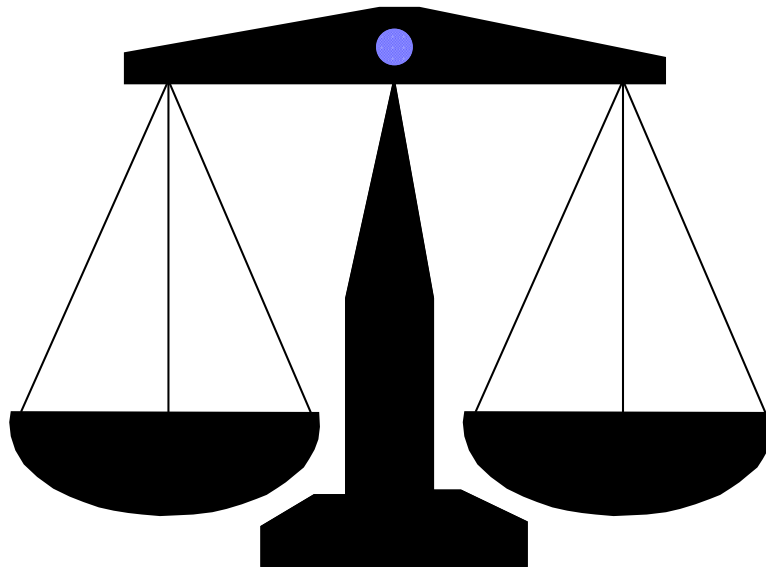


**BY-LAWS OF THE TOWN OF  
DANVERS, MASSACHUSETTS  
ADOPTED 1951**



**REVISED THRU: February 3, 2025**

## INDEX

Chapter I	Town Meetings
Chapter II	Conduct of Town Meetings
Chapter III	Committees
Chapter IV	Demands Against The Town
Chapter V	Inspector of Wires
Chapter VI	Sale of Tax Title Property
Chapter VII	Numbering on Streets
Chapter VIII	Overhanging Eaves and Awnings
Chapter IX	Moving Buildings
Chapter IX-A	Building Permits
Chapter IX-B	Section 108.5.1 and Table 108 of State Building Code
Chapter X	Sale of Junk and Second Hand Articles
Chapter XI	Third Class Motor Vehicle Junk Licenses
Chapter XII	Use of Areas - Use of Streets
Chapter XIII	Peeping or Spying
Chapter XIV	Penalty
Chapter XV	Amendment
Chapter XVI	Repeal
Chapter XVII	Storage Fees
Chapter XVIII	Excavations
Chapter XIX	Indemnification
Chapter XX	Swimming Pools
Chapter XXI	Dog Leash Law
Chapter XXII	Fire Lanes
Chapter XXIII	Unregistered Vehicle By-law
Chapter XXIV	Burglar & Fire Alarm Regulation
Chapter XXV	Regulations Governing the Use of Town Owned Land
Chapter XXVI	Wetlands Protection By-law
Chapter XXVII	Non-Criminal Disposition of Certain Violations
Chapter XXVIII	Danvers Waters By-law
Chapter XXIX	Demolition of Historically Significant Buildings & Structures
Chapter XXX	Licenses and Permits Subject to Unpaid Taxes and Fees
Chapter XXXI	Use of Skateboards, Roller Skates or Roller Blades
Chapter XXXII	Commercial Trash Pickup
Chapter XXXIII	Hawkers, Peddlers, and Transient Vendors
Chapter XXXIV	Connection to Public Water System
Chapter XXXV	Possession of Certain Types of Knives with Blades
Chapter XXXVI	Licensure of Taxicabs
Chapter XXXVII	Danvers Right to Farm
Chapter XXXVIII	Storage of Flammable, Combustible, or Hazardous Materials Used in Manufacturing and Processing Facilities - Deleted
Chapter XXXIX-A	Stormwater Management and Land Disturbance
Chapter XXXIX-B	Truss Construction Identification of Residential, Commercial, and Industrial Buildings

Chapter XL	Regulate Illicit Discharges to the Municipal Storm Drain System
Chapter XLI	Hardship Cultivation Registration
Chapter XLII	Plastic Bag Reduction/ Styrofoam
Chapter XLIII	Revolving Accounts
Chapter XLIV	Wireless Telecommunications Bylaw in Public Rights of Way (approved as Chapter XLIII)
Chapter XLV	Salem Village Historic District
Chapter XLVI	Preventing Demolition-by-Neglect of Structures on the National Register of Historic Places

All Accepted Statutes will be found on the last pages.

## **PREFACE**

At the 1951 Annual Town Meeting, the Committee appointed to revise the Town By-laws, exclusive of the Zoning and Building By-laws, recommended that the following By-laws be adopted. Under Article 25 of the Warrant, the Committee's Report was accepted, and under Article 26, the By-laws as recommended were unanimously adopted.

Many of the matters which are ordinarily covered by Town By-laws are set out in the Limited Town Meeting Act, Chapter 294 of the Acts of 1930 as amended by:

Chapter 63, Acts of 1948  
Chapter 20, Acts of 1951  
Chapter 69, Acts of 1956  
Chapter 293, Acts of 1956  
Chapter 65, Acts of 1963  
Chapter 50, Acts of 1973

Our form of Government has been further affected by the following Two Special Acts of the Legislature:

An Act to Establish the Town Manager Form of Government in the Town of Danvers, Chapter 13 of the Acts of 1949.

An Act Providing that the Placement of Names of Candidates for Public Office on the Official Ballot used in Municipal Elections in the Town of Danvers Shall be Drawn by Lot, Chapter 39 of the Acts of 1974.

The Danvers Historic District By-law created an Historic District to be known as Salem Village Historic District, Article 4 of the Annual Town Meeting held on March 18, 1974. The contents of this By-Law are at the end of these Town By-laws.

These By-laws are in addition to those that are set forth and not in conflict therewith.

ATTEST:

---

Joseph L. Collins, Town Clerk

# **BY-LAWS OF THE TOWN OF DANVERS**

## **CHAPTER I** **Town Meetings**

**Section 1.** All warrants for Town Meetings shall be served by posting up attested copies thereof at the precinct voting places in the Town seven days, at least, before the day for holding said meeting. No notice of adjournment need be posted.

**Section 1A.** The Town of Danvers shall hold its Annual Town Meeting for the purpose of **election of officers only on the first Tuesday of May in each year.** The polls for the election of officers shall open not later than ten o'clock in the forenoon and shall be closed at eight o'clock in the evening. The Town of Danvers shall hold its **annual meeting for the transaction of municipal business in pursuance of the warrant for the Annual Town Meeting, except the election of officers, on the third Monday of May at thirty minutes past seven o'clock in the evening.** If the said business of the Annual Town Meeting is not completed on the evening on the third Monday of May, the said meeting may be adjourned to thirty minutes past seven o'clock of any evening or to as many evenings as the meeting votes, during the week of the third Monday of May as are necessary to complete said business.

(AUTH; ARTICLE 1, TM 10/15/73, CHAPTER 50.)

This section of the By-laws shall supersede Section 12 of the provisions of Chapter 294 of the Acts of 1930 entitled "An Act Establishing in the Town of Danvers Representative Town Government by Limited Town Meetings".

**Section 2.** No Special Representative Town Meeting shall be called to assemble earlier than thirty minutes past seven o'clock in the evening.

**Section 3.** After holding the public hearing on the articles of any warrant, the Finance Committee shall announce and file its recommendations with the Town Clerk at least one day before the day of the meeting. This requirement shall not prevent the Finance Committee from amending its own recommendations up to and at the time of the Town Meeting. Failure to announce and file the Finance Committee's recommendations with the Town Clerk shall not make the action taken by the Town illegal which otherwise would be legal.

**Section 4.** A majority of the Town Meeting Members shall constitute a quorum at a Town Meeting. Unless it otherwise specifically appears on the records of the Town Clerk, a quorum shall be deemed to have been present.

## **CHAPTER II**

## **Conduct of Town Meetings**

**Section 1.** Articles in the Warrant shall be acted upon in the order in which they stand unless the Meeting shall otherwise vote.

**Section 2.** When the Recommendation of the Finance Committee under a particular article is before the Meeting, the Moderator shall entertain no motion that does not relate to the same. He may entertain a motion to indefinitely postpone, to postpone to a day certain, to appoint a committee or to recommit to a committee, for the previous question and to amend.

**Section 3.** No motion to adjourn, the effect of which would be to dissolve the Town Meeting, shall be in order until every article in the Warrant has been considered and acted upon.

**Section 4.** When a vote is passed, it shall be in order to move a reconsideration thereof at the same meeting.

**Section 5.** In accordance with the provisions of M.G.L. Ch. 39, §15, the Moderator may, upon a voice vote, declare passage of any measure requiring a two-thirds vote, and such declaration shall be binding unless immediately challenged by seven or more Town Meeting Members.  
**(AUTH: ARTICLE 15, TM 6/22/98).**

## **CHAPTER III** **Committees**

**Section 1.** Whenever any matter has been referred to a committee, the committee shall make a temporary or partial report either orally or in writing at every Annual Town Meeting until the task with which it has been charged has been completed and a final report as hereinafter provided has been made. If an appropriation has been made for the work of the committees, the report shall contain an accounting therefor.

**Section 2.** Pursuant to a proper article in a warrant, a Town Meeting may discharge a committee at its pleasure, whether a committee has completed its task or not.

**Section 3.** When a committee has completed its task, it shall prepare a final written report and mail a copy of the same to every Town Meeting Member, at least seven days before the Town Meeting in which an article accepting the committee's report is up for consideration. The report shall also be filed with the Town Clerk. It shall not be necessary to read the report at the Town Meeting. A vote to accept the committee's report shall discharge the committee unless the Town specifically votes otherwise and assigns to the committee continuing or

additional duties. A vote to accept the committee's report shall not be deemed to be affirmative action by the Town on the recommendations contained in the report. To accomplish this result, appropriate articles must be inserted in the Warrant and affirmative action taken thereunder.

#### **CHAPTER IV** **Demands Against The Town**

**Section 1.** No bill or payroll shall be paid unless there is sufficient balance in the appropriation to meet the same to which it is chargeable and unless it is approved by the Town Accountant. The Town Accountant shall not approve for payment any bill or other demand against the Town, if in his opinion, the bill is questionable, excessive or tainted with illegality. In such event, the Town Accountant shall turn it over to the Selectmen who may make such disposition of the same as they, in their discretion, may deem proper without the approval of the Town Accountant.

**Section 2.** Notes, bonds, interest and all sums required by law to be paid to the State or County Treasurer shall be paid by the Town Treasurer without special direction.

**Section 3.** The Town will hold a firefighter harmless for any liability arising out of the acts of the firefighter while acting as a firefighter where simple or no negligence is associated with firefighter's act.

#### **CHAPTER V** **Inspector of Wires**

**Section 1. Appointment.** The Town Manager shall appoint an Inspector of Wires who shall perform the duties set forth in General Laws Chapter 166, Section 32, and such other duties as the Town Manager may direct.

**Section 2. Permit Required.** No person, firm, or corporation shall install or change any wires, appliances, or apparatus for the transmission or use of electricity for light, heat, or power in any building or on any premises, whether public or private, without first obtaining a permit therefore from the Inspector of Wires. Said permit shall only apply where the work to be done is by or for the same person, firm, or corporation on the same premises and at the same time.

**Section 2A. Plumbing & Gas Inspector.** The Town Manager shall appoint an Inspector of Gas Piping and Gas Appliances in buildings whose duties shall be to enforce the rules and regulations adopted by the Board established under Section Twelve-H of Chapter 25 of the General Laws.

**Section 3. Wiring Fee Schedule.** The following schedule of fees for permits and inspections made under the provisions of this By-law is hereby established, said fees to be payable at the Inspectional Services Department at the time of the application for such permit or inspection.

1. Two dollars (\$2) per one thousand dollars (\$1,000) or fraction thereof of valuation of new one- and two-family residential construction, as shown on the building permit application, with a minimum fee of fifty dollars (\$50). Multifamily and Non-residential, three dollars (\$3) per one thousand dollars (\$1,000) or fraction thereof of valuation of new construction as shown on the building permit application. The minimum fee shall be seventy-five dollars (\$75).
2. For a blanket permit for all electrical work in a commercial or industrial property, annually: seventy-five dollars (\$75), where the average number of employees during the preceding six (6) months is less than one hundred (100). One hundred twenty-five dollars (\$125), where the average number of employees during the preceding six (6) months is between one hundred (100) and three hundred (300). One hundred seventy-five dollars (\$175), where the average number of employees during the preceding six (6) months is more than three hundred (300).  
All blanket permits are to be applied for and permits issued during the first work week of each year, except that during the remainder of the year after the effective date of this by-law, permits may be granted during any month of the year, deducting 5% of the cost of the permit for each elapsed month. The total fee shall be at least 25% of the annual cost. Blanket permits shall not cover work performed in conjunction with a building permit.
3. Existing Residential Property: Fifty dollars (\$50) for repairs, rewiring, replacement, and additional or new wiring where no building permit is required. Seventy-five dollars (\$75) for the installation of a new service or change of service. (AUTH: ARTICLE 13 TM 5/20/13)
4. Private Swimming Pools:
  - A. Above ground Swimming Pools, fifty dollars (\$50).
  - B. In-Ground Swimming Pools, one hundred dollars (\$100). (AUTH: ARTICLE 13 TM 5/20/13)
5. Existing Commercial Property: One hundred dollars (\$100) for the installation of a new service (400 AMPS or less), and/or rewiring, repair, replacement, additional or new wiring where no building permit is required. For new services in excess of 400 AMPS, one hundred dollars (\$100) plus twenty dollars (\$20) per 100 AMPS in excess of 400 AMPS.
6. Temporary Services: New Construction and Reconstruction, fifty dollars (\$50).
7. For work begun without timely filing of the permit application, pursuant to Section 3L, Chapter 143, Massachusetts General Laws, the fee shall be double the above-specified amount.
8. A re-inspection fee of fifty dollars (\$50) for one- and two-family residential construction and a seventy-five (\$75) fee for all other construction may be imposed where the work requires additional inspections due to repeat violations and/or incomplete work. The decision of the Inspector of Wires shall be final regarding re-inspection fees.

9. No fee or other charge for any permit or inspection shall be charged for work or inspections required on any municipal project or Danvers Housing Authority project situated on real estate owned by the Danvers Housing Authority.
10. Low Voltage Wiring: Fire Alarms, Security Systems, Data, and Telecommunications: One- and Two-Family Dwellings, two dollars (\$2) per each one thousand dollars (\$1,000) or fraction thereof of the estimated cost of the installation with a minimum fee of fifty dollars (\$50); All others, three dollars (\$3) per each one thousand dollars (\$1,000) or fraction thereof of the estimated cost of the installation with a minimum fee of seventy-five dollars (\$75).
11. Site Work: In instances where site wiring (exterior lighting, signs, etc.) is performed by a separate contractor, not responsible for the entire project, the fee shall be calculated at a rate of two dollars (\$2) per each one thousand dollars (\$1,000) or fraction thereof of the estimated cost of the electrical site work with a minimum fee of seventy-five dollars (\$75).
12. Refunds: All fees for electrical permits are non-refundable. If, for some reason, the electrician to whom the permit is issued does not complete the work for which the permit has been issued, a new permit to allow for continuance of the work, consisting of the same scope as the original project, may be issued to another licensed electrician for a fifty dollar (\$50) administrative fee plus a re-inspection fee of fifty dollars (\$5) for one and two-family residential construction, and seventy-five (\$75) fee for all other construction if un-inspected work remains before the next electrician commences his/her work.

(AUTH; ARTICLE 43, TM 5/18/87, ARTICLE 6, TM 6/18/90, and ARTICLE 5, TM 3/31/03, STM ARTICLE 4, 2/5/24)

## **CHAPTER VI** **Sale of Tax Title Property**

**Section 1.** The Selectmen are authorized to sell property at public auction taken over by the Town under Tax Title Procedure, after first posting notice of sale in some convenient and public place in the Town, fourteen days at least, before the sale, the Selectmen being given full authority to reject any bid which they deem inadequate, and further that if the sale is made, the Town Treasurer is authorized to sign, seal, acknowledge and deliver a deed in behalf of the Town.

## **CHAPTER VII** **Numbering on Streets**

**Section 1.** Buildings on or near the line of public or private ways shall be numbered numerically and in the method prescribed by the Town Manager.

**CHAPTER VIII**  
**Overhanging Eaves and Awnings**

**Section 1.** No owner or occupant of a building shall cause to be erected or maintained any eaves, awnings or other projections less than eight feet above the level of the sidewalk.

**CHAPTER IX**  
**Moving Buildings**

**Section 1.** No person shall move, or cause to be moved or carried, or assist in moving or carrying any house, shop or other building, either in parts or in whole through any part of any street or public way in the Town which exceeds twenty-five feet in height and fifteen feet in width, without permission from the Selectmen, having first been obtained in writing. The Selectmen may grant such a permit with such limitations and restrictions as they deem expedient for the protection of the Town. The Selectmen shall not give such a permit for moving until a public hearing has been held. Notice of the time and place of the hearing shall be published in a newspaper published in the Town, seven days at least before the time of the hearing, and the notice shall state the name of the applicant, the dimensions of the building to be moved, and the streets through which it is proposed to move said building.

**CHAPTER IX-A**  
**Building Permits**

**Section 1. Building Permit Fees.** Before a building permit shall be issued in accordance with provisions of the State Building Code and the Town of Danvers Zoning Bylaw, a fee based on the following schedule shall be paid to the Town of Danvers as calculated by the Building Commissioner, in the Office of the Town Treasurer, for deposit in the Town Treasury:

- A. Residential One- and Two-Family Dwellings, Individual Condominium Units after the initial Certificate of Occupancy is issued, and Accessory Structures:
  - 1. New Construction One- and Two-Family Dwellings ten dollars (\$10) per each one thousand dollars (\$1,000) of the estimated cost of building or any fraction thereof, rounded up to the next whole thousand. The Building Commissioner may request substantiation of cost estimates, and the judgment of the Building Commissioner shall be final regarding estimates but must be based upon reference to Marshall's Valuation Service, R.S. Means Values Guide, or other recognized valuation manual. The minimum fee shall be fifty dollars (\$50).
  - 2. Additions, alterations, or repairs shall be ten dollars (\$10) for one- and two-family dwellings per each one thousand dollars (\$1,000) of estimated cost or any fraction thereof, rounded up to the next whole thousand. The minimum fee shall be fifty dollars (\$50).

3. Accessory structures (including swimming pools) shall be ten dollars (\$10) per each one thousand dollars (\$1,000) of estimated building cost or any fraction thereof, rounded up to the next whole thousand. The minimum fee shall be fifty dollars (\$50).
  4. Solid fuel burning appliances and vents shall be twenty-five dollars (\$25) per appliance.
- B. Non-Residential, Commercial, Industrial, and Residential (other than one and two families) and Multi-family Dwellings\*(\$1A Applies to Existing individual Condos):
1. New construction shall be fourteen Dollars (\$14) per each one thousand dollars (\$1,000) of the estimated cost of building or any fraction thereof, rounded up to the next whole thousand. The Building Commissioner may request substantiation of cost estimates, and the judgment of the Building Commissioner shall be final regarding estimates but must be reasonable based upon reference to Marshall's Valuation Service or other recognized valuation manual. The minimum fee shall be seventy-five dollars (\$75).
  2. Alterations, repairs, and mechanical equipment shall be fourteen dollars (\$14) per one thousand dollars (\$1,000) of the estimated cost of the building or any fraction thereof, rounded up to the next whole thousand. The minimum fee shall be seventy-five dollars (\$75).
- C. Demolition:
1. Twenty-five dollars (\$25) for the first 1,000 square feet; ten dollars (\$10) for each additional 1,000 square feet or fraction thereof, rounded up to the next whole thousand for one & two-family dwellings and structures accessory thereto. For all other structures, the fee shall be one hundred dollars (\$100) for the first 1,000 square feet and twenty-five dollars (\$25) for each additional 1,000 square feet or fraction thereof.

**Section 2. Danvers Housing Authority.** No fee or other charge for any building permit or inspection shall be required for any work or inspection on a municipal project or Danvers Housing Authority project situated on real estate owned by the Danvers Housing Authority.

**Section 3. Certificates of Occupancy.** A fee of twenty-five dollars (\$25) shall be paid for a Certificate of Use and Occupancy.

**Section 4. Reinspection Fees.** A re-inspection fee of fifty dollars (\$50) for One and Two Family Residential construction and seventy-five dollars (\$75) for all other construction may be imposed where work is under the direction of a Licensed Construction Supervisor or performed as Control Construction, both terms as defined in the Massachusetts State Building Code, requiring additional inspections due to repeat violations and/or incomplete work. The decision of the Building Commissioner shall be final regarding re-inspection fees.

**Section 5. Work without a Permit.** The above-itemized fees shall be doubled when work is commenced without first obtaining the requisite building permit for work under the direction of a Licensed Construction Supervisor or performed as Control Construction, both terms as defined in the Massachusetts State Building Code.

**Section 6. Refunds & Lapsed Permits.** If a permit application for which a fee has been paid is subsequently denied or withdrawn prior to the commencement of construction, the applicant is entitled to a refund of the amount paid, less a plan review/administrative fee. The

review/administrative fee shall be one dollar (\$1) per each one thousand dollars (\$1,000) of construction cost estimate with a minimum fee of fifty dollars (\$50) and a maximum fee of one thousand dollars (\$1,000). Once construction has commenced, there shall be no refunds. A permit shall lapse when work authorized is not commenced within six (6) months as regulated by the Massachusetts State Building Code. There shall be no refunds for lapsed permits; however, a permit may be reissued upon payment of an administrative fee calculated to cover the cost of any additional expenditures by the Town associated with the services required to process the new application, such as legal, clerical, technical (plan review, inspections), and administrative activities. The minimum fee for reissuing a permit shall be fifty dollars (\$50) for One- and Two-Family Dwellings and seventy-five dollars (\$75) for all others.

(AUTH: ARTICLE 12 TM 5/20/13) (AUTH: ARTICLE 10 TM 5/20/19, STM ARTICLE 4, 2/5/24)

### **CHAPTER IX-B**

Chapter IX-B consists of the Fee Schedule for the required inspections of Section 110.7 and Table 110 of the Commonwealth of Massachusetts State Building Code regarding Certificates of Inspection for the following uses:

#### **Fee Schedule for Periodic Inspection of Existing Buildings**

Use Group	Use Group Description	Use Group Description	Inspection Fee
A-1	Movie theaters or theaters for performing acts (stage and scenery)	>400 occupant load	\$ 100.00
		< 400 occupant load	
A-2	Restaurants, Night Clubs, or similar uses	>400 occupant load	\$ 100.00
		< 400 occupant load	
A-3	Lecture halls, dance halls, churches and places of religious worship, recreational centers, terminals, etc.	>400 occupant load	\$ 100.00
		< 400 occupant load	
A-4	Low density recreation and similar uses.		\$ 100.00
A	Special amusement buildings or portions thereof.		\$ 100.00
B	Special amusement buildings or portions thereof.		\$ 100.00
E	Educational, and "E" Use day care		\$ 50.00
I-1	Group home		\$ 100.00
I-2	Residents incapable of self-preservation: hospitals, nursing home, mental hospitals, certain day care facilities.		\$ 100.00
I-3	Residents restrained: prisons, jails, detention centers, etc.		\$ 100.00
I-4	Adult and/or child day care facilities.		\$ 50.00
R-1	Hotels, motels, boarding houses, etc.		\$ 100.00
R-1	Detoxification facilities		\$ 100.00
R-2	Multi-family		\$ 50.00
R-2	Dormitories and R-2 Congregate Living		\$ 100.00
R-2	Summer Camps for children.		\$ 100.00
R-3	Residential facilities licensed by DDS or DMH		\$ 100.00

Other R Uses	NON-Primarily Owner occupied residential facilities utilized as a short term rental: Use Group as determined in Section 310.	\$	100.00
R-3	Primarily owner occupied One and/or Two family dwellings used as a Lodging House for short term rentals.	\$	100.00
Chapter 51 Residential Code	Primarily owner occupied One and Two family dwellings used as a Lodging House for short term rentals per 780 CMR Chapter 51.	\$	100.00
R-4	Residential care/assisted living facilities (< 16 persons)	\$	100.00
Any	Facilities licensed by the Alcohol Beverage Control Commission where alcoholic beverages are served and consumed.	\$	100.00
Any	House museums (as recognized by Massachusetts Historical Commission)	\$	100.00
Any	Fire escapes, etc. per 780 CMR 10.00: Means of Egress	\$	50.00

(AUTH; ARTICLE 5 TM 6/18/90) (AUTH: ARTICLE 11 TM 5/20/19) (AUTH: ARTICLE 3 STM 2/3/25)

## **CHAPTER X** **Sale of Junk and Second Hand Articles**

The Board of Selectmen may grant licenses to such persons as to them may appear proper, to be dealers in second-hand goods specifically but not limited to junk, old metals, second-hand furniture, glassware, antiques, video games, software, computer hardware, and musical instruments.

**Section 1:** All persons keeping a shop for the purchase, sale or barter of second hand articles shall abide by the following requirements:

**Section 2:** Every person who keeps a shop under this article shall keep a book or printable computer record. Entered in this book or record, at the time of every receipt or purchase by the licensee, will be a description of the article purchased, the name, date of birth and address person from whom the article was purchased and day and hour the purchase was made.

**Section 3:** A valid Massachusetts Driver's License, Massachusetts State ID card, Military ID card, United States Passport or valid driver's license of another state shall be required from each person when a purchase is made. A copy of this identification will be made and kept on file with the book or receipt. These records will be kept and maintained for a period of at least one year.

**Section 4:** Such book or computer record shall be open to inspection at all times to members of the Police Department.

**Section 5:** No person shall purchase or receive by way of barter or exchange any article of a minor (a child under the age of 17) unless the minor is accompanied by a parent or guardian. In such case, the name, date of birth, and

address of both minor and parent or guardian shall be recorded and the identification of the parent or guardian will be kept on file.

**Section 6:** No article purchased or received shall be sold until a period of at least two weeks has elapsed from the date of purchase or receipt. (AUTH: ARTICLE 10, TM 5/19/2008 – replacing original Chapter X.)

## **CHAPTER XI** **Third Class Motor Vehicle Junk License**

**Section 1.** Any person granted a license under Class Three as defined by General Laws Chapter 140, Section 58, shall at all times keep the premises where the license is exercised in a clean and orderly condition. The Selectmen may revoke such a license at any time, if after a seven days' notice and a public hearing, they find that the premises are not kept in a clean and orderly condition.

## **CHAPTER XII** **Use of Areas**

**Section 1.** All areas known as parks, playgrounds, playfields, beaches, town forests, areas designated for conservation, recreation areas, school grounds, and other public grounds owned or controlled by the Town or by Trustees in behalf of the public, shall be closed during the hours of 10:00 p.m. and 6:00 a.m. on all days excepting by special permission of either the Board of Selectmen, School Committee, Town Manager, Conservation Commission, Recreation Director or Trustees of the Peabody Institute Library. (AUTH: ARTICLE 8, TM 11/20/72.)

### **Use of Streets**

**Section 1.** No person shall be or remain upon any sidewalk or street or upon any doorstep or other projection of any building within the Town so as to annoy or disturb any person or obstruct passage.

**Section 2.** No person shall within the limits of any public way play any game of football, baseball or any other game.

**Section 3.** No person shall light bonfires or burn leaves in any street, public or private, without a permit therefor from the Chief of the Fire Department..

**Section 4.** No persons shall assemble in a disorderly manner in any street or near any dwelling within the Town, and no person shall use indecent, profane or insulting language.

**Section 5.** No person shall excavate in any street or sidewalk without first

obtaining a permit therefor from the Selectmen.

**Section 6.** No person shall place in or on any street or public place any garbage, filth, offal, rubbish or snow and ice on any street. AUTH: ARTICLE 23, TM 5/21/84.)

**Section 7.** No person shall ride a horse, bicycle or motor vehicle on any sidewalk.

**Section 8.** No person shall use a sled for coasting on any street except as is permitted by regulation of the Selectmen under General Laws, Chapter 85, Section 10A.

**Section 9.** No person shall fire or discharge any firearms or explosives of any kind within the limits of any highway, park or other public property except with the permission of the Board of Selectmen; or on any private property except with the consent of the owner or legal occupant thereof; provided however that this by-law shall not apply to the lawful defense of life or property nor to any law enforcement officer acting in the discharge of his duties. (AUTH: ARTICLE 17, TM 3/17/58.)

**Section 10.** No person shall consume an alcoholic beverage as defined by Massachusetts General Laws Chapter 138, §1, as amended, or possess an opened container of such beverage, or consume marijuana [marihuana] or tetrahydrocannabinol [THC] as defined by Massachusetts General Laws Chapter 94C, §1 within the limits of any park, playground, public building or any public land (but not including a public way) owned or under the control of the Town of Danvers nor shall any person consume an alcoholic beverage, as defined in said Section 1, or consume marijuana or THC on any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is in, on, or upon any public way or any way to which the public has a right of access as aforesaid, within the limits of the Town of Danvers; and no person shall consume any alcoholic beverages, in, on, or upon any private land or place without the consent of the owner or person in control of such private land or place. Any person found to be violating this section must identify themselves to a police officer on demand. All alcoholic beverages, marijuana or THC being used in violation of this section may be seized and held until final adjudication of the charge against any such person or persons has been made by the court. Whoever violates the provisions of this section shall be punished by a fine of three hundred (\$300) dollars; the terms hereof may be enforced by any police officer of the Town of Danvers, and are subject to non-criminal citation pursuant to M.G.L. Chapter 40, §21D. (AUTH: ARTICLE 8, TM 12/3/73 & ARTICLE 15, TM 5/18/09)

**CHAPTER XIII**  
**Peeping or Spying**

**Section 1.** No person shall enter upon the premises of another for purposes of committing any wanton or malicious act or for the purpose or with intention of invading the privacy of another by peeping into the windows of a house or spying on any person or persons residing therein. Nothing contained in this section shall be construed to abridge, or in any way limit, the right of a police officer to enter upon private property and to perform any act necessary in the performance of his official duties.

**CHAPTER XIV**  
**Penalty**

**Section 1.** Whoever shall violate any provision of these by-laws shall be punished by a fine of twenty (\$20) for each offense, except where otherwise noted within these by-laws. (Revised: Article 11, ATM 5/18/15)

**CHAPTER XV**  
**Amendment**

**Section 1.** These by-laws may be altered, amended, or repealed at any Town Meeting in pursuance to an article in a warrant for the Town Meeting called for that purpose.

**CHAPTER XVI**  
**Repeal**

**Section I.** All the Town By-Laws, except the Zoning By-Laws and the Building By-Laws, heretofore adopted are hereby repealed.

**Note:** This Repeal Section rescinds all By-Laws prior to April 16, 1951.

"I hereby certify that the foregoing by-laws are a true copy of the By-Laws of the Town of Danvers adopted and voted under Article 26 of the 1951 Annual Town Warrant and that after the same were approved in toto by the Attorney General (Francis E. Kelley) on April 16, 1951, they were published in pamphlet form and on 5/14/51 a copy of this pamphlet was posted in five public places in the Town of Danvers, at least one public place being in each of the four voting precincts in said Town, as required by General Laws, Chapter 40 Section 32, by Raymond F. Kirwin, the Town Constable. A True Copy. Attest: /s/ Arthur W. Gay, Town Clerk."

**CHAPTER XVII**

**Storage Fees**

**Section 1.** By virtue of General Laws Chapter 148, Section 13, the Town hereby establishes the following fees for licenses for the keeping, storage, manufacture or sale of any of the articles or products enumerated in General Laws ,Ch. 148, Section 9:

1 - 9,999 Gallons	=	\$ 75.00
10,000 - 19,999 "	=	150.00
20,000 - 59,999 "	=	200.00
60,000 - 99,999 "	=	250.00
100,000 - 199,999 "	=	500.00
For each additional 100,000 Gallons or fraction thereof over 199,999	=	250.00

**Section 2.** This by-law shall not be applicable to the storage of fuel for domestic or agricultural purposes.  
(AUTH; ARTICLE 8, TM 11/08/82 and ARTICLE 37, TM 5/20/96.)

**CHAPTER XVIII**  
**Excavations**

**Section 1.** Any owner of land which has been excavated shall be required to erect barriers or take other suitable measures within five days after such owner has been notified in writing by the Selectmen that in their opinion such excavation constitutes a hazard to public safety.  
(AUTH; ARTICLE 27 TM 3/21/60.)

**CHAPTER XIX**  
**Indemnification**

**Section 1.** A panel is hereby authorized with the powers and duties in accordance with General Laws, Chapter 41, Section 100, to review any and all claims for indemnification of Police Officers, Firemen, and persons aiding them, who are injured in the course of their employment as defined in General Laws, Chapter 41, Section 100, 100A, 100B, and 100D. This panel shall consist of :

- A. The Town Manager or a person designated by him in writing.
- B. Town Counsel or other officer having similar duties and designated by the Town Counsel as his alternate.
- C. A physician as the Town Manager may appoint.

This panel is empowered to authorize any and all investigations necessary to enable the said panel to make a determination pursuant to the General Laws as

hereinbefore designated. Said panel shall serve annually from July 1st to the following June 30th.

(AUTH: ARTICLE 16, TM 12/03/73.)

## **CHAPTER XX** **Swimming Pools**

Section 1. All permanently installed private swimming pools and all other pools capable of retaining over two feet of water shall be fully enclosed by a suitable fence or an equivalent enclosure, or means of protection from access to the pool as defined in the Massachusetts State Building Code, not less than four feet in height and containing a self-latching gate to ensure that small children will be barred from the swimming pool area.

The Building Inspector shall be responsible for enforcing the terms and conditions of this by-law and shall follow the procedures set forth in the State Building Code up to, but not including, the appeal procedure.

Any person, upon conviction under this by-law, shall be fined a sum not exceeding \$50 for each conviction and each day that such person is not in compliance with this by-law shall be deemed a separate offense.

(AUTH: ARTICLE 4, TM 6/23/75., STM 2/5/24 ARTICLE 5)

## **CHAPTER XXI** **Dog Leash & Licensing Bylaw**

**Section 1. Fees.** The annual fee for each license issued under the provisions of Section 137 of Chapter 140 of the General Laws shall be twenty dollars (\$20) for spayed and neutered dogs and \$25 for intact dogs. The annual fee for Kennel licenses issued under Section 137A of Chapter 140 shall be \$50 for four (4) dogs or fewer, \$75 for five to nine (5 – 9) dogs, and \$100 for ten (10) dogs or more.

(AUTH: ARTICLE 31, TM 5/19/03 & ARTICLE 9, TM 5/20/13)

**Section 2. Leashing Requirements.** The owner or custodian of any dog shall not permit any such dog to run loose or be at large in the Town of Danvers at any time. All dogs found any place other than on the premises of the owner or custodian or any specifically posted off-leash area that is designated as an off-leash recreational area, dog park, or dog run, and in accordance with posted rules therein, shall be deemed to be running loose or to be at-large within the meaning of this section, except such dogs that may be under control using a physical chain or leash designed and marketed for the specific purpose of dog restraint or those that may be in any vehicle or boat, while so therein, which shall be deemed to be under the personal control of owner or custodian thereof.

For the purpose of this section, electronic collars or leashes shall not be a substitute for a physical leash.

*Exemptions.* This subsection shall not apply to:

- i. A Pet business is defined as anyone engaged in a business licensed under chapter 129 of the Massachusetts General Laws provided such business allows unrestrained dogs and the dog owner or custodian assumes care, custody, and control of such dog by other means.
- ii. Any dog owned by police departments or police agencies of the commonwealth or any of its political subdivisions when such dogs are under the direct supervision, care, and control of a police officer.
- iii. A service animal, is defined as any guide dog, signal dog, or other animal individually trained to do work or perform for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, altering individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items pursuant to 28 C.F.R. § 36.104.

**Section 3. Waste Pick-Up Requirements.** The owner or custodian of any dog or other animal shall not suffer, permit, or allow such a dog or other animal to leave feces on any sidewalk, street, park, or other public area or any private property of someone other than the owner. The owner or custodian of any dog or other animal must remove and dispose of any feces left by said dog on any sidewalk, street, public area, or property of someone other than the owner. For this section, the means of removal shall be any bag, tool, implement, or other device carried and used to pick up and contain such feces unexposed to said person and unexposed to the public. Disposal shall be accomplished by transporting such feces to a receptacle or other place suitable for waste, trash, or debris disposal.

*Exemptions.* This subsection shall not apply to:

- i. A dog accompanying any disabled person who, because of their handicap, is physically unable to comply with the requirements of this section.
- ii. Any dog owned by police departments or police agencies of the commonwealth or any of its political subdivisions when such dogs are under the direct supervision, care, and control of a police officer.
- iii. A service animal is defined as any guide dog, signal dog, or other animal individually trained to do work or perform for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, altering individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items pursuant to 28 C.F.R. § 36.104.

**Section 4. Enforcement and Penalties.** This chapter shall be enforced by any law enforcement official, Animal Control Officer, Park Ranger, Public Health, or Natural Resources employee.

*Criminal Complaint.* Whoever violates any provisions of these By-laws may be penalized by indictment or on a complaint brought in the District Court. Except as may be otherwise provided by law, and as the District Court may see fit to

impose, the maximum penalty for each violation or offense brought in such manner shall be three hundred dollars.

*Non-criminal Disposition.* Whoever violates any provision of these By-laws, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in General Laws, Chapter 40, Section 21D. The first violation of this By-Law within a calendar year shall be punishable by a \$25.00 fine; the second and subsequent violations within the calendar year by a \$50.00 fine.

**Section 5. Surrendering Animals.** The sum to be paid to the Animal Control Officer for the sale of a dog that has been detained in accordance with the provisions of Section 151A of Chapter 140 of the General Laws shall be an amount equal to two dollars per day detained, or \$20.00, whichever is less. The Animal Control Officer shall keep an account of all moneys received from such sales and shall forthwith pay over such sums to the Town Treasurer to be treated in the same manner as dog license money.

**Section 6. Animal Control Officer.** The Town Manager shall appoint an Animal Control Officer to supervise and coordinate the enforcement of Leash and Licensing By-laws and the processing of violations thereof. Before a complaint is sought in a District Court under General Laws Chapter 140, Section 173A for such a violation, the Animal Control Officer shall cause written notice to be sent to the offender describing the violation and a schedule of established fines, ordering the offender to appear before the Animal Control Officer during specified office hours and containing the following notice. "This notice may be returned by mail, personally, or by an authorized person. A hearing may be obtained upon the written request of the dog owner. Failure to obey this notice within twenty-one (21) days after its receipt may result in a complaint being sought against you in a District Court." Any person notified as provided herein may appear and confess the offense charged either personally or through an agent duly authorized in writing or by mailing to such Animal Control Officer the notice and the fine provided, such payment to be made to the Animal Control Officer. Should any person notified to appear hereunder fail to appear or to pay the appropriate fund, the Animal Control Officer may seek a complaint in the District Court under the provisions of General Laws, Chapter 140, Section 173A.

**Section 7. After-Hour Callbacks.** In the event that the Animal Control Officer is called back on overtime to deal with emergency situations, the owner of the dog will be assessed a thirty-dollar (\$30.00) call-back fee. For purposes of this section, an emergency shall mean after-hour callbacks for injured animals, found animals, threatened animals, and complaints of cruelty to animals.

**SECTION 8. Severability.** The provisions of the aforementioned sections are severable. If any of the provisions of the aforementioned sections shall be held unconstitutional or otherwise invalid by final judgment or order of any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.  
(AUTH: ARTICLE 5, TM 11/8/82, ARTICLE 23, TM 5/21/90, and ARTICLE 5, TM 6/20/94) (AUTH: ARTICLE 4, STM 2/3/25)

**CHAPTER XXII**  
**Fire Lanes**

**Section 1.** It shall be unlawful to obstruct or block a private way with a vehicle or other means so as to prevent access by fire apparatus or equipment to any building.

**Section 2.** It shall be unlawful to obstruct or park any vehicle in any fire lane, such fire lane to be designated by the Chief of the Danvers Fire Department and posted and marked as such. Said fire lane shall be at a sidewalk for a mall, shopping center, hotel, or nursing home. Where no sidewalks with curbing exist, the distance shall be eighteen (18) feet from the building.

**Section 3.** The building owner of record shall provide, install, and maintain signs and striping as provided in Section 2 of this Chapter.

**Section 4.** This By-Law shall be enforced by the Police Department of the Town of Danvers in accordance with the provisions of M.G.L. C. 90, Sec. 20A, except where uniformed security officers are employed by the owner of the building(s) in which case said security officers may be appointed Parking Control Officers in accordance with the provisions of M.G.L. C. 147, Sec. 10F and charged with enforcement of this By-Law.

(AUTH: ARTICLE 12, TM 10/26/77.)

**CHAPTER XXIII**  
**Unregistered Vehicle Bylaw**

**Section 1.** No person shall park, store, keep, leave or allow that there be parked, stored, kept, or left, any unregistered motor vehicle(s) or trailer(s) or registered motor vehicle(s) without a valid windshield inspection sticker as required by Massachusetts General Laws, Chapter 90, Section 7A, or by the laws of the state of registration, or any disassembled parts thereof, on any land within the Town of Danvers for a period in excess of thirty (30) days.

**Section 2.** Any person wishing to park, store, keep or leave one (1) such vehicle or trailer in excess of thirty (30) days must first apply for and obtain written approval from the Chief of Police. The Chief of Police shall review and act upon such application within fourteen (14) days of receipt thereof. Such approval shall not exceed one calendar year (365 days); however, upon re-application, the Chief of Police may re-issue said approval on an annual basis.  
(AUTH: ARTICLE 38, TM 5/20/96.)

**Section 3.** Any person aggrieved by a denial of the Chief of Police for approval to store such a vehicle or trailer in excess of thirty (30) days or any person wishing to store two (2) or more such vehicles or trailers for any length of time,

may seek approval from the Board of Selectmen by filing a written request for same in the office of the Town Clerk. The Board of Selectmen shall act upon such application within thirty (30) days after the date of its filing with the Town Clerk. (AUTH: ARTICLE 38, TM 5/20/96.)

**Section 4.** The Chief of Police and/or the Board of Selectmen may use the following criteria as a means of determining whether or not to grant such a permit:

1. The condition of the vehicle or vehicles. Is it considered to be junk, inoperative, rusted, dismantled or abandoned, or in any way a visible nuisance?
2. Whether or not the vehicle or vehicles present a public safety hazard, such as broken glass or jagged metal.
3. Whether or not the vehicle or vehicles present a public health hazard, such as oil or gas spillage, or other toxic fluids found in an engine. Does it serve as a harborage for diseased vermin?
4. The proximity of the vehicle or vehicles to adjoining properties and the visibility of such vehicles from adjoining or nearby properties on public ways.

**Section 5.** This Bylaw shall not apply to vehicles owned by the Commonwealth of Massachusetts, County of Essex or the Town of Danvers; to vehicles within a completely enclosed structure including side walls and roof; to vehicles on property operating under a license issued in accordance with the provisions of Chapter 140 Massachusetts General Laws for use in connection with the motor vehicle business or junk business; to farm vehicles on property where same are necessary in an agricultural use; or to vehicles stored on property on which industrial or commercial use is permitted under zoning which are not manufactured for use over the road and are not customarily registered.

**Section 6.** Any person violating any provisions of this Bylaw shall, upon conviction thereof, be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00). Each day said violation continues after a conviction shall constitute a separate offense.

(AUTH: ARTICLE 5, TM 10/30/95 & ARTICLE 38, TM 5/20/96)

## **CHAPTER XXIV** **Burglar & Fire Alarm Regulation**

**Section 1.** Purpose

The Town's "alarm history" from 1998 through 2007 has shown evidence that less than 1% of alarm activations involve criminal conduct. The model burglar alarm by-law drafted by the National Burglar & Fire Alarm Association and the False Alarm Reduction Association was used as a resource in preparing a modified version for the Town of Danvers. This has been done in an effort to provide some regulatory oversight and in the interests of public safety. The by-law provides a more stringent policy for repeated, false burglar and/or fire alarms.

## **Section 2.** Definitions

- A. Alarm Company is a person or business that sells, provides, monitors, maintains, services, repairs, alters, replaces, moves or installs an alarm system. This includes an individual or business that installs an alarm system for their private or proprietary facilities.
- B. Alarm Officer is a designee of the Police Department or Fire Department responsible for administration of the alarm program. The Alarm Officer is charged with the responsibility of reviewing alarm activations, service fee billing, reporting on problematic alarm systems and serving as a resource to the community.
- C. Alarm System is a device or series of devices that emit or transmit a remote or local audible, visual or electronic signal indicating an alarm has been activated and is intended or is likely to result in the summoning of police services or fire services. This does not include an alarm installed in a vehicle unless the vehicle is permanently located at the site.
- D. Alarm User is any homeowner, renter, lessee, or other resident and any renter, lessee, or owner of a business or other establishment or building (other than a government facility) who is primarily responsible for an alarm system and/or an activation of the alarm system.
- E. Alarm Verification is an alarm that has been independently verified by a third party other than the Police Department or Fire Department confirming that the alarm was activated as the result of a crime or incident requiring the police to investigate.
- F. Automatic Voice Dialer is any electronic, mechanical or other device that, when activated, automatically contacts the Police Department or Fire Department by telephone, radio or other means requesting police services through a prerecorded message or other automated system.
- G. Cancellation is the notification of the Police Department by the person, who initially requests police response to a non-High Risk Alarm activation, that the situation does not require a police response.
- H. Contact Person. One or more individuals, or a private business, that can respond to the alarm location to assist police and fire services to thoroughly inspect the property, secure unlocked doors and windows, deactivate or reset an alarm, and/or take responsibility for protected property.
- I. False Burglar Alarm is any alarm where a responding officer(s), having completed a timely investigation of the alarm site, finds no reasonable evidence of a criminal offense. False alarms include avoidable alarms

whereby the alarm activation caused by non-criminal behavior could have been avoided with simple preventative measures.

- J. False Fire Alarm is any alarm where responding firefighters, having completed a timely investigation of the alarm site, find no reasonable evidence of a fire. False alarms include avoidable alarms whereby the alarm activation caused by non-fire behavior could have been avoided with simple preventative measures.
- K. Fire Alarm Malfunction(s) include operation of a faulty smoke or heat detection device, a faulty control panel or associated equipment, a water pressure surge in automatic sprinkler equipment, accidental operations of an automatic sprinkler system, an action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or the occupant, causing accidental activation of the internal fire alarm.
- L. High Risk Alarms include panic, duress, silent, robbery, hold-up and/or any similarly labeled alarm that suggests the alarm has been manually activated and a crime is in progress or there is some other life threatening event. High Risk Alarms also include commercial establishments such as gas stations, banks, jewelry stores and/or businesses with cash or valuables commonly victimized by robbery or commercial thefts.
- M. Nuisance Alarm is any alarm that activates repeatedly and/or unnecessarily within the same 24-hour period, emits an outside audible that does not reset after 10 minutes, emits an outside audible that sounds more than twice from the same activation, and/or when the Chief of Police or Fire Chief, or a designee, determines the alarm is a nuisance due to a violation(s) of these rules and regulations.
- N. Malicious False Alarm is any intentional activation of a fire alarm system not resulting from an actual fire or emergency.

### **Section 3.** Automatic Voice Dialers Prohibited

Alarm Users are prohibited from using, and Alarm Companies are prohibited from installing, automatic voice dialers. A violation of this rule is punishable by fine. Alarm activations that are not High Risk Alarms should be reported to the Police Department or Fire Department on the published business telephone line. Known emergencies should be reported by dialing 9-1-1. Other special lines may be designated by the Police Chief or Fire Chief to report alarm activations.

### **Section 4.** Alarm Registration

#### A. Required Information

1. The address and phone number of the protected property;
2. The resident name or business name at the protected property;
3. If different, the name, address and phone number of the person(s) or business responsible for any alarm activation.

- B. An Alarm Company that monitors alarm systems with the purpose of reporting alarm activations to the Police Department or Fire Department shall register all alarm systems monitored by the company located within Danvers annually between January 1 and January 15. If registering 10 or more alarms, the list must be provided in alphabetical order by name. Whenever there is a change, the Alarm Company will register, within two weeks, any new and removed Alarm Systems or where there has been a change to the required registration information.
- C. An Alarm Company without registration information must coordinate with the Alarm User and/or the person or business that retains the registration information and confirm that each Alarm System is properly registered. Without confirmation that an Alarm System is properly registered, Alarm Verification is required prior to reporting the alarm activation to the Danvers Police Department or Fire Department.
- D. An Alarm User with an Alarm Company is excused from registering their alarm if an Alarm Company has registered the same Alarm System. The Alarm User and the Alarm Company are responsible for coordinating who will register the Alarm System.
- E. An Alarm User without an Alarm Company is responsible for registering a local audible, visual or electronic signal indicating an alarm has been activated and is intended or is likely to result in the summoning of police services. The address, name of the person responsible for the Alarm System and phone number of the property must be provided annually between January 1 and January 15 and/or within two weeks of a change to this information.
- F. Alarm Registration Fee. The annual fee for registering an alarm is \$10 for residential alarms and \$25 for commercial alarms.
- G. No Registration is Required if the residence or business has no local audible, visual or electronic signal that alerts a neighbor or passing person that an alarm has been activated and for other types of alarms the Alarm User or Alarm Company provides Alarm Verification. In these instances, no False Alarm will be reported to the Police Department or Fire Department.
- H. Recommendation – Use of Contact Person. When registering an Alarm System, the Police Department will accept the name of and encourage the use of a Contact Person. This information will be used when there is an alarm activation to help protect the property or to avoid additional False Alarms.
- I. A violation of Section 4, including any false statements during the registration process, is punishable by fine.

#### **Section 5. Duties of the Alarm User**

- A. Register. Insure that the alarm is properly registered.
- B. Maintain. Insure that the Alarm System is properly installed and maintained to minimize or eliminate False Alarms (including equipment that prevents False Alarms during regional power outages and severe storms). If two False

Alarms are received in a calendar year, the Alarm System should be inspected, repaired if needed, and/or the Alarm User(s) should receive additional training in the use of the Alarm System.

- C. Train. Insure that all persons who may activate the alarm are properly trained in the use of the Alarm System and/or have the means to disarm and rearm the Alarm System without causing a False Alarm.
- D. Proper Use. Adjust the Alarm System so that an alarm's audible signal sounds for no longer than ten (10) minutes after being activated. The alarm shall be programmed to sound or cycle not more than twice during any single activation. The Alarm User shall not intentionally cause a False Alarm resulting in a police response to the alarm site. Any violation of this subsection is punishable by a fine.

#### **Section 6.** Duties of the Alarm Company

- A. Proper Installation. The Alarm Company shall install Alarm Systems that meet current industry standards and offer Alarm Users written and oral instructions as to the proper use of the system. The Alarm Company should make regular maintenance, upgrades and remedial training available to the Alarm Users.
- B. High Risk Alarms. Alarm Companies should clearly distinguish High Risk Alarms when reporting alarm activation to the Police Department. High Risk Alarms will be given a high priority police response.
- C. Reporting Alarm. The Alarm Company representative, when reporting an alarm activation, should provide, when available: the nature of the alarm, the owner's name and the address of the alarm, the location within the address where the alarm was activated, and any other pertinent information that may assist police officers to safely investigate the alarm.
- D. Cancellation. An alarm Cancellation should be reported to the Police Department as soon as it is learned that a police response is not required. Cancellations received prior to police arrival will not result in a service fee. No Cancellation will be accepted for High Risk Alarm activations.

#### **Section 7.** Nuisance Alarms and Alarm Response Suspension

- A. The Police Chief, or Fire Chief or his designee, may suspend police or fire response to any alarm where an undue number of false alarms have occurred and/or where an Alarm User or Alarm Company does not reasonably comply with any provision of the Burglar and Fire Alarm bylaw.
- B. High Risk alarms will be given a priority police response and will not be suspended without the prior investigation by the Alarm Officer or other designee as to the reasons for excessive False Alarms.
- C. Residential Alarm. When there have been three (3) False Alarm activations in a 24-hour period, the Police Chief or Fire Chief or designee may suspend further police or fire response to the alarm for up to three (3) days. When there have been eight (8) False Alarms that are subject to the alarm service

fee, the Police Chief or Fire Chief or designee may suspend further police response for any period of time thereafter.

- 1) The Police Chief or Fire Chief or his designee shall issue to the permit holder a written notice by certified mail of his intention to suspend or revoke the alarm permit. Notice will include the date of the intended suspension or revocation, the reasons for the suspension or revocation, and notice that the permit holder is entitled to a hearing upon written request.
  - 2) Upon receipt of a notice of suspension or revocation, the permit holder may, within five (5) working days of receipt, submit a written request for a hearing before the Police Chief, the Fire Chief, or a designee thereof. At the hearing, the permit holder shall have the right to present evidence, cross-examine witnesses, and be represented by counsel. The hearing shall be informal and shall not be subject to the rules of evidence or formal courtroom procedure. After a hearing, the hearing officer may issue a written order of suspension or revocation for a given period of time. He may also withdraw any previous order of suspension or revocation.
- D. Non-Residential Alarm. When there have been three (3) False Alarm activations in a 24-hour period, the Police Chief or Fire Chief or designee may suspend further police or fire response to the alarm for up to three (3) days. When there have been ten (10) False Alarms that are subject to the alarm service fee, the Police Chief or Fire Chief or designee may suspend further police or fire response for any period of time thereafter.
- E. Restoration of Service. The Police Chief or Fire Chief or designee may authorize restoration of police or fire response when an Alarm User or Alarm Company reasonably demonstrates that they have taken appropriate measures to prevent additional False Alarms and/or have come into full compliance with these rules and regulations.

### **Section 8.** False Alarm Service Fee

- A. Residential. An alarm service fee of \$80 (eighty dollars) will be assessed on the third and each subsequent false alarm in a calendar year. The alarm service fee for the first and second alarm will not be assessed, provided no additional False Alarms occur during the calendar year.
- B. Non-Residential and High Risk Alarms. An alarm service fee of \$120 (one hundred and twenty dollars) will be assessed on the third and each subsequent false alarm in a calendar year. The alarm service fee for the first and second alarm will not be assessed, provided no additional False Alarms occur during the calendar year.
- C. Malicious False Alarm. An alarm service fee of \$150 (one hundred and fifty dollars) will be assessed for the first and subsequent alarms.
- D. All False Alarm activations that occur in one calendar day will be counted as one False Alarm.

- E. When possible, the Police Department will leave notice of each False Alarm activation at the residence or business and provide a written letter of warning on the second False Alarm.
- F. Alarm service fees are not subject to appeal. However, the Police Chief or Fire Chief, Alarm Officer or other designee will accept written documentation that outlines mitigating circumstances for the False Alarms and the measures being taken by the Alarm User to prevent future False Alarms. The Chief of Police or Fire Chief is authorized to waive service fees.
- G. An Alarm User with five (5) or more alarm service fees, unpaid for a period of six months, will be given a "FINAL" written notice of the fees owed. The Alarm User has fourteen (14) days to make full payment; otherwise the Alarm User is subject to an additional fine.

**Section 9.** Fines

An Alarm User and/or an Alarm Company may be fined for violations of these rules and regulations. The levels of fines to be assessed by the Police Department or Fire Department are subject to Town Meeting endorsement.

- A. Property owners will be billed once a month for the previous month's malfunction activity. All fines assessed shall be paid to the Town of Danvers for deposit in the general fund.
- B. If a bill is not paid within thirty (30) days, a second notice will be sent; if the bill is not paid after another thirty-day period, a final notice will be sent informing the owner and/or occupant that court proceedings will commence.

**Section 10.** Confidentiality

In the interest of public safety, all employees or representatives of the Town of Danvers will hold confidential all information contained in alarm registrations and/or information that specifically identifies an Alarm System.

**Section 11.** Government Immunity

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damages resulting from the failure to respond to a notification are hereby disclaimed, Governmental Immunity, as provided by law, is retained. By registering an alarm, the Alarm User and the Alarm Company acknowledge that law enforcement or fire services response may be influenced by factors such as, but not limited to: the availability of police units or fire units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

**Section 12.** Enforcement

The Police Chief and Fire Chief may promulgate such regulations as may be necessary to implement this section. The Police Chief and Fire Chief are authorized to pursue such legal action as may be necessary to enforce this by-law. (AUTH: ARTICLE 11, TM 5/19/2008 – replacing original Chapter XXIV.)

## **CHAPTER XXV Regulations Governing the Use of Town-Owned Land**

**Section 1.** Except as hereinafter provided, persons using Town-owned land shall be subject to the following regulations. These regulations apply to all areas in the Town of Danvers under the control of the Town of Danvers. All other laws of the Town of Danvers and the Commonwealth of Massachusetts, although not expressly stated herein, also apply to the use of Town-owned land in Danvers. If deemed appropriate, signs reading "Under the Control of the Town of Danvers" shall be posted at public entrances to each such area. Missing or unreadable signs in no way relieve the users of Town-owned land from using such land in conformance with these regulations. Copies of these regulations shall be available at the Town Clerk's Office, Planning & Human Services Department, and the Police Department.

**Section 2.** Unless otherwise permitted, use of Town-owned land for purposes of recreation and in conformity with the following regulations is allowed without charge or special permit from half an hour before sunrise until half an hour after sunset.

**Section 3.** The following activities are expressly prohibited on all Town-owned land:

- a) Trapping, hunting, shooting or the carrying of weapons or firearms (even if unloaded) that are not properly encased or covered, except by law enforcement officials and except on Town roads and ways.
- b) Operation of cars and trucks except on roads designated by appropriate signage. All-terrain vehicles, dirt bikes, snowmobiles and other powered vehicles are prohibited in all areas of Town-owned land. Authorized emergency and municipal vehicles of the Town of Danvers shall be exempt from this provision.
- c) The use of power tools, including but not limited to farming or logging equipment, except by written permission of the Town Manager or his designee.
- d) Parking of motor vehicles except in designated areas, or after authorized hours.

- e) Walking or riding into or across farm fields and nursery land, or in any way injuring crops, plantings, or livestock in these areas.
- f) Littering, dumping, or placing of waste of any description on Town-owned lands or in ponds, brooks, streams, waterways, or rivers, except in containers designated for such purpose.
- g) The flying of model airplanes, the driving or hitting of golf or polo balls, the use of lawn darts or engaging in archery
- h) The building of fires, unless allowed pursuant to Section 7.b. of this by-law.
- i) Cutting, picking, injuring, or removing trees, shrubs, plants, or lawns.
- j) Defacing, damaging, or removing signs, gates, fences, walls, dams, barriers (whether temporary or permanent) or other structures.
- k) Operating a phonograph, bullhorn, radio, loudspeaker, or amplifier, or otherwise creating noise, at a level that could reasonable be expected to disturb other persons in or around any Town-owned land, except during Town-sponsored events, and those events for which prior written approval from the Town Manager or his designee has been obtained.
- l) Posting of unauthorized signs, selling or giving away of goods or circulars, or engaging in commercial activities except at Town sponsored events, or with the written permission of the Town Manager or his designee.
- m) Possession and/or consumption of alcoholic beverages and/or controlled substances not authorized through a valid medical prescription, except as permitted by a vote by the Board of Selectmen in accordance with the provisions of Massachusetts General Law Chapter 138, §14 for the granting of a one-day license for the on-premises consumption of alcohol at the Danvers Senior Center, Peabody Institute Library and Endicott Park. (AUTH: Article 8, ATM May 15, 2017)
- n) Annoying or threatening other persons, or committing any act of nuisance.
- o) Providing instruction to any person in driving an automobile, or learning to drive an automobile.
- p) Utilizing metal detectors or engaging in digging or excavating of sites, structures, or artifacts except by written permission of the Town Manager or his designee.
- q) Feeding or disturbing birds or any form of wildlife.

**Section 4.** Dogs or other pets on Town-owned land shall be subject to Chapter XXI, Section 2 Dog Leash Law of the Town By-laws.

**Section 5.** Horses must be kept under control; must not be galloped on woodland trails; must not be ridden through woods in the absence of trails, or across cultivated fields, or across private property; or wherever or whenever **NO RIDING** signs are posted. Also, horses must not be ridden on trails in wet or muddy conditions, in order to avoid soil damage.

**Section 6.** Fishing is allowed in season unless the area is otherwise posted.

**Section 7.** Specific written permission must be obtained from the Town Manager or his designee for the following uses of Town-owned land:

- a) Group activities including, but not limited to, horse or dog shows, classes of instruction, picnics; and
- b) Camping by individuals,, families, or groups. Camping groups must include at least one adult who will be responsible for the group. Cooking fires and/or campfires will be allowed only in designated areas, and only with the written permission of the Town Manager or his designee, and only after consultation with the Fire Department.

**Section 8.** Speed limit shall be fifteen (15) miles per hour on any way approved for motor vehicle traffic within the confines of any parcel(s) of Town-owned land.

**Section 9.** Public liability. The Town of Danvers cannot assume for itself any liability for injuries to persons or damage to their property while on Town-owned land; persons entering thereon do so at their own risk.

**Section 10.** Visitors to Town-owned land are urged to leave the land in the same condition in which they found it and to report violations of these regulations to the Danvers Police Department, the Town Manager, or the Open Space Management Task Force.

**Section 11.** On all Town-owned property, violations of these regulations may be punishable by fines not to exceed \$100.00 (M.G.L. Chapter 40, Section 21).

**Section 12.** The Selectmen of the Town of Danvers reserve the right to waive and/or limit these regulations at any time if deemed in the best interest of the Town to do so.

(AUTH: ARTICLE 7, TM 10/19/87, ARTICLE 6, TM 6/20/94, and Article 38, Town Meeting 5/20/02.)

## **CHAPTER XXVI**

### **Wetlands Protection Bylaw**

**Section 1: Purpose.** The purpose of this bylaw is to conserve and protect the resource areas, the resource interests, and natural resource services in the Town of Danvers by regulating activities deemed by the Conservation Commission likely to have a significant or cumulative adverse effect upon resource interests. Protected resource interests include but are not limited to the following: Public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention, water quality, prevention and control of water pollution, fisheries, shellfish, wildlife habitat, rare species habitat, recreation and aesthetic values deemed important to the community, agriculture, aquaculture and historic values (collectively, the interests protected by this bylaw).

This bylaw is intended to utilize the Home Rule authority of the Town of Danvers to conserve and protect additional resource areas, with additional standards and procedures stricter than those of the Wetlands Protection Act (MGL c. 131, § 40) and regulations thereunder (310 CMR 10.00)

#### **Section 2: Jurisdiction and Activities Subject to Regulations.**

1. Except as permitted by the Conservation Commission pursuant to this bylaw or as otherwise allowed by this bylaw, no person shall commence to remove, fill, dredge, degrade, discharge into, pollute, or alter the following areas ("Resource Areas"):
  - a) any freshwater or coastal wetland; salt marsh; wet meadow; bog; swamp; vernal pool; spring; bank; reservoir; lake; pond; river or stream; beach; dune; estuary; coastal bank; lands under any water body; land subject to flooding or inundation by groundwater or surface water; land subject to tidal action; coastal storm flowage or flooding; and
  - b) land within 200 feet of any river or perennial stream, brook or creek ("Riverfront Area")
2. Except as permitted by the Conservation Commission pursuant to this bylaw or as otherwise allowed by this bylaw, no person shall commence to alter lands within 100 feet of any: freshwater or coastal wetland; salt marsh; wet meadow; bog; swamp; vernal pool; spring; bank; reservoir; lake; pond; stream; beach; dune; estuary; coastal bank; lands under any water body; or land subject to tidal action ("Resource Area Buffer Zone(s)")
3. Except as authorized by the Commission and as otherwise prohibited in this bylaw, no activity or alteration shall be permitted within thirty-five feet (35') of any resource area defined in Section 2.1.(a) and the closest limit of proposed site disturbance. This area

shall be defined as the “No-Disturb Zone”

4. Except as authorized by the Commission and as otherwise prohibited in this bylaw, no activity or alteration shall be permitted within fifty (50') feet of any resource area defined in Section 2.1(a) and the closest limit of proposed site disturbance. This area shall be defined as the “No-BuildZone”.
5. A resource area, where isolated and of a size of 5,000 square feet or greater, shall be protected whether or not it borders surface waters.
6. Residential dock and pier projects, as defined herein, shall adhere to the performance standards and regulations adopted by the Commission.

Section 3: Presumptions:

1. In reviewing activities within a “Resource Area Buffer Zone”, the Commission shall presume a Resource Area Buffer Zone is important to the protection of the Resource Area(s) because activities undertaken in the Resource Area Buffer Zone have a high likelihood of adverse impact upon the Resource Area(s), either immediately, as a consequence of the activities, or over time, as a consequence of daily operation or existence of the activities. Adverse impacts from such activities and use can include, without limitation, erosion, accretion, siltation, loss of groundwater recharge, degradation of water quality, excess nitrogen and phosphorous loading and loss of wildlife habitat.
2. In reviewing activities within the Riverfront Area, the Commission shall presume the Riverfront Area is important to all the Resource Areas unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this bylaw, has proved by a preponderance of credible evidence that:
  - a. There is no practicable alternative to the proposed project with less adverse effects; and
  - b. Such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by the bylaw.
3. In reviewing activities involving the construction, use, and maintenance of docks and piers, the Commission shall presume that the activity is likely to have a significant or cumulative adverse effect on the Resource area values of storm damage prevention, shellfish, fisheries, wildlife habitat, aesthetics, erosion and sediment control, aquaculture, and

recreation.

**Section 4: Definitions.** The following definitions shall apply in the implementation of this bylaw.

The term "alter" shall include, without limitation, the following actions when undertaken in resource areas subject to this bylaw:

- a) Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any kind;
- b) Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- c) Drainage or other disturbance of water level or water table;
- d) Dumping, discharging or filling with any material which may degrade water quality;
- e) Placing of fill or removal of material which would change elevation;
- f) Driving of piles, erection of buildings or structures of any kind;
- g) Placing of obstructions or objects in water or waterways;
- h) Destruction of or injury to plant life including cutting of trees or their branches or roots;
- i) Changing water temperature, biochemical oxygen demand or other physical or chemical characteristics of water;
- j) Any activities, changes or other work which pollute any body of water or groundwater.
- k) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

The term "bank" shall mean any land area that normally abuts and confines a water body, the lower boundary being the mean annual low-flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term "buffer zone" shall mean a band of land, contiguous or intermittent, with a defined dimension, subject to restriction, extending 100 feet horizontally outward from the boundary of any resource area specified in Section 2.2.

The term "construction" shall mean the construction of any permanent or temporary structure or building, including, without limitation, any residential or commercial building,

garage, shed, barn, deck, swimming pool, parking area, driveway, fence, landscaping project, patio, retaining wall, or the like. For means of interpreting construction activities, attention should be given to the coverage and amount of increased impervious surface and site disturbance.

The term “dock” shall mean the entire structure of any pier, wharf, walkway, bulkhead or float, and any part thereof including pilings, ramps, walkways, float and/or tie-off pilings.

The term "freshwater wetland" shall include any marsh, bog, swamp or wet meadow, whether or not it borders on a water body. Said wetland may be defined by its vegetational community, soil composition or hydrologic regime.

The term “intermittent stream” shall mean a body of running water, including brooks and creeks, which moves in a defined channel, that may cease to flow from time to time throughout the area, including portions of up gradient of all bogs, swamps, wet meadows, marshes and vernal pools.

The term “No-Build Zone” shall mean that portion of the Resource Area Buffer Zone, extending fifty linear feet (50’) from the edge of any Wetland Resources, contiguous or intermittent, subject to restriction as defined in the regulations.

The term “No-Disturb Zone” shall mean that portion of the Resource Area Buffer Zone extending thirty- five linear feet (35’) from the edge of any Wetland Resources, contiguous or intermittent, subject to restriction, as defined in the regulations.

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town by-laws, administrative agencies, public or quasi- public corporations or bodies, Town of Danvers, and any other legal entity, its legal representatives, agents, or assigns.

The term “pond” shall follow the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply.

The term “practicable alternative” shall mean that which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

The term “structure” shall mean combination of materials assembled at a fixed location to give support or shelter such as a building, house, barn, garage, or shed.

The term “vernal pool” shall mean, in addition to scientific definitions found in the Regulations, any confined basin or depression not occurring

in existing lawns, gardens, landscaped areas, or driveways which, in most years, holds water for a minimum of two continuous months during the spring and/or summer; contains at least 200 cubic feet of water at some time during most years; is free of adult predatory fish populations; and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife.

#### Section 5: Exemptions:

1. The application and permit required by this bylaw shall not be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing or lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunications services, sanitary sewers and storm sewers, provided the activity meets the performance standards found in the regulations adopted by the Commission.
2. This bylaw shall not apply to any activity preformed for the normal maintenance or improvement of land activity devoted to agricultural use at the time of application.
3. Limited Projects, as defined under MGL 310 CMR 10.53(3), shall be exempt from the requirements of this bylaw Section 2.3 and 2.4, No-Build and No-Disturb Buffer Zones. Where applicants are applying for limited project status the Commission has the authority to waive the restrictions of Section 2.3 and 2.4 of this bylaw. However, applicants are encouraged to avoid the 35' No-Disturb and the 50' No-Build buffer zones to the greatest extent possible. Exemption from the buffer zone restrictions does not imply exemption from any and all other applicable State and local requirements.

#### Section 6: Minor Projects

Certain projects may involve minimal activity and/or alteration within the Resource Area Buffer Zone. The Commission may consider such projects, as defined below, to be minor in nature and is of the opinion that requiring review under an RDA or an NOI would be unnecessary. Considering this, the Conservation Commission designee shall have the authority to review applications for minor activities and further issue Minor Project Permits, for projects that meet the standards defined herein and in the regulations adopted by the Commission.

1. **Applicability:** Minor Projects are defined as those that occur:
  - a) Within the 100' buffer zone, but outside of the 50' No-Build Zone;  
or

- b) Within the riverfront area, but at least 50' from the identified Mean Annual High Water Line (MAHWL)
2. **Minor Activities:** Minor activities include, but are not limited to:
- i. Unpaved pedestrian walkways for private use;
  - ii. Fencing, stonewalls, and stacks of cordwood up to a maximum of 200 linear feet, provided they will not constitute a barrier to wildlife movement.
  - iii. Vista pruning for branches less than 1 inch in diameter.
  - iv. Mowing of pre-existing lawns and pruning of pre-existing landscaped areas but not including disposal of lawn clippings or other yard debris
  - v. Planting of native trees, shrubs, or groundcover, but not turf lawns;
  - vi. Conversion of patios, pools, sheds, or other impervious surfaces to lawn or natural vegetation.
  - vii. Removal of dead or dying trees or pruning of live trees that pose a hazard to structures or public safety;
  - viii. Removal or trimming of healthy and/or non-hazardous trees in areas determined to not be providing crucial or critical shade habitat for surrounding resources areas.
  - ix. Activities, such as monitoring wells, exploratory borings, soil sampling, and surveying, that are temporary, have negligible impacts, and are necessary for planning and design purposes.
  - x. Conversion of lawn to uses accessory to existing single-family homes that results in no more than 500 square feet of permanent alteration.
3. The following minor activities proposed in the No-Disturb or No-Build Zones are permitted, granted they conform to the associated performance standards required in the regulations and this bylaw:
- i. Maintenance, rehabilitation, repair or replacement of any existing structure within the No-Disturb Zone or No-Build Zone, granted the structure dimensions and locations stay the same with the exception that they are being reduced, removed, or relocated further away from the resource area.
  - ii. All activities listed in Section 6.2 above, but not including iii, viii, and x.

4. **Performance Standards:** All minor projects must be designed and executed in a manner so as to reduce the potential for any adverse impacts to the resource area during construction. Factors to consider when measuring the potential for adverse impacts to resource areas include the extent of the work, the proximity to the resource area, the need for erosion controls, and the measures employed to prevent adverse impacts to resource areas during and following the work. The following standards apply to all minor projects:
  - a. Erosion and sediment controls must be installed and inspected prior to construction.
  - b. All exposed soils and work areas must be stabilized following construction.
  - c. There shall be no stockpiling of materials within the 50' No-Build Zone.
  
5. **Permit Application Requirements:** Property owners seeking to conduct any minor activity listed in Section 6.2 above, must submit a Minor Project Permit application to the Commission office at least fourteen (14) days prior to the commencement of any planned construction. The following requirements apply to all Minor Project Permit requests:
  - a. The applicant shall be required to provide the materials listed in the Minor Project Permit application, as it may be amended.
  - b. In its review of the minor activity, the Commission's designee may require the applicant to provide additional detailed information such as a site survey and wetland delineation to further determine the extent of any resource area buffers that may be impacted by the activity. In these instances, it is not the intent of the designee to create hardships on applicants seeking to conduct minor activities, but to preserve the resource areas that may be impacted by the activity itself.
  - c. Projects that meet the requirements listed in this Section, and that comply with the requirements found in the Minor Project Permit application, shall be issued an approval by the Commission's designee through a Minor Project Permit.
  - d. Minor Project Permits shall lapse three years from the date of issuance.
  - e. Minor Project Permits may include conditions or safeguards as seen appropriate by the Commission or its designee in order to ensure the performance

standards listed in Section 6.4 (a)-(c) are met.

- f. The fee for a Minor Project Permit shall be defined in the Conservation Commissions fee schedule.

**Section 7: Emergency Projects:** The permit and applications required by this Bylaw shall not be required for emergency projects necessary for the protection of the health or safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof, and provided that all the following conditions are met:

- a) Written notice has been given to the Commission prior to the commencement of work or within twenty- four (24) hours after commencement. In cases determined by the Commission to be extreme emergencies, verbal notice to be provided within five (5) business days.
- b) The Commission or its agent certifies the work as an emergency project;
- c) The work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and
- d) Within twenty-one (21) days of commencement of an emergency project an application for permit shall be filed with the Commission for review as provided in this bylaw.

Upon failure to meet these conditions, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

**Section 8: Application for Permits and Request for Determinations.**

A written application shall be filed with the Commission to perform activities affecting resource areas protected by this bylaw. The permit application shall include such information and plans as set forth in the Danvers Wetlands Protection Regulations authorized under Section 12 of this bylaw and as may be deemed necessary by the Commission to describe the proposed activities and their effects on the resource areas protected by this Chapter. No activities shall commence without receiving and complying with a permit issued pursuant to this Chapter.

- 1. The application and plans shall contain data as required by this bylaw and regulations adopted by the Commission. The Commission, in appropriate cases, may accept as the permit application and plans under this Chapter the Notice of Intent (NOI) or Abbreviated Notice of Resource Area Delineation (ANRAD) and plans filed under the Wetlands Protection Act, G.L. Ch. 131, Sec. 40, and Regulations, 310 CMR 10.00.
- 2. Any person desiring to know whether proposed work or an area is subject to this bylaw may in writing request a determination of

applicability (hereinafter "request for determination") from the Commission. Such a request for determination shall contain data and plans specified by the regulations of the Commission.

3. At the time of filing a permit or other application, the applicant shall pay a filing fee specified in regulations of the Commission. This fee is called the "Filing Fee". The filing fee is in addition to that required by the Wetlands Protection Act, MGL c. 131, § 40, and Regulations, 310 CMR 10.00.
4. Upon receipt of a permit or other application, the Commission is authorized to require an applicant to pay a consultant fee, pursuant to Section 17 of this bylaw, for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to make a final decision on the application and for enforcement services. This fee is called the "Consultant Fee" and may be required in addition to the Filing Fee. The specific consultant services may include but are not limited to resource area survey and delineation and analysis of resource area values, including wildlife habitat evaluations, hydrological and drainage analysis, hydric soil analysis and environmental or land use law.
5. Adequate access must be granted to the Commission, its agents and consultants, to determine the accuracy of the information submitted in any permit application or other application requests.

#### Section 9: Notice and Public Hearings:

1. Any person filing an application with the Commission shall at the same time give written notice thereof, by certified mail, certificate of mailing, or hand delivery, to all abutters according to the most recent records of the assessors, including those across a traveled way, across a body of water, and within 300 feet of the parcel which is the subject of the application or request. The notice shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters free of charge. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.
2. The Commission shall conduct a public hearing on any application or request for determination, with written notice given at the expense of the applicant at least five working days, not including Saturdays or Sundays, prior to the hearing, in a newspaper of general circulation in the Town.

3. The Commission shall commence the public hearing on any application or request for determination within 21 days of a complete application.
4. The Commission shall issue its permit or other action, or determination, in writing within 21 days of the close of the public hearing thereon.
5. The Commission may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act, G.L. C. 131, Section 40, and may combine the public notices thereof.
6. For reasons announced by the Commission at the hearing, the Commission shall have authority to continue the hearing to a date certain announced at the hearing, either for receipt of additional information offered by the applicant or others, or for information required of the applicant, deemed necessary by the Commission in its discretion. In the event the applicant objects to a continuance, the hearing shall be closed, and the Commission shall take action on such information as is available.

#### Section 10: Permits, Determinations, and Conditions.

1. If the Commission after a public hearing determines that the area which is the subject of the application is likely to be significant to the interests protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the work requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those interests, and all work shall be done in accordance with those conditions.
2. The Commission is empowered to deny a permit for failure to meet the requirements of this Chapter; for failure to submit necessary information and plans requested by the Commission; for failure to meet design specifications, performance standards; and other requirements in the regulations of the Commission; for failure to avoid, minimize, mitigate, or prevent significant or cumulative detrimental effects upon the resource area values protected by this Chapter; for failure to provide sufficient information; and where no conditions would be adequate to protect the resource area values set forth herein.
3. The Commission may establish, in its Order of Conditions, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of resource areas, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the

Commission that the area or part of it may be disturbed without harm to the resource area values protected by this Chapter.

4. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in this bylaw or the rules and regulations promulgated hereunder, provided that requirements listed in the regulations have been met and that:
  - a. the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations;
  - b. avoidance, minimization and mitigation have been employed to the maximum extent feasible; or
  - c. the waiver is necessary to accommodate the public interest, or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.
5. The Commission may revoke or amend a permit issued under this Chapter after notice to the holder, public, abutters and Town Boards and a public hearing and notice in writing to the holder of the permit.
6. No work proposed in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds or in the Land Registration section of said Registry as may be appropriate for the district wherein the land lies and until the holder of the permit provides a certified copy of the recording activity to the Commission.
7. In acting on a request for determination, the Commission shall reference the data and plans relied on and may impose conditions on its determination on which the determination is contingent.

#### Section 11: Permit Extensions

Permits and determinations shall expire three years from the date of issuance. Any permit may be renewed once for an additional one-year period, provided that a request for an extension is received in writing by the Commission prior to expiration and other requirements found in the regulations are met. Said request shall include the expected completion date and the reasons for the requested extension.

### Section 12: Regulations.

1. After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw, including filing fees. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.
2. The Commission may establish in its rules and regulations design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, maintenance of strips of continuous undisturbed vegetative cover, landscaping and other features, and other work limits for protection of Resource Area Buffer Zones.

**Section 13: Security.** As a part of a permit issued under this bylaw, in addition to any security required by any other town or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

- a) By a proper bond or deposit of money or negotiable securities sufficient in the opinion of the Commission to secure faithful and satisfactory performance of the work required by the Permit.
- b) By a covenant, or other enforceable undertaking, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Danvers and members of the public, whereby the permit conditions shall be performed and observed before the property on which the work is to be performed may be conveyed, other than by mortgage deed. Such covenant shall be recorded with the Essex South District Registry of Deeds or with the land registry section of such registry if the land is registered land. A mortgagee who acquired title to the mortgaged premises by foreclosure or otherwise, may sell the same, subject to covenant. Nothing herein shall be deemed to prohibit conveyance by a single deed, subject to the permit and all its conditions, and the subject covenant, of the entire parcel of land of which the area that is the subject of the permit is part, as described by the deed or deeds established ownership of the area subject to the permit at the time the permit is issued. If this form of security is used, the permittee shall deliver to the Commission, prior to issuance of the permit, certified copies of said deed or deeds.

### Section 14: Enforcement.

1. No person shall remove, fill, dredge, build upon, degrade or

otherwise alter resource areas protected by this Chapter, or cause, suffer or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or Enforcement Order issued pursuant to this Chapter.

2. The Commission shall have the authority to enforce this Chapter, its regulations and permits issued thereunder by violation notices, administrative orders and civil and criminal court actions. Any person who violates any provision of this Chapter may be ordered to restore the property to its original condition and to take other action deemed necessary to remedy such violation, or may be fined, or both.
3. The Commission, its agents, officers and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary.
4. Upon request of the Commission, the Town Manager shall direct the Town Counsel to take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.
5. Town Boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.
6. Any person who violates any provision of this bylaw, regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than \$100. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations, or permit violated shall constitute a separate offense.

**Section 15: Burden of Proof.** The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not harm the interests protected by this bylaw. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not harm the interests protected by this bylaw shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

**Section 16: Severability.** The invalidity of any section or provision of this bylaw or its associated regulations shall not invalidate any other section or provision thereof, nor shall it invalidate any permit which previously has been issued. If any Court of the Commonwealth shall invalidate any provision of the bylaw, the Commission shall present to the Town Meeting after such invalidation, amendments to the bylaw

which are designed to comply with any Court decision invalidating such provision.

**Section 17: Fees.**

1. At the time of filing a permit or other application the applicant shall pay a filing fee specified in the regulations of the Commission. This filing fee is in addition to that required by the Wetlands Protection Act, MGL c. 131, Sec. 40 and Regulations 310 CMR 10.00.
2. The Commission may waive the filing fee, for a permit or other application, RDA or other request, when such application is made by a government agency.
3. The exercise of discretion by the Commission in making its determination to require the payment of a consultant fees shall be based upon its reasonable finding that the additional information acquirable only through outside consultants or to provide enforcement services is necessary for the rendering of an objective decision.
4. Fees may be established by the Commission and may be amended. No such fee schedule shall be implemented unless a public hearing is held to discuss the fees.
5. In the event that the applicant has not paid the filing and/or consultant fees as required herein, the Commission may deny the requested permit for lack of sufficient information.

(AUTH: ARTICLE 3, STM10/26/2020) (ARTICLE 4, STM 11/15/2021)

**CHAPTER XXVII**  
**Non-Criminal Disposition of Certain Violations**

**Section 1: Authority.** In accordance with the provisions of Massachusetts General Law, Chapter 40, Section 21D, certain violations of the following listed by-laws or rules or regulations of municipal officials, boards, or departments may be enforced pursuant to said Section 21D as an alternative to initiating criminal proceedings.

**Section 2: Enforcement.** Non-criminal Disposition, when implemented, shall be enforced by the person(s) so designated in Section 4 below. The procedures of enforcement shall be in accordance with the provisions of Massachusetts General Law, Chapter 40, Section 21D.

**Section 3: Penalties:** The specific penalties for violation(s) of the applicable by-laws, rules or regulations shall be listed in Section 4 below.

**Section 4: Applicable By-laws, Rules or Regulations:**

**Section 4A: Zoning By-laws.** Notwithstanding the Authority for enforcement and penalties prescribed in the Town of Danvers Zoning By-laws and the provisions of Massachusetts General Law, Chapter 40A, the provisions of said by-law may be enforced by the Inspector of Buildings or Local Inspector, and by the agent of the Planning Board, for purposes of Section 4, "Site Plan approval," by noncriminal complaint. Each day of violation shall constitute a separate offense. The penalty for violation(s) shall be as follows: (AUTH; ARTICLE 36, TM 5/15/95)

1st Offense	Warning
2nd Offense	Twenty-five Dollars (\$25.00)
3rd Offense	Fifty Dollars (\$50.00)
4th and Each Subsequent Offense	One Hundred Dollars (\$100.00)

(AUTH; ARTICLE 6, TM 6/20/88; ARTICLE 23, TM 1/29/07)

**Section 4B: Control of Tobacco Products on School Property.** Notwithstanding the Authority for enforcement and penalties prescribed in Chapter 111, Section 31 of the Massachusetts General Laws and the Town of Danvers Board of Health Regulations Affecting Smoking in Certain Places and Youth Access to Tobacco, the provisions of said Regulation may be enforced on school property by a duly appointed agent of the Board of Health by non-criminal complaint. The penalties for violations shall be consistent with those of Section 4A. (AUTH: ARTICLE 6, TM 10/30/95)

**Section 4C.** Any police officer of the Town may enforce, by a non-criminal citation, the provisions of Chapter XXIII "Unregistered Vehicles"; Chapter XXXI "Use of Skateboards, Roller Skates or Roller Blades"; and Chapter XXXII "Commercial Trash Pickup." When enforced by non-criminal citation, violations of the foregoing provisions shall be punishable by a penalty of \$25 for a first offense; and, in all instances, each day a violation continues shall be a separate offense. (AUTH: ARTICLE 35, TM 5/17/04)

**Section 4D.** Notwithstanding the authority for enforcement and penalties prescribed in the Town of Danvers Wetland By-law and Regulations, the provisions of said by-law and regulations may be enforced by the designated agent of the Conservation Commission, for purposes of Chapter XXVI, Wetland Protection By-law, Section 11: Enforcement and Wetland By-law Regulations Part XII. Enforcement, by noncriminal complaint. Each day of violation shall constitute a separate offense. The penalty for violation(s) shall be as follows:

1 <sup>st</sup> Offense	Warning
2 <sup>nd</sup> Offense	Twenty-five dollars (\$25)
3 <sup>rd</sup> Offense	Fifty Dollars (\$50)
4 <sup>th</sup> and each subsequent Offense	One hundred dollars (\$100)

Any person who violates any provision of this by-law, regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than \$100 each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the by-law, regulations, or permit violated shall constitute a separate offense. **(Authority: Article 11, May 16, 2011 ATM)**

**Section 4E.** Any police officer of the Town may enforce, by a non-criminal citation, the provision of Section 6 of Chapter XII, Use of Areas – Use of Streets: “No person shall place in or on any street or public place any garbage, filth, offal, rubbish or snow and ice on any street.” When enforced by non-criminal citation, violations of the foregoing provisions shall be punishable by the following penalties; and in all instances, each day a violation continues shall be a separate offense.

1 <sup>st</sup> Offense	Warning
2 <sup>nd</sup> Offense	\$50
3 <sup>rd</sup> Offense	\$100
4 <sup>th</sup> Offense and each subsequent offense	\$200

**(Authority: Article 10, May 18, 2015 ATM)**

**Section 5:** Rules or Regulations of the Board of Health may be enforced by the Public Health Director by means of non-criminal citation pursuant to M.G.L. Ch. 40, §21D. Each day of violation shall constitute a separate offense. Violations of such Rules and Regulations cited pursuant to non-criminal process shall be subject to the following schedule of penalties:

“First Offense:	Warning
Second Offense:	\$ 25.00 fine
Third Offense:	\$ 50.00 fine
Fourth Offense:	\$100.00 fine.”

(AUTH: ARTICLE 37, TM 5/19/97)

## **CHAPTER XXVIII** **Danvers Waters Bylaw**

### **Section 1: Application of Chapter.**

1. The provisions of this by-law shall apply to all persons and activities, including boating, skin-diving, scuba diving, jet skiing or water skiing, fishing or swimming, in the tidal waters of the Town, including tidal waters west of Liberty Street Bridge on the Porter River, and west of the Water Street Bridges on the Crane and Waters Rivers.

### **Compatibility with Other Regulations.**

1. Nothing contained herein shall be construed to supersede or conflict with or interfere with or limit jurisdiction of the United States Government or limit or conflict with the laws and regulations of the Commonwealth of Massachusetts, except that in the case of concurrent laws or regulations, it shall be intended that the stricter, more restrictive shall apply.

### **Section 2: Boundaries.**

1. Danvers Harbor tidal waters are the waters between the shores of the Town on the Porter, Crane, Waters and Danvers River, and a boundary line dividing the Town of Danvers from the City of Beverly and the City of Salem and the City of Peabody.

### **Section 3: Harbormaster.**

1. The Town Manager shall appoint a Harbormaster and such Assistant Harbormasters as he deems necessary.
2. Under the supervision and control of the Town Manager, the Harbormaster shall have the authority to enforce all lawful requirements of this By-law; to assign moorings to vessels within designated areas; to assign berths or landing places to vessels coming alongside wharves, floats or piers; to order any vessel improperly moored or anchored to change its location.

### **Section 4: Mooring Permits.**

1. No person shall establish a mooring within the tidal waters of the Town of Danvers without first obtaining a permit from the Harbormaster.
2. Falsifying information on a mooring permit application shall be grounds for refusal or forfeit of the mooring privileges and permit.
3. All vessels must be removed from moorings by December 1st, and the Town Marina by November 1st of each calendar year, unless otherwise authorized by the Harbormaster.
4. The Harbormaster shall collect from the applicant a mooring permit fee in the amount established by the Town Manager. Such fee shall be assessed on a per-foot basis, measured from the stem in straight line aft to the stern of the vessel. Booms, boomkins or pulpits are exempt from the measurement. The minimum mooring permit fee shall be for a 12-foot boat. All fees collected by the Harbormaster shall be paid to the Town of Danvers.

5. Permits shall not be issued to or renewed for persons who have not fully paid their boat excise taxes for the previous year(s). Failure to fully pay boat excise taxes for the previous fiscal year(s) shall be grounds for suspension or revocation.
6. The Town Manager, acting through the Harbormaster, shall have the power to establish standard contracts and contract terms and fees for the rental of wharves, slips, docks and moorings, including guest moorings.
7. To obtain a Mooring Permit in Danvers Waters, a person must be the vessel owner, as defined by the following:
  - a) The owner of a vessel shall be considered to be the person listed as owner on the Certificate of Registration, or the Documentation Certificate.
  - b) Additional confirmation of ownership may be required and this may be one, or both of the following:
    1. Sales Tax receipt.
    2. Current insurance policy.
  - c) It is recognized that a vessel may have multiple ownership, but it is mandatory that all owners shall be listed on the Mooring Permit Application, with their percent of ownership, and that confirmation of ownership for each be provided.
8. The length of time a permit holder may retain his Mooring Permit after non-ownership of the permitted vessel, shall not exceed the remaining unexpired permit term. The Harbormaster may assign the temporary use of the space.
9. Failure to pay the Mooring Permit fee shall result in forfeit use of the mooring space and permit.
10. Whenever the harbormaster considers a mooring, floats, rafts and docks held by anchors, bottom moorings or other, in violation of harbor regulations or a hazard to navigation, he may, after due notification to the owner, by certified mail to the address of record, order their removal, together with any vessel which may be attached to it, to a new location. Such action may be taken without notification to or reply from an owner only if, in the determination of the Harbormaster, the owner cannot be contacted within seventy-two (72) hours or if emergency conditions require immediate action. Any expenses incurred in the removal or relocation of such mooring or any damages resulting shall be the responsibility of the

owner. If above were installed without permission in tidal town waters they shall be considered a public nuisance. They may be removed by the Harbormaster at the expense of the owner in the event he fails to remove the same after notice in writing from the Harbormaster.

11. Guest moorings may be provided by the Town in public mooring areas in a number to be determined by the Harbormaster. The provision of any guest mooring in the public waters by the Town shall in no way make the Town liable for any damages which may occur to persons or property at any such moorings or at other moorings.
12. The Harbormaster may locate and regulate all boats in the waters of the Town, and may remove any boat to a new location, or cause it to be so removed, if any one of the following circumstances prevails:
  - a. The boat is improperly or illegally moored.
  - b. A boat occupying a berth at a wharf or pier is not removed within a reasonable period after notice from the owner of the wharf or pier to the master or owner of said boat, and the pier owner makes a complaint to the Harbormaster.
  - c. A boat not discharging cargo or passengers or receiving cargo or passengers or services stands in the way of another boat waiting to carry out any of these activities, and the master or owner of the latter boat so notifies the Harbormaster.
13. Improper use of a mooring permit, failure to remedy any defective condition, or other violation of any provisions of this By-law shall be grounds for cancellation of the mooring permit. The harbormaster shall give a fifteen (15) day notice to the holder of such cancellation. The mailing of a notice by certified mail to the holder at the address designated on his application shall be deemed to be sufficient notice of cancellation. Upon the cancellation of said mooring permit, the permit holder must immediately remove said mooring and gear. If he should fail to remove same within said period of fifteen (15) days, the Harbormaster may direct its removal at the owner's expense.

#### **Section 5: Minimum Standards for Mooring Equipment.**

1. The Harbormaster shall make regulations regarding the size, type, construction, weight, and placement of all moorings within the tidal waters of the Town. All moorings shall be placed under the direction of the Harbormaster. All moorings are subject to inspection by the Harbormaster prior to their initial placement and as deemed necessary.

## **Section 6: General Regulations for Danvers Waters.**

1. No engine-less vessel, other than small pure sailboats less than fourteen (14) feet long or rowing dinghies, kayaks or canoes, or a vessel that is maintained in such a manner that does not have the ability to navigate safely under its own power shall be authorized to occupy a mooring in Danvers or a slip at a town marina. Active vessels temporarily disabled and under repair contract require Harbormaster approval.
2. A vessel is hereby declared to be a public nuisance and shall be considered a stray vessel if:
  - a) in a deteriorated and unseaworthy condition, or
  - b) sunken or likely to sink, or
  - c) aground, or
  - d) adrift and likely to damage piers, wharves, floats or other vessels or to constitute a menace to navigation, or
  - e) secured to a mooring without a proper authorization, or
  - f) awash.

All stray vessels shall be delivered to the possession of the Harbormaster until claimed by the proper owner or disposed of according to law. If the proper owner claims such property prior to disposition thereof, he shall pay all expenses incurred in connection therewith including charges for raising and storing same.

### **3. ABANDONMENT OF VESSELS, MOORINGS, ETC.**

Except in a maritime emergency currently affecting those aboard or others in the immediate vicinity, no vessel, mooring or other object shall be deliberately abandoned, sunk or otherwise placed in waters within the Town of Danvers where it may constitute a hazard. Any abandoned, sunk or improperly placed vessel, mooring or object so found and any vessel otherwise improperly secured, swamped, sunk, washed ashore or found in a restricted area may be ordered by the Harbormaster to be removed or relocated. If corrective action is not taken after twenty-four (24) hours notice to the owner or if the owner is not known after notice has been posted for the same period at the Harbormaster's office, the Harbormaster shall have authority to remove or relocate it, and the expense of such removal or relocation shall be charged to the vessel and its owner.

4. Nothing in the above shall be deemed to prevent emergency action by the Harbormaster with or without notice to the owner if, in his judgment, such action is necessary.

5. Removal of any stray vessel by the Harbormaster shall be without liability to the Town of Danvers, its officers, agents or employees.

6. POLLUTION

The dumping or discharge of oil, raw sewage, dead fish, garbage, waste, rubbish or debris of any kind, including residue of sanding and scraping of boats while in water, anywhere so as to pollute the waters, shores or beaches of the Town is prohibited.

7. UNLAWFUL DEPOSITS

a) Generally. No person shall throw or deposit in Danvers Harbor any litter, petroleum products, lubricating oil, fish oil or other greasy substance.

b) Litter. Throwing overboard of litter from any ship, boat, vessel, watercraft or from any pier, wharf, dock, float, bridge, beach or other location into the tidal waters of the Town shall be prohibited. The term "litter" is defined as bottles, glass, wood, trash, tires, cans, scrap metal, junk, paper, garbage, rubbish, trees, brush and lawn trimmings, timber and wood products, paint scrapings, dead animals and other refuse.

c) Discharge of oils. The discharge, from any location on land, intentionally or otherwise, of oil in any of its forms, animal, vegetable or mineral into the Town's harbor is prohibited.

d) Pumping engine rooms, bilges, etc. Pumping of engine compartment, bilge water containing petroleum products from any boat, ship, vessel or other watercraft located in Danvers Harbor and its environs, is prohibited.

8. HARBORMASTER TO INITIATE HARBOR POLLUTION COMPLAINTS.

The Harbormaster shall be an agent for the Town for initiating formal complaints to the Commonwealth and the Federal Government relative to harbor pollution in any form.

9. OCCUPANCY OF VESSELS.

No vessels may be used as a residence at a mooring in Danvers in

excess of seven (7) continuous days unless otherwise authorized by the Harbormaster. This shall not prevent any vessel from seeking a haven from a storm in the harbor during the period immediately before, during, and after such a storm, but such vessels shall not make any discharge of waste, garbage or other pollution into said harbor during said stay and shall move on as soon as weather permits.

10. **ADDITIONAL USE REGULATIONS.**

The Harbormaster's permission is required for navigation by power boats or mooring of same West of the Liberty Street Causeway on Porter River, West of the Water Street Bridge on Crane River, and West of Water Street Bridge on Waters River. This is to include jetskis, jetbikes and other motorized craft.

11. There will be no speeding or testing of power boats in the vicinity North and West of Parker Island, Jersey Lane, and Liberty Street.

**Section 7**

**1. ENFORCEMENT AND PENALTIES**

These By-laws shall be enforced by the Harbormaster and Assistant Harbormasters.

- a. **Criminal Complaint.**

Whoever violates any provisions of these By-laws may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law, and as the District Court may see fit to impose, the maximum penalty for each violation or offense, brought in such manner, shall be three hundred dollars.

- b. **Non-criminal Disposition.**

Whoever violates any provision of these By-laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in General Laws, Chapter 40, Section 21D.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the above By-laws and selections of By-laws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases and that the Harbormaster and Assistant Harbormasters shall in all

cases be considered enforcing persons for the purpose of this provision.

Each day on which any violation exists shall be deemed to be a separate offense. For the purpose of repeat offenses, each calendar year shall constitute a new beginning.

Regulation of Boating  
(Harbormaster)

1st Offense	\$ 30.00
2nd Offense	\$ 50.00
3rd Offense	\$100.00
4th and Subsequent Offenses	\$200.00

**Section 8: Regulations.**

1. The Board of Selectmen may promulgate such rules and regulations as necessary for the proper operation, safety, health, and welfare of the landing places and tidal waters of the Town.

Any such rules and regulations shall not become effective unless published in one or more newspapers. (AUTH; ARTICLE 12, TM 3/19/90).

**SLIP FEE**

1. Pursuant to the authority granted by Section 22F of Chapter 40 of the General Laws, persons with dockage in the Waters of the Town of Danvers on other than a transient basis (one week or less) shall annually pay a slip fee to the Town in the amount specified by the Town Manager based upon the length overall (LOA) of a vessel (12 ft. minimum). Persons who have been assessed and have paid a mooring fee to the Town of Danvers for any year shall not be obligated to pay the slip fee during that year." (AUTH; BOARD OF SELECTMEN JANUARY 7, 1997)
2. The equipment, operational and safety standards contained in Massachusetts General Laws C. 90B for the operation of water craft are hereby adopted as a regulation of the Town of Danvers and are incorporated herein by reference. Any violation of the said equipment, safety and operational standards may be enforced by the Danvers harbormaster or Assistant harbormasters by means of a non-criminal citation pursuant to C. 40 section 21D of the General laws or by means of criminal complaint.
3. (AUTH; BOARD OF SELECTMEN JANUARY 7, 1997)

## CHAPTER XXIX

### Demolition Delay of Historically Significant Buildings

**Section 1: Intent and Purpose.** This by-law is adopted by the Town to assist in preserving and enhancing the Town of Danvers' historical and cultural heritage by preserving, rehabilitating, or restoring, whenever possible, buildings or landmarks with distinctive architectural features or historical associations that contribute to the historic fabric of the Town. The purpose of this by-law is to encourage owners or developers to preserve, rehabilitate, or restore such significant buildings or landmarks, which are outside the local Historic Districts, rather than demolishing or removing them.

The intent of the by-law is not to permanently prevent demolition but to provide an opportunity to develop preservation solutions for buildings or landmarks threatened with demolition. The by-law is intended to encourage owners and commissioners to seek out persons or entities who might be willing to purchase, preserve, rehabilitate, or restore them rather than demolish them.

To achieve these purposes, the Danvers Preservation Commission ("Commission") is empowered to advise the Building Commissioner with respect to the issuance of permits for demolition of significant buildings or landmarks, and, where appropriate and consistent with the intent and purpose of this by-law, to allow demolition under conditions designed to minimize the loss of distinctive features of significant buildings. This by-law further seeks to document those structures which cannot be saved through photographic, video and/or written materials and to preserve these materials as part of the public record through the Town Archives.

**Section 2: Definitions.** For this Chapter, the following words and phrases mean the following:

- A. Applicant: The record owner(s) of the property upon which the building or landmark proposed for Demolition is situated, or the duly authorized agent or representative of the record owner(s). If the Applicant is an agent or representative, the signed written authorization of the record owner(s) must be included on or accompany any application.
- B. Building: An independent structure, including appurtenant elements (porches, decks, etc.) resting on its foundations and designed for the shelter or housing of persons, animals, chattels, or property of any kind that is larger than 100 square feet.

- C. Building Commissioner: The Town of Danvers Building Commissioner or their designee.
- D. Business Day: Any day which is not a legal municipal holiday, Saturday or Sunday.
- E. Commission: The Danvers Preservation Commission.
- F. Delay Period: The period of time following a public hearing where the Preservation Commission determined a building or landmark to be worthy of preservation may not be demolished. For buildings greater than 200 years of age, or for properties listed on the State or National Register, the delay period is eighteen (18) months; for all others, it is twelve (12) months.
- G. Demolition: Any act of pulling down, destroying, removing, razing, or moving a building or landmark, or any portion thereof, or commencing the work of relocating or of total or substantial destruction of a building or landmark, or portion thereof, with the intent of completing the same. Any portion thereof means the removal or destruction of any structural component of the building, such as exterior walls, roof systems, porches, foundations, or footings. Replacement of these components with one serving a substantially similar function shall not constitute demolition; significant changes, such as a change to the roofline or roof pitch, will be considered demolition.
- H. Demolition Permit: Any permit issued by the Building Commissioner required by the State Building Code which authorizes the demolition of a building (excluding interior demolition) or landmark regardless of whether such permit is called a demolition permit, alteration permit, building permit, etc.
- I. Historically Significant Building: Any building within the Town that meets the criteria of Section 4, Regulated Buildings and Landmarks, and has been determined by the Commission or its designee to be significant based on any of the following criteria:
  - i. Is listed on, or is within an area listed on the National Register of Historic Places; or
  - ii. The Building has been found eligible for the National Register of Historic Places; or
  - iii. The Building is importantly associated with one or more historic persons

- or events, or with the broad architectural, cultural, political, economic, or social history of the Town, the Nation, or the Commonwealth; or
- iv. The Building is historically or architecturally important (in terms of period, style, method of building construction, or association with a recognized architect or builder) either by itself or in the context of a group of buildings.
  - J. Landmark: A site, monument, or object historically significant in National, State, or local history and culturally important to Danvers. Landmarks demonstrate exceptional value or quality in illustrating or interpreting the Town's heritage in history, architecture, archeology, technology, and culture.
  - K. Removal: To transfer a building from its existing location.

**Section 3: Adoption of Rules and Regulations.** The Commission may adopt rules governing its proceedings and may promulgate regulations to carry out the provisions of this chapter.

**Section 4: Regulated Buildings and Landmarks.** The provisions of Chapter XXIX apply only to the following:

- A. Any building or landmark listed on, or which is the subject of a pending application for inclusion on, the National Register of Historic Places or the Massachusetts State Register of Historic Places; or
- B. Any building or landmark which, in whole or in part, was built in 1925 or prior.
- C. Buildings owned by the Town of Danvers that meet the criteria outlined above are subject to the provisions of this Chapter.

**Section 5: Procedure.**

- A. Receipt of Demolition Permit and Referral to the Preservation Commission. Upon receipt of an application for a demolition permit for any building or landmark, or portion thereof, which is a regulated building or landmark, or which is of indeterminate age, the following occurs:
  - i. The Building Commissioner must notify the Applicant and Preservation Commission in writing of the meeting at which the Preservation Commission intends to make its Determination of Historical Significance.
  - ii. No demolition permit shall be issued at that time.

B. Preservation Commission Determination of Historical Significance. The Determination of Historical Significance is an administrative finding required of the Preservation Commission to decide whether a regulated building or landmark meets one or more of the criteria described in the definition of "Historically Significant Building" found in Section 2, Definitions, of this Chapter.

The Determination should occur at the next scheduled meeting of the Commission, provided the Applicant is given at least seven (7) days advance notice, but never more than forty-five (45) days from the date the demolition permit application was received. The Determination of Historical Significance occurs at a public meeting of the Preservation Commission but is not a public hearing.

- i. Buildings Determined NOT to be Historically Significant. If the Commission's Determination finds that the building IS NOT historically significant, the Commission shall notify the Building Commissioner and Applicant of its decision, in writing, within ten (10) business days of the Determination. Upon receipt of such notice, or upon the expiration of ten (10) business days from the date of the meeting, without having received any notification from the Commission, the Building Commissioner may issue a demolition permit for the subject building. These determinations are valid for nine (9) months from the date the Determination was filed with the Building Commissioner. If the Building is not demolished within that time, then a new demolition permit application must be submitted to the Building Commissioner.
- ii. Buildings Determined to be Historically Significant. If the Commission's Determination finds that the building IS historically significant, the Commission shall notify the Building Commissioner and Applicant of its decision, in writing, within ten (10) business days of such Determination. The Commission must also, within forty-five (45) days of the Determination, conduct a public hearing to determine whether the Historically Significant Building should seek preservation alternatives. The Commission shall give public notice of said hearing by publishing notice of the time, place, and purpose of the hearing to all parties of interest (as defined in GL c.40A) of the property and in a newspaper of general circulation in the Town at least seven (7) days before the hearing.

C. Public Hearing for Historically Significant Buildings or Landmark. A public hearing for historically significant buildings or landmarks is held to decide

whether the demolition of a historically significant building or landmark would be detrimental to the historical or architectural heritage, or resources of the Town.

- i. If, after a public hearing, the Commission decides that the demolition of a historically significant building or landmark would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall notify the Applicant and the Building Commissioner, in writing, within ten (10) business days. Upon receipt of such notice, or upon the expiration of ten (10) business days from the date of the close of the Commission's public hearing, without having received any notification from the Commission, the Building Commissioner may issue a demolition permit for the subject building or landmark.
- ii. If, after the public hearing, the Commission decides that demolition of a historically significant building or landmark would be detrimental to the historical or architectural heritage or resources of the Town, the building or landmark shall be considered to be worthy of preservation, and the Commission shall so advise the Applicant and the Building Commissioner, in writing, within ten (10) business days. If the Commission fails to notify the Building Commissioner of its decision within ten (10) days of the meeting, the Building or landmark shall be deemed not historically significant, and the Building Commissioner may issue a demolition permit.

D. Procedures for Historically Significant Buildings Found Worthy of Preservation.

- i. For buildings or landmarks found worthy of preservation, no demolition permit may be issued during the applicable delay period, which begins on the date the Commission decided the building or landmark was worthy of preservation. During this period, the Applicant is encouraged to locate a purchaser for the building or landmark willing to rehabilitate, restore, or otherwise preserve the building or landmark.
- ii. Notwithstanding the preceding paragraph, the Building Commissioner may issue a demolition permit for a historically significant building or landmark at any time during the applicable delay period after a public hearing (as described in Section 5.B.ii above), and the receipt of a written opinion from the Commission to the effect that:

- a. The Commission is satisfied that there is no reasonable likelihood that either the Applicant or some other person or group is willing to purchase, preserve, rehabilitate, or restore such building or landmark, or
- b. The building or landmark has been either documented, moved, or preserved in another manner to satisfy the purpose of the demolition delay in the opinion of the Commission.
- iii. Once a building or landmark is determined to be historically significant, the owner must properly secure the building or landmark to the satisfaction of the Building Commissioner. Should the owner fail to secure the building or landmark, any subsequent destruction of the building or landmark during the delay period, which the required security measures could have prevented, shall be considered a demolition in violation of this by-law.
- iv. Post Demolition Delay Period. If the building or landmark is not demolished within eighteen months of the expiration of the delay period, then a new application to demolish said building or landmark must be submitted to the Building Commissioner.

**Section 6: Transfer of Ownership.**

- A. In the event a transfer of ownership of a building deemed worthy of preservation occurs DURING the applicable delay period, the full applicable demolition delay period will restart from the date of the transfer of ownership to the new owner.

Example – A property owner seeking to demolish a building that the Commission has determined to be worthy of preservation, per the process outlined in Section 5 above, transfers the property to another DURING the applicable delay period, the delay period resets for the new owner.

- B. In the event a transfer of ownership of a structure deemed historically significant occurs AFTER the applicable demolition delay period expires, but before the issuance of a demolition permit, no demolition permit shall be issued until the new owner applies de novo to the Preservation Commission under this Demolition Delay Bylaw.

Example – A property owner seeking to demolish a building that the Commission has determined to be worthy of preservation, per the process outlined in Section 5 above, transfers the property to another AFTER the applicable delay period, but before the

building is demolished, the previous determination of the Commission is voided and the new owner MUST re-apply as outlined in Section 5 above.

**Section 7: Non-compliance, Enforcement, and Remedies.**

- A. Anyone who effects, or begins to affect, the demolition of a regulated building or landmark without first complying fully with the provisions of this by-law shall be subject to a fine of not more than three hundred dollars (\$300.00) for each day in violation.
- B. In addition, unless a Demolition Permit issued in accordance with this by-law is obtained and unless the Demolition Permit is fully complied with, the Building Commissioner may elect, and the Commission may request the Building Commissioner to:
  - i. Issue a stop-work order halting all work on the building or landmark unless and until the Commission notifies the Building Commissioner in writing that the Applicant has appeared before the Commission to address such non-compliance, and the Commission has accepted the Applicant's plans to remediate such non-compliance.
  - ii. Refuse to issue any certificates of occupancy, temporary or final, until any non-compliance has been remediated; and/or
  - iii. Refuse to issue any permit required by the State Building Code pertaining to any property on which a regulated building has been demolished, or such demolition was commenced, for two (2) years from the date of such demolition, provided that this provision shall not prevent the Building Commissioner from issuing any permit required to ensure the safety of persons and property. The Building Commissioner shall give prompt written notice to the Commission of any action taken or refused to be taken pursuant to this section.

**Section 8: Emergency Demolition.** Notwithstanding the following provisions, the Building Commissioner may issue a demolition permit at any time in the event of imminent and substantial danger to the health or safety of the public due to deteriorating conditions. Before doing so, the Building Commissioner must inspect the building or landmark and document, in writing, the findings and reasons requiring an emergency demolition, a copy of which shall be forwarded immediately to the Commission. Before allowing emergency demolition, the Building Commissioner shall make every effort to inform the Commission Chair of their intention to allow demolition before issuing a permit for emergency demolition. No provision of this by-law is intended to conflict with or abridge any

obligations or rights conferred by M.G.L.c.143 regarding the removal or demolition of dangerous or abandoned structures. In the event of a conflict, the applicable provisions of General Law 143 shall control.

**Section 9: Severability.** In case any section, paragraph, or part of Chapter XXIX is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph, and part of such ordinance shall continue in full force and effect.

(AUTH: ARTICLE 12, Town Manager 6/18/90 & ARTICLE 34, TM 5/15/00, ARTICLE 5, STM 11/15/2021, ATM 5/20/24 ARTICLE 37)

### **CHAPTER XXX**

#### **Licenses and Permits Subject to Unpaid Taxes and Fees**

**Section 1:** The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the Party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charge 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.

**Section 2:** 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, as required by applicable provisions of law and the Party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any Party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the Licensing Authority with respect to such license denial, revocation or suspension shall be made only for the purpose 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 Licensing 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 of the date of issuance of said certificate.

**Section 3:** Any party shall be given an 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 4:** 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 its immediate family, as defined in Section One of Chapter Two Hundred and Sixty-Eight in the business or activity conducted in or on said property.

**Section 5:** This article shall not apply to the following licenses and permits: Open Burning, Section Thirteen of Chapter Forty-eight; Bicycle Permits, Section Eleven A of Chapter Eighty-five; Sales of Articles for Charitable Purposes, Section Thirty-three of Chapter One Hundred and One; Children Work Permits, Section Sixty-nine of Chapter One Hundred and Forty-nine; Clubs, Associations dispensing food or beverage licenses, Section Twenty-one E of Chapter One Hundred and Forty; Dog Licenses, Section One Hundred and Thirty-seven of Chapter One Hundred and Forty; Fishing, Hunting, Trapping Licenses, Section Twelve of Chapter One Hundred and Thirty-one; Marriage Licenses, Section Twenty-eight of Chapter Two Hundred and Seven; Theatrical Events, Public Exhibitions, Permits, Section One Hundred and Eighty-one of Chapter One Hundred and Forty; and Special Permits granted by the Board of Appeals, Chapter 40A.

(AUTH: ARTICLE 8, TM 5/20/91)

### **CHAPTER XXXI**

#### **Use of Skateboards, Roller Skates or Roller Blades and Motorized and Non-Motorized Scooters**

**Section 1:** The Board of Selectmen are hereby authorized to adopt regulations limiting or forbidding the use of skateboards, roller skates, roller blades, or similar devices on public ways and/or sidewalks within the Town or any part thereof.

Such regulations may be adopted after a public hearing and public notice thereof at least two (2) weeks prior to adoption by publication in a newspaper of general circulation in the Town and by posting with the Town Clerk.

**Section 2:** Violation of this by-law, or of the regulations promulgated hereunder shall result in a written warning for the first offense, impoundment of equipment for a period not to exceed fifteen (15) days for the second offense, a fine or penalty of Twenty Dollars (\$20.00) for the third offense, a Fifty Dollar (\$50.00) fine thereafter.

(AUTH: ARTICLE 4, TM 11/18/96)

**CHAPTER XXXII**  
**Commercial Trash Pickup**

**Section 1:** As of the effective date of this By-Law, no commercial trash pickup or refuse removal within the Town of Danvers may occur prior to 7:00 A.M. or after 7:00 P.M. Commercial trash pickup and refuse removal includes all business, lessees and property owners and commercial trash haulers under contract to said business and property owners.

**Section 2:** This By-Law shall be enforced by any police officer of the Danvers Police Department.

**Section 3:** A violation of this By-Law shall result in the following penalty or penalties:

<b>Offense</b>	<b>Business and/or Property Owner</b>	<b>Commercial Trash Hauler</b>
First Offense	Warning	Warning
Second Offense	Twenty-Five Dollars (\$25)	Second Offense & each subsequent offense – Three Hundred Dollars (\$300)
Third Offense & each subsequent offense	Fifty Dollars (\$50)	

(AUTH: ARTICLE 5, TM 11/18/96)  
(AUTH: ARTICLE 9, TM 5/21/18)

**ARTICLE XXXIII**  
**Hawkers, Peddlers, and Transient Vendors**

**Section 1.** For the purpose of this regulation, the definition of hawkers, peddlers, and transient vendors shall be the same definitions as those contained in Chapter 101 of the Massachusetts General Laws.

**Section 2.** No person shall hawk, peddle, or barter any goods or merchandise within the limits of the Town of Danvers, except as authorized by law, without first obtaining a license to do so from the Board of Selectmen, upon payment of a license fee, said fee to be in conformity with Chapter 101 of Massachusetts General Laws. This requirement shall not apply to any hawking or peddling of newspapers, religious publications, ice, flowering plants, and such flowers, fruits, nuts and berries as may be wild or uncultivated.

**Section 3.** The sale by hawkers and peddlers of jewelry, furs, wines, spirituous liquors, or small artificial flowers is prohibited.

**Section 4.** Any person licensed under this regulation shall keep said license in his/her possession which shall be readily available for display. The license shall

indicate the license number and shall include the licensee's signature and date of the license expiration. The licensee shall display such license when requested to do so by any officer of the Police Department or the Health Agent.

**Section 5.** It shall be unlawful for any person to engage in the activities of a Hawker, Peddler, or Transient Vendor if such activities are conducted:

1. Within fifty (50) feet of the intersection of any public streets, roads or highways, said fifty (50) feet to be measured at a 90 degree angle from the area of the activity as regulated by the terms of this Article to the edge of the pavement of said street, road, or highway nearest the activity in question nor within twenty-five (25) feet of the edge of any public street, road, or highway. This restriction shall not apply to vendors of frozen desserts, nor to vendors of toys and novelties sold in connection with a public parade, on the day of the parade.
2. With the use of sound amplification devices which cause the sound to be audible at a decibel level greater than 35 decibels at a distance greater than 50 feet from the activity in question at all times.
3. While allowing any person to hang onto the outside of any vehicle while it is traveling on a public street, road or highway.
4. While any persons engaged in the activity or attracted to the activity are obstructing the free passage of pedestrian or vehicular traffic on any public street, road, highway, or sidewalk.

**Section 6.** All hawkers and peddlers shall have adequate trash control.

**Section 7.** Vehicles utilized for the selling of frozen desserts or confections must have installed on said vehicle amber flashing light visible from the front and rear of the vehicle and such light must be flashing when the vehicle is stopped for the purpose of transacting business.

**Section 8.** Prior to commencing business, a transient vendor shall submit to the licensing authority a signed and notarized statement from a property owner granting permission to the vendor to conduct their trade on said private property.

**Section 9.** This license may be revoked or suspended for the following reasons:

1. Any fraud, misrepresentation or false statement contained in the application for a license;
2. Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares, or services;

3. Any violation of this regulation;
4. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude;
5. Conducting the business licensed under this regulation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public; or the public safety or interest may require.
6. Any other reason consistent with Chapter 101 aforesaid, or as the public safety or interest may require.

**Section 10.** The provisions of this Article shall not apply to activities of any bona fide, voluntary, non-profit, veteran's or religious organizations with a usual place of business in the Town of Danvers.

**Section 11.** Each violation of this Article shall be punished by a fine of \$100; the terms hereof may be enforced by any police officer of the Town, and are subject to non-criminal citation pursuant to M.G.L. Chapter 40, section 21D.

(AUTH: ARTICLE 37, TM 5/20/02)

#### **CHAPTER XXXIV** **Connection to Public Water System**

**Section 1.** The Town Manager may, from time to time, and after public hearing and the approval of the Board of Selectmen, promulgate rules and regulations for connection to the public water and sewer system and governing the discharge of waste thereon. Any violations of such rules or regulations shall be punishable by a penalty not to exceed three hundred dollars (\$300) for each day of violation of part thereof.

#### **CHAPTER XXXV** **Possession of Certain Types of Knives with Blades**

**Section 1.** No person, except as provided by law, shall carry on his/her person, or carry under his/her control in a vehicle, any knife having any type of blade in excess of 2½ inches (i.e., ice pick, dirk [a dagger], machete), or similar weapons that are likely to penetrate a police officer's ballistic vest, or other object or tool so redesigned, fashioned, prepared or treated that the same may be used to inflict bodily harm or injury to another except:

- a. When actually engaged in hunting, fishing, or any employment, trade

- or lawful recreational or culinary activity which customarily involves the carrying or use of any type of knife; or
- b. In going directly to or returning from such activities; or
- c. If the knife is being transported directly to or from a place of purchase, sharpening, or repair and if packaged in such a manner as not to allow easy access to the knife while it is being transported.

Each violation of this article shall be punished by a fine of \$100; the terms hereof may be enforced by any police officer of the Town. (AUTH; ARTICLE 18, TM 5/15/06.)

**CHAPTER XXXVI**  
**Licensure of Taxicabs, Permit to Operate Taxicabs, Operation, Fares, Penalties and Enforcement**

The rules and regulations of this section are promulgated pursuant to G.L., C. 40, §22.

1. DEFINITIONS: The following definitions shall apply to this chapter of the Town of Danvers General By-laws unless a contrary meaning is plainly intended or required by law.
  - a. Taxicab: A car or similar conveyance which, together with the driver, offered for hire to transport one or more persons in Danvers, or between a point in Danvers and any point outside the Town; there is an exception for common carriers, livery services, vehicles used in connection with funerals, and government operated transportation entities.
  - b. Taxicab Businesses: A business in any form, whether sole proprietorship, partnership, corporation or trust, which engages in the business of operating taxicabs in the Town of Danvers.
  - c. Taxicab Driver: One who actually drives, controls, or operates a taxicab in the Town of Danvers, accepting persons who are duly and properly licensed to operate a taxi in another community and whose only operation in Danvers is the passing through or completion of a trip which originates in another community.
  - d. Party: A party shall be considered any number of individuals with the same origin and destination.
  
2. LICENSURE OF TAXICABS/TAXICAB BUSINESS
  - a. License Required: No taxicab shall be driven, operated or caused to be operated as a vehicle for hire without a valid license obtained for that vehicle from the Town's Board of Selectmen. Each vehicle shall require a separate Taxi license plate and be registered as a taxicab with the Commonwealth of Massachusetts.
  - b. Application: Each applicant for licensure of a taxicab business shall submit an application on a form approved by the Selectmen who shall approve such licensure only after a public hearing, after being satisfied that the applicant or responsible manager of the applicant is no less than 21 years of age at the time the application is received, and reviewed by the Chief of Police (or by his/her designee). The application shall include the following information:
    - i. The intended place of business
    - ii. The name of the manager or principal representative
    - iii. Proposed hours of operation
    - iv. Telephone number where the licensee may be contacted in the evening
    - v. Description of the proposed vehicle(s) including the make, model, mileage, and age of the vehicle(s)

- c. Review by Chief of Police
  - i. Upon receipt of all applications for taxicab licensure the Board of Selectmen shall forward said applications to the Chief of Police for review. The Chief of Police shall review the application for licensure of all applicants and forward his/her comments and/or recommendation, if any, to the Board of Selectmen no later than thirty (30) days after receipt of the application. No license shall be granted until the Chief of Police has reviewed the application.
- d. Insurance
  - i. As a pre-condition to licensure as a taxicab business, the applicant shall submit, along with the aforesaid application, proof of insurance for all vehicles to be used in the business issued by an insurance company authorized to do business within the Commonwealth of Massachusetts pursuant to G.L. c. 175 §47 with single limit coverage of at least (\$100,000/\$300,000). A copy of the certificate shall be delivered to the Town Clerk. The Town shall be listed as a Certificate Holder with the Certificate provided to the Board of Selectmen and notice of cancellation or amendment of the policy shall be given to the Chief of Police with no less than thirty (30) days' notice prior to said cancellation or amendment.
- e. Liability
  - i. The licensee is at all times responsible for his/her vehicle(s) and shall be liable for all penalties and/or damages from his/her operation of the vehicle(s) by an employee or agent.
- f. Grant or Denial of License
  - i. The Board of Selectmen may, upon receipt of an application, issue a license under such terms and conditions as they deem appropriate to promote the public interest. The Board, in determining whether to issue a license, may consider public demand, the effect of the proposed service on the relevant safety and traffic conditions, the character and financial responsibility of the applicant, the condition of the proposed vehicle(s), and any and all other relevant facts or circumstances. In addition, the Board may decide to grant a license on a temporary basis for good reason, not to exceed six (6) months.
- g. Miscellaneous:
  - i. Storage: No taxicab license shall be issued to any vehicle that is not stored and garaged on private property.
  - ii. Telephone: At all times the company shall maintain a local business telephone number.
  - iii. The owner or one member of the firm or corporation shall also, at all times, carry a valid Town of Danvers Taxicab Driver's Permit.
- h. Term and Fee
  - i. Term: Any license shall expire on December 31 next ensuing unless sooner revoked or surrendered. Any licensee who permanently ceases to operate the taxicab business or ceases to operate for an aggregate of 90 days or more shall forthwith surrender the license to the Board of Selectmen.
  - ii. Fee: The annual fee for each license issued shall be one hundred dollars (\$100) for the Taxicab business including one vehicle and fifty dollars (\$50) per additional vehicle.
- i. Vehicle Inspection
  - i. Subsequent to the grant of the initial license, but prior to operation, the licensed vehicle(s) shall be inspected at the direction of the Police Department to ensure full compliance with state safety standards. Nothing herein shall relieve a licensee of its responsibility to ensure the safety of the vehicle(s) and compliance with applicable laws and regulations.

- j. Notification as to Vehicle
    - i. Upon issuance of a license, the license holder, prior to the operation of the taxicab, shall provide the following information to the Board of Selectmen.
      - 1. The make, model, vehicle identification number, the age and mileage of the vehicle.
      - 2. A copy of the vehicle's certificate of registration with the Registrar of Motor Vehicles.
      - 3. A copy of the Certificate of Insurance coverage page for the vehicle.
  - k. Renewal Application, Replacement of Vehicles, and Inspection
    - i. Renewal application shall be submitted no later than December 1 of each year; the renewal fee shall be one hundred dollars (\$100) for the taxicab business including one vehicle and fifty dollars (\$50) per additional vehicle.
    - ii. If a vehicle is changed within a license year, the license fee for the replacement vehicle shall be twenty-five dollars (\$25).
    - iii. Prior to the granting of a renewal license by the Board or the replacement of a vehicle, the vehicle shall be inspected at the direction of the Police Department to ensure full compliance with these regulations. A vehicle which has not passed inspection shall not be granted a renewal license.
  - l. Suspension or Revocation
    - i. The Board of Selectmen may suspend or revoke a license issued under the provision of this article for good cause. Before suspension or revocation of a license, the licensee shall be entitled to a hearing thereon before the Board of Selectmen. Written notice of the hearing shall be forwarded to the licensee at least seven (7) calendar days prior to the date of the hearing. Such notification shall state the grounds of the complaint and the date, time, and place of the hearing. The Town Manager, Board of Selectmen, or Chief of Police may temporarily suspend a license without a hearing for a period of no more than ten (10) days or until a hearing is held, whichever is sooner, if there is sufficient evidence to indicate that the public safety would be endangered by the further operation of the taxicab business.
  - m. Assignment or Transfer of License Prohibited
    - i. No license issued pursuant to this by-law shall be assigned or transferred.
  - n. Return of License to Police Department if Lost or Destroyed
    - i. Upon suspension and revocation of a license it shall be returned promptly to the Police Department or the cessation of use of the vehicle(s) for hire.
    - ii. If a license is lost or destroyed, the licensee shall immediately report such loss to the Police Department who shall replace said license for a fee of five (\$5) dollars.
3. PERMIT TO OPERATE TAXICAB
- a. Permit required: No person shall operate a vehicle, and no licensee shall employ or allow a person to operate a vehicle, unless the operator first obtains a permit from the Board of Selectmen.
  - b. Age/Experience: No permit shall be issued to a person under the age of 21, nor to any person who has not had a valid operator's license for two (2) years prior to application.
  - c. Application: Application for a permit shall be made in writing to the Board of Selectmen and shall provide the following information:
    - i. Full name and address of applicant;

- ii. Copy of valid operator's license issued by the Massachusetts Registrar of Motor Vehicles;
  - iii. All previous experience operating a vehicle for hire (if applicable).
- d. Review by Police Chief
  - i. No permit shall be issued by the Board of Selectmen until the application has been reviewed by the Chief of Police or his/her designee. Thirty (30) calendar days will be allowed for said review.
  - ii. The Police Department will screen each candidate as to criminal record and driving history and make a recommendation to the Board of Selectmen as to the person's suitability to be granted a taxi license.
- e. Issuance or Denial of Permit
  - i. An application shall be granted only if the Board of Selectmen determines that granting a permit to the applicant is in the best interest of the public. Criminal convictions or pleas of guilt shall not result in an automatic denial of an application, but shall be given significant weight in the consideration of permit approval by the Board of Selectmen, taking into account all factors including the nature and gravity of the offense, the time that has passed since the conviction or plea and the sensitive nature of serving the public as a driver of a vehicle for hire. In addition, the Board may decide to grant a permit on a temporary basis for good reason, not to exceed six (6) months.
- f. Term and fee
  - i. Term: Any permit hereunder shall expire on December 31 next ensuing unless sooner revoked or surrendered. A permit holder who ceases to operate vehicles shall surrender his permit to the Board of Selectmen
  - ii. Fee: The annual fee for a permit shall be fifty dollars (\$50); the fee for a renewal permit shall be fifty dollars (\$50). In connection with the issuance of a temporary permit, the Board may elect to reduce the annual fee.
- g. Picture Identification Card
  - i. A picture identification card shall be issued by the Board of Selectmen or its designee, to each permit holder.
- h. Proper Paperwork
  - i. Each permit holder shall have on his/her person, a valid Massachusetts Operators License, Picture Identification Card, and Permit to operate a taxicab from the Board of Selectmen whenever operating a taxicab within the Town of Danvers.
- i. Liability
  - i. A permit holder is at all times responsible for the vehicle he/she is operating and shall be liable for all penalties and or damage resulting from his/her operation of the vehicle. Nothing herein shall eliminate or reduce the responsibility of liability of the permit holder pursuant to the applicable provisions of these regulations or law.
- j. Suspension or Revocation
  - i. The Board of Selectmen may suspend or revoke a permit granted under the provision of this by-law for good cause. Before suspension or revocation of a permit, the permit holder shall be entitled to a hearing thereon before the Board of Selectmen.
  - ii. Notice of the hearing shall be in writing and forwarded to the permit holder at least seven (7) calendar days prior to the date of the hearing. Such notification shall state the grounds of complaint and the date, time and place of the hearing.
  - iii. The Board of Selectmen, the Town Manager or the Chief of Police (or his/her designee) may temporarily suspend a permit until a hearing can be held in accordance with the procedures set out above, if there is sufficient evidence to indicate that the public safety would be

endangered by the continued operation of the permit holder. In no event shall a temporary suspension be for a period longer than ten (10) calendar days.

- k. Return of Permit to Police Department if Lost or Destroyed
  - i. A permit shall be promptly returned to the Police Department by the permit holder upon suspension or revocation of the permit or the cessation of use of the permit.
  - ii. If a permit is lost or destroyed, the permit holder shall immediately report such loss to the Police Department who shall replace said permit. The cost for a replacement permit shall be five dollars (\$5).

#### 4. OPERATION OF TAXICAB

- a. Duty to Transport
  - i. A permit holder shall not unreasonably refuse to transport a passenger, unless the person requesting service is disorderly.
- b. Sharing a Ride
  - i. No permit holder shall accept a passenger while the taxicab is occupied or engaged without the consent of the passenger(s) already in the taxicab. No person shall be subject to an increase in fare because of said refusal. Separate fares shall not be charged to members of the same party.
- c. Waybill
  - i. Each permit holder or its agent shall maintain a waybill form issued/approved by the Police Department. Said waybill must contain documentation of every trip and include the following information:
    - 1. Pick-up and drop off locations
    - 2. Number of passengers
    - 3. Fare collected
    - 4. Any articles, if applicable, that are left in the taxicab
    - 5. Records must be kept for at least one year and made available for inspection by the Board of Selectmen or the Police Department upon request.
- d. Taxi Stands – Parking – Standing
  - i. The Board of Selectmen may assign a taxi stand or stands to one or more taxicabs. The Board of Selectmen may also designate specific areas, streets or ways where vehicles may not park or stand.
  - ii. No permit holder may drop a passenger off on any street or any place except for at the curb.
- e. Maintenance of Vehicles
  - i. Every vehicle shall be kept in good condition, suitable for occupancy and mechanically fit for the safety of passengers. The interior and exterior of the vehicle must be safe, clean, and sanitary at all times.
- f. Inspection
  - i. The Board of Selectmen (or its designee) and the Town of Danvers Police Department shall have the right to inspect any vehicle for purposes of these regulations or as public safety requires.
  - ii. The licensee/permit holder shall provide full cooperation with respect to inspections.
  - iii. Police Officers shall have a right to make inquiries to licensees and permit holders regarding any aspect of its operation and the licensee and/or permit holder shall respond to any such inquiry in a reasonable and civil fashion.
- g. Smoking: Smoking in a taxicab is prohibited.
- h. Suspicious Behavior
  - i. Every permit holder or licensee shall report to the Police Department any suspicious actions of a passenger(s) that he/she observes.

- i. Appearance/Behavior of the Operator
    - i. Every driver of a taxicab shall be suitably dressed (sleeved shirt), neat and clean in appearance. Each driver shall be respectful and courteous to all passengers.
  - j. Display of License, Picture Identification Card and Rates of Fare: Every taxicab while on duty shall display the following cards so that they are secure, immobile and plainly visible to all passengers riding in the backseat of the taxicab:
    - i. License
    - ii. Permit holders picture identification card
    - iii. Fare Rates
    - iv. Such other information as the Board of Selectmen reasonably deems appropriate
  - k. Letter on Taxicabs
    - i. Pursuant to G.L. c. 40 §22, every taxicab licensed shall have clearly visible on both sides the name or the trade name of the owner. This regulation shall apply to any and all vehicles in a taxicab fleet. The Town of Danvers Taxicab Permit shall be affixed to each cab and be clearly visible.
  - l. Lost Articles
    - i. Every permit holder or licensee shall deliver any article left within the taxicab to the Police Department no later than 24 hours after finding said article. All articles not claimed by their rightful owner within one year's time shall be given to the permit holder or licensee with whom they were left.
  - m. Copy of Regulations: Every taxicab while on duty shall have a copy of these regulations, which shall be shown to any passenger or Police Officer upon request. The permit holder shall be responsible for the implementation of this requirement.
5. FARES: The Board of Selectmen may establish rates of fare for the conveyance of passengers and baggage, and may revise such when they so determine. The rate of fare shall be on file at the Office of the Town Clerk
- a. Receipt
    - i. A receipt shall be made available upon the request of any passenger.
    - ii. If there is a dispute regarding the fare, a receipt shall be issued containing the full name and permit number of the driver, the date and time of the giving of the receipt, the amount received, and the pick-up and drop-off location. The receipt shall also state the complaint and should be referred in writing to the Board of Selectmen.
  - b. Senior Citizen Discount
    - i. Fares for all persons sixty (60) years of age and older shall be discounted in accordance with a schedule approved by the Board of Selectmen. When discounted rates are offered, they must be offered to all senior citizens using a taxicab pursuant to the licensing established in this by-law. There shall be a sign displaying information informing the passengers of said discount.
  - c. No Fares in Excess of Established Rates
    - i. No taxicab permit holder shall demand or receive as a fare more than the fare established by the Board of Selectmen under the authority granted by these regulations.
  - d. Rates for trips outside the Town of Danvers
    - i. Charges of taxicabs originating or ending outside the Town of Danvers shall be subject to mutual agreement between the permit holder and the passenger(s). The Board of Selectmen reserves the right to regulate the fares of such trips if it deems it to be in the public interest.

6. PENALTIES/ENFORCEMENT

- a. Each violation of this article shall be punished by a fine of \$100 for each day said violation occurs.
- b. Any complaints against a permit holder and/or owner of the taxicab business by the public or public officers may be brought before the Board of Selectmen.
- c. The terms thereof may be enforced by any Police Officer of the Town, either through conventional procedures of the District Court or by non-criminal disposition pursuant to Chapter XXVII of these by-laws. **(AUTH: ARTICLE 10 TM 5/20/13)**

**CHAPTER XXXVII**  
**Danvers Right to Farm**

Section 1. Purpose and Intent

Agricultural production is a major contributor to the Town's economy. Agricultural lands constitute unique and irreplaceable resources of local, regional, and statewide importance. Further, both the continuation of existing and the initiation of new agricultural activities preserve the landscape and environmental resources of Danvers, contribute to the increase of tourism, and further the economic welfare and self-sufficiency of the people of Danvers.

The purpose and intent of this bylaw is to state with emphasis the right to farm accorded to all citizens of the Commonwealth under amendment Article 97 of the Massachusetts Constitution and all applicable statutes and regulations of the Commonwealth, including but not limited to General Laws Chapter 40A, section 3; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A.

This bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town boards and commissions.

Section 2. Definitions

"Farming" or "agriculture" or their derivatives shall include, but not be limited to, the following:

- commercial and recreational farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;

- keeping, raising, riding, and training of horses as a commercial or recreational enterprise for pleasure, therapy and 4-H projects; and
- keeping and raising of poultry, cattle, swine, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), phasianids (such as pheasants and peafowl), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

Farming activities include, but are not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals; application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of agricultural products;
- on-site production of fuel or power from agricultural products or wastes principally produced on the farm; and
- on-farm relocation of earth and the clearing of ground for farming operations;
- recreation, 4-H projects or other agricultural purposes, including bees.

### Section 3. Right to Farm Declaration

The right to farm is hereby recognized to exist within the Town of Danvers. The above-described activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with generally accepted agricultural practices. The benefits and protections of this bylaw are intended to apply to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. (Generally accepted agricultural practices include, but are not limited to, best management practices. Guidance on current best management practices can be obtained from the U.S. Department of Agriculture's Natural Resource Conservation Service, the Massachusetts Farm Bureau, the University of Massachusetts Extension program, the Massachusetts Department of Agricultural Resources, or from other recognized agricultural institutions.) Moreover, nothing in this bylaw shall be deemed as acquiring any interest in land. The protections contained in this bylaw do not impose or preempt any land use or other restrictions associated with agricultural operations, which are properly the subject of state statute, regulation, zoning, or other local bylaws, including the Danvers Wetlands Protective Bylaw.

#### Section 4. Resolution of Disputes

To enhance the prompt resolution of disputes that may arise between those engaged in the agricultural uses protected under this Bylaw and those who claim that the use or enjoyment of their properties is adversely affected by such uses, the following dispute resolution procedure is established as a means by which owners and tenants may attempt to resolve the dispute in a prompt, effective, and amicable manner.

Any person who wishes to complain that the operation of a farm is creating a substantial adverse effect on health, safety, or welfare, or is creating a noxious and significant interference with the use or enjoyment of their real property may, notwithstanding pursuance of any other available remedy, request resolution assistance from the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending on the nature of the request. The filing of a request for resolution assistance does not suspend the time within which to pursue any other available remedies that the complainant may have. The Board of Selectmen, Zoning Enforcement Officer, or Board of Health shall forward a copy of the request to the Agricultural Commission, which shall review the request, and report its recommendations to the referring town officials within an agreed upon time frame.

#### Section 5. Severability Clause

If any part of this bylaw is for any reason held to be unconstitutional or invalid, such determination shall not affect the remainder of this bylaw. The Town of Danvers hereby declares the provisions of this bylaw to be severable.

### **Chapter XXXVIII** **Storage of Flammable, Combustible, or Hazardous Materials Used in** **Manufacturing and Processing Facilities**

Deleted: Article 12, May 15, 2015 ATM

### **Chapter XXXIX**

### **STORMWATER MANAGEMENT AND LAND DISTURBANCE BY-LAW**

**Section 1. Purpose:** This by-law provides the controls to ensure the safeguarding of public health and safety, public and private property, surface water, public drinking water, groundwater resources, recreational areas, aquatic habitats and life and the environment as a whole by establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff, non-point source pollution associated with development and redevelopment, and erosion and sedimentation associated with construction. Stormwater can be a major cause of:

- A. Impairment of water quality and flow in lakes, ponds, streams, rivers, coastal waters, wetlands, groundwater and drinking water supplies;
  - B. Contamination of drinking water supplies;
  - C. Contamination of downstream coastal areas;
  - D. Alteration or destruction of aquatic and wildlife habitat;
  - E. Overloading or clogging of municipal stormwater management systems;
- and
- F. Flooding.

The purpose of this by-law is to establish regulations and enforcement procedures by which the Town can monitor and ensure compliance with its National Pollutant Discharge Elimination System Program (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable State and Federal statutes, regulations and permit procedures. This by-law seeks to meet that purpose by:

- A. Preventing flooding;
- B. Protecting groundwater and surface water from degradation;
- C. Promoting infiltration and groundwater recharge to maintain the natural hydraulic regime in streams, rivers, wetlands, ponds, and groundwater;
- D. Minimizing damage to public and private property and infrastructure;
- E. Preventing pollutants from entering and discharging from the Town of Danvers MS4;
- F. Requiring practices to control waste such as but not limited to discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste at construction sites;
- G. Establishing minimum construction and post construction stormwater management standards and design criteria for the regulation and control of soil erosion and sedimentation control and for stormwater runoff quantity and quality;
- H. Establishing provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and non-structural stormwater best management practices for new and redeveloped sites to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
- I. Compliance with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load and total suspended solids requirements.
- J. Establishing the Town of Danvers' legal authority and capacity to ensure compliance with the provisions of this by-law through permitting, inspection, monitoring, reporting, and enforcement.

**Section 2. Definitions:** The following definitions shall apply in the interpretation and enforcement of this by-law. Additional terms that apply to the issuance of a Stormwater Management Permit established by this by-law shall be defined and included as part of the regulations promulgated and, from time to time, amended under this by-law, a copy of which is available at the offices of the Stormwater Authority and the Town Clerk. Terms not defined in said regulations or pertinent statutes shall be construed according to their customary and usual meaning.

The following terms are defined in the Massachusetts Wetlands Regulations (310 CMR 10.00): Cold-water fishery, Critical areas, Environmentally sensitive site design, Flood control, Ground water, Illicit discharge, Land uses with higher potential pollutant loads, Low impact development (LID) techniques, Maintenance of a stormwater management system, Redevelopment, Stormwater best management practice, Stormwater management system, and Surface water.

**ALTER:** Any activity that will measurably change the ability of a ground surface to absorb water or will change existing surface drainage patterns. "Alter" may be similarly represented as "alteration of drainage characteristics" and "conducting land disturbance activities."

**APPLICANT:** Any person, individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person requesting authorization to connect to the Danvers Municipal Separate Storm Sewer System (MS4) or for a proposed land-disturbance activity.

**APPROVAL NOT REQUIRED (ANR) PLAN:** A plan of land that does not require approval under the Subdivision Control Law of Massachusetts (Massachusetts General Laws, Chapter 41, §§81 K through 81GG).

**BEST MANAGEMENT PRACTICE (BMP):** A structural or nonstructural technique for managing stormwater to prevent or reduce pollutants from entering surface waters or ground waters. A structural stormwater best management practice includes a basin, discharge outlet, swale, rain garden, filter or other stormwater treatment practice or measure either alone or in combination including without limitation any overflow pipe, conduit, weir control structure that: (a) is not naturally occurring; (b) is not designed as a wetland replication area; and (c) has been designed, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging or treating stormwater. Nonstructural stormwater best management practices include source control and pollution prevention measures.

**BETTER SITE DESIGN:** Site design approaches and techniques that can reduce a site's impact on watershed practices. Better site design includes (without limitations) conserving and protecting natural areas and green spaces, providing substantial buffer zones for sensitive resources, reducing impervious cover, and using natural features for stormwater management.

**CLEAN WATER ACT:** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

**COMMON PLAN OF DEVELOPMENT:** Any announcement or piece of documentation (including a contract, public notice or hearing, advertisement, drawing, plan, or permit application, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor marking, etc.) indicating imminent or future plans to disturb earth regardless of how many phases or how long it will take to complete. Under this by-law, a facility is no longer considered a common plan if the following criteria are met: (a) The original plan, including modifications, was substantially completed with less than one acre of the original common plan remaining (i.e., less than 1 acre of the common plan was not built out at the time); and (b) There was a clearly identifiable period of time (2 years or more) where there was no ongoing construction, including meeting the criteria for final stabilization.

**DEVELOPMENT:** The modification of land to accommodate a new use or expansion of use.

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

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

**MASSACHUSETTS STORMWATER MANAGEMENT HANDBOOK:** The policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by State laws promulgated under the authority of the Massachusetts Wetlands Protection Act M.G.L. c. 131 §40 and Massachusetts Clean Waters Act M.G.L. c. 21, §§23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

**MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS:** The requirements described in the Massachusetts Stormwater Handbook, as they may be amended from time to time, that address water quality (pollutants) and water quantity (flooding, low base flow and recharge) by establishing standards that require the implementation of a wide variety of stormwater management strategies. These strategies include environmentally sensitive site design and LID techniques to minimize impervious surface and land disturbance, source control and pollution prevention, structural Best Management Practices, construction period erosion and sedimentation control, and the long-term operation and maintenance of stormwater

management systems. The Stormwater Management Standards have been incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).

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

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES):** Stormwater Discharge Permit shall mean a permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

**NON-POINT SOURCE POLLUTION:** Pollution from many different sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, depositing them into water resources areas. Non-point sources include, but are not limited to, urban, agricultural, or silvicultural runoff.

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

**POINT SOURCE:** Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete, fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

**POLLUTANT:** Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth of Massachusetts. Pollutants shall include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Non-hazardous liquid, solid wastes, and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes;

- G. Sewage, fecal coliform, and pathogens;
- H. Dissolved and particulate metals;
- I. Animal wastes;
- J. Rock, sand, salt, soils;
- K. Construction wastes and residues; and
- L. Noxious or offensive matter of any kind.

**RECHARGE:** The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

**REDEVELOPMENT:** Development, replacement, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites. Redevelopment is further defined by Massachusetts Stormwater Management Standard 7.

**STORMWATER AUTHORITY:** The Town of Danvers Department of Public Works or its designee is the entity with the power to enforce this by-law and responsible for adopting regulations pursuant to this by-law.

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

**STORMWATER MANAGEMENT:** The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes and/or peak flow discharge rates.

**STORMWATER MANAGEMENT PERMIT:** A major or minor permit, as defined in Section 4 Scope and Applicability, issued by the Stormwater Authority, after review of an application, plans, calculations, and other supporting documents approving a system that is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

**STORMWATER UTILITY:** A special assessment set up to generate funding specifically for stormwater management. Users pay a stormwater fee and the revenue generated directly supports operation, maintenance, and upgrade or expansion of existing storm drain systems; development of drainage studies, plans, flood control measures, and water-quality programs; administrative costs; and construction of capital improvement projects, and purchase of all equipment necessary for the installation, operation and maintenance of the system.

**TOTAL MAXIMUM DAILY LOAD (TMDL):** The greatest amount of a pollutant that a water body can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL is also a plan, adopted under the Clean Water Act, specifying how much of a specific pollutant can come from various sources, including stormwater discharges, and identifies strategies for reducing the

pollutant discharges from these sources so as not to violate Massachusetts surface water quality standards. (314 CMR 4.00, et seq.)

**TOTAL SUSPENDED SOLIDS (TSS):** Undissolved organic or inorganic particles in water.

**WETLAND RESOURCE AREA:** Areas specified in the Massachusetts Wetland Protection Act and/or the Town of Danvers Wetlands Protection by-law

**WETLANDS:** Wet meadows, marshes, swamps, bogs, and other areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a hydrophilic plant community, or emergent and submergent plant communities in inland waters.

**Section 3. Authority:** This by-law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule Statutes, and pursuant to the rules and regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the residents of the Town of Danvers at Town Meeting, dated October 26, 2020.

**Section 4. Scope and Applicability:**

- A This by-law shall be applicable to any alteration, disturbance, development or redevelopment activity that results in any change in rate, volume, timing, or quality of stormwater runoff flowing from a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to Section 5 of this by-law.
  
- B Stormwater Management Permit Thresholds. A Stormwater Management Permit shall be required for any of the following
  - 1. Major Stormwater Management Permit shall be required from the Stormwater Authority for
    - a. Any connection to the Town of Danvers existing stormwater system
    - b. Any alteration, disturbance, development or redevelopment project
      - 1. In the Danvers Town Center, High Street Corridor Mixed Use, and Maple Street Traditional Neighborhood Development Overlay zoning districts;
      - 2. With more than 1 acre of land disturbance; or
      - 3. Requiring Definitive Subdivision Approval.
  - 2. Minor Stormwater Management Permit shall be required from the Stormwater Authority for
    - a. Any alteration, disturbance, development or redevelopment project
      - 1. Less than 1 acre but greater than 20,000 SF;
      - 2. Requiring a special permit;

3. Any Residential with three or more units, new on a vacant lot, replacing an existing dwelling, or reconstruction that is 50% or more of the building footprint;
  4. Any commercial properties;
  5. In the flood zone; or
  6. In an area with "higher potential pollutant loads" as described in Standard 5 of the Massachusetts Stormwater Management Policy
- b. Approval Not Required (ANR) lots that meet the applicability criteria described herein

**Section 5. Exemptions:** No person who meets the threshold criteria of Section 4 of this by-law shall alter land within the Town of Danvers without having obtained the necessary Stormwater Management Permit for the property, with the following exemptions detailed below in 5.A through 5.J. These exceptions do not exempt any applicant from having to file the necessary required permits with any other applicable regulatory Board or Commission.

- A. Municipal roadway maintenance, when conducted in accordance with an approved Stormwater Pollution Prevention Plan, prepared in accordance with the Stormwater Management regulations promulgated under this by-law;
- B. Ground disturbances in the course of customary cemetery use and regular maintenance;
- C. Maintenance of landscaping, gardens, or lawn areas;
- D. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act 310 CMR 10.04 and Massachusetts General Laws chapter 40A, section 3;
- E. Any projects for which the required permit applications have been submitted to the Planning Board, Zoning Board of Appeals, or the Conservation Commission before the effective date of this by-law. This by-law will not apply to any activities ongoing on its effective date, provided that such activities have been fully compliant with the law.
- F. Emergency repairs to any existing utilities (gas, water, sewer, etc.) and/or stormwater management facility or practice, such that the original design location, size, and technology remain the same, that poses a threat to public health or safety, or as deemed necessary by the Stormwater Authority. Where such activity is subject to the jurisdiction of the Conservation Commission, the work shall not proceed without the issuance of an Emergency Certification by the Commission;
- G. Replacement of existing wells or septic systems on lots having an existing dwelling, with use of BMPs to prevent erosion, sedimentation and release of pollutants;
- H. Construction of utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) other than drainage which will not alter terrain, ground cover, or drainage patterns, when conducted in accordance with an approved Stormwater Pollution Prevention Plan, prepared in accordance with the Stormwater Management regulations promulgated under this by-

- law;
- I The construction, reconstruction, or repair of any fence or wall that will not alter the existing terrain or drainage patterns; and
  - J Any agricultural activity which is consistent with an approved soil conservation plan prepared or approved by the Natural Resource Conservation Service.

## **Section 6. Coordination with Other Town Permits**

- A No Town Street Opening or Excavation and Trench Permit, Order of Conditions from the Conservation Commission, Building Permit, Subdivision approval, Special Permit, variance or finding shall constitute compliance with this by-law. For a project or activity that meets the Scope and Applicability of this by-law, no work may commence until the site owner or his agent submits a complete Stormwater Management Permit application, the Stormwater Authority issues a Stormwater Management Permit, and the site owner and responsible parties sign and certify that all land clearing, construction, and development will be done pursuant to the approved Plans and Permit for all applicable Boards, Commissions, and Divisions.
- B This by-law is not intended to interfere with, abrogate, or annul any other by-law, rule or regulation, statute, or other provision of law. The requirements of this by-law should be considered minimum requirements, and where any provision of this by-law imposes restrictions different from those imposed by any other by-law, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.
- C In case of conflicting requirements, applicable state statutes and regulations shall be considered the more restrictive or more protective of human health and the environment and shall take precedence over this by-law and the regulations promulgated thereunder. These state statutes and regulations include, but are not limited to, the following documents: the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Act, the Massachusetts Watershed Protection Act, and the Massachusetts Stormwater Management Standards, as amended.

## **Section 7. Administration**

- A **The Stormwater Authority**  
The Department of Public Works (the DPW) or its designee shall administer, implement and enforce this by-law and regulations adopted under this by-law as the Stormwater Authority.

**B. Stormwater Management Regulations**

The Stormwater Authority may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including but not limited to application, clerical, inspection, and/or consultant fees), procedures and administration of this by-law after conducting a public hearing to receive comments on any proposed regulations or revisions.

Public hearing dates shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. After public notice and public hearing, the Stormwater Authority may promulgate rules and regulations to effectuate the purposes of this by-law. Failure by the Stormwater Authority to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this by-law.

Stormwater Management regulations, rules or guidance shall identify thresholds and requirements for Stormwater Management Major and Minor Permits required by this by-law and consistent with or more stringent than the most recent Small Municipal Separate Sewer System Permit (MS4).

**C. Delegation of Authority**

The Stormwater Authority may choose to delegate their authority, in writing, his/her authority, in whole or in part, to a qualified representative(s), except as provided herein.

**D. Stormwater Management Permits**

The Stormwater Authority shall have the authority to develop and issue a Stormwater Management Permit (SMP) for projects subjected to Section 4 that meet the requirements of this by-law and are not exempted pursuant to Section 5. Any such permit requirements may be defined and included as part of any Stormwater Regulations promulgated as a result of this by-law. The Stormwater Authority shall by regulation establish and collect permit application fees, inspection fees, and in special cases, consultant fees for review of applications.

**E. Stormwater Utility**

The Stormwater Authority may adopt, through rules and regulations authorized by this by-law, a Stormwater Utility pursuant to G.L. c.83, § 16 G.L. and c.40, § 1A. The Stormwater Authority, or its designee, shall administer, implement, and enforce this Utility. Failure by the Stormwater Authority to promulgate such a Stormwater Utility through rules and regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this by-law.

**F. Stormwater Management Manual**

The latest edition of the Massachusetts Stormwater Management Handbook will be upheld by the Town of Danvers in order to keep in place specifications and standards for execution of the provisions of this by-law. This Handbook includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. Unless specifically altered in this by-law and Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with the Massachusetts Stormwater Management Standards and design and sizing criteria in the Stormwater Management Handbook will be presumed to be protective of Massachusetts Water Quality Standards.

**G. Actions by the Stormwater Authority**

The Stormwater Authority shall, within 30 days of the date of receipt of a completed application:

1. Approve the Permit Application upon finding that the proposed plan will protect water resources and meet the objectives and requirements of this by-law;
2. Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meet the objectives and requirements of this by-law; or
3. Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.

Failure of the Stormwater Authority to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without Stormwater Authority action, the Stormwater Authority must issue a Stormwater Management Permit.

**H. Appeals of Action by the Stormwater Authority**

A decision of the Stormwater Authority shall be final. Further relief of a decision by the Stormwater Authority under this by-law shall be reviewable in the Superior Court in and action filed within 60 days thereof, in accordance with M.G.L. Ch 249 § 4.

**L. Waivers**

The Stormwater Authority, or its authorized agent, may, in its discretion and after due consideration, waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where such action is:

1. Allowed by and does not conflict with federal or state law or any Danvers by-laws or regulations;
2. In the public interest; and
3. Consistent with the purpose and intent of this by-law and its regulations.

Criteria for granting a *waiver* shall be defined and included as part of the regulations promulgated under this by-law. A waiver from this by-law and/or regulations promulgated pursuant to this by-law does not relieve the applicant or landowner of any obligations for compliance with other federal, state or local statutes, by-laws, regulations or permits.

Any person seeking a waiver must submit a written waiver request. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-law does not further the purposes or objectives of this by-law.

If in the opinion of the Stormwater Authority, or its authorized agent, additional time or information is required for review of a waiver request, then the applicant shall provide it within a reasonable timeframe. In the event the applicant objects to or fails to provide requests information, the waiver request shall be denied.

#### **Section 8. Permit Procedures:**

Permit procedures and requirements, including permit submittals, right-of-entry, fee schedule, and public hearing process, shall be defined and included as part of the Regulations promulgated under this by-law.

#### **Section 9. Performance Standards:**

Criteria for erosion and sediment control and post-construction stormwater management, including stormwater performance standards, shall be defined and included as part of the Regulations promulgated under this by-law.

#### **Section 10. Enforcement**

- A The Stormwater Authority or an authorized agent of the Stormwater Authority shall enforce this by-law and resulting regulations, orders, violation notices, and enforcement orders, and may pursue all criminal and civil and civil remedies, including injunctive relief, monetary damages and costs of litigation and attorney fees, for such violations and for abatement and mitigation and compliance actions taken by the Stormwater Authority.
- B Any person who violates any provision of this by-law, regulations, order or permit issued there under, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$300 excluding the cost of

damages. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

The penalty for violations under this bylaw shall be as follows:

**Major Stormwater Management Permit (MSMP)**

**1<sup>st</sup> offense: \$300**

**2<sup>nd</sup> offense: \$300**

**3<sup>rd</sup> offense: \$300**

**4<sup>th</sup> and subsequent offenses:  
\$300**

**Minor Stormwater Management Permit (MnSMP)**

**1<sup>st</sup> offense: Warning**

**2<sup>nd</sup> offense: \$100**

**3<sup>rd</sup> offense: \$200**

**4<sup>th</sup> and subsequent offenses:  
\$300**

C. As an alternative to criminal prosecution or civil action, the Stormwater Authority may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21 D, in which case the Stormwater Authority or its authorized agent shall be the enforcing person.

D. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Authority's officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary to determine compliance with a permit issued under this by-law. Enforcement shall be further defined and included as part of the Regulations promulgated under this by-law.

**Section 11. Emergency Suspension of Municipal Storm Drain System Access**

The Stormwater Authority may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare, or the environment.

**Section 12. Notification of Spills**

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of material at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth of Massachusetts, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Department of Public Works and applicable local, state and federal agencies.

In the event of a release of non-hazardous material, the reporting person shall notify the Stormwater Authority no later than the next business day. The reporting person shall provide to the Stormwater Authority written confirmation of all telephone, electronic mail, or in-person notifications within three (3) business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

**Section 13. Severability:** The invalidity of any section, provision, paragraph, sentence, or clause of this by-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued. (AUTH: ARTICLE 4 STM 10/26/2020)

**Chapter XXXIX-B**  
**TRUSS CONSTRUCTION IDENTIFICATION OF RESIDENTIAL,**  
**COMMERCIAL AND INDUSTRIAL BUILDINGS**

**Section 1.0 Introduction**

1.1 This by-law provides that residential, commercial and industrial buildings that utilize truss type construction shall be marked by an emblem that informs persons conduction fire control and other emergency operations of the existence of truss construction.

**Section 2.0 Definitions**

2.1 For the purpose of this by-law, residential, commercial and industrial buildings and structures shall mean those buildings and structures classified as such by the Danvers Building Inspector using the classification system found in 780 CMR (The Massachusetts State Building Code) or its successors.

2.2 For the purpose of this by-law, truss construction shall mean a fabricated structure of wood, steel or combination thereof, made up of a series of members connected at their ends to form a series of triangles to span a distance greater than would be possible with any of the individual members on their own. Truss type construction shall not include individual wind or seismic bracing components which form triangles when diagonally connected to the main structure system.

**Section 3.0 Enforcement**

- 3.1 The head of the Fire Department or his/her designee shall be responsible for ensuring the proper placement of emblems on buildings or structures covered by this by-law. The Danvers Building Inspector shall only release Certificates of Occupancy to those new structures found to be in compliance with the requirements of this by-law.
- 3.2 All multi-family residential buildings and all commercial and industrial businesses in operation at the time this by-law is ratified shall be required to have an emblem or emblems placed in the locations identified by the Fire Chief within six (6) months of the passage of this by-law. All existing one and two-family dwellings shall allow for the placement of this identifying emblem when undergoing additions or alterations or when such construction type is identified.
- 3.3 Any person who fails to permit the posting of a structure as set forth in this by-law, or who removes or willingly obstructs from view the fire official's designated posting, shall be punished by a fine not exceeding fifty dollars (\$50) for each offense. Every day that a violation continues after its abatement has been ordered by the Town and sufficient time has elapsed to permit abatement shall constitute a new offense.
- 3.4 The emblems will be made available by the Danvers Fire Department. The emblems will be provided at no cost to a single family, residential homeowner. Commercial, industrial and income property owners will be charged a nominal fee which will be no more than the cost of producing the individual emblems. Funds received from the purchase of the emblems shall be deposited in a revolving account, which will only be used for the purpose of replenishing the supply of emblems.

#### **Section 4.0**      **Emblems**

- 4.1 The shape of the emblem shall be a circle, and its size up to six (6) inches in diameter. The Fire Chief or his designee shall determine the proper size needed for the structure in question. The emblem background shall be reflective white in color. The circle border and contents shall be reflective red in color, conforming to Pantone matching system (PMS) #187.

#### **Section 5.0**      **Truss Designations**

- 5.1 The following letters shall be printed on the emblem identifying the existence of truss construction using the alphabetic designation for the structural components that are of truss construction, as follows:

**“F”** shall mean **floor** framing, including girders and beams

**“R”** shall mean **roof** framing

**“FR”** shall mean **floor** and **roof** framing

**Section 6.0**            **Emblem Locations**

- 6.1 Emblems identifying the existence of truss construction shall be permanently affixed in the locations directed and in a manner approved by the Fire Chief.
  
- 6.2 Table #1 will be used as an emblem location guide for fire officials. Every effort is to be made to avoid interfering with advertising or graphic designs located on the doors, windows or face of the buildings covered by this by-law.

**TABLE #1 - TRUSS IDENTIFICATION SIGN LOCATIONS**

**For 1 & 2 Family Dwellings**

The emblem shall be affixed to the electrical meter socket. If the electric meter is located inside the dwelling, the emblem shall be affixed to the natural gas meter, if so equipped. If neither location is available, additional locations shall follow the guidelines established for multi-unit apartment buildings and commercial and industrial buildings.

**Multi-unit Apartment Buildings, Commercial & Industrial Buildings**

Exterior building entrance doors, exterior exit discharge doors, and exterior roof access doors to a stairway, attached to all main means of egress at the door or sidelight, or directly on the street side of the building.

**Fire Department Hose Connections**

Attached to the face of the building, not more than twelve (12) inches (305 mm) horizontally from the center line of the Fire Department hose connection, and not less than forty-two (42) inches (1067 mm) nor more than sixty (60) inches (1524 mm) above the adjoining walking surface. (**AUTHORITY: ARTICLE 10, TM 5/21/2012**)

**CHAPTER XL**  
**BY-LAW TO REGULATE ILLICIT DISCHARGES TO THE MUNICIPAL STORM**  
**DRAIN SYSTEM**

**Section 1. Purpose**

- A. Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers,

wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

- B. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Danvers' water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.
- C. The objectives of this by-law are:
  - 1. To prevent pollutants from entering the Town of Danvers' municipal separate storm sewer system;
  - 2. To prohibit illicit connections and unauthorized discharges to the municipal separate storm sewer system;
  - 3. To require the removal of all such illicit connections;
  - 4. To comply with state and federal statutes and regulations relating to stormwater discharges; and
  - 5. To establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

## **Section 2. Definitions**

The following definitions shall apply in the interpretation and enforcement of this by-law. Terms not defined herein shall be construed according to their customary and usual meaning.

- A. **ENFORCEMENT AGENCY:** The Department of Public Works or its agents designated to enforce this by-law.
- B. **CLEAN WATER ACT:** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.
- C. **DISCHARGE OF POLLUTANTS:** The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.
- D. **FACILITY or OPERATION:** Any business, establishment, or performance of work that uses, generates, or handles material that is considered a Pollutant.
- E. **GROUNDWATER:** Water below the land surface in a saturated zone, including perched groundwater and not confined in a conduit or container.
- F. **ILLICIT CONNECTION:** A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was

previously allowed, permitted, or approved before the effective date of this by-law.

- G. **ILLICIT DISCHARGE:** A direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 5.B.
- H. **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) OR MUNICIPAL STORM DRAIN SYSTEM:** The system of conveyances designed, constructed, and used for collecting or conveying stormwater, including any street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Danvers.
- I. **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT:** A permit issued by United States Environmental Protection Agency (EPA) or jointly with the State that authorizes the discharge of pollutants to waters of the United States.
- J. **NON-POINT SOURCE POLLUTION:** Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, depositing them into water resources areas. Non-point sources include, but are not limited to, urban, agricultural, or silvicultural runoff.
- K. **NON-STORMWATER DISCHARGE:** A discharge to the municipal storm drain system not composed entirely of stormwater.
- L. **PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.
- M. **POINT SOURCE:** Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete, fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
- N. **POLLUTANT:** Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non-point source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth.  
Pollutants shall include without limitation:
  - 1. Paints, varnishes, and solvents;

2. Oil and other automotive fluids;
  3. Non-hazardous liquid and solid wastes and yard wastes;
  4. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
  5. Pesticides, herbicides, and fertilizers;
  6. Hazardous materials and wastes;
  7. Sewage, fecal coliform and pathogens;
  8. Dissolved and particulate metals;
  9. Animal wastes;
  10. Rock, sand, salt, soils with the exception of winter salting and sanding in quantities that will not clog or otherwise impair the performance of stormwater conveyances;
  11. Construction wastes and residues; and
  12. Noxious or offensive matter of any kind.
- O. **PROCESS WASTEWATER:** Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.
- P. **RECHARGE:** The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.
- Q. **RIPARIAN HABITAT:** The aquatic and terrestrial environment where a plant or animal naturally or normally lives and grows adjacent to streams, lakes, or other waterways.
- R. **STORMWATER:** Stormwater runoff, snow melt runoff, and surface water runoff and drainage.
- S. **BEST MANAGEMENT PRACTICE (BMP):** A structural or nonstructural technique for managing stormwater to prevent or reduce non-point source pollutants from entering surface waters or ground waters. A structural stormwater best management practice includes a basin, discharge outlet, swale, rain garden, biofilter or other stormwater treatment practice or measure either alone or in combination including without limitation any discharge pipe, overflow pipe, conduit, weir control structure that: (a) is not naturally occurring; (b) is not designed as a wetland replication area; and (c) has been designed, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging or treating stormwater. Nonstructural stormwater best management practices include source control and pollution prevention measures.
- T. **SURFACE WATER DISCHARGE PERMIT:** A permit issued by the Department of Environmental Protection pursuant to 314 CMR 3.00 that

authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

- U. **TOXIC OR HAZARDOUS MATERIAL OR WASTE:** Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under Massachusetts General Laws chapters 21C and 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.
- V. **WATERCOURSE:** A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.
- W. **WATERS OF THE COMMONWEALTH:** All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, wetlands, and groundwater.
- X. **WASTEWATER:** Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

### **Section 3. Authority**

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

### **Section 4. Scope and Applicability**

This by-law shall apply to flows entering the municipal separate storm sewer system.

Prohibited activities shall include:

- A. **Illicit Discharges.** No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system, into a watercourse, or into the waters of the Commonwealth.
- B. **Illicit Connections.** No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless

of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

- C. **Obstruction of Municipal Storm Drain System.** No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Enforcement Agency.

## **Section 5. Exemptions**

- A. Discharge or flow resulting from fire fighting activities.
- B. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
1. Waterline flushing;
  2. Flow from potable water sources;
  3. Springs;
  4. Natural flow from riparian habitats and wetlands;
  5. Diverted stream flow;
  6. Rising groundwater;
  7. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
  8. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
  9. Discharge from landscape irrigation or lawn watering;
  10. Water from individual residential vehicle washing;
  11. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
  12. Discharge from street sweeping;
  13. Dye testing, provided verbal notification is given to the Enforcement Agency prior to the time of the test;
  14. Non-stormwater discharge permitted under an National Pollutant Discharge Elimination System permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
  15. Discharge for which advanced written approval is received from the Enforcement Agency as necessary to protect public health, safety, welfare or the environment.

## **Section 6. Coordination with Other Town Permits**

This by-law is not intended to interfere with, abrogate, or annul any other by-law, rule or regulation, statute, or other provision of law. The requirements of this by-law should be considered minimum requirements, and where any provision of this by-law imposes restrictions different from those imposed by any other by-law, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.

## **Section 7. Administration**

### **A. Enforcement Agency**

The Department of Public Works shall be the Enforcement Agency and may promulgate rules and regulations to effectuate the purposes of this by-law. Failure by the Department of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

### **B. Illicit Discharge Rules and Regulations**

The Department of Public Works shall administer, implement and enforce this by-law, and may issue and promulgate Rules and Regulations to that end.

### **C. Delegation of Authority**

Any powers granted to or duties imposed upon the Enforcement Agency may be delegated in writing by the Enforcement Agency to employees or its authorized agent.

## **Section 8. Emergency Suspension of Storm Drainage System Access**

The Enforcement Agency may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

## **Section 9. Notification of Spills**

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and the

Enforcement Agency and the Department of Public Works. In the event of a release of non-hazardous material, the reporting person shall notify the Enforcement Agency no later than the next business day. The reporting person shall provide to the Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## **Section 10. Enforcement**

- A. The Enforcement Agency or an authorized agent of the Enforcement Agency shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. **Civil Relief.** If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Enforcement Agency may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- C. **Orders.** The Enforcement Agency or an authorized agent of the Enforcement Agency may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:
  - 1. Elimination of illicit connections or discharges to the municipal separate storm sewer system;
  - 2. Performance of monitoring, analyses, and reporting;
  - 3. That unlawful discharges, practices, or operations shall cease and desist; and
  - 4. Remediation of contamination in connection therewith.
- D. If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator fail to abate or perform remediation within the specified deadline, the Town of Danvers may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
- E. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Danvers, including administrative costs. The violator may file a written protest objecting to the amount or basis of costs with the Enforcement Agency within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the

expiration of the time in which to file a protest or within thirty (30) days following a decision of the Enforcement Agency affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the violator and shall constitute a lien on the violator's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in Massachusetts General Laws chapter 59, section 57, after the thirty-first day at which the costs first become due.

- F. **Criminal Penalty.** Any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300.00, excluding the cost of damages, for each offense. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- G. **Non-Criminal Disposition.** As an alternative to criminal prosecution or civil action, the enforcement agency may elect to utilize the non-criminal disposition procedure set forth in Massachusetts General Laws chapter 40, section 21D in which case the Enforcement Agency or its authorized agent shall be the enforcing person. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$200.00. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- H. **Entry to Perform Duties under this By-law.** To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Enforcement Agency, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Enforcement Agency deems reasonably necessary.
- I. **Appeals.** The decisions or orders of the Enforcement Agency shall be final. Further relief shall be to a court of competent jurisdiction.
- J. **Remedies Not Exclusive.** The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

### **Section 11. Severability**

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

## **Section 12. Transitional Provisions**

Residential property owners shall have 180 days from the effective date of the by-law to comply with its provisions provided good cause is shown for the failure to comply with the by-law during that period. **(Authority Article 13 May 16, 2011 ATM)**

**CHAPTER XLI**  
**HARDSHIP CULTIVATION REGISTRATION**

Residents granted permission by the State to grow medical Marijuana with a Hardship Cultivation Registration, as allowed by Initiative petition 11-11 (Question 3 on the 11/21 State ballot) will be required to register with the Danvers Board of Health and Police Department upon being granted permission by the state and annually between December 1 and 31. **(Authority Article 6 February 3, 2014 STM)**

**CHAPTER XLII**  
**ENVIRONMENTAL PROTECTION AND**  
**PUBLIC HEALTH PLASTIC BAG REDUCTION**

SECTION 1 - PLASTIC BAG REDUCTION

**PURPOSE AND INTENT:** The production and use of disposable plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. The purpose of this bylaw is to eliminate the usage of disposable plastic checkout bags by all retail and grocery stores in the Town of Danvers; on or after June 1, 2019.

**DEFINITIONS**

**Checkout bag:** A carryout bag provided at the check stand, cash register, point of sale, or other point of departure for transporting food or merchandise from the Establishment.

Checkout bags shall not include:

1. Bags whether plastic or not in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the retail establishment.
2. Laundry or dry cleaner bags
3. Bags used to contain phone books, magazines or newspapers
4. Bags used to contain or wrap frozen goods, meats or fish, whether prepackaged or not, to prevent leakage or contain moisture

**Disposable plastic checkout bag:** Any checkout bag made of plastic that does not meet the definition of "Reusable checkout bag," typically with plastic handles, and intended for transport of purchased products.

Recyclable paper checkout bag: Paper bags with or without handles that (1) are one-hundred percent (100%) recyclable, (2) contain a minimum of forty percent (40%) postconsumer recycled paper content.

Reusable checkout bag: Sewn bags with stitched handles that (1) are specifically designed and manufactured for multiple reuse, (2) can comfortably carry 25 pounds over a distance of 300 feet, (3) can hold a minimum of 15 liters or quarts, (4) can be readily washed or disinfected by hand or machine, and (5) is made of thick cloth, fabric or other durable materials.

Grocery Store: A retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer home care and personal care products.

Retail Store: An establishment that offers the sale and display of merchandise within a building. Any retail establishment or non-profit that provides goods – including food and/or beverages – and/or services directly to consumers, with or without charge; sporadic, temporary, part- or full-time; commercial, religious, educational, foundation-related, or governmental; whether on private, public, religious, or school property. “Retail establishment” shall mean any business facility that sells goods directly to consumers including, but not limited to, grocery stores, pharmacies, liquor stores, “mini marts”, restaurants or retail stores and vendors selling clothing.

## USE REGULATIONS

Disposable plastic checkout bags shall not be distributed, used, or sold for checkout or other purposes at any retail or grocery store within the Town of Danvers.

Nothing in this section should be read to preclude any establishment from utilizing recyclable paper bags at checkout or making reusable checkout bags available for sale to customers.

Customers are encouraged to bring their own reusable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.

## ENFORCEMENT PROCESS

Enforcement of this bylaw shall be the responsibility of the Board of Health/Town Manager or his/her designee. The Board of Health/Town Manager shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any retail or grocery store distributing plastic grocery bags in violation of this bylaw shall be subject to penalty as follows:

First offense

Warning

Second offense [FINE]	\$50
Third & each subsequent offense [Fine(s)]	\$100

No more than one penalty shall be imposed upon a retail establishment within a seven-day calendar period.

Alleged violations shall be subject to non-criminal disposition process pursuant to MGL c.40, §.21d.

The Board of Health/Town Manager may promulgate additional guidelines and regulations consistent with the foregoing for the effective enforcement of this bylaw.

## SECTION 2 – POLYSTYRENE FOOD SERVICE CONTAINERS

**PURPOSE AND INTENT:** This bylaw is to limit the distribution of polystyrene food service containers by food establishments in the Town and to encourage establishments to use similar items made of healthier and more environmentally friendly materials, or to adopt other approaches that do not require such containers, effective; January 1, 2025.

### DEFINITIONS

“Disposable food service containers” shall mean single-use, disposable products used for serving, consuming, or transporting food or beverages including, but not limited to, take-out foods or leftovers from partially consumed meals prepared by a restaurant or other food establishment. This includes, but is not limited to plates, cups, bowls, trays, hinged or lidded containers. It shall also include single-use, disposable packaging for uncooked foods prepared on the premises, as well as disposable catering trays.

“Food establishments” shall mean operations that store, prepare, package, serve, vend, or otherwise provide food for human consumption, as further defined in 105 CMR 590.002, including, but not limited to, restaurants, mobile food vendors, caterers, public and private schools, farmers markets, civic or religious centers or facilities, any building owned by the Town of Danvers, and any establishments requiring a permit to operate in accordance with the State Food Code.

“Polystyrene” shall mean and includes the following (labeled with the number “6” or “PS6”): Blown polystyrene and expanded and extruded foams (sometimes called “styrofoam,” a Dow Chemical Co. trademarked form of insulation) also referred to as expanded polystyrene (EPS) which is herein referenced as “Foam Polystyrene” (EPS), which is generally used to make opaque cups, bowls, plates, trays, clamshell containers, meat trays, and egg cartons; and clear or solid polystyrene which is also known as “oriented,” which is used to make clear clamshell containers.

**USE REGULATIONS**

Food establishments within the Town shall be prohibited from using or distributing disposable food service containers made from foam polystyrene in its various forms, excluding meat departments within a retail establishment.

The following are exempt and not subject to the provisions of this bylaw: Prepackaged meat and produce trays, egg cartons, and other food or beverage products bought from or packaged by a supplier other than the food establishments. Any polystyrene, disposable food service containers or other food service items, such as picnic supplies, purchased by an individual for private use or for use at a private function held on property owned by the individual or any polystyrene items unrelated to food service such as packaging peanuts or freezer chests.

**ENFORCEMENT PROCESS**

Enforcement of this bylaw shall be the responsibility of the Board of Health/Town Manager or his/her designee. The Board of Health/Town Manager shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any retail or grocery store distributing polystyrene disposable food containers in violation of this bylaw shall be subject to penalty as follows:

First offense	Warning
Second offense	\$50
Third & each subsequent offense	\$100

No more than one penalty shall be imposed upon a retail establishment within a seven-day calendar period.

Alleged violations shall be subject to non-criminal disposition process pursuant to MGL c.40, § 21D.

The Board of Health/Town Manager may promulgate additional guidelines and regulations consistent with the foregoing for the effective enforcement of this bylaw.

(AUTH Article 16 ATM May 21, 2018, ATM 5/20/24 Article 8)

**CHAPTER XLIII**  
**REVOLVING FUNDS**

	<b>ATM</b>	<b>Department</b>	<b>Purpose</b>	<b>Revenue Source</b>	<b>Bd., Dept., or Officer Authorized to Expend From Fund</b>
--	------------	-------------------	----------------	-----------------------	--

1.	TBD	Senior & Social Svcs	Danvers COA Programming: expenses associated with the provision of programming services administered through the Danvers COA, including but not limited to part-time salaries, honorarium for faculty and/or program expenses	Donations & fees from the provision of such services	Dir. of Social Services
2.	TBD	Senior & Social Svcs	<b>Transportation:</b> provide passenger services to senior citizens	Donations & fees for provision of such services	Dir. of Social Services
3.	TBD	Recreation	<b>Waterways Dredging Improvement:</b> expenses associated with dredging Danvers waterways, included but not limited to, engineering, research, design, permitting, and construction	Slip Fees	Recreation Dir.
4.	TBD	Recreation	<b>Child Care Prog.:</b> expenses related to childcare programs and activities, including but not limited to salaries and benefits, materials and supplies, equipment, and insurance & transportation	Program Fees	Recreation Dir.
5.	TBD	Water Div.	<b>Water Use Mitigation:</b> expenses related to conserving water resources, reducing demand upon the public water supply, and/or water use mitigation	Water Mitigation Impact fees	DPW Director
6.	TBD	Planning & Econ Dev	<b>Preservation:</b> loans, matching grants of up to 50% of project cost, and acquisition of preservation restrictions to protect/preserve significant buildings/structures which constitute or reflect distinctive features of the history, architecture, and/or character of Danvers	Avalon Project Funds reserved for historic preservation	Director of Planning & Econ Dev
7.	TBD	Police	<b>Police K9 Program:</b> expenses related to animal care, kenneling, car repairs, training, equipment, supplies, mailings, food, litter/bedding, medical needs and K9 replacement	Donations, gifts, & fundraising	Police Chief

(AUTH Article 31 ATM May 16, 2022)

## CHAPTER XLIV (AKA CHAPTER XLIII)

### WIRELESS TELECOMMUNICATIONS BYLAW IN PUBLIC RIGHTS OF WAY

#### Section 1: PURPOSE AND INTENT

- 1.1 The wireless telecommunications industry has expressed interest in placing antennas and associated equipment on new or existing structures in the Town's public rights-of-way for deployment of "small cell" wireless telecommunications facilities (hereinafter "small cell wireless facilities").
- 1.2 The deployment of small cell wireless facilities may have both positive and negative impacts on our community. Multiple small cell wireless facilities within the public right-of-way can impact property values; pose a threat to the public health, safety and welfare; create traffic and pedestrian

safety hazards; impact trees where proximity conflicts may require trimming of branches or require removal of roots; create visual and aesthetic blights and potential safety concerns from excessive size, height, weight, noise or lack of camouflaging which negatively impact the quality and character of the Town.

**Section 2: APPLICABILITY**

- 2.1 This chapter shall apply to all small cell wireless facilities and collocated small cell wireless facilities in the Town and shall not apply to any Exempted Telecommunications Facility or Major Telecommunications Facility. The following requirements and regulations shall apply to only small cell wireless facilities installed by private utility companies and not Danvers Electric or the Town of Danvers.

**Section 3: GENERAL REQUIREMENTS**

- 3.1 All installations shall be designed to minimize adverse visual impacts on the surrounding area and nearby residential properties.
- 3.2 Small cell wireless facilities shall be sited to minimize visibility from abutting streets and nearby homes and buildings and to reduce the need to remove or alter existing vegetation.
- 3.3 Small cell wireless facilities shall be screened and/or camouflaged to reduce their visual and aesthetic impacts on the surrounding neighborhood. Stealth designs shall be incorporated where appropriate.
- 3.4 Collocation is preferred to the installation of a new freestanding support structure, except when a collocation will provide greater adverse visual or other impacts than the installation of a new freestanding structure. All new support structures shall not exceed a height of 50 feet and, where appropriate, shall be designed and constructed in a manner that accommodates multiple small cell wireless facilities, and users, including multiple wireless communication companies, in order to minimize the number of new freestanding structures.
- 3.5 New freestanding support structures shall be setback from the nearest residential dwelling by a minimum distance equal to the height of the facility. New freestanding support structures including and not limited to poles shall be limited to a maximum of height of fifty (50) feet.
- 3.6 Small cell wireless facilities shall not be permitted within five hundred (500) feet of a public school.
- 3.7 All structures and/or small cell wireless facility equipment installed for providing wireless communication services shall be removed within six (6) months of cessation of use at the owner's expense. If the Applicant fails to remove the structures and/or small cell wireless facility equipment as required by this Section 3.7, the Town may remove or cause to remove the Applicant's structures and/or equipment without liability and at the Applicant's sole expense.

- 3.8 **Section 4: LOCATION AND CONFIGURATION PREFERENCES**

- 4.1 Siting Guidelines. The purpose of this section is to provide guidelines to Applicants regarding the preferred locations and configurations for small cell wireless facilities in the Town, provided that nothing in this section shall be construed to permit a small cell wireless facility in any location that is otherwise prohibited by this bylaw or any other section of the Town General Bylaw.
- 4.2 Preference for configuration of small cell wireless facilities, from most- preferred to least-preferred. Configuration preferences are:
  - (1) Collocated with existing wireless facilities,

- (2) Mounted on existing utility poles and towers that are used to serve only secondary electric lines or wires (<600 Volt Line-to-Line) or for guying purposes,
- (3) Mounted on existing utility poles and towers which already serve primary electric lines or wires (>600 Volt Line-to-Line),
- (4) Mounted on new poles.

Considerations include the structural integrity of existing utility poles, the ability of the pole owner(s) to accommodate the wireless facilities, as well as the visual impacts on the surrounding area. Collocated equipment may not be preferred when the installation results in an unfair aesthetic burden on some residents or neighborhoods, and/or new poles that are bigger, heavier and more obtrusive than existing poles and would have a negative visual impact on the surrounding area.

**Section 5: PERMITTING PROCESS**

5.1 Permit Required. No small cell wireless facility shall be constructed, erected, modified, mounted, attached, operated or maintained within any public right-of-way without the issuance of a permit granted by the Danvers Select Board (DSB), after notice and a public hearing. No approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the Town for delivery of telecommunications services or any other purpose.

5.2 Application Content. All permit applications must include:

- A. Detailed site, design, engineering plans and specifications for each proposed small cell wireless facility, including all associated equipment necessary for its operation;
- B. A master plan showing the geographic service area for the proposed small cell wireless facilities, and all of Applicant's existing, proposed and anticipated small cell wireless facilities in the Town;
- C. Photographs of proposed small cell wireless facility equipment;
- D. Visual impact analyses with photo simulations;
- E. Certification by a certified radio-frequency engineer that the small cell wireless facility will be in compliance with the FCC standards for RF emissions as they relate to the general public, including aggregate emissions for all collocated equipment;
- F. Documentation demonstrating a good faith effort to locate the small cell wireless facility in accordance with the preferred provisions of Section 4 and that the proposed location minimizes the health, safety, and visual impacts to the community;
- G. Mailing expenses associated with the Town providing written notice of the proposed small cell wireless facility to owners of all properties within 500 feet of the proposed installation;
- H. An executed indemnification agreement as set forth in section 5.6 hereof.

5.3 Application Fee. The Town shall assess a per-installation fee to cover the Town's costs of processing, reviewing, evaluating, conducting a public hearing, and other activities involved in consideration of the application, and conducting oversight of the construction of the small cell wireless facility to ensure compliance with zoning requirements.

5.4 Consultant Fee. The Town shall have the right to retain an independent technical consultant to assist the Town in its review of the application. Except to the extent expressly prohibited by law, the reasonable cost of the review shall be paid by the Applicant.

5.5 Additional Information. The Town may request any additional information as necessary to evaluate the application.

5.6 Notice. At applicant's sole cost and expense, the Town shall provide written notice of the time

and place of the hearing to the owners of all properties within 500 feet of a proposed wireless facility, as determined by the last preceding assessment for taxation. Such notice shall be mailed at least seven (7) days prior thereto.

- 5.7 Compliance Bond. Upon approval of the application, the Applicant shall be required to post a bond for each small cell wireless facility, such bond to be held and maintained during the entire period of Permittee's operation of each small cell wireless facility in the Town as a guarantee that no such installation, including any co-located equipment, exceeds or will exceed the allowable FCC limits for RF radiation exposure to the general public as determined by a qualified independent RF engineer.
- 5.8 Indemnification. The Applicant shall provide an executed agreement in the form provided by the Town, pursuant to which the Applicant agrees to defend, hold harmless and fully indemnify the Town, its officers, employees, agents, attorneys, and volunteers, from (i) any claim, action or proceeding brought against the Town or its officers, employees, agents, or attorneys to attack, set aside, void, or annul any such approval of the Town or (ii) a successful legal action brought against the Town for loss of property value or other harm caused by the placement or operation of a small cell wireless facility. This indemnification agreement shall be in a form acceptable to the Town Attorney and shall include, but not be limited to, damages, fees and/or costs awarded against the Town, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Permittee, the Town and/or the parties initiating or bringing such proceeding. The agreement shall also include a provision obligating the Applicant to indemnify the Town for all the Town's costs, fees and damages which the Town incurs in enforcing the indemnification provisions of this Section.
- 5.9 Regulations. The Board of Selectmen shall have the authority to adopt regulations and policy guidelines to implement the provisions of this bylaw.

#### **Section 6: INSTALLATION SPECIFICATIONS**

- 6.1 The Applicant shall construct, install and operate the small cell wireless facility in strict compliance with the plans and specifications approved by the DSB.
- 6.2 Where feasible, as new technology becomes available, the Applicant shall replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approvals required by the Town.
- 6.3 The Applicant shall submit and maintain current at all times basic contact and site information on a form to be supplied by the Town. The Permittee shall notify the Town of any changes to the information submitted within seven days of any change, including the name or legal status of the owner or operator.
- 6.4 At all times, all required notices and signs shall be posted on the site as required by the FCC and state law, and as approved by the Town. The location and dimensions of a sign bearing the emergency contact name and telephone numbers shall be posted pursuant to the approved plans.
- 6.5 The Applicant shall maintain current at all times liability and property insurance for each small cell wireless facility in the Public Right of Way in the amount of \$2,000,000 (Two Million dollars) naming the Town as additional insureds.
- 6.6 The small cell wireless facility shall have an adequate fall zone to minimize the possibility of damage or injury resulting from pole collapse or failure, ice fall or debris fall, and to avoid or minimize all other impacts upon adjoining properties.
- 6.7 Every effort shall be made to locate small cell wireless facilities no less than five hundred (500) feet away from the nearest other small cell wireless facility, regardless of whether such small cell wireless facility will be owned by the Applicant or a third party.
- 6.8 If a single or collocated small cell wireless facility is mounted on an existing structure such as a

utility or lighting pole it must be verified that such structure can support its weight and the weight of any existing collocated equipment. All new wires needed to service the small cell wireless facility must be located within the width of the existing structure so as to not exceed the diameter and height of the existing utility pole.

- 6.9 A single or collocated small cell wireless facility may be mounted to existing utility poles and towers which already serve primary electric lines or wires (>600 Volt Line-to-Line) only with direct written permission from Danvers Electric.
- 6.10 All equipment not to be installed on or inside the pole must be located underground, flush to the ground, within three (3) feet of the utility pole. Each small cell wireless facility is to have its own dedicated power source to be installed and metered separately.

**Section: DEFINITIONS**

“Applicant” means the telecommunications provider seeking permission to install small cell wireless facilities in the Town pursuant to this by-law. For purposes of this by-law, the term, “Applicant” also refers to a telecommunications provider who has been granted a permit as provided herein.

"Collocated Small Cell Installation" means a single telecommunication tower, pole, mast, cable, wire or other structure supporting multiple antennas, dishes, transmitters, repeaters, or similar devices owned or used by more than one public or private entity.

"Exempted Telecommunications Facility" includes, but is not limited to:

- a. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the residential parcel on which the radio or television antenna is located; with an antenna height not exceeding twenty-five feet;
- b. A ground or building mounted citizens band radio antenna, including any mast, if the height (post and antenna) does not exceed thirty-five feet;
- c. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed thirty-five feet;
- d. A ground or building mounted receive-only radio or television satellite dish antenna, which does not exceed thirty-six inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.
- e. Mobile services providing public information coverage of news events of a temporary nature.
- f. Hand-held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar personal-use devices.
- g. Government-owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding thirty-five feet.
- h. Town-owned and operated antennae used for emergency response services, public utilities, operations and maintenance if the height does not exceed seventy (70) feet.
- i. Telecommunication facilities less than fifty feet in height, in compliance with the applicable sections of this chapter, located on a parcel owned by the Town and utilized for public and/or quasi-public uses where it is found by the Town Board to be compatible with the existing uses of the property and serving the public interest.

- j. Telecommunication facilities, including multiple antennas, in compliance with the applicable sections of this chapter, located on an industrial parcel and utilized for the sole use and purpose of a research and development tenant of said parcel, where it is found by the planning director to be aesthetically compatible with the existing and surrounding structures.

**"Major Telecommunications Facility"** means telecommunication towers, poles or similar structures greater than 50 feet in height, including accessory equipment such as transmitters, repeaters, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, as well as support structures, equipment buildings and parking areas.

**"Public Right of Way"** means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, and for purposes of this Chapter shall include Public Utility Easements, but only to the extent the Town has the authority to permit use of the area for this purpose. The term does not include a federal interstate highway or other areas that are not within the legal jurisdiction, ownership or control of the Town.

**"Small Cell Wireless Facilities"** shall have the same meaning as **"Small Wireless Facilities"** set forth by the Federal Communications Commission ("FCC"), and shall include all equipment required for the operation and maintenance of a "small cell" wireless communications systems that transmit and/or receive signals but are not "Major Telecommunications Facilities," including but not limited to antennas, microwave dishes, power supplies, transformers, electronics, accessory equipment cabinets, and other types of equipment attached to existing structures and associated accessory structures required for the transmission or receipt of such signals.

In the FCC Order, the FCC defined **"Small Wireless Facilities,"** as those facilities that meet the following conditions:

- (1) The structure on which antenna facilities are mounted—
  - (i) is 50 feet or less in height, or
  - (ii) is no more than 10 percent taller than other adjacent structures, or
  - (iii) is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
- (2) Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
- (3) All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and
- (4) The facility does not require antenna structure registration under part 17 of this chapter; and
- (5) The facility is not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in Rule 1.1307(b).

(AUTH Article 7 ATM May 15, 2023)

## Chapter XLV

### Danvers Historic Districts By-Law

---

Section 1. Title: This by-law shall be known and may be cited as the Danvers Historic Districts By-Law and is adopted pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended.

Section 2. Purpose: The purpose of this by-law is to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of the distinctive characteristics of

buildings and places significant in the history of the Town of Danvers or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

Section 3. Establishment of Historic Districts: There are hereby established under the provisions of Chapter 40C of the General Laws the following historic districts:

- A.  
The Salem Village Historic District.
- B.  
The James Putnam Jr. House Historic District.

The descriptions and plans of the districts are described in Appendix 1 of this By-Law and shall be part of this article and are incorporated into this By-law by reference.

Section 4. Historic District Commission:

- A.  
Membership. There is hereby established under Chapter 40C of the General Laws a Historic Districts Commission consisting of seven members and three alternate members, appointed by the Select Board, including one member, where possible, from two nominees submitted by the Danvers Historical Society, one member, where possible, from two nominees, one of whom may be submitted by the Massachusetts State Chapter of The American Institute of Architects, and one of whom may be submitted by the Boston Society of Landscape Architects, and one member, where possible, from two nominees of the board of realtors covering Danvers. Where possible, one or more members should be residents of a Historic District established in Danvers pursuant to the Historic Districts Act.<sup>1</sup>
- B.  
Terms of Office. When the Commission is first established, two members and one alternate shall be appointed for one year, two members and one alternate shall be appointed for two years, and three members and one alternate shall be appointed for three years. Successors shall each be appointed for a term of three years.
- C.  
Vacancies. Vacancies shall be filled within 60 days by the Select Board by appointment for the unexpired term. In the case of absence, inability to act, or unwillingness to act because of self-interest by a member, the Chair shall designate an alternate member of the Commission to act for a specified time.
- D.  
Compensation. All members shall serve without compensation.

---

<sup>1</sup> Additional membership suggestions: Lawyer, professional historian, additional residents of a district, member of Planning Board, member of Conservation Commission, individuals interested in historic preservation.

- E. Officers. The Commission shall elect annually a Chair and Vice Chair from its number and a Secretary from within or without its number.

Section 5. Duties & Powers of the Commission: The Historic Districts Commission shall have all the powers and duties of Historic District Commissions as provided by the Historic Districts Act, General Laws, Chapter 40C, and of subsequent amendments thereto unless specifically limited by this by-law.

- A. Rules and Regulations. The Commission may adopt Rules and Regulations not inconsistent with the provisions of the Historic Districts Act.

- B. Expenditures. The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work.

- C. General Regulatory Powers. The Commission shall have control over new construction, reconstructions, alterations, movements, and demolitions of all exterior architectural features of buildings and structures within a historic district that are visible from any public street, public way, or public park within a historic district, except as limited by this by-law. The term "structure" includes stonewalls, fences, driveways, walks, terraces, steps, pavings, signs, lights, and appurtenant fixtures on lots, buildings or structures. For purposes of this by-law, any structure partially within a historic district shall be considered wholly within the district.

- D. Considerations. In passing upon matters before it, the Commission shall consider, among other things, the historic and architectural value and significance of the site, building, or structure, the general design arrangement of the features involved, and the relation of such features to similar features of building and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity. The Commission may, in appropriate cases, impose dimensional and set-back requirements in addition to those required by the Zoning By-Law.

- E. Waiver of Review. The Commission may determine from time to time after a public hearing that certain categories of exterior architectural features, structures, or signs may be constructed or altered without review by the Commission. The Commission may, after a public hearing, set forth the various designs of certain appurtenances, such as light fixtures, which will meet the requirements of a historic district. No such

determination shall limit the right of an applicant to present other designs to the Commission for its approval.

Section 6. Limitations and Exemptions:

A. Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair, or replacement of any exterior architectural feature within a historic district that does not involve a change in design, material, color, or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition.

B.

The following are exempt from the control of the Historic District Commission:

1. Ordinary maintenance and repair of any exterior architectural feature if such repair and maintenance does not involve a fundamental change in design and materials.
2. Any constructions, demolitions, or alterations under a permit issued by a building inspector or similar agent before the effective date of the establishment of the district.
3. Any constructions, demolitions, or alterations under orders issued by a building inspector or similar agent for the purposes of public safety.
4. Landscaping with plants, trees, or shrubs.
5. Terraces, walks, sidewalks, and other similar structures, not including driveways or parking lots, provided the structure is at grade level.
6. Storm doors and storm windows; screen doors and window screens; window air conditioners, antennae.
7. Color of paint and color of roofing materials.
8. The reconstruction is substantially similar in exterior design of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.
9. Signs which meet the requirements of the Town Zoning By-Law.

10. Temporary signs and structures up to 30 days.

11. Agricultural buildings and uses as protected by M.G.L. Chapter 40A, § 3.

Section 7. Procedures:

A.

Except as this by-law provides in Section 5, no building or structure within a historic district shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration. Nor shall any building permit for demolition be issued for any building or structure within a historic district until the Commission has issued the certificate required by this section.

B.

Applications for certificates shall be made in triplicate, one copy being filed with the Historic District Commission, one with the Building Commissioner, and one with the Town Clerk. Applications shall be in the form specified by the Commission, to include plans and elevations signed by an architect or draftsman, drawn to scale, detailed enough to show the architectural design of the structure and its relation to the existing building, and other materials deemed necessary by the Commission. Plot and site plans should be filed when applications for certificates are made for improvements affecting appearances, such as walls, fences, steps, and paving. In the case of demolition or removal, the application must include a statement of the proposed condition and the appearance of the property thereafter.

C.

Within 14 days of applying for any certificate, the Commission or its designee shall determine whether the application involves any features subject to approval by the Commission.

D.

If the application requires the Commission's review or at the applicant's request, the Commission shall hold a public hearing unless waived according to the provisions of Chapter 40C of the General Laws amended. Public notice of the hearing's time, place, and purpose must be given at least 14 days in advance, and the Commission must notify affected parties by mail as provided in Chapter 40C of the General Laws as amended. The Town of Danvers shall bear the cost of any legal notices and advertisements.

E.

The Commission shall decide upon the determination of any application within 60 days of its filing or within such further time as the applicant may allow in writing.

F.

A Certificate of Appropriateness shall be issued to the applicant if the Commission determines that the proposed construction or alteration will be appropriate for or compatible with the preservation or protection of the historic district. In the case of disapproval of an application for a Certificate of Appropriateness, the Commission shall place upon its records the reasons for such determination. It shall immediately cause a notice of its decision, accompanied by a copy of the reasons, therefore as set forth in the records of the Commission, to be issued to the applicant. The Commission may make recommendations to the applicant concerning the appropriateness of design. Before the issuance of any disapproval, the Commission may notify the applicant of its proposed action, accompanied by recommendations of changes in the applicant's proposal, which, if made, would make the application acceptable to the Commission. If, within 14 days of receiving such notice, the applicant files a written modification of his application in conformity with the recommended changes of the Commission, the Commission shall issue a Certificate of Appropriateness to the applicant.

G.

Upon request, the Commission may issue a Certificate of Non-Applicability to any applicant whose request does not require Commission approval.

H.

If an application is deemed inappropriate or if the application is made for a Certificate of Hardship, the Commission may issue a Certificate of Hardship if conditions especially affecting the building or structure involved, but not affecting the historic district generally, would make failure to approve an application involve a substantial hardship, financial or otherwise, to the applicant, and approval would not involve substantial detriment to the public welfare. A Certificate of Hardship shall also be issued in the event that the Commission does not make a determination on an application within the time specified in Section 7E of this by-law.

I.

Each certificate shall be dated and signed, and the Commission shall keep a permanent record of its determinations and the vote of each member participating therein and shall file a copy or notice of certificates and determinations of disapproval with the Town Clerk and the Building Commissioner.

J.

Per MGL Ch 40C, Section 12A, any person aggrieved by a determination of the commission may, within twenty days after the filing of the notice of such determination with the town clerk, appeal to the superior court.

K. Violating any of the provisions of this by-law shall incur a fine of not less than ten dollars or more than five hundred dollars, each day constituting a separate offense.

Section 8. By-Law Applies to the Town: The Town of Danvers shall be subject to the provisions of this by-law, notwithstanding any town by-law to the contrary.

Section 9. Amendments: This by-law may be amended from time to time by a two-thirds vote of the town meeting subject to the procedures established in Chapter 40C, Section 3 of the General Laws.

Section 10. Severability: In case any section, paragraph, or part of this bylaw be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.

Section 11. Effective Date: Following Town Meeting approval, this by-law takes effect immediately when the following conditions have been met: (a) approval by the Attorney General of the Commonwealth: (b) filing of a map of the boundaries of the Historic Districts with the Danvers Town Clerk, the Building Commissioner and the Registry of Deeds for Essex County.

APPENDIX 1. Description and Plans of the Historic Districts.

A.

The Salem Village Historic District, shown on Map #1 of this Appendix, is bounded and described as follows:

Beginning at a point, said point located on the westerly side of Pine Street and on the southerly lot line of land now or formerly of the Society for the Preservation of New England Antiquities, the Rebecca Nurse House, and running westerly along the southerly lot line of same property now or formerly of the Society for the Preservation of New England Antiquities to the easterly side of Collins Street; Thence crossing to the westerly sideline of Collins Street at a point on the northeasterly lot line of Lot #210, Map #57; Thence turning northwesterly and running along the sideline of Collins Street to the northwesterly lot line of Lot #210, Map #57; Thence turning southwesterly and running 100 feet, more or less, along the northwesterly lot line of same property; Thence turning northwesterly and running parallel to the southwesterly sideline of Collins Street at a distance of 100 feet, more or less, along the back lot lines of property abutting Collins Street, and in some cases through abutting properties to the southerly lot line of Lot # 64, Map #49; Thence turning westerly and running along the southerly lot line of that same lot to the westerly lot line of that same lot; Thence turning northerly and running along the back lot lines of property abutting the westerly sideline of Centre Street to the southerly lot line of Lot #10, Map #49; Thence turning southwesterly and running along the back lot line of Lot #13, Map #49, to a point, said point being 250 feet, more or less, southwesterly of the southwesterly sideline of Centre Street; Thence turning northwesterly and running parallel to the southwesterly and southerly sideline of Centre Street at a distance of 250 feet, more or less, to a point on the westerly lot line of Lot #33, Map #40 (Wadsworth School); Thence turning northwesterly and running along the westerly lot line of the lot to the southerly sideline of Centre Street; Thence crossing Centre Street to the northerly sideline of Centre Street; Thence turning northeasterly and running along the northerly sideline of Centre Street to the easterly sideline of Briarwood Drive; Thence turning northerly and running along the easterly sideline of Briarwood Drive to the southerly lot line of Lot #49, Map #40; Thence turning easterly and running along the southerly lot line of that same lot and along the back lot lines of property abutting the southeasterly sideline of Highland Terrace to the easterly lot line of Lot #3, Map #41; Thence turning northerly and running along the easterly lot line of that same lot to the northerly lot line of that same lot; Thence turning westerly and running along the northerly lot line of that same lot to the easterly lot line of Lot #2, Map #41; Thence turning northerly and running along the westerly lot line of Lot #1, Map #41 to the northerly lot line of Lot #55, Map #40; Thence turning westerly and running along the back lot lines of property abutting the northwesterly sideline of Highland Terrace to the back lot line of Lot #62, Map #40; Thence turning northwesterly and running

along the back lot lines of property abutting the northeasterly sideline of Briarwood Drive to the easterly sideline of Interstate 95; Thence turning northerly and running along the easterly side line of Interstate 95 to the northerly lot line of land now or formerly of Endicott Park; Thence turning easterly and running along the northerly lot line of land now or formerly of Endicott Park to the easterly lot line of the same property; Thence turning southeasterly and running along the easterly lot line of that same property to the back lot line of Lot #4, Map #33; Thence turning southwesterly and running along the back lot lines of property abutting the northwesterly sideline of Forest Street to the southwesterly lot line of Lot #3, Map #33; Thence turning southeasterly and running along the southwesterly lot line of that same property to the northwesterly sideline of Forest Street; Thence crossing Forest Street to a point on the opposite sideline on the southwesterly lot line of Lot #47, Map #33; Thence turning southeasterly and running 300 feet, more or less, along the southwesterly lot line of that same lot to a point; Thence turning southerly and running parallel to the easterly sideline of Forest Street at a distance of 300 feet, more or less, to a point located in land now or formerly of St. Richards Catholic Church; Thence turning southwesterly and running across that same land to the northeasterly sideline of Forest Street; Thence crossing Forest Street to the opposite sideline at the northwesterly lot line of Lot #29, Map #41; Thence running along the back lot lines of property abutting the northwesterly sideline of Alma Lane to a point on the lot line of Lot #14, Map #41, said point being 190 feet, more or less, easterly of the easterly sideline of Ingersoll Street; Thence turning southerly and running across that same lot to the northwesterly end line of Weeks Road; Thence turning southwesterly and running along the northwesterly lot line of Lot #153, Map #41, the back lot line of that same lot; Thence turning southeasterly and running along the back lot lines of property abutting the southwesterly sideline of Weeks Road to the northwesterly sideline of Prince Place; Thence crossing Prince Place to the southwesterly lot line of Lot #150, Map #41; Thence running along the southwesterly lot line of that same lot line to the northwesterly lot line of Lot #149, Map #41; Thence turning southwesterly and running along the northwesterly lot line of that same lot to the back lot line of that same lot; Thence turning southeasterly and running along the back lot line of property abutting the southwesterly sideline of Weeks Road to the southeasterly lot line of Lot #148, Map #41; Thence turning northeasterly and running along the southeasterly lot line of that same lot to the southwesterly lot line of Lot #148A, Map #41; Thence turning southeasterly and running along the southwesterly lot line of that same lot to the southeasterly lot line of that same lot; Thence turning northeasterly and running along the back lot lines of Property abutting the end line of Weeks Road to the back lot line of Lot #134, Map #41; Thence turning southerly and running along the back lot line of property abutting the southwesterly sideline of Forest Street to the back lot line of Lot #126, Map #41; Thence turning northeasterly and running along the back lot lines of land abutting the northwesterly sideline of Hobart Street to the southwesterly sideline of Forest Street; Thence crossing Forest Street to the northerly lot line of Lot #102, Map #41; Thence turning northwesterly and running along the northeasterly sideline of Forest Street to a point 250 feet, more or less, from the northwesterly sideline of Hobart Street; Thence turning northeasterly and running parallel to the northwesterly sideline of Hobart Street at a distance of 250 feet, more or less, to a point 25 feet, more or less, southwesterly of the southwesterly sideline of Gansons Lane; Thence turning northwesterly and running parallel to the southwesterly sideline of Gansons Lane at a distance of 25 feet, more or less, to a point 50 feet, more or less, northwesterly at the end line of Gansons Lane; Thence turning northeasterly and running parallel to the end line of Gansons Lane at a distance of 50 feet, more or less, to a point 25 feet, more or less, northeasterly of the northeasterly sideline of Gansons Lane; Thence turning southeasterly and running parallel to the northeasterly sideline of Gansons Lane at a distance of 25 feet, more or less, to the northerly sideline at Hobart Street; Thence turning southwesterly and crossing Hobart Street to the opposite sideline at the northeasterly lot line of Lot #109, Map #41; Thence turning southeasterly and running along the northeasterly lot line of that same lot to a point 300 feet, more or less, from the southerly sideline of Hobart Street; Thence turning southwesterly and running along parallel to the

southerly sideline of Hobart Street at a distance of 300 feet, more or less, to the westerly lot line of Lot #120, Map #41 (Highland School); Thence turning southerly and running along the westerly lot lines of that same lot and Lot #100, Map #49 (School Site) to the northerly lot line of Lot #124, Map #49; Thence running southwestwardly across that same lot, across Lot #123 Map #49, and along the easterly lot line of Lot #122, Map #49 to the northerly sideline of Holten Street; Thence crossing Holten Street to the southerly sideline of Holten Street at the northeasterly sideline of Collins Street; Thence turning easterly and running along the southerly sideline of Holten Street to the westerly lot line of Lot #84, Map #49; Thence turning southerly and running along the westerly lot line of that same lot to the back lot line of that same lot; Thence turning easterly and running along the back lot line of that same lot to the westerly lot line of Lot #85, Map #49; Thence turning southerly and running along the westerly lot line of that same lot to the back lot line of that same lot; Thence turning easterly and running along the back lot line of that same lot to the easterly lot line of that same lot; Thence turning southerly and running more or less parallel to the northeasterly sideline of Collins Street at a distance of 100 feet, more or less, to the southerly lot line of land now or formerly of the Boston & Maine Railroad; Thence turning easterly and running along the northerly sidelines of land now or formerly of the Society for the Preservation of New England Antiquities (The Rebecca Nurse House) to the southwestwardly sideline of Pine Street; Thence turning southeasterly and running along the southwestwardly sideline of Pine Street to the point of beginning.

All as shown on a plan entitled: Salem Village Historic District, Map #1, 1974, Danvers, Massachusetts, Scale: 1" = 600', March 18, 1974, Charles Axelrod, Town Engineer, drawn: J. W. Clark.

All lots referred to by Lot # and Map # are from the Town of Danvers, Assessors Map, by John E. O'Donnell & Associates, Auburn, Maine, 1970.

B.

The James Putnam Jr. House Historic District, shown on Map #2 of this Appendix, is made up of Assessor's Parcel ID number 034 003, with a street address of 42 Summer Street.

(AUTH Article 9 ATM May 15, 2023, ATM 5/20/24 Art 36)

## **Chapter XLVI** **Preventing Demolition-by-Neglect of Structures on the** **National Register of Historic Places**

### **Section 1: Intent and Purpose.**

The purpose of this bylaw is to ensure necessary maintenance for the preservation of historically-significant structures from the elements, neglect, or lack of repair which would, in the expert judgment of the Building Commissioner, leave the structure vulnerable to demolition by the elements. In this bylaw, oversight of the Building Commissioner's determination is provided by the Preservation Commission, and by public input through the public hearing process.

This bylaw is intended to cover situations that may arise which are not covered under the currently existing Demolition Delay Bylaw and the Historic District Bylaw, but which would threaten the existence of an historically significant structure on the National Register of Historic Places - meaning a structure that

has been recognized at the local, state, and federal level to be significant, and has been approved by the federal government as having met the strict criteria for placement on the National Register.

To clearly limit the scope of this bylaw to those structures that are of the highest significance, it only applies to structures that are federally recognized through the National Register process.

This bylaw is adopted to further the Demolition Delay Bylaw and the Historic Districts Bylaw's goal to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Town of Danvers or their architecture.

**Section 2: Definitions.** For this Chapter, the following words and phrases mean the following:

- A. Owner: The record owner(s) of the property subject to this bylaw
- B. Building Commissioner: The Town of Danvers Building Commissioner or their designee.
- C. Demolition by Neglect: A building, or portion thereof, which has deteriorated to the point that the building is at risk of a partial or total loss.
- D. Structure: An independent structure, including appurtenant elements, resting on its foundations and designed for the shelter or housing of persons, animals, chattels, or property of any kind that is larger than 100 square feet.

**Section 3. Applicability.** This bylaw shall only apply to a structure that is listed on the National Register of Historic Places, either individually, as a district, or as a National Historic Landmark; or is part of a pending application for inclusion on the National Register, or has been found eligible for inclusion on the National Register.

**Section 5. Procedure**

- A. The Building Commissioner or the Preservation Commission may initiate the review process when there is reason to believe, through visual inspection or other means, that a structure regulated by this bylaw may be undergoing demolition due to neglect. In such a case, the Commission must notify the property owner and initiate a public hearing to deliberate the matter, as outlined below:
  - i. The Commission shall hold a public hearing. Public notice of the hearing's time, place, and purpose must be given at least 14 days in advance. The Town of Danvers shall bear the cost of any legal notices and advertisements.
  - ii. At said public hearing, the Commission must find that the loss of the distinctive characteristics of the building would be detrimental to the history of the Town of Danvers and its architecture.

- iii. If at the public hearing the Commission finds that the loss of the structure would be detrimental, the Building Commissioner will then make a report to the Commission on the status of the structure in question. After hearing this report, the Commission must find whether the structure would, if allowed to deteriorate, undermine the preservation of the structure and lead to the total or partial loss of the building. Such a finding requires the concurrence of the Building Commissioner and the Commission, and should specifically address the condition of:
  - a. The foundation(s), exterior walls, and other vertical supports (exterior or interior);
  - b. The roof(s) and other horizontal members (including joists, beams, etc.); and
  - c. Any chimney(s) or chimney support systems.
- iv. If the Commission and the Building Commissioner both determine that the building is undergoing demolition by neglect, the Building Commissioner shall attempt to negotiate a voluntary agreement with the owner for appropriate and timely repairs sufficient to structurally stabilize the building and/or prevent further deterioration.
- v. In the event that the Building Commissioner determines that they are not able to negotiate such an agreement with the owner for any reason or that the owner has agreed to undertake but has failed to satisfactorily complete such repairs in a timely manner, then the Building Commissioner is also authorized to institute any and all proceedings in law or equity as deemed necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a violation thereof, including seeking a court order that specific repairs be undertaken to secure the building against the elements, vandals, and vermin, to halt further deterioration, and to stabilize it structurally. The Building Commissioner may forbear from commencing an action in court for any reason.
- vi. Upon completion of all repairs that have been agreed upon between the owner and the Building Commissioner, or that have been ordered by the Building Commissioner, or that have been ordered by the court, and upon certification by the Building Commissioner that said repairs have been completed, the Commission and Building Commissioner must hold a public meeting and certify that the building is no longer undergoing demolition by neglect.

**Section 6: Severability.** In case any section, paragraph, or part of this bylaw is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph, and part of such bylaw shall continue in full force and effect.

(AUTH Article 37, ATM 5/20/24)

The Danvers Limited Town Meeting Act (Acts of 1930, Chapter 294) was accepted by the voters at large at the Annual Town Election in March, 1931. The contributory Retirement Act (Acts of 1936, Chapter 318) was accepted by the voters at large at the State Elections held in November 1936. The statute combining the Water and Sewer Departments (Acts of 1937, Chapter 328) was accepted by the voters at large at the Annual Town Election in March, 1938. The Danvers Town Manager Act (Acts of 1949, Chapter 13) was accepted by the voters at large at the Annual Town Election in March, 1949.

The following statutes were accepted in Town Meeting on the dates indicated:

March 20, 1871	Acts of 1866, Chapter 174, Acts of 1868, Chapter 276 and Acts of 1869, Chapter 169, relating to the laying out, widening, and improving streets.
March 23, 1883	Public Statutes, Chapter 51, nine sections applicable to the Town of Danvers relating to betterments.
January 20, 1891	Acts of 1891, Chapter 378, entitled an Act to Legalize the Action of the Town of Danvers in Establishing an Electric Light Department.
January 20, 1891	Acts of 1890, Chapter 386, relating to Australian ballot for election of Town officers.
May 13, 1895	Acts of 1894, Chapter 191, entitled an Act to Supply the Town of Danvers with Pure Water.
1906	Acts of 1906, Chapter 442, defining accrued interest.
March 1, 1909	Acts of 1908, Chapter 209, which provides for the protection of forests and sprout lands from fire.
April 10, 1910	Revised laws Chapter 19, Section 37, Civil Service for Police Department.
November 15, 1912	Acts of 1912, Chapter 503, relating to pensioning Town laborers.
March 24, 1913	Revised Laws, Chapter 28, Section 1 to 14, authorizing towns to lay out public parks. (See now G.L. Chapter 45.)

November 4, 1913	Acts of 1913, Chapter 807, Workmen's Compensation. (See now G.L. Chapter 152.)
November 3, 1914	Acts of 1914, Chapter 217, Laborer's Vacations.
November 3, 1914	Acts of 1914, Chapter 688, Saturday Half Holidays.
November 3, 1914	Acts of 1914, Chapter 790, Party Enrollment.
July 22, 1918	Acts of 1916, Chapter 293, Jutneys.
November 4, 1919	Acts of 1919, Chapter 311, Continuation Schools.
March 8, 1920	Special Acts of 1916, Chapter 229, Danvers Sewer Act.
November 2, 1920	Acts of 1920, Chapter 166, Police One Day Off In Eight. (See now G.L. Chapter 147, Section 16.)
March 7, 1921	General Laws Chapter 31, Civil Service for Chief of Police.
March 23, 1925	General Laws Chapter 143, Permitting Building Laws.
March 23, 1925	General Laws Chapter 41, Board of Survey.
March 23, 1925	Acts of 1923, Chapter 391, Collections of Water Rates. (See now G.L. Chapter 40, Section 42A.)
March 22, 1926	Acts of 1926, Chapter 9, Civil Service for Chief of Fire Department.
March 22, 1926	General Laws Chapter 39, Section 20, Precinct Voting for Town Officers.
March 4, 1929	General Laws Chapter 41, Section 45, Commissioners of Trust Funds.
June 18, 1929	General Laws Chapter 48, Section 59, Two Platoon System for Firemen.
January 6, 1930	Acts of 1929, Chapter 68, An Act Permitting the Town of Danvers to Maintain a Public Hospital.
March 2, 1931	Acts of 1930, Chapter 294, Representative Town Government.

March 21, 1933	Acts of 1934, Chapter 26, Establishing Board of Public Works.
March 19, 1934	Acts of 1931, Chapter 458, Section 4 (G.L. Chapter 41, Section 100A) Reimbursement to Town Employees in Negligence Cases.
March 16, 1936	General Laws Chapter 32, Section 85, Non-contributory Pensions for Police and Firemen.
November 3, 1936	Acts of 1936, Chapter 318, Contributory Retirement System.
November 3, 1936	Chapter 136, Sections 21 & 28, Sunday Sports.
November 3, 1936	Acts of 1937, Chapter 328, System of Sewerage - Powers and Duties of Water Commissioners.
March 20, 1939	General Laws Chapter 31, Section 48, Permanent and Call Firemen under Civil Service.
March 17, 1941	Acts of 1933, Chapter 226, as amended by Acts of 1933, Chapter 335, Sewer Assessment Under Town of Danvers Sewer Acts. What Constitutes Total Cost.
March 16, 1942	Acts of 1941, Chapter 153, use of Danvers Park and Playground with Restrictions.
July 23, 1945	Acts of 1945, Chapter 492, Sewer Assessments Against Abutters Applying Only to the Town of Danvers.
July 23, 1945	Acts of 1938,, Chapter 426, Sections 2 and 3, Granting One Day Off in Six to Policemen.
June 19, 1946	Chapter 41, Section 55, Appointment of Town Accountant.
March 18, 1946	Acts of 1945, Chapter 34, Act which permits call firemen to be promoted to permanent firemen under Civil Service.
November 18, 1946	Acts of 1945, Chapter 556, Increased Pensions for Certain Employees.
March 17, 1947	General Laws Chapter 48, Section 58A, 70 Hour Week for Firemen.

May 19, 1947	General Laws Chapter 44, Section 65 (Acts of 1945, Chapter 653, Section 3) Permits Paying Vacation Money in Advance.
May 19, 1947	Acts of 1947, Chapter 233, to reimburse sealer of weights and measures for hospital expenses.
October 27, 1947	Acts of 1947, Chapter 325, an Act creating an Assessing Department with full-time Assessor.
November 29, 1948	Acts of 1948, Chapter 588, an Act to increase retirement allowances to certain employees.
March 7, 1949	Acts of 1949, Chapter 13, Town Manager Act.
March 21, 1949	General Laws Chapter 33, Section 54 (Acts of 1939, Chapter 425) pay for Town Employees in Reserve Military Service not exceeding 15 days.
March 21, 1949	General Laws Chapter 40, Section 30A (Acts of 1938, Chapter 133) two years to elapse between applications for same variance to Board of Appeals.
March 20, 1950	General Laws Chapter 149, Section 33A, work week 5 days and 40 hours except policemen and others.
March 20, 1950	General Laws Chapter 32, Section 85E, as amended, increasing benefits of non-contributing pensions of firemen and policemen.
July 31, 1950	Chapter 265 of the Acts of 1947, to close the Town Offices on Saturdays.
September 17, 1951	Chapter 403 of the Acts of 1936, to include within the Workmen's Compensation Act all employees of the Town except members of the Police and Fire Departments.
March 17, 1952	General Laws Chapter 50, Section 6B, which permits towns to appropriate money for the purchase of uniforms for Police and Fire Departments.
March 17, 1952	Chapter 781 of the Acts of 1951, relative to increase of pensions and retirement allowances payable to certain former employees.
March 2, 1953	General Laws Chapter 40, Section 6C, remove snow

from private ways.

March 17, 1953	General Laws, Chapter 40, Section 6E, permits Town to make temporary minor repairs to private ways.
July 24, 1953	Chapter 434 of the Acts of 1953, to extend rent control.
November 30, 1953	General Laws Chapter 54, Section 103A, permits absentee voting in Town Elections.
March 21, 1955	Chapter 387 of the Acts of 1953, increasing retirement allowances.
October 15, 1956	General Laws Chapter 180, Section 17A, provides for union dues deductions.
March 4, 1957	General Laws Chapter 32B, group life insurance and health insurance for employees (on ballot).
March 18, 1957	Chapter 401 of the Acts of 1956, which places Civil Defense Volunteers in Classification of Town Employees.
March 17, 1957	Chapter 427 of the Acts of 1956, increasing pensions of retired police and firemen.
August 11, 1958	General Laws Chapter 41, Section 111B, regular employees to accumulate sick leave as may be determined by Selectmen.
March 16, 1959	General Laws Chapter 32, Section 85J, which provides pensions for widows of policemen and firemen.
March 21, 1960	Chapter 493 of the Acts of 1959, increasing pensions of certain retired employees by \$100 if not up to \$1,500.00.
March 20, 1961	Chapter 647 of the Acts of 1960, increasing the amounts of pension and retirement allowances payable to certain former Town Employees.
June 19, 1961	Chapter 223 of the Acts of 1957 (General Laws Chapter 40, Section 8C) to establish a 3 Commission.
March 5, 1962	Chapter 32, Section 12, 89A, and 89B, as inserted by Chapter 552 of the Acts of 1961, establishing minimum benefits for widows of deceased members of retirement systems and for widows of certain employees killed in the

performances of their duties.

March 19, 1962	Public Law 560, 83rd Congress, as amended, relative to a Town Sewerage Study.
November 19, 1962	Chapter 74 of the General Laws, to establish and maintain State Aid Vocation Education.
November 19, 1962	Chapter 40, Section 6A, to permit appropriations for advertising Town's resources.
March 4, 1963	Amendment of Chapter 32B as provided in Acts of 1962, Chapter 647, Section 3, to extend contributory group, hospital, surgical, medical insurance to elderly persons retired from service of the Town and their dependents (on ballot).
March 18, 1963	Chapter 48, Section 57A, to grant days off to permanent members of the Fire Department for working on certain holidays.
March 18, 1963	Chapter 41, Section 100, to indemnify members of the Fire Department for certain expenses.
October 21, 1963	Chapter 478, Acts of 1963 to increase amount of pensions and retirement allowances payable to certain former public employees.
October 21, 1963	Chapter 190, Acts of 1963, to authorize Town to purchase stormy weather work clothing.
March 16, 1964	Chapter 48, Section 57D, General Laws of 1962, nullifying Section 57A, holiday pay for regular Firefighters.
March 16, 1964	Chapter 697, Acts and Resolves of General Court of 1963 to create a Historical Commission of seven members.
August 9, 1965	Chapter 152 of the Acts of 1965, to use the interest on certain funds for scholarship purposes.
August 9, 1965	Chapter 319 of the Acts of 1965, relative to the method of assessment of Sewer Installation costs upon certain land in the Town of Danvers.

March 18, 1968	Chapter 40, Section 7, Article 14, removal of ice and snow from sidewalks.
March 18, 1968	Chapter 40, section 42G, 42H, and 42I, Article 25, relative to spec. assessments to meet cost of laying water pipes in public and private ways.
March 17, 1971	Chapter 41, Section 100F, Indemnification of Harbor-master.
March 6, 1972	Chapter 486 of the Acts of 1971, Beano.
March 20, 1973	Chapter 41, Section 100, 100A, 100B, Indemnification of Firefighters, Police Officers, Employees of the Town of Danvers.
March 20, 1973	Chapter 44, Section 53C, Police Revolving Fund.
March 20, 1973	Chapter 310, Acts of 1971, Burial Expenses for Police Officers and Firefighters.
March 18, 1974	Chapter 90, Section 20C, Motor Vehicle Violations.
March 18, 1974	Chapter 164A, New England Power Pool.
January 20, 1974	Chapter 40, Section 13A, Workmen's Compensation Insurance Fund.
May 20, 1974	Chapter 41, Section 100D, Indemnification of Damages for Officer or an employee of the Town Arising out of Operation of a Motor Vehicle.
October 24, 1977	Chapter 40, Section 22D, State Towing Statute.
October 24, 1977	Chapter 147, Section 10F, as amended, Appointment of Parking Control Officers.
May 22, 1979	Chapter 60, Section 23, Charges for Municipal Lien Certificates.
May 19, 1980	Chapter 665, amending Chapter 44, Section 53D, to Establish a Recreation and Park Self-supporting Service Revolving Fund.
May 19, 1980	Chapter 83, Sections 16A, 16B, 16C, 16D, 16E, and 16F to allow the imposition of a lien on sewer charges and interest thereon.

May 19, 1980	Chapter 71, Section 71E, to Establish a Revolving Fund from Receipts of Adult Education and Summer School Programs.
June 16, 1980	Chapter 40, Section 5, Clause 72, Receipt of funds Collected from Excise Tax on both Ships and Vessels.
November 6, 1980	Chapter 416, Section 22, Qualifications of Board of Assessors. (Accepted by Selectmen)
November 17, 1980	Chapter 40, Section 4G, to contract for the purchase of equipment, supplies, and materials, the cost of which is less than \$4,000, without the necessity of public bidding.
May 18, 1981	Article II of the Amendments to the Constitution of the Commonwealth of Massachusetts commonly called the Home Rule Amendment, Recreation Revolving Fund for Fee Supported Services.
October 13, 1981	M.G.L. Chapter 90, Section 20A 1/2, Providing for Full Responsibility for Parking Ticket Revenues.
October 13, 1981	Chapter 559 of the Acts of 1977, to Establish a Retirement Fund to Offset the Future Retirement Liability of the Town.
May 17, 1982	Chapter 339 of the Acts of 1981, Amending Chapter 44 of the G.L. by Inserting a New Section 53E and the First Paragraph of M.G.L. Chapter 59, Section 23, to Allow the Use and Allocation of Certain Anticipated Receipts by Cities and Towns to Offset Operating Costs.
May 17, 1982	Chapter 743 of the Acts of 1981, providing for a Real Estate Exemption for a Widow or Minor of a Deceased Parent.
May 17, 1982	Chapter 148, Section 26C, Smoke Detection Systems.
March 26, 1984	Chapter 597 of the Acts of 1982 amending Section I of Chapter 60A of the General Laws, Excise Tax Exemptions for Former Prisoners of War.
May 21, 1984	M.G.L. Chapter 148, Section 26G, Requiring Automatic Fire Suppressant Systems of Sprinkler Systems in Certain Non-residential Buildings and Additions.
June 24, 1985	M.G.L. Chapter 59, Section 5, Clause 37A, to Provide an

	Annual Real Estate Abatement of \$500 to Blind Residents.
November 18, 1985	Chapter 188, Section 13 of the Acts of 1985, Public Improvement Act of 1985 Relating to a Professional Development Grant Program.
May 18, 1987	M.G.L. Chapter 64G, Section 3A, to Impose a Local Room Occupancy Excise at the Rate of 4%.
May 18, 1987	M.G.L. Chapter 32B, Section 7A, to Allow Payments of More than 50% of the Premium as the Town's Share of the Cost of Employee Group Health Insurance Premiums.
May 15, 1989	M.G.L. Chapter 41, Section 108L, Police Education Program.
March 19, 1990	M.G.L. Chapter 653, Section 40 of the Acts of 1989, to Authorize the Issuance of Quarterly Tax Bills.
March 19, 1990	M.G.L. Chapter 653, Section 41 of the Acts of 1989, to Authorize Assessment Date Changes.
May 21, 1990	M.G.L. Chapter 59, Section 5, Clause 17D, Providing for Property Tax Exemptions.
May 21, 1990	M.G.L. Chapter 59, Section 5, Clause 41C, Providing for Property Tax Exemptions.
May 21, 1990	M.G.L. Chapter 32, Section 22D, to Repeal \$30,000 Retirement Cap.
May 20, 1991	M.G.L. Chapter 40, Section 57, "Local Licenses and Permits; Denial, Revocation or Suspension for Failure to Pay Municipal Taxes or Charges".
January 13, 1992	M.G.L. Chapter 30B, Section 12, School Bus Contracts.
May 18, 1992	M.G.L. Chapter 32, Section 20G 3/4, credible service after reaching age 70.
May 16, 1994	M.G.L. Chapter 41, Section 81U, Paragraph 12, to authorize Planning Board to expend proceeds of any bond or deposit in an approved subdivision plan.

May 16, 1994	M.G.L. Chapter 40, Section 8J, Create a Disability Commission.
May 16, 1994	M.G.L. Chapter 59, Section 5, Clause 41A, Tax Deferral Exemption increase to \$40,000.
May 16, 1994	Chapter 71, Section 83 of Acts of 1993, "Education Reform Act", Early Retirement Incentive Program.
May 15, 1995	Chapter 148, Section 26H, Lodging or Boarding Houses; Automatic Sprinkler Systems
May 15, 1995	Chapter 148, Section 26I, Multiple Dwelling Units; New Construction; Automatic Sprinkler System.
May 20, 1996	Chapter 40, Section 22F, Fees and Charges
May 19, 1997	Chapter 32, Section 20A, To indemnify the members of the Danvers Contributory Retirement System
May 19, 1997	Chapter 701 of the Acts of 1996, Additional Retirement Benefits for Certain Veterans
May 19, 1997	Chapter 39, Section 15, to authorize the Moderator to declare adoption without a count of any vote requiring a 2/3 vote.
October 28, 1997	Chapter 164, §58B through 58F inclusive, Establishment of liens to customers served by the Danvers Electric Division in the Town of Danvers and the Town of Topsfield.
May 27, 1998	Chapter 32B, §9D½, Health Insurance for Spouses of Retirees.
June 22, 1998	Chapter 17 of the Acts of 1997, An Act Relative to the Annual Cost of Living Adjustments for Retirees.
May 17, 1999	Chapter 456 of the Acts of 1998, regarding Non-Contributory COLA.
May 17, 1999	Chapter 194, Section 288 of the Acts of 1998, regarding Option C (Pop-up).
May 15, 2000	Chapter 127 of Section 51 of the Acts of 1999, regarding COLA.

May 15, 2000	Chapter 181, §1, Clause 17D of the Acts of 1995, regarding Consumer Price Index Program.
May 15, 2000	Chapter 73, §4, of the Acts of 1986 as amended by Chapter 126 of 1988, regarding property exemptions of 25% for Fiscal Year 2001 for those persons who qualify under Massachusetts General Laws, Chapter 59, §5.
May 15, 2000	Chapter 60, §3D, regarding pledging an amount of not less than \$1 to the elderly and disabled.
May 21, 2001	Chapter 59, §5, §17E and §41D, regarding an increase in exemption income and asset limits.
November 25, 2002	Chapter 59, Section 5, Clause 22, 22A, 22B, 22C, 22D, and 22E, effective for Fiscal Year 2003, regarding exemptions under this section to be granted to otherwise eligible persons who have resided in the Commonwealth for one year prior to the date of filing for exemptions under the applicable clause.
May 19, 2003	Chapter 59, Section 5K, as amended by Chapter 184, Section 52 of the Acts of 2002, property tax work-off program.
May 19, 2003	Chapter 59, Section 5, Clause 41C, as amended by Chapter 184, Section 51 of the Acts of 2002, eligibility age for Clause 41C Senior Exemptions from age 70 to age 65.
May 19, 2003	Chapter 59, Section 5, Clause 41C, as amended by Chapter 184, Section 51, of the Acts of 2002, increasing the gross receipts that applies to applicants to \$20,000 if single and \$30,000 if married.
May 17, 2004	Chapter 40, Section 8G relating to police mutual aid, as most recently amended by Chapter 124 of the Acts of 2003.
May 16, 2005	Chapter 73, Section 4, of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, authorizing the Board of Assessors to grant additional exemption of up to 50% for FY06 for persons who qualify under Chapter 59, Section 5.

- May 15, 2006 Chapter 83, Section 16G, to take effect beginning in fiscal year 2007, allowing a taxpayer who is receiving a deferral of their property taxes under Chapter 59, Section 5, Clause 41A to defer their sewer charges.
- May 15, 2006 Chapter 40, Section 42J, to take effect beginning in fiscal year 2007, allowing a taxpayer who is receiving a deferral of their property taxes under Chapter 59, Section 5, Clause 41A to defer their water charges.
- May 15, 2006 Chapter 44, Section 53F½, establishing the Public Works Sewer Division as an Enterprise Fund effective Fiscal 2007.
- May 15, 2006 Chapter 157, Sections 1 & 2 of the Acts of 2005, relative to Disability Retirement Benefits for Veterans.
- May 15, 2006 Chapter 184, Section 51 of the Acts of 2002, amending General Law Chapter 59, Section 5 Clause Forty-First C and pursuant thereto, to adjust the amount of the Statutory Tax Exemption, effective starting in Fiscal Year 2007 to \$1,000 or \$8,000 in valuation if greater.
- May 21, 2007 Chapter 137 of the Acts of 2003, as amended by Chapter 77 of the Acts of 2005. Pay for employees in Armed Forces.
- May 21, 2007 Chapter 55, §3 of Chapter 64 of the Acts of 2006, increasing the accidental death benefit payable to surviving children.
- May 21, 2007 Chapter 39, Section 23D, as added by Chapter 79 of the Acts of 2006 for all types of adjudicatory hearings to be held by any board, committee or commission.
- May 21, 2007 Chapter 44, §53F ½ of the Massachusetts General Laws, establishing the Public Works Water Division as an Enterprise Fund effective in FY 2008.
- May 21, 2007 The final paragraph of §12 of Chapter 138 of the General Laws, as amended by §2 of Chapter 481 of the Acts of 1993. An Act Relative to the Sale of Liquors or Cordials by Common Victuallers.
- May 19, 2008 Chapter 73, §4 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 authorizing the Board of

	Assessors to grant an additional exemption of up to 50% for fiscal year 2009 for those persons who qualify for certain property tax exemptions under MGL Chapter 59, §5.
August 24, 2009 May 17, 2010	Chapter 64G, §3A local room occupancy excise of 6%. Chapter 64L, §2(a) local option meals excise of .75%.
May 21, 2012	§28 of Chapter 131 of the Acts of 2010 to increase the benefit paid to survivors under M.G.L. Chapter 32, §101 from \$6,000 to \$9,000 annually.
February 3, 2014	Chapter 41 Hardship Cultivation Registration
May 15, 2015	Chapter 59, §5C½ additional real estate exemption for taxpayers granted personal exemptions under MGL Chapter 59, §5, including certain blind persons, veterans, surviving spouses and seniors, up to fifty (50%) percent of the personal exemption, effective for exemptions granted for any fiscal year on or after July 1, 2015.
May 16, 2016	Chapter 32B Establish "OPEB Trust Fund".
May 17, 2021	Chapter 149 §129C – approval of Home Rule Petition modify to allow line workers to work on live wires.
May 16, 2022	Chapter 40 §13E – Establish Special Education Reserve Fund.
May 15, 2023	Chapter 41 §81U twelfth (second last) paragraph – allow the town to expend the proceeds of bonds or deposits held to secure construction of ways and installation of municipal services.