the Conservation Commission, the definition of terms in this by-law and the regulations shall be as set forth in the Wetlands Protection Act or anything relative thereto (G.L. ch. 131, s. 40) and Regulations (310 CMR 10.00). The following definitions shall apply in the interpretation and implementation of this by- law.

Alter – shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by the by-law:

- a. Removal, excavations, or dredging of soil sand, gravel, or aggregate materials of any kind.
- b. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics.
- c. Drainage or other disturbance of water level or water table.
- d. Dumping, discharging, or filling with any material which may degrade water quality.
- e. Placing of fill or removal of material, which would alter elevation.
- f. Driving of piles, erection, or repair of buildings, or structures of any kind.
- g. Placing of obstructions or objects in water.
- h. Destruction of plant life including cutting of trees.

- i. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters.
- j. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or ground water.
- k. Incremental activities, which have, or may have, a cumulative adverse impact on the resource areas protected by this by-law.

Coastal Wetlands – are land under the ocean; coastal beaches; coastal dunes; barrier beaches; coastal banks; rocky intertidal shores; salt marshes; land under salt ponds; land containing shellfish; banks of land under the ocean, ponds, streams, rivers, lakes, or creeks that underlie anadromous/catadromous fish run (“fish run”); land subject to tidal action; and estimated habitats for rare wildlife (for coastal wetlands).

Freshwater Wetlands – are riverine wetlands (including rivers, freshwater banks, streams, creeks; estuaries); marshes; wet meadows; bogs; and swamps that meet *at least one* of the following requirements:

1. Fifty percent or more of the natural vegetative community consists of obligate or facultative wetland plant species, as included or identified in generally accepted scientific or technical publications (such as, the Wetlands Plant List, Northeast Region for the National Wetlands Inventory, U.S. Fish and Wildlife Service).
2. The presence of a hydrologic regime that indicates a wet condition in which the soils are annually saturated.
3. The presence of hydric soils associated with wetlands as defined in Delineating Bordering Vegetated Wetlands, a publication written and distributed by the MA Department of Environmental Protection, Division of Wetlands and Waterways (1995) or as amended.
4. Where the natural vegetative community has been destroyed, as for example by landscaping or agricultural use, or in violation of this by-law, the Commission may determine the area to be a Freshwater Wetland on the basis of annual soil saturation or soil analysis alone or may defer the determination until the natural vegetation has re- grown.
5. Further freshwater wetlands are vernal pools; banks; rivers; streams; creeks; reservoirs; lakes; ponds of any size; and quarry pits and motions which may or may not contain any of the above cited vegetative and hydric requirements.

Land Subject to Coastal Storm Flowage – as defined in the MA Wetlands Protection Act Regulations (310 CMR 10.04), means land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater.

Land Subject to Flooding – means land subject to periodic inundation by ground water or surface water.

Land Subject to Tidal Action – as defined in the MA Wetlands Protection Act Regulations (310 CMR 10.04), means land subject to the periodic rise and fall of a coastal water body, including spring tides.

Native Plants – means those plants recognized as native in *The Vascular Plants of Massachusetts: A County Checklist, First Revision (2011)* by Melissa Dow Cullina, Bryan Connolly, Bruce A Sorrie and Paul Somers (a MA Division of Fisheries and Wildlife (Natural Heritage & Endangered Species Program), or as amended.

Wetlands Resource Area – is any wetland resource area deemed significant to the protection of the values specified in this by-law, and includes any wetland (defined herein) and lands within 100 feet of any wetland.

Wetland – is any freshwater or coastal wetland; land subject to flooding or inundation by groundwater or surface water; or lands subject to coastal storm flowage or flooding.

Section 3. Jurisdiction

Except as permitted by the Conservation Commission or as provided in this by-law, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter within the following resource areas: any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; beaches; dunes; estuaries; the ocean; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; lands subject to tidal action, coastal storm flowage, or flooding; and lands within 100 feet of above cited resource areas (collectively the “resource areas protected by this by-law”). Said resource areas shall be protected whether or not they border surface waters.

Section 4. Exemptions and Exceptions

The applications and permits required by this by-law shall not be required for work performed for normal maintenance or improvement of land in agricultural and aquacultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04. The applications and permits required by this by-law shall not be required for mosquito control work conducted by the State Reclamation and Mosquito Control Board (SRMCB) or a Mosquito Control District (MCD) pursuant to G.L. ch. 252.

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

The applications and permits required by this by-law shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Conservation Commission prior to commencement of work

or within 24 hours after commencement; provided that the Conservation Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Conservation Commission for review as provided by this by-law. Upon failure to meet these and other requirements of the Conservation Commission, the Conservation Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

The application and permits required by this by-law shall not be required for the following, to the extent that they take place within 100 feet outside of a wetland (as defined herein):

- a. the mowing of existing lawns; planting native trees, shrubs or groundcover; mulching existing trees, shrubs or groundcover; pruning or maintenance of trees; cutting down of trees or planting of turf lawns, unless the extent of the tree cutting or turf lawn planting and/or its proximity to the Wetland Resource Areas protected by this by-law will adversely impact such resource areas;
- b. the repair or maintenance or improvement of any existing structure or building, unless the extent or proximity of said work to the Wetland Resource Areas protected by this by-law will adversely impact such resource areas; and c.
- c. any other activity qualifying as a “minor activity” under the regulations promulgated pursuant to the Wetlands Protection Act, G.L. ch. 131, s. 40, at 310 CMR 10.02(2)(b)2.

Other than stated in this by-law, the exceptions provided in the Wetlands Protection Act (G.L. ch. 131 s. 40) and regulations (310 CMR 10.00) shall not apply under this by-law.

Section 5. Applications for Permits and Requests for Determination (RFD)

Written application shall be filed with the Conservation Commission to perform activities affecting resource areas protected by this by-law. The permit application shall include such information and plans as are deemed necessary by the Conservation Commission to describe proposed activities and their effects on the resource areas protected by this by-law. No activities shall commence without receiving and complying with a permit issued pursuant to this by-law.

The Conservation Commission in an appropriate case may accept as the permit application and plans under this by-law the Notice of Intent (NOI) and plans filed under the Wetlands Protection Act on anything relative thereto (G.L. ch. 131, s. 40) and Regulations (310 CMR 10.00).

Any person desiring to know whether or not a proposed activity or an area is subject to this by-law may in writing request a determination from the Conservation Commission. Such a Request for Determination (RFD) shall include information and plans as are deemed necessary by the Conservation Commission.

At the time of a permit application or RFD, or application for a Certificate of Compliance the applicant shall pay a filing fee specified in Regulations of the Conservation Commission. The fee is in addition to that required by the Wetlands Protection Act on anything relative thereto (G.L. ch. 131, s. 40) and Regulations (310 CMR 10.00). The fee shall be deposited in a dedicated account, for use only for wetlands protection activities,

from which the Conservation Commission may withdraw funds with the approval of the Board of Selectmen.

Pursuant to G.L. ch.44, s. 53G and regulations promulgated by the Conservation Commission, the Conservation Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects. Refusal to deposit funds to this account may result in the Conservation Commission voting to deny the application and/or project. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Expenditures from this account shall be made only in connection with the review of a specific project or projects for which a consultant fee has been collected from the applicant. Any funds remaining in the account after the Conservation Commission has rendered a decision will be returned to the applicant. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

Section 6. Notice and Hearings

Any person filing a permit application with the Conservation Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters within 100 feet of the property line of the parcel or parcels of land where the proposed activity is to take place at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters. The applicant shall obtain a certified list of names and addresses of all persons required to be notified from the Nahant Board of Assessor's Office. The applicant shall file with the Conservation Commission an affidavit of service signed by the person serving the notices, the certified list of names and addresses from the Nahant Board of Assessor's Office and a copy of the notices mailed and delivered. When a person requesting a determination is other than the owner of the property where the activity is proposed, the request (RFD) or permit application (NOI) shall also be mailed or delivered to the owner by the applicant and proof of service shall be filed with the Conservation Commission. The Conservation Commission shall send a copy of the notice of hearing and a copy of the determination or permit to both the owner and applicant.

The Conservation Commission shall conduct a public hearing on any permit application or RFD, with written notice given at the expense of the applicant, five business days prior to the hearing, in a newspaper of general circulation in the municipality.

The Conservation Commission shall commence the public hearing within twenty-one (21) days from receipt of a completed permit application or RFD unless an extension is authorized in writing by the applicant.

The Conservation Commission shall issue its permit or determination in writing within twenty-one (21) days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Conservation Commission in an appropriate case may combine its hearing under this by-law with the hearing conducted under the Wetlands Protection Act or anything relative thereto (G.L. ch.131, s. 40) and Regulations (310 CMR 10.00)

The Conservation Commission shall have the authority to continue the hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information from the applicant or others deemed necessary by the Conservation Commission in its discretion, or comments and recommendations of other boards and officials.

Section 7. Areas of Rare & Endangered Species Habitat and Priority Natural Vegetation Community

Any disturbance of areas where rare and endangered species habitats or priority natural vegetation communities are documented either by the Natural Heritage & Endangered Species Program or by observation, including anadromous and catadromous fish runs, shall require notification to the MA Division of Fisheries & Wildlife. For any project proposed within such an area, the Conservation Commission shall require that the applicant submit a copy of the RFD and/or the NOI to the MA Division of Fisheries & Wildlife, at the same time as the RFD and/or NOI is submitted to the Conservation Commission. The applicant shall submit a copy of any response received from the MA Division of Fisheries & Wildlife to the Conservation Commission.

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

Section 8. Coordination with Other Boards

Any person filing a permit application, RFD, or NOI with the Conservation Commission shall, as required in the discretion of the Conservation Commission, provide a copy thereof to the Board of Selectmen, Planning Board, Board of Appeals, Public Health Department, Harbormaster, Public Works Department, or Building Inspector.

Section 9. Permits and Conditions

If the Conservation Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses which will result therefrom are likely to have a significant individual or cumulative effect upon the resource area values protected by this by-law, the Conservation Commission, within twenty-one (21) days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the commission shall impose conditions which the Conservation Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Conservation Commission shall take into account the cumulative adverse effects of loss, degradations, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

The Conservation Commission is empowered to deny a permit for failure to meet the requirements of this by-law; for failure to submit necessary information and plans requested by the Conservation Commission; for failure to meet the design specifications,

performance standards, and other requirements in regulations of the Conservation Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this by-law; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

To prevent wetlands loss, the Conservation Commission shall require applicants to avoid wetlands alteration wherever feasible; shall minimize wetlands alteration; and, where alteration is unavoidable, shall require mitigation. The Conservation Commission may authorize or require replication of wetlands as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication. Lands adjacent to resource areas, are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality and loss of wildlife habitat. The Conservation Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within, or in some instances up to the full extent of the area within 100 feet outside of any wetland.

A permit shall expire three years from the date of issuance. Notwithstanding the above, the Conservation Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work. Provided that annual notification of time and location of work is given to the Conservation Commission, any permit may be renewed once for an additional one-year period, provided that a request for a renewal is received in writing by the Conservation Commission prior to expiration. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land. For good cause the Conservation Commission may revoke or modify a permit or determination issued under this by-law after notice to the holder of the permit or determination, notice to the public, abutters, and town boards, pursuant to section 6 above, and a public hearing.

The Conservation Commission in an appropriate case may combine the permit or determination issued under this by-law with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act on anything relative thereto (G.L. ch. 131, s. 40) and Regulations (310 CMR 10.00).

No work proposed in any permit application shall be undertaken until the permit issued by the Conservation Commission with respect to such work has been recorded in the Registry of Deeds or, if the land affected is registered land, in the Registry section of the Land Court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Conservation Commission that the permit has been recorded.

Section 10. Regulations

After a public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this by-law effective when voted and filed with the Town Clerk. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act on anything relative thereto to suspend or invalidate the effect of this by-law.

The Conservation Commission may establish, in its regulations, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of wetland resource areas, including without limitation strips of continuous, undisturbed vegetative cover. At a minimum these regulations shall define key terms in this by-law not inconsistent with the by-law and procedures governing the amount of filing fees.

Section 11. Security

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

- a. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Conservation Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.
- b. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

Section 12. Compliance

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

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

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

Upon request of the Conservation Commission, the Town Counsel may take legal action for enforcement under civil law. Upon request of the Conservation Commission, the Chief of Police may take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Conservation Commission in enforcement, including without limitation, the authority to issue orders to stop work.

Any person who violates any provision of this by-law, or regulations, or permits issued there under, shall be punished by a fine of not more than \$300.00 each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the by-law, regulations, or permits violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Conservation Commission may issue citations with specific penalties pursuant to the non-criminal disposition procedure set forth in G.L. ch.40, s. 21D, which has been adopted by the Town in Article XIII of Nahant's Police by-Law.

Section 13. Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this by-law. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Conservation Commission to deny a permit or grant a permit with conditions.

Section 14. Appeals

A decision of the Conservation Commission shall be reviewable in the Superior court in accordance with G.L. ch.249, s. 4.

Section 15. Severability

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

STATUTES ACCEPTED BY THE TOWN

Gen. Laws, Ch. 152, Sect. 69 “An act to provide for compensating laborers, workmen and mechanics for injuries sustained in public employment, and to exempt from legal liability counties and municipal corporations which pay such compensation” Accepted March 21, 1914

Gen. Laws, Ch. 136, Sects. 7 & 8 “An act relative to the sale of ice cream confectionery, said water and fruit on the Lord’s Day” Accepted March 21, 1914

Gen. Laws, Ch. 31, Sect. 48 “Of the Civil Service” Accepted July 29, 1915 by vote limiting its provisions to the police force

Rev. Laws, Ch. 31, Sect. 12 “Of the State Fire Marshal, Fires, Fire Departments and Fire Districts” Accepted July 29, 1915

Gen. Laws, Ch. 82, Sects. 25 & 3_ “Of the laying out and discontinuance of ways and of damages caused by the taking of land for public use” Accepted July 29, 1915

Rev. Laws, Ch. 49, Sects. 1, 2, 5, 9-14 incl., 16-23 incl., 26, 29-43 incl. & 45 “Of sewers drains and sidewalks” Accepted July 29, 1915 (See, however, Gen. Laws, Ch. 83, Sect. 12 particularly)

Rev. Laws, Ch. 50, Sects. 1-9 incl. “Of betterments and other assessments on account of the cost of public improvements” Accepted July 29, 1915

Gen. Laws, Ch. 139, Sects. 1, 2, 3 “Of common nuisances” Accepted July 29, 1915

Gen. Laws, Ch. 41, Sect. 73 “An act to authorize the establishment of Boards of Survey in Towns” Accepted July 29, 1915

Acts of 1908, Ch. 209 “An act for the protection of forest and sprout lands from fire” Accepted July 29, 1915 (superseded by Gen. Laws, Ch. 48, Sects. 13 & 15)

Gen. Laws, Ch. 145 “An act relative to tenement houses in Towns” Accepted July 29, 1915

Gen. Laws, Ch. 149, Sect. 31 “An act providing for an eight-hour day for Town labor” Accepted March 18, 1916

Acts of 1916, Ch. 293 “An act to authorize the licensing by cities and towns of motor vehicles carrying passengers for hire” Accepted June 28, 1916 (superseded by Gen. Laws, Ch. 159, Sects. 45 & 49 incl., which were since repealed)

Special Act, 1917, Ch. 241 “An act to authorize the Town of Nahant to construct and operate an addition system of sewers” Accepted July 31, 1919

Gen. Laws, Ch. 136, Sect. 4 “Observance of the Lord’s Day” Accepted July 27, 1921

Gen. Laws, Ch. 143, Sects. 3 & 6-12 incl. “Inspection, Regulation and Licenses for Buildings, Elevators and Cinematographs” Accepted July 27, 1921

Gen. Laws, Ch. 32, Sect 84 “Pensions for policemen and firemen” Accepted March 18, 1922

Gen. Laws, Ch. 41, Sect 97 “Of police departments” Accepted March 18, 1922

Gen. Laws, Ch. 111, Sect. 126 “Public Health” Accepted March 18, 1922

Gen. Laws, Ch. 142, Sects. 1, 3, 6, 7, 11-16 incl. “Supervision of Plumbing” Accepted March 18, 1922

Gen. Laws, Ch. 148 “Fire Prevention” Accepted March 18, 1922

Gen. Law, Ch. 149, Sect. 30 “Eight-hour day and forty-eight hour week for certain public employees” Accepted March 18, 1922

Gen. Laws, Ch. 40, Sects. 42A, 42B, 42C, 42D, 42E & 42F “An act relative to the collection of water rates” Accepted June 7, 1924

Gen. Laws, Ch. 41, Sect. 55 “Appointment of Town Accountant” Accepted June 7, 1924

Gen. Laws, Ch. 152 “The Workmen’s Compensation” Accepted August 15, 1924

Gen. Laws, Ch. 31, Sect. 48 “Civil Service”, insofar as it applies to the permanent fire force” Accepted January 22, 1931

Gen. Laws, Ch. 41, Sect. 111A “Vacation for firemen and police” Accepted March 16, 1935

Gen. Laws, Ch. 41, Sect. 81A (as amended by Ch. 211 of 1936) “Establishing a Planning Board” Accepted March 19, 1938

Gen. Laws, Ch. 41-I “Appeals Board” Accepted March 16, 1940

Gen. Laws, Ch. 40, Sect. 6A “Appropriations for advertising Town resources, etc.” Accepted March 18, 1944

Gen. Laws, Ch. 85, Sect. 11A “Registration and operation of certain bicycles” Accepted March 18, 1944

Gen. Laws, Ch. 41, Sect. 111 “Vacation for certain municipal employees” Accepted November 7, 1944

Gen. Laws, Ch. 32 “Contributory retirement pensions” Accepted November 5, 1946

Gen. Laws, Ch. 40, Sect. 40 “Removal of snow and ice from private ways” Accepted March 20, 1947

Gen. Laws, Ch. 149, Sect. 33A “Forty-hour week for employees (except janitors)” Accepted March 20, 1947

Gen. Laws, Ch. 147, Sect. 16B “Providing one day off in six for policemen” Accepted March 20, 1948

Gen. Laws, Ch. 44, Sect. 65 “Advances of vacation pay” Accepted March 20, 1948

Gen. Laws, Ch. 41, Sect. 110A “Closing of public offices on Saturdays (June, July, August)” Accepted March 20, 1948

Gen. Laws, Ch. 41, Sect. 38A, as amended “Tax Collector empowered to collect accounts due” Accepted March 19, 1949

Ch. 244, Acts of 1949 (Special Act) “An act authorizing Selectmen of the Town of Nahant to act as a Board of Public Works” Accepted June 11, 1949

Gen. Laws, Ch. 166, Sect. 32 “Appointment of Inspector of Wiring” Accepted March 18, 1950

Gen. Laws, Ch. 32, Sect. 89A “Annuities to dependents of public employees killed or dying from injuries received in the performance of their duties” Accepted March 17, 1951

Gen. Laws, Ch. 32, Sect. 5 “Increase in amounts of pensions” Accepted March 17, 1951

Gen. Laws, Ch. 48, Sect. 51A “Providing for gas masks for fire department” Accepted March 17, 1951

Acts of 1951, Ch. 781 “Increase in amount of pensions” Accepted March 15, 1952

Gen. Laws, Ch. 48, Sects. 43 & 44 “Establishing a fire department” Accepted March 15, 1952

Acts of 1952, Ch. 624 “Increase in amounts of pensions” Accepted March 21, 1953

Acts of 1953, Ch. 37 (Special Act) "Provides for five-day week for members of the Nahant Police Department" Accepted March 21, 1953

Acts of 1953, Ch. 670 "Increases in pensions and annuities provided under Gen. Laws, Ch. 32, Sect. 12" Accepted March 17, 1956

Gen. Laws, Ch. 40A, Sect. 20 "Prohibits reconsideration of zoning petitions and appeals for two years, unless unanimously consented to by the Planning Board" Accepted March 17, 1956

Gen. Laws, Ch. 32B "Authorizes the Town to provide insurance for its employees" Accepted March 17, 1956

Acts of 1957, Ch. 427 "Increases in pensions for firemen and policemen, provided under Gen. Laws, Ch. 32, Sect. 85A" Accepted July 22, 1957

Gen. Laws, Ch. 41, Sects. 81K-81GG "Revised rules and regulations governing subdivision of land" Accepted 1958

Gen. Laws, Ch. 40, Sect. 8C "Establishes Conservation Commission" Accepted March 21, 1959

Gen. Laws, Ch. 41, Sect. 111A "Relative to granting of vacations for members of the regular or permanent police and fire forces in certain cities and towns" Accepted March 21, 1959

Gen. Laws, Ch. 41, Sect. 111G "Providing additional vacations for Town employees with longevity" Accepted March 19, 1960

Gen. Laws, Ch. 40, Sect. 6G "Repairs to Private Ways" Accepted March 16, 1960
Gen. Laws, Ch. 32B, Sect. 9A "Authorizes the Town to pay one-half the premium costs for employee insurance" Accepted March 19, 1960

Acts of 1960, Ch. 647 "Changes in pension and retirement allowances under Gen. Laws, Ch. 32, Sect. 5" Accepted March 25, 1961

Gen. Laws, Ch. 152, Sect. 69 "Provides workmen's compensation for certain Town employees" Accepted March 25, 1961

Gen. Laws, Ch. 40, Sect. 6H "Provides for appropriation of monies for repairs to private ways" Accepted March 20, 1962

Gen. Laws, Ch. 40, Sect. 22D "Authorizes Towns to remove illegally parked vehicles at owners' expense" Accepted March 20, 1962

Acts of 1961, Ch. 552 “Authorizes increases in widow’s benefits payable under Gen. Laws, Ch. 32, Sect. 12” Accepted March 20, 1962

Acts of 1963, Ch. 478 “Authorizes increases in pensions and retirement allowances payable under Gen. Laws, Ch. 32, Sect. 5” Accepted March 23, 1964

Gen. Laws, Ch. 90, Sect. 20A “Provides for non-criminal disposition of certain parking violations” Accepted March 23, 1964

Gen. Laws, Ch. 90, Sect. 18A “Authorizes Selectmen to make rules governing use of ways by pedestrians” Accepted March 22, 1965

Gen. Laws, Ch. 41, Sect. 100D “Authorizes indemnification of officers and employees for damages incurred or settlement of claims for injuries arising out of operation of municipally-owned vehicles” Accepted March 22, 1965

Gen. Laws, Ch. 148, Sect. 56 “Requires operator of open-air parking lot to obtain license from Selectmen after approval by fire chief” Accepted March 19, 1966

Gen. Laws, Ch. 147, Sect. 21A “Authorizes Town to employ police cadets” Accepted March 16, 1968

Acts of 1966, Ch. 117 “Provides for adjustments in pensions for firemen and policemen under Gen. Laws, Ch. 32, Sect. 85E” Accepted March 16, 1968

Gen. Laws, Ch. 262, Sect. 63C “Provides for compensating time off for police officers who attend court as witnesses in criminal cases during time off “ Accepted March 16, 1968

Gen. Laws, Ch. 90, Sect. 20C “Parking regulations, notices, appearances, fines, proceedings, not criminal” Accepted March 21, 1970
Acts of 1971, Ch. 321 (Special Act) “Revocation of acceptance of Ch. 635, Acts of 1912, Tenement Act” Accepted March 18, 1972

Gen. Laws, Ch. 48, Sect. 58D “Provides for forty-two hour work week for permanent members of the fire department” Accepted March 18, 1972

Gen. Laws, Ch. 32B, Sect. 9F “Raises insurance payments by Town to \$2,000” Accepted April 27, 1974

Acts of 1975 (Special Act) “Provides for exemption of police department from Civil Service” Accepted April 29, 1975

Gen. Laws, Ch. 40, Sect. 6J “Provides for purchase of storm and work clothes for Town employees” Accepted April 24, 1976

Gen. Laws, Ch. 40, Sect. 6L “Provides for lease or rental of storm and work clothes for Town employees” Accepted April 24, 1976

Gen. Laws, Ch. 40, Sect. 8D “Provides for establishing a Historical Commission” Accepted April 24, 1976

Gen. Laws, Ch. 130, Sect. 8A “Provides regular police officers with certain powers of coastal wardens” Accepted April 30, 1977

Acts of 1975, Ch. 808, State Zoning By-law Accepted April 29, 1978

Gen. Laws, Ch. 62, Acts of 1980 “Authorizes Town to construct pumping station and sewer lines on Lowland Playground” Accepted April 26, 1980

Gen. Laws, Ch. 40, Sect. 4G “Changes bidding requirements” Accepted April 25, 1981

Gen. Laws, Ch. 258, Sect. 13 “Provides indemnification for municipal officers” Accepted April 25, 1981

Acts of 1981, Ch. 743 “Adds clause 17C to Ch. 59, Sect. 5, allowing real estate exemptions for certain persons” Accepted April 24, 1982

Gen. Laws, Ch. 83, Sects. 16A-16F “Permits the Town to impose a lien on real estate for unpaid sewer use taxes” Accepted April 30, 1983

Gen. Laws, Ch. 44, Sect. 53E “Which act allows Town boards, etc., appropriations to be off-set by charging ‘user fees’” Accepted November 21, 1983

Acts of 1982, Ch. 653 “Adds clause 41B to Section 5 of Ch. 59, allowing real estate tax exemptions for certain elderly persons” Accepted April 28, 1984

Acts of 1982, Ch. 597 “Which act amends Ch. 60A, Sect. 1, to provide motor vehicle excise tax exemptions for former prisoners of war” Accepted June 25, 1984

Acts of 1985, Ch. 188, Sect. 13 “Which act provides for the Town to participate in a professional grant program for supplementing teacher compensation” Accepted October 29, 1985

Chapter 140, Sect. 147A, MGL, as amended by Ch. 308, Acts of 1985, removing Town from County Dog System. Accepted April 26, 1986

Gen. Laws, Ch. 32B, Sect. 16 “Makes services of a health care organization, with the approval of the Selectmen, available to certain employees” Accepted July 24, 1986

Gen. Laws, Ch. 59, Sect. 5, Cl. 5a “Allows real estate tax exemption for incorporated veterans organizations” Accepted April 25, 1987

Gen. Laws, Ch. 59, Sect. 5, Cl. 17d “Allows real estate tax exemptions for surviving spouses, etc.” Accepted April 25, 1987

Gen. Laws, Ch. 59, Sect. 5, Cl. 37a “Allows real estate tax exemptions for certain blind persons” Accepted April 25, 1987

Gen. Laws, Ch. 59, Sect. 5, Cl. 41c “Allows real estate tax exemptions for certain elderly persons” Accepted April 25, 1987

Gen. Laws, Ch. 59, Sect. 57a “Allows for single-payment tax billing for those with real estate and personal property tax bills of \$25 or less” Accepted April 25, 1987

Gen. Laws, Ch. 59, Clause 5a “Allows real estate and personal property tax exemption for incorporated veterans’ organizations” Accepted April 25, 1987

Acts of 1986, Ch. 194 “Establishes a scholarship fund and allows taxpayers to designate a portion of the real estate or motor vehicle tax bill to be contributed to said fund” Accepted June 22, 1987

Acts of 1987, Ch. 402 “Allows the Tax Collector to issue a single bill for the full amount of the real estate and person property tax bill of \$50 or less” Accepted April 29, 1989

Acts of 1989, Ch. 653, Sect. 40 “Regarding re-assessment date changes for new growth” Accepted April 28, 1990

Gen. Laws, Ch. 30B “Uniform Procurement Act” “Raises to \$10,000 the minimum threshold for competitive bidding” Accepted April 28, 1990

Chapter 291 of the Acts of 1990 allows the Town of Nahant to receive enhanced 911 emergency service Accepted April 27, 1991

Gen. Laws, Ch. 59, Sect. 5, Clause 41A, tax deferral exemption increased to \$40,000 Accepted 25, 1992

Gen. Laws, Ch. 40, Sect. 58 “Permitting the Town to impose a lien on real property for unpaid water and sewer charges or fees” Accepted June 8, 1992

Gen. Laws, Ch. 44, Sect. 53 ½ to create a special revolving account for receiving certain cemetery fees Accepted April 27, 1996 (re-accepted each year at the Annual Town Meeting)

Gen. Laws, Ch.32B, Sect. 18 “Relating to Medicare and Medicare supplement plans for Town retirees,
Accepted April 26,1997

Clause 17 D (Chapter 181, Section of the Acts of 1995) by 100% of the preceding year’s Consumer Price Index (CPT),
Accepted April 26,1997

Clause 17D (Chapter 181, Section 1 of the Acts of 1995) for fiscal year 2001, by 100% of the preceding year’s Consumer Price Index (CPI). Increase the exemption amount granted to certain elderly citizens and surviving spouses and minors.
Accepted April 28, 2000

Clause 17D (Chapter 181, Section 1 of the Acts of 1995) for fiscal years 1998, 1999 and 2000, which were granted by 100% of the preceding year’s Consumer Price Index (CPI) increase granted for an exemption to certain elderly citizens and surviving spouse and minors. Accepted April 28, 2000

Gen. Laws Chapter 41. Sect. 108L, otherwise known as the Quinn Bill that provides educational incentives for police for further education in “the field of law enforcement”
Accepted April 28, 2001 (**Rescinded April 30, 2011**)

Gen. Laws Chapter 32, Sect.85H (disability retirement of call or volunteer firefighters and reserve police officers),
Accepted April 28, 2001

Gen. Laws Chapter 59, Sect.5K .(Which allows senior citizens to work part time for the Town and be paid equivalent tax dollars to a maximum of (\$500.00) dollars.
Accepted April 28, 2001

Gen. Laws Chapter 44, Sect.53D thereby establishing parks and recreation revolving accounts.
Accepted April 27, 2002

Gen. Laws Chapter 59, Sect. 5 Clause 41C property tax exemption to take effect for fiscal year 2005, to adjust (1) age, income and asset requirements seniors must meet to qualify for the exemption and (2) the amount of the exemption granted to an eligible senior.
Accepted 24, 2004

Gen. Laws Chapter 40, Sect. 8G, as amended commonly known as the Mutual Police Aid Program Agreement.
Accepted 24, 2004

Gen. Laws Chapter 44B Sections 3-7

Accepted by a Yes vote 374

Gen Laws, Chapter 44, Sect. 53F, 1/2 in order to establish a “Water and Sewer Enterprise Fund”. To become effective July 1, 2006

Accepted April 30, 2005

Gen Laws Chapter 59, Sect.5 Clause 41C to take effect FY2006 to accept the following provisions to adjust the age, income and asset requirements seniors must meet to qualify for the exemption and the amount of the exemption granted to an eligible senior.

Accepted April 30, 2005

Gen Laws Chapter 143 Sect. 3Z. “refines and updates the job description of the current position so as to more stringently comply with the technical statutory requirements of the Commonwealth.

Accepted April 30, 2005

Gen Laws Chapter 71, section 47 to establish a revolving account for the Johnson School Extended Day and Pre-Kindergarten programs.

Accepted April 26, 2008

Gen Laws 32 B, Sections 9B, 9D and 18 (**Health Ins.**) “To see if the Town will vote to adopt the provisions of MGL Chapter 32 B, Sections 9 B, 9D and 18

Accepted April 25th 2009

Gen Laws Chapter 59, section 5 (54),added by Chapter 159 of the Acts of 2000 for fair cash value of \$1,000 and less to be exempt from taxation (**Personal Property Exemption.**) **To establish a small personal property account exemption according to MGL**

Accepted April 25, 2009

Gen Laws Chapter 59, Section 5 Clause 17E by adding the amount of the whole estate, real and personal, as set forth in our currently adopted Clause 17 D, under MGL Chapter 59; the asset or whole estate limit shall be increased annually by the amount equal to the increase in the Consumer Price Index beginning in FY 2011 (**Assessors**)

Accepted April 24, 2010

(Rescind Quinn Bill)

MGL Chapter 41 Section 108L voted under Article 12 of the 2001 Town Meeting to adopt.

On April 30, 2011 the Town voted to rescind this acceptance of MGL Chapter 41, Sec. 108L known as the Quinn Bill.

2012

Article 11 (**Rubbish Enterprise**) GL chapter 44, Section 53 F ½ Enterprise fund
Voted and accepted April 28, 2012.

(Recreation Revolving)

Article 13
MGL chapter 44, Section 53D
Voted and accepted April 28, 2012

(Abandoned Funds)

Article 22
MGL 200A, Section 9A
Voted and accepted April 28, 2012

(Real Estate Exemption Process for Seniors)

Article 23
MGL chapter 59, Section 5 Clause 41 D
Voted and accepted April 28, 2012.

2013

(Rubbish Lien)

Article 11
MGL chapter 40, Section 58
Voted and accepted April 27, 2013

(Recreation Revolving)

Article 14, MGL 44, Section 53D
Voted and accepted April 27, 2013

(OPEB Stabilization Fund)

Article 24 establishing a new stabilization fund
MGL Chapter 40, Section 5B
Voted and accepted April 27, 2013

2014

Article 12.
(Water and Sewer Enterprise Stabilization Fund)
MGL Chapter 40, Section 5B
Voted and accepted April 26, 2014

2015

Article 12.
(Asst. Treasurer/Accountant)
MGL Chapter 41, section 39A and 39C, and MGL Chapter 41 Section 49 A.
This would allow the assistant treasurer and accountant to sign warrants in the absence of the Treasurer or Accountant
Voted and accepted unanimously April 25, 2015

Article 13

(Retirement Acct.)

MGL Chapter 40, section 13 D

This would allow the Town to create a retirement compensation account for the purpose of funding the future payment of accrued liabilities for compensated absences due employees or officers of the Town upon termination of employment.

Voted and accepted 4/25/2015

Article 14

(COA Revolving)

MGL Chapter 44, section 53E

To establish an account to accept revenues generated from user fees/charges from senior activities and events in an amount not to exceed \$7,000.00 during FY 2016. Voted and accepted 4/25/23015

2016

Article 12

(New PEG Access Revenue Fund)

MGL Chapter 44, 53F ³/₄

To establish a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement.

Voted and accepted. 4/30/2016