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## *Summary of Proposed Bylaw and Charter Revisions*

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As an aid to reading the Town Meeting warrant, this note extracts from the Bylaw Study Committee's final report the summaries of the proposed bylaw and charter revisions.

### **REVISIONS MADE THROUGHOUT THE BYLAWS**

- Editorial (non-substantive) revisions
  - ◆ Revised to avoid using gender-specific terminology
  - ◆ Corrected typographical and spelling errors
  - ◆ Corrected grammar
  - ◆ Updated section/subsection/paragraph numbering for consistency and clarity
- General revisions
  - ◆ Reworded for clarity
  - ◆ Revised provisions for posting of notices for hearings and other matters, for consistency and to include posting on Town website
  - ◆ Updated fines
  - ◆ Eliminated redundancies
  - ◆ Revised or eliminated outdated provisions
  - ◆ Revised for consistency with statute, charter, bylaws, and current practices
  - ◆ Revised or added provisions in response to the Attorney General's approval of previous bylaws, where the approval letter suggested improvements
- Corrected past editing glitches found in the current official version of the bylaws

### **BYLAW ARTICLE 1 – GENERAL PROVISIONS**

- Section 6 is revised to more clearly describe the penalty provisions and procedures, and to authorize the use of non-criminal disposition for violations of bylaws and regulations, subject to certain requirements.
- Section 7 is updated to be a more effective severability clause that applies to all bylaws. With this, the severability clauses in all other bylaw articles are no longer necessary and are removed.
- Section 8 predated the charter; charter §3-1(b) is now the rule that a person can hold only one elective office at a time; section 8 is revised to refer to the charter and clarify when a person must resign from one elective office after being elected, or appointed to fill a vacancy, to another elective office.
- Section 9: Added language to incorporate by reference all appointments specified by the Charter and by other bylaws, to avoid repeating them here and running the risk of this section becoming out of date or in conflict.
- Section 9: Removed appointments that no longer exist and all appointments that do not need to be mentioned in this section. Reasons for itemizing an appointment in this section include:
  - ◆ The number of members of a multiple-member body is not specified elsewhere
  - ◆ The term of office is not specified elsewhere
  - ◆ The appointing authority would be different or unclear if not specified here
- Note that Section 9 is not intended to be a complete itemized list of appointments.

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- The old Section 10 is merged into Section 5, as Section 10 just added some details to what Section 5 already said.

### **BYLAW ARTICLE 2 – TOWN MEETINGS**

- Remove single-gender language.
- Update posting language.
- Clarify admittance to the floor of the hall.
- Add missing motion to order of motions.
- Clarify that electronic voting may be used in place of paper ballots as both are secret and provide exact counts.
- Clarify restriction on reconsideration of motions.
- Merged Section 18A into Section 15.
- Clarify where special committees are defined.
- Added missing comma in Section 13.

### **BYLAW ARTICLE 3 – FINANCE COMMITTEE**

- Section 1: consolidate statements about membership of the committee. Change from precinct defining committee membership to zip codes as precincts are variable and more limiting, especially since we will almost certainly need a sixth precinct after the 2030 census.
- Section 2: allow Town Clerk and Town Moderator to specify a different person to act on their behalf on the membership committee, and clarify that “fiscal year terms” refers to the Finance Committee and not the membership committee.
- Section 3: defer to the Town Charter for posting requirements for public hearings.
- Section 3A: update where the warrant reports are available.
- Section 4: repealed as this is redundant with Article 4 Section 2.
- Section 5: refer to a similar power in the charter allowed for budget review.
- Section 6: remove redundant information about the budget submission and delete page heading text that was inadvertently inserted into the middle of the section.

### **BYLAW ARTICLE 4 – TOWN OFFICERS, PROPERTY AND RECORDS**

- Addition of GASB reference at the end of Section 1 is somewhat of a catchall phrase which indicates anything which should be retained by the particular Town Office must be left there by the outgoing Town Officer.
- Section 2 increased amounts reported by vendor from \$ 1,000 to \$ 2,500, as last change made in 2001 with inflation increase of 74% since then and effort to reduce what are summary reports.
- Section 3 c provides clarity on where and what is to be included in the Town Counsel’s report on outstanding claims involving the Town.
- Section 5 is removed as the Town’s operating hours are set by the Selectboard and Town Administrator.
- Section 6 removed as it merely recites authority already given to the town and it’s school committee under MGLs,

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- Section 7 is removed as it merely restates MGL c 30B
- Section 8 is amended to reflect that written contracts must be approved as to form only and must be filed with the Town Accountant.
- Section 9 is updated to reflect a dollar limit which the Town Administrator may dispose of for essence surplus material. Authority is granted to the Town Administrator under Article 4 section k already and this places a dollar limit on that authority
- Section 10 adds in distribution of the Purchasing Manual of the Town so that all department heads and boards/committees are aware of same – much like the other important items listed,
- Replacement of section 11 is meant to clarify establishment of multiple member appointed boards and committees along with election of officers of the respective body.
- Addition of section 12 is meant to clarify when multiple member or elected bodies must organize/elect their officers and or when they may reorganize. To date, no revisions proposed.

### **BYLAW ARTICLE 5 – SELECT BOARD**

- Section 6 was updated because the Select Board appoints for more than just Town Office
- Section 7 was removed/repealed because the bound book referenced is no longer annually updated. The responsibilities assigned to the Clerk previously listed in Section 7 now fall to town staff. The Town Clerk is already defined as the custodian of that information per Bylaw Article 7, Section 2.

### **BYLAW ARTICLE 6 – TREASURER/COLLECTOR**

- Changes made to remove reference to gender
- Removed wording that essentially duplicates state law MGL C 41 s 35
- Removed custodianship section 2 and moved responsibility Town Accountant – see revisions to Article 8 Accountant.
- Removed office hours as these are set up by Selectboard and or Town Administrator.

### **BYLAW ARTICLE 7 – TOWN CLERK**

- Several changes to remove gender from this bylaw
- MGL ch 41 s 13 requires that bond be in place within 10 days of election, this bylaw requires that it be in place at the time of election/appointment with the amount approved by the Selectboard – the minimum amounts are set in short by the Massachusetts Department of Revenue.
- Section 3 office hours is removed as they are set by Selectboard or Town Administrator and each board/department is required under Article 4 section 5 to notify the Town Clerk of office hours and meeting times.
- Section 5 is amended to remove semi redundant or useless verbiage
- Section 6 is amended to remove the schedule of fees, referring instead to the provisions of G.L. c.40 §22F (accepted by the Town in May 2004), which allows the Town Clerk to set fees without Town Meeting action.

### **BYLAW ARTICLE 8 – TOWN ACCOUNTANT**

- Made changes removing gender from bylaw

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- Added clarification for section 3 to read grants in place of what formerly read bonds which had previously also appeared in Article 6 Treasurer/Collector, this will also enhance the establishment of accounts in the towns system to monitor receipt of an expenditure of grants that the town may receive.
- Added section 4 and removed from Treasurer/Collector responsibility of maintaining bonds. Under MGL c 41 s 13, s 35 and s 61A the Town Clerk, Town Treasurer, and Temporary Town Officer must be bonded and the Town pays for the Bonds under MGL c 41 s 109A. Have added the potential to retain bonds for others holding bonds for the benefit of the town not required by law.

### **BYLAW ARTICLE 9 – ASSESSORS**

- Revised posting requirements from four unspecified places within the Town to the Municipal Center and the Town’s website.

### **BYLAW ARTICLE 10 – TOWN COUNSEL**

- Gendered pronouns replaced as appropriate
- Remove duplicative text which was likely an inadvertent editing glitch

### **BYLAW ARTICLE 11 – INSPECTOR OF WIRES**

- Minor wording revisions were made to clarify certain provisions.
- This draft proposes the repeal of section 4 with respect to the penalty for violations of this bylaw. As a result Article 1, §6A would impose a penalty of \$50 for each offense with each day that a violation continues being considered a separate offense, up to a maximum of \$500 per Massachusetts General Laws Chapter 143, Section 3L.

### **BYLAW ARTICLE 12 – SAFETY AND ORDER**

- Section 2 is amended to include examples of what is prohibited from obstructing a public street.
- Section 18 is deleted, because the essentially identical provisions of Article 1 section 6 cover all sections of Article 12 to which section 18 applies.
- Section 21 (accessible parking) is updated as follows:
  - ◆ Section 21-1 is deleted, because its specifications are out of date and current Architectural Access Board regulations (521 CMR 23.00) cover the entire subject matter of the section.
  - ◆ Sections 21-2 and 21-3 are combined and reworded, replacing all of Section 21.
  - ◆ Section 21-4 is deleted, because it repeats state law (G.L. c.40 §22D) and adds nothing of substance to what state law already provides for the Town. (The Town accepted the provisions of G.L. c.40 §22D in 1983.)
- Section 22 is amended to state that DPW issues road opening permits.
- Section 25 (fingerprint-based background checks) is amended to explain the applicant’s right to correct the record.
- Section 27 (limit construction hours) is amended to clarify noise measurement and enforcement.
- Section 28 (plastic bag reduction) is amended to spell out enforcement provisions.
- Section 29 (polystyrene reduction) is amended to clarify administrative and enforcement responsibilities.

- Sections 8B, 8C, 11B, 19, and 20 are amended to add noncriminal disposition as an enforcement option.

### **BYLAW ARTICLE 13 – EARTH REMOVAL**

- Amend posting requirements.
- Added a definitions title to Section 1.
- Fix typo in Section 3A.
- Remove transitional requirements sub-section and section.
- Add cross reference to groundwater elevation.
- Allow the board to authorize a representative to perform inspections.
- Added non-criminal disposition as an enforcement option.

### **BYLAW ARTICLE 14 – INSPECTOR OF GAS PIPING AND GAS APPLIANCES**

- Minor wording revisions were made to clarify certain provisions.
- This draft proposes the repeal of section 4 with respect to the penalty for violations of this bylaw. As a result Article 1, §6A would impose the same penalty of \$50 for each offense with each day that a violation continues being considered a separate offense.

### **BYLAW ARTICLE 15 – UNREGISTERED MOTOR VEHICLES**

- Language providing the option for the Grafton Police Department to impose the penalties specified within this bylaw by non-criminal disposition added to Section 5.

### **BYLAW ARTICLE 16 – DOGS RUNNING AT LARGE**

- Changed the title of the article
- Adds prefix incorporating MGL by reference and giving the location of the definitions section.
- Adds more definitions of terms.
- Changes Dog Officer to the current title Animal Control Officer.
- Adds a fourth tier of kennels with a maximum size.
- Replaces outdated wording in regard to service animals.
- Changed requirement for licensing from 3 months to 6 months.
- Adopts MGL 140 Section 139 waiving licensing fees for those over 70 years of age.
- Waives licensing fees for disabled veterans.
- Adds a definition of nuisance barking, with defined hours, to replace excessive barking, which was not defined.
- Updates leash requirements to not have a specific length but rather to keep the dog from interacting with other dogs or people.
- Adds a requirement for people to pick up and properly dispose of dog waste on properties open to the public.
- Adds references to MGL appeal procedures.
- Updates penalties to be in line with MGL.

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- Changes the licensing period to be between January 1 and March 1 as the renewal forms are sent with the town census forms in early January, with the late fee being assessed immediately rather than two months after the due date.
- Section 10 is repealed as the Animal Control Officer is an employee of Westborough, and the town contracts with Westborough for services. As such, the officer no longer collects money directly from Grafton residents or the town.

### **BYLAW ARTICLE 17 – COUNCIL ON AGING**

- Staggered terms are required by Section 7-9 (g) of the charter, which is more strict than the staggered terms listed here. The version here also talks about appointments made in a calendar year when it should be talking about expirations.
- Correct “concurrent terms” to “consecutive terms”.
- Section 4: reference the annual report required of all committees.

### **BYLAW ARTICLE 18 – HOUSE NUMBERING**

- Removed the requirement that occupants (tenants) be responsible for numbering their residences which leaves the property owners responsible
- Added size, contrasting color and posting numbers on the street where buildings are not visible from the road,
- Added compliance verification to include designee of the Fire Chief &
- Added the requirement that no town authority may issue a final inspection of approval unless the Building Inspector and the Fire Chief or their designee have certified compliance with this by-law
- The change of the text “one dollar” to “five dollars” was approved at the October 2003 Town Meeting, but not reflected in the official version of the bylaws.

### **BYLAW ARTICLE 19 – BETTERMENT PROCEDURES**

- Section 1 is amended to modernize, clarify, and provide more flexibility.
- Section 2 is amended to clarify the relationship with G.L. c.82.

### **BYLAW ARTICLE 20 – PERSONNEL BY-LAW**

- Corrected typographical errors.
- Deleted duplicated text in Section 4-19.
- Minimal revisions are proposed here; a more substantial revision of the personnel bylaw, coordinated with revisions of personnel policies, is anticipated.

### **BYLAW ARTICLE 21 – GRAFTON COMMON HISTORIC DISTRICT AND GRAFTON HISTORIC DISTRICT COMMISSION**

- Fix capitalization.
- Fix typographical errors: two occurrences of “form” instead of “from”, one Historic Society.
- Remove an obsolete sentence about initial formation of the Commission.
- Update posting requirements.
- Removed the severability clause from section 10; the severability clause in Article 1 §7 applies to all bylaws, and the wording of this article’s clause is inconsistent with other severability clauses.

## **BYLAW ARTICLE 22 – USE OF SILVER LAKE**

- This is a merger of Article 22 and Article 29. The two articles had sections that were substantially the same but in different orders and with slight differences in word choices. The only significant differences between the two articles were the type of watercraft allowed and that Lake Ripple specifies a maximum HP for motors. Since Silver Lake only allows electric motors and non-trailerred watercraft, there is no need for a maximum HP on that lake. For that reason, the committee recommends that the two articles be merged, with the differences called out in the appropriate sections.
- Added non-criminal disposition as an enforcement option.

## **BYLAW ARTICLE 23 – SEWERS**

- Section labels updated

## **BYLAW ARTICLE 24 – SCENIC ROADS REGULATIONS**

- Terminology for publication of notices is revised for consistency, to refer to “Local Newspaper, as defined in the Town Charter”
- Wording is clarified in a number of places
- It is made explicit that a Town Meeting vote is required in order to designate a road as a scenic road
- Explicitly authorized the Planning Board to establish a filing fee for a scenic road permit
- Explicitly authorized an applicant to request an extension of time to hold the public hearing
- Added a requirement that the Planning Board’s decision be filed with the Select Board, Town Clerk, and Tree Warden
- Added a “constructive approval” clause: if the Planning Board does not issue a timely decision, the application is automatically approved without conditions
- Added a clause to explain the appeal procedure
- Added a section to spell out how the bylaw is to be enforced
- Removed the severability clause (the former section 8); the severability clause in Article 1 §7 applies to all bylaws, and the wording of this article’s clause is inconsistent with other severability clauses.

## **BYLAW ARTICLE 25 – GENERAL WETLANDS PROTECTION BY-LAW**

- Section 4: removed the 2008 version of a provision added in duplicate by consecutive Town Meetings in 2008 and 2009 (similar duplicate provisions were added to sections 5.b and 7, but the 2008 versions were subsequently removed).
- Sections 4 & 8: Terminology for publication of notices is revised for consistency, to refer to “Local Newspaper, as defined in the Town Charter”
- Section 8: The requirement for public notice of a public hearing for adopting regulations is clarified.
- Section 14: Removed the severability clause; the severability clause in Article 1 §7 applies to all bylaws, and the wording of this article’s clause is inconsistent with other severability clauses.
- Corrections for editing glitches appearing in the current official bylaw text, to bring the text into alignment with what Town Meeting had actually approved for this bylaw.
  - ◆ Corrected spelling and grammar mistakes introduced by past edits

- ◆ Sections 5.a, 6, 8, and 11: Reinserted missing text that was inadvertently deleted
- ◆ Section 10: Removed list item that was inadvertently copied and pasted from section 9

#### **BYLAW ARTICLE 26 – LICENSES AND PERMITS OF DELINQUENT TAXPAYERS BY-LAW**

- Sections 1-4 revised to align with the provisions of G.L. c.40 §57.
- MGL references with respect to the licenses and permits to which this bylaw shall not apply were stricken and certain descriptions revised to streamline the presentation of Section 5.

#### **BYLAW ARTICLE 27 – BIOMEDICAL RESEARCH AND PRODUCTION**

- Section 5 is amended to clarify what “public notice” means for a public hearing on adopting regulations
- Removed the severability clause from section 14; the severability clause in Article 1 §7 applies to all bylaws, and the wording of this article’s clause is inconsistent with other severability clauses.

#### **BYLAW ARTICLE 28A – FIRE DEPARTMENT**

- Align Section 1 with Massachusetts General Law.
- Add adoption of MGL Strong Chief provisions
- Add Lock box by-law

#### **BYLAW ARTICLE 29 – USE OF LAKE RIPPLE**

- Merged into Article 22

#### **BYLAW ARTICLE 30 – ALARM BY-LAW**

- Slight change to the definition of “Alarm System” to avoid the appearance of excluding battery-powered and/or wireless alarm systems and clarify the scope as pertaining to fire and intrusion-related alarms.
- Gendered pronouns replaced as appropriate.
- Transitional provision of Section 5 removed as no longer applicable.
- Modified collection authority specified in Section 11 to align with Section 8.b.
- Language providing for enforcement by advancing civil proceedings stricken from Section 14 as civil enforcement of any bylaw may be carried out pursuant to Sections 6A through 6C of Article 1.
- Language providing the option for the Administrator to impose the penalties specified within this bylaw by non-criminal disposition added to Section 14.
- Removed the severability clause (section 16); the severability clause in Article 1 §7 applies to all bylaws, and the wording of this article’s clause is inconsistent with other severability clauses.

#### **BYLAW ARTICLE 31 – OPEN BURNING**

- Section 3 re: penalties for violations to be considered within the broader context of penalties across all by-laws, and feedback regarding the continued application of non-criminal disposition.
- Proposed penalties increased 100% from their current levels per recommendation from the Fire Chief



### **BYLAW ARTICLE 32 – TOWN ADMINISTRATOR**

- The first paragraph of Section 3 is deleted, because Section 4-6 of the Charter says the same thing and it does not need to be repeated in the bylaws.

### **BYLAW ARTICLE 33 – SHADE TREE**

- Section 2: “tree warden” does not need a definition, because Section 4 defines that office.
- Section 2 and others: removed “community forest” and “community forest master plan” as those concepts as they were defined greatly exceed the scope of this bylaw (public shade trees)
- Section 2: the definition of “topping” does not need to state that topping is prohibited, because Section 9 states that prohibition.
- Section 3: revised to make the Public Shade Tree Management Advisory Board optional; it existed from 2001 to 2011, and a future Select Board or Tree Warden may wish to revive it
- Section 4: simplified the wording.
- Sections 3 & 5: moved the requirement for the Tree Warden to develop an Annual Work Plan from Section 3 (Public Shade Tree Management Advisory Board) to Section 5 (Tree Warden responsibilities)
- Section 13: clarified the use of non-criminal disposition for violations
- Section 14: rewrote to remove unnecessary language and improve clarity
- Removed the severability clause (section 15); the severability clause in Article 1 §7 applies to all bylaws, and the wording of this article’s clause is inconsistent with other severability clauses.

### **BYLAW ARTICLE 34 – COMMUNITY PRESERVATION COMMITTEE**

- “Chapters” have been renamed to “Sections” for consistency with all other bylaw articles.
- Transitional provisions for starting up committee membership have been eliminated, as they are no longer necessary.
- The requirement for staggered terms of at-large members has been made explicit and consistent with Charter §7-9(g).
- Terminology for publication of notices is revised for consistency, to refer to “Local Newspaper, as defined in the Town Charter”
- Removed the severability clause (chapter 5); the severability clause in Article 1 §7 applies to all bylaws, and the wording of this article’s clause is inconsistent with other severability clauses.
- Section 2(b): deleted page heading text that was inadvertently inserted into the middle of the section.

### **BYLAW ARTICLE 35 – AFFORDABLE HOUSING TRUST BY-LAW**

- “Chapters” have been renamed to “Sections” for consistency with all other bylaw articles.
- References to General Laws have been corrected
- Section 2: clarified the terms of appointment for Trustees
- Section 3: deleted language regarding meeting notice and quorum, as these matters are clearly and sufficiently covered by the Open Meeting Law (G.L. c.30A §§18-25) and the Charter (§7-9)
- Section 7: clarified the requirement for an annual report

- Added Section 8 (amendments) and Section 9 (duration of trust) to align with Declaration of Trust

### **BYLAW ARTICLE 36 – STORMWATER MANAGEMENT BYLAW**

- Section 7 is amended to align notice and hearing language with Article 25 (wetlands bylaw)
- Section 10 is amended to clarify what “public notice” means for a public hearing on adopting regulations
- Removed the severability clause (section 18); the severability clause in Article 1 §7 applies to all bylaws, and the wording of this article’s clause is inconsistent with other severability clauses.

### **BYLAW ARTICLE 37 – ILLICIT DISCHARGE BY-LAW**

- Section 2: a few definitions are not formatted in separate paragraphs in the current printed version of the bylaws; they are separated here for clarity.
- Section 2: deleted definitions that are not actually referenced in the bylaw
- Section 7: added an explicit prohibition on the application of coal-tar-based pavement sealants
- Section 8: removed item (16) – DPW sees no need or capability for the testing that item (16) required.
- Section 10: removed “[and other appropriate departments]” – no other departments expressed an interest in immediate notification of oil spills.
- Removed the severability clause (section 12); the severability clause in Article 1 §7 applies to all bylaws, and the wording of this article’s clause is inconsistent with other severability clauses.

### **BYLAW ARTICLE 38 – AGRICULTURAL COMMISSION**

- Section 2: staggered membership is covered by Section 7-9 (g) of the charter and the reappointment procedure is covered by Section 7-9 (f) of the charter. Rearrange some of the wording for better flow.

### **BYLAW ARTICLE 39 – LIMITATION ON NUMBER OF RECREATIONAL MARIJUANA RETAIL ESTABLISHMENTS**

- Section 1 is revised to eliminate out-of-date details and clarify the current purpose of the bylaw.
- Section 2 is revised to use an up-to-date definition of “Marijuana Retailer.”

### **BYLAW ARTICLE 40 – REVOLVING FUNDS**

- Remove text about school bus drivers that doesn’t apply.
- Reorganize the table to remove unnecessary information and make sure that all information is properly specified.
  - ◆ Adjust the list in Section 5 of what is included in the table.
  - ◆ No changes are made to which funds are included in the table.
  - ◆ The yearly spending limits were not originally part of this article when it was first added to the by laws but were added after a yearly reauthorization. It is not necessary for these limits to be updated yearly in the by laws.

### **BYLAW ARTICLE 41 – CAPITAL IMPROVEMENT PLANNING COMMITTEE**

- Updated process due to adoption of ClearGov and the resulting shorter timelines for processing capital requests.
- Clarify staggering expiration for at-large terms.

### **CHARTER ARTICLE 3 – ELECTED OFFICIALS**

- Section 3-2(d) is updated to remove the Industrial Development Financing Authority from the Select Board appointments, since that body no longer exists.
- Section 3-2(d) is updated to remove the reference to the transitional provision – Section 8-5(a) – for a complete list of appointments, since that provision was intended only to facilitate the transition to the new charter and was never intended to be, and indeed could never be, a complete and up-to-date list of appointments.
- Section 3-2(d) is updated to explicitly authorize the Town bylaws to designate officers to be appointed by the Select Board.
- Section 3-4(b) is updated to conform with G.L. c. 71 § 37, which gives the School Committee the authority to appoint only the superintendent, who in turn appoints all other officers & employees of the school department.
- Section 3-8(a) is updated to conform with G.L. c. 121B § 5, which was recently amended to require the appointment of a tenant member to the Housing Authority board, reducing the number of elected members from four to three.

### **CHARTER ARTICLE 4 – TOWN ADMINISTRATOR**

- Section 4-2(b), which states that the Town Administrator makes all appointments for which no other method of selection is specified by charter, is updated to also exclude appointments for which the Town bylaws specify a different method of selection.

### **CHARTER ARTICLE 7 – GENERAL PROVISIONS**

- Updated the definition in section 7-5(f) to use a more formal identification of the Town’s official website, for consistency with the proposed bylaw revisions.

### **CHARTER ARTICLE 8 – TRANSITIONAL PROVISIONS**

- Section 8-5 is deleted because its list of appointments was meant only to apply until the bylaws were updated to align with the charter.
- Because all of Article 8 was for the purpose of directing the transition from Grafton’s pre-charter form of government to the new charter form, and that transition was completed after the charter was fully implemented, the entire article now serves no purpose and can be deleted.