

## **ARTICLE THIRTY-FIRST**

### **HOUSEKEEPING BYLAW AMENDMENTS**

To amend the General Bylaws by deleting the ~~striketrough text~~ and inserting the ***bold italic text***, as follows:

~~“16-8. Park and Cemetery Commissioners.~~

~~The Board of Parks and Cemetery Commissioners is hereby established. The Board shall have the duties and authority of the respective Boards of Park and Cemetery Commissioner. The Board shall consist of three members who are elected by popular vote. Each Commissioner shall serve for a three year term.”~~

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16-11. Shade Tree Committee.

The Moderator shall appoint a committee of five to serve as a Shade Tree Committee acting in an advisory committee to the Tree Warden ~~and the Moth Superintendent~~. The Tree Warden ~~and the Moth Superintendent~~ shall be *a* members of the Committee ex-officio. The Committee shall have specific responsibility for Dutch Elm Disease control, surveys and recommendations.

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28-5. Funds established.

There are hereby established in the Town of Topsfield pursuant to the provisions of MGL c. 44, § 53E 1/2, the following revolving funds:

<b>Program or Purpose</b>	<b>Department Receipts</b>	<b>Authorized to Spend</b>
Parks Revolving Fund (paying costs and expenses related to parks and recreation programs, recreational activities, including noncompetitive activities for all age groups in Town. Fees charged to participants of recreation programs are deposited into the fund to pay for wages, supplies, operating expenses and programming.)	Receipts from parks programs, recreational activities and events	<del>Park and Cemetery Commissioners</del> <b><i>Park and Cemetery Department</i></b>

Cemeteries Revolving Fund (paying costs and expenses related to said operations and programs, including wages, equipment, supplies and operating expenses, cemeteries improvements, purchase of capital equipment for Parks and Cemeteries operations)	Receipts from cemeteries related activities, including grave opening fees	<del>Park and Cemetery Commissioners</del> <b>Park and Cemetery Department</b>
Conservation Commission Revolving Fund (paying costs and expenses related to said programs, including services, supplies, part-time wages and other operating expenses and other expenses related to the enforcement of the Town's local Wetlands Bylaw)	Receipts from conservation fees paid under the Topsfield General Wetlands Bylaw and Regulations	Conservation Commission

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#### Section 75-2. Select Board Duties

#### ***(D) Issue "Orders of Betterment" as provided in Section 245-6.***

#### Section 212-7. Permits for new underground storage tanks

A. Plans. An applicant who wishes to obtain a permit to install an underground tank shall submit to the local licensing authority the following information in addition to that required under the provisions of 527 CMR 9.24(2)

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(6) Where the underground tank is to be installed within 300 feet of the border of land under the jurisdiction of the Topsfield ~~Board of Water Commissioners~~ **Water Department** or within 300 feet of a private potable water well or other source of potable water, the plan shall show the installation to consist of approved double-walled tanks with an interstitial monitoring system and a liquid removal port.

#### B. Submission of plans.

(1) Copies of the above plan together with Form T, which shall be available at the Town Clerk's office and appended to the bylaw, shall be sent to the Board of Health, the Conservation Commission, the Inspector of Buildings, and the

~~Board of Water Commissioners~~ **Water Department**.

(2) The application for a permit to install and maintain an underground tank shall be sent to the local licensing authority, together with a copy of the aforementioned plan and certificate that the respondent boards, commission, ~~and agent~~, **and department** have received Form T and copies of said plan.

(3) The Board of Health, the Conservation Commission, the ~~Board of Water Commissioners~~ **Water Department**, and the Inspector of Buildings shall review the plan and indicate on Form T approval or disapproval of said plan. In the event of disapproval, the boards, Commission, **department**, or agent shall cite wherein the plan is in violation of local bylaws, rules and regulatory codes.

(4) Form T containing the board's-, Commission's, **department's**, or agents' approval or disapproval shall be returned to the local licensing authority within 35 days of receipt of Form T. Failure to return Form T within 35 days of receipt of the form and plans shall constitute constructive approval of the plan.

C. Public hearing.

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(2) The disapproving board, Commission, **department**, or agent shall determine within 20 days of the closing of the above said hearing whether or not the proposed remedies will eliminate the reasons for the disapproval of the proposed installation. The board, Commission, **department**, or agent may approve or disapprove the proposed plan on the basis of the above determination only; no other reasons for a subsequent disapproval of the plan may be considered by the local licensing authority.

D. Issuance of permit. The local licensing authority shall issue a permit to the applicant for the construction of an underground tank within 45 days of the receipt of the application in the event that no board, Commission, **department**, or agent has disapproved the plan. The local licensing authority shall issue or deny issuance of the permit within 35 days of the close of the public hearing. The local licensing authority may not issue a permit for the installation of the proposed underground tank unless it has obtained approval from all respondent boards, Commissions, **departments**, and agents.

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Section 245-4. Applicability

A. The provisions of this bylaw shall apply and be binding upon all owners of land that benefit from water supply betterments constructed in water supply betterment zones established in accordance with the provisions of the bylaw, except that if the Town accepts the provisions of MGL c. 80, § 13B, owners of land affected by the provisions of this bylaw may apply for an exemption thereof with the ~~Board of Water Commissioners~~ **Water Department**.

B. The provisions of the bylaw shall not apply to land owners located in these zones that do not receive benefit from water supply betterments constructed in these zones, nor shall they apply to construction authorized by the ~~Board~~ **Department** for the purpose of maintaining or improving the existing public water supply system.

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#### 245-6. Betterment zones.

##### A. Preparation of the plan.

(1) ~~The Board of Water Commissioners hereinafter called the~~ ~~upon its own motion~~ ~~**initiative**~~ ~~or a~~ Upon petition by 10 registered voters owning land fronting on public ways, ***or as initiated by the Select Board, the petition, and any supporting documents shall be forwarded to the Water Department for its review as to*** ~~may determine~~ the advisability of constructing water mains in said public ways.

(2) If the ~~Board~~ **Department recommends** that the proposed betterment can or should proceed, ~~the Board~~ the **Department** shall ***make a recommendation to the Select Board, which may*** issue an "order of betterment" wherein it is declared that all costs and damages connected with said betterment shall be assessed upon and apportioned among those owners of land that receive benefit from the betterment.

(3) The order of betterment shall also contain a record of the ~~Board~~ **Department's recommendation and the Select Board's** vote to proceed with the proposed betterment. ***Upon issuance of the order of betterment,*** the ~~Board~~ **Department** shall request the Town Engineer to prepare a plan for the construction of water mains in said public ways and a cost estimate of that construction. The plan and cost estimate shall be submitted to the ~~Board~~ **Department** within six months from the date of the request or such further time as may be requested by the Town Engineer and granted by the **Select** Board.

(4) The plan shall, at a minimum, contain the following information:

(a) That portion of each public way in which a water main is to be constructed.

(b) The location of each such water main within the right-of-way.

(c) All lots that front on the ways referred to in Subsection A(4)(a), together with the names of the owners of record of each of said lots as contained in the most recent tax records.

(d) The measured frontage of each lot referred to in Subsection A(4)(c) and reconciled with the Assessor's records.

(e) Any land abutting the public way in the betterment zone which is registered with the Land Court.

B. Public hearing.

(1) Upon receipt of the plan and cost estimate from the Town Engineer, the *Select Board, or the Water Board Department as the Board's designee*, shall hold a public hearing, which shall be advertised in a newspaper of local circulation at least five days prior to the date of said hearing. Additionally, all land owners listed on the plan prepared under the provisions of Subsection A shall be notified of said hearing by registered mail.

(2) At the public hearing, ~~The Board~~, the vote of a majority of all abutters present and voting which of the four methods of assessment set forth in M.G.L. c.40, §42H shall be used to apportion the cost of the proposed water betterment.

(3) The record of vote shall be notarized and submitted to the Town Clerk within three days after the conclusion of the public hearing.

(4) Thereafter, the ~~Board~~ *Department* may recommend to the Select Board that funds for the proposed water betterment be appropriated by the Town.

(5) Where Town-owned land is subject to the special assessment for the proposed water betterment, the amount of said assessment shall be computed *by the Department and* approved by vote of the *Select Board*. ~~The Select Board shall thereupon be notified of said assessment.~~

C. Recordation of water betterment plan. In the event that the Town ~~approves~~ *appropriates* funds for the construction of the water betterment, the ~~Board~~ *Department* shall, within 30 days of the date of the Town Meeting, cause the order of betterment, the plan and cost estimate to be recorded at the Registry of Deeds. In the event that registered land is included in the water betterment zone as indicated on the plan, the above-mentioned documents shall also be filed with the Land Court.

245-7. Certification of assessment.

Upon completion of construction, and in any event no later than six months thereafter, the ~~Board~~ *Department* shall certify *to the Select Board* the actual expenditures incurred in the construction, inclusive of debt service and legal fees, and *the Board shall* determine the actual assessment to be apportioned on every property owner to receive benefits from the betterment in accordance with the assessing methods selected under the provisions of §245-6B(2) and all applicable provisions of M.G.L. c 40, §42I. The certificate of expenditures and the schedule of assessments shall be signed by the majority of the Board and submitted to the Board of Assessors. The Board of Assessors shall thereupon notify said persons of the amount assessed by the *Town*.

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#### 245-9. Abatements.

The ~~Board~~ **Select Board** shall adopt rules and regulations for hearing and acting on appeals for abatements of assessments levied under the provisions of this bylaw. Such rules and regulations shall be consistent with the provisions of M.G.L. c.80, §§5 and 6. Said rules and regulations shall be available upon request at the Town Clerk's office.

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#### 245-15. Declaration of State of Water Supply Conservation

A. The Town, through its ~~Board of Water Commissioners~~ **Select Board or its designee**, may declare a State of Water Supply Conservation upon a determination ~~by a majority vote of the Board~~ that one or more of the following conditions exist:

(1) A shortage of water exists. When a shortage exists, conservation measures will be imposed on water customers to ensure an adequate supply of water for all customers. A shortage of water may be caused by drought, loss of water storage, or other condition that impairs the Town's ability to meet water demand for its customers.

(2) Water use may exceed permitted limits. When the water system's use may exceed that which is permitted through the WMA, conservation measures will be imposed on water customers in order to comply with WMA limits.

(3) Ipswich River streamflow is low. When Ipswich River streamflow falls below limits specified through the WMA, requiring the implementation of the conservation measure specified as "outdoor water use peak hours ban," an outdoor water use peak hours ban will be imposed on all water users in order to comply with the WMA requirements.

(4) Ipswich River streamflow is very low. When Ipswich River streamflow falls below limits specified through the WMA, requiring the implementation of the conservation measure specified as "outdoor water use restriction," an outdoor water use restriction will be imposed on all water users in order to comply with the WMA requirements.

B. Public notice of a State of Water Supply Conservation shall be given under § 245-17 of this bylaw before it can be enforced.

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#### 245-18. Termination of State of Water Supply Conservation.

A. A State of Water Supply Conservation may be terminated by a majority vote of the ~~Board of Water Commissioners~~ **Select Board**, upon a determination that the conditions requiring the State of Water Supply Conservation no longer exist. Public notification of

the termination of a State of Water Supply Conservation shall be given in the same manner required by § 245-17.

~~B. All water usage restrictions issued by the Board pursuant to this bylaw shall be superseded by water usage restrictions issued by the DEP under its declaration.~~

#### 245-23. Registration.

A. All automatic lawn sprinkler systems connected to the municipal water system in the Town of Topsfield shall be registered with the ~~Board of Water Commissioners~~ **Water Department**. A fee may be charged for this registration. Registration fees shall be set by the ~~Board of Water Commissioners~~ **Water Department**.

B. All sprinkler systems subject to this bylaw shall be plumbed so that a shutoff valve is located outside the building and situated so that it may be shut off if found to be in violation of this bylaw and/or the Water Use Restriction Bylaw. For the purposes of this section only, police officers of the Town and/or agents of the ~~Board of Water Commissioners~~ **Water Department** may, *consistent with any applicable law*, enter upon any property to enforce this section.

#### 245-24. Backflow prevention.

A. All automatic lawn sprinkler systems connected to the municipal water system in the Town of Topsfield shall be protected from a backflow condition by the installation of a backflow prevention device approved by the ~~Board of Water Commissioners~~ **Water Department**. Each backflow prevention device shall be registered with the ~~Board of Water Commissioners~~ **Water Department**. A fee may be charged for this registration. Registration fees shall be set by the *Select Board*. ~~Board of Water Commissioners~~.

B. The ~~Board of Water Commissioners~~ **Water Department** shall maintain a list, available to the public, of approved backflow prevention devices.

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C. The ~~Board of Water Commissioners~~ **Water Department** shall maintain a list, available to the public, of approved rain sensor devices.

#### 245-26. Enforcement; violations and penalties.

A. This bylaw may be enforced using the Noncriminal Disposition Bylaw. The enforcing person shall be any police officer of the Town as well as duly appointed agents of the ~~Board of Water Commissioners~~ **Water Department**.

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