

TOWN OF ROCKLAND

ROCKLAND, MASSACHUSETTS

BY-LAWS

Voted at the
ANNUAL TOWN MEETING
JUNE 7, 1993

Approved by the Attorney General
September 23, 1993

PREAMBLE

It is the intention of the people of the Town of Rockland, pursuant to Article LXXXIX of the Constitution of the Commonwealth of Massachusetts, to reaffirm the customary and traditional liberties of people with respect to the conduct of the affairs of the Town of Rockland in local matters, subject to the provisions of the Constitution of the United States of America and the Constitution of the Commonwealth of Massachusetts, and in connection therewith and in furtherance thereof, these By-laws are adopted so that the affairs of the Town of Rockland may be carried out in a democratic and efficient manner and that the duties and responsibilities of the officials of the Town of Rockland may be clearly established and responsive to the will of the people of Rockland.

It is the purpose of these By-laws, which may from time to time be amended, to provide an organizational framework within which the Town can govern itself as well as to provide broad guidelines for the principal administrative functions of the Town as herein set forth.

The specific instructions and duties of the officials of the Town are briefly described so that the townspeople may be fully aware of the authority vested in their officers.

ARTICLE I

POWERS OF THE TOWN OF ROCKLAND

SECTION 1-01

A. The Town of Rockland shall have all of the corporate powers of a body politic possible for a Town to have under the constitution and laws of the Commonwealth of Massachusetts as fully and completely as though they were specifically enumerated in these By-laws and all of the powers of the Town under these By-laws shall be construed liberally in favor of the Town and no enumeration or omission contained herein shall in any way be construed as limiting the general powers stated in this article.

Clerk. (Charter 2.01G)

H. Each elected and appointed town board, commission, and committee shall keep a journal of its proceedings, which journal shall be a public record. (Charter 2.01H)

I. All committees shall be appointed by the Moderator unless otherwise specifically directed by the Town Meeting, and all committees so appointed shall be directed to report within a definite time. If a committee does not report within the time stated, or at the first Town Meeting held thereafter, it shall be considered discharged.

J. When a report of a committee, other than a standing committee, is placed in the hands of the Moderator it will be deemed to be properly before the Town Meeting for its action thereon, and a vote to accept the same shall discharge the committee, but the recommendations reported shall be adopted only by vote thereon.

K. Each elected and appointed town board, commission, and committee shall meet not less than once a month (unless otherwise provided for by the General Laws of the Commonwealth) at such times and places as may be specified by the presiding officer. A board, commission, or committee may, however, by a two-thirds (2/3) vote of its members, elect not to meet at all for a period of time not to exceed eight (8) consecutive weeks. Emergency meetings may, when necessary, be called by the presiding officer of a board, commission, or committee subject to the provisions of the "Open Meeting Law." (Charter 2.01J)

L. All elected and appointed officials of the Town shall have the powers and duties of their offices as hereinafter set forth, and in addition shall have all the powers and duties conferred upon them by the General Laws of the Commonwealth. (Charter 2.01K)

SECTION 2.02 OPERATION OF BOARDS/COMMITTEES

A. Each head of a town department and each board or committee appointed or elected shall, on or before the fifteenth (15) day of January of each year, file with the Selectmen a written report of his or their doings during the preceding calendar year with recommendations, if any, for action by the Town. The reports shall not include any reports of employees of such departments, boards, and committees, but may include digests of the recommendations of such employees, if any.

B. Each officer, department head, board, or committee making any rule or regulation shall file a copy thereof with the Town Clerk within ten (10) days after the effective date thereof.

C. Each elected and appointed town board, commission, and committee whose business it is to adopt, from time to time, rules and regulations governing the issuance of licenses, permits, special permits, variances, orders of conditions, and other similar types of actions shall, at least seven (7) days prior to the adoption of said rules and regulations, post them in their proposed form in a public place in the Town Offices and file a copy of them with the Town Clerk. (Charter 2.01I)

D. All officers shall annually report the amount of all fees received by them by virtue of their office, to the Board of Selectmen, who shall publish the same annually in the Town Report.

SECTION 2.03 CONDUCT OF BOARD/COMMITTEE MEMBERS

A. It is the intent of the Town that these By-laws by their terms shall serve not only as a guide for official conduct of the Town's public officers and employees, but also as a basis for discipline for those who refuse to abide by their terms.

B. No public official and officer or employee of the Town shall disclose or use for his personal interest any confidential information which he has acquired in the course of his official duties except matters of public record.

C. No public official and officer or employee of the Town shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others nor to gain collateral personal advantage from his official activities.

D. No public official, officer, or employee of the Town shall, in the course of his duties, engage in any transaction with any business entity in which he or his spouse has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

E. No officer having power or authority to appoint any Town Officer or employee shall appoint himself, any member of his Board or Committee, or any member of his family to any salaried office or position in the Town.

F. No public official and officer or employee of the Town shall sell materials or supplies in the Town, nor receive any compensation directly or indirectly, for services rendered by him to the Town, except his official salary and fees allowed by law without obtaining permission of the Board of Selectmen expressed in a vote which shall appear on their records, and be made open to public inspection.

G. The Treasurer shall pay no bills contracted in any provision of this Chapter, without unanimous votes of the Board of Selectmen, which shall appear on their records with the reasons therefor and shall be made open for public inspection.

H. These By-laws shall be enforced by the Board of Selectmen under the provisions of the General Law, Chapter 41, Section 23B.

ARTICLE III

BOARD OF SELECTMEN

SECTION 3.01 DUTIES

A. There shall be a Board of Selectmen consisting of five (5) members, each elected for a three (3) year term, who shall choose a chairman and shall act by majority vote, except as may be required by the Charter, By-laws, or the General Laws of the Commonwealth. The Selectmen shall be responsible for the general direction and management of the property and affairs of the Town, except as otherwise provided for by the Charter, By-laws or by the General Laws of the Commonwealth. (Charter 2.02A)

B. As agents for the Town, the Selectmen shall have authority to prosecute, defend, settle or compromise any and all claims, demands, suits by or against the Town. However, the Selectmen acting upon advice of counsel, shall not have the authority to settle or compromise any actions or claims against the Town if said settlement or compromise exceeds the funds appropriated for that purpose by vote of a duly called Town Meeting. (Charter 2.02B)

C. The Selectmen shall be the 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 interest of the Town is or may be involved. They may appear, either personally or by special counsel duly empowered by them, before any court, committee of the Legislature, or any State or County board or commission, to protect the interest of the town, but they are not authorized by these By-laws to commit the Town to any course of action.

D. The Selectmen may investigate the operation of any town department, in accordance with the procedures set forth in the General Laws of the Commonwealth. (Charter 2.02C)

E. The Selectmen shall cause the Annual Town Report, which shall contain the reports provided for by Section 2.02A of Article II to be printed and distributed before the Annual Town Meeting. They shall cause a copy of said report to be left at each occupied dwelling house, tenement, hotel, or other residential unit in the Town at least seven (7) days before the date of holding such meeting. (Charter 2.02D)

F. On or before the 31st day of December of each year the Selectmen shall prepare a budget for the ensuing fiscal year and shall submit said budget to the Finance Committee. Said budget shall be inserted in the Warrant for the Annual Town Meeting. (Charter 6.02)

G. The Selectmen may issue permits and/or licenses subject to the requirements of the General Laws of the Commonwealth. However, their power to issue such permits and/or licenses shall not operate to limit the authority or affect the decision of any other town board, commission, or official who may be required to act in the same matter by the provisions of the Charter, any Town By-law, or the General Laws of the Commonwealth. (Charter 2.02F)

H. Unless otherwise provided by a vote of Town Meeting, the Board of Selectmen, or such other Town officer or board as they may by vote designate, is authorized to enter into any contract of not more than three (3) years duration, for the exercise of the Town's corporate powers, on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, the Board of Selectmen or other designated officer or board, shall not contract for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law.

SECTION 3.02 APPOINTMENTS

A. The Selectmen shall annually, unless otherwise required, appoint the following town officials, whose powers shall be set forth in these By-laws: (Charter 2.02G)

1. A Town Accountant for a term of three (3) years
2. A Town Counsel
3. A Building Inspector and Zoning Enforcement Officer for a term of three (3) years
4. A Civil Defense Director
5. A Director of Veterans Affairs, who shall also be Veterans Burial Agent for a term of three (3) years
6. A Forest Fire Warden
7. A Full Member of the Board of Appeals, for a five (5) year term
8. An Associate Member of the Board of Appeals, for a three (3) year term
9. Three (3) members of the Airport Committee
10. A Dog Officer, who shall also be the Animal Inspector for a term of three (3) years
11. Three (3) members of the Charter Maintenance Committee
12. Election Officers, pursuant to the provisions and requirements of the General Laws of the Commonwealth
13. Two (2) Gas Inspectors
14. A Parking Clerk
15. An Inspector of Weights and Measures
16. An Insect Control Superintendent
17. Two (2) Inspectors of Wires
18. A Director of the Council on Aging for a term of three (3) years
19. An Assistant Zoning Enforcement Officer
20. A Tree Warden for a term of three (3) years

B. The Selectmen shall make the following appointments annually to town boards, commissions, and committees, in such a manner that one-third (1/3), as nearly as possible, of the members of each board, commission, or committee shall be appointed each year. The boards, commissions, and committees listed below shall have such powers and duties as are set forth in the By-laws. (Charter 2.02H)

1. One (1) member of the Board of Registrars of Voters, for a three (3) year term
2. Two (2) or three (3) members of the Conservation Commission, for three (3) year terms
3. Two (2) or three (3) members of the Industrial Development Commission, for three (3) year terms
4. One (1) or two (2) members of the Industrial Development Financing Authority, for a three (3) year term
5. Three (3) or four (4) members of the Council on Aging, for three (3) year terms
6. Two (2) or three (3) members of the Historical Commission, for three (3) year terms
7. One (1) or two (2) members of the Youth Commission, for a three (3) year term

C. The Selectmen shall, from time to time, appoint a Chief of Police, whose powers and duties shall be as set forth in the Charter and By-laws. Upon making said appointment the Selectmen shall execute with him a contract of employment for a term not to exceed five (5) years. (Charter 2.02Ia)

D. The Selectmen shall, from time to time, appoint a Fire Chief, whose powers and duties shall be as set forth in the Charter and By-laws. The Fire Chief shall continue to hold office unless removed by the Selectmen for good cause after a public hearing, as detailed in Section 3.02H. (Charter 2.02Ib)

E. The Selectmen shall appoint such other town officials, boards, and committees as may be required by the provisions of the Charter, any Town By-law, a vote of Town Meeting, or the General Laws of the Commonwealth. In addition, the Selectmen may appoint temporary or "ad hoc" committees to deal with special emergency situations; but the duration of any such committee shall not extend past the next Annual Town Meeting unless extended by vote of that Town Meeting. (Charter 2.02K)

F. The terms of office of town officials appointed annually, and of members of boards, commissions, and committees whose terms are expiring, shall end on the first day of May; except that all persons whose terms are expiring may serve until their successors are appointed and sworn in. The Selectmen shall make their annual appointments each year within thirty (30) days following the Annual Town Election. (Charter 2.02L)

G. A vacancy in any appointive office, due to death, disability, resignation, or removal of the person holding the office, shall be filled by the Selectmen without unreasonable delay. The Selectmen shall make no appointment to fill a vacancy, however, until they have publicly announced the availability of the position at least two (2) weeks prior to making the appointment. Any appointment made to fill a vacancy shall be for the unexpired term of office. (Charter 2.02M)

H. In all cases where a procedure for removal from office is not specified in the General Laws of the Commonwealth, no person appointed to office by the Selectmen shall be removed from that office except for good cause, and after a public hearing. Said hearing shall take place not sooner than one (1) week after the person whose removal from office is sought has received written notice of the hearing and written particulars of the charges preferred against him. At the hearing that person shall be entitled to counsel, may introduce evidence and call witnesses on his behalf, and may cross-examine witnesses called against him. At the conclusion of the hearing, the Selectmen shall deliberate and vote upon the charges; the vote shall be by poll of the Board. No vote to remove from office shall be effective unless two-thirds (2/3) of the Selectmen present and voting shall have voted in the affirmative. (Charter 2.02N)

ARTICLE IV

TOWN CLERK

SECTION 4.01 TERM OF OFFICE

A. There shall be a Town Clerk, elected, whose term of office shall be three (3) years. (Charter 2.03A)

SECTION 4.02 DUTIES

A. The Town Clerk shall have all of the powers and duties conferred upon the office by the Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth. (Charter 2.03B)

B. The Town Clerk shall appoint an Assistant Town Clerk, who shall serve at the pleasure of the Town Clerk. In the absence or incapacity of the Town Clerk, the Assistant Town Clerk shall exercise all of the powers and duties of that office. (Charter 2.03C)

C. The Town Clerk shall provide the lists of voters for use at each Town Meeting in accordance with the provisions of Section 20.03A of Article XX.

D. The Town Clerk shall keep a file of the printed Town Reports as prepared under provisions of Section 3.01E of Article III, they being the reports required by Section 2.02A of Article II, of these By-laws; and of all documents, plans, and copies of rules and regulations relating to the affairs of the town which come to his custody in a manner convenient for reference and examination.

E. The Town Clerk shall have custody of the Town Seal. He shall notify or cause to be notified all persons chosen or elected by the Town or appointed to committees, of their election, choice or appointment. He shall, at their request, furnish all boards and committees with a copy of the votes affecting them. He shall not allow the original papers or documents of the Town to be taken from his office, except as they remain in his custody or by authority of law.

F. All By-laws shall be recorded by the Town Clerk in the order in which they are adopted, in a book prepared and kept for that purpose, and shall be preserved in the office of the Town Clerk, subject to public inspection.

ARTICLE V

TOWN TREASURER

SECTION 5.01 TERM OF OFFICE

A. There shall be a Town Treasurer, elected, whose term of office shall be three (3) years. (Charter 2.04A)

SECTION 5.02 DUTIES

A. The Town Treasurer shall have all of the powers and duties conferred upon the office by the Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth. (Charter 2.04B)

B. The Town Treasurer shall appoint an Assistant Town Treasurer, who shall serve at the pleasure of the Town Treasurer. In the absence or incapacity of the Town Treasurer, the Assistant Town Treasurer shall exercise all of the powers and duties of that office. (Charter 2.04C)

C. The Town Treasurer shall furnish such information respecting the accounts, finances, and payments to the Town as the Board of Selectmen or Finance Committee may from time to time require.

D. The Town Treasurer shall pay no money from the treasury except upon a warrant or order therefor signed by a majority of the Selectmen. Such warrant or order shall be sufficient authority to the Treasurer to pay money in accordance therewith, and such payment shall discharge him from all liability on account of the money so paid.

E. All sums now held by the Town and all monies received by the Town Treasurer for perpetual and other care of Cemetery lots shall be deposited in some savings bank or banks in this Commonwealth, in such manner as to show the name of the person from whom and the lot for which the same was received.

ARTICLE VI
TAX COLLECTOR

SECTION 6.01 TERM OF OFFICE

A. There shall be a Tax Collector, elected, whose term of office shall be three (3) years. (Charter 2.05A)

SECTION 6.02 DUTIES

A. The Tax Collector shall have all of the powers and duties conferred upon the office by the Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth. (Charter 2.05B)

B. The Tax Collector may use all means of collecting taxes which a Town Treasurer may use when appointed a Collector of Taxes.

ARTICLE VII

BOARD OF ASSESSORS

SECTION 7.01 TERM OF OFFICE

A. There shall be a Board of Assessors consisting of three (3) members, each elected for a three (3) year term, who shall choose a chairman and shall act by majority vote. (Charter 2.06A)

SECTION 7.02 DUTIES

A. The Board of Assessors shall have all of the powers and duties conferred upon it by the Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth. (Charter 2.06B)

B. The Board of Assessors shall appoint an Appraiser and an Assistant Assessor, who shall serve at the pleasure of the Board. The duties of the Appraiser and the Assistant Assessor shall be such as may be legally conferred upon them by the Board. (Charter 2.06C)

C. The Assessors shall publish periodically for public distribution, at a price not in excess of the actual per copy cost of publication, a list of the valuations fixed by them on real estate. This section shall not be construed as to require the Assessors to prepare such publications until the Town appropriates funds to meet the cost thereof, but the Assessors shall annually include in their budget a request for an appropriation for the purpose until the first publication and thereafter they shall be required to request an appropriation so that they may provide publication at ten (10) year intervals or as soon thereafter as the Town may provide the funds.

ARTICLE VIII

BOARD OF HEALTH

SECTION 8.01 TERM OF OFFICE

A. There shall be a Board of Health consisting of three (3) members, each elected for a three (3) year term, who shall choose a chairman and shall act by majority vote. (Charter 2.07A)

SECTION 8.02 DUTIES

A. The Board of Health shall have all of the powers and duties conferred upon it by the Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth. (Charter 2.07B)

B. The Board of Health shall appoint a Health Agent, who shall serve at the pleasure of the Board. The duties of the Health Agent shall be such as may be legally conferred upon him by the Board, as well as those that are conferred upon him by the General Laws of the Commonwealth. (Charter 2.07C)

C. In the event of public health emergency, as declared by a majority of the members of the Board of Health, the provisions of Section 2.02C of Article II shall not be deemed to apply. (Charter 2.07D)

D. It shall be the duty of the Board of Health to look after the sanitary condition of the Town. They shall make such regulations as they judge necessary for the public health and safety respecting nuisances, sources of filth, and causes of sickness within the Town, and respecting articles that are capable of containing infection and contagion that might be brought into or conveyed from the Town; and to enter complaint against all persons offending against the laws of this Commonwealth regarding health, or their regulations, and to prosecute the same to a final judgment.

ARTICLE IX

BOARD OF WATER COMMISSIONERS

SECTION 9.01 TERM OF OFFICE

A. There shall be a Board of Water Commissioners consisting of three (3) members, each elected for a three (3) year term, who shall choose a chairman and shall act by majority vote. (Charter 2.08A)

SECTION 9.02 DUTIES

A. The Board of Water Commissioners shall have all of the powers and duties conferred upon it by the Charter, the Town By-laws, the votes of Town Meetings, and the General Laws of the Commonwealth. (Charter 2.08B)

B. In the event of a water emergency, as declared by a majority of the members of the Board of Water Commissioners, the provisions of Section 2.02C of Article II shall not be deemed to apply. (Charter 2.08C)

ARTICLE X

BOARD OF SEWER COMMISSIONERS

SECTION 10.01 TERM OF OFFICE

A. There shall be a Board of Sewer Commissioners, consisting of three (3) members, each elected for a three (3) year term, who shall choose a chairman and shall act by majority vote. (Charter 2.09A)

SECTION 10.02 DUTIES

A. The Board of Sewer Commissioners shall have all of the powers and duties conferred upon it by the Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth. (Charter 2.09B)

ARTICLE XI

LIBRARY TRUSTEES

SECTION 11.01 TERM OF OFFICE

A. There shall be a Board of Library Trustees consisting of six (6) members, each elected for a three (3) year term, who shall choose a chairman and shall act by a majority vote. (Charter 2.10A)

SECTION 11.02 DUTIES

A. The Board of Library Trustees shall have all of the powers and duties conferred upon it by the Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth. (Charter 2.10B)

ARTICLE XII

SCHOOL COMMITTEE

SECTION 12.01. TERM OF OFFICE

A. There shall be a School Committee consisting of five (5) members, each elected for a three (3) year term, who shall choose a chairman and shall act by majority vote, except as may be otherwise required by the General Laws of the Commonwealth. (Charter 2.11A)

SECTION 12.02 DUTIES

A. The School Committee shall have general charge of all the public schools, including the evening schools and evening high schools, and of vocational schools when not otherwise provided for, and shall be responsible for the full administration of these schools. (Charter 2.11B)

B. The School Committee shall be responsible for the supervision of such private schools or academies as may be established within the Town. (Charter 2.11C)

C. The School Committee shall have all of the powers conferred upon it by the Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth. (Charter 2.11D)

ARTICLE XIII

PLANNING BOARD

SECTION 13.01 TERM OF OFFICE

A. There shall be a Planning Board consisting of five (5) members, each elected for a five (5) year term, who shall choose a chairman and a clerk and shall act by majority vote, except as may be otherwise required by the General Laws of the Commonwealth. (Charter 2.12A)

SECTION 13.02 DUTIES

A. The Planning Board shall have all of the powers and duties conferred upon it by the Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth. (Charter 2.12B)

ARTICLE XIV

TOWN MODERATOR

SECTION 14.01 TERM OF OFFICE

A. There shall be a Town Moderator, elected, whose term of office shall be three (3) years. (Charter 2.13A)

SECTION 14.02 DUTIES

A. The Town Moderator shall preside over and regulate all of the proceedings of the Town at Town Meetings, as hereinafter set forth in Article XX of these By-laws; and pursuant thereto, shall decide all questions of order and make public declaration of all votes. He shall otherwise have all of the powers and duties conferred upon him by the Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth. (Charter 2.13B)

B. The Town Moderator shall appoint the members of the Finance Committee, as hereinafter set forth in Section 19.01A of Article XIX of these By-laws. (Charter 2.13C)

ARTICLE XV

HOUSING AUTHORITY

SECTION 15.01 TERM OF OFFICE

A. There shall be a Rockland Housing Authority consisting of five (5) members, four (4) of whom shall be elected for a term of five (5) years in such manner that the term of one (1) member will expire each year, and one member who shall be appointed by the State Housing Board. The Rockland Housing Authority shall choose a chairman and a vice chairman, and shall act by majority vote. (Charter 2-14A)

SECTION 15.02 DUTIES

A. The Rockland Housing Authority shall have all of the powers and duties conferred upon it by the Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth. (Charter 2-14B)

ARTICLE XVI

PARK COMMISSIONERS

SECTION 16.01 TERM OF OFFICE

A. There shall be a Board of Park Commissioners consisting of three (3) members, each elected for a three (3) year term, who shall choose a chairman and shall act by majority vote. (Charter 2.15A)

SECTION 16.02 DUTIES

A. The Board of Park Commissioners shall have all of the powers and duties conferred upon it by the Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth. (Charter 2.15B)

ARTICLE XVII

HIGHWAY SUPERINTENDENT

SECTION 17.01 TERM OF OFFICE

A. There shall be a Highway Superintendent, elected, whose term of office shall be three (3) years. (Charter 2.16A)

SECTION 17.02 DUTIES

A. The Highway Superintendent shall have the responsibility for and control of the ordinary repair of public ways in the Town, and shall have all of the powers and duties of a highway surveyor under the General Laws of the Commonwealth. He shall, in addition, have all of the powers and duties conferred upon him by the Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth. (Charter 2.16B)

ARTICLE XVIII

COUNCIL ON AGING

SECTION 18.01 TERM OF OFFICE

A. There is hereby established in the Town of Rockland, a Council on Aging, to consist of eleven (11) members, as shall be determined annually by the Selectmen. The members shall be appointed within thirty (30) days following the annual Town Election by the Selectmen and shall serve from the date of appointment until the thirty-first day of March following, and for such further time as may be required until their successors are chosen.

SECTION 18.02 DUTIES

A. The Council shall have all of the powers and duties granted by law, and particularly the power to coordinate or carry out programs designed to meet the problems of the Aging.

ARTICLE XIX

FINANCE COMMITTEE

SECTION 19.01 TERM OF OFFICE

A. There shall be a Finance Committee consisting of fifteen (15) registered voters of the Town of Rockland who shall be appointed by the Moderator for a term of three (3) years in such a manner that one-third (1/3) of said Finance Committee shall be appointed annually, said appointments being made as soon as practicable after the conclusion of each year's Annual Town Meeting. (Charter 6.04A)

B. The Finance Committee shall choose its own officers and shall serve without compensation, except the Secretary, who shall be paid an annual salary as determined by the Annual Town Meeting. (Charter 6.04F)

C. In the event that any member of the Finance Committee shall resign during his term of office, he shall not be eligible for reappointment to the Finance Committee until the expiration of one (1) year from the date of such resignation. (Charter 6.04B)

D. No person shall serve as a member of the Finance Committee who holds any Town position by reason of election or appointment. However, a member or members of the Finance Committee may serve on special committees established by vote of Town Meeting if such vote requires that a member or members of the Finance Committee be named to said special committee. (Charter 6.04C)

E. Any member of the Finance Committee who shall become a candidate for elected office in the Town shall ipso facto be disqualified from continuing to serve as a member of the Finance Committee. Charter 6.04C)

F. Whenever any vacancy shall occur in the Finance Committee it shall be filled by the Moderator. If any member is absent from five (5) consecutive meetings of the committee, for cause other than illness, his position shall be deemed vacant and the committee shall report such vacancy to the Moderator, who shall proceed to fill the same. Any person chosen to fill a vacancy in the committee shall hold office for the unexpired term of the person whom he succeeds.

SECTION 19.02 DUTIES

A. There shall be referred to and considered by the Finance Committee all articles in any Town Meeting Warrant. A public hearing may be held upon any article, and a notice given either by publishing the same in a newspaper published or circulated in Rockland as a local newspaper or by posting a copy thereof in at least three (3) public places in the Town at least five (5) days before said hearing. The Committee shall complete its report on the Warrant for the Annual Town Meeting in time to comply with the provisions of Article XX Section 20.01E and for any Special Town Meeting it shall post its report in the Town Office seven (7) days at least before the meeting and it may also report in print, as for an Annual Town Meeting, such recommendations on each article as it deems best for the interests of the Town.

B. All town officers and committees shall submit their estimates and requests for appropriations to the Finance Committee in due time for compliance with these By-laws and no appropriation shall be made by the Town until the Finance Committee has reported thereon.

C. The Finance Committee shall consider the budget as submitted to it by the Selectmen, and shall give its opinions as to each budgetary item together with an explanation of said opinion. The Selectmen shall cause the opinion of the Finance Committee to be included in appropriate places in the Warrant. The Finance Committee may hold hearings and take any other action necessary to discharge its duties hereunder. No appropriation shall be made at a Town Meeting until the Finance Committee has reported thereon. The Finance Committee shall endeavor to complete its duties and make its report within such time as to allow the Warrant to be printed and distributed by the Selectmen in accordance with the terms of the Charter and By-laws. (Charter 6.04D)

D. The Finance Committee shall consider the annual estimates and other requests for expenditures as prepared by the Department Heads of the Town, and in the printed copy of the warrant for the Annual Town Meeting, provided for in Article XX Section 20.03B of these By-laws, it shall add another column to the prepared statement giving the amounts which, in its opinion, should be appropriated for the ensuing year, and shall add thereto such explanations and suggestions as it deems expedient, and the time and manner of reporting thereon shall be the same as provided in Section 19.02A of this Article.

E. Eight (8) members shall constitute a quorum of the Finance Committee. However, a lesser number may from time to time adjourn meetings of the Finance Committee. (Charter 6.04E)

F. In addition to the specific powers enumerated above, the Finance Committee shall have all the powers and duties conferred upon it by the General Laws of the Commonwealth. (Charter 6.04G)

ARTICLE XX

TOWN MEETING

SECTION 20.01 GENERAL

A. The legislative powers of the Town shall be vested in the qualified voters of the Town convened together in Annual or Special Town Meeting. (Charter 3.01)

B. The Annual Town Meeting for the transaction of all business, (except for Article I, the Annual Town Election), shall be held on a date to be determined by the Board of Selectmen and designated by the board not later than January 31 of each year to be held on a date that will allow completion of all business not later than June 30 of that same year. Seven (7) days notice shall be given prior to the actual meeting date by distribution of the Warrant for said Town Meeting by the Selectmen in accordance with the provisions of this Charter. (Charter 3.02, 202E)

C. The quorum for the transaction of business at all Town Meetings shall be three hundred (300) registered voters of the Town. However, a quorum once established shall continue to exist as long as there are not less than two hundred (200) voters present at that session or any adjourned session of a meeting. Any number of registered voters may adjourn or close a meeting. (Charter 3.04)

D. Town Meeting shall, from time to time, vote on such matters as may be required by law or by the provisions of the Charter and By-laws. These matters include, but are not limited to, the following: (Charter 3.05)

1. Authorization to borrow money on behalf of the Town.
2. The appropriation of funds for the operation of the various Town Departments, upon submission of a budget by the Selectmen as set forth in the Charter and By-laws.
3. The conveyance or lease, or authorization of any conveyance or lease, of any real property owned by the Town.
4. The levying of taxes, except as otherwise provided in Article XXI with respect to the property tax levied by adoption of the budget.
5. The amendment or repeal of any vote or action taken by a previous Town Meeting.

E. Except as otherwise required by law, notice of every town meeting shall be given by posting at least seven (7) days before the day appointed for the meeting an attested copy of the warrant therefor in the Town Office Building and the Post Office. Further, a Notice of Availability of said warrant shall be published in a newspaper of general local circulation at least seven (7) days before the day appointed for the meeting. Compliance with this section as to any meeting shall constitute valid notice therefor. (Charter 2.02E)

SECTION 20.02 TOWN WARRANT

- A. The Selectmen shall prepare the Warrant for the Annual Town Meeting. (Charter 2.02E)
- B. The Warrant for the Annual Town Meeting shall close forty (40) days before the day of the meeting, provided however, that the Selectmen may open the Warrant for the insertion of additional articles at any time within such period if they obtain the consent of the Finance Committee with respect to each article to be inserted and if there then remains sufficient time for compliance with the provisions of Section 20.01E of this Article.
- C. The Selectmen shall, immediately after the insertion of any article in the Warrant for any Annual or Special Town Meeting, forward copies of such article to the Finance Committee and, except when the article is submitted by him or it, to the officer, board, or committee in charge of the department which will be affected by such article.

SECTION 20.03 PROCEDURE

- A. At any session of a Town Meeting held for the transaction of Town business (other than for the election of such officers as are required by law to be elected by ballot), no person whose name is not on the lists of voters shall be admitted to the part of the hall reserved for voters, and this provision shall be enforced by use of such lists. The Moderator shall determine the bounds of such reserved space.
- B. All action taken at any Town Meeting shall be only upon those items contained in the Warrant for said Town Meeting, and all articles in the Warrant shall be acted upon in order unless otherwise voted by the Town Meeting. Printed copies of each Town Meeting Warrant, with the recommendations of the Finance Committee contained therein, shall be furnished to the voters of the Town in accordance with the provisions of the Charter and By-laws. (Charter 3.06)
- C. All reports, motions, and resolutions submitted for the consideration of the Meeting involving the expenditure of money shall be in writing and any other report, motion, or resolution shall be reduced to writing if the Moderator so desires.
- D. The duties of the Moderator and the government of the Town Meeting not specifically provided for by law or by the Town Charter or By-laws shall be determined by the rules of practice contained in Robert's Rules of Order, Revised Seventy-fifth Anniversary Edition, so far as they are adapted to the conditions and powers of the Town.

E. No person shall speak for more than five minutes for the second time on any subject if there are other citizens who desire to be, but have not been, heard on the same subject, without first obtaining leave of the meeting.

F. Every person desiring to speak shall arise and address the chair, and after recognition is obtained, shall stand while speaking, unless the Moderator otherwise directs.

G. All votes on motions shall be taken in the first instance by a show of hands; if the Moderator be in doubt he may call for a second show of hands; if the Moderator still be in doubt, or whenever the vote as declared by the Moderator be immediately questioned by seven (7) or more voters, the vote then shall be taken by a count of the number of hands raised in the affirmative and in the negative by the voters; said count to be taken by sworn tellers appointed by the Moderator for the Meeting.

H. When a question is before the meeting, the following motions, to wit:

1. To adjourn
2. To lay on the table
3. For the previous question
4. To postpone to a certain time
5. To commit, recommit, or refer
6. To amend
7. To postpone indefinitely,

shall be received and shall have precedence in the foregoing order, and the first three shall be decided without debate.

I. No vote shall be reconsidered except after the affirmative vote of two-thirds (2/3) of the voters present and voting on a motion to reconsider such vote. Any voter may move to reconsider except that no motion to reconsider shall be made at any adjourned session of the same meeting unless the mover has given notice of his intention to move reconsideration at the session of the meeting at which the vote was passed. A vote shall not be reconsidered a second time or after a motion to reconsider has failed to pass.

J. No motion, the affect of which would be to dissolve a Town Meeting, shall be in order until every article in the Warrant has been duly considered and acted upon; but this shall not prevent the postponement of action on, or the consideration of, any article to an adjournment of meeting to a stated time.

SECTION 20.04 SPECIAL TOWN MEETING

A. The Selectmen shall have the power to order such Special Town Meetings as they may deem necessary, and shall prepare the Warrants for said meetings; provided, however, that to order a Special Town Meeting the Selectmen must first adopt, by a two-thirds (2/3) vote of their Board, a written resolution stating clearly the emergency nature of the situation prompting their order. No Special Town Meeting shall be called unless petitioned for by two hundred (200) voters of the Town of Rockland. (Charter 2.02E)

B. No Warrant for a Special Town Meeting shall close until at least seven (7) days have passed from the date of adoption of their resolution, and each article inserted in the Warrant shall have attached to it a brief statement explaining the emergency nature of the article. (Charter 2.02E)

C. By direction of the Selectmen, a copy of the Warrant for each Special Town Meeting shall be left at each dwelling house or other residential unit in the Town at least fourteen (14) days before the holding of said meeting. The Warrant for each Special Town Meeting shall also be posted in the Town Offices, and its availability at the Town Offices shall be announced at least fourteen (14) days prior to the meeting in a newspaper of general circulation within the Town. (Charter 2.02E)

D. Upon a two-thirds (2/3) vote of the Board, the Selectmen shall have the power to open any Warrant after it has closed for the purpose of inserting additional articles, provided that such articles are of an emergency nature and have attached to them a brief statement explaining said emergency. (Charter 2.02E)

ARTICLE XXI

FINANCIAL PROCEDURES

SECTION 21.01 FISCAL YEAR

A. The fiscal year of the Town of Rockland shall be in accordance with the provisions of Chapter 44, Section 56 of the General Laws of the Commonwealth. (Charter 6.01)

SECTION 21.02 BUDGET

A. On or before the 31st day of December of each year the Selectmen shall prepare a budget for the ensuing fiscal year and shall submit said budget to the Finance Committee. Said budget shall be inserted in the Warrant for the Annual Town Meeting. (Charter 6.02)

B. The budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year; and, except as required by law, shall be in such form as the Selectmen deem desirable. It shall begin with a clear general summary of its contents and shall show in detail all estimated income and proposed expenditures for the ensuing fiscal year. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year. It shall indicate in separate sections: (Charter 6.03)

1. proposed expenditures for the current operation during the ensuing fiscal year, as detailed by officers, departments and agencies, and the method of financing such expenditures
2. proposed capital expenditures during the ensuing fiscal year, as detailed by officers, departments and agencies, and the proposed method of financing each such capital expenditure. The total of the proposed expenditures shall not exceed the total of the estimated income.

C. A copy of the budget and the capital program as adopted shall be public records, and shall be deposited with the Town Clerk. (Charter 6.05)

SECTION 21.03 EXPENDITURES

A. No officer, department head, board or committees authorized to expend money shall make purchases of supplies or materials or contract for services to be rendered to the Town without issuing a written Purchase Order therefor on prescribed forms as approved by the Selectmen; provided however, that the provisions of this section shall not apply to the salaries or wages of part-time or regularly employed officers, clerks, and wage earners of any department of the Town. All purchase orders shall be in triplicate; one to be designated for the vendor, one to be designated for the files of the officer, department head, board or committee issuing the order. The order designated for the vendor shall be submitted to the Town Accountant and shall not be delivered to the vendor until the Town Accountant shall have certified thereon that there is sufficient unencumbered balance of the appropriation to be charged to pay the amount due under the order; provided, however, that verbal orders for supplies, materials or services to be rendered may be given for an amount not to exceed five hundred (500) dollars. All verbal orders shall be confirmed in writing on prescribed Purchase Order forms on the day the orders are given and immediately transmitted to the Town Accountant and shall be subject to his certification as aforesaid.

B. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered, or as otherwise provided by a vote at a Town Meeting. (Charter 6.06)

C. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if three (3) fiscal years pass without any disbursement from or encumbrance of the appropriation. (Charter 6.06)

SECTION 21.04 BIDS

A. Except in cases of extreme emergency, publicly declared by the Selectmen, no contract for work, or other services other than professional, to be performed for the estimated cost of which is estimated to cost ten thousand (10,000) dollars or more shall be awarded by any officer, board, department, or committee unless written bids or proposals therefor have first been solicited in at least one (1) of the newspapers circulating in the Town stating the time and place where plans and specifications of proposed works, services, materials, equipment, or supplies may be had and the time and place for opening the proposals in answer to requests or advertisements. The Town shall reserve the right to reject any and all such proposals.

B. All proposals or bids required by this section shall be sealed and shall be opened publicly in the Office of the Chief Procurement Officer, or at a time and place designated by the Chief Procurement Officer.

C. No purchases and work or services other than professional, for which a contract is proposed, shall be split or divided for the purpose of evading the provisions of Section 21.04A of this Article.

D. All Statements of Emergency, Letters, Proposals, Contracts, and any other written documentation referred to herein shall be kept on file by the officer, board or committee concerned for a period of six (6) years from the date of final payment under the contract and shall be open to public inspection at reasonable times.

E. All procurements in the amount of one thousand (1,000) dollars or more but less than ten thousand (10,000) dollars may be made by seeking prices from at least three (3) vendors, either in writing or by telephone. Written records including the purchase specifications, names and addresses of all persons from whom quotations were sought, and the date and amount of each quotation must be maintained.

SECTION 21.05 RECEIPTS

A. All Town Officers shall pay all fees received by them by virtue of their office into the Town Treasury.

ARTICLE XXII

ELECTIONS

SECTION 22.01 DATE

A. The Annual Town Election, which is Article I of the Annual Town Meeting, shall be held on the first Saturday of March in each year. (Charter 5.01)

SECTION 22.02 PROCEDURES

A. All citizens of the Town who are qualified voters under the provisions of the General Laws of the Commonwealth shall be eligible to vote in town elections, and shall be eligible to be nominated for and elected to town office. (Charter 5.02)

B. All town elections shall be conducted pursuant to the provisions of the General Laws of the Commonwealth. The duly constituted election authorities may adopt such additional regulations for the conduct of town elections as they may deem necessary and desirable, provided such regulations are not inconsistent with the General Laws of the Commonwealth. Any such additional regulations adopted shall be public records, and a copy of them shall be placed on file in the Town Clerk's Office. (Charter 5.03)

ARTICLE XXIII

RECALL ELECTION

SECTION 23.01

Any holder of an elective office in the Town of Rockland, as defined in Article II of the Town Charter, may be recalled and removed therefrom by the qualified voters of the Town as hereinafter provided. (Charter 4.01)

SECTION 23.02

Any five hundred (500) qualified voters of the Town may make and file with the Town Clerk an affidavit containing the name and position of the officer sought to be removed and a statement of the grounds of recall. The Town Clerk shall thereupon deliver to the voters making such affidavit sufficient number of copies of petition blanks demanding such recall and removal. The blanks shall be issued by the Town Clerk with his signature and official seal attached thereto. They shall be dated, shall be addressed to the Board of Selectmen, shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk within fourteen (14) days after filing the affidavit and shall be signed by at least fifteen (15) percent of the qualified voters of the Town as of the date such affidavit was filed with the Town Clerk. To every signature shall be added the place of residence of the signer, giving the street and number. The recall petition shall be submitted, at or before five (5) o'clock in the afternoon of the Monday preceding the day on which it must be filed, to the Registrar of Voters and the registrars shall forthwith certify thereon the number of signatures which are names of qualified voters in the Town of Rockland. (Charter 4.02)

SECTION 23.03

If the petition shall be found and certified by the Town Clerk to be sufficient, he shall submit the same with his certificate to the Board of Selectmen without delay, and said board shall forthwith give written notice to the officer of the receipt of said certificate and shall, if the officer sought to be removed does not resign within five (5) days thereafter, thereupon order a recall election to be held on a day fixed by them not less than sixty (60) nor more than ninety (90) days after the date of the Town Clerk's certificate that a sufficient petition is filed, provided, however, that if any other town election is to occur within one hundred (100) days after the date of said certificate, the selectmen may, in their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section. (Charter 4.03)

SECTION 23.04

Any Officer sought to be recalled may be a candidate to succeed in an election to be held to fill such vacancy, and unless he requests otherwise in writing, the Town Clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the Warrant for the recall election and any election to fill a vacancy caused by a recall election, and the conduct of the same, shall all be in accordance with the provisions of the laws relating to elections, unless otherwise provided by this act. A majority of those voting at the recall election shall be sufficient to recall such elected officer. (Charter 4.04)

SECTION 23.05

The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected in the recall election he shall continue in the office for the remainder of his unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five (5) days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant. (Charter 4.05)

SECTION 23.06

Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer).

Immediately at the right of each proposition there shall be a square in which the voter by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for One" and beneath this the names of candidates nominated as herein provided. In case of machine voting, or punch card balloting, or other forms of balloting, appropriate provisions shall be made to allow the same intent of the voter. (Charter 4.06)

If a majority of the votes cast on the recall question is in the affirmative, then the candidate that received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes on the question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted, or any action taken relative thereto. (Charter 4.06)

SECTION 23.07

No recall petition shall be filed against an officer within six (6) months after he takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six (6) months after that election. (Charter 4.07)

SECTION 23.08

No person who has been recalled from office or who has resigned from office while recall proceedings were pending against him, shall be appointed any town office within two (2) years after such removal by recall or resignation. (Charter 4.08)

ARTICLE XXIV

PUBLIC WAYS, COMMON LANDS

SECTION 24.01 SIDEWALKS/ROADWAYS

A. No person shall erect, set up or maintain any fence, portico, platform or doorstep extending into, or over any sidewalk or other part of any public way.

B. No person shall establish or maintain over any sidewalk, or other part of any public way, or affix to any tree, tree guard, post, board or other object thereon, any sign, sign board or advertising device unless he shall have first obtained a permit therefor from the Selectmen; and any such permit may be revoked by the Selectmen at any time.

C. No person shall establish or maintain any shade or awning over any part of a sidewalk, or other part of any public way, unless the same be secured and safely supported, and unless the lowest part thereof is not less than seven (7) feet above the surface of the sidewalk or way, nor in any event without obtaining a permit therefor from the Selectmen.

D. No person other than a public officer or town agent, servant or employee in the performance of his duties shall place any obstruction to travel on any sidewalk or public way without the consent of the Selectmen; provided, however, that his section shall not be construed to prohibit reasonable emergency action to warn travelers of any obviously dangerous condition observed in the public way, provided the condition and action taken are reported by the person acting as soon as reasonably may be to the Selectmen, the Police, or the Highway Superintendent. No person shall leave any rubbish refuse, or any noxious, dangerous, offensive or unsightly object or matter on or in any public way, park, beach or common lands of the Town.

E. Every person operating or having charge of a vehicle in any public way shall operate it in all respects as may be directed by any police officer.

F. No person having under his care or control any vehicle shall permit the same or the animal or animals attached thereto, if any, to stand on or across any public way in such a manner as to obstruct the same for an unnecessary length of time. No person shall stop with any vehicle in any public way so near another vehicle as to obstruct public travel or upon or across any foot crossing or so as to obstruct any private way or private driveway.

G. No person who owns or has charge of any horse, grazing beast or swine shall suffer or permit such animals to run at large or to be so tethered that it can, with the limits of its tether, go upon the travelled part of any street or upon any public way.

H. No person shall throw stones, snowballs or other missiles, or shoot with or use any gun, bean blower, bow and arrow, sling shot, or other similar device in, on or across any public way, park, beach or common lands of the Town. No person shall play at any game in which a ball is used, on the travelled part of any street or on any sidewalk.

I. No person, except the Superintendent of Streets or the Highway Surveyor, and those acting under his orders in the lawful performance of their duties, shall break up or dig up the ground or stones in any sidewalk or other part of any public way or place thereon any staging or other temporary structure or move any building in or along the same without a written permit from the Board of Selectmen. Any permit issued therefor shall be in force for such time only as the board may specify and shall be subject to such conditions as they may prescribe, and in every case shall be upon the condition that during the whole of every night from twilight of the evening to sunrise in the morning lighted lanterns and proper barriers shall be so placed as to secure travellers from danger; and upon further condition that the permittee shall indemnify the Town against claims of all persons who may be injured in their persons or property by reason of the exercise of the privileges conferred by the permit.

J. A person having a permit under Section 24.01I of this Article shall restore the public way to its original condition or to a condition satisfactory to the Board of Selectmen. The Selectmen shall have the right to revoke such permit at any time and may require a bond, either before the work is commenced or during its progress, to assure the proper performance of the work, the restoration required herein, and/or the indemnification provided for in Section 24.01I of this Article.

K. No person shall knowingly suffer or permit any water or other liquid to run or be discharged from any building owned by him or under his control, onto or across any curbed or finished sidewalk. Provided, however, that this Section shall not be deemed to prohibit washing windows or other parts of any buildings on private property if the work is done at a time when, and in such manner that no unsafe condition results therefrom.

L. No person shall affix, post, write, paint, print or otherwise inscribe any notice, advertisement, word, figure or pictures on any sidewalk or part of any public way, or on any fence, wall, post, stone, tree, building, or structure adjoining any public way without the consent of the owner thereof. Provided that this section shall not be deemed to prohibit the Police Department or State Highway Department in the painting on and placing of traffic instructions and signals.

M. No person, except physicians responding to emergency calls or drivers of ambulances, patrol wagons, fire apparatus responding to an alarm or vehicles transporting the United States Mail, shall ride a horse or drive a vehicle through a funeral procession.

N. No person shall injure, deface or destroy any street sign, guide board, lamp post or lantern thereon, nor any tree, buildings, fence or post or other thing set, erected or made for the use or ornament of the Town.

O. No person who owns or controls any building to which access is had through any opening or entrance in any sidewalk or other part of any public way shall suffer or permit a platform or grate or other covering thereof to rise above the adjacent surface of the sidewalk or street. Each such entrance or opening shall at all times when not in use be covered by a suitable grating or other covering, and whenever it is in use it shall be suitably guarded. The construction of each such covering and the method of guarding when in use shall be subject at all times to the approval of the Selectmen.

P. No owner or person in control of any building which has a roof slanting towards the sidewalk, shall permit the building to be without a barrier, snow guard or other device to prevent snow or ice falling from such roof to the sidewalk.

Q. Owners or persons in control of property abutting on Union Street, between North Avenue and Union Square, shall keep the sidewalk in front of their premises clear of snow and ice; said work of cleaning the walk to be completed at least twenty-four (24) hours after a storm in a manner satisfactory to the Highway Surveyor or Superintendent of the Streets.

R. No person shall drive or ride a horse or drive an automobile along any sidewalk.

S. No person shall permit any part of a tree, hedge, bush or shrubbery, growing on his land, to extend over or overhang any street, sidewalk or highway so as to interfere with the free use of such street, sidewalk or highway.

SECTION 24.02 BEHAVIOR

A. No person shall drink or have possession of any opened can, bottle or container of alcoholic beverages as defined in Chapter 138, Section 1, of the General Laws while on, in or upon any public way, or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, park or playground, or private land or place without the consent of the owner or person in control thereof. All alcoholic beverages being used in violation of this ordinance shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court. Whoever violates any provision of this By-law shall be liable to a penalty of not more than two hundred (200) dollars for each violation.

B. No person shall coast upon or across any sidewalk, or other part of any public way, except at such times and at such places as may from time to time be designated by the Selectmen.

C. No person shall fire or discharge any gun, pistol or other firearm in or across any public way or place, or within fifty (50) yards thereof, except in a building, but this section shall not prevent the use of such weapons in the lawful defense of one's person, family or property, nor the performance of any duty required or authorized by law.

D. No person shall detonate or ignite any fireworks, or throw any lighted fireworks in, into or upon any public way or place except on such days or parts of days as shall be designated by the Selectmen as periods when this section shall not apply. No person shall set any bonfire in any public way or place without first obtaining written permission from both the Selectmen and the Chief of the Fire Department.

E. No person shall, between the hours of 8:00 P.M. and 8:00 A.M. set up or occupy a camp, a tent or sleep in the open on any property, public or private, without permission of the owner or proper authority within the limits of the Town of Rockland.

SECTION 24.03 NEW ROADS/WAYS

A. Each petition for the acceptance of a Way to be acted upon at any Annual Town Meeting shall be submitted not later than the first day of November next preceding such meeting and shall be accompanied by two (2) linen copies of the proposed layout, including a map and profile of the street adhering to the existing specifications of the Planning Board in effect at the time of submission.

B. Whenever a plan is made for the laying out of a new way over private property, such way shall be laid out no less than forty (40) feet wide and the owners of the land over which the way is laid out shall be required to remove all turf, loam, stumps, stones and other obstructions and the said owners of the land shall prepare the roadway, sidewalks and drainage to the satisfaction of the Highway Surveyor who has control of the repair of highways. Nothing in this section shall prohibit the acceptance of a Way which has been approved by the Planning Board under the Subdivision Control Law under a bond or otherwise of money for the purpose of completing the construction of such a Way.

SECTION 24.04 RESTRAINING OF DOGS

A. An owner or keeper of a dog shall not cause or permit such dog to run at large in any street or public place or upon the premises of anyone other than the owner or keeper, unless the owner or occupant of such premises grants permission. While in any public place or street, dogs shall be under restraint by the owner or keeper. A dog is under restraint within the meaning of this By-law if it is controlled by a leash or at "heel" beside a competent person and obedient to that person's commands or within a vehicle driven or parked on the street.

B. Any violations hereof shall be punishable by a fine of fifteen (15) dollars for the first offense and twenty-five (25) dollars for the second and each subsequent offense. In addition, any violation shall permit the dog control officer to order the animal restrained and enable the officer to impound the dog. Return to the owner or keeper shall not be made until after the payment to the Town of the sum of ten (10) dollars together with the current boarding rate for each day the dog is so held. Dogs impounded and unclaimed by the owner or keeper after twelve (12) days shall be disposed of by the dog control officer.

C. No person shall keep or maintain within the boundary limits of the Town of Rockland the breed of dog known as the American Staffordshire Terrier, Staffordshire Pit Bull Terrier or Bull Terrier. Any dog herein described that is properly licensed in the Town of Rockland before this By-law takes effect shall not be affected by it. In case of doubt, the determination as to whether or not a particular dog is an American Staffordshire Terrier, Staffordshire Pit Bull Terrier, or Bull Terrier shall be made by a licensed veterinarian.

D. Any person who violates Section 24.04C shall be subject to a fine of not more than fifty (50) dollars for each offense and said dog shall be banned within the limits of the Town of Rockland. Each subsequent day of violation shall be considered a separate offense under this law.

SECTION 24.05 GASOLINE

A. It is hereby declared to be a public purpose to promote the health, safety and welfare of the residents of the Town of Rockland, the prevention and control of fire, the control of traffic, and the restraint of vandalism, to regulate the conditions of operation of self-service gasoline dispensing systems.

B. Each license heretofore or hereafter issued under the provisions of General Law, Chapter 148, Section 13, shall be subject to the additional condition, that no gasoline shall be dispensed in or upon the licensed premises by means of self-service dispensing systems, unless during the hours when open for business there shall be on duty at all times no fewer than one (1) person, owner or operator or employee, for each four dispensing hoses.

C. Where traffic conditions so warrant, each license heretofore or hereafter issued under the provisions of General Law, Chapter 148, Section 13 shall be subject to reasonable traffic control requirements as set forth by the Board of Selectmen after a full evaluation concerning such traffic conditions.

D. A violation of this By-law shall be punishable by a fine of not more than twenty (20) dollars for each offense.

E. Evidence of repeated violations of this section shall be taken into consideration in connection with proceedings for the revocation of such a license in accordance with the provisions of said General Law, Chapter 148, Section 13.

SECTION 24.06 ALARM SYSTEMS

A. Every alarm user shall submit to the Police Chief the names and telephone numbers of at least two (2) other persons who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed.

B. All alarm systems installed after the effective date of this ordinance which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within ten (10) minutes after activation of the alarm system.

C. Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7:00 P.M. and 6:00 A.M. which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under Section 24.06A, and which disturbs the peace, comfort and repose of a community, neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor to contact the alarm user, or members of the alarm user's family or those persons designated by the alarm user under Section 24.06A in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

D. Upon receipt of three (3) or more false alarms within a calendar year the Police Chief may order the user:

1. To discontinue the use of the alarm,
2. May disconnect any direct connections with the Police Department,
3. May order that further connections to the communications console in the Police Department will be contingent upon the user equipping any alarm system with a device that will shut off any audible horn or bell within ten (10) minutes after activation of the alarm system.

E. The user shall be assessed a twenty-five (25) dollar false alarm service fee for each false alarm in excess of three occurring within a calendar year. All fees assessed hereunder shall be paid to the Town Treasurer for deposit to the general fund.

F. For each false fire alarm (false alarm defined in Section 24.07D) responded to by the Fire Department which is in excess of three (3) over a calendar year at the same location, the owner of the premises shall be required to pay an administrative fee of two hundred (200) dollars to the Town Treasurer for deposit to the General Fund.

SECTION 24.07 DEFINITIONS

A. For the purpose of this By-law the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

B. The word "vehicle" as used in this article shall include every description of carriage or other artificial contrivance used or capable of being used as a means of transportation, except as otherwise provided herein or by law.

C. The term "Alarm System" means an assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a 110 volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Fire Alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into the premises or an attempted robbery at a premise are specifically excluded from the provisions of this By-law. The provisions of this By-law shall apply to all users.

D. "False Alarm" means:

1. The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or of his employees or agents.
2. Any signal or oral communication transmitted to the Police Department requesting or requiring, or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusion, robbery, or burglary, or attempted threat. For purposes of this definition activation by acts of God, including but not limited to power outages, hurricanes, tornados, earthquakes and similar weather or atmospheric disturbances shall not be deemed a false alarm.

SECTION 24.08 VIOLATIONS

A. Any person violating any of the provisions of this article, the punishment for which is not likewise provided, shall be punished by a fine of not more than two hundred (200) dollars for each offense.

ARTICLE XXV

HAWKERS/PEDDLERS

SECTION 25.01

A. Hawkers/Peddlers/Transient Vendors-License-Required

No hawker, peddler, or transient vendor as defined by M.G.L. Chapter 101 shall conduct such business within the Town of Rockland without first having obtained a license required under M.G.L. Chapter 101 and a local hawkers and peddlers/transient vendors license issued by the Board of Selectmen.

B. Hawkers/Peddlers/Transient Vendors-License-Expiration

Every license issued under the provisions of paragraph A of this By-law shall be in full force and effect until the date of expiration stated on such license, and in any event, shall expire on the next January 1st following the date of issuance, unless sooner revoked.

C. Hawkers/Peddlers-License-Fee

For licenses issued under the provisions of paragraph A of this By-law to hawkers and peddlers of meat, butter, cheese, fish and fresh fruit or vegetables, and who have not obtained a license from the Commonwealth of Massachusetts, the fee shall be fifty-four (54) dollars. There shall be no fee for any other license issued under the provisions of paragraph A of this By-law.

D. Hawkers/Peddlers-License-Exceptions

The provisions of this By-law relating to hawkers and peddlers shall not apply to wholesalers or jobbers selling to dealers only, nor to commercial agents or other persons selling by sample, lists, catalogues, or otherwise for future delivery, nor to any person who peddles only fish obtained by his own labor or that of his family, or fruits, vegetables or other farm products raised or produced by himself or his family. However, such persons shall comply with all other applicable provisions of this By-law.

E. Hawkers-Peddlers-Transient Vendors-License-Contents

Every license issued under the provisions of this By-law shall contain the name, residential address, and business address of the licensee; the location of the site(s) where the sales will be conducted; a description of the goods, wares, or merchandise being sold; the names and residential addresses of any persons who will be assisting the licensee with conducting business at the site(s); and if applicable, the vehicle identification number and description of any vehicles used by the licensee in conducting business at the site(s). The licensee shall immediately report to the Board of Selectmen any changes in the information listed in this section.

F. Hawkers/Peddlers/Transient Vendors-License-Display

All licenses issued under the provisions of this By-law shall be displayed by the hawker, peddler, or transient vendor in a conspicuous place and manner at the sale's site(s).

G. Hawkers/Peddlers/Transient Vendors-License-Nontransferable

Any license issued under the provisions of this By-law may not be transferred or assigned to any other person, or used by any person other than the person to whom it had been issued.

H. Hawkers/Peddlers/Transient Vendors-Sales on Public or Private Property

Any hawker, peddler, or transient vendor required to be licensed under this By-law, or hawker, peddler, or transient vendor not required to be licensed under this By-law, shall be subject to all applicable provisions herein, regardless of whether said hawker's, peddler's or transient vendor's sales location is on public or private property.

I. Hawkers/Peddlers/Transient Vendors-License-Revocation

Any violation of any provision of this By-law shall result in the immediate termination of the activity conducted under the license until such time as a hearing has been held by the Board of Selectmen on the possible revocation of the license. Such hearing shall be held within fifteen (15) days of the alleged violation.

J. Hawkers/Peddlers/Transient Vendors-Miscellaneous Regulations

Any hawker, peddler, or transient vendor licensed under the provisions of this By-law or hawkers, peddlers, or transient vendors not required to obtain a license under this by-law, shall conduct business in accordance with the following requirements:

1. Applications for any license required by this By-law shall be filed no later than two (2) weeks prior to the desired sales date.
2. The foods, goods, wares, or merchandise being sold or displayed shall not be displayed or placed upon the tail-gate or running board of a truck or vehicle, but shall be placed upon racks or tables which are clean, sturdy, and in good condition. The tables shall be covered with a clean linen cloth or clean plastic covering when foods or other edible goods are being sold or displayed.
3. The total sales area shall not be larger than twenty-five (25) square feet, unless the Board of Selectmen approves a larger sales area.

4. For sales occurring on sidewalks, a minimum clearance of four (4) feet of sidewalk shall be maintained between the street and the sales area to ensure the safe passage of pedestrians.
5. For sales occurring on sidewalks, no sales area shall occupy more than forty (40) percent of the width of the sidewalk.
6. No street, sidewalk, crosswalk, curb, passageway, handicap access ramp, storefront, or alley shall be blocked by any foods, goods, wares, or merchandise offered for sale or displayed hereunder. Such sales shall not be operated in any manner which would cause a nuisance, create a fire hazard, or diminish the public's safety.
7. The foods, goods, wares, or merchandise being offered for sale or displayed hereunder shall be securely and adequately placed so that they will not endanger passersby, or fall or extrude into or over any crosswalk, curb, passageway, handicap access ramp, storefront, or alley.

K. Records

A copy of any license issued under the provisions of this By-law shall be sent to the Town Clerk as the Keeper of the Records.

L. Appeals

Any party, aggrieved by his or her inability to obtain or retain a license for hawkers, peddlers, or transient vendors, may file an appeal, in writing within thirty (30) days of such decision to the Board of Selectmen.

SECTION 25.02 CANVASSING/SOLICITING

A. PURPOSE: This Section, adopted pursuant to G.L. c. 43B, s. 13 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operation requirements for all persons intending to engage in door-to-door canvassing or solicitation in the Town of Rockland in order (1) to protect its citizenry from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and (2) to allow for reasonable access to residents in their home by persons or organizations who wish to communicate either commercial or non-commercial messages.

B. DEFINITIONS:

1. "Soliciting" shall mean and include any one or more of the following door-to-door activities:
 - a. Selling or seeking to obtain orders for the purchase of goods or services for any kind of consideration whatever;
 - b. Selling or seeking to obtain prospective customers for application or purchase of insurance of any kind;
 - c. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers or any other type of publication;
 - d. Seeking to obtain gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any association, organization, corporation, or project;
 - e. Seeking to obtain information on the background, occupation, economic status, political or religious affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly or in part, for commercial purposes.
2. "Canvassing" shall mean and include any one or more of the following door-to-door activities:
 - a. Person-to-person distribution of literature, periodicals, or other printed materials, but shall not include placing or dropping off printed materials on the premises;
 - b. Circulation of petitions;
 - c. Seeking to enlist membership in any organization;
 - d. Seeking to present, in person, organizational information or doctrine.
3. "Residence" shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons.
4. "Registered solicitor" shall mean any person who has obtained a valid certificate of registration from the Town as required by this By-law.

C. REGISTRATION: Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of Rockland must register with the Police Department at least three (3) days in advance by filing a registration application form with the Chief of Police.

1. Organization application forms shall include the following information:
 - a. The name and address of the organization applying for registration, and the names and addresses of the organization's principal officers.
 - b. The name, title and telephone number of the person filing the application form.
 - c. The names and addresses of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Rockland.
 - d. A list of the names, addresses, dates of birth, and social security numbers of all individuals who will be employed in solicitation or canvassing by the applicant.
 - e. Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a ninety (90) day period).
 - f. Names of the last three (3) communities (if any) in which the organization has conducted a solicitation or canvassing operation.

2. Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under C.(1). Individual registration forms shall contain the following information:
 - a. Name and address of the present place of residence and length of residence at that address; if less than three (3) years residence at present address, the address of residence(s) during the past three (3) years.
 - b. Date of birth.
 - c. Name and address and telephone number of the person or organization whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization.
 - d. Name and address of employer during past three (3) years if other than listed in (c).
 - e. Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a ninety (90) period).
 - f. Names of the last three (3) communities (if any) in which the applicant has solicited or canvassed door-to-door.
 - g. Social security number.
 - h. Recent passport-sized photograph of the applicant to be affixed to registration card.
 - i. Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

D. REGISTRATION FEE: Each applicant for registration or re-registration shall pay a fee of five (5) dollars to the Town.

E. REGISTRATION CARDS:

1. The Police Chief shall furnish each person engaged in solicitation or canvassing with a registration card which shall contain the following information:
 - a. The name of the person.
 - b. A recent photograph of the person.
 - c. The name of the organization (if any) which the person represents.
 - d. A statement that the individual has been registered with the Town of Rockland Police Department but that registration is not an endorsement of any individual or organization.
 - e. Specific dates or period of time covered by the registration
2. Persons engaged in solicitation or canvassing must carry the registration card at all times and present the card to any person solicited or upon request of any police officer.
3. Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than ninety (90) days.
4. The Police Chief shall refuse to register an organization or individual whose registration has been revoked for violation of this by-law within the previous two-year period, or who has been convicted of any crime affecting personal safety.

F. EXCEPTIONS:

1. Registration shall not be required for officers or employees of the Town, county, state, or federal governments when on official business.
2. Individual registration shall not be required for minors under the age of 18 except in connection with canvassing or soliciting on behalf of a for profit organization.

G. DUTIES OF SOLICITORS:

1. It shall be the duty of every solicitor or canvasser, upon going onto any residential premises in the Town of Rockland, to first examine any notice which may be posted prohibiting solicitation. If such a notice is posted, the solicitor or canvasser shall immediately and peacefully depart from the premises.
2. Any solicitor or canvasser who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
3. Immediately upon gaining entrance to any residence, each solicitor or canvasser must do the following:
 - a. Present his registration card for inspection by the occupant.
 - b. Request that the occupant read the registration card.
 - c. Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization.
4. It shall be the duty of every organization employing solicitors or canvassers to notify the Police Department daily as to what area(s) of the Town they will be operating in.

H. RESTRICTIONS ON METHODS OF SOLICITATION: It shall be unlawful for a solicitor or canvasser to do any of the following:

1. Falsely represent, directly or by implication, that the solicitation or canvassing is being done on behalf of a governmental organization.
2. Solicit or canvass at any residence where there is a posted sign prohibiting solicitation, without express prior permission of the occupant.
3. Solicit or canvass at any residence without express prior permission of an occupant, before 8:00 A.M. or after 9:00 P.M. where there is no sign posted otherwise limiting solicitation or the hours of solicitation.

I. PENALTY:

1. Any person or organization violating any of the provisions of this By-law shall be subject to a fine of one hundred (100) dollars for each offense.
2. Any person or organization who for himself, itself, or through its agents, servants, or employees violates any provision of paragraphs G or H of this By-law, or who knowingly provides false information on the registration application, or who is found, after investigation by a police officer, to have conducted himself or itself in a threatening, abusive, or illegal fashion, shall have his, her, or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

J. APPEALS: Any person or organization who is denied registration or whose registration has been revoked may appeal by filing a written notice of appeal with Board of Selectmen. Such appeal must be filed within five (5) days after receipt of the notice of denial or revocation. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Board of Selectmen fails to make a determination within thirty (30) days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

K. SEVERABILITY: Invalidity of any individual provision of this By-law shall not affect the validity of the By-law as a whole.

SECTION 25.03 VIOLATIONS

A. Whoever violates any provision of this Article, unless otherwise indicated, shall be punished by a fine not exceeding twenty (20) dollars.

ARTICLE XXVI

JUNK DEALERS AND JUNK COLLECTORS

SECTION 26.01 LICENSES

A. No person shall keep a shop for the purchase, sale or barter of junk, old metals or second-hand articles and no person shall collect by purchase or otherwise junk, old metals or second-hand articles from place to place in this Town without a license, issued by the Selectmen and signed by the Town Clerk, in accordance with the provisions of the statutes of the Commonwealth of Massachusetts relating to the licensing of dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or second-hand articles.

B. Whoever violates any provision of this Article or any rule, regulation or restriction contained in any license granted him hereunder shall forfeit not more than twenty (20) dollars for each offense.

SECTION 26.02 VEHICLES

A. Whoever causes a motor vehicle, which in the opinion of the Chief of Police is a stripped or junked car or truck, to be abandoned on private property in the Town of Rockland, shall be given a five (5) day notice of a hearing before the Board of Selectmen. Said notice shall be given to the owner of the car, if known, and the owner of the property. After hearing the facts, the Board of Selectmen may issue such orders as are necessary for the disposal of said car. Violation of such orders shall be punishable by a fine of not more than twenty (20) dollars.

ARTICLE XXVII

LICENSES

SECTION 27.01 ISSUANCE/DENIAL

A. 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 party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or any 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 an 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; 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 (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 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 to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the 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, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

C. Any party shall be given the opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said 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.

SECTION 27.02 EXCEPTIONS

A. 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 officers or stockholders, if any, or members of his immediate family, as defined in Section 1 of Chapter 268 of M.G.L. in the business or activity conducted in or on said property.

B. This Section shall not apply to the following licenses and permits:

Open burning, Section 13 of Chapter 48

Bicycle permits, Section 11A of Chapter 85

Sales of articles for charitable purposes, Section 33 of Chapter 149

Children work permits, Section 69 of Chapter 149

Clubs, Associations dispensing food or beverage licenses, Section 21E of Chapter 140

Dog licenses, Section 137 of Chapter 140

Fishing, hunting, trapping licenses, Section 12 of Chapter 131

Marriage licenses, Section 28 of Chapter 207

Theatrical events, public exhibition permits, Section 181 of Chapter 140

ARTICLE XXVIII

MISCELLANEOUS

SECTION 28.01 WATER CONNECTIONS

A. No person shall make any change in a water connection without first obtaining a permit from the Water Department. Any person failing to comply with this By-law shall be punished by a fine not exceeding twenty (20) dollars.

SECTION 28.02 TOWN SEAL

A. The following shall be the device of the Corporate Seal of the Town of Rockland, Massachusetts.

The representation within the circle of the Coat of Arms of the Hatherly Family, with the abbreviation "Mass." just above it, resting upon a large rock, protruding from some bushes, bearing the inscription "Hatherly Grant 1656," symbolic of the fact that the greater part of the land which now comprises the Town of Rockland was originally a grant of land from the King of England to one Timothy Hatherly and the rocky nature of the land which suggested the name for the town. Around the upper outside rim of the circle the words "Town of Rockland, Inc. A.D. 1874" and beneath the lower outside rim the words "Abington 1712," to signify that Rockland, once part of the Town of Abington, which was incorporated in 1712, became the incorporated Town of Rockland in the year 1874. The seal to be circular in shape with a diameter of about one and five-eighths (1 5/8) inches.

SECTION 28.03 PERMANENT TOWN BUILDINGS COMMITTEE

A. The Town shall have a Permanent Town Buildings Committee consisting of seven (7) members, one of whom shall be a designee of the School Committee, one of whom shall be a designee of the Board of Selectmen, and the other five (5) to be residents who shall be appointed by the Moderator for a term of three (3) years, except that an original term of appointment may be for a lesser period, so that the terms of two (2) of the Moderator's appointees shall expire annually.

C. COMMITTEE AUTHORITY

The Committee shall have the authority to request and receive from any Town Officer, employee, board or committee, such information and assistance as may be reasonably necessary and proper to carry out its duties.

D. COMMITTEE REPORT

The Committee shall file an annual report of its activities in accordance with this By-law.

SECTION 28.04 TAG-A-KEG

A. Any retail establishment holding a license pursuant to M.G.L. c.138 s.15 which sells malt beverage by the keg or partial keg shall be required to keep a record of the purchases.

1. A keg is defined as any metal, wooden, plastic, paper or other container designed to hold malt beverages.
2. A malt beverage is defined as any alcoholic beverage manufactured or produced by the process of brewing or fermentation of malt, with or without cereal grains or fermentable sugars, or of hops, and containing not more than twelve (12) percent of alcohol by weight, including sugar.
3. The record kept by the retailer shall include the name and address of retailer, date of purchase, name and address of purchaser, size of keg and a number identifying the container.
4. Such record shall be kept on file at the retailer for a period of not less than one (1) year.

B. Every keg shall be visibly and permanently marked with the same number as on the record described in paragraph A.3. above. In addition, the name and the address of the retailer shall be permanently marked on the keg.

C. Any establishment that violates this By-law shall be fined one hundred (100) dollars for the first offense and two hundred (200) dollars for any subsequent offense.

SECTION 29.05

A. All the General Laws of the Commonwealth of Massachusetts and all the votes and Charter of the Town of Rockland shall continue in full force and effect when these By-laws become effective, provided, however, that all such prior town votes and by-laws are hereby repealed as of the date these By-laws become fully effective, to the extent that they are inconsistent with or interfere with the effective operation of these By-laws.

SECTION 29.06

A. As used herein and where the words so indicate the masculine shall mean the feminine, the feminine shall mean the masculine, the masculine shall mean the neuter and the feminine shall mean the neuter and the neuter shall mean the masculine and the neuter shall mean the feminine.

SECTION 29.07

A. These By-laws shall be in full force and effect for all purposes on and after July 1, 1993.