

GENERAL BY LAWS CONTENTS

Section 1. General Government

- 1.1 Separation of Solid Waste
- 1.2 Town Meetings appropriations and transfers *(This by law was rescinded 5/27/97)*
- 1.3 Quarterly Due Dates for the Payment of Municipal Sewer Charges
- 1.4 Town Meeting 2/3 majority vote declared by Moderator 5/16/00
- 1.5 Quorum requirement for Town Meetings 5/16/00

Section 2. Public Safety

- 2.1 Dog License Violations / Fines 05/21/2013
- 2.2 Alarm Systems Regulations
- 2.3 Numbering Houses, Businesses and Other Structures
- 2.4 Public Beach 05/15/2012

Section 3. Health

Section 4. Highways

- 4.1 Curb-cut or Driveway Permit
- 4.2 Liability for Damage to Town Roads
- 4.3 Inclement Weather Parking Ban 10/18/2011

Section 5. Licenses and Permits

Section 6. Revolving Funds 05/21/2019

Section 1. General Government

1.1 Separation of Solid Waste

The Town, in order to recycle as much as possible of the solid waste generated within the Town, authorizes the Selectmen to adopt rules and regulations to require everyone disposing of solid waste at the Town facility to separate recyclable material from their solid waste and to dispose of such recyclable materials in designated areas so that it may be recycled.

For the purpose of this by-law the term "recyclable" shall mean: glass, paper, and metal as well as any other material the Selectmen may determine can be recycled. The Selectmen shall have the authority to add, alter, or delete items to be separated as markets for recycled goods change.

The Selectmen may set a fine not to exceed \$ 25.00 for each violation of this by-law.

All by-laws, rules, regulations or other documents inconsistent with the provisions of this by-law are hereby repealed to the extent of such inconsistency.

This by-law and the various parts, sentences and clauses there of are hereby declared to be severable. If any part, sentence or clause is adjudged invalid, it is hereby provided that the remainder of this by-law shall not be affected thereby.

1.2 Town Meeting Appropriations and Transfers (rescinded 5/27/97)

1.3. Quarterly Due Dates for the Payment of Municipal Sewer Charges

A by-law pursuant to Massachusetts General Laws Chapter 40 Section 21 E establishes quarterly due dates for the payment of municipal sewer charges and bills of June 1st, September 1st, December 1st and March 1st of each year or within 30 days of issuance in each instance wherein the said charges and bills are not issued at least 30 days prior to said quarterly due dates and further to fix a rate at which interest shall accrue if such charges remain unpaid after such due dates equal to the rate at which interest may be charged on tax bills under the provisions of Massachusetts General Laws, Chapter 59 Section 57 or take any other action relative thereto.

1.4 Town Meeting 2/3 majority declared by Moderator

At any town meeting for matters which by statute require a two-thirds majority vote, such vote may be declared as such by the Moderator with a count and may be recorded as such by the Clerk upon such declaration; provided, however, that if seven (7) or more voters at the Town Meeting immediately challenge such declaration, an actual count shall be held.

1.5 Quorum requirement for Town Meetings

This by-law prescribes that 15 registered voters shall constitute a quorum at Town Meetings.

Section 2. **Public Safety**

2.1 Dog License Violations / Fines

2.1.1

The following schedule of violations and penalties shall be enforced by the Board of Selectmen through the Animal Control Officer of the Town of Otis.

1. Owners or keepers of unlicensed dogs as of June 1 of each year shall be subject to a penalty of \$20.00.
2. Dogs shall be restrained from running at large; a first offense violation shall be subject to a penalty of \$15.00; a second offense violation shall be subject to a penalty of \$30.00; a third offense or subsequent violation shall be subject to a penalty of \$50.00.
3. No fee shall be charged for a license for a dog owned by a person aged 70 years or over.

2.1.2 Penalties.

All penalties set forth herein before shall be paid to the Town Clerk within ten (10) days. If an individual wishes to contest the violation (s), a request for a hearing shall be made in writing to the Board of selectmen within seven (7) days.

2.2 Alarm Systems

2.2.1 Definitions-As used in this by-law, the following terms shall have the meanings indicated:

2.2.1.1 ALARM SYSTEMS-Any alarm device which automatically dials the emergency telephone number of the policy fire department or other emergency service to alert that an emergency exists or that the services of that department are needed. "Alarm system" shall also mean any alarm device which automatically emits an audible, visual or other response upon the occurrence of any hazard or emergency and is intended to alert

persons outside the building and/or any person who in turn notifies the police and/or fire department of the existence of said hazard or emergency.

2.2.1.2 FALSE EMERGENCY ALARM-Any signal actuated by an emergency alarm to which the police, fire department or emergency service responds which is not the result of an emergency.

2.2.1.3 EMERGENCY NUMBERS-Any telephone number designated by the Board of Selectmen as a telephone number through which members of the public may report an emergency or request public assistance.

2.2.2 Mandatory Alarm Delay-Upon the activation of a burglar (break-in) alarm, there shall be a mandatory delay of at least fifteen (15) seconds to enable the user to abort the signal in the event that it was triggered inadvertently. This delay shall not be applicable to a robber (hold-up), fire or medical emergency alarm. Any by-law must comply with this section. Pre-existing installations must comply within 90 days of the effective date of this by-law.

2.2.3 Timing Device-The user of every alarm system emitting an audible, visual or other response shall, at the time such system is installed or within 90 days of the effective date of this by-law in the case of existing systems, install or cause to be installed an automatic timing device which shall deactivate such alarm so that it will be activated for no more than thirty(30) minutes.

2.2.4 Filing Requirements

2.2.4.1 The user of every alarm system maintained in the Town, except those installed in motor vehicles, shall, within ten (10) days of the installation thereof or within sixty (60) days of the enactment of this by-law, file the following information with the Police Department of the Town:

2.2.4.1a Type of alarm system

2.2.4.1b Street address of the building which housed the alarm.

2.2.4.1c In the case of commercial premises, the name, address and telephone number of an authorized representative and / or an alternative who will be able to respond to when called by the police or fire department to deactivate the alarm system if necessary.

2.2.4.1d In the case of a private residence, the name address and telephone number of a person who is not a resident of the private residence in question and who will be able to deactivate the alarm system; an external shut-off to the alarm system, be available to the Emergency Department to deactivate the alarm.

2.2.4.2 Such filing requirements are applicable to all alarm systems. Such filings must be made within the time period specified above even though there shall have been previous notification of the existence of such alarm systems to the Police / Fire Departments of the Town.

2.2.5 PERMIT, FEE: REVOCATION

2.2.5.1 The Otis Police Chief is hereby authorized to grant a revocable permit to any owner, lessee or occupant of property located in the Town to operate, maintain, install or modify an emergency alarm device, and no such device shall be operated unless such permit shall have first been issued.

2.2.5.2 The Board of Selectmen shall annually set and the Police Chief will charge a fee for the issuance of such permit, to be renewed annually. Permits will expire on June 30 of each year.

2.2.5.3 A permit issued pursuant to this by-law may be revoked at any time or from time to time by the Chief of Police, upon the giving of ten (10) days notice in writing, by registered mail, to the permittee, sent to the address shown on the permit. The violation of this by-law shall constitute grounds for the revocation of the permit.

2.2.6 False Alarms-A fee will be charged as set annually by the Board of Selectmen for response to the building / residence in which an alarm malfunction or alarm activation is caused by the occupant or persons having control of the building / residence. The initial fee shall be twenty dollars (\$20) for the first response, thirty dollars (\$30) for the second response, and forty dollars (\$40) for the third response when responding to a burglar alarm. The initial fee shall be thirty dollars (\$30) for the first response, sixty dollars (\$60) for a second response, and ninety dollars (\$90) for a third response by the Fire Department to an alarm malfunction or accidental activation.

The Police Chief / Fire Chief or senior officer to an alarm response will determine whether the alarm was a malfunction by the alarm system or accidental activation. That after the third response within a twelve - month period, the permit shall be revoked by the Chief of Police until the alarm system has been recertified by a reputable installer of alarms.

2.2.7 Disconnection-In the event that an alarm system emitting an audible, visual or other similar response shall fail to be deactivated within the time limitation specified in Section

2.2.23 above the Town shall have the right to take such action as may be necessary in order to disconnect any such alarm.

2.2.8 Penalties for Offenses-Any person operating an alarm system without a permit from the chief of Police violated the provisions of this by-law and shall be subject to a fine of \$ 50.00 for each offense.

2.3. NUMBERING OF ALL HOUSES, BUSINESSES AND OTHER STRUCTURES

- A. Numbers for each dwelling, and each business and other building in the Town of Otis shall be designated to the owner of such structures after approval of this By-Law by the office of the Attorney General and Within thirty days after completion of a street numbering system for the Town of Otis.
- B. The numbers shall be those assigned in accordance with street numbering system being completed by the Town of Otis E911 Coordinator.
- C. It shall be the responsibility of each property owner to obtain and install the number or numbers assigned to his affected structure or structures after approval of this By-Law by the Office of the Attorney General and within sixty (60) days of the completion of the street numbering system for the Town of Otis.
- D. The owner of any property seeking a building permit for a new building or structure shall apply for and receive a building number designation from the building Inspector, unless the lot already has designated number. Certificate of Occupancy will not be issued until number is designated by Building Inspector and installed by property owner.
- E. Reflective numbers shall be placed near the main entrances to the structure; that is, on the structure or on a suitable support in either instance visible from the street; numbers to be no less than three (3) inches high.
- F. This By-Law shall be enforced by the building Inspector of the Town of Otis. Failure to comply with this By-Law shall subject the offending property owner to a fine not exceeding ten dollars (\$10) per day.

2.4 Public Beach (05/15/2012)

Beaches owned by the Town of Otis are open to town residents and taxpayers. Enforcement of this by-law will be the responsibility of the Otis Police Department.

2.4.1 Parking:

Residents or taxpayers wishing to park a vehicle at the Public Beach must purchase a Compactor/Beach sticker. Stickers may be purchased at the Otis Town Hall. Any vehicle parked at the beach location must display the Town of Otis Compactor/Beach Sticker on the driver's side rear window of their vehicle. Any vehicle that does not comply with the beach parking rule is subject to ticketing and fine.

2.4.2 Beach Hours:

Beach hours are from Dawn to Dusk.

2.4.3 Dumping/Littering:

No littering or dumping is allowed.

Beachgoers must remove any refuse brought in and/or created by them. Anyone found dumping or littering will be subject to ticketing and fine.

2.4.4 Video Surveillance:

The public beach and area will be monitored via Video Surveillance.

2.4.5 Boats:

Water skiing is not allowed from the beach area.

A no-wake zone exists as of 300 feet from the beach area.

Overnight mooring of boats is prohibited.

2.4.6 Boat Access:

Launching of hand-carried watercraft only.

There is no boat launching from the beach.

Note: Docks and rafts are owned and maintained by the Town of Otis and subject to all beach rules.

2.4.7 Fires:

No open fires or grills allowed.

2.4.8 Noise:

Excessive noise is not allowed. No loud music or parties.

2.4.9 Pets:

No pets allowed.

2.4.10 Alcohol and Glass Containers:

No alcohol allowed at the Town Beach.

Glass containers are prohibited.

Section 4. Highways

4.1 Curbcut or Driveway Permit

No person shall construct or relocate a driveway or access road from private property onto a town way or a way shown on an approved subdivision plan without first having obtained a written permit from the Board of Selectmen and Town of Otis Highway Superintendent. Such permit shall be issued with due consideration of traffic hazards and drainage problems which may be created by the proposed driveway or access road. Any application for a driveway or access road of such length or grade that it may discharge, in the judgment of the Highway Superintendent and board of Selectmen, a substantial volume of surface water upon a town way or adjacent property, shall be accompanied by such plans and specifications of the proposed drainage facilities as may be required by the Board and Superintendent. Such facilities must be adequate for any anticipated storm runoff and so designed as to reduce, disperse and delay the runoff, or otherwise protect the traveled ways, drainage facilities and adjacent lands from flooding, erosion or siltation, and prevent the pollution of any local waterways.

4.2 Liability for Damage to Town Roads

Individuals or business firms engaged in, but not limited to forest management, logging or timbering, land clearing, well drilling, construction or delivery of materials for septic systems pavement or surfacing construction, modular home delivery, delivery of cement products, delivery of materials other than those essential to the normal daily operation of a household such as but not limited to home heating fuel and utility services, to existing, occupied dwellings, utilizing any type of vehicle, whether registered or unregistered, exceeding legal weight limits as per state law unless otherwise posted for town owned highways or bridges shall be financially responsible for the expeditious repair or reimbursement to the Town for the costs to repair of any and all damages incurred to such Town ways during the course of these activities. .

Determination of requirements for repair or reimbursement to Town for cost of repair shall be made by the Town of Otis Highway Department Superintendent and no less than two other Town Officials, and shall include a time limit within which repairs must be completed or reimbursement for cost of such repairs received by the Town of Otis. Any . appeal of said determination of the Highway Superintendent must be made To the Town of Otis board of Selectmen within ten(10) days of the date of issue of the determination by the Highway Superintendent. During any period in which any town owned highway or bridge has been posted by the Otis Highway Department as being unfit for travel because of prevailing road conditions, no vehicle with the exception of school busses, emergency vehicles, vehicles making delivery of materials essential to normal . daily operation of a household such as but not limited to home heating fuel and utility services to existing occupied dwellings, vehicles normally used by residents of such a way for ingress or egress of their dwelling weighing in excess of eight thousand (8000) pounds shall be allowed use of such way without express, written authorization of the Otis Highway Department Superintendent. Any authorization granted by the Highway Department Superintendent shall include a clause holding the Town harmless for any and All liability or expense resulting from said use of Town highway or bridge and shall provide that the individual or business firm authorized to use such way shall be financially responsible for expeditious repair or reimbursement to the Town for the cost to repair any and all damages incurred to such town ways during the course of these activities.

Said authorization shall not be issued until its conditions are acknowledged and signed by the individual or representative of the business firm applying for said authorization. Determination of requirements for repair or reimbursement to the Town for the costs of repair shall be made by the Town of Otis Highway Superintendent and no less than two other Town Officials, and shall include a time limit within which repairs must be completed or reimbursement for cost of such repairs received by the town of Otis. Any appeal of said determination of the Highway Superintendent must be made to the Town of Otis Board of Selectmen within ten (10) days of the date of issue of the determination by the Highway Superintendent.

4.3 Inclement Weather Parking Ban

The Board of Selectmen, or its designees, may declare a winter parking ban on all, or any, ways within the Town during the period beginning November 1 through April 30 for the purposes of snow and ice removal during periods of inclement weather.

No motor vehicle shall be parked on any way within the Town during the Inclement Weather Winter Parking Ban.

Motor Vehicle Removal: During periods of inclement weather the Chief of Police and/or the Highway Superintendent or their designee may remove or cause to be removed any motor vehicle parked in violation of the Inclement Weather Winter Parking Ban. Vehicle removals will be performed via local towing companies. The Otis Police Department shall be notified of all removals.

Owner Responsible for Charges: The owner or operator of a motor vehicle which is removed pursuant to this by-law shall be fully responsible for all charges and expenses incurred for removal and storage of such motor vehicle.

Section 5. LICENSES AND PERMITS

5.1 Denial or Revocation of Local License or Permit for Nonpayment of Local Taxes, Fees or Other Charges.

The Town of Otis may deny any application for, or revoke or suspend any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterment's or any other municipal charges or with respect to any activity, event or matter which is subject of such license or permit and which activity, event or matter is carried out or exercised or is carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterment or any other municipal charges.

(a) The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments betterment and other records of all municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the part Y, that has neglected to pay any local taxes, fees, assessments, betterment or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for abatement of such tax 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 tax collector or with respect to any activity, event, or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax 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 such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterment or other municipal charges payable to the municipality as the date of 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 said limitation to the license or permit and validity of said license shall be conditions 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 laws.

(d) The Board of Selectmen, may waive such denial, suspension or revocation if it finds there is not direct or indirect business interest by the property owner, its officers or stockholders~ if

any or members of his immediate family as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

This by-law shall not apply to the following licenses and permits: open burning, section thirteen of chapter forty-eight; bicycle permits, section eleven A of chapter eighty five; sale of articles for charitable purposes, section thirty three of chapter one hundred one; children work permits, section sixty nine of chapter one hundred forty nine; clubs, associations dispensing food or beverage licenses, section twenty one E of chapter one hundred forty; fishing, hunting, trapping license, section twelve of eight of chapter two hundred seven and theatrical events, public exhibition permits, section one hundred eighty one of chapter one hundred forty.

Section 6 – Revolving Funds (Established 05/21/2019)

Section I: There are hereby established in the Town of Otis pursuant to the provisions of G.L. Ch. 44, 53E 1/2, the following Revolving Funds:

Plumbing/Gas	Fees & Charges for Plumbing/Gas Inspections
Wire Inspector	Fees & Charges for Wire Inspections
Fire Department Inspections	Fees & Charges for Fire Inspections
Sanitation Inspector	Fees & Charges for Sanitation Inspections
Recreation Commission	Fees & Charges for Recreation Programs
Demolition Debris Removal	Fees & Charges for Transfer Station Demolition
Debris	
Cemetery	Fees & Charges for Cemetery Commission
Expenses	
Tax Title	Fees & Charges for Tax Title Expenses

Section II: Expenditures from each revolving fund set forth herein shall be subject to the limitation established by Town Meeting or any increase therein as may be authorized in accordance with G.L. Ch. 44, 53E 1/2 .

Plumbing & Gas Inspector	\$15,000.00
Wire Inspector	\$15,000.00
Fire Department Inspections	\$6,000.00
Sanitation Inspector	\$9,000.00
Recreation Commission	\$5,000.00
Demolition Debris Removal	\$25,000.00
Cemetery	\$2,000.00
Tax Title	\$10,000.00