



# BRIDGEWATER TOWN COUNCIL

Tuesday, March 21, 2017

7:30 p.m.

Academy Building

66 Central Square

Council Chamber, Room 203

Bridgewater MA

## MEETING AGENDA

### A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) February 28, 2017 (Meeting of the General Public)
- b) February 28, 2017 (Regular Meeting)
- c) March 7, 2017

### B. ANNOUNCEMENTS FROM THE PRESIDENT

### C. PROCLAMATIONS

- a) 2017 Bridgewater Raynham/West Bridgewater Girls Gymnastics State Champions

### D. CITIZEN OPEN FORUM

### E. APPOINTMENTS

### F. HEARINGS

### G. LICENSE TRANSACTIONS

- a) Petition P-2017-010: Sodexo Operations, LLC dba OXEDOS

### H. PRESENTATIONS

### I. TOWN MANAGER'S REPORT

### J. DISCUSSIONS

- a) Review of Northeastern University Economic Development Self-Assessment Tool Next Steps –  
*Councilor Colombotos*
- b) Update on Building Maintenance Plan (*Councilor Colombotos*)

### K. COMMITTEE REPORTS

### L. LEGISLATION FOR ACTION

- a) Ordinance D-2017-003: Zoning Ordinance – Amend Land Space Requirements  
*This measure was duly advertised in the Enterprise and on the Town's Website on 3/10/17, therefore may be finally considered this evening.*
- b) Order O-2017-010 – Creation of an Ad Hoc Committee to Advise the Town Council on Retail marijuana Issues  
*The Rules and Procedures Committee meet 3/21/17 and will provide their disposition to the full Council. Upon receipt of their disposition and adoption of any proposed amendments, this measure may be finally considered this evening.*

### M. OLD BUSINESS

- a) Ordinance D-2017-001: Amend General Ordinances – Vacant and Abandoned Commercial Properties  
*The Rules and Procedures Committee meet 3/21/17. Their disposition will be provided to the full Council. This measure requires advertising pending the disposition of the Rules and Procedures Committee and adoption of any proposed amendments.*
- b) Ordinance D-2017-002: Amend General Ordinances – Illegal Dumping  
*The Rules and Procedures Committee meet 3/21/17. Their disposition will be provided to the full Council. This measure requires advertising pending the disposition of the Rules and Procedures Committee and adoption of any proposed amendments.*

### N. NEW BUSINESS

- a) Ordinance D-2017-005: Amend Admirative Code – Historical Commission Membership (*Councilor Gallagher*)

RECEIVED  
TOWN CLERKS OFFICE  
BRIDGEWATER, MA.  
2017 MAR 17 A 10:31

- O. CITIZEN COMMENTS
- P. COUNCIL COMMENTS
- Q. EXECUTIVE SESSION
- R. ADJOURNMENT



## Bridgewater Town Council

In Town Council, Tuesday, March 21, 2017

Council Petition: 2017-010

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Introduced By: Council President

Date Introduced/Public Hearing: March 21, 2017

Amendments Adopted:

Date Adopted:

Date Effective:

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### **THE GRANTING OF A COMMON VICTUALLER LICENSE**

WHEREAS, Sodexo Operations, LLC dba Oxedos has submitted all applicable documentation as required for a license to operate a mobile food establishment on campus at Bridgewater State University, Bridgewater, Massachusetts; and;

WHEREAS, Gary Boothby will serve as the manager of record and the hours of operation will not exceed:

<b>Monday – Sunday</b>	<b>7:00 a.m. – 11:00 p.m.</b>
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and;

WHEREAS, **Sodexo Operations, LLC dba Oxedos** has complied with the requirements of the Town of Bridgewater and applicable state laws inclusive of the Building Code, Fire Codes and Health Department's Food Service Specifications governing the serving of food to the public; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with the affirmative recommendation of the Bridgewater Building Inspector, Fire, Police, and Health Departments who have oversight authority, it appears that the public good so requires such license be granted;

**The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 140 - section 2 and section 6 respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of Sodexo Operations, LLC dba Oxedos be granted a license to operate a mobile food establishment within the Town of Bridgewater.**



## Bridgewater Town Council

In Town Council, Tuesday, March 21, 2017

Council Ordinance: D-2017-003

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Introduced By: Councilor Peter Colombotos  
Date Introduced: January 10, 2017  
First Reading: January 10, 2017  
Second Reading: February 28, 2017  
Third Reading: March 21, 2017  
Amendments Adopted:  
Date Adopted:  
Date Effective:

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### Proposed Ordinance D-2017-003

#### ZONING ORDINANCE – AMEND LAND SPACE REQUIREMENTS

**ORDERED** that; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Zoning Ordinances, Section 8: Land Space Requirements as follows:

*AMEND:*

#### 8.40 LAND SPACE REQUIREMENTS TABLE

Zoning District	Minimum Lot Size	Minimum Lot Area Per Dwelling Unit
Res C	18,500 Single Family 37,000 2-Family	18,500

#### Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none"><li>• Planning Board</li><li>• Community &amp; Economic Development Committee (CEDC)</li><li>• This measure has been duly advertised and posted on the town's website, therefore may be finally considered.</li></ul>	<ul style="list-style-type: none"><li>• 2/15/17: Joint Public Hearing held with CEDC. Vote unanimous to recommend adoption</li><li>• 2/15/17: Joint Public Hearing held with Planning Board. Vote unanimous to recommend adoption.</li></ul>



# Bridgewater Town Council

In Town Council, Tuesday, March 21, 2017

Council Order: O-2017-010

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Introduced By: Councilor Edward (Ted) Haley  
Date Introduced: March 7, 2017  
First Reading: March 7, 2017  
Second Reading: March 21, 2017  
Amendments Adopted:  
Date Adopted:  
Date Effective:

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## Proposed Order O-2017-010

### CREATION OF AN AD HOC COMMITTEE TO ADVISE THE TOWN COUNCIL ON RETAIL MARIJUANA ISSUES

**Whereas**, the voters of the Commonwealth approved a ballot initiative in 2016 which legalizes the sale of marijuana in Massachusetts; and

**Whereas**, the language of the ballot initiative is unclear in some areas, ambiguously worded, and may be subject to further changes by the General Court and local communities; and

**Whereas**, the Town Council desires to hear a wide range of opinions on the matter of retail sales of marijuana in the Town of Bridgewater; and

**Whereas**, a number of local citizens have an expert viewpoint on the issues associated with marijuana;

#### **Ordered that;**

An ad-hoc committee to advise the Town Council shall be formed with a membership of up to ten town residents, to be appointed for a term not to exceed sixteen months.

The mission of the committee is to identify the issues associated with the retail sales of marijuana in the Town of Bridgewater and suggest possible solutions, including recommendations on the promulgation of ordinances and regulations. No formal report is required, but the committee should appear before the council at least every 3 months to provide an overview of the issues under discussion.

#### *Committee Referrals and Dispositions:*

<b>Referral(s)</b>	<b>Disposition(s)</b>
<ul style="list-style-type: none"><li>Rules &amp; Procedures Committee</li></ul>	<ul style="list-style-type: none"><li>Meeting 3/21/17. Will provide disposition to full Council.</li></ul>

**ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING**



# Bridgewater Town Council

In Town Council, Tuesday, March 21, 2017

Council Ordinance: D-2017-001

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Introduced By: Councilors Edward Haley, Kevin Perry, Peter Colombotos  
Date Introduced: January 10, 2016  
First Reading: January 10, 2017  
Second Reading: March 21, 2017  
Amendments Adopted:  
Date Adopted:  
Date Effective:

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## **Proposed Ordinance D-2017-001**

### **AMEND GENERAL ORDINANCES RELATIVE TO VACANT AND ABANDONED PROPERTIES**

ORDERED that pursuant to Article II, Section 2-2 of the Bridgewater Town Charter; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater General Ordinances, Part III, Chapter 1, Article II. Non Criminal Enforcement of Violations by adding the following:

#### **Chapter 1**

#### **Article II. Non Criminal Enforcement of Violations**

#### **Section 3. Schedule of Fines**

Ch. 180. Problem Properties, Article I	First offense \$50.00, Second Offense \$100, Third offense \$200.00, Fourth and Following Offenses \$300
Ch. 180. Problem Properties, Article II	First and Following Offenses \$50

And vote to amend the Bridgewater General Ordinances, Part III, Chapter 180, Article I Registration of Vacant and Abandoned Properties by deleting it in its entirety and replacing it with the following:

#### **Chapter 180. Problem Properties**

#### **Article I. Nuisance and Vacant or Abandoned Building Ordinance**

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

Vacant structures and abandoned properties are visual eyesores and have a detrimental impact on the economic viability of the corresponding commercial districts. Often vacant storefronts and abandoned properties attract illegal activity, including criminal havens, squatting, vandalism, and dumping. Illicit activity suppresses surrounding property values, deters potential patrons from frequenting commercial corridors, makes investment less attractive, and places undue service burdens on Town departments. The Police Department, Fire Department, and the Department of Public Works expend resources by routinely responding to abandoned commercial properties and vacant storefronts to remove trespassers, clean up graffiti, secure buildings, and remove illegally discarded refuse and debris.

Therefore, it is the purpose and intent of this section to secure vacant and abandoned buildings and eliminate nuisances in the Town of Bridgewater. Nuisances including dilapidated buildings, overgrowth, debris, trash, stagnant pools of water, structures with defective weather protection, and vacant or abandoned buildings cause and contribute to blight and decay within residential neighborhoods and commercial areas of the town and adversely affect the property values for adjacent and surrounding property. Such nuisances on property also impair the public health and safety of residents

and visitors. This ordinance is intended to further the objectives of, and to act in concert with, any existing state or local laws regulating, prohibiting, preventing and mitigating the impacts of nuisances.

## **Section 2. Definitions**

“Abandoned” means a property that is vacant, or under current notice of default or trustee’s sale, pending tax lien or tax sale, or subject to foreclosure sale whereby title is retained by deed beneficiary, or notice of trustee’s sale, pending the Treasurer’s sale, or properties that have been subject to foreclosure sale or properties transferred under a deed in lieu of foreclosure.

“Commercial Building” means any improved or unimproved real property or portion thereof that is designated or permitted for commercial enterprise, residential rental, leased, industrial use, wholesale, retail, business or professional purposes as designated in the Use Regulations. This definition includes any real property used for such purpose, whether or not it is legally permitted or zoned for commercial use.

“Dilapidated” means a condition or state of decay, deterioration, or having fallen into ruin especially through neglect or misuse. A property or structure in this state shows visible signs of substantial physical distress, including, but not limited to: boarded or broken windows or doors, fire damage, exposure to the elements, susceptibility to unauthorized entry, overgrown vegetation, graffiti, or dumping or accumulations of detritus.

“Evidence of vacancy” means any condition, or combination of conditions, indicating a state of vacancy. Such conditions may include, but are not limited to: overgrown or dead vegetation; accumulation of mail, newspapers, circulars or flyers; disconnected utilities; accumulation of trash, debris, or junk; broken or boarded up windows or doors; the absence of furnishings or merchandise consistent with an ongoing concern; the presence of graffiti or squatters.

“Public Nuisance” or “Nuisance” means an unreasonable activity or condition that is harmful, or a disturbance, to the general public, including circumstances posing a harm to public health, are contrary to public safety or threaten general welfare. In general, a pervasive nuisance promotes criminal activity, results in code violations, and precipitates increased deployment of Town resources.

“Owner” means any person, co-partnership, corporation, fiduciary or trust having a legal or equitable title, recognized interest in, or otherwise owns, possesses, manages, or controls any real property. Generally the Owner is sufficiently identified by the name and address appearing in the records of the Assessor.

“Secure” means measures to secure a property or otherwise render a property inaccessible to unauthorized persons. Securing a property may include, but is not limited to: repairing or boarding windows, doors or other openings; repairing or installing fences or gates; and chaining or padlocking gates or doors.

“Vacant” means any condition or situation whereby a property, building or structure is unused, unoccupied or otherwise empty for a period exceeding 30 calendar days. Vacant shall describe a condition or state of a property whether taken in whole or in part.

## **Section 3. Minimum Property Standards.**

All property in the Town of Bridgewater shall be maintained in accordance with the following property standards:

1. Generally. All property, whether occupied or vacant, shall be maintained in good repair and a safe and sanitary condition as provided herein, so as to not cause, or contribute to, the creation of a hazard or blighted area or to affect adversely the public health and safety or property value of adjacent or surrounding property.
2. Vegetation. All property shall be maintained in a condition which would not reasonably lead to an area becoming infested with rodents, vermin, or other animals, concealing pools of stagnant water, or creating a fire safety hazard. All property shall be kept in a manner which does not pose a hazard to the health and safety of any person in the vicinity of the property, including any persons traveling on any portion of any public way, or any surrounding property.
3. Structures. All structures, including any buildings, fences, storage sheds, garages, or any element thereof shall be maintained in a structurally sound condition and in good repair, including proper weather protection and waterproofing, and shall be maintained in a condition so as to not cause or contribute to creation of a fire safety

hazard. All property shall be maintained free of extensive peeling, flaking, or chipped paint. All property with siding shall be maintained in a weather resistant and watertight condition.

4. Accumulation of Trash, Rubbish or Debris. All property shall be maintained in a clean and sanitary manner and free from accumulations of litter, rubbish, trash or other debris, except in closed receptacles intended for such use.
5. Pools of Stagnant Water. All property shall be maintained to prohibit the formation of stagnant pools of water, that may adversely affect the public health by attracting and harboring mosquitoes and other insects.

#### **Section 4. Vacant and Abandoned Properties Exclusions**

For purposes of this Section, a building shall not be considered vacant or abandoned if:

- (1) There is a valid building permit for repair, rehabilitation, or construction of a vacant structure and the owner completes the repair, rehabilitation, or construction within one year from the date the initial permit was issued, unless the building permit is extended or renewed allowing additional time to complete the repair, rehabilitation, or construction of the structure; or
- (2) The owner or leaseholder of a vacant structure or property has filed an application for, and is actively seeking to, obtain authorization permits or a license required by state or local law thereby permitting the lawful use and occupancy of the structure or property; or
- (3) The commercial property complies with all provisions of state and local law, does not create a nuisance, is ready for occupancy, and the owner provides evidence that the commercial property is actively being offered for sale, lease, or rent. Satisfactory evidence shall include, but is not limited to, evidence that the owner has hired a real estate agent or other rental agent who advertises and promotes the commercial property for rent, lease or sale, or the owner provides proof that the commercial property is offered for sale on the Multiple Listing Service or any other comparable real estate listing service

#### **Section 5. Removal of Nuisance**

It shall be unlawful for the owner of any property in the Town to violate any one or number standards contained in Minimum Property Standards and any such property in violation shall be deemed to be a public nuisance. The Building Inspector, the Health Agent, the Police Chief, or the Fire Chief, or any of their respective designees, shall declare the property a public nuisance and order the property owner to remove the nuisance within ten (10) calendar days after service of notice of the violation. Such notice shall be served in accordance with MGL c. 111, § 124 and MGL 143 §9. The notice shall contain the following information:

- (1) The street address and description of the property sufficient for identification of the property.
- (2) A statement that the property has been declared a public nuisance because of the presence of a nuisance on the property.
- (3) A concise description of the conditions on the property that have lead to the determination that the property is a public nuisance.
- (4) A statement that the nuisance shall be removed from the property within ten days from service of the notice and that if the owner fails to remove the nuisance within the time frame specified that the owner will be in violation of this ordinance and subject to the penalties described therein.

#### **Section 6. Violations**

1. If the owner fails to remove a documented nuisance within the time frame provided, the Town or its agent may enter the property and remove the nuisance and the owner shall reimburse the Town for any expense incurred for such removal. The sum so expended may be recovered by the Town as provided in the General Laws Chapter 111 § 125, or Chapter 143§9, or in an action of contract by the Town against the owner.
2. Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.
3. In addition to the penalties set forth above, the Health Agent, the Building Inspector, or the Fire Chief may seek an injunction from a court of competent jurisdiction to restrain any violation of this section.
4. This section shall not be enforced against the Town or the Commonwealth of Massachusetts, its authorities, departments, or agencies.



And vote to adopt Bridgewater General Ordinances, Part III, Chapter 180, Article II Graffiti on Private Property as follows:

## **Article II. Graffiti on Private Property**

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

It is the purpose and intent of this section to eliminate graffiti. Graffiti on buildings, walls, signs, and other structures or places or other surfaces causes and contributes to blight within neighborhoods and commercial districts of the city and constitutes a public nuisance. Graffiti impairs public health and safety and degrades the value, condition, or appearance of real or personal property and contributes to the general deterioration of property and business values for adjacent and surrounding property. The purpose of this ordinance is to provide the city with enforcement tools to eliminate graffiti on private property and to impose penalties upon private property owners who fail to remove graffiti from their property in a timely manner. This ordinance is not intended to supersede any existing vandalism and anti-graffiti state laws.

### **Section 2. Definitions**

The following words and phrases, when used in this section, shall have the following meanings:

“Graffiti” means the intentional painting, marking, scratching, coloring, tagging or other defacement of any property without the consent of the owner.

“Person” means any individual, voluntary association of individuals, business, entity, organization whether incorporated or not.

“Owner” means any person who owns, manages or controls any property and shall be sufficiently identified by the name and address appearing in the records of the Assessor.

“Property” means any land, building, structure of real property, including any fixtures attached thereto, or any personal property located within the Town of Bridgewater.

### **Section 3. Removal of Graffiti**

It is the responsibility of the owner of the property to which graffiti has been applied to promptly remove the graffiti. No owner of property shall allow graffiti to remain on the property for a period of seven days after service of notice of the graffiti from the Building Inspector, Health Agent, or the Fire Chief, or their designees. The notice shall contain the following information:

- (1) The street address and description of the property sufficient for identification of the property;
- (2) A statement that the property has been declared a public nuisance because of the presence of graffiti on the property;
- (3) A concise description of the conditions on the property that have lead to the determination that the property is a public nuisance;
- (4) A statement that the graffiti shall be removed from the property within seven days from service of the notice and that if the owner fails to remove the graffiti within the time frame specified that the owner will be in violation of this ordinance and subject to penalties described therein.

### **Section 4. Violations**

1. If the owner fails to remove a documented nuisance within the time frame provided, the Town or its agent may enter the property and remove the nuisance and the owner shall reimburse the Town for any expense incurred for such removal. The sum so expended may be recovered by the Town as provided in the General Laws Chapter 111 § 125, or Chapter 143 § 9, or in an action of contract by the Town against the owner.
2. Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.
3. In addition to the penalties set forth above, the Health Agent, the Building Inspector, or the Fire Chief may seek an injunction from a court of competent jurisdiction to restrain any violation of this section.
4. This section shall not be enforced against the Town or the Commonwealth of Massachusetts, its authorities, departments, or agencies.

*Committee Referrals and Dispositions:*

<b>Referral(s)</b>	<b>Disposition(s)</b>
<ul style="list-style-type: none"><li>• Rules &amp; Procedures</li><li>• This measure requires advertising, therefore may not be finally considered this evening.</li></ul>	<ul style="list-style-type: none"><li>• Meeting 3/21/17. Will provide disposition to full Council.</li></ul>



## Bridgewater Town Council

In Town Council, Tuesday, March 21, 2017

Council Ordinance: D-2017-002

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Introduced By:	Councilors Edward Haley, Kevin Perry, Pete Colombotos
Date Introduced:	January 10, 2017
First Reading:	January 10, 2017
Second Reading:	March 21, 2017
Amendments Adopted:	
Date Adopted:	
Date Effective:	

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### **Proposed Ordinance D-2017-002**

#### **AMEND GENERAL ORDINANCES RELATIVE TO ILLEGAL DUMPING AND LITTERING**

ORDERED that pursuant to Article II, Section 2-2 of the Bridgewater Town Charter; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater General Ordinances, Part III, Chapter 1, Article II. Non Criminal Enforcement of Violations by adding the following:

#### **Chapter 1**

#### **Article II. Non Criminal Enforcement of Violations**

#### **Section 3. Schedule of Fines**

Ch. 160. Peace and Good Order, Article VIII      First and Following Offenses \$300

And vote to amend the Bridgewater General Ordinances, Part III, Chapter 160, by adding the following Section VIII:

#### **Chapter 160. Peace and Good Order**

#### **Article VIII. Illegal Dumping and Littering**

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

Illegal dumping poses serious health risks to children and other persons, creates blight in neighborhoods and along commercial corridors within the Town of Bridgewater, and contributes to the presence of flies, insects, vector, vermin, rats, wild animals, and other pests.

The purpose of this ordinance is to protect and promote the health, safety, welfare of the residents of Town of Bridgewater through the prevention and control of illegal dumping of litter throughout the community.

#### **Section 2. Definitions**

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**NOT FOR ACTION: REQUIRES ADVERTISING.**

For the purposes of this Ordinance, the following words and phrases shall have the respective meanings ascribed:

“Abatement costs” or “costs of abatement” means all costs, fees, and expenses, incidental or otherwise, incurred by the Town in investigating and abating a public nuisance.

“Enforcement Officer” means Health Agent, Zoning Officer, Building Inspector, Fire Chief, Police Chief, Town Manager or their designees.

“Illegal dumping” means placing, depositing, or discarding, or causing to be placed, deposited, or discarded, waste matter in violation of this article in quantities exceeding those for a product’s single use.

“Litter” means all rubbish, refuse, garbage, trash, demolition debris, furniture, dead animals or other discarded materials of every kind and description.

“Person” means any individual, owner, lessee, firm, business, partnership, sole proprietorship, association, corporation, company or organization of any kind.

“Private Property” means any land or any structure or portion of any structure designed or used for private, commercial or residential purposes which is not public property.

“Public Property” means any and all streets, sidewalks, waterways, public rights of way, easements, medians, highways, streets, or other public parks, spaces, grounds and buildings or other public property (including any grounds belonging to any Federal, State, County or other governmental or quasi-governmental entity or agency, unless expressly preempted by State or Federal Legislation).

“Waste matter” means any discarded, used, or leftover object or substance, including, but not limited to, a lighted or non-lighted cigarette, cigar, match, or any flaming or glowing material, or any garbage, trash, refuse, paper, container, packaging, construction material, carcass of a dead animal, any nauseous or offensive matter of any kind, or any object likely to injure any person or to create a traffic hazard.

**Section 3. Prohibition.**

It shall be unlawful for any person or persons to dump, deposit, discard, throw or leave, or to cause or permit the dumping, depositing, discarding, placing, throwing or leaving of litter or waste matter on any public or private property in the Town of Bridgewater unless done so within the context of licensed franchised solid waste collection or disposed lawfully at the Town of Bridgewater Transfer Station, and therefore through the following means:

- A. Waste matter and litter is placed into an authorized and lawful receptacle or container installed on public or private property for the purpose of pickup by a licensed franchised collection service or disposal at the Town of Bridgewater Transfer Station;
- B. Waste matter and litter is placed into an authorized and lawful receptacle by property owners on their own property for the purpose of pickup by a licensed franchised collection service or disposal at the Town of Bridgewater Transfer Station.
- C. Waste matter and litter is placed on private property into an authorized and lawful receptacle with the consent and approval of a property owner for the purpose of pickup by a licensed franchised collection service or disposal at the Town of Bridgewater Transfer Station.

**Section 4. Littering and Dumping.**

(a) Public Property. It is a public nuisance and unlawful for any person to illegally dump upon any public street or alley in the Town of Bridgewater any litter or waste matter.

(b) Private Property. It is a public nuisance and unlawful for any person to illegally dump, upon the sidewalk or parkway or upon any private premises, whether with or without the consent of the owner or occupant of such premises, any litter or waste matter, except in such container, receptacle or place provided for such purpose and approved or lawfully permitted by the Town.

(c) Trespassing. It is a public nuisance and unlawful for any person to trespass upon the property of another in the Town of Bridgewater for the purpose of dumping or to dump upon any such property litter or waste matter.

(d) Accumulations. It is a public nuisance and unlawful for any person to place or pile, or allow to be placed or piled, any vegetable or other compostable matter that attract rodents, vermin, flies or other insects, unless the same shall be completely removed from the premises within twenty four (24) hours after the placing thereon. This provision shall not be construed as forbidding the use of compost piles or bins, nor shall it apply to regular commercial farming operations.

**Section 5. Allowable Trash Receptacles.**

The owner, occupant, and person in control of any real property within the Town of Bridgewater shall place or cause to be placed in an enclosed container all garbage or debris, rubbish, or other waste matter that shall exist upon the premises. Such enclosed container shall be of such a nature that the garbage or debris or rubbish placed therein shall not be free to be transferred about the premises or adjacent premises by wind or other natural causes. The enclosed container shall have a lid, or cover that is permanently affixed by hinge or other means to the container.

**Section 6. Maintenance Required.**

The owner, occupant, and person in control of any real property within the Town of Bridgewater shall keep and maintain the sidewalk and other public right-of-way adjacent to said real property in a neat, clean, and orderly condition free from litter or waste matter and as otherwise required by the Town of Bridgewater Municipal Code. It is unlawful and hereby declared a public nuisance for any person owning, occupying or having charge or control of any real property to fail to keep and maintain the sidewalk and other public right-of-way adjacent to said real property in the manner required by this section.

**Section 7. Abatement of Public Nuisances.**

Any public nuisance created by violation of this section shall be abated in accordance with the provisions of this article (or as otherwise authorized by law). The procedures for abatement in this article shall not be exclusive and shall not limit or restrict the Town from pursuing any other remedies available in law, whether equitable, civil, or criminal, or from enforcing sanitary standards, health codes, other Town codes and ordinances, or from abating or causing abatement of public nuisances in any other manner provided by law.

Notification. Except as otherwise provided by this Code or other applicable law, whenever an Enforcement Officer determines that litter or waste matter or other condition creating a public nuisance is located within the public street, highway, sidewalk, alley, right-of-way, or other public property and that Town personnel (or agents thereof) may need to abate such public nuisance, he or she shall notify the responsible person(s) by telephone, in person, by electronic correspondence, or in writing of: the address, and location, of the violation; a brief description of the public nuisance; a reference to the law prohibiting the public nuisance condition; a brief description of the responsible person’s required corrective action(s); the compliance period of no less than twenty-four (24) hours and no more than seventy-two (72) hours to complete the required corrective action(s); and, a statement that failure to abate the public nuisance as described in the notice shall result in the abatement of the public nuisance by Town personnel (or Town paid contractors) and that the owner of the subject property shall be personally responsible for the costs of abatement and that said costs may be recorded against the subject property as a lien or as otherwise allowed by law.

Abatement Actions. Notwithstanding any other provision of this Code, if any responsible person fails to abate a public nuisance or imminent hazard, the Town may, without any administrative hearing, cause the removal of any organic or inorganic rubbish, refuse, garbage, debris, bulky item, waste matter, hazardous waste, solid waste, or offal from within the public street, highway, sidewalk, alley, right-of-way, or other public property,

at the expense of the responsible persons. Further, the Town may assess the costs of abatement against the owner of the subject property as set forth in this section.

Collection of Abatement Costs. The Town shall be entitled to recover its costs of abatement for any public nuisance abated by the Town in accordance with the provisions of this article. In such instances, the Town shall follow the procedures set forth in this section.:

- (a) Statement of Abatement Costs. The Town of Bridgewater shall serve a statement of abatement costs to the owner of the subject property by certified mail to the address shown on the last assessment tax roll.
- (b) Nonreceipt of Statement. Failure of a responsible person to receive a properly addressed statement shall not invalidate any action or proceeding by the Town pursuant to this article.
- (c) Payment of Abatement Costs. A responsible person shall tender the abatement costs in U.S. currency to the Town within thirty (30) calendar days of the date of service of the statement of abatement costs. The abatement costs as contained in a statement of abatement costs shall constitute a civil debt against the responsible party(ies) and may be collected by the Town as set forth in this section, or in any other manner authorized by law.
- (d) Collection of Abatement Costs by Lien. The Town may cause a lien to be made upon the subject property pursuant to Massachusetts General Laws, and amendments thereto, in the event a statement of abatement costs is not paid in a timely manner.

**Section 8. Violations and Penalties.**

Any person who violates the provisions of this chapter shall be guilty of a violation and shall be subject to a fine. Every day illegally dumped waste matter remains on public or private property unremoved or uncollected constitutes a separate violation.

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

**Section 9. Severability.**

If any provisions of this Ordinance or the application of such provisions to any person or circumstances shall be held invalid by a court of competent jurisdiction, the validity of the remainder of this Ordinance and applicability of such provisions to other persons or circumstances shall not be affected thereby.

*Committee Referrals and Dispositions:*

<b>Referral(s)</b>	<b>Disposition(s)</b>
<ul style="list-style-type: none"><li>• Rules &amp; Procedures</li><li>• This measure requires advertising, therefore may not be finally considered this evening.</li></ul>	<ul style="list-style-type: none"><li>• Meet 3/21/17. Will provide disposition to full Council.</li></ul>