

ARTICLE 1

GENERAL PROVISIONS

TITLE OF BY-LAWS

SECTION 1. The following provisions shall constitute the GENERAL BY-LAWS of the TOWN OF GRAFTON, MASSACHUSETTS, which shall be in lieu of all by-laws heretofore in force, except the Zoning By-Law accepted at a special town meeting, 25 April 1956 and which became effective, 31 May 1956.

Effect of Repeal

SECTION 2. The repeal of a by-law shall not thereby have the effect of reviving any by-laws theretofore repealed.

Effect of Change of Titles of Boards, Etc.

SECTION 3. Words and phrases specifying or naming any officer, board or committee 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, board or committee.

Power to License

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

Manner of Repeal

SECTION 5. Any or all of these by-laws may be repealed or amended or other by-laws may be adopted at any town meeting by a majority vote of the voters present and voting, an article or articles for that purpose having been inserted in the warrant of such meeting by the Selectmen.(T.M. 10/20/03)

Penalty

SECTION 6A. Whoever violates any of the provisions of these by-laws, shall, unless other provision is expressly made herein or in the GENERAL LAWS, be subject to court procedure and costs including reasonable attorney fees, all expenses of prosecution and all court costs thereof, and shall forfeit and pay a fine fifty (\$50.00) for each offense. Each day that a violation continues shall be considered a separate offense. (T.M. 10/20/03)

SECTION 6B. All penalties for the violation of these By-Laws may be recovered by complaint before any court, or magistrate of the county, having jurisdiction of criminal offenses committed within the Town, and the penalties so recovered shall be paid into the treasury of the Town. But no prosecution shall be commenced after six (6) months from the time of such violation, unless otherwise provided by law.

SECTION 6C. The Board of Selectmen shall be charged with the enforcement of these By-laws, and upon their own initiative or upon the written petition of any citizen alleging a violation, shall investigate the same and authorize in writing the Town Counsel to bring proper charges, if in the Selectmen's discretion the facts warrant such action.

SECTION 6D. Whoever violates any provision of the Board of Health Smoking Regulations, adopted February 23, 1999 and as they may be amended from time to time, in the discretion of the enforcing person, be penalized in a non-criminal proceeding as provided by G.L. c.40, s21D. For purposes of this Section, "enforcing person" shall include police officers of the Town and members of the Board of Health, the Board of Health Agent, and other authorized agents of the Board of Health. Any enforcing person taking cognizance of a violation of said Regulations may, as an alternative to initiating criminal proceeding, give to the offender a written notice to appear before the clerk of the district court having jurisdiction thereof at any time during office hours, not later than twenty-one days after the date of such notice.

Validity

SECTION 7. If any provision of these By-Laws is declared unconstitutional or illegal by final judgment, order or decree of the Supreme Judicial Court of the Commonwealth, the validity of the remaining provisions of these By-Laws shall not be affected hereby.

One Elective Town Office at a Time

SECTION 8. Any citizen elected or appointed to fill a vacancy in an elective Town office after the effective date of this by-law can hold only one elective Town office at one time. If an elected Town official seeks another elective Town office, he will have to resign from the first office prior to being sworn in to the second office. (T.M. 3/21/73)

Appointed Officers

SECTION 9. All other Town Officers shall be appointed as follows:

9-1 The Board of Selectmen shall appoint:

- (a) A Town Administrator to serve for an indefinite term.
- (b) A Board of Health to consist of five members appointed for terms of three years each. (T.M.5/12/08)
- (c) A Conservation Commission to consist of seven members appointed for terms of three years each. (T.M. 10/16/89).
- (d) A Board of Registrars of Voters in the manner provided by general law.
- (e) A Board of Appeals to consist of five regular members appointed for terms of three years each, and two associate members appointed for terms of three years each.
- (f) A Council on Aging as provided for by By-Law.
- (g) A Development and Industrial Commission as provided for by By-Law.
- (h) An Industrial Development Financing Authority in the manner provided by General Law.
- (i) A Cable Television Oversight Committee.
- (j) A Cemetery Commission.
- (k) Constables.

- (l) A Emergency Management Director and related Emergency Management personnel.
(T. M. 10/20/03)
- (m) An Arts Lottery Council.
- (n) A Grafton Historical Commission.
- (o) The McNamara Memorial Committee.
- (p) The Municipal Center Renovation Committee
- (q) A Board of Trustees of Soldiers Memorials.

9-2 The Town Administrator shall appoint:

- (a) A Director of Public Works (if any) and all other employees of A Department of Public Works.
- (b) A Police Chief and other Police Officers to serve to indefinite terms.
- (c) A Board of Fire Engineers, a Fire Chief, Forest Wardens, and other Fire Fighters to serve for indefinite terms.
- (d) A Board of Assessors, to consist of a Principal Assessor, who shall serve full-time and two Associate Assessors, who shall serve part-time, the term of all members shall be three years.
- (e) A Board of Sewer Commissioners to consist of three members appointed for terms of three years each.
- (f) A Town Treasurer/Collector to serve for a term of three years.
- (g) A Town Accountant to serve for a term of three years.
- (h) An Inspector of Buildings to serve for an indefinite term.
- (i) A Wire Inspector to serve for an indefinite term.
- (j) An Inspector of Gas Appliances and Gas Fittings to serve for an indefinite term.
- (k) A Plumbing Inspector to serve for an indefinite term.
- (l) An Animal Inspector to serve for an indefinite term.
- (m) An Animal Control Officer to serve for an indefinite term.
- (n) A Board of Trustees of Nelson Park and Memorial.
- (o) A Recreation Commission.
- (p) A Parking Clerk.
- (q) A Town Counsel.
- (r) A Town Engineer.
- (s) A Town Forest Committee.
- (t) A Traffic Safety Committee.
- (u) A Veterans Service Director, Veterans Agent, Veteran's Grave Officer and a Burial Agent.
- (v) A health agent, animal inspector, and other personnel of a department of Public Health.
- (w) A Sealer of Weights and Measures in accordance with Civil Service law and rules.

NOTE: All other appointments not listed herein shall be made under the guidelines set forth in the Grafton Home Rule Charter, Article 3, Section 3-2 (d) and Article 4, Section 4-2 (b), and other relevant sections.