TOWN OF IPSWICH

MASSACHUSETTS

CHARTER, LEGISLATION,

BY-LAWS AND REGULATIONS

UPDATED THROUGH DECEMBER 19, 2013

I. CHARTER OF THE TOWN OF IPSWICH

An Act Establishing Selectmen-Town Manager Form of Government for the Town of Ipswich

(Acts, 1966, Chapter 620; Accepted By Vote of Town, March 13, 1967;
As Amended Through March 10, 1975)

NOTE

The Charter, together with the acceptances of legislative acts and the special legislation relating to the Town of Ipswich, are reprinted in fulfillment of the requirements of Section 12 of Chapter 43B of the General Laws, as amended.

The Charter reprinted herewith is the Town's third charter. Previously the Town had accepted and then rejected two charters: Chapter 247 of the Acts of 1949, and Chapter 620 of the Acts of 1954. Following the rejection of the second charter in March 1962, the Town Meeting in December 1962, and in March 1963 adopted various measures and accepted various special statutes affecting the structure of the government of the Town. These actions are listed in their chronological order in the list of acceptances of legislative acts (Part II).

BOARD OF SELECTMEN

David S. Player, Jr., Chairman
Lawrence J. Pszenny
Edwin H. Damon, Jr.
William E. George
Charles J. Wayne

TABLE OF CONTENTS

SECTION		PAGE
1.	Town Meeting	4
2.	Board of Selectmen	4
3.	Appointive Powers of Selectmen	4
4.	Investigations or Surveys	4
5.	Other Elective Boards and Offices	4
6.	Town Manager	4
7.	Temporary Town Manager	5
8.	Acting Town Manager	5
9.	Removal of Town Manager	5
10.	Compensation of Town Manager	5
11.	Powers and Duties of Town Manager	6
12.	Investigations by the Town Manager	7
13.	Boards and Offices to be appointed by the Town Manager	7
14.	Recreation Committee	7
15.	Board of Cemetery and Park Commissioners	8
16.	(Deleted April 1998)	8
17.	Board of Health	8
18.	Town Clerk	8
19.	Inspectors	9
20.	Additional Committees or Boards	9
21.	Department of Public Works	9
22.	Electric Light Department	9
23.	Approval of Warrants	10
24.	Investigation of Claims	10
25.	Receipts Paid to the Treasury	10
26.	Fees Paid to Treasury	10
27.	Estimates of Expenditures	10
28.	Annual Budget	10
29.	Finance Committee	11
30.	By-Laws, Rules, Etc.	11
31.	Submission of Act and Time of Taking Effect	11
32.	Revocation of Acceptance	11

SECTION 1. Town Meeting. The annual town meeting of the Town of Ipswich for the transaction of all business except the election of such officers and the determination of such matters as are by law to be determined by ballot shall be held on such date as the Town shall provide by by-law consistent with the provisions of the General Laws as amended. That part of the annual town meeting devoted to the election of officers and to take action on such matters as are by law to be determined by ballot shall be held within thirty days of the annual town meeting, and the time and place of holding such election and vote shall be stated in the warrant for the annual town meeting.
(As amended by order under G.L. c. 43B S. 10A adopted by vote of Town Meeting March 4,1 974, approved by the Attorney General May 10, 1974, and approved by the voters March 10, 1975)

SECTION 2. Board of Selectmen. The Board of Selectmen shall consist of five members, each to be elected by official ballot by the qualified voters of the Town at the annual town election, and each to hold a three year term of office. Such term shall be staggered as they were prior to the acceptance of this act, and Selectmen holding office at the time of the acceptance of this act shall serve out their elected terms.

SECTION 3. Appointive Powers of Selectmen. The Board of Selectmen shall appoint and may remove election officers, registrars of voters (except the Town Clerk), Trust Fund Commissioners, Town Accountant, Zoning Board of Appeals, an Electric Light Manager, and the Town Manager. The Treasurer and Collector shall be appointed by the Board of Selectmen as provided in chapter two hundred and fifty-one of the acts of nineteen hundred and sixty-three, which was accepted by the town of Ipswich in March nineteen hundred and sixty-four and which shall not be affected by this act in any way. The Town Accountant and the Treasurer and Collector shall, in the performance of their duties, be subject to the general supervision and direction of the Town Manager.

SECTION 4. Investigations or Surveys. For the purpose of making investigations or surveys, the Board of Selectmen may employ such experts, counsel and other assistants and incur such other expenses, not exceeding in any year the sum of one thousand dollars, or such larger sum as may be appropriated for the purpose by the Town, as they may deem necessary, and the same shall be paid by the Treasurer upon a warrant signed by a majority of the Board of Selectmen.

SECTION 5. Other Elective Boards and Offices. In addition to the Board of Selectmen, the registered voters of the Town shall elect a moderator, a constable, a school committee of seven members and a housing authority of five members, each to be elected in accordance with the practices in effect for the election of such officials prior to the acceptance of this act. Any of said officials holding office at the time of the acceptance of this act shall serve out his elected term.

SECTION 6. Town Manager. The Board of Selectmen shall appoint, as soon as practicable, for a term of three years, a Town Manager, who shall be a person especially fitted by education, training and experience to perform the duties of the office. The Town Manager shall be appointed without regard to his political beliefs. He need not be a resident of the Town or of the

Commonwealth when appointed, but shall be a resident of the Town during his term of office. He may be appointed for successive terms of office. Before entering upon the duties of his office, the Town Manager shall be sworn to the faithful and impartial performance thereof by the Chairman of the Selectmen, or by the Town Clerk, or by a justice of the peace. He shall execute a bond in favor of the Town for the faithful performance of his duties in such sum and with such surety or sureties as may be fixed or approved by the Selectmen.

SECTION 7. Temporary Town Manager. A vacancy in the office of Town Manager shall be filled as soon as possible by appointment by the Board of Selectmen. Pending the appointment of a town manager or the filling of such a vacancy, the Selectmen may appoint a suitable person to perform the duties of the office temporarily. Said temporary appointment shall be made within thirty days of the occurrence of the vacancy, but any such temporary appointment shall be for a term not to exceed ninety days. If necessary, the Board of Selectmen may extend the temporary appointment for an additional term not to exceed ninety days. A temporary town manager, appointed according to the terms of this section, shall serve at compensation to be set by the Board of Selectmen, but such compensation shall not exceed the rate of compensation approved for the Town Manager by the Town.

SECTION 8. Acting Town Manager. In the event of a temporary absence or disability of the Town Manager, the Board of Selectmen may designate an officer of the Town to perform the duties of the Town Manager until he shall return or his disability shall cease. Such an appointment must be made if absence or disability extends beyond thirty days.

SECTION 9. Removal of Town Manager. The Selectmen, at any meeting of the full membership of the Board, may adopt a preliminary resolution to remove the Town Manager by a vote in which not more than one member dissents. At least thirty days before such proposed removal becomes effective, the Selectmen shall file a preliminary written resolution with the Town Clerk setting forth in detail the specific reasons for the proposed removal, a copy of which resolution shall be delivered to the Town Manager. The Manager, within thirty days after notice so filed, may reply in writing to the resolution and may request a public hearing. If the Manager so requests, the Board of Selectmen shall hold a public hearing not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, and after full consideration, the Selectmen, by vote of the full membership of the Board at which no more than one member dissents, may adopt a final resolution of removal. In the preliminary resolution the Selectmen may suspend the manager from duty, but shall in any case cause to be paid to him forthwith any unpaid balance of his salary through the date of the final resolution plus one month's severance pay.

SECTION 10. Compensation of Town Manager. The Town Manager shall receive such compensation for his services as the Selectmen shall determine but it shall not exceed the amount appropriated therefor by the Town without prior approval of the Finance Committee.

SECTION 11. Powers and Duties of the Town Manager. In addition to specific powers and duties provided in this act, the Town Manager shall have the general powers and duties enumerated in this section:

(a) The Town Manager shall supervise and direct the administration of all departments, boards and offices subject to his appointment.

(b) The Town Manager, in accordance with the provisions of this act and except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under his direction and supervision, in whole or in part, may establish such new departments, commissions, boards or offices as he deems necessary, and in so doing, may transfer the duties, powers and appropriation of one department, commission, board or office to another.

(c) Except as otherwise provided by this act, the Town Manager shall appoint upon merit and fitness alone, and subject to the provision of chapter thirty-one of the General Laws where applicable, may remove all officers and employees of the Town under his supervision. Town officers and employees not subject to the provisions of said chapter thirty-one shall not be removed by him except on five days' notice in writing, setting forth the cause of such removal.

(d) Notwithstanding the provision of section one hundred and eight of chapter forty-one of the General Laws, the Town Manager shall fix the compensation of all officers and employees subject to removal by him. Said compensation shall not exceed the sums appropriated by the Town.

(e) The Town Manager shall attend all regular meetings of the Board of Selectmen unless excused by the Board.

(f) The Town Manager shall keep full and complete records of his office, and shall render as often as may be required by the Selectmen a full report of all operations during the period reported on.

(g) The Town Manager shall keep the Selectmen fully advised as to the needs of the Town and shall recommend to the Selectmen for adoption such measures requiring action by them or by the Town as he may deem necessary or expedient.

(h) The Town Manager shall have jurisdiction over the rental and use of all Town property and shall be responsible for the maintenance and repair of all Town buildings. He shall be responsible for the preparation of plans and the supervision of work on existing buildings or on the construction of new buildings. However, he shall not have such responsibilities for property and buildings under the control of the School Committee unless so requested of the Board of Selectmen by that committee.

(i) The Town Manager shall administer either directly or through a person or persons appointed by him in accordance with this act all provisions of general and special laws applicable to said Town, all by-laws and all regulations established by the Selectmen.

(j) The Town Manager shall be responsible for publication of the annual town report which shall include, in addition to that which is required by law or by by-law, the warrants and actions taken by the Town of such warrants for all town meetings which have occurred since the last town meeting included in the last annual town report. The first such report to include town meeting data shall begin with the data from the previous annual town meeting.

(k) The Town Manager shall perform such other duties consistent with his office, as may be required of him by the by-laws of the Town or by the vote of the Selectmen.

(l) The Town Manager shall appoint all necessary town officers not specifically provided for herein.

(m) The Town Manager shall act as the purchasing agent for the Town with the powers and duties provided in section one hundred and three of chapter forty-one of the General Laws.

SECTION 12. Investigations by the Town Manager. The Town Manager may, without notice, cause the affairs of any division or department under his control, or conduct of any officer or employee thereof, to be examined. The Town Manager shall have access to all Town books and papers for information necessary for the proper performance of his duties.

SECTION 13. Boards and Offices to be Appointed by the Town Manager. The following boards or offices in existence at the time of acceptance of this act shall continue in force and effect: Planning Board, Board of Assessors, Town Counsel, Civil Defense Director, and Safety Director. Members of said boards or offices holding office at the time of acceptance of this act shall serve out their appointed terms, and future appointments shall be made by the Town Manager. If for any reason a vacancy occurs in any of these boards or offices, the vacancy shall be filled for the unexpired term by appointment by the Town Manager.

The director of the Ipswich public library shall be appointed by the town manager with the approval of the board of library trustees. The town manager may remove the director of the Ipswich public library, with the approval of the board of library trustees, for just cause, following a hearing.

(As amended by order under General Laws Chapter 43B, Section 10, adopted by vote of Town Meeting April 6, 1998; approved by the voters on April 13, 1998; approved by the Attorney General on May 7, 1998; effective June 4, 1998)

SECTION 14. Recreation Committee. Upon acceptance of this act, there shall be established a Recreation Committee to consist of seven members to be appointed by the Town Manager. Said committee shall assume all the duties and responsibilities of the Recreation Committee as they exist prior to the acceptance of this act, with the exception of the responsibility for employing and removing personnel, which shall be the responsibility of the Town Manager. The term of office shall be three years, terms to be staggered such that in one year, two; the second year, two; and the third year, three terms shall expire. If for any reason a vacancy occurs in the membership of the committee, the vacancy shall be filled for the unexpired term by appointment by the Town Manager. The Town Manager shall appoint a recreation director and a buildings and grounds director who shall be subject to the general supervision and direction of the Town Manager.
(As amended by order under General Laws Chapter 43B Section 10A, adopted by vote of Town Meeting April 13, 1981; approved by the Attorney General on May 22, 1981; and approved by the voters on April 12, 1982.)

SECTION 15. Board of Cemetery and Park Commissioners. Upon the acceptance of this act, the Board of Cemetery and Park Commissioners, which board was elected prior to the acceptance of this act, shall revert to an appointed board, said appointments to be made by the Town Manager. Elected members of the board shall serve out their unexpired terms, at the expiration of which their successors shall be appointed by the Town Manager. If for any reason a vacancy occurs in the membership of the Board of Cemetery and Park Commissioners, the vacancy shall be filled for the unexpired term by appointment by the Town Manager. Said board shall assume all duties and responsibilities of the Board of Cemetery Commissioners and of the Park Commissioners in existence prior to the acceptance of this act, with the exception of the responsibility for employing and removing personnel, which shall be the responsibility of the Town Manager.
(As amended by order under General Laws Chapter 43B Section 10A, adopted by vote of Town Meeting April 13, 1981; approved by the Attorney General on May 22, 1981; and approved by the voters on April 12, 1982.)

SECTION 16. Deleted by order under General Laws Chapter 43B, Section 10, adopted by vote of Town Meeting April 6, 1998; approved by the voters on April 13, 1998; approved by the Attorney General on May 7, 1998; effective June 4, 1998

SECTION 17. Board of Health. Upon the acceptance of this act, the Board of Health, which board was elected prior to the acceptance of this act, shall revert to an appointed board, said appointments to be made by the Town Manager. Elected members of the board shall serve out their unexpired terms, at the expiration of which their successors shall be appointed by the Town Manager. If for any reason a vacancy occurs in the membership of the Board of Health, the vacancy shall be filled for the unexpired term by appointment by the Town Manager.
Said board shall assume all duties and responsibilities of the Board of Health in existence prior to the acceptance of this act with the exception of the responsibility for employing and removing personnel, which shall be the responsibility of the Town Manager. The Town Manager may appoint an agent of the Board of Health who may be a member of said board and who shall possess all the powers and duties conferred or imposed by law upon agents of boards of health of towns, but who shall, in the performance of his duties, be subject to the general supervision and direction of the Town Manager.

SECTION 18. Town Clerk. The Town Manager shall appoint a suitably qualified person to the office of Town Clerk. The person holding the elective office of Town Clerk at the time of the acceptance of this act shall serve out the term to which he was elected, at the expiration of which the Town Manager shall appoint his successor. The Town Clerk shall have the powers, perform the duties, and be subject to the liabilities and penalties now or hereafter conferred or imposed by law upon Town Clerks but shall be subject to the general supervision and direction of the Town Manager in the performance of his duties. He shall be sworn to the faithful performance of his duties by the chairman of the Selectmen or by a justice of the peace.

SECTION 19. Inspectors. The Town Manager shall appoint a suitably qualified person or persons to serve as plumbing, gas, wiring, and building inspectors, and shall fix their compensation which shall not exceed the amount appropriated by the Town.

SECTION 20. Additional Committees or Boards. In addition to the above mentioned boards, committees or officers, the Town Manager may establish and appoint the members of such advisory boards or committees as he deems necessary. Such boards or committees may include, but need not be restricted to, a water-sewer advisory board, mosquito control committee, traffic safety committee, building code committee, public safety advisory committee, personnel advisory board and an electric light advisory board.

SECTION 21. Department of Public Works. Upon the acceptance of this act there shall be established a department of public works as herein provided. The Town Manager shall assume all the powers and duties as heretofore delegated to the Board of Public Works. The Board of Selectmen shall assume all the powers and duties heretofore delegated to the Water Commissioners and Sewer Commissioners. The Town Manager may appoint such superintendents of separate sections of said department as he deems necessary except that the existing position of Superintendent of Streets as now established shall continue to exist within the Department of Public Works. The Department of Public Works may include, but need not be restricted to, the Engineering Department, Water Department, Sewer Department, Forestry Department, Highway Department and Shellfish Department as they existed prior to the acceptance of this act. The Cemetery Department, at the discretion of the Selectmen, may be included under Public Works also after the expiration of the terms of the elected members as specified in section fifteen. The Public Works Department so established shall assume all the functions of the departments it incorporates as these functions existed prior to the acceptance of this act. The Town Manager may consolidate the functions of various departments as they become part of the Department of Public Works, but the organized composite departments shall consist of divisions that compare as nearly as practical by title and function with the departments as they existed prior to the acceptance of this act, and the accounting for this department shall be subdivided according to the divisions so defined. The collection and removal of refuse, garbage and offal shall also be the responsibility of said department.
(As amended by order under General Laws Chapter 43B Section 10A adopted by vote of Town Meeting March 06, 1972, approved by Attorney General August 11, 1972, and approved by the voters March 12, 1973.)

SECTION 22. Electric Light Department. The Electric Light Department in existence at the time of acceptance of this act shall continue in force and effect. Said department shall be under the direct supervision of an officer to be known as the Electric Light Manager, but shall be subject to the general supervision of the Town Manager who shall be responsible to the Board of Selectmen as Electric Light Commissioners.
(As amended by order under General Laws Chapter 43B Section 10A adopted by vote of Town Meeting March 06, 1972, approved by Attorney General August 11, 1972, and approved by the voters March 12, 1973.)

SECTION 23. Approval of Warrants. The Town Manager shall be the chief fiscal officer of the Town. Warrants for the payment of Town funds prepared by the Town Accountant in accordance with the provisions of section fifty-si x of chapter forty-one of the General Laws shall be submitted to the Town Manager. The approval of any such warrant by the Town Manager shall be sufficient authority to authorize payment by the Town Treasurer, but the Selectmen shall approve all warrants in the event of the absence of the Town Manager or a vacancy in the office of the Town Manager.

SECTION 24. Investigation of Claims. Whenever any payroll, bill or other claim against the Town is presented to the Town Manager he shall, if the same seems to him to be of doubtful validity, excessive in amount, or otherwise contrary to the interests of the Town, refer it to the Selectmen who shall immediately investigate the facts and determine what, if any, payment should be made. Pending such investigation and determination by the Selectmen, payment shall be withheld.

SECTION 25. Receipts Paid to the Treasury. Every officer shall pay into the treasury of the Town all amounts received by him on behalf of the Town, and shall make a true return thereof to the Town Accountant stating the accounts upon which such amounts were received.

SECTION 26. Fees Paid to Treasury. The aggregate annual compensation of each Town employee appointed by the Town Manager shall be limited to the amount established in accordance with the provisions of this act and all fees received in accordance with the provisions of any general or special law shall be paid into the treasury of the Town.

SECTION 27. Estimates of Expenditures. On or before the tenth day of December of each year, the Town Manager shall submit to the Selectmen a careful, detailed estimate in writing of the probable expenditures of the Town Government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the Town and showing specifically the amount necessary to be provided for each fund and department, together with a statement of the expenditures of the Town for the same purposes in the two preceding years and an estimate of expenditures for the current year. He shall also submit a statement showing all revenues received by the Town in the town preceding fiscal years and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year. For the purpose of enabling the Town manager to make up the annual estimate of expenditures, all boards, officers, and committees of the Town shall, upon his written request, furnish all information in the possession and submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the next fiscal year.

SECTION 28. Annual Budget. The Selectmen shall consider the tentative budget submitted by the Town Manager and make such recommendations relative thereto as they deem expedient and proper in the interests of the Town. On or before the twentieth day of January of each year, the Selectmen shall transit a copy of the budget together with their recommendations relative thereto to each member of the Finance Committee.

SECTION 29. Finance Committee. The Finance Committee shall continue to exist as it is now established in accordance with chapter four of the By-Laws of the Town of Ipswich.

SECTION 30. By-Laws, Rules, Etc. All laws, by-laws, rules and regulations in force in the Town of Ipswich when this act takes effect, not inconsistent with its provisions, whether enacted by authority of the Town or any other authority, shall continue in full force and effect until otherwise provided by law, by-law or vote, respectively; all other laws, by-laws, rules and regulations, so far as they refer to the Town of Ipswich, are hereby repealed and annulled, but such repeal shall not revive any pre-existing enactment.

SECTION 31. Submission of Act and Time of Taking Effect. This act shall be submitted to the qualified voters of the Town of Ipswich for acceptance at the annual town meeting to be held in the year nineteen hundred and sixty-seven in the form of the following question which shall be placed upon the official ballot to be used at said meeting: "Shall an act passed by the General Court in the year nineteen hundred and sixty-six, entitled 'An Act establishing a Selectmen-Town Manager form of government for the Town of Ipswich', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take effect immediately, but not otherwise.

SECTION 32. Revocation of Acceptance. At any time after the expiration of three years from the date on which this act is accepted and not less than sixty days before the date of an annual town meeting, a petition signed by not less than twenty percent of the registered voters of the Town may be filed with the Selectmen, requesting that the question of revoking the acceptance of this act be submitted to the voters. Thereupon the Selectmen shall cause the question of revocation of the acceptance to be placed on the ballot at the next annual town election. At said election the vote shall be taken in answer to the following question which shall be printed on the official ballot: "Shall an act passed by the General Court in the year nineteen hundred and sixty-six, entitled 'An Act establishing a Selectmen-Town Manager form of government for the Town of Ipswich', be retained?" If retention of the act is favored by a majority of the voters voting thereon, no further petition therefor shall be filed under this section more often than once every three years thereafter. If retention of this act is not favored by a majority of the voters voting thereon, this act shall cease to be operative on and after the next annual town election following such vote, the term of office of the Town Manager terminating at that time. At the first annual town election following such vote of revocation, the registered voters of the Town shall elect by ballot all elective officers, boards, and committees whose election of office was required immediately prior to the acceptance of this act, but whose election to office was not required according to the terms of this act; provided, however, that the Town has not voted to accept other plans which provide for a different arrangement from that existing immediately prior to the acceptance of this act. It shall be the duty of the Selectmen and the Town Clerk in office, and any other Town official upon whom by reason of his office a duty devolves when this act is revoked, to comply with all of the requirements of this section relating to elections, to the end that all things may be done necessary for the nomination and election of the officers required to be elected following the revocation of this act. The said revocation shall not affect any contract then existing or any action at law of any suit in equity or any other proceedings then pending.

Any special laws relative to said Town which are repealed by this act shall be revived by this revocation. All laws, by-laws, votes, rules, and regulations repealed and annulled as provided in section thirty shall be revived by such revocation. By-laws, votes and rules and regulations in force when said revocation takes effect, so far as consistent with the General Laws respecting town government and town officers and with special laws, shall not be affected thereby. For those positions for which the unexpired terms of office were not affected by the acceptance of this act, the unexpired terms of office shall not be affected by the revocation of this act.
Approved September 2, 1966.

II. ACCEPTANCES OF LEGISLATIVE ACTS BY THE TOWN OF IPSWICH

- Sept. 15, 1890, accepted Chapter 386, Acts of 1890, authorizing the Town to print and distribute ballots for the town election at their own expense. (Chapter 41, Section 6)
- April 4, 1892, accepted provisions of act of Legislature of 1882, relating to laying out public parks.
- March 3, 1892, accepted Chapter 50 of the public statutes Sec. 20-24 inclusive, relating to the laying out of sidewalks.
- February 19, 1894, accepted Chapter 313, Acts of 1890 as extended by Chapter 145 Acts of 1893, an act to supply the Town of Ipswich with water.
- March 19, 1894, accepted Chapter 417, Sec. 268, Acts of 1893 relative to the election of a separate board of assessors.
- March 19, 1894, accepted same act providing for the election of a separate board of overseers of the poor.
- May 27, 1901, accepted Chapter 370, Sec. 1, Acts of 1900, the right to manufacture heat, light and power for the inhabitants of the Town of Ipswich.
- January 27, 1902, accepted Chapter 482, Acts of 1901, to elect a town clerk.
- May 14, 1902, accepted Chapter 33, R.L. Sec. 28, relative to electing field drivers.
- May 14, 1902, accepted Chapter 50, R.L. Sec. 1-9, relative to betterments in laying out streets and highways.
- January 23, 1907, accepted Chapter 11, Sec. 339, R.L. relative to election of selectmen.
- March 18, 1907, accepted Chapter 502, Acts of 1906, relative to appointment of school physician.
- March 11, 1908, accepted Chapter 186, Acts of 1907, relative to payment to widow of deceased fireman.
- March 31, 1911, accepted Chapter 11, R.L. relative to appointment of wire inspector.
- June 23, 1911, accepted Chapter 624, Acts of 1910, the town accountant act.
- November 5, 1912, accepted Chapter 503, Acts of 1912, relating to pensioning laborers in the employ of cities and towns.
- November 4, 1913. accepted Chapter 807, Acts of 1913, relative to workman's compensation.
- November 3, 1914, accepted Chapter 688, Acts of 1914, relative to Saturday half holiday.
- November 3, 1914, accepted Chapter 790, Acts of 1914, relative to party enrollment at primary elections.
- May 9, 1916, accepted Chapter 59, Acts of 1916, relating to town meetings and election of town officers.
- October 8, 1919, accepted Chapter 293, Acts of 1916, the Jitney Act.
- November 4, 1919, accepted Chapter 311 Acts of 1919 establishing continuation schools for child laborers.
- March 1, 1920, accepted Chapter 23, Gen. Acts of 1917, relative to licensing coffee houses.
- July 19, 1923, accepted Chapter 391, Acts of 1923, relative to collection of water rates.
- October 14, 1923, accepted Chapter 66, Acts of 1923, relative to extending the treasurer's and collector's term of office from one to three years.

- March 10, 1924, accepted Chapter 41, G.L. Sections 73-81, relative to establishing board of survey for the Town.
- June 29, 1926, accepted Chapter 114, G.L. Section 28, relative to accepting title to cemetery lots.
- December 22, 1927, accepted Chapter 710, Acts of 1912, as amended by Chapter 307 Acts of 1927, relative to clams for bait and family use without permit.
- March 2, 1931, accepted Chapter 406, Acts of 1928, Amending Chapter 136, Section 2, G.L., the Sunday sports law.
- March 4, 1935, accepted Chapter 31, Section 48, G.L., establishing civil service for the regular police.
- March 4, 1935, accepted Chapter 31, Section 49, G.L., establishing civil service for the chief of police.
- March 2, 1936, accepted Chapter 31, Section 48, G.L., establishing civil service for the regular fire department.
- March 1, 1937, accepted Chapter 16 of the Acts of 1937, authorizing a board of trustees to manage land of Town of Ipswich at Great Neck.
- September 2, 1937, accepted Chapter 77 of Acts of 1937, relative to absentee voting at regular town elections.
- September 2, 1937, accepted Chapter 98 of Acts of 1937, relative to disbursements and investments of the Burley Fund.
- November 1, 1937, accepted Chapter 139, Section 1-3 inclusive, G.L. relative to burned and dilapidated and dangerous buildings.
- January 24, 1938, accepted Chapter 41, Sections 81-F to 81-J inclusive, G.L. (as amended and added to by Chapter 211 of the Acts of 1936), relative to election of a planning board of five members to be elected at the annual town meeting.
- March 7, 1938, accepted Chapter 51, Acts of 1938, relative to pension for Valorous H. Grant (now deceased).
- March 6, 1939, accepted Chapter 415, Acts of 1938, relative to further regulating liens for and the collection of water rates and charges.
- March 18, 1940, accepted Section 6A, Chapter 40, G.L., relative to advertising the Town's resources.
- March 18, 1940, accepted Chapter 45, Sections 19-23 inclusive and Chapter 132, Section 35, G.L., relative to Town forests.
- September 4, 1941, accepted Chapter 162, Acts of 1941, relative to the nomination of an inspector of animals.
- March 6, 1944, accepted Section 85, Chapter 32, G.L., relative to the retirement of policemen and firemen totally or permanently incapacitated while in performance of duties and those of 25 years' service at the age of 65.
- March 11, 1946, accepted Chapter 30, Acts of 1946, an act to authorize the construction of a system of sewers in the Town of Ipswich.
- April 1, 1946, accepted Chapter 690, Acts of 1945, relative to town bridges placed under the department of public works for maintenance, repair, control (Choate Bridge).
- May 6, 1946, accepted Chapter 13, Acts of 1946, relative to veterans housing.
- June 12, 1946, accepted Chapter 727, Acts of 1945, relative to increasing teachers' salaries.

Acceptances of Legislative Acts

- June 12, 1946, accepted Chapter 598, Acts of 1941, relative to making of rules and regulations for the taking of sea worms and all shellfish.
- March 31, 1947, accepted Section 58A, Chapter 638, Acts of 1941 and 1942, relative to establishing a 70 hour work week for permanent firemen.
- March 31, 1947, accepted Chapter 559, Acts of 1946, relative to an increase of pensions of certain former town employees.
- June 23, 1947, accepted Chapter 265, Acts of 1947, relative to closing of town public offices on Saturday.
- November 3, 1947, accepted Chapter 633, Acts of 1947, relative to the retirement on pension of Edward S. Cogswell (now deceased).
- March 1, 1948, accepted Chapter 574, Acts of 1946, relative to a (Ipswich) housing authority.
- May 2, 1949, accepted Chapter 588, Acts of 1948, relative to an increase of pensions of certain former town employees.
- March 7, 1950, accepted Chapter 247, Acts of 1949, the Town Manager Act for the Town of Ipswich; subsequently revoked at the annual town election March 8, 1954.
- March 5, 1951, accepted Chapter 820, Acts of 1950, relative to an increase of certain pensions for certain former town employees.
- March 8, 1951, accepted Chapter 152, Section 69, Acts of 1936, relative to vacations for certain listed town employees.
- March 3, 1952, accepted Chapter 781, Acts of 1951, relative to an increase of certain pensions of certain former town employees.
- March 2, 1953, accepted Chapter 624, Acts of 1952, relative to an increase of certain pensions of former town employees.
- March 1, 1954, accepted Chapter 550, Acts of 1952, and Chapter 668, Acts of 1953, relative to the Ipswich Housing Authority.
- November 2, 1954, accepted Chapter 620, Acts of 1954. Act establishing a selectman-executive secretary form of government for the Town of Ipswich; subsequently revoked at annual town election, March 12, 1962.
- March 5, 1956, accepted Chapter 670, Acts of 1955, relative to increasing the amounts of pension retirement allowances and annuities payable to certain former public employees.
- March 4, 1957, accepted Chapter 401, Acts of 1956, establishing civilian defense volunteers as classified employees of the Town, under the provisions of Chapter 40, Section 5, (1) and Chapter 41, Section 100A, G.L., as amended.
- March 11, 1957, accepted provisions of Section 6C, Chapter 40 G.L. relative to the removal of snow and ice from private ways therein open to public use.
- March 3, 1958, accepted Chapter 223, Acts of 1957, authorizing cities and towns to establish conservation commissions to promote the development of natural resources.
- March 2, 1959, accepted Chapter 427, Acts of 1957, relative to increasing the amount of pensions of certain retired police officers and firefighters.
- March 7, 1960, accepted Chapter 513, Acts of 1959, relative to extending to counties the power to increase certain retirement allowances, pensions and annuities.
- June 7, 1960, accepted Chapter 493, Acts of 1959, relative to increasing certain pensions by $100.00.

- March 6, 1961, accepted Chapter 647, Acts of 1960, relative to increasing amounts of pensions and retirement allowances payable to certain former public employees.
- March 5, 1962, accepted Chapter 552, Acts of 1961, relative to increasing the minimum benefit to fifteen hundred dollars ($1,500) per year for widows of certain deceased town employees.
- December 17, 1962, accepted Chapter 646, Acts of 1962, relative to increasing the amounts of certain pensions and retirement allowances.
- December 17, 1962, accepted provisions of Section 25, Chapter 41, G.L. relative to the appointment of assessors.
- December 17, 1962, accepted provisions of Section 23A, Chapter 41, G.L., relative to the appointment of an executive secretary.
- December 17, 1962, accepted provisions of Section 103, Chapter 41, G.L., establishing a purchasing department.
- December 17, 1962, accepted provisions of Section 42, Chapter 48, G.L., relative to placing the fire department under control of an officer to be known as chief of the fire department.
- March 4, 1963, accepted provisions of Section 6H, Chapter 40, G.L., as amended by Chapter 319, Acts of 1961, authorizing cities and towns to make repairs on private ways without liability of damages.

Following are actions taken at the Town Meetings of December 17, 1962, and March 04, 1963, to strengthen, clarify, or fill voids in the Town Government following revocation in March 1962 of the 1954 Selectman, Executive Secretary Charter (Chapter 620 of the Acts of 1954).

<u>December 17, 1962</u>

- Article 9. The Town voted that the Board of Selectmen of the Town consist of five members, one such member to be elected at the annual town meeting of 1963 for one year, two such members for two years and two such members for three years, and all successor terms to be for three years; and that the School Committee of the Town consist of seven members, two such members to be elected at the annual town meeting of 1963 for one year, two such members for two years, and three such members for three years, and all successor terms to be for three years; and that the Board of Public Welfare of the Town consist of three members, one such member to be elected at the annual town meeting of 1963 for one year, one such member for two years, and one such member for three years, and all successor terms to be for three years; and that any prior vote of the Town be revoked to the extent that it is inconsistent with this motion; and that this motion applies to the Town Government beginning with the annual town meeting in 1963.
- Article 10. Motion made that there shall be five assessors in the Town; that the Town accept Section 25 of Chapter 41 of the General Laws providing for the appointment of such Town Assessors by the Selectmen and for the removal of them at any time for cause after a hearing; that the Selectmen shall, immediately after the annual meeting in 1963, appoint one such assessor for a term of one year, two such assessors for terms of two years, and two such assessors for terms of three years, all successor terms to be for three years; and that this motion applies to the Town government beginning with the annual meeting in 1963. Motion amended at meeting to call for three assessors, one to be appointed for a term of one year, one

for a term of two years and one for a term of three years, all successor terms to be for three years. So voted.

- Article 11. The Town voted to authorize the Selectmen to petition the General Court for legislation shortening the time and simplifying the procedure for carrying out under the General Laws the report of the Town Government Study Committee in 1962, and for legislation to authorize the Selectmen to appoint the Treasurer and Collector of Taxes of the Town.
- Article 12. The Town voted to establish a Planning Board under the authority of Section 81A of Chapter 41 of the General Laws, such Planning Board to consist of five members who are to be either elected or appointed as the Town may designate at the annual meeting in 1963 or at such earlier time as may be permitted by the General Court, the terms of such five members to begin with the annual meeting in 1963 and to be one year for one such member, two years for the second such member, three years for the third such member, four years for the fourth such member and five years for the fifth, with all successor terms to be for five years.
- Article 13. The Town voted to ask under Section 21 of Chapter 41 of the General Laws that the Selectmen act as water commissioners, sewer commissioners, municipal light commissioners or board, and board of public works.
- Article 14. The Town voted to authorize and empower the Selectmen under Section 23A of Chapter 41 of the General Laws to appoint an Executive Secretary for a term of one or three years and to remove said Executive Secretary at their discretion.
- Article 15. The Town voted to accept the provisions of Section 103 of Chapter 41 of the General Laws. (Purchasing Department)
- Article 17. The Town voted to establish a permanent Town Government Study Committee of nine members to be appointed by the Selectmen for such term as the selectmen may designate.
- Article 18. The Town voted to request the General Court to re-enact Chapter 620 of the Acts of 1954 of the General Court being entitled "an act establishing a selectmen-executive-secretary form of government for the Town of Ipswich."
- Article 19. The Town voted to accept the provisions of General Laws, Chapter 48, Section 42. (Placing Fire Department under Officer to be known as Chief of Fire Department).

<u>March 4, 1963</u>

- Article 16. The Town voted to accept the progress report of the committee on Representative Town Meeting and to continue the committee until the next Annual Town Meeting.
- The Town voted to accept the progress report of the Salt Marsh Committee which was authorized by the last Annual Town Meeting and appointed in June by the Executive Secretary with approval of the Board of Selectmen, voted to continue this committee, voted that the committee shall cooperate with the Conservation Commission and voted to increase the membership from five to seven members, with the committee to make a report of its activities and recommendations at the next Annual Town Meeting.
- Article 25. The Town voted that the Planning Board be appointed by the Board of Selectmen; that the Planning Board consist of five members, the terms of such five members to begin with the annual meeting in 1963 and to be one year for one such member, two years for the second such member, three years for the third such member, four years for the fourth

such member, and five years for the fifth such member, with all successor terms to be for five years.

- Article 37. The Town voted that the Recreation Committee, the Trustees of the Memorial Building and the Playground Committee be consolidated into a single committee, to be known henceforth as the Recreation Committee, such committee to be appointed by the Board of Selectmen and consist of five members having all the powers and duties of the foregoing committees and officials as established by prior vote of the Town, and to be considered the duly authorized committee commencing with the Annual Town Meeting.
- Article 39. The Town voted to accept the report of the Town Clerk, dividing the Town into voting precincts as set forth in the report of such clerk, and that the Board of Selectmen be empowered to assign to a precinct designated by such Selectmen, in accordance with logical principles, any voter who cannot determine from such map and list what precinct he or she belongs in; and that such adoption take effect at the end of this calendar year; and that the Board of Selectmen cause a review to be made of such precincts and reported to the Town at the Annual Town Meeting in 1967.
- Article 41. The Town voted to confirm that the By-Laws of the Town remain in effect notwithstanding the expiration of Chapter 620 of the Acts of 1954.
- Article 44. The Town voted that the Building Code Committee be continued.
- Article 61. The Town voted to authorize, to the extent permitted by law, any of the Town boards to appoint any member or members of their respective boards to any other Town office or position, and fix the compensation or salary for any such member or members who may be appointed under such authority.

<u>March 11, 1963 Town Election</u>

- Question 2. Town voted to have the Selectmen act as Water & Light Commissioners. (effective March 1964)
- Question 3. Town voted to have the Selectmen act as Sewer Commissioners. (effective March 1964)
- Question 4. Town voted to have the Selectmen act as Board of Public Works. (effective March 1964)
- March 2, 1964, Accepted Acts, 1963, Chapter 478, increasing amounts of pension and retirement allowances payable to certain former public employees (art. 32)
- March 2, 1964, accepted G.L. Chapter 40, Section 8D, authorizing the Board of Selectmen to appoint a Historic Commission for the Town (art. 54)
- March 15, 1966, accepted G.L. Chapter 10, Section 8A, relating to the establishment of a Development and Industrial Commission (art. 72)
- March 18, 1968, accepted Acts 1967, Chapter 156, providing for the establishment of a regional school district and for the construction, maintenance, and operation of a regional vocational school by the said district (art. 20)
- March 18, 1968, accepted various provisions of G.L. Chapter 94, Sections 119, 120, and 120A, authorizing certain fees for licensing of the operation of slaughterhouses (art 23)
- March 2, 1970, accepted Acts 1969, Chapter 391 (G.L. Chapter 40, Section 8E), authorizing cities and towns to establish Youth Commissions (art. 17)
- March 2, 1970, accepted G.L. Chapter 90C, authorizing the imposition of parking fines (art. 19)

Acceptances of Legislative Acts

- March 1, 1971, accepted G.L. Chapter 41, Section 108L, authorizing adoption of police career incentive pay program
- March 5, 1973, accepted Acts 1970, Chapter 344 (G.L. Chapter 44, Section 53C), regarding establishment of a revolving fund for the payment of police officers for off duty work details
- November 17, 1975, accepted G.L. Chapter 164A, Sections 1-27, authorizing the Town to join the New England Power Pool (art. 10)
- Accepted Acts 1971, Chapter 486 (Beano)
- May 3, 1976, accepted Acts 1975, Chapter 775, allowing Ipswich to join the Massachusetts Municipal Wholesale Electric Company, Massachusetts Special Laws Chapter 13, Section 1-20
- May 2, 1977, accepted G.L. Chapter 40, Section 22D, authorizing towing away of vehicles illegally parked or standing on public ways
- May 2, 1977, accepted G.L. Chapter 40D, Section 2, authorizing creation of Industrial Development Financing Authority
- May 2, 1977, accepted G.L. Chapter 40A, the new zoning enabling act, in conjunction with adoption of a new protective Zoning By-Law (which By-Law will be presented in its amended form as part of the consolidated Town Charter, By-Laws and Regulations at a later date.)
- May 1, 1978, accepted G.L. Chapter 83, Section 16A, allowing unpaid sewer bills to be placed as liens on real estate
- April 2, 1979, accepted M.G.L. Chapter 82, Section 16A-16F inclusive, relative to sewer betterments
- April 2, 1979, accepted G.L. Chapter 40, Sections 42G-42I inclusive, relative to the assessment of betterments for water main extensions.
- April 2, 1979, accepted self-insurance alternative for unemployment compensation and established a fund in accordance with Chapter 412, Acts of 1978 (Chapter 40, Section 5E, G.L.)
- April 2, 1979, accepted G.L. Chapter 258, Section 9 (Chapter 512, Acts of 1978), providing indemnity to town employees arising out of claims against the Town (Article 41); ballot referendum April 14, 1980, following prior week's Annual Town Meeting floor vote added acceptance of G.L. 234:13 (Acts of 1979, Chapter 396) on the same subject
- April 2, 1979, accepted G.L. Chapter 151B, and joined the Cape Ann Transit Authority; this vote was clarified and confirmed on July 30, 1979
- April 2, 1979, accepted G.L. Chapter 80, Section 13B, relative to deferment of betterments (Article 32, April 2, 1979)
- April 7, 1980, accepted G.L. Chapter 40, Section 13, and established Municipal Buildings Insurance Fund
- April 7, 1980, accepted G.L. Chapter 234, Section 1, exempting permanent firefighters from jury duty
- April 7, 1980, pursuant to Acts of 1979, Chapter 151, Section 14 (G.L. Chapter 4, Section 4B), rescinded its prior acceptance of G.L. Chapter 41, Section 111, to the extent that said Section 111 mandates the granting of two weeks of paid vacation to any town employee for service of thirty (30) weeks, but less than fifty-two (52) weeks

- April 7, 1980, accepted G.L. Chapter 44, Section 53D, establishing a recreation revolving fund to make payments for the lighting of recreational facilities at Bialek Park; amended April 15, 1982, expanding the use of the fund for the conduct of self-supporting recreational services to the town
- April 6, 1981, rescinded acceptance of G.L. Chapter 40, Section 8E, relative to Youth Commissions (see Charter charges)
- April 5, 1982, accepted G.L. Chapter 44, Section 53E, establishing a revolving fund for plumbing and gas inspection fees
- April 5, 1982, amended action of April 7, 1980, to expand purpose of recreation revolving fund from Bialek Park lighting to general recreation purposes
- April 5, 1982, accepted G.L. Chapter 90, Section 20A 1/2, relative to parking fines
- April 5, 1982, accepted G.L. Chapter 40, Section 4G, relative to advertising municipal contracts prior to award; and rescinded general By-Laws Chapter XI, Section 13, optional purchasing procedure
- April 4, 1983, accepted G.L. Chapter 70, Section 71E, authorizing the establishment of revolving funds for adult education and school building maintenance expenses associated therewith
- April 4, 1983, accepted G.L. Chapter 71, section 71F, authorizing the establishment of separate accounts for nonresident school tuition and for reimbursements for students who are under foster care
- April 4, 1983, accepted G.L. Chapter 148, Section 26C, requiring the installation of smoke or heat detectors in certain multi-family dwellings, hotels, lodging houses, and other institutions
- April 4, 1983, under G.L. Chapter 40, Section 5, subsection 27(b), established a revolving fund for the 350th celebration
- April 2, 1984, accepted G.L. Chapter 32B, Section 11A, allowing employees to purchase additional group life and AD & D insurance at their own expense
- April 7, 1986, accepted G.L. Chapter 44, Section 53F, enabling compensating balance agreements for the provision of banking services
- April 7, 1986, accepted G.L. Chapter 40, Section 57, allowing for revocation or suspension of licenses for nonpayment of taxes or assessments
- April 4, 1988, accepted G.L. Chapter 59, Section 5, paragraph 5A, exempting $400,000 of real estate valuation for Veterans Groups' property
- April l4, 1988, accepted G.L. Chapter 59, Section 5, clause 37A, increasing exemption from taxes to $500,000 for the legally and totally blind
- April 4, 1988, accepted G.L. Chapter 32B, Section 8A, distributing dividends on group insurance, net of town administrative expenses proportionately to payments made by insured employees
- June 20, 1988, accepted G.L. Chapter 59, Section 5, paragraph 5B, exempting $700,000 of real estate valuation for Veterans Groups' property
- June 20, 1988, accepted G.L. Chapter 41, Section 81U, twelfth paragraph, enabling the Town to utilize up to $25,000 in subdivision development deposits, without appropriation, to complete a subdivision

Acceptances of Legislative Acts

- June 20, 1988, accepted G.L. Chapter 71, Section 40, raising the minimum teacher's salary to $20,000 per year. (NOTE: January 6, 1986, Special Town Meeting established $18,000 as minimum teacher salary.)
- April 3, 1989, accepted G.L. Chapter 50, Section 3C, establishing a local scholarship fund.
- April 3, 1989, accepted G.L. Chapter 59, Section 5, Clause 41C, relaxing eligibility requirements for the elderly in real estate taxes
- April 3, 1989, accepted G.L. Chapter 40, Section 21D, relative to noncriminal disposition of certain violations
- October 22, 1990, accepted G.L. Chapter 90, Section 22B (b)-(k) inclusive, relative to the disposal of abandoned motor vehicles
- April 1, 1991, accepted Chapter 291, Acts of 1990, improving emergency telecommunications ("E-911") within the Commonwealth
- April 1, 1991, withdrew from membership in Essex County Mosquito Control Project, Acts of 1958, Chapter 516
- April 1, 1991, accepted G.L. Chapter 148, Section 26G, "Automatic Sprinkler Systems Required Installation; Exceptions; Alternative Fire Suppressant Systems"
- April 1, 1991, accepted G.L. Chapter 148, Section 26I "Automatic Sprinkler Systems; New or Used Multi-Unit Residential Structures"
- April 1, 1991, accepted G.L. Chapter 140, Section 185I, relative to the licensing of fortune tellers
- April 6, 1992, accepted G.L. Chapter 40, Section 22F, authorizing local officials to set fees and charges
- October 17, 1992, accepted Chapter 71, Acts of 1993, Section 93 as amended, to provide an early retirement program for teachers and school administrators who are members of the Massachusetts Teachers' Retirement System
- October 17, 1992, accepted Chapter 148, Section 26H, relative to Automatic Sprinkler Systems; Lodging and Boarding Houses, Exceptions: Definitive
- April 4, 1994, accepted Chapter 71, Section 83, Acts of 1993 as amended, to provide for an Early Retirement Program for members of the Massachusetts Teachers' Retirement System.
- April 3, 1995, accepted Chapter 41, Section 69B, to establish a special revenue (enterprise) fund for the Water Division.
- July 24, 1995, accepted G.L. Chapter 164, Section 58B through 58F, inclusive, relative to liens upon real estate for nonpayment of electric service charges (Board of Selectmen)
- October 23, 1995, accepted G.L. Chapter 41, Section 41B, relative to direct deposit of employee payroll
- April 9, 1996, accepted G.L. Chapter 32B, Section 9A, relative to the payment by the Town of one-half of premiums for group health insurance for retirees
- October 21, 1996, accepted G.L. Chapter 32B, Section 18, requiring insured retirees and their spouses and/or dependents who are enrolled, or eligible to be enrolled, in Medicare A to transfer to the Town's Medicare extension plan
- October 20, 1997, accepted G.L. Chapter 64G, Section 3A, to establish a local excise tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel with the Town at a rate of 4% of the total amount of rent of each such occupancy

Acceptances of Legislative Acts

- April 6, 1998, accepted G.L. Chapter 60A, Section 1 (fourth paragraph) exempting former prisoners of war from the payment of certain motor vehicle excise taxes
- October 19, 1998, accepted G.L. Chapter 44, Section 55, relative to payment of paid vacation benefits
- April 5, 1999, accepted G.L. Chapter 64G, Section 3A, to establish a local 4% excise tax upon the transfer of occupancy of any room in a bed and breakfast establishment, hotel, lodging house or motel within the Town
- April 13, 1999, accepted G.L. Chapter 59, Section 2D, providing for taxing certain improved real property based on its value at the time an occupancy permit is issued
- October 18, 1999, accepted G.L. Chapter 59, Section 5, Clause 17D, to provide a property tax exemption to qualifying elderly persons over 70 years in age
- October 18, 1999, accepted G.L. Chapter 140, Section 147A, enabling the Town to adopt local animal control bylaws
- April 4, 2000, accepted G.L. Chapter 59, Section 57C, enabling the Town to issue quarterly tax bills for real estate and personal property
- October 16, 2000, accepted G.L. Chapter 59, Section 5K, relative to senior citizen property tax work-off abatements
- October 15, 2001, accepted G.L. Chapter 32B, sections 7A and 9E, relative to the Town's contributory payment of premium for employees' group life and health insurance
- April 12, 2002, accepted Acts of 2002 Ch. 88, authorizing the appointment of certain persons as firefighters notwithstanding the maximum age requirement
- April 12, 2002, accepted Acts of 2002 Ch. 89, authorizing certain persons to take a civil service examination for firefighter notwithstanding the maximum age requirement
- October 16, 2006, accepted MGL Ch. 39, Section 23D allowing members of any municipal board, committee or commission not to be disqualified from voting in an adjudicatory hearing solely due to the absence from no more than a single session of the hearing at which testimony or other evidence is received.
- October 16, 2006, accepted MGL Ch. 71, Section 37M, Consolidation of Administrative Functions with the Town
- April 2, 2007, accepted Acts of 1993, Ch. 481, Section 2, to permit a common victualler who holds a license to sell liqueurs and cordials in accordance with the provisions of MGL Ch. 138, Section 12
- April 2, 2007, accepted MGL Ch. 44, Section 55C, establishing a trust to be known as the Ipswich Affordable Housing Trust Fund whose purpose shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households.
- April 2, 2007, accepted Section 2 of Chapter 481 of the Acts of 1993 to permit a common victualler who hold a license to sell liqueurs and cordials in accordance with the provisions of MGL Chapter 138. Section 12
- August 29, 2007, accepted Acts of 2007, Ch. 98, authorizing the town of Ipswich to grant one additional license for the sale of all alchohlic beverages to be drunk on the premises.
- January 9, 2008, accepted Acts of 2008, Chapter 1, an act relative to the affordable housing trust fund.

Acceptances of Legislative Acts

- March 27, 2008, accepted Acts of 2008 Ch. 66, an act relative to the operation of the sewer system of the town of Ipswich.
- May 14, 2008, accepted Acts of 2008 Ch. 110, an ac relative to incurring indebtedness.
- May 13, 2008, accepted MGL Ch. 59, Section 5(54), added by Acts of 2000 Chapter 159, to permit the Assessors of the Town of Ipswich to establish a minimum fair cash value of $10,000 for personal property accounts to be taxed, starting in FY'2009. The Town Assessor recommends the minimum cash value be set at $3,500 and as such move that the minimum cash value be set at $3,500 for personal property accounts to be taxed, starting in FY'2009.
- June 1, 2009, (Adjourned Session of May 12, 2009), accepted MGL Ch. 33, Sec. 59 which provides a limited number of training days to members of the National Guard or reserves
- June 1, 2009, (Adjourned Session of May 12, 2009), accepted MGL Ch. 182, Section 77, of the Legislative Acts of 2008, which provides for compensation and other benefits to public employees who have been called to active military service since September 11, 2001.
- June 1, 2009, (Adjourned Session of May 12, 2009), MGL Ch. 32B, Section 20, which governs group health insurance for active and retired employees of local governments and which permits cities and towns to set up a special trust fund to be called, the Other Post Employment Benefits (OPEB) Liability Trust Fund, for appropriations made to cover the unfunded actuarial liability for health care and other post-employment benefits for retirees.
- October 26, 2010, accepted MGL. Ch. 138, Section 33B, as amended, which authorizes the Board of Selectmen, as the Local Liquor Licensing Authority, to issue licenses allowing licensees to sell alcoholic beverages starting at 10 a.m. on Sundays and certain legal holidays.
- May 10, 2011, accepted MGL Ch. 64L, Section 2(a) to impose a local option meals excise of .75%

III. SPECIAL LEGISLATION RELATING TO THE TOWN OF IPSWICH

During the years 1920 to 1974 inclusive, the Massachusetts General Court enacted various special laws relating to the Town of Ipswich. Persons using this index should recognize that reference to the text of each statute as enacted is essential to a complete understanding thereof. The notes which accompany the index merely summarize briefly the subject matter of the statutes. Each statute is cited by reference to the "Acts and Resolves of Massachusetts."

The index begins with the year 1920 simply because the editors made an arbitrary decision that earlier special enactments would have little or no practical significance for persons interested in determining what is the "governing body of law" under which the Town operates presently. The editors also wish to call attention to the adoption, in 1966, of the "Home Rule Amendment", so-called, to the Massachusetts Constitution (Article 89) and to the enactment, at a Special Session of the General Court in 1966, of Chapter 734, ("Home Rule Procedures"), which became Chapter 43B of the General Laws. The "Home Rule Amendment" provides in Section 9 that the General Court shall act in relation to cities and towns"...only by general laws which apply alike to all cities, or to all towns, or to all cities and towns, or to a class of not fewer than two..." Special laws which apply to particular municipalities are authorized in only four situations which are specifically defined. Because of the "Home Rule Amendment" and the enabling legislation enacted pursuant thereto, we conclude that there will be relatively few occasions in the future when our state legislature will enact special statutes for Ipswich, especially in such narrow terms as some of those hereinafter reported.

Chapter 494, Acts of 1911: Providing for an eight hour day.

Chapter 206, Acts of 1920: The statute provided for sale at public auction, by a Commissioner to be appointed by the Probate Court for Essex County, of the rights of unknown owners of land in Jeffries Neck Pasture, upon the application of any owner of such a right or rights.

Chapter 346, Acts of 1921: The statute exempted Joseph J. Horton, as Superintendent of Schools for the Town of Ipswich, from the requirement of Section 10, Chapter 32 of the General Laws, that members of the teachers' retirement association must retire at the age of seventy and provided that he might continue as a member of the association.

Chapter 345, Acts of 1922: Calling for referenda on certain town meeting actions.

Chapter 476, Acts of 1922: The statute authorized the Trustees of the Burley Education Fund in Ipswich to expend part of the fund, not to exceed half, for the purpose of enlarging the Burley School.

Chapter 345, Acts of 1922: The statute established a procedure for the submission of certain town meeting votes to a ballot referendum by the voters at large. Pursuant to the terms of Section 6 of the stature, it was submitted to the voters of Ipswich for acceptance or rejection at the 1923 Annual Town Meeting, the question being made a part of the official ballot for the

election of town officers in that year. The majority of the votes cast on the question being in the affirmative (398-154), the legislation was accepted.

Repeal of the legislation was authorized by Chapter 70, Acts of 1957. The question of repeal was submitted to the voters of the Town at the annual election held on March 10, 1958; a majority of the voters voted for repeal (1,238-886).

Chapter 530, Acts of 1922: The statute authorized the Town of Ipswich to incur debt in excess of statutory limitations, in an amount not to exceed $30,000.00, for the purpose of making changes in, and extensions of, its water systems.

Chapters 216 and 340, Acts 0f 1924: The statute authorized the Town of Ipswich to refund portions of its water and electric light loans: (a) by cancellation of water loan notes then held in a sinking fund and maturing after 1923 in an amount not exceeding $18,800 and by issuance of a like amount of bonds or notes to mature in ten years from their date of issue; and (b) by cancellation of electric light notes then held in a sinking fund and maturing after 1923 in an amount not exceeding $21,900 and by issuance of a like amount of bonds or notes to mature in ten years from their date of issue. The amount of indebtedness authorized was to be in excess of statutory limitations.

Chapter 6, Resolves of 1933: The resolution authorized the Department of Education to pay to the Town of Ipswich the sum of $11,605, "being the amount in addition to sums already paid, which the Town would have received in 1931 and 1932, except for errors in claims for reimbursement filed with said Department".

Chapter 240, Acts of 1934: The statute authorized the Town to borrow money for the purpose of acquiring land for a new high school, and for constructing and originally equipping such a school, the loans not to exceed $50,000 in the aggregate and such borrowing to be accomplished within a period of five years from the date of approval of the legislation.

The statute included a provision that no loan pursuant thereto might be authorized unless the Town should vote, with respect to any such loan in the year in which it was authorized, to raise in the tax levy in the same year a sum equal to not less than ten percent of the amount of such loan.

The statute further provided that it would not become effective unless it should be accepted by a majority of the registered voters of the Town voting on the question by official ballot at an Annual Town Meeting, or at a Special Town Meeting called for the purpose, held within one year from the enactment of the legislation. The statute was approved on May 23, 1934.

At the Annual Town Election held on March 11, 1935, the Town accepted the legislation by vote of 924 in the affirmative to 585 in the negative.

Chapter 39, Acts of 1935: The statute made it unlawful for any person to display "torches or other lights" for the purpose of taking herring or other fish in any waters of the Town of Ipswich. The Selectmen were, however, authorized to grant permits for the display of torches or lights for

such purpose, subject to such restrictions as in their judgment would prevent such activity from becoming a nuisance.

The law carried penalties for its violation as follows: a fine of from $50 to $200; or imprisonment for a term of six to twelve months; or both fine and imprisonment; and for second and subsequent offenses both fine and imprisonment.

Chapter 52, Acts of 1936: The Town was authorized to elect by ballot at annual town elections, commencing in 1937, persons to constitute a Board of Trustees to be vested with responsibility for management of town-owned land at Great Neck. The legislation provided for submission of the act for acceptance by the Town at the annual Town Meeting of 1936.

Article 31 of the Warrant for the 1936 Annual Town Meeting presented to the voters the question of acceptance. A motion for acceptance was duly made and seconded. Before the vote was taken, the presence of a quorum was questioned. A count of the house having been taken, the Moderator determined that a quorum was not in attendance. The meeting was then adjourned sine die.

Chapter 98, Acts of 1937: The legislation enacted particular provisions for the investment and disbursement of funds in the hands of the Trustees of the Burley Education Fund of Ipswich. Before the statute could become effective, the Town was required to accept its terms by majority vote at an Annual or Special Town Meeting. By unanimous vote at a Special Town Meeting on September 2, 1937, the Town accepted the legislation.

Chapter 51, Acts of 1938: The statute authorized the Town to pay a pension to Valorus H. Grant, who had served as a police officer for more than thirty years. The legislation further provided that it could become effective upon acceptance by a majority of the voters at an Annual Town Meeting held within two years after its enactment. Acceptance was voted at the Annual Meeting held on March 7, 1938, and an annual pension of $1,456 was authorized.

Chapter 58, Resolves of 1946: The resolution authorized an investigation relative to the greenhead fly nuisance in tidal areas of Ipswich and other towns.

Chapter 30, Acts of 1946: The legislation authorized the Town to construct, maintain and operate a municipal sewerage system and, “for the purpose of paying the necessary expenses and liabilities” incurred with respect thereto, to borrow not in excess of $600,000.

Effectiveness of the statute was made conditional upon its acceptance by the voters of the Town at any town meeting held within five years after enactment. The question of acceptance or rejection was to be placed on the official ballot to be used at said meeting, with the majority of the votes cast on the question to determine the issue. (The Town accepted the legislation on March 11, 1946.)

Amendment: Section 7 of chapter 30 of the Acts of 1946 is hereby amended by striking out the last sentence, inserted by section 2 of Chapter 83 of the Acts of 1999 and inserting in place there

of the following sentence: - Not withstanding any provision of the first sentence to the contrary, if the owners of not less than 66 2/3 percent of the land abutting a proposed sewer project, calculated on a basis consistent with the determined method of betterment of those lots to be served by the project in accordance with section 15 of Chapter 83 of the General Laws, petition the sewer commissioners for construction of an extension of the sewer system subject to betterment, the sewer commissioners may assess betterments up to 100 per cent of the cost of such extension to the sewer system. Section 2: This act shall take effect upon its passage. (voted at STM October 15, 2007, approved by the Legislature on March 27, 2008)

April 6, 1981, the Town Meeting voted to rescind that portion of Section 7 of Chapter 30, Acts of 1946, which prescribed a flat 6 percent interest rate of unpaid sewer betterments, said action being taken under the provisions of G.L. Chapter 4, Section 4B.

Chapter 633, Acts of 1947: The legislation authorized the Town to retire and grant a pension to Edward S. Cogswell, who had served for many years as Town Clerk, said pension to be in the amount of $1,200 payable in equal monthly installments.

Effectiveness of the enactment was made conditional upon its acceptance by a majority of registered voters at an Annual or Special Town Meeting. At a Special Town Meeting held on November 3, 1947, the Town voted unanimously to accept the legislation.

Chapter 356, Acts of 1948: The act authorized the Massachusetts Department of Public Works to protect Little Neck Shore against erosion by the sea and to expend therefor, subject to appropriation, the sum of $2,500 in conjunction with a like sum of $2,500 to be provided by the Feoffees of the Grammar School. The authorization for the work was made conditional upon the deposit by the Feoffees with the State Treasurer of the said sum of $2,500.

Chapter 247, Acts of 1949: The statute, which created a Town Manager Charter for the Town, was submitted to the voters of the Town and accepted at the Annual Election of March 13, 1950, by vote of 1,418 in the affirmative against 1,035 in the negative. Chapter 84 of the Acts of 1954 amended the Charter by adding in a new section relating to the powers, rights and duties of the Board of Selectmen. The entire Town Manager Charter was revoked by vote of the Town at the Annual Election of March 8, 1954.

Chapter 486, Acts of 1952: The legislation authorized the Town, subject to a vote of acceptance by the Board of Selectmen, to retire and pension of Charles A. Mallard.

Chapter 49, Acts of 1953: This statute repealed Chapter 486 of the Acts of 1952.

Chapter 620, Acts of 1954: The legislation authorized the establishment for the Town of a Selectmen-Executive Secretary form of government and was enacted by the General Court presumably in response to action taken at a Special Town Meeting held May 20, 1954, "to instruct our representative in the General Court to file a bill entitled 'An Act to Establish a Selectmen-Administrator form of government for the Town of Ipswich.'" Chapter 620 was

submitted to the voters of the Town at the biennial state election held in November 1954. The vote in favor of acceptance was 2,136 and in opposition, 856

The Selectmen-Executive Secretary charter was revoked at the Annual Town Election of March 12, 1962. The vote in favor of revocation was 1,587 and against revocation, 1,558. By the terms of Chapter 620, the revocation did not take effect until the following March.

Chapter 70, Acts of 1957: The statute authorized the repeal of Chapter 345 of the Acts of 1922. As has been noted in the comments above relating to said Chapter 345, the Town acted pursuant to the authorization to effect the repeal.
Chapter 335, Acts of 1958: The statute was enacted to validate certain town meeting proceedings as follows: (a) the proceedings at the Special Town Meeting of June 3, 1957, and at an adjournment thereof on June 11, 1957, with respect to the authorization of a $600,000 sewer construction loan; and (b) the action of the Town in voting acceptance of Chapter 70 of the Acts of 1957 at the Annual Election of March 10, 1958. The statute further provided that the words "revenue producing department" included in the Town By-Law relating to voting procedures for authorization of bond issues shall be taken to mean the Water and Electric Light Departments and no other.

Chapter 71, Act of 1959: The stature authorized the Town to use the unexpended balance of the proceeds of a certain bond issue originally designated for construction of a standpipe toward the cost of construction of a 12-inch water pipeline.

Chapter 81, Acts of 1960: Subject to approval of the voters of the Town in a vote to be taken at the 1960 Annual Town Election, the statute would have provided life tenure for the then present incumbent in the office of Town Engineer. The result of the referendum being 1278 voters opposed and 1265 in favor, the Town rejected the legislation.

Chapter 460, Acts of 1960: Referring to a vote passed by the Town at the Annual Town Meeting held on March 7, 1960, the statute provided that the action taken at the meeting should be deemed to have increased, pursuant to Sections 96 and 97 of Chapter 32 of the General Laws, the annual retirement allowance payable to Samuel H. Williams et al. to the amount of $1,200, in each case effective from March 7, 1960, as though the names of said persons and a proposal to increase their respective retirement allowances to $1,200 in each instance had been included in the warrant article pursuant to which the vote was taken at the time of posting of the warrant.

Chapter 24, Acts of 1961: Subject to approval of the voters of the Town in a vote to be taken at the 1961 Annual Town Election, the statute would have provided life tenure for the then present incumbent in the office of Town Engineer. The result of the referendum being 1,448 voters opposed and 1,263 in favor, the Town rejected the legislation.

Chapter 495, Acts of 1962: The statute validated and confirmed the action of the Town, taken pursuant to Article 23 of the warrant for the Annual Town Meeting of March 5, 1962, in transferring $27,500 from the Sewer Receipts Reserve Account and in authorizing the borrowing of $59,400, both sums to be expended to construct extensions of the sewerage system.

Chapter 508, Acts of 1962: The statute, which amended Chapter 30 of the Acts of 1946, provided that the Town, subject to appropriation, should use the receipts from sewer rentals or use charges and from sewer assessments and payments made in lieu thereof to defer charges and expenses incidental to the maintenance and operation of the sewer system, or to the extension thereof, and to service interest and principal payments on account of bonds or notes issued for sewer purposes.

Effectiveness of the legislation was made conditional upon its acceptance by the Town at the Annual Election of 1963. The vote in favor of acceptance was 1,996 and in opposition, 574.
Chapter 30, Acts of 1963: The legislation authorized life tenure for Russell L. Scahill as the incumbent in the position of Chief of the Fire Department. The statute required the affirmative acceptance of the voters of the Town to become effective. At the Annual Town Election held on March 11, 1963, acceptance was approved by a vote of 2,022 in favor and 961 opposed.

Chapter 251, Acts of 1963: The statute provided for the appointment by the Board of Selectmen of a suitably qualified person to the office of Town Treasurer and Tax Collector and for abolition of the elective office of Collector-Treasurer. The term of the appointment was to be for three years.

The statute provided that it would take effect on April 1, 1965, if accepted at the Annual Town Meeting in 1964. The question of acceptance was submitted to the voters under Article 25 of the warrant, and the vote in favor was unanimous.

Chapter 262, Acts of 1963: The statute validated and confirmed the action of the Town , passed by vote of December 27, 1962, in appropriating funds for sewer purposes and authorizing the issuance of bonds therefor.

Chapter 533, Acts of 1965: The statute authorized the Board of Selectmen to act as a Water and Sewer Board, and renamed the former Board of Water & Municipal Light Commissioners as the Municipal Light Board, vesting said board with all powers, and making it subject to all responsibilities as are conferred or imposed by the General Laws upon Municipal Light Boards.

The legislation was to become effective upon its acceptance by the Town; such acceptance was accomplished at the Annual Meeting of March 7, 1966, when the voters approved a motion for acceptance made pursuant to Article 53 of the warrant.

The statute was modified in its effect and operation when the Town accepted Chapter 620 of the Acts of 1955 (the present Town Charter) and subsequently when the Town amended the Charter itself to provide that the Selectmen should act in the capacity of Water and Sewer Commissioners and Electric Light Commissioners.

Chapter 620, Acts of 1966: Subject to the approval of the voters of the Town, the statute established a “Selectmen-Town Manager Form of government for the Town of Ipswich”. As required by the terms of the legislation, the question of acceptance was placed before the voters

at the Annual Town Election held March 13, 1967. The result of the poll was 1,509 votes in the affirmative, and 677 votes in the negative; and Chapter 620 was accepted and became effective immediately.

Chapter 156, Acts of 1967: The statute authorized the formation of a Vocational Regional School District by the cities of Haverhill and Newburyport and by the Towns of Amesbury, Boxford, Georgetown, Groveland, Ipswich, Merrimac, Newbury, Rowley, Salisbury, Topsfield, and West Newbury.

Chapter 582, Acts of 1968: The statute authorized the Town to sell and convey certain of its park land to the First and South Congregational Church in Ipswich.

At a Special Town Meeting held September 10, 1968, the Town voted to accept the terms and conditions of Chapter 582.

Chapter 406, Acts of 1975: The statute created an Historic and Scenic District Planning Commission, on which the Town of Ipswich was entitled to membership, for a duration from July 5, 1975, until June 30, 1978, when the special commission expired.

Chapter 632, Acts of 1977: Authorized the renewal of certain federal aid anticipation notes.

Chapter 321, Acts of 1979: Exempted the position of electric light manager from the Civil Service law.

Chapter 361, Acts of 1981: Exempted the position of superintendent of cemeteries, water /sewer superintendent, manager of the water department, and superintendent of streets from the Civil Service law.

Chapter 558, Acts of 1982: Authorized the Commonwealth Department of Environmental Management to convey certain land off Linebrook Road to Essex County for Chapter 90 road reconstruction purposes.

Chapter 63, Acts of 1985: Exempted the Town from the provisions of G.L. Chapter 140, Section 137 ("The County Dog Fund").

Chapter 499, Acts of 1985: Validated the proceedings of the April 1, 1985, Annual Town Meeting

Chapter 368, Acts of 1993: Authorized the Ipswich Board of Selectmen to issue two additional all-alcoholic licenses to Bay Side Grill, Inc., d/b/a Steep Hill Grill, and to Georg A. and Michael A. De Paolo, d/b/a Paolo's

Chapter 284, Acts of 1993: Authorized the Town to appropriate funds for an annuity for the benefit of John Thomas; Article 18 of the April 4, 1994, Annual Town Meeting appropriated the sum of $34,300 to set up an individualized, noncontributory annuity.

Repealed: Chapter 324 of the Acts of 1994 (voted at STM October 15, 2007; approved by Legislature May 21, 2008)

Chapter 324, Acts of 1995: Validated the proceedings of the April 4, 1994, Annual Town Meeting

Chapter 83, Acts of 1999: Relative to the operation of the sewer system of the Town of Ipswich. **Rescinded:** Section 2 of Chapter 83 of the Acts of 1999 is hereby rescinded. (voted at STM October 15, 2007, approved by Legislature March 27, 2008)

Chapter 178 Acts of 1999: Authorized the Ipswich Board of Selectmen to issue three additional all alcoholic licenses to Turner Hill, Konstantine Sakkas d/b/a Ithaki Restaurant, and The Trustees of Reservations d/b/a Castle Hill Foundation.
Chapter 366 Acts of 2000: Authorized the Town of Ipswich to establish and maintain a special Open Space, Recreation, and Water Supply-Watershed Protection Fund through a room occupancy tax, effective July 1, 2001

Chapter 410 Acts of 2000: Provides for the acquisition of conservation land in the Town of Ipswich for expansion of Willowdale State Forest

Chapters 88 & 89 Acts of 2000: Relative to the appointment of certain named persons as Firefighters under Civil Service, the maximum age limits notwithstanding.

Chapter 452 Acts of 2002: Provides for the appointment of Special Police Officers at the Crane Reservation

Chapter 157 Acts of 2003: Authorized the Ipswich Board of Selectmen to sell the former Middle School Annex Building and a portion of the land upon which it is located, together with (a) utilities easement(s), and to exempt any improvements from MGL Ch. 7, and MGL Ch. 149, Section 38K

Chapter 145 Acts of 2004: Repealed (voted at ATM April 2, 2007, approved by legislation January 9, 2008)

Chapter 357 Acts of 2006: Section 1. Notwithstanding section 17 of Chapter 138 of the General Laws, the licensing authority of the Town of Ipswich may grant a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said Chapter 138 to the Hellenic Center, located on County Road, on State highway Route 1A. The license shall be subject to all of said Chapter 138, except Section 17. The licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location. Upon issuance of the license under this chapter, the Hellenic Center shall return to the Town the seasonal alcoholic beverage license it currently holds. Section 2. This act shall take effect upon its passage. (voted at Town Meeting April 3, 2006; approved by the Legislature November 16, 2006)

Chapter 452 Acts of 2006: Not withstanding section 14 of Chapter 58 of the General Laws relative to the time of application for correction of a determination of the valuation of land made under Section 13 of said Chapter 58 or any other general or special law or rule or regulation to the contrary, the Board of Assessors of the Town of Ipswich may, within 90 days after the effective date of this act, make written application to the appellate tax board in connection with a determination by the Department of Revenue as to the amount of state-owned land within the Town. The Appellate Tax Board shall act on this application in accordance with said Section 14 not more than 90 days after the date of the application. (voted at Town Meeting April 3, 2006; approved by the Legislature January 3, 2007)

Chapter 98 Acts of 2007: Section 1. Notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the Town of Ipswich may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 to Ipswich RE Holding LLC for the establishment located at 30 South Main Street in the Town of Ipswich. The license shall be subject to all of said Chapter 138 except said Section 17. Notwithstanding any general or special law, rule or regulation to the contrary, the licensing authority of the Town shall not approve the transfer of the license to any other location. The license may be re-issued by the licensing authority at the same location if an applicant for the license files with the licensing authority a letter in writing from the Department of Revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid. If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal right, privileges and restrictions pertaining thereto, to the licensing authority of the Town of Ipswich. Notwithstanding Section 17 of Chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority may then grant the license to a new applicant at the same location and under the same conditions as specified in the preceding paragraph. Section 2. This act shall take effect upon its passage. (voted STM October 16, 2006, approved by legislation August 29, 2007)

Chapter 66 Acts of 2008: Section 1. Section 7 of Chapter 30 of the Acts of 1946 is hereby amended by striking out the last sentence, inserted by Section 2 of Chapter 83 of the Acts of 1999 and inserting in place thereof the following sentence: Notwithstanding any provision of the first sentence to the contrary, if the owners of not less than 66 2/3 per cent of the land abutting a proposed sewer project, calculated on a basis consistent with the determined method of betterment of those lots to be served by the project in accordance with Section 15 of Chapter 83 of the General Laws, petition the sewer commissioners for construction of an extension of the sewer system subject to betterment, the sewer commissioners may assess betterments up to 100 per cent of the cost of such extension to the sewer system. Section 2. This act shall take effect upon its passage. (voted STM October 15, 2007; approved by legislation March 27, 2008)

Chapter 1 Acts of 2008: Section 1. Chapter 145 of the acts of 2004 is hereby repealed. Section 2. The terms of any trustees serving on the board of trustees established under Chapter 124 of the Acts of 2004 are hereby terminated and the offices of that board are hereby abolished. The board of trustees of the Ipswich Affordable Housing Trust Fund established under Section 55C of

Chapter 44 of the General Laws shall be the lawful successor of the board of trustees established under Chapter 145 of the Acts of 2004. Section 3. All funds, real and personal property, and other assets in the care, custody and control of the board of trustees established under Chapter 145 of the Acts of 2004 are hereby transferred to the care, custody and control of the board of trustees of the Ipswich Affordable Housing Trust Fund established under Section 55C of Chapter 44 of the General Laws. Section 4. This act shall take effect upon its passage. (voted at ATM April 2, 2007, approved by legislature January 9, 2008)

Chapter 110 Acts of 2008: Section 1. Chapter 324 of the Acts of 1994 is hereby repealed. **Section 2.** Notwithstanding the provisions of any general or special law to the contrary, Chapter II of the general bylaws of the Town of Ipswich is hereby amended by striking out Section 6 and inserting in place thereof the following section: **Section 6.** Bond appropriations-No appropriation to be raised by bonds of the Town of Ipswich, except for an appropriation of and amount of less than one tenth of 1 percent of the current total equalized valuation of the town for any purpose, shall be adopted unless the article calling for such appropriation shall have: (1) received a two-thirds majority vote by Town Meeting, in accordance with Chapter 44 of the General Laws, after there has been full opportunity for debate on the merits of any such article; and (2) received a majority vote on a printed ballot. If the article shall have received a two-thirds majority vote of Town Meeting, then the Board of Selectmen shall forthwith call for a special election for the purpose of voting on the appropriation, such election to be called in accordance with the General Laws. Notwithstanding the preceding sentence, the Board of Selectmen may vote to include a ballot question required by this section on the Town's annual election ballot, which vote shall only be effective if the corresponding Annual Town Meeting has approved the appropriation pursuant to this section. The statement of the purpose of the appropriation shall be substantially the same in the article as it is in the ballot question. Section 3. Nothing in this special act shall preclude the right of the Town Meeting to modify Section 6 of Chapter II of the bylaws of the Town of Ipswich without seeking a special act of the general court. Section 4. This act shall take effect upon its passage.
(voted at Special Town Meeting October 15, 2007; approved by the Legislature May 21, 2008)

Chapter 514 Acts of 2008: The Town of Ipswich may appropriate funds in order to offset the anticipated cost of health insurance contributions for retired employees, their spouses and eligible dependents and the surviving spouses and eligible dependents of deceased retirees. This amount shall be credited to a special fund to be known as the Post Employment Health Insurance Liability fund. The fund shall be under the supervision and management of the town manager and under the custody of the town treasurer. The town treasurer may deposit the proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks or trust companies organized under the laws of the Commonwealth or in federal savings and loan associations situated in the Commonwealth or invest the funds in securities that are legal for the investment of funds of savings banks under the laws of the Commonwealth. Any interest or other income earned by the fund shall be added to and become part of the fund. Amounts may be appropriated to the fund by a town meeting by a majority vote not to exceed the total liability developed by an actuarial study. Authorized disbursements shall be made from the fund in payment of contributions and premiums for the benefit of retirees and their eligible dependents and surviving spouses and for costs associated with conducting the actuarial study without

further appropriation. The town manager may employ a qualified bank, trust company, corporation, firm or person for advice on the investment of the fund and to prepare an actuarial study and may pay for this advice or service from the fund. (voted at Special Town Meeting October 20, 2008; approved by the Legislature January 14, 2009)

Chapter 74 of Acts of 2011: Section 1. Notwithstanding any general or special law to the contrary, the cemetery and parks commission of the Town of Ipswich may transfer the care, custody and control of 2 parcels of land, consisting of 1,233 square feet, more or less, and shown as parcels "SW-1" and "SW-2" on a plan entitled "Plan of Land Showing Location of Land Transfers and Town alteration of North Main Street and Meetinghouse Green in the Town of Ipswich, Essex County, Scale: 20 feet to the inch, Date: October 14, 2010, revised on April 11, 2011", prepared by Vanasse Hangen Brustlin, Inc. a copy of which is on file in the office of the Town Clerk, to the Board of Selectmen to be used for sidewalk purposes, said parcels now being a portion of the parcel of land known as the North Green. Section 2. In consideration for the transfer of land authorized in Section 1, the Board of Selectmen shall transfer the care, custody and control of 3 parcels of land, consisting of 4,935 square feet, more or less, and shown on the plan described in said section 1 as parcels "A", "B" and "C", to the cemetery and parks commission to be used for park purposes. Section 3: This act shall take effect upon its passage. (Voted at Special Town Meeting October 26, 2010; voted to amend at Annual Town Meeting May 10, 2011; approved by the Legislature July 20, 2011)

Chapter 102 of Acts of 2013 SECTION 1. Chapter 620 of the acts of 1966 is hereby amended by adding the following section:-33. Recall of Elected Officials (a) Any holder of an elected office in the town of Ipswich who has held an elected town wide office and whose term of office extends beyond the next annual town election, may be recalled therefrom by the registered voters of the town as provided in this section, for reasons of: (i) conviction of a felony while in office or conviction of the following misdemeanors, as defined by the General Laws, while in office: domestic violence, driving under the influence of alcohol or drugs, the illegal manufacture, distribution or dispensing of controlled substances, assault or criminal harassment; (ii) admission to facts, while in office, sufficient to be convicted of a felony or sufficient to be convicted of the following misdemeanors, as defined in the General Laws: domestic violence, driving under the influence of alcohol or drugs, the illegal manufacture, distribution or dispensing of controlled substances, assault or criminal harassment; (iii) being in violation of the conflict of interest law, in chapter 268A of the General Laws, while in office, as determined by the state ethics commission or the attorney general; or (iv) attended less than 50 per cent of the posted public meetings of the board or office on which the official was an elected member or to which the official was elected or appointed as part of that official's elected position during the previous 12 months. The elected official's vote on a matter, other than in connection with a conflict of interest violation, shall not be grounds for a recall petition. (b) Ten or more registered voters of the town of Ipswich may make and file a notice of intent with the town clerk bearing the name of the elected official sought to be recalled and a statement of the specific grounds for the recall as established under subsection (a), with information sufficient to support the specific grounds for recall, at least 170 days before the next annual town election. Upon certification of the required signatures by the registrar of voters and a determination that the notice of intent contains

information sufficient to support the specific grounds for the recall, as confirmed by town counsel, within 5 business days, the clerk shall deliver to the first named voter on the notice of intent, the petition forms, addressed to the board of selectmen requesting a recall. The petition forms shall be issued under the signature and official seal of the town clerk. The petition forms shall be dated and shall contain the names of the first 10 registered voters whose names appear on the notice of intent to recall. In addition, the petition shall request the election of a successor to the office. A copy of the petition form shall be entered in a record book to be kept in the office of the town clerk. The recall petition forms shall be returned and filed with the town clerk within 60 days after the receipt of the signed petition forms, or the next business day if the sixtieth day falls on a Saturday, Sunday or legal holiday, with signatures, names and precincts. The town clerk shall, within 3 business days after the petition forms are filed with the office of the town clerk, submit the recall petition forms to the registrar of voters. The registrar shall, within 15 business days after the date of receipt, certify in writing to the town clerk, the number of signatures which are names of registered voters in Ipswich. (c) If the recall forms shall be certified by the registrar of voters to contain at least 1500 signatures of registered voters in Ipswich, including at least 200 registered voters from each precinct, the petition shall be filed by the town clerk with the board of selectmen within 2 business days. The selectmen shall give notice following the next scheduled board of selectmen meeting, in writing, to the elected official whose recall is sought by sending that elected official a copy of the certified recall petition.
If the elected official to whom the recall is directed by the board of selectmen does not resign the office within 5 business days from the date of notice, the board of selectmen shall order a recall election to be held on the date of the next town election. If a vacancy occurs in the office after a recall election has been ordered, the election shall proceed as provided in this section, but only ballots for the new candidates shall be counted. (d) An elected official whose recall is sought shall not be a candidate in the recall election. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the election shall be in accordance with the state and local laws relative to elections, unless otherwise provided in this section. (e) The incumbent shall continue to perform the duties of the office until the recall election, unless the elected official resigns. If the incumbent is not recalled, that person shall remain in office for the remainder of the incumbent's unexpired term, subject to recall as before, except as provided by this section. If recalled in the recall election, the incumbent shall be considered removed upon the qualification of the successor, who shall hold office during the unexpired term.(f) Ballots used in a recall election shall contain the following propositions in the order indicated: For the recall of (name of elected official) who holds the position of (elected office)Against the recall of (name of official) who holds the position of (elected office) Immediately at the right of each proposition there shall be a designated space for voters to vote for either of the propositions. Under the propositions shall appear the words "Candidates and directions to voters required by section 42 of chapter 54 of the General Laws" and beneath those words, the names of the candidates nominated listed alphabetically as herein provided. If a majority of the votes cast upon the question of the recall is in favor of the recall, the elected official shall be recalled and the ballots for candidates shall be counted. The candidate receiving the highest number of votes shall be declared elected. If the majority of the votes are cast in the negative, the ballots for candidates need not be counted unless the incumbent official has previously resigned or a vacancy occurs in the office after a recall election has been ordered under subsection (c).(g) A recall petition shall not be filed against an elected official within 6 months after the official has taken office, unless

the elected official has been re-elected to another consecutive term in office, then a recall petition may be filed not sooner than 3 months after such official takes office on the re-election vote. In the case of an elected official subjected to a recall election and not recalled, a recall petition shall not be filed against that official until at least 6 months after the election at which the recall was submitted to the voters of the town; provided, however, that an elected official shall not be subject to a subsequent recall petition for the same specific grounds that were the basis of any prior recall petition. (h) A person who has been recalled from office, or who has resigned from office after the recall petition has been certified by the registrar of voters, shall not be appointed to any town office, board or committee within 2 years after the recall or resignation .SECTION 2. This act shall take effect upon its passage. (Adopted at ATM May 14, 2013, approved by the Legislature October 3, 2013)

Chapter 182 of Acts of 2013 Section 1 Notwithstanding any general or special law, charter provision or by-law to the contrary, the acts and proceedings taken by the town of Ipswich at the annual town election held on May 21, 2013, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed in all respects. Section 2. This act shall take effect upon its passage. (Passed to be enacted by Governor, December 19, 2013)

IPSWICH RIVER LEGISLATION

1. Bridge across river, constructed by county, 1848, c. 51, s. 8, p.873

2. Dams across river, 1823, c. 136, v. 6, p. 190

3. Fishways in certain dams, 1825, c. 78, v. 6, p. 385

4. Highway over, by county, 1876, c. 107, v. 14, p. 43; 1881, c. 45, v. 14, p. 620

5. Regulation of taking of alewives, v. 1, p. 191, 451; v. 2, p. 128; v. 3, p. 524; v. 4, p. 1, 222, 475; v. 5, p. 12; 1823, c. 33, v. 6, p. 113; 1824, c. 101, v. 6, p. 267; 1825, c. 78, v. 6, p. 385; 1829, c. 49, v. 6, p. 824; 1855, c. 171, v. 10, p. 493; 1845, c. 14, v. 10, p. 493; 1856, c. 58, v. 10, p. 505; 1856, c. 248, v. 10, p. 581; 1868, c. 157, v. 12, p. 466

6. Averill may drive piles in Ipswich River, 1850, c. 54, v. 9, p. 138

7. Dam across (Manning), 1823, c. 136, v. 6, p. 190

8. Dodge's Saw Mill, control of fisheries, v. 4, p. 1

9. Farley's Mill, fishway through dam, 1839, c. 134, v. 8, p. 134

10. Flint's Mill, fishway in dam, v. 5, p. 144

11. Fishways in certain dams, 1825, c. 78, v. 6, p. 385

12. Ipswich Manufacturing Co. Mill, fishway through dam, 1845, c. 79, v. 8, p. 429

13. Reading and South Reading not required to pay maintenance of bridges over Ipswich River, 1824, c. 125, v. 6, p. 281

14. Water Supply Acts, 1889, c. 359, v. 16, p. 170; 1890, c. 313, v. 16, p. 452; 1893, c. 145, v. 16, p. 1189; 1894, c. 404, v. 17, p. 274; 1896, c. 362, v. 17, p. 971

15. Improvement of Channel, 1906, 473

16. Dredging and repairing town wharf, 1950, R. 77; 1955, R. 103

17. Sale of waters - Lynnfield Water District, 1968, 606

18. Mill River, etc., use of seines in R.L. 91, s. 48, 79

19. Gloucester, water diverting by, for period of two years, borrowing for laying pipes and conduits authorized 1965, 872.

20. Investigation of greenhead fly nuisance, 1946, R. 58

21. Improvements, relative to financing by the Town of North Reading, 1961, 249.

22. Improvements authorized - departments of public works in North Reading, Wilmington and Middleton, 1951, R. 29

23. Public Water Supply Resources - investigation and study relative to water resources commission, 1926, R. 39; 1927, R. 30; 1964, R. 58; 1965, R. 122; 1953, R. 56

24. Sewerage conducted into river by Ipswich, 1929, 26.

25. Taking of water supply by Beverly 1913, 700; 1915, 309 (S); 1919, 115 (S); time extended for 1922, 66; 1925, 19; 1928, 61; 1931, 31; 1933, 50; 1937, 88; 1941, 197

26. Taking of water supply by Danvers, 1913, 699; 1919, 115 (S); time extended for, 1922, 66; 1925, 19; 1928, 61; 1931, 31; 1933, 50; 1937, 88; 1941, 197

27. Investigation as to taking water supply, 1911, R. 54; 1917, R. 73; 1918, R. 26

28. Taking of water supply by Lynn, 1901, 508; 1919, 115; time extended for, 1922, 66; 1925, 19; 1928, 61; 1931, 31; 1933, 50; 1937, 88; 1941, 197; affected, 1907, 479 and 1917, 262 (S)

29. Taking of water supply by Peabody, 1913, 698; 1919, 115; time extended for 1922, 66; 1925, 19; 1928, 61; 1931, 31; 1933, 50; 1937, 88; 1941, 197

30. Ipswich River Watershed District, 1966, C. 682

31. Taking of water supply by Peabody, change in allowable direction of diversion, 1967, 307

32. Establish a special commission to study creating an Ipswich River Valley Planning District, 1973, R. 79

33. Town of Ipswich may take water from Ipswich River if flow at Sylvania Dam is 50 mgd, 1976, 456

34. Town of North Reading may withdraw water from the Ipswich River with DEQE approval, 1976, 408

35. Town of Burlington withdraws from Ipswich River Watershed District, 1977, 712

36. Town of Danvers is authorized to draw water from the Ipswich River, 1977, 268

37. President of the Ipswich River Watershed Association, Inc., or his designee, shall serve on the Ipswich River Watershed District Advisory Board, 1981, 323

TOWN OF IPSWICH

MASSACHUSETTS

GENERAL BY-LAWS OF THE TOWN OF IPSWICH

UPDATED THROUGH DECEMBER 19, 2013

IV. GENERAL BY-LAWS OF THE TOWN OF IPSWICH

As Adopted by Vote of the Annual Town Meeting on March 5, 1973, Approved by Attorney General October 1, 1973, and Amended Through May 20, 2008

NOTE

The General By-Laws of the Town of Ipswich were adopted in 1937, having been prepared by a committee appointed by the Town for that purpose. The 1937 By-Laws consisted of 18 chapters. In 1963 a Town By-Law Committee, appointed for the purpose, prepared and published a compilation containing the original chapters as amended to 1963, together with new provisions adopted in the intervening years, notes clarifying the adoption of the amendments and new provisions, and a list of general statutes and special legislation accepted by the Town.

The 1963 compilation being out of print, the Government Study Committee in 1972 undertook a complete recompilation and revision of the General By-Laws in consultation with the then Town Clerk, Harold G. Comeau, the then Town Counsel, F. Dale Vincent, Jr., members of the Board of Selectmen and the Finance Committee, and other Town officials. The revision was adopted by the Annual Town Meeting in 1973, superseding all general by-laws previously adopted, was published in 1975 under authority of Section 32B of Chapter 40 of the General Laws, as amended, and is republished herein, as amended through May 20, 2008.

TABLE OF CONTENTS

Chapter I. GENERAL PROVISIONS
1. Enactment 47
2. Construction 47
3. Definitions 47
4. Penalties 48

Chapter II. ORGANIZATION AND POWERS OF TOWN MEETINGS
1. Annual Town Meeting 49
2. Special Town Meetings 49
3. Warrants 50
4. Quorum 50
5. Adjournment 51
6. Bond Appropriations 51

Chapter III. PROCEDURE AT TOWN MEETING
1. Persons Allowed on Floor 52
2. Order of Action of Warrant 52
3. Voting 52
4. Motion to Dissolve 53
5. Rules for Conduct of Meetings 53
6. Reading of Record at Adjourned Meeting 53
7. Disclosure of Representation 54
8. Action on Committee Reports 54

Chapter IV. GENERAL PROVISIONS ON BOARDS, COMMITTEES, AND OFFICERS
1. General Committees 55
2. Reports of Committees 55
3. Annual Town Report 56
4. Transfers of Documents 56
5. Disposition of Fees 56
6. Rules and Regulations 56
7. Establishment of Fees 57
8. Due Date for Payment of Municipal Charges and Bills and Rate of Interest for Unpaid Charges 58

Chapter V. FINANCE COMMITTEE
1. Membership and Organization 59
2. Consideration of Budgets 59
3. Consideration of Town Meeting Warrant Articles 60
4. Investigations 60
5. Annual Report and Recommendations 60

Chapter VI. TREASURER AND COLLECTOR
1. Annual Report 62
2. Care of Burial Place 62
3. Collector 62
4. Sale of Property for Nonpayment of Taxes 62

Chapter VII. TOWN ACCOUNTANT
1. Duties 63
2. Annual Audit of Accounts 63

Chapter VIII. TOWN CLERK
1. Town Seal 64
2. Copies of Deeds 64
3. Record of Town Ways 64
4. Notification of Committees 64
5. Notification of Votes 64
6. Recording of Deeds 64
7. Statement of Appropriations 64
8. Ballot Forms 65
9. Custody of Official Documents 65

Chapter IX. TOWN COUNSEL
1. Qualifications and Compensation 66
2. General Duties 66
3. Prosecutions 66
4. Investigation of Claims 66
5. Annual Report 67

Chapter X. TRUST FUNDS
1. Affordable Housing Trust Fund 68
2. Other Trust Funds 6

Chapter XI. GENERAL ADMINISTRATIVE PROVISIONS
1. Suits By or Against Town 71
2. Conveyances of Land 71
3. Sale of Personal Property 72
4. Hours of Town Offices 72
5. Office Space 72
6. Names of Streets 72
7. Acceptance of Streets 72
8. Notice of Work on Streets 73
9. House Numbers 73
10. Rubbish, Brush, Trash Collection 73
11. Conformance with Community Development Plan 74
12. Council on Aging 74

13. Licenses and Permits - Revocation or Suspension for Non-Payment of Taxes or Assessments 75
14. Call Fire Department or Special Police Force 76

Chapter XII. USE OF STREETS, SIDEWALKS, AND PUBLIC PLACES
1. Driving of Vehicles 77
2. Turning Vehicles 77
3. Stopping or Standing Vehicles 78
4. Signs and Signals 78
5. Obstruction of Streets or Sidewalks 79
6. Sports and Games 79
7. Water and Snow from Roofs 80
8. Commercial Activities 80
9. Rules and Regulations 80
10. Scenic Roads 80
11. Blocking of Streets and Sidewalks with Snow and Ice Prohibited 88

Chapter XIII. USE OF TOWN PROPERTY
1. Parklands 89
2. Town Wharf 89
3. Crane's Beach - Usage by Residents 90

Chapter XIV. OCCUPATIONAL LICENSES
1. Vehicles Used for Hire to Transport Passengers or Freight 91
2. Persons Dealing in Second Hand Articles 91
3. Solicitors and Canvassers 92

Chapter XV. MISCELLANEOUS PROVISIONS FOR PUBLIC ORDER AND SAFETY
1. Disorderly Behavior 93
2. Discharge of Firearms 93
3. Peeping Tom 96
4. Operation of Motor Boats 96
5. Dog Control 97
6. Advertising on Property of Others 100
7. Disposal of Rubbish 100
8. Taking of Seaweed 100
9. Sewer Tie-ins 101
10. Public Water Use Restriction and Restraint 101
11. Purchase of Electric Generating Plants 102
12. Mandatory Metering of Non-Seasonal Water Services 102
13. Mooring Fees and Town Wharf Launching Fees 102
14. Street Numbers Posted for All Buildings 102
15. Transfer of Real Estate; Inspection of Sewer System 103
16. Town Meeting Approval of Sewer Extensions 104
17. Maintenance and Repair of Private Ways 104

Chapter XVI. PROCEDURE FOR DELAYING THE DEMOLITION OF HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT BUILDINGS
A. Intent and Purpose....106
B. Definitions....106
C. Procedure....107
D. Enforcement and Remedies....109
E. Ordinary Maintenance....108
F. Portions of Significant Buildings....109
G. Severability....109

Chapter XVII. NONCRIMINAL DISPOSITION OF CERTAIN VIOLATIONS
1. Authority....110
2. Enforcement....110
3. Penalties....110
4. Applicable By-Laws, Rules, or Regulations....110

Chapter XVIII. IPSWICH WETLANDS PROTECTION BY-LAW
1. Purpose....113
2. Jurisdiction....113
3. Definitions, Exemptions, Time Frames, Requirements, and Performance Standards....114
4. Filing Procedure....115
5. Entry Upon Private Property; Enforcement....116
6. Request to Determine if By-Law Applies....116
7. Hearing....117
8. Burden of Proof....117
9. Permits and Conditions....117
10. Amendments to Permits....118
11. Appeals....118
12. Emergency Projects....118
13. Pre-Acquisition Violation....118
14. Rules and Regulations....119
15. Severability....119
16. Security....119
17. Enforcement....119
18. Recording of Permits and Adjustments Thereto....120
19. Effective Date....121

Chapter XIX. STORMWATER MANAGEMENT

1. Introduction....122
2. Purpose....122
3. Definitions....123
4. Authority....128

5. Applicability…….128
6. Exemptions and Waivers……..128
7. Administration……..131
8. Low Impact Development and Better Site Design……....133
9. Procedures…….133
10. Enforcement……..133
11. Effective Date……....135
12. Severability……....135

Chapter XIX. IPSWICH RIGHT TO FARM

1. Purpose and Intent…….136
2. Definitions…….136
3. Right to Farm Declaration…….137
4. Notification to Real Estate Buyers…….137
5. Resolution of Disputes…….……..138
6. Severability Clause…….138

Chapter XX KEEPING CHICKENS ON RESIDENTIAL LOTS OF LESS THAN ONE ACRE

1. Background……139
2. Authorization and Purpose……..139
3. Penalties……...139

GENERAL BY-LAWS OF THE TOWN OF IPSWICH

CHAPTER I

GENERAL PROVISIONS

Section 1. Enactment

The following provisions shall constitute the general By-Laws of the Town of Ipswich and shall be in lieu of all general By-Laws heretofore in force.
(1937: c. I, s. 1)

Section 2. Construction

The following rules of construction shall be observed unless their observance would be inconsistent with the manifest intent of the voters, or repugnant to the context of the By-Law:

(a) The repeal of a By-Law shall not revive any law in force when the By-Law repealed took effect

(b) The repeal of a By-Law shall not affect any punishment or penalty incurred before the repeal takes effect, or any suit, prosecution, or proceeding pending at the time of the repeal for an offense committed or for the recovery of a penalty incurred under the By-Law repealed

(c) If a By-Law of the Town requires publication in a newspaper published in the Town, it shall be sufficient to make publication in a newspaper which, by its title page, purports to be printed or published in the Town, or which has a general or substantial circulation therein.

(d) (reserved - ed. note)

(e) Words and phrases specifying or naming any board, commission, committee, or officer of the Town shall be construed as including the lawful successor, or the persons having the powers and performing the duties, of such a board, commission, committee, or officer (1937: c. I, s. 2)

Section 3. Definitions

In construing these By-Laws, the following words shall have the meanings herein given unless a contrary intention clearly appears:

(a) The word “street” shall include highways, town ways, public ways and all public streets, roads, bridges, alleys, courts, and sidewalks, and also those portions of public squares and places which form traveled parts of public ways

(b) The words “public place” shall include all commons, parks, playgrounds, and public lands belonging to or in the charge of the town, or any of its departments, and those portions of public squares and places which do not form traveled parts of public ways

(c) The words “public building” shall include all buildings belonging to, or under the control of, the Town or any of its departments

(d) The word “person” shall include corporations, societies, associations and partnerships

(e) The word “driver” shall mean the person having the charge or control of a vehicle or horse upon a street
(f) The word “voter” shall mean a duly registered voter of the Town
(g) The words “town officer” or “officer” shall include all town officers, either elected or appointed, and any person serving as a member of any board, commission or committee
(1937: c. I, s. 3; amended 1973)

Section 4. Penalties

(a) Whoever violates a provision of any By-Law of the Town shall, unless other provision is expressly made, be liable for each offense to a penalty not exceeding the maximum penalty which may be authorized therefor from time to time by the laws of the Commonwealth
(1937: c. I, s. 4; amended 1973)
(b) All fines and penalties for the violation of By-Laws shall be paid into the Town Treasury
(1937: c. I, s. 5)

CHAPTER II

ORGANIZATION AND POWERS OF TOWN MEETINGS

Section 1. Annual Town Meeting

(a) The Annual Town Meeting of the Town shall be held on the second Tuesday of the month of May and at a time as specified by the Board of Selectmen in the warrant, and all business, except the election of such officers and the determination of such matters as by law or by this chapter are required to be elected or determined by ballot, shall be considered at that meeting or at an adjournment thereof to another day. That part of the Annual Town Meeting devoted to the election of officers and the determination of such questions as by law or by this chapter are required to be elected or determined by ballot shall be held on a Tuesday in May not less than seven (7) nor more than fifteen (15) days after the first date of said meeting, in accordance with the provisions of Section 6.
(Amended by vote of Annual Town Meeting, April 1, 1991, approved by the Attorney General July 16, 1991; Amended by vote of Special Town Meeting October 19, 1998, approved by the Attorney General February 17, 1999: Amended by vote of Annual Town Meeting April 2, 2007, approved by the Attorney General May 14, 2007.)

(b) The warrant for the Annual Town Meeting shall be opened at least sixty days before said annual Town Meeting, and shall close at least forty-five days before the time of holding said Meeting. The Board of Selectmen shall have the authority to insert any article, for the warrant of the Annual Town Meeting, at any time before the posting of the warrant for the Annual Town Meeting.
(Amended by vote of Town Meeting, April 2, 1979, approved by the Attorney General May 18, 1979)

Section 2. Special Town Meetings

(a) The balloting on all appropriations arising at a Special Town Meeting, the adoption of which is required by the provisions of Section 6 of this chapter to be by printed ballot, shall be conducted in accordance with the provisions of Section 6 not less than eight (8) nor more than fifteen (15) days after the said meeting, and the said meeting shall adjourn to such date as is determined for the purpose of balloting. The hours during which the polls shall be kept open for such balloting may be designated by the meeting.
(1937: c. III, s. 3, amended by vote of Town Meeting March 6, 1972; approved by the Attorney General May 15, 1972) (Amended by vote of Town Meeting on April 1, 1991, approved by the Attorney General July 16, 1991; Amended by vote of Special Town Meeting on October 19 1998, approved by the Attorney General February 17, 1999)

(b) The Selectmen shall give at least three calendar days' notice of their intention to open a warrant for a Special Town Meeting, by publication in a newspaper published in, or having a general circulation in, the Town of Ipswich, unless in their judgment public interest would suffer by such a delay

(Amended by Town Meeting, April 6, 1981; approved by the Attorney General July 27, 1981)

(c) The warrant for a town meeting, once opened, shall remain open for at least seven calendar days
(Added by Town Meeting, April 6, 1981; approved by the Attorney General July 27, 1981)

Section 3. Warrants

(a) In all warrants for town meetings, the Board of Selectmen or Town Manager shall indicate after each article the Town board or officer requesting it, or if the subject of the article has been requested in writing by the required number of registered voters as provided in Section 10 of Chapter 39 of the General Laws, the name of at least one of the petitioners who signed the request.
(Added by Town Meeting October 18, 1999; approved by the Attorney General January 2, 2000) [Ed. Note: Last sentence disapproved by Attorney General January 5, 2000.]

(b) All warrants for town meetings, except notices of adjournment, shall be served by posting attested copies thereof in the Town Hall and in at least one public place in each precinct and by publication in a newspaper published, or having a general circulation in, the Town of Ipswich, at least seven days prior to the time for holding the Annual Town Meeting and at least fourteen days prior to the time for holding any Special Town Meeting. Newspaper publication shall not be required for warrants solely related to elections.

(1937: c. III, s. 2, amended by vote of Town Meeting March 6, 1972, approved May 15, 1972); further amended by vote of Town Meeting April 6, 1981; approved by the Attorney General July 27, 1981; Amended by vote of Town Meeting May 11, 2010, approved by the Attorney General June 3, 2010)

Section 4. Quorum

The presence of two hundred registered voters of the Town at any town meeting shall be required to constitute a quorum, except for a motion to adjourn for which no quorum shall be required; provided, however, that no vote carrying the expenditure or appropriation of any sum of money shall be held to be invalid by reason of lack of the required quorum, unless it appears from the records of the Town Clerk that, before the result of such vote was declared, the question of the presence of a quorum was duly raised and that such record shows that the required quorum was lacking. This section shall not apply to those parts of meetings devoted exclusively to the election of town officers or balloting with respect to any appropriation of money as required by Section 6 of this chapter.
(1937: c. III, s. 6, amended by vote of Town Meeting March 1, 1948, approved by the Attorney General May 21, 1948; by vote of Town Meeting May 2, 1966, approved by the Attorney General October 7, 1966; by vote of Town Meeting March 6, 1972, approved by the Attorney General May 15, 1972; and by vote of Town Meeting April 4, 1988; approved by the Attorney General June 10, 1988)

Section 5. Adjournment

Annual and Special Town Meetings shall adjourn normally at 11:00 p.m. A meeting can be extended beyond 11:00 p.m. only to complete action on an article already under consideration. No motion to consider a new article may be admitted after 11:00 p.m. unless the Moderator secures a vote of the assembly to continue the meeting to a specific time or to continue until all warrant articles are completed. (Amended by vote of Town Meeting October 15, 2007, approved by Attorney General January 23, 2008)

Any adjournment of an Annual or Special Town Meeting, except for balloting by printed ballot in accordance with the provisions of this chapter, shall be called to assemble not earlier than 7:30 p.m. (1937: c. III, s. 7, amended by vote of Town Meeting March 6, 1972, approved by the Attorney General May 15, 1972)

Section 6. Bond Appropriations

No appropriation to be raised by the bonds of the Town of Ipswich, except for an appropriation of an amount of less than one tenth of one percent (0.1%) of the current total equalized valuation of the Town for any purpose, shall be adopted unless the article and the motion calling for such appropriation first shall have received a two-thirds majority vote by Town Meeting, in accordance with the provisions of Chapter 44 of the General Laws, as amended, after there has been full opportunity for debate on the merits of the said article, and second shall have received a majority vote on a printed ballot. If said article shall have received at 2/3rds majority vote of Town Meeting, the Board of Selectmen shall forthwith call for a special election for the purpose of voting on such appropriations, said election to be called in accordance with the Massachusetts General Laws. Not withstanding the previous sentence, the Board of Selectmen may, but are not required to, vote to include a ballot question required by this section on the town's annual election ballot, which vote will only be effective if the corresponding Annual Town Meeting has approved the appropriate pursuant to this section. The statement of the purpose of the appropriation shall be substantially the same in the article as in the ballot question.

(1937: c. III, s. 8, added by vote of Town Meeting March 5, 1956; approved by the Attorney General May 16, 1956; amended by vote of Town Meeting March 6, 1961; approved by the Attorney General March 13, 1961; by vote of Town Meeting December 17, 1962, approved by the Attorney General March 4, 1963; and by vote of Town Meeting March 6, 1972; approved by the Attorney General May 15, 1972; amended 1973; amended by vote of Town Meeting April 5, 1994; approved by the Attorney General January 30, 1995; amended by vote of Special Town Meeting October 15, 2007)

CHAPTER III

PROCEDURE AT TOWN MEETING

Section 1. Persons Allowed on Floor

No person except a legal voter of the Town shall be permitted to be on the main floor of the hall during any Town Meeting, except by permission of the meeting.
(1937: c. III [Proc.], s. 1)

Section 2. Order of Action on Warrant

All articles in the warrant shall be acted upon in the order of their arrangement unless the meeting otherwise determines by vote.
(1937: c. III [Proc.], s. 2)

Section 3. Voting

(a) Except in those cases where a particular procedure is required by law, or by other provisions of these By-Laws, the Moderator, in his discretion and upon his own motion, may put a question to a vote of the meeting by any one of the following procedures: by voice vote; by counting the "Yeas" and "Nays", as determined from a show of hands by persons present and desiring to vote; or by counting the "Yeas" and "Nays" as determined by having persons present and desiring to vote stand in their places to be counted. Before asking for a vote on any question, the Moderator shall first clearly state the question to the meeting.

(b) Whenever a vote is to be taken upon a question by counting the "Yeas" and "Nays", whether by a show of hands or by a standing vote, the Moderator shall appoint tellers, if such tellers have not been designated and appointed by him at the outset of the meeting. The Moderator shall then instruct the voters to vote, according to the procedure to be followed, either by raising their hands to be counted by the tellers, if the vote is to be taken by a show of hands, or by rising in their places to be counted, if the vote is to be taken by a standing vote. No person shall be entitled to cast his vote who does not comply with the Moderator's instructions to occupy a seat, if seats are available in the hall. If there are not sufficient seats in the hall for all voters in attendance at the meeting, voters standing shall be counted separately, in the case of a standing vote, by a show of hands. (Amended by vote of Special Town Meeting on October 19, 1998, approved by the Attorney General February 17, 1999)

(c) Whenever a teller vote is being taken, in order to minimize delay in determining whether the required number of affirmative votes has been achieved, the Moderator, in his discretion and upon his own motion, may instruct the voters that the tellers will count and report the number of those voting in the negative before counting and reporting the number of those voting in the affirmative. (Amended by vote of Special Town Meeting on October 19, 1998, approved by the Attorney General February 17, 1999)

After the tellers have completed the count of those voting in the negative, the Moderator shall then require them to report the number so voting to the chair and to the meeting. The Moderator shall then direct the Clerk to tally the votes; after the Clerk has made and recorded the tally, he shall report the result to the Moderator, who shall announce the tally and declare the result of the vote to the meeting.

(d) If the initial decision of the Moderator on the outcome of the vote on any question is doubted, and if at least seven voters so signify by rising and standing in their places, the Moderator shall thereupon direct that the vote on said question be taken again. After a standing vote has thus been taken on the question, in response to a challenge to the Moderator's initial determination of the result of the vote, and the result of the second vote has been determined by the Moderator and announced to the meeting, in accordance with the procedures established by this By-Law, then no further challenge to the result, as thus determined and announced by the Moderator, shall be permitted.
(1937: c. III [Proc.], s. 3, amended 1973)

(e) In accordance with GL c. 39, § 15, whenever a two-thirds vote is required by statute a vote may be declared as such by the Moderator without a count and be recorded as such by the Clerk upon the Moderator's declaration; provided, however, that if seven or more voters at the meeting doubt the vote, the Moderator shall take a count of the vote. (Established by vote of Town Meeting October 17, 2011, approved by Attorney General February 2, 2012)

Section 4. Motion to Dissolve

No motion, the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant has been duly acted upon, but this shall not preclude the postponement of the consideration of any article to an adjournment of the meeting to a stated time.
(1937: C. III [Proc.], s. 7)

Section 5. Rules for Conduct of Meetings

Except as may be otherwise expressly provided, either in these By-Laws or by the laws of the Commonwealth, the rules for the conduct of town meetings shall be the rules of procedure set forth in the manual entitled Town Meeting Time, by Richard B. Johnson et al. (Boston: Little, Brown & Co., 1962)
(1937: c. III [Proc.], s. 10, amended 1973)

Section 6. Reading of Record at Adjourned Meeting

At every adjourned town meeting, the reading of the record of the next preceding meeting shall be first in order if request is made therefor.
(1937: c. III [Proc.], s.11)

Section 7. Disclosure of Representation

Any person who is employed by another interested in any matter under discussion at a town meeting shall disclose the fact of his employment before speaking thereon.
(1937: c. III [Proc.], s.12)

Section 8. Action on Committee Reports

(a) No report of a committee chosen or appointed at a previous town meeting shall be acted upon at a subsequent town meeting, otherwise than to be received or published and distributed, unless it has been announced in the warrant for the subsequent meeting that a report of the said committee was there to be considered.
(1937: c. XII, s.4)

(b) A vote to accept the report of a committee shall discharge the committee, but shall not be equivalent to a vote to carry out its recommendations.

(1937: c. III [Proc.], s. 9)

CHAPTER IV

GENERAL PROVISIONS ON BOARDS, COMMITTEES, AND OFFICERS

Section 1. General Committees

(a) All committees, except as otherwise provided by law or by-law, by the Town Charter, or by vote of the meeting, shall be appointed by the Moderator as soon as may be after the passage of the vote creating the committee, and in choosing a committee by nomination from the floor, no person shall nominate more than one member of such committee.

(b) Unless otherwise provided, the first named member of a committee shall immediately call all the members of the committee together for the purpose of organization, and each committee shall thereafter proceed with its duties and report to the Town as promptly as possible, and unless it is sooner discharged, it shall make a report at the next annual meeting.

(c) No person shall serve on any committee in a matter where his private right is immediately concerned distinct from the public interest.
(1937: c. XII, ss. 1-3)

(d) At the commencement of each open session of a board, commission, or committee (except for meetings which exclusively entail site visit(s) away from municipal and/or school facilities customarily used for public meetings), the agenda shall include as its first item a time allotment for citizen queries.
(Subsection (d) added by vote of Annual Town Meeting April 7, 1997, approved by the Attorney General July 2, 1997)

Section 2. Reports of Committees

(a) The Town Manager shall, at least sixty days prior to each Annual Town Meeting, notify, in writing, the chairman of any committee which has made no report to the Town since the last Annual Town Meeting that a report will be expected at the coming Annual Town Meeting, and the warrant for the Annual Town Meeting may contain an article to hear and act upon the reports of committees.
(1937: c. VII, s. 8, amended 1973)

(b) The reports of all boards, committees, or officers of the Town, having charge of the expenditure of money, shall be made in such a manner as to give the citizens a fair and full understanding of such expenditures.
(1937: c. VI, s. 4, amended 1973)

(c) The reports of all boards, committees, and officers which are to be included in the Annual Town Report shall be delivered to the Town Manager at least six weeks prior to the scheduled date for the Annual Town Meeting.
(1937: c. VI, s. 5, amended 1973)

(d) If a committee does not report as directed by the Town Meeting or, if no directions are given, report at the next Annual Town Meeting held thereafter, it shall be automatically discharged unless an extension of time be granted by the Town Meeting.
(1937: c. III [Proc.], s. 8)

(e) All reports of committees, except reports of progress, shall be in writing and shall be permanently filed for preservation with the Town Clerk; and if the Board of Selectmen deems best or the Town so votes, the report of any committee shall be published as part of the next Annual Town Report.
(1937: c. XII, s. 5)

Section 3. Annual Town Report

The Annual Town Report, as prepared and published by the Town Manager, shall be issued at least one week prior to the date of the Annual Town Meeting. In addition to those matters specifically required to be included by the provisions of the Charter or by any other provisions of these By-Laws or by any provision of law, and in addition to the customary reports of town officers, committees, and boards, and the usual financial statements, the report shall contain a complete list of elective and appointed officials of the Town and a summary description of the organization of each of its various boards, committees, and departments.
(1937: c. V, ss. 7,8; amended 1973 amended by vote of Town Meeting April 3, 2000; approved by the Attorney General September 27, 2000)

Section 4. Transfer of Documents

Officers of the Town shall turn over to their successors in office, at the expiration of their terms of office, all books, papers, documents, or other properties in their custody belonging to the Town, and all departments shall turn over to the Town Clerk all books, papers, and documents belonging to the Town and not being necessary for the use of the respective departments, and these shall be deposited in the Town vaults.
(1937: c. VI, s. 1)

Section 5. Disposition of Fees

All Town officers shall pay into the Town Treasury all fees which they receive by virtue of their office.
(Adopted by vote of Town Meeting March 2, 1964; and approved by the Attorney General April 27, 1964)

Section 6. Rules and Regulations

Whenever, pursuant to authority granted by any law of the Commonwealth or by any validly adopted By-Law of the Town, the Board of Selectmen or any other board, committee, or officer proposes to issue rules or regulations or to revise or amend existing rules or regulations adopted pursuant to such authority, the said board, committee, or officer shall, unless another procedure is specifically prescribed in the authorizing law or by-law, first hold a public hearing at which all persons interested may have an opportunity to comment on the proposed rules, regulations, revisions, or amendments. At least fourteen days prior to the date on which the public hearing is to be held, the said board, committee, or officer shall cause a notice thereof to be published in a newspaper published or having a general circulation in the Town of Ipswich, including the text

of, or a summary of the text of, the proposed rules, regulations, revisions or amendments and specifying the place, date and hour of the public hearing. In the event that a summary is so published, a copy of the complete and actual text shall be available for public inspection in the office of the Town Clerk, during normal office hours, during said fourteen-day period. After adoption by recorded vote of the board or committee or written act of the officer, a summary of all such rules, regulations, revisions, and amendments shall be published in a newspaper in or having a general circulation in the Town of Ipswich, and the complete text in final form of all such rules, regulations, revisions, and amendments shall be kept on file in the office of the Town Clerk, and shall be available for inspection there during normal business hours.
(Amended by vote of Town Meeting April 2, 1979; approved by the Attorney General May 18, 1979; amended by vote of Annual Town Meeting April 5, 1999; approved by the Attorney General July 28, 1999)

The adoption of a rule or regulation by a Town Officer, the purpose, scope, and/or intent of which is internal to the operation of a town department or division and/or which governs the conduct of its personnel, shall be exempt from the provisions of this Section, except as provided hereinafter; from the date of issuance by a town officer of a proposed rule or regulation (the nature of which makes it otherwise subject to this exemption), and for at least sixty calendar days subsequent to its adoption, the complete text thereof shall be posted at, and/or available for public inspection in, the office of the Town Clerk.
(Added by vote of the October 17, 1994, Special Town Meeting; approved by the Attorney General December 6, 1994)

Section 7. Establishment of Fees

The Board of Selectmen shall determine and establish all fees for permits and/or licenses issued by all non-school department officers and personnel and shall have all the powers granted by law to the Town Meeting to determine, establish, create, abolish, and revise any and all fees for permits and/or licenses issued by all non-school department offices, after public hearing
(First added by vote of Town Meeting April 6, 1981; amended by vote of Town Meeting, April 5, 1982; approved by the Attorney General August 10, 1982)

With respect to the adoption of a new fee and/or amendment to an existing fee, in addition to the notice, hearing, and publication requirements in Section 6. Rules and Regulations and of any other law or by-law, the Board of Selectmen shall hold a second public hearing not less than six days nor more than sixty days following the first public hearing prior to, and condition precedent to, the adoption of said fee. (Adopted Annual Town Meeting, April 6, 1992; approved by the Attorney General on June 2, 1992) This by-law shall not be applicable to any sums, charges, and/or fees authorized by the General Laws to be set and/or collected by any other Town board or official including, but not limited to, the Building Inspector, Board of Health, Planning Board, Zoning Board of Appeals, Town Clerk, Treasurer/Collector, Conservation Commission, Historical Commission, Harbormaster, Fire Chief, Police Chief, Town Manager, and/or Library Trustees. (Second paragraph added by vote of Town Meeting October 22, 1990; approved by the Attorney General on January 14, 1991)

Notwithstanding anything to the contrary in the Protective Zoning By-Laws and/or the General By-Laws of the Town, no Town officer, committee, or board, including the Building Inspector and the Selectmen, shall have any legal authority or power to determine, set, and/or collect any fee, tax, or exaction of any kind whatsoever for the construction, erection, and/or maintenance of a tent(s), at any location (s) within the Town, at any time, by any person or entity.
(Added by vote of October 17, 1994, Special Town Meeting; approved by Attorney General on December 6, 1994)

Section 8. Due Date for Payment of Municipal Charges and Bills and Rate of Interest for Unpaid Charges

The due date for the payment of bills and charges to the Town shall be thirty days after the date appearing upon the bill or notice of charge. The interest charge for any unpaid balance(s) shall be as specified in Section 57 of Chapter 59 of the General Laws.
(Adopted Annual Town Meeting, April 6, 1992; approved by the Attorney General on June 2, 1992)

CHAPTER V

FINANCE COMMITTEE

Section 1. Membership and Organization

(a) A Finance Committee of nine members shall be appointed at the Annual Town Meeting: three by the Moderator for one year, two years, and three years, respectively; three in similar fashion by the Selectmen, and three in similar fashion by the voters; and thereafter, one annually by the Moderator, one by the Selectmen, and one by the voters, each for three years, at the Annual Town Meeting. The Town Accountant shall *ex officio* be a nonvoting member of the Committee. The terms of the members of the Committee shall expire at the close of the Annual Town Meeting at which their successors are appointed. After the conclusion of the Annual Town Meeting, the Committee shall organize by choosing a chairman and a secretary, and shall cause a true record of its proceedings to be kept.
(1937: c. IV, s. 1)

(b) Whenever a vacancy occurs in the committee by resignation, failure to qualify, or otherwise, the same shall be filled by the Committee. If the Committee so votes, a member who absents himself from four consecutive meetings may be deemed to have resigned. The term of any person appointed to fill a vacancy shall expire at the close of the next Annual Town Meeting, and the vacancy shall then be filled by the exercise of the appointive power under which the original appointment was made.
(1937, c. IV, s. 2, amended 1973)

(c) No person holding an elective town office shall be eligible to serve on the Finance Committee.
(1937, c. IV, s. 2, amended 1973)

Section 2. Consideration of Budgets

It shall be the duty of the Finance Committee to investigate cost, maintenance, and expenditure of the different departments of the town service. It shall be the duty of the Board of Selectmen and the School Committee to lay before the Finance Committee, no later than 65 days prior to the Annual Town Meeting, their budgets and projected expenses for the Town for the year, together with their recommendations for appropriations necessary to provide for the operation of the town government during the year. It shall be the duty of the Electric Commissioners to lay before the Finance Committee, no later than 65 days prior to the beginning of the fiscal year, their projection of income and expenses for the Electric Department for the year together with their proposed appropriations for the operation, if applicable, of the Electric Department during the year. It shall also be the duty of the Electric Commissioners to consult with the Finance Committee before making changes in ownership contacts relating to generating facilities outside the Town of Ipswich. Amended by vote of the Town Meeting, October 23, 1985; approved by the Attorney General December 9, 1985; amended October 15, 2007, approved by Attorney General January 23, 2008)

(b) The Finance Committee shall hold at least one public hearing on the said budgets before the Annual Town Meeting, and shall give a reasonable public notice thereof.
(1937: c. IV, s. 3, amended 1973)

Section 3. Consideration of Town Meeting Warrant Articles

(a) All articles in any warrant for a town meeting, except articles providing for election of town officers, shall be referred to the Finance Committee for consideration. After drawing any such warrant, the Selectmen shall immediately transmit a copy thereof to each member of the said Committee.
(b) Before the Annual Town Meeting the Committee shall hold a public hearing upon all such articles in the warrant for the meeting. A notice of the hearing shall be published not less than three days before the time of the hearing.
(c) The Finance Committee may hold a public hearing on any or all articles in the warrant for a Special Town meeting. Notice of the hearing shall be published not less than three days before the time of the hearing.
(d) After due consideration of the subject matter of such articles in any warrant, the Finance Committee shall report thereon to the town meeting, in writing, such recommendations as it deems best for the interests of the Town.
(1963: c. IV, added Section A, added by vote of Town Meeting March 4, 1963, approved by the Attorney General June 18, 1963)

Section 4. Investigations

The Committee shall have the authority to summon any of the town officials before it for such information and investigation as it shall deem necessary, and shall have the authority to examine such books and papers held by such officials as it may consider necessary to the proper discharge of its duties.
(1937: c. IV, s. 7)

Section 5. Annual Report and Recommendations

(a) It shall be the duty of the Committee to make an annual report to the Selectmen to be distributed to the town, and they shall cause the matter in hand to be arranged in clear, compact form, and they shall divide it in separate propositions wherever, in their judgment, such division may be desirable. The Committee shall attach to each proposition their recommendations.
(1937: c. IV, s. 5, amended by vote of Town Meeting April 4, 2000; approved by the Attorney General September 27, 2000)
(b) It shall be the duty of the Finance Committee to consider the expenditures in previous years and the estimated requirements for the ensuing fiscal year as set forth in the budget submitted to them by the selectmen. The Finance Committee shall add to the statement of expenditures, and estimates submitted by the Board of Selectmen, another column, giving the amounts which in its opinion should be appropriated for the ensuing fiscal

year, and shall further add thereto such explanations and suggestions relating to the proposed appropriations as it may deem expedient, and report thereon.
(1963: c. IV, added Section B, adopted by vote of Town Meeting March 4, 1963; approved by the Attorney General June 18, 1963)

(c) The report of the Finance Committee on articles in the warrant for any Annual Town Meeting shall be filed in the office of the Town Clerk not later than fifteen days before the date scheduled for the Annual Town Meeting; and the Town Clerk, under the direction of the Town Manager, shall forthwith cause said report to be printed and a copy thereof to be distributed prior to said meeting to each registered voter in the town.
(1963): c. IV, added Section B, adopted by vote of Town Meeting March 4, 1963; approved by the Attorney General June 18, 1963)

CHAPTER VI

TREASURER AND COLLECTOR

Section 1. Annual Report

The Treasurer and Collector, in his capacity as Treasurer of the Town, shall, in his annual report to the Town, state specifically the objects for which the debt of the Town was increased during the fiscal period for which he is reporting, and recite the vote of the Town pursuant to which the money was borrowed.
(1937: c. IX, s. 1, amended 1973)

Section 2. Care of Burial Place

All moneys which may be deposited with the Town Treasurer for the preservation, care, improvement and embellishing of any public burial places in the Town of Ipswich, or burial lots located in the same, shall be properly invested by the Treasurer, and separate accounts shall be kept of such deposit, and the income thereof shall be applied to the purposes specified by the depositor under the direction of the persons entrusted by law or vote of the Town with the management and control of burial places in said Town.
(1937: c. XIV)

Section 3. Collector

The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the Town and may take such legal action as may be necessary to collect the same.
(Adopted by vote of Town Meeting March 4, 1974; approved by Attorney General April 18, 1974)

Section 4. Sale of Property for Nonpayment of Taxes

The Town Treasurer and his successor in office are authorized to sell, with the approval of the Board of Selectmen, at public auction, any of the property which the Town may have acquired, or may hereafter acquire, through proceedings based upon nonpayment of taxes or under proceedings for the sale of lands of low value, to impose upon the property so sold such restrictions, reservations or conditions as shall be deemed expedient, and to execute and deliver, in the name of and under the Seal of the Town, quitclaim deeds or other instruments therefor.
(Amended by vote of Town Meeting May 2, 1977; approved by the Attorney General August 18, 1977)

CHAPTER VII

TOWN ACCOUNTANT

Section 1. Duties

The duties of the Town Accountant are governed by Sections 55 to 61 inclusive of Chapter 41 of the General Laws (Tercentenary Edition) and amendments thereto; but this By-Law shall not be construed as an acceptance of any act which the Town has a right to accept or reject.
(1937: c. XI)

Section 2. Annual Audit of Accounts

There shall be an annual audit of the Town's accounts under the supervision of the Director of Accounts in the Department of Corporations and Taxation in accordance with the provisions of Section 35 of Chapter 44 of the General Laws.
(1963: c. XI, added Section, adopted by vote of Town Meeting December 8, 1941; approved by the Attorney General December 16, 1941)

CHAPTER VIII

TOWN CLERK

Section 1. Town Seal

The Town Clerk shall have the custody of the Town Seal. (1937: c. VII, s. 1)

Section 2. Copies of Deeds

The Town Clerk shall keep a copy, in a book to be kept for that purpose alone, of all deeds and other instruments executed by the Selectmen in accordance with the provisions of these By-Laws. (1937: c. VII, s. 2)

Section 3. Record of Town Ways

The Town Clerk shall keep a book of records for the sole purpose of recording the locations of all highways and town ways within the Town, with an index thereto. (1937: c. VII, s. 3)

Section 4. Notification of Committees

The Town Clerk shall immediately notify in writing all committees that may be elected or appointed at any Town Meeting, specifying the nature of the business on which they are expected to act. The notice shall contain a copy of the vote creating the committee and the names of the members of the committee. (1937, c. IV, s. 2, amended 1973)

Section 5. Notification of Votes

The Town Clerk shall notify the Town Manager, the chairmen of committees, and other town officers of votes of the Town which pertain to their respective areas of responsibility. (1937: c. VII, s. 5, amended 1973)

Section 6. Recording of Deeds

The Town Clerk shall see that every conveyance to the Town of any interest in land, except as otherwise provided by law, is duly recorded in the proper registry therefor, and he shall have the custody of all such recorded instruments, after the same are returned from the registry. (1937: c. VII, s. 6, amended 1973)

Section 7. Statement of Appropriations

The Town Clerk shall promptly, after each session of a town meeting, furnish to the Town Manager, to the Board of Assessors, and to the Town Accountant a statement of all moneys appropriated by the Town at the session and the purpose for which such moneys were respectively appropriated. (1937: c. VII, s. 7, amended 1973)

Section 8. Ballot Forms

In those circumstances where applicable state law or these By-Laws may require the use of written ballots at any town meeting, or at any adjourned session thereof, the Town Clerk, pursuant to direction of the Moderator, shall provide appropriate ballot forms, in sufficient number, for the use of voters. (1937: c. VII, s. 9, amended 1973)

Section 9. Custody of Official Documents

(a) The Town Clerk shall be responsible for the safekeeping of all official documents of whatsoever nature belonging to the Town. He shall not permit any such documents or records to be taken from his custody, except in such manner as may be prescribed by law or as may be prescribed by rules and regulations adopted pursuant to this section.

(b) The Board of Selectmen may, in their discretion, make detailed rules and regulations appropriate to implement the policy of this section.

(c) The Town Clerk shall require, for every such official document which he shall release from his custody, an adequate receipt in sufficient detail to identify the document released, the date and time of release, and the person or officer to whom it was released. (1937: c. VII, s. 10, amended 1973)

CHAPTER IX

TOWN COUNSEL

Section 1. Qualifications and Compensation

The Town Manager shall appoint an attorney at law to act as Town Counsel, receiving such compensation for his services as the Town Manager shall stipulate, not to exceed the sum appropriated for the purpose each year by the Town Meeting. (1937: c. X, s. 1, amended 1973)

Section 2. General Duties

The Town Counsel shall draft all bonds, deeds, leases, obligations, conveyances and other legal instruments, and do every professional act which may be required of him by vote of the Town Meeting, by the Moderator, by the Board of Selectmen, by the School Committee, or by the Town Manager. When required by any of the aforesaid officials, he shall furnish a written opinion on any legal question which may be submitted to him. He shall also furnish legal advice to any officer of the Town who may require his opinion upon any subject concerning the duties incumbent on such officer by virtue of his office. He shall prosecute all suits ordered to be brought by the Town or Board of Selectmen and shall appear at any court in the Commonwealth in defense of any action or suit brought against the Town or its officers in their official capacity. He shall also try and argue any and all causes in which the Town shall be a party before any tribunal, whether in law or in equity in the Commonwealth, or before any board of referees or commissioners, and shall appear at any and all hearings on behalf of the Town wherever his services may be required.

The Board of Selectmen or the School Committee may employ such additional or special counsel in any case as they may in their discretion consider necessary. (1937: c. X, s. 2, amended 1973)

Section 3. Prosecutions

The Town Counsel shall, when requested by the Board of Selectmen, by the School Committee, or by the Town Manager, prosecute in the local district court any case of violation of the statutes of the Commonwealth or of the By-Laws of the Town. (1937: c. X, s. 3, amended 1973)

Section 4. Investigation of Claims

The Town Counsel shall, as soon as possible after receiving notice from the Chief of Police, or otherwise, of any injury to person or property, under circumstances which may give rise to a claim of damages against the Town, have a thorough investigation made relative thereto and, with the approval of the Board of Selectmen, take such steps as may be deemed necessary to properly protect and defend the Town against such claim. (1937: c. X, s. 4, amended 1973)

Section 5. Annual Report

The Town Counsel shall annually, during the month following the end of the fiscal year, report in writing to the Town Manager:

(a) All actions by or against the Town which were pending at the beginning of the preceding fiscal year;
(b) All actions brought by or against the Town during the said year; and
(c) All actions settled or disposed of during the said year.

The report shall show the full name of each plaintiff or defendant, the nature and amount of the claim in each case, and terms upon which any case was settled or disposed of during the said year. The report shall also show the separate amounts received by the Town Counsel as his compensation for professional services and for repayment to him of his cash disbursements relating to each such action during the year and for all other services not covered by his regular salary. (1937: c. X, s. 5, amended 1973)

CHAPTER X

TRUST FUNDS

Section 1. Trust Fund

a) There shall be a Board of Trustees of the Ipswich Affordable Housing Trust Fund established by the vote under Article 26 of the Warrant for the 2007 Annual Town Meeting, in this section called "the board", which shall include five (5) trustees. The trustees shall be appointed by the Board of Selectmen, after consultation with the Ipswich Housing Partnership. The board shall consist of one member of the Board of Selectmen, at least two members of the Ipswich Housing Partnership, if in existence at the time of appointment, the Town Manager or his designee, and one other members appointed by the Board of Selectmen. Trustees shall serve for a term of two years to be appointed for staggered terms.

b) The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in Massachusetts General Laws Chapter 44 Section 55C, shall include the following:

(1) to accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the trust in connection with provisions of any zoning ordinance or by-law or any other ordinance or by-law;

(2) to purchase and retain real or personal property, including, without restriction, investments that yield a high rate of income or no income;

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

(5) to employ advisors and agents, such as accountants, planners, appraisers and lawyers as the board deems necessary;

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create

reserves for depreciation depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;

(12) to make distributions or divisions of principal in kind;

(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.

Section Two. Other Trust Funds

(a) Section 1. Custody of Funds and Securities

The Trust Fund Commissioners shall manage and control all trust funds and securities accepted by the Town which are not otherwise under the custody of the Board of Cemetery and Park Commissioners the Affordable Housing Trust Fund trustees and/or the Board of Library Trustees. They may establish a general policy statement for the administration of funds hereunder.

(b) Investments and Expenditures of Trust Funds

The Town Treasurer may invest, re-invest, and expend trust funds as directed by the Trust Fund Commissioners consistent with the terms of the respective bequests and the provisions of Massachusetts General Laws, Chapter 44, Section 54, as amended, and under the guidelines established by the Department of Revenue as outlined in the Treasurer's Manual.

(c) Annual Reports

The Trustees of Trust Funds shall submit an annual report, to be included in that portion of the annual report of the Town with respect to the status of all public funds of the Town. Said report shall identify bequests held and the purposes to which they are restricted, together with a summary of all financial activity thereunder. Said annual report shall also summarize financial activity of other special revenue funds under the Trust Fund Commission's custody.

(Sections 1, 2, and 3 replace former sections 1 and 2 and were voted by October 17, 1994, Special Town Meeting; approved by Attorney General December 6, 1994; amended April 2, 2007, approved by Attorney General May 14, 2007; amended November 14, 2011, approved by Attorney General November 29, 2011)

CHAPTER XI

GENERAL ADMINISTRATIVE PROVISIONS

Section 1. Suits By or Against Town

The Selectmen shall have full authority, as agents of the Town, to appear, either personally or by counsel, before any court or any state or county board or commission, or any committee or commission of the General Court, to protect the interests of the Town, or to defend suits brought against it. (Amended by vote of Town Meeting, April 2, 1979; approved by the Attorney General May 18, 1979)

Section 2. Conveyances of Land

(a) All conveyances of land, or interests therein, which may hereafter be authorized by a vote of the Town, or otherwise, shall be signed by a majority of the Board of Selectmen, unless otherwise provided by law or by vote of the Town, and the Selectmen shall see that the instrument of conveyance is sealed with the Town Seal. (1937: c. V, S. 4)

(b) The Board of Selectmen is authorized to accept in the name of the Town gifts of land, easements, and interests in land for walkway and sidewalk purposes, storm drainage, including above ground and below ground purposes, electric, water, and sewer purposes, slope maintenance purposes, building or signage overhang purposes, and for the purpose of rounding street corners. (Amended by vote of Town Meeting April 7, 1997; approved by the Attorney General July 2, 1997. Amended by vote of Town Meeting October 15, 2001; approved by the Attorney General February 19, 2002)

(c) The Board of Selectmen is authorized to accept in the name of the Town gifts of restrictive covenants on the use of land for open space preservation and affordable housing purposes and to authorize the Board of Selectmen to accept an affordable housing restriction encumbering the rental units of the property located at 19 Depot Square, (Assessors Map 41B, Lot 298), executed on April 22, 2003, and recorded at the Essex South District Registry of Deeds, on May 2, 2003, book 20728, page 189. (Added by vote of Town Meeting October 18, 1999; approved by the Attorney General January 5, 2000; amended by vote of Town Meeting, October 20, 2003; approved by Attorney General January 22, 2004; amended November 4, 2003.

(d) The Board of Selectmen is authorized to grant non exclusive easements for walkway and sidewalk purposes, storm drainage, including above ground and below ground purposes, utility purposes, building or signage overhang purposes and for the purpose of rounding street corners, which the Board of Assessor's have determined to have a fair market value of less than $25,000 or which are less than 5,000 sq. ft. in size without a Town Meeting vote for such consideration as the Board of Selectmen deems appropriate, including nominal consideration (amended by vote of Special Town Meeting October 16, 2006, approved by the Attorney General January 4, 2007.)

Section 3. Sale of Personal Property

Upon recommendation of the Town Manager, and with the approval of the Board of Selectmen, any Board or officer in charge of a town department may sell any personal property of that department which has become obsolete or is not required for further use, or may trade the same in part payment for replacements for which funds have been provided. (1937: c. V, s. 10; By-Law voted by Town Meeting March 2, 1964; approved by the Attorney General April 27, 1964; amended 1973)

Section 4. Hours of Town Offices

The Town Manager, with the approval of the Board of Selectmen, may from time to time determine the hours of each business day during which town offices shall be open to the public, and shall give suitable public notice thereof. (Replaces 1937: c. V, s. 13)

Section 5. Office Space

The Town Manager shall provide and maintain suitable office space, in reasonably convenient locations, for all town officers. (Replaces 1937: c. V, s. 14)

Section 6. Names of Streets

Streets shall be called and known by the names given them respectively until such names shall be changed by vote of the Town. (1937: c. XVIII, s. 44)

Section 7. Acceptance of Streets

(a) No new street shall be accepted by the Town unless the owners of the land over which the street is laid convey the fee in the said land to the Town or the Town follows the provisions of Sections 21 through 24 of Chapter 82 of the General Laws. (1973)

(b) Before the Town can accept a way as a public way, a plan indicating the bounds of the said way and showing the location of stone, granite or cement markers placed in the ground to mark the bounds must be filed in the office of the Town Clerk at least fourteen days before the town meeting at which the acceptance of the said street is to be considered. (1963: c. XVIII, Added Section; adopted by vote of Town Meeting March 5, 1951; approved by the Attorney General August 17, 1951; amended 1973)

(c) Before the acceptance of a way may be considered by a town meeting, the Board of Selectmen must make a recommendation either for or against it after a public hearing held at least seven days before the date of the town meeting at which the acceptance is to be considered. The Board of Selectmen shall give written notice of the said public

hearing to the owners of all land abutting the said public way and shall publish the same in a newspaper having a general circulation in the Town at least seven days before the said public hearing. (1973)

(d) Whenever the Board of Selectmen shall deem it necessary, the owners of the land on which the street is laid out shall provide all necessary easements to the Town for the purpose of taking care of the drainage of surface water from the said street, as the Board of Selectmen may require. (1963: c. XVIII, Added Section, adopted by vote of Town Meeting March 24, 1941; approved by the Attorney General April 14, 1941; amended 1973)

Section 8. Notice of Work on Streets

(a) Whenever the Town Manager or the Department of Public Works proposes to construct or resurface any street or way, they shall, before commencing the work, give reasonable notice of their intention to the several departments of the town, to corporations which may be affected thereby, and to all abutting owners having connections by drains or otherwise to structures in the street.

(b) If any of such parties have any work to be performed in such public ways or streets, they shall consult and arrange with the Town Manager in order that such work may be done before the surface of such ways or streets is repaired or reconstructed. After such notice and opportunity have been given, no such parties shall, for the space of one year, break up or disturb the surface of such way or street, or any way within the area so constructed and repaired, except in case of reasonable necessity demonstrated to the Town Manager. (1937: c. v, s. 12, amended 1973)

Section 9. House Numbers

The Town Manager shall, within ten days from the date of any request, designate to the owners the numbers to be affixed to the buildings owned by the person or persons making such request. (1937: c. V, s. 11, amended 1973)

Section 10. Rubbish, Brush, Trash Collection

The Town Manager, with the approval of the Board of Selectmen, may contract for collection, disposal, hauling, and provide and maintain under his care and supervision some suitable place or places for public disposal, where the inhabitants of the Town may deposit ashes, cinders, papers, and other refuse and rubbish, in accordance with such conditions as the Town Manager, with the approval of the Board of Selectmen, may from time to time make. (Amended by vote of Town Meeting, April 2, 1979; approved by the Attorney General May 18, 1979)

No person shall place any material at curbside which is inconsistent with the Town's disposal contract provisions or state mandates on recycling (310 C.M.R. 19.00), each as they may be

amended from time to time, nor take any other action contrary to said contract provisions or state mandates on recycling. (Added by vote of Annual Town Meeting, April 4, 1994; approved by Attorney General June 9, 1994)

Section 11. Conformance with Community Development Plan

When taking actions and/or making decisions relative to land use or other subjects addressed by the 2003 Community Development Plan (CDP), Town boards and commissions shall indicate in their decisions and/or minutes whether or not said action or decision was, in their opinion, consistent with the CDP. If a Board or Commission indicates that its action or decision is consistent with the CDP, then it shall also provide its reason for such determination in its decision and/or minutes. If a Board or Commission indicates that its action or decision is not consistent with the CDP, then it shall explain its rationale for taking such action in its decision and/or minutes. (Added by vote of Town Meeting, October 20, 2003; approved by Attorney General January 22, 2004))

Section 12. Council on Aging

(a) The Selectmen shall appoint a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in cooperation with programs of the Department of Elderly Affairs.

(b) The Selectmen shall appoint a Council on Aging consisting of seven (7) members, comprising three (3) members for three (3) years, two (2) members for two (2) years, and two (2) members for one (1) year terms. Members may be reappointed for concurrent terms. The members of the Council shall serve without pay.

(c) Whenever a vacancy shall occur in the membership of the Council, by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled by appointment by the Selectmen for the remainder of the term.

(d) The Council on Aging at its first annual meeting and thereafter, annually in June of each year, shall elect from the membership a president, secretary, and treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Council shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

(e) The Council shall prepare and submit an annual report of its activities to the town and to the Department of Elderly Affairs.
(Adopted by vote of Town Meeting June 9, 1975; approved by the Attorney General September 8, 1975)

Section 13. Licenses and Permits - Revocation or Suspension for Non-Payment of Taxes or Assessments

(a) The Tax Collector shall annually furnish to each department, board, commission, or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, including amounts assessed under the provisions of Section 21D of Chapter 40 of the General Laws, 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. (Amended by vote of October 20, 1997 Special Town Meeting, approved by the Attorney General February 10, 1998)

(b) The licensing authority may deny, revoke or suspend a building permit, or any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license, denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license denied, suspended or revoked under this By-Law shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments, or other municipal charges, payable to the municipality as of the date of issuance of said certificate. (Amended by vote of October 17, 1994 Special Town Meeting, approved by Attorney General, December 6, 1994; Amended by vote of October 20, 1997 Special Town Meeting, approved by Attorney General February 10, 1998)

(c) Any party shall be given an opportunity to enter in 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 shall be given notice and a hearing as required by applicable provisions

of law.

(d) The Licensing Authority may waive such denial, suspension or revocation if it finds there is not direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section One of Chapter 268 of the General Laws, in the business or activity conducted in or on said property.

This section shall not apply to the following licenses or permits: open burning; bicycle permits; sale of articles for charitable purposes; children work permits; club and associations dispensing food or beverage licenses; dog licenses; fishing, hunting and trapping licenses; marriage licenses; and theatrical event and public exhibition permits. (Amended by vote of Town Meeting April 7, 1986; approved by the Attorney General on May 16, 1986)

Section 14. Call Fire Department or Special Police Force

Any member of the Call Fire Department or Special Police Force in active service who suffers an injury, illness or disability connected with the performance of his duties as a member of said Department or Force, if such injury, illness, or disability renders him temporarily unable to work, shall receive expenses and damages, including loss of pay, form the Town during his injury, illness or disability. Any and all powers, proceedings, determinations, recommendations, and findings under this By-Law shall be exercised and performed by a majority of the members of a panel consisting of the Town Manager, the Town Counsel, and a physician designated in writing by the Board of Selectmen. The panel is directed and empowered, if the injury, illness or disability be self-inflicted or self-imposed or if there be any other good reasons or cause, to deny a member of such department or force sick relief under this By-Law. (Amended by vote of Town Meeting April 7, 1980; approved by Attorney General August 26, 1980)

CHAPTER XII

USE OF STREETS, SIDEWALKS, AND PUBLIC PLACES

Section 1. Driving of Vehicles

(a) A police officer may divert either vehicles or pedestrians when necessary to avoid congestion or when necessary for public safety or convenience, and no person having charge of a vehicle shall refuse or neglect to drive, stop, place or park the same as directed by a police officer. (1937: c. XVIII, s. 10)

(b) No person shall drive or conduct any vehicle in such a condition, or so constructed, or so loaded, as to be likely to cause delay in traffic or accident or injury to persons or to property. (1937: c. XVIII, s. 13)

(c) Every driver of a slow-moving vehicle shall keep the same as close as possible to the right-hand side of the street. (1937: c. XVIII, s. 9)

(d) No person shall without proper authority drive any vehicle upon or over any hosepipe while the same is laid down by public authority for use in any street or public place. (1937: c. XVIII, s. 14)

(e) Police and Fire Department vehicles and ambulances shall have the right to pass any traffic, or any traffic signal, but in so doing shall slow down and proceed with due caution. (1937: c. XVIII, s. 15)

(f) No vehicle of any kind shall be driven or moved on any public way or public property unless it is constructed or loaded or equipped so as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping therefrom, except that sands may be dropped for purposes of securing traction or of melting snow or ice, and water or other substance may be sprinkled on streets or public property for cleaning or maintaining them. The owner or person in charge of the vehicle shall be liable for any violation of this provision. (1963: c. XVIII, Added Section, adopted by vote of Town Meeting March 3, 1958; approved by the Attorney General May 5, 1958)

Section 2. Turning Vehicles

(a) Every driver of a vehicle in turning to the right into another street shall keep the vehicle as near the right curb or right side of the street as possible. (1937: c. XVIII, s. 6)

(b) Every driver of a vehicle in turning to the left into another street shall pass to the right of and beyond the center of the intersection of the street before turning. (1937: c. XVIII, s. 7)

Section 3. Stopping or Standing Vehicles

(a) No driver of a vehicle shall stop the same with its left side to the curb, sidewalk, or side of the street in a business or industrial zone. (1937: c. XVIII, s. 1; amended 1973)

(b) No driver of a vehicle shall permit the same to remain backed to the curb, except when actually loading or unloading. (1937: c. XVIII, s. 2)

(c) Unless in an emergency, or to allow another vehicle or pedestrian to cross its way, no driver of a vehicle shall stop the same in any street except close to the curb, nor in such a way as to obstruct any street or crossing. (1937: c. XVIII, s. 3)

(d) No driver of any vehicle shall stop or stand the same within the intersection of any street, nor within fifteen feet of a street corner, nor within ten feet of a post hydrant. (1937: c. XVIII, s. 4)

(e) No driver of a vehicle shall stop or stand the same on either side of a street within seventy-five feet of a straight line extending at right angles across the street from the center of the front line of the lot on which a fire engine, house, or station is located, except to let off or take on passengers or to receive or deliver goods or merchandise. (1937: c. XVIII, s. 5, amended by vote of Town Meeting March 18, 1940; approved by the Attorney General May 16, 1940)

Section 4. Signs and Signals

(a) The Selectmen may cause suitable signs to be posted and maintained. (1937: c. XVIII, s. 22; amended 1973)

(b) No person shall break, deface, or move any official sign, signal, or traffic device, warning barrier, lantern, or other light placed or located in any street or public place for the information of travelers, the direction of traffic, or the protection of the public. (1937: c. XVIII, s. 16)

(c) No person shall post or install, or cause to have posted or installed, a sign within the right-of-way of any public street or place without the prior approval of the Board of Selectmen. Any sign that is posted or installed within the right-of-way without the prior approval of the Board of Selectmen shall be in violation of this Section 4.

(e) The Board of Selectmen hereby authorizes the Town of Ipswich Building Inspector to enforce, on behalf of the Board of Selectmen, any violation of the requirements of this Section 4 as it pertains to the placement of signs."

(Voted at Annual Town Meeting May 14, 2013; approved by Attorney General, August 30, 2013)

Section 5. Obstruction of Streets or Sidewalks

(a) No person shall, without authorization, obstruct the free, open, and convenient use of any street or sidewalk by the public for travel, by occupying the same with goods, wares, merchandise, or other chattels; by using the same as a place of resort, amusement, recreation, or business; or by permitting a gate, door, blind, or shutter of any building under his control to swing open across any part thereof.
(1937: c. XVIII, ss. 17, 18, 39, 40)

(b) No person, without authorization, throw, sweep, or place on any street, sidewalk, or public place, any ashes, earth, garbage, rubbish, litter, or any noxious or refuse liquid or solid substance, or any glass, nails, tacks, scrap metal, building materials, or similar articles. (1937: c. XVIII, ss. 38, 46)

(c) No person, except town employees duly authorized to do so, shall excavate, dig up, or otherwise open or occupy any portion of a street or public place, except in accordance with a permit therefor from the Board of Selectmen. (1937: c. XVIII, s. 45)

(d) No horse or motor vehicle shall be allowed to be or stand on any sidewalk. (1937: c. XVIII, s. 19; amended 1973)

(e) No person, unless authorized by law, shall use or operate on any sidewalk any bicycle or vehicle except a child's carriage propelled by hand, or a sidewalk bicycle or sidewalk tricycle. (1937: c. XVIII, s. 34)

(f) No person shall permit any horse or other grazing animal to pasture, graze, or go at large on any street or public place. (1937: c. XVIII, s. 34)

(g) No person shall cause water to flow, be pumped, or otherwise transferred from his or her building or property into or onto any public way at such times or in such manner as to cause icing conditions on a public way. This prohibition includes, but is not limited to, the discharge of water from a sump pump into a public way. (Added by vote of October 17, 1994 Special Town Meeting; approved by Attorney General December 6, 1994)

Section 6. Sports and Games

(a) No person shall coast, ski, or skate on any street, except such as may be designated for the purpose by the Board of Selectmen. (1937: c. XVIII, s. 31, amended 1973)

(b) No person shall, without authorization from the Board of Selectmen, subject to such reasonable conditions as the Board may impose in each case, engage in any game, exercise, or amusement in any street or public place, where the same may interfere with the safe and convenient use thereof by the public, or may endanger the safety of persons or property, or disturb the peace and quiet of any person. (1937: c. XVIII, s. 32)

Section 7. Water and Snow from Roofs

(a) No owner of a building abutting upon or adjacent to the line of any street, or his agent having care thereof, shall cause, permit or suffer the water from the roof of such building to discharge upon or flow across the surface of the sidewalk adjacent to such building.

(b) Every owner of a building abutting upon or any part of which stands within fifteen feet of the line of any public street, the roof of which building pitches or slopes towards the street, shall fit or provide such roof with snow barriers or guards sufficient to effectually prevent the sliding of snow and ice from such building into any part of the street. (1937: c. XVII, ss, 1, 2)

Section 8. Commercial Activities

(a) Unless otherwise authorized by law, no person shall continue to stand or remain in one place, in any street or public place, seeking to make sales of any articles or in the exercise of any other business, after being directed by a police officer to "move on".

(b) No person shall sing, play or perform on any musical instrument in any street or public place and solicit or receive any compensation or contribution therefor from bystanders or the public without first having obtained a permit therefor from the Chief of Police.

(c) No person, unless required by law so to do shall, without a permit from the Selectmen, post or affix in any manner, paint, print, write or cause to be painted, printed or written any notice, advertisement, bill, picture, drawing, or writing upon any curbstone, sidewalk, tree, pole, post or hydrant in any street or public place, or upon any walk or in any public building.
(1937: c. XVIII, ss. 35, 41, 43)

Section 9. Rules and Regulations

The Board of Selectmen is hereby authorized, from time to time, to make such rules and regulations, not inconsistent with specific provisions of these By-Laws or with state law, as may seem to them suitable and appropriate, for the use of streets, sidewalks, and other public ways of the Town, and for the regulation of vehicular and pedestrian traffic thereon; and for the use of public property within the Town, including buildings, playgrounds and other areas (but not school premises under the control of the School Committee or parklands under the control of the Board of Cemetery and Park Commissioners). (1973; Amended by vote of Town Meeting on October 21, 1996; approved by Attorney General on December 9, 1996)

Section 10. Scenic Roads

AUTHORITY AND PURPOSE

(1.1) Authority

This bylaw is adopted under authority of Chapter 40, Section 15C and Chapter 40, Section 21 of the Massachusetts General Laws and Article II and Article LXXXIX, Section 6 Articles of the Constitution of the Commonwealth of Massachusetts.

(1.2) Purpose

The purpose of this bylaw is to maintain the rural, natural, historic and scenic character of the Town's roadways. The bylaw, under authority of the Scenic Road Act of 1973 (Chapter 40, Section 15C) ensures that 1) town ways will be recommended for designation as scenic roads in accordance with the criteria stated in this bylaw; and 2) trees and stone walls within the rights-of-way or layout of all designated scenic town roads will not be altered without the required public hearing, nor without following the other procedures set forth in this bylaw.

DEFINITIONS

In the absence of contrary meaning established through legislative or judicial action pursuant to M.G.L. Chapter 40, Section 15C, the following terms contained in that statute, or otherwise, shall be defined as follows:

(2.1) Abutter

Shall mean all property owners, including those across the street, abutting the property where work requiring a scenic road hearing is required.

(2.2) Cutting or Removal of Trees

Shall mean the removal of one or more trees, trimming of major branches, (as defined herein), cutting of roots, or any other work that would otherwise compromise a tree's health, such as soil and /or root compaction, water deprivation, or other conditions resulting from proposed work along a scenic road sufficient in the opinion of the Planning Board or a certified arborist to cause eventual destruction of a tree. This definition does not apply to routine or emergency tree maintenance that removes only permanently diseased or damaged limbs, trunks, roots and dead whole trees. Nor does this definition apply to trimming work, including cutting of major branches, by the Town's Utilities or Public Works Department, provided that the Planning Board has reviewed the proposed work and determined it to be in accordance with good practices. However, the removal of whole, live trees by the Utilities or Public Works Departments is included in this definition

(2.3) Major Branch

Shall mean a living branch that is fully attached to a tree (as defined herein) and that has a diameter of three inches or more, 12 inches from the point at which said branch connects to the tree.

(2.4) Posting

Shall mean the marking of a tree or stone wall along a road for the purpose of a scenic road hearing. For trees, such marking as described in M.G.L. c. 87, § 3 (Shade Tree Act). For stone walls, a ribbon or other appropriate flagging material shall be temporarily affixed at the limit of work on both ends of the stone wall.

(2.5) Repair, Maintenance, Reconstruction or Paving Work

Shall mean any work done within the right-of-way by any person or agency, public or private. Within this definition is any work on any portion of the right-of-way which was not physically commenced at the time the road was designated as a scenic road. Construction of new driveways, bicycle paths, sidewalks or roadside paths, or alteration of existing ones is included, insofar as it takes place within the right-of-way. Roadside clearing of trees to provide for vehicular clearance or for improvements to the line-of-sight shall also be included in this definition. Construction or alteration of water, sewer, drainage, electric, telephone, cable TV, or other utilities within the right-of-way is also included to the degree that they impact trees and stone walls, except as exempted in 2.2 above.

(2.6) Roads

Shall mean a right-of-way of any way used and maintained as a public way, including the vehicular traveled way plus necessary appurtenances within the right-of-way, such as bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks, but not intersecting streets or driveways. When the boundary of the right-of-way is an issue so that a dispute arises as to whether or not certain trees or stonewalls or portions thereof are within or without the way, the trees and stonewalls shall be presumed to be within the way until the contrary is shown. Trees and stonewalls existing on or partially within the boundary of the right-of-way shall be considered to be within the right-of-way

(2.7) Tearing Down or Destruction of Stone Walls

Shall mean the destruction removal, covering or painting of more than ten (10) total linear feet of stone wall involving more than one cubic foot of wall material per linear foot above existing grade. Temporary removal and replacement at the same location with the same materials is permitted without Planning Board approval if the Town Highway Department is notified before the work begins so that it can confirm that the wall is properly replaced. Repair of a stone wall that does not involving tearing down or destroying the wall is not covered by this bylaw.

(2.8) Trees

Shall include any living tree whose trunk has a diameter of four inches or more as measured four feet above the ground. Nothing in this definition shall be construed to permit a person, other than the Tree Warden or his deputy, to trim, cut down, or remove a public shade tree more than one and one-half inches in diameter one foot from the ground.

(2.9) Warden

Shall mean the Town of Ipswich Tree Warden or designated deputy. (Amended October 19, 2009; approved by Attorney General February 16, 2010)

CRITERIA FOR DESIGNATION AS A SCENIC ROAD

(3.1) in determining which roads or portions of roads should be recommended to Town Meeting for designation as scenic roads, the following criteria should be considered:

a. Overall scenic beauty;
b. Contribution of trees to scenic beauty;
c. Contribution of stone walls to scenic beauty;
d. Age and historic significance of roads, trees, and stone walls;
e. Built features such as historic buildings, historic monuments, historic burial grounds, historic structures, farm buildings and fencing; and
f. Road features such as historic layout, surface, carriage width, use restrictions, and non-historic bridges.

PROCEDURE FOR DESIGNATING SCENIC ROADS

(4.1) The Planning Board, the Board of Selectmen, the Conservation Commission, the Historical Commission, or a petition of ten (10) citizens of the Town may propose "scenic road" designation of any Ipswich road other than a state highway. The Planning Board shall then hold a Public Hearing notifying the Selectmen, the Tree Warden, the Highway Department, the Utilities Department, the Conservation Commission, and the Historical Commission all property owners with land bordering the right-of-way and the public by advertising in a newspaper of general circulation in the area, the last publication to occur at least seven (7) days prior to the date of the hearing. The Planning Board shall make a recommendation to Town Meeting on the merits of designation of the proposed road as a scenic way. No road shall be designated a scenic road by Town Meeting unless such designation is favorably recommended by the Planning Board, Conservation Commission or Historical Commission. A majority vote of Town Meeting is required for designation.

(4.2) Following designation by Town Meeting, the Planning Board shall:

a. Notify all municipal departments that may take action with respect to such roads;
b. Notify the Massachusetts Highway Department;
c. Indicate such designation on all maps currently in use by municipal departments, and
d. Notify all utility companies or other such parties, which may be working on the border of such road.

(4.3) The twenty-seven roads already designated as scenic roads by the Scenic Roads Act of 1973 (Chapter 40, Section 15C) shall retain their status as scenic for the purpose of this Scenic Road bylaw. These roads are (including year of designation):

Argilla Road (1974)	Meetinghouse Green (1974)
Boxford Road (1974)	Mill Road (1988)
Candlewood Road (1974)	Mile Lane (2009)
Chebacco Road (1974)	Newbury Road (1974)
East Street, #2 (1989)	Old England Road (1974)
Fellows Road (1974)	Old Right Road from Rt. 1 to Topsfield Line (1989) Old Right Road from Route 1 to Linebrook Road (2009)
Goodhue Road (1974)	Paradise Road (2009)
Heartbreak Road (1974)	Pineswamp Road (1974)
Labor in Vain Road (1974)	Plains Road (2009)
Lakeman's Lane (1991)	Rocky Hill Road (1974)
Linebrook Road from Howe Street to Leslie Road (2009)	Sagamore Road (1974)
Linebrook Road from School to Howe Street (1988)	Topsfield Road from Kennedy Dr. to Topsfield Line (1988)
Linebrook Road from Leslie Road to Topsfield Line (1976)	Waldingfield Road (1974)

(Amended October 19, 2009; approved by Attorney General February 16, 2010)

PROCEDURES

(5.1) Filing

Any person, organization or agency seeking the consent of the Planning Board under M.G.L. Chapter 40, Section 15C regarding road repair, maintenance, reconstruction, or paving work that may involve the cutting or removal or trees or the tearing down of stone walls, or portions thereof, shall file a request with the Planning Board and submit the following information:

a. A completed scenic road application, including two copies of a plan showing proposed work and the extent of alterations or removal of trees or stone walls, so that readers may locate it with reasonable specificity on the ground without the need for additional plats or references, and describing in reasonable detail the proposed changes to trees and stone walls, and a statement of purpose, or purposes, for the proposed action.

The plan shall show the name of the street or streets, the extent of the Scenic Road right-of-way, names of abutters within one hundred (100) feet of the proposed work, a title block and suitable space to record the action of the Planning Board. A plan drawn to scale is preferred, but not required.

One copy of the completed application and on copy of the plan shall also be submitted to the Town Clerk.

b. Any further explanatory material useful to adequately inform the Planning Board, including clearly identifiable digital or printed photographs of the proposed work are and its existing conditions.

c. A list of abutters to the subject property

(5.2) Notice

The Planning Board shall, as required by statute, give notice of its public hearing to discuss the alterations that the applicant wants to have done. Notice will be posted twice in a newspaper of general circulation in the area, with the last publication occurring at least seven (7) days prior to the hearing.
The Applicant shall be responsible for the cost of advertising the public hearing.
The notice will contain the time, date, place and purpose of the hearing.
Copies of the notice shall be sent to the Board of Selectmen, the Tree Warden, the Public Works Department, the Utilities Department, the Conservation Commission and the Historical Commission before the public hearing commences.

(5.3) Timing of the Hearing

The Planning Board shall hold a public hearing within 30 days of receipt of a properly filed request and shall take action on the request within 45 days of the hearing being held.

(5.4) Decision

The Planning Board shall provide its written decision to the applicant, with copy filed with the Town Clerk, within seven (7) days of taking action on the application. If a consolidated meeting has been held involving the Tree Warden, then the Tree Warden shall issue a separate written decision related to the public shade trees. The Planning Board and/or the Tree Warden shall also provide copy of the decision to the applicant, the Historical Commission, the Tree Warden/Highway Department, and/or the Planning Board.
(5.5) Tree Replacement
If the cutting or removal of whole trees is approved by the Planning Board or Tree Warden, the Planning Board, at its discretion, may require the applicant to replace the trees cut with nursery quality trees, which are of Zone 6 hardiness at a minimum, that are native to the region, and that are acceptable to the Planning Board, in consultation with the Tree Warden. For trees that are 18 inches or more in caliper, measured four feet from the ground, the Planning Board may require the removed tree to be replaced with two trees of at least a two and one-half inch caliper,

measured four feet from the ground. The location of the replacement trees shall be at the direction of the Tree Warden, in consultation with the Planning Board.

(5.6) Public Shade Trees

When required by M.G.L. c. 87 (Shade Trees), notice shall be given and the Planning Board hearing required by M.G.L. c. 40, §15C (Scenic Roads) shall be held in conjunction with those held by the Tree Warden, with the Tree Warden responsible for the consolidated notice acting under M.G.L. c. 87 (Shade Trees). Consent to an action by the Planning Board shall not be construed as consent by the Tree Warden or vice versa. A Planning Board decision shall contain a condition that no work shall take place until any applicable provisions of M.G.L. c. 87 (Shade Trees) have been complied with.

(5.7) Statute of Limitations

The approval of the Planning Board or Tree Warden under these regulations for any proposed work shall be valid for two years from the date the decision is filed with the Town Clerk. After two years from this date, the decision is void unless an extension is granted before the expiration.

(5.8) Emergency Repair

The requirements of this bylaw shall not apply when the Tree Warden acts in an emergency in accordance with law. In cases where a tree or branch poses a threat to public safety and there is not sufficient time to obtain prior approval from the Planning Board, the Planning Board shall be notified by the Tree Warden within the calendar week after any action which would have been a violation of this bylaw if the threat had not existed. Under no circumstances are stone walls to be torn down or destroyed on a scenic road under the auspices of emergency repair.

(Amended October 19, 2009; approved by Attorney General February 16, 2010)

CONSIDERATIONS

(6.1) in acting on applications concerning scenic roads, the Planning Board shall take into consideration the following:

a. Contribution of trees and/or stonewalls to scenic beauty;
b. Age and historic significance of roads, trees and stone walls;
c. Features of the road, such as surface, pavement width and bridges;
d. Public safety;
e. Local residential traffic patterns and overall traffic volume and congestion;
f. Compensatory actions proposed, such as tree and stone wall replacement;
g. Functional importance and urgency of repair, maintenance, reconstruction or paving;
h. Additional evidence contributed by abutters, town agencies and other interested parties;
i. Recreational uses of the road;
j. Preservation of natural resources and historic resources;
k. Scenic and aesthetic characteristics;
l. Environmental values;
m. Other planning information;
n. Existence or absence of reasonable alternatives

(Amended October 19, 2009; approved by Attorney General February 16, 2010)

DRIVEWAY DESIGN GUIDELINES

(7.1) at a minimum, driveways should be consistent with Ipswich regulations for residential driveways and curb cuts, and should comply with this bylaw.

(7.2) only one driveway cut per lot onto any scenic road should be allowed. A new driveway on a scenic road should not exceed twelve feet in width, unless it is a common driveway, in which case it should not exceed sixteen feet in width.

(7.3) Stonewall sections to be removed for a driveway should not exceed the driveway width by more than one foot.

(7.4) No tree which complies with subsection 5.5 of this bylaw with a trunk within the right-of-way exceeding four inches in diameter measured four feet above the ground should be removed for a driveway unless the curb cut cannot be safely located elsewhere.

(7.5) Driveways should be located in a manner that minimizes the required cut and fill, so as to preserve the existing topography to the greatest extent possible.

(7.6) No stone wall sections with greater than one cubic foot of wall material per linear foot should be removed for a driveway unless the curb cut cannot be safely located elsewhere.
(7.7) Stone removed for driveway breaches shall be used to repair other sections of the wall along the road, at the sole expense of the applicant.
(7.8) Stone walls that are breached should be provided with appropriate termini. Appropriate termini shall consist of a compatible material, and shall be constructed from stone removed from the wall at the breach when it is feasible to do so. Appropriate termini may consist of tapered ends to the stone wall that turn back onto the driveway, or other designs consistent with the existing wall.

(7.9)The use of a common driveway will be considered to be a feasible alternative to the demolition or removal of a stone wall for more than one driveway. To the extent that common driveways would limit the destruction of stone walls, they are encouraged. (Amended October 19, 2009; approved by Attorney General February 16, 2010)

ENFORCEMENT
(8.1) Failure to file with the Planning Board for permission to cut or remove trees or for destruction of any portion of a stone wall within the layout of any scenic road will require an immediate filing as detailed above and the applicant shall be required to restore the features if required by the Planning Board. Unless waived, the required restoration shall consist of restoring the stone wall to its previously existing condition and/or replacing the trees cut with nursery quality trees that are acceptable to the Planning Board. For every three inches of tree cut,

measured across the stump, a nursery quality replacement tree with a two and one-half inch caliper, measured four feet from the ground, shall be planted by the applicant.
Failure to comply with a duly issued decision of the Planning Board shall subject the applicant to restoration as detailed above and other remedial measures that the Planning Board deems necessary. (Amended October 19, 2009, approved by Attorney General February 16, 2010)
(8.2) Any violation of this bylaw, M.G.L. Chapter 40, Section 15C, or a Planning Board decision issued under this bylaw or M.G.L. Chapter 40, Section 15C, shall be punishable by a fine not to exceed three hundred dollars ($300) per violation; any such violation may also be enforced through non-criminal disposition in accordance with this bylaw and general bylaws Chapter 17, Section 4c." Each day, or portion thereof, that a violation of this bylaw continues without a Planning Board approved decision to take restorative action shall be deemed a separate offense.
(8.3) In addition to the foregoing remedies, the Town of Ipswich, acting by and through its Planning Board, and with the approval of the Board of Selectmen, shall have all other legal and equitable remedies which may exist, including without limitation the right to seek injunctive relief. In addition, the Town of Ipswich may in its discretion enforce the provisions of this bylaw in the manner provided in M.G.L. c. 40, §21D.

In all other aspects, all provisions of this bylaw shall remain in full force (Amended by vote of Annual Town Meeting on October 15, 2001; approved by Attorney General on February 19, 2002; amended October 19, 2009, approved by Attorney General February 16, 2010)

Section 11. Blocking of Streets and Sidewalks with Snow and Ice Prohibited

No person other than an employee in the service of the Town of Ipswich or an employee in the service of an independent contractor acting for the Town of Ipswich shall leave snow or ice on a public way and/or sidewalk. The provisions of this By-Law shall be enforceable under M.G.L. c. 40, s. 21D.
(Added by vote of Special Town Meeting October 18, 1993; approved by Attorney General on February 3, 1994)

CHAPTER XIII

USE OF TOWN PROPERTY

Section 1. Parklands

(a) No person shall camp in or remain overnight in any of the public parklands of the Town except by written permission of the Board of Cemetery and Park Commissioners.

(b) No person shall in any manner deface, alter, remove, or trespass upon any flower beds, planters, or seeded areas, or monuments, under the control of the Board of Cemetery and Park Commissioners.

(c) No person shall consume any alcoholic beverage while within the limits of the parkland of the Town.

(d) No person shall build, add to, or allow any open fire in any of the parkland of the Town, except on land under the control of the Town at Crane's Beach, without the written permission of the Board of Cemetery and Park Commissioners.

(e) No motorized vehicles shall be allowed in any parkland of the Town except in areas specifically designated therefor by the Board of Cemetery and Park Commissioners, or by express permission of the said Commission.
(1973) (Sections (a), (b), (d), and (e) amended by vote of Town Meeting on October 21, 1996; approved by Attorney General on December 9, 1996)

Section 2. Town Wharf

(a) No person shall place, allow to remain, or store any boat upon the area known as the Town Wharf, being the area under the control of the Town of Ipswich between East Street, Water Street, and the Ipswich River, unless he shall have received written permission to do so from the Town Manager or his designee.

(b) If any person places or stores a boat upon the Town Wharf without such permission or outside of the area designated therein, the Town of Ipswich may remove the boat and recover the expense of such removal from the owner in legal proceedings.
(1963; additional By-Law, adopted by vote of Town Meeting March 4, 1952; approved by the Attorney General on April 15, 1952; amended 1973)

(c) No person shall consume or possess an open container of an alcoholic beverage; use or possess any substance as defined in Chapter 94C, Section 31, of the General Laws; loiter, kindle a fire; camp overnight; nor vend any goods or services commercially upon said area known as the Town Wharf.

(d) No person shall dispose of refuse at the Town Wharf.
Amended by vote of Town Meeting on October 21, 1996; approved by Attorney General on December 9, 1996)

(e) No person shall park, place or store a motor vehicle under his possession or control on the Town Wharf, between the hours of sunset and sunrise, other than heading into and within a designated parking space.

(f) No person shall operate a motor vehicle upon the area known as the Town Wharf at a speed in excess of five (5) miles per hour.
(Subsections (c), (d), (e), and (f) were added by vote of Town Meeting April 7, 1980, and were approved by the Attorney General on August 28, 1980)

Section 3. Crane's Beach - Usage by Residents

(a) Issuance of Crane's Beach Stickers

(1) Annual Resident Beach Stickers shall be made available at an annual charge determined by the Board of Selectmen to any Ipswich residents, whether they own or rent a building. An Ipswich Resident is any person whose principal year-round domicile is within the Town of Ipswich. A person who owns and pays real estate or personal property taxes upon a summer residence in Ipswich or who rents residential property for a full season shall be eligible for an Annual Resident Beach Sticker.

(2) Temporary Beach Stickers shall be made available at a charge determined by the Board of Selectmen to non-residents who rent residential property in the Town of Ipswich for a length of time determined by the Board of Selectmen.

(3) Horse Van Stickers shall be made available at a charge determined by the Board of Selectmen to Ipswich Residents who wish to bring to the beach a horse van or a horse trailer drawn by a vehicle that has an Annual Resident Beach Sticker.

(4) Fishing Stickers shall be made available at a charge determined by the Board of Selectmen to non-residents who wish to use the beach in the evening hours exclusively for fishing.

(5) No person shall receive Beach Stickers as a privilege of office.

(b) Other Provisions
Any situations not specifically dealt with in this By-Law shall be referred to the Recreation Committee of the Town of Ipswich, who shall make a recommendation of proposed action to the Board of Selectmen. The Board of Selectmen shall determine any and all additional policies under this By-Law, and may adopt Regulations to implement such policies. (Effective April 1, 1985/Annual Town Meeting)

CHAPTER XIV

OCCUPATIONAL LICENSES

Section 1. Vehicles Used for Hire to Transport Passengers or Freight

(a) Except as otherwise provided by law, the Board of Selectmen may grant licenses to owners of vehicles upon such rules and regulations as said Board may deem proper, not inconsistent with these By-Laws, to use such vehicles for the conveyance of persons or property for hire, and may designate stands and locations upon the streets of the Town where such vehicles may stand or wait for employment.
(1937: c. XV, s. 1)

(b) Every such license shall be granted to expire on the first day of May next ensuing after the date of its issue, and it may be revoked at any time for cause satisfactory to said Board. Each license may cover one or more vehicles belonging to the same owner, shall bear upon its face the date of its issue, the date of its expiration, the name and address of the owner of the vehicle or vehicles to whom the license is issued, and a description of each vehicle so licensed sufficient for its identification. A separate number shall be designated for each vehicle so licensed and the owner shall, before using such vehicle for hire, have such number plainly marked upon each side thereof, excepting only in case of motor vehicles duly registered under the laws of this Commonwealth, and in such cases the license issued hereunder shall contain the registration number of such motor vehicle.
(1937; c. XV, s. 2)

(c) Fees for the issuance of such licenses shall be in accordance with a schedule of fees to be established from time to time by order of the Board of Selectmen, after a hearing held in accordance with Chapter IV, Section 6, of these By-Laws.
(Replaces 1937: c. XV, s. 2 [in part])

(d) No license shall be transferred by the holder thereof to another except with the approval of the Board of Selectmen endorsed on the license.
(1937: c. XV, s. 3)

(e) No person shall hold himself out as the owner, driver, or operator of any vehicle used for the purposes mentioned in this section, unless the said vehicle is duly licensed as provided herein.
(1937: c. XV, s. 3)

Section 2. Persons Dealing In Second Hand Articles

(a) No person shall carry on a business as a collector of, dealer in, or keeper of a shop for the purchase, sale or barter of junk, old metals, second hand articles, or antiques without first obtaining from the Board of Selectmen license therefor, which shall be renewable annually an shall be subject to such rules, regulations, or conditions as the Board may deem suitable and proper, consistent with the applicable provisions of the General Laws.
(1937: c. XVI, ss. 1,6; amended 1973)

(b) Every keeper of a shop and every dealer licensed under this section shall keep adequate records of the source of merchandise purchased for the business; the name and address of the person from whom it was purchased; and the date on which the purchase was made.
(1937: c. XVI, s. 2; amended 1973)

(c) Every keeper of a shop and every dealer licensed under this section shall display his license in a conspicuous place in his place of business.
(1937: c. XVI, s. 3; amended 1973)

(d) Every vehicle or receptacle used by a collector of junk shall at all times be open to inspection by the Chief of Police or any person authorized by him or by law to make such an inspection.
(1937: c. XVI, s. 10; amended 1973)

Section 3. Solicitors and Canvassers

A. License Required. It shall be unlawful for any solicitor or canvasser as defined in this By-Law to engage in such business within the Town of Ipswich without first obtaining a license therefor in compliance with the provisions of this By-Law. The provisions of this By-Law shall not apply to any person exempted under Chapter 101 of the General Laws or to any person exempted by any other General Law, nor shall this By-Law be construed to prevent route salesmen or other persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon prospective customers to solicit an order for future periodic route deliveries. Persons engaged in the pursuit of soliciting for charitable, benevolent, fraternal, religious or political activities shall be exempt from licensing after notification to the Chief of Police or his designee.

B. Definition. A solicitor or canvasser is defined as any person who, for himself, or for any other person, firm or corporation travels by foot, automobile or any other type of conveyance from place to place, from house to house, or from street to street, taking or attempting to lease or take orders for retail sale of goods, ware merchandise, or services, including without limitation the selling, distributing, exposing for sale, or soliciting or orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of all household improvements, and/or for services to be performed in the future, regardless whether or not such individual possesses, carries or exposes for retail sale a sample of the subject of such sale or whether he is collecting advance payment on such retail sale.

C. Application. Applicants for a license shall file with the Chief of Police, on a form issued by the Police Department, a written application signed under the penalties of perjury, containing the following information:
(a) Name of applicant;
(b) Address of applicant (local and permanent home address);
(c) Applicant’s height, weight, eye and hair color;
(d) Applicant’s social security number;
(e) The duration for which the license is desired;

(f) A brief description of the nature of the business and the goods to be sold and/or services to be performed;

(g) The name and home office address of the applicant's employer. If self employed, it shall so state;

(h) A photograph of the applicant, submitted by the applicant, 2" x 2" in size and showing the head and shoulders of the applicant in a clear and distinguishing manner;

(i) If operating a motor vehicle: the year, make, model, motor number, registration number, state of registration, vehicle's owner and address.

At the time of the filing of the application, each applicant shall pay a fee in accordance with a schedule of fees to be established from time to time by order of the Board of Selectmen, after a hearing held in accordance with Chapter IV, Section 6, of the General By-Laws.

D. Investigation and Issuance

1. Upon receipt of the application, the Chief of Police shall investigate the applicant's reputation as to morals and integrity.
2. After an investigation of the applicant's morals and integrity, but within seven (7) business days of the filing of the application, the Chief of Police shall endorse on such application his approval or disapproval. Failure of the Police Chief to act on said permit within seven (7) business days of the applicant's filing shall constitute approval. If disapproved, the applicant shall have the right of appeal to the Board of Selectmen in writing within seven (7) days of the denial by the Chief of Police. The Board of Selectmen must act upon the appeal at one of their next two (2) regularly scheduled meetings. Failure to so act shall be deemed approval.
3. Such license when issued shall contain the signature of the Chief of Police or of the Board of Selectmen and shall show the name, address, and photograph of said licensee, the date of issuance and the length of time the same shall be operative, as well as the license number. The Police Department shall keep a record of all licenses issued for a period of six (6) years. Solicitors and canvassers when engaged in the business of soliciting or canvassing, shall be required to display an identifying badge issued by the Police Department, by wearing said badge on an outer garment. Each licensee is required to possess an individual license.

E. Duty of Police to Enforce/Transfer

The police officers of the Town of Ipswich shall enforce this By-Law. No license shall be transferred.

F. Revocation of License

The Chief of Police is vested with authority to revoke licenses issued under this By-Law. Any person aggrieved by such revocation may appeal to the Board of Selectmen within

seven (7) business days, and a hearing will be scheduled for one of the next two (2) regularly scheduled meetings of the Board of Selectmen.

G. Expiration of License

Each license issued under the provisions of this By-Law shall continue in force from the date of its issue until the thirty-first day of December next following, unless sooner revoked.

H. Renewal of License

A license issued under the provisions of this By-Law may be renewed by the Chief of Police. An applicant requesting a renewal of a license must apply in person for such license renewal and provide such information as is required to obtain an initial license.

I. Misrepresentation

II.

1. No solicitor or canvasser, licensed or exempted from license, may misrepresent, in any manner, the buyer's right to cancel as stipulated by Chapters 93, 93A and 255D of the General Laws.
2. No solicitor or canvasser, licensed or exempted from license, may use any plan, scheme or use which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office, or other establishment with the purpose of making a sale of consumer goods or services.

J. Trespassing

It shall be unlawful for any canvasser or solicitor to enter the premises of a resident or business who has displayed a "no trespassing" or "no soliciting" sign or poster. Further, it shall be unlawful for canvassers or solicitors to ignore a resident's or business person's "no solicitation" directive or to remain on private property after its owner has indicated that the canvasser or solicitor is not welcome.

K. Penalty

Any person violating any provision of this By-Law shall, upon conviction thereof, be punished by a fine not to exceed fifty ($50,000) dollars for each offense.

(Section 3 added by a vote of the October 17, 1992, Special Town Meeting; approved by the Attorney General on January 11, 1993.)

CHAPTER XV

MISCELLANEOUS PROVISIONS FOR PUBLIC ORDER AND SAFETY

Section 1. Disorderly Behavior

(a) No person shall loiter, saunter or continue to sit or stand in any street, public place or public building, so as to obstruct or impede any other person in the rightful use of or access to such places.

(b) No person shall bathe in any of the waters of the Town, in a state of nudity, in places exposed to public view, or in immediate sight of the occupants of any dwelling.

(c) No person shall on any street, sidewalk, or public place, without a written permit from the Board of Selectmen, consume any alcoholic beverage or possess any opened container, full or partially full, of any alcoholic beverage.
(Adopted by vote of Town Meeting March 4, 1974, approved by the Attorney General on April 18, 1874)
(1937: c. XVIII, ss. 23, 24, 26-27; amended 1973)

Section 2. Discharge of Firearms

(a) No person shall, without a written permit from the Selectmen, fire or discharge any gun, pistol, or other firearm in or across any street or public place or within five hundred feet thereof, nor on private grounds beyond said five hundred feet limit, against the objection of the owner, but this section shall not prevent the use of such weapons in the lawful defense of one's person, family, or property, nor in the performance of any duty required or authorized by law.
(1937: c. XVIII, s. 33; amended 1973)

(b) No person shall fire or discharge any firearm or explosives of any kind within the limits of any highway, park or other public property except with the written permission of the Board of Selectmen, or hunt or discharge any firearm on any private property except with the written permission 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; and further provided that this By-Law shall not apply to hunting or use of firearms on salt marshland: Said consent of the Selectmen, owner, or legal occupant shall be carried at all times by any person hunting, and upon request shall be shown to any police officer or officer of the Department of Conservation or the property owner or his agent.
(1963: Additional By-Laws; adopted by vote of Town Meeting March 5, 1962; approved by the Attorney General on May 29, 1962)

Section 3. Peeping Tom

No person except an officer of the law in the performance of his duties shall enter upon the premises of another person or upon any public property with intent of peeping in the windows of any home or other building or of spying in any manner upon any person or persons therein. (1963: Additional By-Laws; adopted by vote of Town Meeting June 3, 1957; approved by the Attorney General on July 29, 1957)

Section 4. Operation of Motor Boats

(a) It shall be unlawful to operate or cause to be operated any motor boat or other vessel propelled by an internal combustion engine at a speed exceeding five miles per hour in any of the following waters in the Town of Ipswich:
   (1) any area used regularly for the docking or mooring of boats or for the loading or discharge of passengers;
   (2) any area used regularly for swimming for pleasure;
   (3) any area within one hundred feet of the edge of any public or private beach;
   (4) any area in which limited space or visibility cause any greater speed to be dangerous to the public; or
   (5) any part of the Ipswich River upstream of the dam, commonly known as the Sylvania Dam.

(b) For the purposes of enforcing this By-Law, any area which has been marked by, or under the direction of, the harbormaster with conspicuous orange signs or markers, or signs lettered in orange, shall be deemed prima facie to be one of the areas described in Section 4(a) hereof, but such presumption shall be subject to rebuttal by competent evidence by the defendant, in which case similar evidence by the plaintiff shall also be considered.

(c) The Harbormaster is directed to keep a list of all areas marked by him or under his direction pursuant to this By-Law and to make such list publicly available.

(d) It shall be unlawful to deface, alter or remove any sign or marker placed by, or under the direction of, the Harbormaster.

(e) It shall be unlawful to operate, or cause to be operated, any motor boat or other vessel propelled by an internal combustion engine of greater than five (5) horsepower on any part of the Ipswich River upstream of the dam commonly known as the Sylvania Dam.

(f) No craft, vehicle, boat, and/or ATV shall be operated in the Town which produces a sound pressure level of more than seventy-eight decibels. Sound pressure levels in decibels shall be measured on the "A" scale of a sound level meter approved by the Commonwealth's Director of the Division of Marine and Recreational Vehicles. Measurements shall be made of overall vehicle noise at maximum speed at fifty feet in accordance with test procedure SAE J192 of the Society of Automotive Engineers, or in accordance with such other test procedure for measurement of sound pressure levels as the Commonwealth's Registrar of Motor Vehicles may adopt.
   (Adopted April 3, 1989, Town Meeting; approved by Attorney General)

(g) If any provision of this By-Law shall be declared invalid, the remaining provisions shall continue in effect nonetheless.

(1963: Adopted by vote of Town Meeting June 15, 1961, and approved by State Director, Division of Motor Boats on July 1, 1961, having been referred to that agency by the Attorney General's office; amended by vote of Town Meeting March 4, 1974; approved by the Attorney General on May 10, 1974)

Section 5. Animal Control

(a) Leash Law. A person who owns or keeps a dog within the territorial limits of the Town of Ipswich shall not permit nor shall allow such a dog to be at large in the Town other than on the premises demised to its owner or keeper, unless said dog is restrained by being kept on a leash not exceeding six feet in length.

(b) Licensing.

1. Any owners or keepers of dogs six months or older shall license such dogs annually between January 1 and March 31 each year or shall be subject to a late fee of ten ($10.00) dollars for each month or part thereof said license is issued after March 31. Proof of rabies vaccination shall be provided prior to issuance of a license. The other requirements for licensing dogs shall be in accordance with M.G.L. c. 140, § 137.

2. All owners and operators of kennels, as defined by M.G.L. c. 140 § 136A, shall license such kennels annually between January 1 and March 31 or shall be subject to a late fee of twenty ($20.00) dollars for each month or part thereof said license is issued after March 31. Prior to obtaining such a kennel license, the owner or operator of the kennel must provide proof of inspection of said kennel signed by the Animal Control Officer.

3. Any violation of this subsection shall be punished by fine of fifty ($50.00) dollars for each offense.

(c) Dog Fouling.

1. Duty to Dispose. It shall be the duty of every person who owns, possesses, or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, street, or other public area. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on private property neither owned nor occupied by said person.

2. Duty to Possess Means of Removal. No person who owns, possesses or controls a dog shall appear with such dog on any sidewalk, street, park, or other public area without a means of removal of any feces left by such dog. Furthermore, no person who owns, possesses or controls such dog shall appear on any private property neither owned nor occupied by said person without the means of removal of any

feces left by such dog. Disposal in Town trash barrels or bins or in the storm drains is prohibited.

3. Method of Removal and Disposal. For the purposes of this subsection, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, unexposed to said person or to the general public. Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of canine feces, or as otherwise designated as appropriate by the agent of the Board of Health.
4. The provisions of this subsection shall not apply to a physically handicapped person in custody or control of a dog.

5. Penalties for Violation. An initial violation of this subsection (c) shall be punished by a written warning, the calendar year notwithstanding. After issuance of said warning, subsequent violations shall be punished by a fine of ten ($10.00) dollars for the first such offense in any calendar year; a fine of twenty-five ($25.00) dollars for a second such offense in any calendar year; and a fine of fifty ($50.00) dollars for any third or subsequent such offense in any calendar year.

6. Enforcement. Violations of this subsection shall be enforced in accordance with all other applicable laws governing municipal by-laws; however, at the option of the Animal Control Officer or other officer authorized to enforce this By-law, violations may be enforced non-criminally pursuant to M.G.L. c. 40, § 21D, rather than by a criminal complaint in District Court.

7. The Town Clerk shall provide a copy of this subsection to each dog owner when said owner licenses his/her dog.

(d) Dogs in Heat. Any person who owns, possesses or controls a female dog in heat shall cause such female dog to be confined in a building or secure enclosure in such manner that such female dog cannot come into contact with another animal except for planned breeding. A violation of this subsection shall be punishable in the same manner as established in subsection (c) of this Animal Control By-law.

(e) Calls to Confine and Impounding.

1. Upon a second and any subsequent call to domesticated animals (except dogs), the Animal Control Officer, or any other officer authorized to enforce this By-law, shall assess charges of $50.00 per such call.

2. A person who owns or keeps a dog within the territorial limits of the Town of Ipswich, whose dog was picked up and impounded at the Town Dog Pound, shall be charged a pick-up fees of $10.00, in addition to boarding fees charged in accordance with the General Laws.

(f) Nuisance and Dangerous Dogs. Any person owning, possessing or controlling a dog in the Town of Ipswich shall not allow or permit said dog be a nuisance dog or a dangerous dog, as defined by M.G.L. c. 140, § 136A. The Animal Control Officer or any other officer authorized to enforce this Section may capture and hold any dog running at large in order to protect public safety, pending a hearing and decision by the Board of Selectmen upon such complaint. The Animal Control Officer or any other officer authorized to enforce this Section may also issue an order to remove or temporarily ban any dog that is the subject of a complaint as a dangerous dog from any street, sidewalk, park or any other public area in order to protect public safety, pending a hearing and decision by the Board of Selectmen.

(g) Complaint, Investigation, Notification and Appeal.

1. Any person, including the Animal Control Officer or any other officer authorized to enforce this Section, may make a complaint about a nuisance or dangerous dog in the Town of Ipswich in writing, signed under penalties of perjury and filed with the Town Clerk. Such complaint shall set forth the nature and date of the act complained of, the name and address, if known, of the owner, possessor or controller of the dog, and a description of the dog.

2. Upon the filing of any complaint under this Section, the Board of Selectman shall cause the investigation of such complaint and conduct a hearing to determine whether the dog is a nuisance or dangerous dog, and to determine the disposition of the complaint. Such hearings shall be held in accordance with M.G.L. c. 140, § 157.

3. If the owner of the dog that is the subject of any such complaint and hearing is dissatisfied with the disposition of the complaint, he/she may bring a petition in the district court within ten (10) days requesting review of the complaint and disposition pursuant to M.G.L. c. 140, § 157.

4. Violations and Penalties. Any owner or keeper of a dog found to be in violation of an order issued by the Board of Selectmen under this subsection shall result in seizure and impoundment of the dog and fines as described in M.G.L. c. 140, §157 and §157A.

(h) Penalties and Enforcement. Except as otherwise provided in this Section, any violation of this Section shall be subject to the following fines:

First offense	$10.00 fine;
Second offense	$25.00 fine;
Third offense	$30.00 fine; and
Fourth and any subsequent offense	$50.00 fine.

The Animal Control Officer and any deputy, and any Ipswich Police Officer shall have the authority to enforce the provisions of this Section;

And to further establish annual license fees as follows:

Neutered or spayed dogs	$15.00
Intact dogs	$20.00
Personal Kennel:	
1-4 dogs:	Exempt;
5-9 dogs:	$50.00
10-14 dogs:	$75.00
15 or more dogs:	$100.00
Commercial Boarding/Training Kennel	$100.00
Commercial Breeding Kennel	$100.00
Veterinary Kennel	$100.00
Domestic Charitable Corporation Kennel	Exempt

(Voted at Annual Town Meeting, May 14, 2013; approved by Attorney General, August 30, 2013)

Section 6. Advertising on Property of Others

No person shall post or affix in any manner, paint, print, or write, or cause to be painted, printed, or written, any notice, advertisement, bill, picture, drawing or writing, upon any tree, post fence, wall, or building unless he has previously obtained the consent of the person owning or having possession of the said tree, post, pole, fence, wall, or building.
(1937: c. XVIII, s. 42)

Section 7. Disposal of Rubbish

No person shall without authority deposit any ashes, rubbish, refuse, offal, or decayed animal or vegetable matter on any public or private land, except in accordance with such rules or regulations as the Board of Selectmen or the Board of Health may make from time to time.
(1937: c. V, s. 16, amended 1973)

Section 8. Taking of Seaweed

No person shall take the marine plant known generally as seaweed in an amount exceeding one hundred pounds in weight at the time of such taking in any one day without the express written approval of the Board of Selectmen. No person shall take seaweed in any amount on Sunday.

(Adopted by vote of Town Meeting May 2, 1955; approved by the Attorney General October 7, 1966)

Section 9. Sewer Tie-ins

All buildings heretofore or hereafter erected on any lot of land adjoining the sewerage system of the Town of Ipswich shall be required to tie in by pipeline to the said sewerage system and to dispose of such sewerage through such tie-in; in the event and only in the event the Board of Health so rules in writing pursuant to a vote thereof that a public health nuisance does not exist on a given lot, the Sewer Commissioners, upon written application therefor, may grant an exception to this requirement. The owners of buildings in the Town of Ipswich shall be responsible for compliance with this section. Each day of continued noncompliance with this section shall be deemed to be a separate violation.
(Amended by vote of Town Meeting April 2, 1979; approved by the Attorney General May 18, 1979)

Section 10. Public Water Use Restriction and Restraint

The Board of Water Commissioners may, upon seven (7) days' notice to the public by newspaper publication and after a public hearing, restrict or restrain the use of public water supply in any manner on public and/or private premises by any means, including by shutting off the water or the curb cock, during a drought, hurricane, conflagration or other disaster when, in the opinion of the Department of Environmental Quality Engineering, an emergency exists. No persons shall violate any such restriction or restraint while some remain in effect.
(Amended by vote of Town Meeting May 1, 1978; approved by the Attorney General August 30, 1978)

Section 11. Purchase of Electric Generating Plants

The Electric Light Commissioners, acting on behalf of the Town, shall not contract to purchase directly or through another party, any ownership in any electric generating plant outside of the Town unless such action is first authorized by a two-thirds vote at Town Meeting.
(Added by vote of Town Meeting April 7, 1980; approved by the Attorney General August 28, 1980)

Section 12. Mandatory Metering of Non-Seasonal Water Services

(a) All buildings heretofore or hereafter erected on any lot of land adjoining the water distribution system of the Town of Ipswich and which are connected to said water distribution system with a deep, non-seasonal (year-round) service shall be required to arrange their water service piping for the installation by the Town of a water meter. The owner(s) of the building(s) shall be responsible for compliance. Each day of continued non-compliance shall be deemed a separate violation.
(Approved by the Attorney General June 6, 1985)
(b) The owner(s) of all building(s) with non-seasonal water service as described above shall be required to allow the installation of meter reading systems as determined by the Board of Selectmen acting as Water Commissioners. Without limiting the authority of the Board of Selectmen acting as Water Commissioners to determine the type of meter reading system to be used, the Board of Selectmen may specifically require the use of inbound signal/telephone-based automatic meter reading systems.
(c) The Board of Selectmen, acting as Water Commissioners, may promulgate rules and regulations, as necessary, regarding the metering of water service.
(Sections (b) and (c) added by vote of Annual Town Meeting April 6, 1998, approved by the Attorney General June 2, 1998)
(NOTE: Former #12 "Subsurface Storage of Materials" rescinded April 3, 1989)

Section 13. Mooring Fees and Town Wharf Launching Fees

(a) No person shall establish a mooring or use any mooring within the Ipswich Waterways without first having obtained a permit therefor from the Harbormaster. The Board of Selectmen shall establish fees for the processing of mooring permits in accordance with the provisions of Chapter IV, Section 7, of the General By-Laws.
(Amended by Vote of the Town Meeting April 7, 1986; approved by the Attorney General on May 15, 1986)

Section 14. Street Numbers Posted for All Buildings

(a) It shall be the duty of every owner and/or occupant of each house, building, and/or structure within the Town of Ipswich to place thereon the number of said house, building, or structure.
(b) The size, color, location, and visibility of said numbers shall be as follows:

(1) The minimum height of said number shall be three (3) inches in height.

(2) In order to be visible from the road, street, or way, the number shall be of a contrasting color and shall be reasonably visible to persons or vehicles approaching from either direction upon said road, street, or way.

(Amended by vote of Annual Town Meeting, April 1, 1991; approved by Attorney General July 16, 1991)

(3) The number shall be affixed to the front door or as close to the front door as possible.

(4) Where there are multiple houses, buildings, or structures located off the road on private ways, private roads, or private lanes, the numbers shall be placed at the following locations:

(a) The numbers shall be affixed to a post at the entrance to said private way, private road, or private lane.

(b) If the house, building, or structure is so far off the private way causing the numbers to be unidentifiable from the private way, then a post with the numbers affixed thereto shall be placed at the entrance of the driveway leading to the house, building or structure.

(Added by vote of Town Meeting, April 4, 1988; approved by the Attorney General June 10, 1988)

(c) Each new building shall be identified in accordance with this Section before a Certificate of Use and Occupancy is issued therefor.

(Added by vote of Town Meeting, April 1, 1991; approved by the Attorney General, July 16, 1991)

(d) Upon notice of violation, an owner or occupant shall correct such violation within thirty (30) days.

(Added by vote of Town Meeting, April 1, 1991; approved by Attorney General, July 16, 1991. Amended by vote of Town Meeting on October 21, 1996; approved by Attorney General on December 9, 1996)

Section 15. Transfer of Real Estate; Inspection of Sewer System

No person shall cause or permit the transfer of any occupied real property for which the sanitary sewer is available by gravity without first having obtained from the Town a certificate of compliance that the premises are properly connected to the sanitary sewer system and there is no condition which permits the introduction of any groundwater and/or survace water to the public sanitary sewer ("infiltration/inflow conditions"). A person intending to transfer any occupied real property shall request such certificate as part of the lien certificate application process, and the Town shall conduct an inspection and issue a certificate of compliance (or noncompliance) within fourteen days. If an applicant wishes to transfer any real property for which sewer is available, but which is not in compliance either by failure to have connected to the sewer or by failure to have eliminated infiltration/inflow conditions, (s)he shall hold in escrow an amount sufficient to cover the costs for making the required correction(s) based on a detailed and reliable estimate from a licensed plumber or drain layer, and shall file with the lien certificate application a statement from the real estate closing agent that one hundred ten percent

(110%) of the costs of making such corrections shall be held in an escrow account until the Town issues a certificate of compliance. The Board of Selectmen shall establish regulations for the administration and enforcement of this by-law.
(Added by vote of Town Meeting, October 21, 1996; approved by the Attorney General, December 9, 1996)

Former Section 15. "Keeping, Storage, Manufacture or Sale of Flammables, Explosives"
(Deleted by vote of the Annual Town Meeting, April 6, 1992; approved by the Attorney General, June 2, 1992)

Section 16. Town Meeting Approval of Sewer Extensions

No permit for an extension in excess of five hundred lineal (500') feet to be located within a public way or within an easement to be dedicated to the Town for common sanitary sewer and/or other street and/or other utility purposes, shall be approved by the Sewer Commissioners, in any calendar year, unless and until it shall have received approval by the voters assembled at the next town meeting warned within the calendar year following submission of the application for said permit. The provisions of this bylaw shall apply to any extension (regardless where it may be installed) which is in excess of five hundred (500) lineal feet, with the following exception: a private pressure sewer installed on private property, the use of which is restricted to service to a lot which has an on-site disposal works system which has been determined by the Ipswich Board of Health to be in failure.
(Added by vote of the Annual Town Meeting, April 4, 1994; approved by the Attorney General June 9, 1994. Amended by the Annual Town Meeting, April 5, 1999; approved by the Attorney General July 28, 1999)

Former Section 16. "Fees Payable to Sealer of Weights and Measures"
(Deleted by vote of the Annual Town Meeting, April 6, 1992; approved by the Attorney General, June 2, 1992)

Section 17. Maintenance and Repair of Private Ways

(a) When required by public necessity and/or in the interest of public safety, the following types of maintenance and repairs may be performed on approved private ways at a time and in a manner approved by the Board of Selectmen":
   (1) Grading, including the furnishing of gravel, fill, or other materials as required properly to repair the roadway surface;
   (2) Maintenance, repair, or replacement of drainage systems, including piping, culverts, catch basins, and other drainage structures;
   (3) Patching or potholes and heaved areas;
   (4) Crack sealing as required to preserve the integrity of the roadway surface.

(b) In addition, such maintenance and repairs may be undertaken upon receipt of a petition signed by the owners of abutting land whose frontage collectively represents a minimum of fifty-one (51%) percent of the total frontage of the private way. Any maintenance and repair project subject to betterment shall have betterments assessed to all abutting

properties within a range of not less than one-third nor greater than three-fourths of the total project costs.

(c) The annual expenditure of town funds on any individual private way for the above-listed maintenance and repairs shall not exceed five hundred ($500) dollars per mile or any portion thereof for labor and materials. In the event that maintenance and repairs in excess of this amount shall be required, betterment charges shall be assessed to all abutters.

(d) A cash deposit shall not be required prior to undertaking maintenance and repairs subject to betterment under this section.

(e) Neither the town nor its officers or employees shall be liable on account of any damages resulting from such maintenance and repairs having been undertaken.

(f) Private ways subject to the provisions of this Section shall have been opened to public use for six years or more. A complete list of all private ways to which this Section applies shall be compiled by the Town Manager or his designee, which list shall be subject to review and approval by the Board of Selectmen within ninety (90) calendar days of the date of adoption of this by-law and thereafter reviewed annually.

(g) The Board of Selectmen may adopt regulations to implement the provisions of this by-law.

(Section 17 added by vote of Annual Town Meeting April 7, 1997, approved by the Attorney General July 2, 1997)

CHAPTER XVI

PROCEDURE FOR DELAYING THE DEMOLITION OF HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT BUILDINGS

A. Intent and Purpose

The purpose of this section is the preserving and protecting of significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, political, economic, and/or social history of the Town; to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate, or restore such buildings rather than demolish them; and by furthering these purposes, to promote the public welfare, to protect the resources of the Town, and to preserve the Town as an attractive and desirable place in which to live. To achieve these purposes, the Ipswich Historical Commission (the "Commission") is empowered to advise the Building Inspector with respect to the issuance of permits for demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided in this By-Law.

B. Definitions

1. Building - as defined in "SECTION III." of The Protective Zoning By-Law of the Town of Ipswich.
2. Demolition - any act of pulling down, destroying, removing, or razing a building, or any substantial exterior portion thereof, or commencing the work of total or substantial destruction, with the intent of completing the same.
3. Significant Building - any building or portion thereof which:
   a. is in whole or in part seventy-five or more years old;
   b. is listed on, or is within an area listed on, the National Register of Historical Places, or is the subject of a pending application for listing on said National Register;
   c. is protected by a Preservation Agreement with the Commission or the Heritage Trust; or
   d. is determined by a majority of the Commission to be historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect, or builder, or other historically significant person, event or process either by itself or in the context of a group of buildings. The Commission shall make such a determination within ten days of receiving a request, in hand or by certified mail, from the Building Inspector.
4. Preferably-Preserved Significant Building - any significant building which the Commission determines, as provided in Section C, is in the public interest to be preserved or rehabilitated, rather than to be demolished.
5. Commission - the Ipswich Historical Commission.

C. Procedure

1. Upon receipt of an application for a demolition permit, the Building Inspector shall date-stamp the application and forward a copy to the Chairman of the Commission within four days. No demolition permit shall be issued at that time.
2. The Commission shall within ten days of the date of receipt of an application determine whether the building is a significant building. If the building is determined not to be significant, the Commission shall notify the Building Inspector and the owner, in hand or by certified mail, within fourteen days of the date of application, that a demolition permit may be issued.
3. If the Commission determines that the building, for which a demolition permit has been applied, is a significant building, the Chairman of the Commission shall notify the Building Inspector and the owner of the building, in hand or by certified mail, within fourteen days of the date of the receipt of the application for a demolition permit. The demolition permit shall be denied at this time, and the Commission shall advise the owner of the building of the procedure to be followed to determine whether a permit to demolish a significant building may be issued.
4. Before approval or disapproval of the application for the demolition of a significant building, a public hearing shall be held by the Commission, within forty-five days of the submission of the application. Notice of the time and place of such hearing shall be given by the Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Ipswich, once in each of two successive weeks, the first publication being not less than fourteen days before the day of the hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon and/or within 300 feet of the lot on which the significant building is located, as appearing in the most recent tax list.
5. If, after such hearing, the Commission determines that the demolition of the significant building would not be detrimental to the historical or architectural heritage or resources of the Town or is an imminent threat to public health and safety, the Commission shall so notify the Building Inspector and the owner, in hand or by certified mail, within twenty-one days after the public hearing. Upon receipt of such notification, or after the expiration of twenty-one days from the conduct of the hearing, if the Building Inspector and the owner have not received notification from the commission, the Building Inspector may, subject to the requirements of the state building code and other applicable laws, by-laws, rules and regulations, issue the demolition permit.
6. If the Commission determines that the demolition of the significant building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a preferably-preserved significant building. In making such a determination, the Commission may consider any hardships associated with the property.
7. Upon such determination by the Commission, the Commission shall so advise the applicant and the Building Inspector, in hand or by certified mail, within twenty-

one days of the conduct of the hearing, and no demolition permit may be issued until twelve months after the date of such determination by the Commission, except under the conditions of paragraph 8 of this subsection. {Amended by Annual Town Meeting April 5, 2004; approved by Attorney General May 3, 2004]

8. Notwithstanding the preceding sentence, the Building Inspector may issue a demolition permit for a preferably-preserved significant building after receipt of written advice from the Commission to the effect that either:
   (a) the Commission is satisfied at any time after the conduct of the hearing that there is no reasonable likelihood either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building; or
   (b) the Commission is satisfied that, for at least six months, the owner has made continuing, bona fide, and reasonable efforts to locate a purchaser to preserve, rehabilitate, and restore the subject building, and that such efforts have been unsuccessful. These efforts would include listing the building with a realtor or realtors for the six months, advertising in local general circulation newspapers, and advertising in one Boston general circulation newspaper.

D. Enforcement and Remedies

1. The Commission and/or the Building Inspector are each authorized to institute any and all proceedings, in law or equity, as either deems necessary and/or appropriate to obtain compliance with the requirements of this By-Law, and/or to prevent any violation thereof.
2. No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this By-Law for a period of two years after the date of the completion of such demolition as determined by the Building Inspector and documented in a letter to the Commission. As used herein, “premises” includes the parcel of land upon which the demolished significant building was located.
3. Upon a determination by the Commission that a building is a preferably-preserved significant building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail so to secure the building, and as a result, such building is lost through fire or other cause, this shall be considered voluntary demolition for the purposes of Section 2.

E. Ordinary Maintenance

Nothing in this By-Law shall be construed to prevent the demolition of those portions of significant buildings which are not in themselves significant. In such cases, the Historical Commission shall notify the Building Inspector within fourteen days of the date of application that a demolition permit may be issued.

F. Portions of Significant Buildings

Nothing in this By-Law shall be construed to prevent the demolition of those portions of significant buildings which are not in themselves significant. In such cases, the Historical Commission shall notify the Building Inspector within fourteen days of the date of application that a demolition permit may be issued.

G. Severability

If any section, paragraph, or part of this By-Law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

(Approved at the April 6, 1987, Annual Town Meeting; approved by Attorney General August 24, 1987)

CHAPTER XVII

NONCRIMINAL DISPOSITION OF CERTAIN VIOLATIONS

Section 1. Authority

In accordance with the provisions of Massachusetts General Law, Chapter 40, Section 21D, as amended, certain violations of the following listed By-Laws, rules, and/or regulations of Town officials, boards and/or departments may be enforced pursuant to said Section 21D, as an alternative to initiating criminal proceedings.

Section 2. Enforcement

Noncriminal Disposition, when implemented, shall be enforced by the person(s) so designated in Section 4 below. The procedures for enforcement shall be in accordance with the provisions of Chapter 40, Section 21D.

Section 3. Penalties

The specific penalties for violation(s) of the applicable By-Laws, rules or regulations shall be as listed in Section 4 below.

Section 4. Applicable By-Laws, Rules, or Regulations:
Subsection A. Zoning By-Law

Notwithstanding the enforcement and penalties prescribed in the Protective Zoning By-Law 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 by noncriminal complaint. Each day of violation shall constitute a separate offense. No enforcement under this section shall be authorized until the enforcing officer has mailed by certified mail or delivered in hand to the offender a written notice of violation and thirty (30) days have expired from the date of mailing or delivery and no appeal pursuant to Chapter 40A has been timely filed, or, if an appeal has been filed, final determination has been made favorable to the Town. The penalty for violation(s) shall be as follows:

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) to Three Hundred Dollars ($300.00)

(Adopted at Town Meeting on April 3, 1989; Attorney General approval June 13, 1989)
[Ed. note: Changed to read XVII.)

Subsection B. General By-Laws

Notwithstanding the enforcement and penalties prescribed elsewhere in the General By-Laws of the Town of Ipswich and the provisions of Massachusetts General Laws Chapter 40, Section 21, the provisions of the following General By-Laws may be enforced by the designated official(s) and/or Board(s)/Commission(s) by noncriminal complaint. Except as specified hereinbelow, each day of violation shall constitute a separate offense. No enforcement under this subsection shall be authorized until the enforcing official and/or Board/Commission has mailed by certified mail or delivered in hand to the offender a written notice of violation and thirty (30) days have expired from the date of mailing or delivery and no appeal to a court of competent jurisdiction has been timely filed, and/or final determination has been made favorable to the Town. The penalty for violations shall be as follows:

Chapter XII.	Use of Streets, Sidewalks, and Public Places (Police)	50.00
Chapter XIII.	Use of Town Property (Police)	50.00
Chapter XIV.	Occupational Licenses (Police)	50.00
Chapter XV.	Miscellaneous Provisions for Public Safety and Order	
	1. Disorderly Behavior (Police)	50.00
	2. Discharge of Firearms (Police)	50.00
	3. Peeping Tom (Police)	50.00
	4. Advertising on Property of Others (Building Inspector)	50.00
	5. Disposal of Rubbish (Health Agent)	
	a. First offense	50.00
	b. Second and subsequent offense	200.00
	6. Taking of Seaweed (Shellfish Constable, Harbormaster)	50.00
	7. Sewer Tie-ins (Health Agent)	50.00
	8. Subsurface Storage of Materials (Fire Chief, Director of Utilities)	
	a. First offense	50.00
	b. Second and subsequent offense	200.00
	9. Mandatory Metering of Non-Seasonal Water Services (Director of Utilities)	50.00
	10. Public Water Use Restrictions and Restraint (Director of Utilities)	50.00
	11. Street Numbering (Fire Chief)	
	a. First offense	Warning
	b. Second and subsequent offense (Each thirty-day period shall constitute a separate offense)	50.00

Chapter XVI.	Demolition Delay (Historical Commission)	50.00

(Added by October 17, 1992, Special Town Meeting; approved by Attorney General January 11, 1993; Amended by vote of Town Meeting on October 21, 1996; approved by Attorney General on December 9, 1996)

Subsection C. Rules and Regulations.

Notwithstanding the enforcement and penalties prescribed elsewhere in the General By-Laws of the Town of Ipswich and the provisions of Massachusetts General Laws Chapter 40, Section 21, the provisions of the following Rules and Regulations of the Town of Ipswich may be enforced by the designated official(s) and/or Board(s)/Commission(s) by noncriminal complaint. Except as specified hereinbelow, each day of violation shall constitute a separate offense. No enforcement under this subsection shall be authorized until the enforcing official and/or Board/Commission has mailed by certified mail or delivered in hand to the offender a written notice of violation and thirty (30) days have expired from the date of mailing or delivery and no appeal to a court of competent jurisdiction has been timely filed, and/or final determination has been made favorable to the Town. The penalty for violations shall be as follows:

Shellfish Rules and Regulations (Shellfish Constable, Police)	50.00
(Added by October 17, 1992, Special Town Meeting; approved by Attorney General January 11, 1993)	
State Sanitary Code (Board of Health Agent)	50.00
Rules and Regulations and/or Enforcement Order of the Board of Health (Board of Health Agent)	50.00
State Building Code (Building Inspector)	50.00
Enforcement Order (Building Inspector)	50.00
State Fire Prevention Code (Fire Division)	50.00
Automatic Amusement Devices Licensing Regulations (Police Division)	50.00
Carnival License Regulations (Fire Division)	50.00
Parklands Regulations (Police Division)	50.00
Sewer Regulations (Utilities Department)	100.00
Street Openings (Public Works Department)	100.00
Regulations on Use of Town Land (Police Department)	50.00
Trash Collection Regulations (Public Works Department)	50.00
Water Rules and Regulations (Utilities Department)	100.00
Civil Infractions under Massachusetts General Laws, Chapter 90G Section 1: as set forth in G.L. c. 90G, s. 2	
Blocking of Streets and Sidewalks with Snow and Ice Prohibited (Police Division)	50.00
(Added by vote of October 18, 1993, Special Town Meeting; approved by Attorney General on February 3, 1994)	
Regulations on Parking of Vehicles on Town Property (Town Manager)	50.00
(Added by vote of October 16, 2000, Special Town Meeting, approved by Attorney General on October 20, 2000)	

CHAPTER XVIII

IPSWICH WETLANDS PROTECTION BY-LAW

SECTION 1. PURPOSE

The purpose of this By-Law is to protect the wetlands, flood plains, water resources, and adjoining land areas in the Town of Ipswich by prior review and control of activities deemed by the Conservation Commission ("The Commission") likely to have a significant or cumulative effect on wetland values, including but not limited to the following:

Public or private water supply
Flood control
Erosion or sedimentation control
Storm damage prevention
Water quality
Water pollution prevention
Fisheries
Land containing shellfish
Wildlife habitat

(collectively, the "interest protected by this By-Law").

SECTION 2. JURISDICTION

Except as permitted by the Conservation Commission or as provided in this By-Law, no person shall remove soil or vegetation from, fill, dredge. build upon, discharge into, or alter the following Resource Areas:

Coastal wetlands,
Freshwater wetlands,
Bank, beach, dune, marsh, meadow, swamp, or flat bordering on a water body;
or land within 100 feet of these resource areas;
or land under a water body;
or land subject to flooding, tidal action or coastal storm flowage;
or vernal pools within a wetland resource area;
or land within 150 feet of the Parker River/Essex Bay Area of Critical Environmental Concern.

In any case where (i) a project or activity exceeds the review threshold contained in Section 5 of Chapter XIX (Stormwater Management) of the General Bylaws as may be amended, (ii) the project or activity does not require Site Plan Review, Definitive Subdivision or Special Permit Approval from the Planning Board, and (iii) only a portion of that project or activity occurs within the above Resource Areas, the entire project or activity shall be subject to the requirements of Section 2. V.E "Stormwater Management" of the Rules and Regulations adopted pursuant to this By-Law as they may be amended from time to time. When acting thereunder, the Conservation Commission shall consult with the Department of Public Works regarding any proposed action. Otherwise any activity proposed or undertaken outside the above

areas is not subject to regulation under this By-Law and does not require the filing of a permit application unless and until that activity actually alters any of the said resource areas. (Amended by vote Special Town Meeting October 26, 2010, approved by Attorney General February 24, 2011)

In the event that the commission determines that such activity has in fact altered a Resource Area as identified in this By-Law, it shall impose such conditions on the activity or any portion thereof as it deems necessary to contribute to the protection of the interests identified in this By-Law.

SECTION 3. DEFINITIONS, EXEMPTIONS, TIME FRAMES, REQUIREMENTS, AND PERFORMANCE STANDARDS

Except as otherwise provided in this By-Law or regulations of the Commission, the definitions of terms, exemptions, limited projects, performance standards, time frames, and requirements in this By-Law shall be as set forth in the Wetlands Protection Act, MGL Chapter 131, Section 40, and in 310 CMR 10.00 ("the State regulations") as may be amended from time to time. The following definitions shall apply in the interpretation and implementation of this By-Law:

The term "Fresh Water 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 vegitational community, soil composition or hydrologic regime. A wetland not bordering on a body of water and not exceeding 5000 square feet shall not be subject to protection under this By-Law.

The term "water body" shall mean any creek, ocean or land subject to tidal action, lake, pond, river, estuary, or stream, whether intermittent or not, man-made or natural.

The term "Land Subject to Flooding" shall mean all land subject to inundation by ground or surface water, including land within the 100 year floodplain, isolated land subject to flooding, and bordering land subject to flooding as defined in the State regulations.

The term "Flood Plain" shall mean Bordering land subject to flooding as defined by 31-CMR 10.57 (2)(a) as may be amended from time to time.

The term "Parker River/Essex Bay Area of Critical Environmental Concern" shall include that portion of the state-approved Parker River/Essex Bay ACEC identified in the publication entitled Coastal Areas of Critical Concern prepared by the Massachusetts Coastal Zone Management office, revised August 1989, and as further shown on a map entitled Parker River/Essex Bay, Area of Critical Environmental Concern, scale 1" = 1/4 mile, prepared by the Office of Coastal Zone Management as an enlarged composite of four maps from the United States Geological Service.

The term "vernal pool" shall mean any vernal pool certified by the Massachusetts Division of Fisheries and Wildlife in accordance with 310 CMR 10.57.

The term "alter" shall mean to change the condition of any area subject to protection under this By-Law. Examples of alterations include, but are not limited to the following:

a) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
b) Changing of pre-existing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
c) Drainage or other disturbances 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 alter elevation;
f) Driving of piles, erection or repair of buildings, or structures of any kind;
g) Placing of obstructions or other dam-like structures in water;
h) Destruction of plant life including cutting of more than five mature trees;
i) Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water;
j) Any activities, changes or work which may cause or tend to contribute to pollution of any resource area under the jurisdiction of the Commission;
k) Application of pesticides and/or herbicides.

SECTION 4. FILING PROCEDURE

A permit application ("Application" or "Notice"), which may be identical in form to a Notice of Intent, as required pursuant to MGL Chapter 131 Section 40, shall, at a minimum, have the same content as that required by "Notice of Intent." The application shall include such plans as may be necessary to describe the boundaries of wetland resource areas, the proposed activity, and its effects and potential impacts upon the ability of the resource area to protect the interests identified in this By-Law. No work shall begin until the permit, which may be the same as the Order of Conditions issued under MGL Chapter 131 Section 40 has been issued, all appeal periods have expired, and said permit has been recorded with the Registry of Deeds or Land Court, in accordance with Section 18 of this By-Law.

The application shall be sent by certified mail, return receipt, or hand delivered to the Ipswich Conservation Commission at the Town Hall, or in its absence, to the Town Clerk. No such application shall be sent before all permits, variances, and approvals, except a building permit, required by local by-law with respect to the proposed activity have been obtained except that such notice may be filed, at the option of the applicant, after the filing of an application or applications for said permit, variances, and approvals; provided that such notice shall include any information submitted in connection with such permits, variances, and approvals which is necessary to describe the effect of the proposed activity on the interests protected by this By-Law.

The Commission is authorized to require the applicant to pay the reasonable costs and expenses borne by the Commission for reasonable expert engineering and consultant services deemed desirable by the Commission to review the Notice of Intent and/or the Request for Determination of Applicability. Said payment can be required at any time in the deliberations prior to a final decision being rendered. Said services may include, but are not limited to, wetland resource area

surveys and delineations, wetland resource area reports, hydrogeological and drainage analysis, wildlife evaluations, shellfish surveys, and environmental/land use law.
The Commission is authorized to require said fee when the Notice of Intent and/or Request for Determination of applicability proposes any of the following: alteration of 500 square feet or more of a coastal or inland wetland resource area; 50 linear feet or greater of bank alteration to an inland or coastal waterway; 500 square feet or greater alteration to the buffer zone; alteration of greater than 500 square feet of land under a water body or the ocean discharge of any pollutants into or contributing to surface or groundwater or the wetland resource area or buffer zone; and/or the construction of any detention or retention basin or water control structure.

Said fee shall be paid by the applicant to the Town of Ipswich into a professional service appropriation account of the Ipswich Conservation Commission set up for this purpose which may be drawn upon by the Commission for services approved by the Commission at a public hearing. Any unused portion of said fee shall be returned by the Commission to the applicant within forty-five (45) calendar days of written request by the applicant, unless the Commission decides in a public meeting that other action is not necessary. Any applicant aggrieved by the imposition of, or the size of, the fee, or any act related thereto, may appeal according to the provisions of Massachusetts General Laws.
(Last three paragraphs of Section 4 voted by Town Meeting October 22, 1990; approved by Attorney General January 14, 1991.)

The Commission may establish and amend an application fee schedule in addition to that authorized in the third, fourth and fifth paragraphs of this Section, to defray the reasonable expenses incurred by the staff of the Commission in its review and processing of applications filed under the provisions of this By-Law. Application fees collected pursuant to this paragraph shall be deposited in the general fund of the Town as unrestricted receipts.
(Added by vote of October 17, 1994, Special Town Meeting; approved by Attorney General December 6, 1994.)

SECTION 5. ENTRY UPON PRIVATE PROPERTY; ENFORCEMENT

The Commission, its agents, officers and employees may enter upon privately owned land to perform their duties under this By-Law and make or cause to be made such examinations, surveys or samplings as the Commission deems necessary.

SECTION 6. REQUEST TO DETERMINE IF BY-LAW APPLIES

An applicant may submit a written request to the Commission for a determination of the applicability of this By-Law to any land or work thereon. Upon receipt of said request, the Commission shall, within twenty-one (21) calendar days, make a written determination as to whether this By-Law is applicable to land or work as described by plans submitted with the request, unless an extension is authorized in writing by the applicant.

SECTION 7. HEARING

When an application for a permit as provided in Section (4) has been submitted to the Commission, a public hearing on said application shall be scheduled by the Commission within twenty-one (21) calendar days of the date of submission as determined by the date of receipt, unless an extension is requested or authorized in writing by the applicant. Notice of the time and place of such hearing and of the subject matter, sufficient for the identification, shall be given by the Commission (at the expense of the applicant) by advertisement in a newspaper of general circulation in Ipswich at least five (5) business days prior to the date of such hearing.

SECTION 8. BURDEN OF PROOF

The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not adversely affect the interests protected by this By-Law. The Commission may, if a majority of its members deem it necessary in order to make a decision before issuing a permit, require that the applicant provide an engineering, hydrogeological, botanical, or other study. No engineering, hydrogeological, botanical, or other study shall commence until such time as the applicant has agreed, in writing, to the specified study. The costs of such studies are to be borne by the applicant. Selection of a consultant to perform a required study shall be subject to the approval of the Commission. Said approval shall be based on the experience, qualifications and credentials of the consultant and shall not be unreasonably withheld.

Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not adversely affect the interests protected by this By-Law shall be sufficient cause for the Commission to deny a permit, or to grant a permit with conditions, or in the Commission's discretion to continue the hearing to another date to enable the applicant or others to present additional evidence. The Commission and the applicant may also mutually agree to continue the hearing.

SECTION 9. PERMITS AND CONDITIONS

The Commission shall issue a permit to the applicant or, if in the opinion of the Commission the proposed work described in the application may adversely affect the interests protected by this By-Law, deny such permit within twenty-one (21) calendar days after the conclusion of the public hearing or such further time as may be agreed upon at the written request of the applicant. The Commission shall set forth in what manner the interests of this By-Law are affected in the permit or denial. The Commission may impose such conditions as it determines are reasonable to protect those interests. All work shall conform to the conditions set forth in the permit.

In the event of a denial of an application, the Commission shall set forth in detail the reasons for the denial. The Commission shall then file its decision with the Town Clerk, a copy of which shall be recorded in a book kept for the purpose, and shall send notice of such action to the applicant by certified mail, return receipt requested, to the address stated on the application.

Permits shall expire three years from the date of issuance. An applicant may apply for an extension before thirty (30) calendar days prior to the expiration of the permit or extension and the Commission may grant extensions for one or more periods of up to three years each. Notice of any extensions of time granted an applicant shall be filed with the Town Clerk.

SECTION 10. AMENDMENTS TO PERMITS

The conditions contained in the permit issued under the provisions of Section 9 may be amended by the Commission with the consent of the applicant. Amendments that may be approved by the Commission shall be limited to the following:

1. Amendments by deletion provided that such deletions do not derogate the intent and purpose of the permit conditions.
2. Perfecting amendments, inclusive of, but not limited to, the correction of typographical errors, and errors of reference.
3. Amendments that alter the scope but not the intent of the particular condition being amended.
4. Other amendments approved following notice and a public hearing.

The Commission shall not approve any amendments to conditions contained in permits for work that has been completed in accordance with the provisions contained in the original permit.

For good cause, the Commission may revoke or modify a permit issued under this By-Law, after notice to the holder of the permit, notice to the public, and a public hearing.

SECTION 11. APPEALS

Any aggrieved party may appeal the action or inaction of the Commission. Appeals may be taken as provided by MGL Chapter 249 Section 4 as may be amended.

SECTION 12. EMERGENCY PROJECTS

The notice provisions of this By-Law shall not apply to emergency projects initiated by the Town of Ipswich or other governmental Boards, Agencies, or Commissions necessary for the immediate protection of public health, safety and welfare of the citizens of Ipswich. However, the Commission shall be notified within 24 hours of the commencement of such projects. In the absence of members of the Commission, notification may be made to the Board of Selectmen, Town Manager, or Board of Health. A certificate of emergency condition shall be filed with the Commission by the Board, Town Manager, Agency, or Commission which authorized the project, within fourteen (14) days after the initiation of work, and a copy thereof shall be recorded by the Town Clerk.

SECTION 13. PRE-ACQUISITION VIOLATION

Any person who purchases, inherits, or otherwise acquires real estate upon which work has been done in violation of the provisions of this By-Law, or in violation of any order issued pursuant to

this By-Law, shall forthwith comply with an order to restore such real estate to its condition prior to any such violations or to comply with conditions determined by the Commission if restoration is impractical. No action by the Town of Ipswich, civil or criminal, shall be brought against such person unless commenced within three years of the acquisition of the real estate.

SECTION 14. RULES AND REGULATIONS

After due notice and public hearing, the Commission may promulgate regulations and procedures for compliance with this By-Law, a copy of which shall be filed with the Town Clerk. Failure by the Commission to promulgate such procedures or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effects of this By-Law.

SECTION 15. SEVERABILITY

The invalidity of any section or provision of this By-Law shall not invalidate any other section, nor shall it invalidate any permit or determination which previously had been issued.

SECTION 16. SECURITY

As part of a permit issued under this By-Law, in addition to any security required by any other municipal 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 and which have been approved by Town Counsel:

a) By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the reasonable judgment of the Commission;
b) By a conservation restriction, easement or other covenant enforceable in a court of law executed and duly recorded by the owner of record, running with the land to the benefit of this municipality or its inhabitants whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage.

SECTION 17. ENFORCEMENT

The Commission shall have authority to enforce this By-Law, its regulations, and permits issued thereunder by violation notices, enforcement orders, and civil or criminal court actions.

Upon request of the Commission, the Board of Selectmen and the Town Counsel may 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.

In addition to the duties previously set forth in this By-Law, the Commission, its agents, officers and employees, and any officer with police powers may issue enforcement orders directing compliance with this By-Law and may undertake any other enforcement action authorized by law. Enforcement orders issued or ratified by a majority of the Commission may be recorded in the Registry of Deeds if voted by the Commission. Any person who violates the provisions of

this By-Law may be ordered to restore property to its original condition and take other actions deemed necessary to remedy such violations.

No person shall remove, fill, dredge or alter any area subject to protection under this By-Law without the required authorization, 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 an enforcement order issued pursuant to this By-Law. Each day such violation continues shall constitute a separate offense except that any person who fails to remove unauthorized fill or otherwise fails to restore illegally altered land to its original condition after giving written notification of said violation to the Conservation Commission and the Department of Environmental Protection (the "Department") shall not be subject to additional penalties unless said person thereafter fails to comply with an enforcement order or order of conditions.

a) Criminal Complaint
Whoever violates any provision of the Ipswich Wetlands Protection By-Law, regulations thereunder, or permits issued thereunder may be subject to indictment or complaint brought in District Court. Except as may otherwise be provided by law, and as the District Court may see fit to impose, the maximum penalty for any violation of these provisions shall be $300.00 for each offense. Each day on which any violation exists shall be deemed to be a separate offense.

b) Non-Criminal Disposition
In addition to the procedure set forth in (a), the provisions of the Ipswich Wetlands Protection By-Law may also be enforced by the Conservation Administrator or by a police officer of the Town, by a non-criminal complaint pursuant to the provisions of G.L. c. 40, Section 21D. Each day on which any violation continues to exist shall be deemed to be a separate offense.

The penalties for violation of any provision of the Ipswich Wetlands Protection By-Law shall be as follows:

	Buffer Zone	Wetlands Resource Area	Noncompliance With an Order of Conditions or Enforcement Order
1st Offense	$25.00	$50.00	$75.00
2nd Offense	$50.00	$150.00	$200.00
3rd Offense and any subsequent	$300.00	$300.00	$300.00

SECTION 18. RECORDING OF PERMITS AND ADJUSTMENTS THERETO

Prior to the commencement of work subject to any permit issued under the provision of Section 9 and any amendment thereof approved under the provisions of Section 10, the permits and amendments thereto shall be recorded with the Essex County Registry of Deeds, or in the event

that the permit has been issued for work on registered land, with the Land Court of the Commonwealth. A copy of the recorded permit shall be submitted to the Commission within twenty-one days of such recording.

SECTION 19. EFFECTIVE DATE

This By-Law shall not apply to those projects and activities for which a Notice of Intent has been filed on or before August 15, 1990, and for which a Final Order of Conditions is ultimately issued by the Commission or the Department of Environmental Protection and to those projects for which an Order of Conditions is issued approving the project on or before September 1, 1990. The By-Law shall apply to all other projects and activities.

This By-Law shall not apply to those projects or activities which are exempt from the provisions of the Wetlands Protection Act, Massachusetts General Laws, Chapter 131, Section 40, as amended, and 310 CMR 10.00, as amended.

(This By-Law was adopted at the Annual Town Meeting held on Tuesday, April 3, 1990; approved by the Attorney General on June 14, 1990; (Amended at Annual Town Meeting May 11, 2010, Approved by Attorney General June 3, 2010)

CHAPTER XIX. STORMWATER MANAGEMENT

SECTION 1. INTRODUCTION

The harmful impacts of contaminated stormwater runoff, increased peak flows and volumes of runoff, decreased groundwater replenishment, and erosion and sedimentation are:

impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination and loss of drinking water supplies; alteration or destruction of aquatic and wildlife habitat controlling discharges to the municipal storm drain system and to waters of the Commonwealth in the Town of Ipswich; and economic loss and structural damage caused by flooding.

This Bylaw establishes minimum requirements and procedures to control the adverse effects of increased stormwater runoff and nonpoint source pollution associated with new development and redevelopment. This Bylaw also prohibits non-storm-water discharges into the municipal storm drain system and waters of the Commonwealth in Ipswich, except as exempted under Section 6 of this Bylaw.

SECTION 2. PURPOSE

A. The purpose of this Bylaw is to protect, maintain, and enhance the public health, safety, water supply, environment, and general welfare by controlling discharges to the municipal storm drain system and to waters of the Commonwealth in the Town of Ipswich. This Bylaw establishes minimum requirements and procedures to control the adverse effects of increased stormwater runoff and nonpoint source pollution associated with new development and redevelopment. This Bylaw also prohibits non-stormwater discharges into the municipal storm drain system and waters of the Commonwealth in Ipswich, except as exempted under Section 6 of this Bylaw. This Bylaw seeks to meet that purpose through the following objectives:

a) Minimize damage to public and private property and infrastructure;
b) Safeguard the public health, safety, environment, and general welfare of the public;
c) Protect water resources and prevent contamination of drinking water supplies;
d) Require practices that eliminate soil erosion and sedimentation on construction sites;
e) Require practices that control the volume and rate of stormwater runoff resulting from land disturbance activities;
f) Promote infiltration of water into the ground and mimic natural hydrologic conditions;
g) Maintain the natural hydrologic regime in streams, rivers, wetlands, ponds, and groundwater;
h) Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
i) Require practices to control waste at construction sites, such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste, which may cause adverse impacts to water quality;
j) Comply with state and federal statutes and regulations relating to stormwater discharges; and

k) Establish the Town of Ipswich's legal authority and capacity to ensure compliance with the provisions of this Bylaw through funding, permitting, inspection, monitoring and enforcement. B. This Bylaw and the regulations, criteria, policies, and guidance adopted or promulgated pursuant to this Bylaw, and any town stormwater management funding mechanism created pursuant to this Bylaw, form an integral part of the Stormwater Management Program for the Town of Ipswich. This Bylaw is intended to meet certain provisions of the Town's requirements to comply with the Clean Water Act under the National Pollutant Discharge Elimination System (NPDES) Regulations for the Revisions of the Water Pollution Control Program Addressing Storm Water Discharges (Phase I and II Rules).

l) **SECTION 3. DEFINITIONS**

For the purposes of this Bylaw, the following shall mean:

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.

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any person requesting authorization to connect to the Ipswich Municipal Separate Storm Sewer System (I MS4) or for a proposed land-disturbance activity.

BEST MANAGEMENT PRACTICE (BMP): A best reasonably available activity, procedure, restraint, or structural improvement that significantly reduces the quantity and/or improves the quality of stormwater runoff.

BETTER SITE DESIGN: Site design approaches and techniques that can reduce a site's impact on watersheds and water resources through the use of nonstructural stormwater water management practices. Better site design includes (without limitation) conserving and protecting natural areas and green space, 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.

CONNECTION and DISCHARGE PERMIT: Written authorization by the Permitting Authority pursuant to Sections 5B and 7 for the construction and/or maintenance of a direct connection to the I MS4 of a discharge of storm water and of non-storm water from a sump pump or other source of collected stormwater. The Permit shall be for the purposes of protecting and ensuring the integrity and proper operation of the I MS4 and preventing pollution of the waters of the Commonwealth.

CONSTRUCTION PHASE: The period of time during which a site is under construction, from the initial alteration of the existing conditions to the completion of all site alteration, including installation of any utilities, roadways, driveways, and buildings, and all changes in vegetative cover.

DISCHARGE OF POLLUTANTS: The addition of any pollutant or combination of pollutants into the Ipswich MS4 or into the waters of the United States or Commonwealth.

DEVELOPMENT: Any modification of land to accommodate a new use or expansion of use, usually involving construction.

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.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified Registered Professional Engineer (PE) which includes best management practices or equivalent measures designed to control surface runoff, erosion and sedimentation, reduce pollution and improve recharge of groundwater during pre-construction and construction related land disturbance activities.

GROUNDWATER: Water beneath the surface of the ground and not confined in a conduit or container.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance which allows an illicit discharge into the Ipswich storm drain system, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this Bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the Ipswich storm drain system that is not composed entirely of stormwater, including without limitation sewage, process wastewater, or wash water, except as exempted in Section 6 of this Bylaw or in implementing regulations. The term does not include a discharge in compliance with an NPDES Discharge Permit or resulting from fire fighting activities.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious surface includes without limitation roofs, paved roads, driveways, parking lots and other paved areas.

INFILTRATION: Replenishing groundwater through recharge or seepage of precipitation or stormwater runoff.

IPSWICH MUNICIPAL SEPARATE STORM SEWER SYSTEM (I MS4) or 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, 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 Ipswich.

LAND-DISTURBING ACTIVITY and/or LAND DISTURBANCE: Any activity that causes a change in the position, elevation or location of soil, sand, rock, gravel, or similar earth material or that removes vegetative cover from the land.

LOW IMPACT DEVELOPMENT (LID): An approach to environmentally friendly land use planning and stormwater management that includes a suite of landscaping and design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques typically preserve natural drainage characteristics and/or capture water on site, filter it through vegetation, and let it soak into the ground where it can recharge the local water table rather than becoming surface runoff.

MASSACHUSETTS HIGHWAY DEPARTMENT MUNICIPAL SEPARATE STORM SEWER SYSTEM or STORM DRAIN SYSTEM (MHD MS4): 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, man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Massachusetts Highway Department within the boundaries of the Town of Ipswich.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS: The Standards are issued by the MA Department of Environmental Protection, as amended, under state regulations 310 CMR 10.00 and 314 CMR 9.00 The Standards address stormwater impacts through implementation of a set of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity and peak flows of runoff from a site.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of stormwater to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

PERMITTING AUTHORITY: For the implementation of all actions and procedures authorized by the Bylaw, the Board of Selectmen or their designees(s), provided that the designee(s) shall not be the permittee and provided further that the authority granted by Section 7 (H) may not be delegated.

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.

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 municipal storm drain system or waters of the Commonwealth.

POLLUTION: The presence in the environment of pollutants in quantities or characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property through such areas as may be affected thereby.

PRE-DEVELOPMENT CONDITIONS: The conditions that exist on a site at the time that plans for the site or land are submitted to the town, to the extent that such conditions are the result of natural processes and/or legally authorized activities. Where development is constructed or permitted in phases, the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

POST-DEVELOPMENT CONDITIONS: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

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. Process wastewater includes water which has increased in temperature as a result of manufacturing or other processes.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil, or by injection of collected precipitation, run off or adequately treated wastewater.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

SEDIMENT: Mineral or organic soil material that is transported by gravity, wind and/or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

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

SOIL: Any aggregated particles of earth, clay, sand, rock, gravel, or similar material.

STORMWATER/RUNOFF: Rainwater, snowmelt and/or other water that flows off impervious surfaces and across or over the ground surface rather than being absorbed into the soil.
STORMWATER MANAGEMENT: The planning, design, construction, regulation, improvement, repair, maintenance and operation of facilities and programs designed to protect water quality, flood plains, flood control, grading, infiltration, erosion and sediment control.

STORMWATER MANAGEMENT PERMIT: Written authorization by the Permitting Authority pursuant to Sections 5A and 7 for stormwater management at and for construction/development sites during and subsequent to alteration and construction.

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 M.G.L. Ch.21C and Ch.21E, and the Massachusetts DEP Regulations at 310 CMR 30.000 and 310 CMR 40.000.

USER: The owner of record of a property subject to the stormwater user fee.

WATERCOURSE: A natural or man-made channel through which water flows, or a stream of water, including, without limitation, a river, brook, or conduit.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, septage, or septic tank or cesspool contents or discharge, and/or process wastewater.

WETLANDS: Any bank, riverfront area, freshwater wetland, coastal wetland, beach, dune, flat, marsh, meadow or swamp bordering on the ocean or on any estuary, creek, river, stream, pond, or lake, or any land under said waters or any land subject to tidal action, coastal storm flowage, or flooding.

SECTION 4. AUTHORITY

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

SECTION 5. APPLICABILITY

A. No person may undertake any alteration of drainage characteristics, which alteration may include, without limitation, clearing, grading, and excavation that will result in a land disturbance exceeding an area of 10,000 square feet, or more than 50% of a parcel or lot, whichever is less, without a Storm Water Management Permit from the Permitting Authority; except for an activity which requires Site Plan Review, Definitive Subdivision Approval, or a Special Permit from the Planning Board, or which requires an Order of Conditions from the Conservation Commission.

B. No person may create or maintain a direct connection or discharge to the MS4 without a Connection and Discharge Permit from the Permitting Authority.

C. Section 5 shall take effect on July 1, 2009.

SECTION 6. EXEMPTIONS and WAIVERS

A. Exemptions

Exemptions from this Bylaw apply to the following activities, provided that a project is solely comprised of any one of these activities:

a) As authorized in the NPDES General Permit for Stormwater Discharges from Small MS4s for Massachusetts, activities identified in Section 5A that are subject to jurisdiction under the Wetlands Protection Act and/or the Ipswich Wetlands Protection Bylaw.

b) Activities identified in Section 5A that require Site Plan Review, Definitive Subdivision or Special Permit Approval from the Planning Board.
c) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.
d) Activities identified in section 5 that are subject to the current Massachusetts Highway Department Drainage Connection Policy; provided that no interagency agreement between the MHD and the Town has been executed providing for Town jurisdiction over drainage tie-in permits subject to the MHD Drainage Connection Policy.
e) Construction of any fence that will not alter existing terrain or drainage patterns.
f) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling.
g) Construction of patios, walkways, driveways and swimming pools, where the cumulative area of such construction on the lot subsequent to passage of this Bylaw is less than 10,000 square feet or less than 50% of the lot area, whichever is less.
h) Replacement of existing wells or septic system on lots having an existing dwelling, with use of BMPs to prevent erosion, sedimentation and release of pollutants.
i) 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, so long as BMPs are used to prevent erosion, sedimentation and release of pollutants..
j) Emergency repairs to any existing utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) and emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, designated by the Permitting 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.
k) Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.04.
l) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site.

B. Allowable Non-Storm Water Discharges

The following non-storm water discharges do not require a Connection and Discharge Permit if they will not be directly connected to or discharging to the MS4 via a pipe, hose or other direct conveyance system, or if the Permitting Authority determines that such a discharge will not likely contribute pollutants to the MS4.

a) Any discharges associated with municipal fire fighting activities (See Note 1);
b) water line flushing;
c) diverted stream flows;
d) rising ground waters;
e) uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
f) uncontaminated pumped ground water (See Note 2);

g) discharge from potable water sources;
h) foundation and footing drains;
i) air conditioning condensation;
j) individual resident car washing;
k) flows from riparian habitats, springs, and wetlands;
l) de-chlorinated swimming pool discharges; and
m) Residential building wash waters, without detergents.

(Note 1) Discharges or flows from fire fighting activities occur during emergency situations. The permittee is not expected to evaluate fire fighting discharges with regard to pollutant contributions. Therefore, these discharges are authorized as allowable non-storm water discharges, unless identified by the United States Environmental Protection Agency as significant sources of pollutants to Waters of the United States.

(Note 2) Discharges from pumps or other devices evacuating ground water from beneath basement floors and crawl spaces of residential buildings ("sump pumps") do not require a Connection and Discharge Permit; except in cases of releases of oils or hazardous materials within or into such basements or crawl spaces, or if the Permitting Authority determines that such a discharge will likely contribute pollutants to the MS4.

C. Waivers

The Permitting Authority may waive strict compliance with any requirement of Sections 5 and 7 of this Bylaw or the rules and regulations promulgated hereunder, where:

a) such action is allowed by and does not conflict with federal or state law, or any Ipswich by-laws or regulations;
b) is in the public interest; and
c) is not inconsistent with the purpose and intent of this Bylaw.

Any applicant may submit a written request for a waiver as part of the application process. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrate that strict application of the Bylaw or regulation is not necessary to meet the purposes or objectives of the Bylaw.

However, a waiver from this Bylaw and/or regulations promulgated pursuant to this Bylaw does not relieve the applicant or land owner of any obligations for compliance with other federal, state or local statutes, regulations or permits.

SECTION 7. ADMINISTRATION

A. Authority. The primary authority for the administration, implementation, and enforcement of Sections 5A, B, and C of this Bylaw lies with the Permitting Authority.

B. Stormwater Management Permits and Connection and Discharge Permits. The Permitting Authority shall have the authority to require and to issue Stormwater Management Permits and/or Connection and Discharge Permits for projects subject to Section 5 that meet the requirements of this Bylaw and are not exempted pursuant to Section 6. Any such Permit requirements shall be defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw. The Permitting Authority shall by regulation establish and collect Permit Application fees, Inspection fees, and in special cases, consultant fees for review of applications. Subsection 7B shall take effect on July 1, 2009.

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

D. Stormwater Regulations. The Permitting Authority may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, procedures, delegation of authority, and administration of this Stormwater Management Bylaw relating to management and operation of the MS4.

E. Project Categories. The Permitting Authority should by regulation establish categories of projects ranging from “minor” to “major” based on project size, scope, nature, or location. Project application requirements and submittals, fees, and criteria for permit issuance should be scaled appropriately based on project category.

F. Stormwater Management Standards. For execution of the provisions of this Bylaw, the Permitting Authority will utilize the policy, criteria and information, including specifications and standards, of the latest editions of the Massachusetts Stormwater Management Standards and Technical Handbooks, or approved local equivalents. The Standards may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.

G. Action by the Permitting Authority. The Permitting Authority shall, within 30 days of the date of receipt of a completed application:
   a. Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this Bylaw;
   b. Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this Bylaw; or
   c. Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this Bylaw.

H. Stormwater "Buy-Out". The Permitting Authority may allow the applicant to contribute to the construction of a public or shared stormwater facility in lieu of an onsite stormwater facility where it has been demonstrated that there is not sufficient space for onsite stormwater best management practices.

I. Stormwater Utility. The Permitting Authority may recommend to Town Meeting the formation of a Stormwater Utility, pursuant to M.G.L. c. 83, § 16 and c. 40, § 1A, as a special assessment district to generate funding specifically for stormwater management. Users within the district would pay a stormwater fee, and the revenue thus generated would directly support the maintenance and upgrade of the existing Municipal Separate Storm Sewer System (MS4); development of drainage plans, flood control measures, and water-quality programs; administrative costs; and construction of major capital improvements. This authority may not be delegated.

SECTION 8. LOW IMPACT DEVELOPMENT AND BETTER SITE DESIGN

The use of non-structural LID Management practices and Better Site Design are encouraged to minimize reliance on structural management measures. The use of Better Site Design and/or LID Management Practices may, if approved by the Permitting Authority, also allow for a reduction in the treatment volume, a reduction of applicable fees associated with the project, or other incentive approved by the Permitting Authority.

SECTION 9. PROCEDURES

Permit procedures and requirements shall be defined and included in as part of any rules and regulations promulgated pursuant to Section 7 of this Bylaw.

SECTION 10. ENFORCEMENT

A. The Permitting Authority or its designee(s) shall enforce this Bylaw and the regulations, orders, violation notices, and enforcement orders issued pursuant thereto, and may pursue all civil and criminal remedies for such violations. This Section shall take effect on July 1, 2009.

1. Civil Relief. If a person violates the provisions of this Bylaw, regulations, permit, notice, or order issued there under, the Permitting Authority 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 and/or remediation of the violation.

2. Orders. The Permitting Authority may issue a written order to enforce provisions of this Bylaw or regulations there under, and any permits issued under this Bylaw, which may include, where appropriate:
    a) elimination of illicit connections or discharges to the MS4 or Waters of the Commonwealth;
    b) requirement for the performance of monitoring, analyses, and reporting;
    c) abatement and remediation of stormwater pollution or contamination hazards, and restoration of any affected property or impacts to water bodies;

d) requirement to cease the land-disturbing activity until there is compliance with the Bylaw and provisions of the construction phase and post-construction phase stormwater management permits;
e) maintenance of erosion and sediment control measures or installation of new such measures; and
f) remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.

3. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and the property owner shall reimburse the town's expenses.

4. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Permitting Authority 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 Permitting Authority 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 property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, §. 57, after the thirty-first day following the day on which the costs were due.

B. Any person who violates any provision of this Bylaw or of any regulation, order or permit issued there under may be punished by a fine of not more than $200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

C. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40 §. 21D and Ch. XVII § 4, subsection B of the General Bylaws of the Town of Ipswich, in which case the Permitting Authority shall be the enforcing person. The penalty for the 1st violation shall be $50. The penalty for the 2nd violation shall be $100. The penalty for the 3rd and subsequent violations shall be $200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. To the extent permitted by State law, or if authorized by the owner or another party in control of the project, the Permitting Authority or its designee(s) may enter upon privately owned property for the purpose of performing duties under this Bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as it deems reasonably necessary.

E. The decisions or orders of the Permitting Authority shall be final. Further relief shall be to a court of competent jurisdiction.

F. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, State or local law.

SECTION 11. EFFECTIVE DATE

Except as provided herein, this Bylaw takes effect upon enactment.

SECTION 12. SEVERABILITY

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

(Adopted at Special Town Meeting October 20, 2008, Approved by Attorney General January 28, 2009)

CHAPTER XIX – A.
(Second Chapter XIX was labeled in error)

IPSWICH RIGHT TO FARM BYLAW

Section 1. Purpose and Intent

Agricultural production is a major contributor to the Town's economy. Agricultural lands constitute continuation of existing and the initiation of new agricultural activities preserve the landscape and environmental resources of Ipswich, contribute to the increase of tourism, and further the economic welfare and self-sufficiency of the people of Ipswich.

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:

- 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 of horses; 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.

Section 3. Right to Farm Declaration

The right to farm is hereby recognized to exist within the Town of Ipswich. 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 Ipswich Wetlands Protective Bylaw.

Section 4. Notification to Real Estate Buyers

In order to allow prospective purchasers to make informed decisions prior to a real estate transaction and to promote harmony between farmers and their new neighbors after a transaction, the Town of Ipswich requests that selling landholders and/or their agents and assigns provide written notice to prospective purchasers substantially as follows:

> "It is the policy of Ipswich to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, or other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that may cause noise, dust or odors. Purchasing, and henceforth occupying land within Ipswich means that one should expect and accept such conditions as a norm and necessary aspect of living in Ipswich."

Written notification may occur in one of several ways, including, but not limited to, a disclosure form or an addendum to a Purchase and Sale Agreement, and should include an acknowledgment by the buyer that they have received notification.

Within 30 days after this bylaw becomes effective, the following shall occur:

- The Town, through the Offices of the Town Manager and Town Clerk, shall make available for use by selling landowners and/or their agents and as , copies of sample written notifications, including a disclosure notification form.

- The Town shall prominently place the above-stated policy disclosure in one or more locations in town hall.

Section 5. 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 6. 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 Ipswich hereby declares the provisions of this bylaw to be severable."
(Adopted at Special Town Meeting October 19, 2009, approved by Attorney General February 16, 2010, with the disapproval by AG of the following statement: "The Tax Collector shall include a copy of the disclosure notification form with all responses to requests for Municipal Lien Certificates.") (Adopted STM October 19, 2009; approved by Attorney General February 16, 2010)

Chapter XX

Keeping Chickens on Residential Lots of Less Than One Acre

Section 1. Background
On October 17, 2012, the Special Town Meeting amended Section V in the Protective Zoning Bylaw of the Town of Ipswich by adding footnote "31" to the following accessory use within the Table of Uses: "Keeping, raising and breeding of farm animals, such as poultry, horses, livestock, or other farm animals, or insects for use only by residents of the premises on less than one (1) acre or more." The Zoning Bylaw, as amended, allows households to keep chickens by-right (i.e., without a special permit), subject to certain conditions. One of the conditions is that the household obtain "any certificate or approval from the Town Animal Control Officer or Board of Health as may be required by separate bylaw or regulation."

Section 2. Authorization and Purpose
In addition to the provisions of the Zoning Bylaw described in Section 1 above, and to promote the public, health and general welfare of the residents of Ipswich, this Chapter XX separately and independently requires the issuance of a certificate of approval for the keeping of chickens on residential lots less than one acre in area. This Chapter also authorizes and directs the Ipswich Police Department, through its Animal Control Officer, to adopt an application form and rules and regulations governing the keeping of chickens. These rules and regulations shall specify the application process, inspections, and general requirements associated with said use.

Section 3. Penalties
No chickens shall be kept on a residential lot having less than one acre of area and/or in violation of the rules and regulations authorized by and promulgated pursuant to this Chapter XX. Any person who violates this Chapter XX and the rules and regulations promulgated pursuant hereto, including the failure to obtain the required certificate of inspection or comply with its terms and conditions, shall be subject to the penalties described in Chapter XV, Section 5. (b) and (c) of the Ipswich General Bylaws. Violations may be enforced by the Animal Control Officer or a Police Officer, subject to the provisions of Chapter I, Section 4 of these General Bylaws. However, the Animal Control Officer or Police Officer have the option of enforcing violations non-criminally pursuant to M.G.L. Chapter 40, Section 21D, rather than by a criminal complaint in District Court. (Adopted Annual Town Meeting, May 14, 2013, approved by Attorney General August 30, 2013)

MASSACHUSETTS GENERAL LAWS AND ACTS AND RESOLVES VOTED BY THE TOWN OF IPSWICH

Topic	Date Record	G.L. Chapter	Amended by Chapter	of the Acts of	Date of Action	Result of Action
	?/9/1945		710 §11A	1941	3/5/1945	ACCEPTED
Advertising Purposes	3/20/1940	40 § 6A			3/18/1940	ACCEPTED
Amend Board of Cemetery Commissioners			620	1966	4/6/1981	ACCEPTED
Amend Dog Control By-Law	12/7/1977	140 § 173A			?	ACCEPTED
Amend Protective Zoning By-Laws	12/7/1977		808	1975	5/2/1977	ACCEPTED
Amend Town Charter	4/28/2003	43B § 10A			4/7/2003	ACCEPTED
Animal Inspector - Nomination of	3/18/1942		162	1941	9/4/1941	ACCEPTED
Appoint Assessors	12/7/1977	41 § 25			12/10/1962	ACCEPTED
Assuming Liability Damages Incurred by DPW on Tidal Improvements	12/7/1977	91 § 29	5	1955	3/2/1965; 3/7/1966;3/6/1967	ACCEPTED
ATE 2013 Acts & Proceedings Ratified & Validated	12/19/2013		182	2013	5/21/2013	ACCEPTED
Authorizes Local Officials to Set Fees and Charges	4/6/1992	40 § 22F		1991	4/6/1992	ACCEPTED
Authorizing Selectmen to Act as Water & Sewer Board	12/7/1977		533	1965	3/7/1966	ACCEPTED
Automatic Sprinklers	6/19/1991	148 § 26 G,H,I			4/22/1991	ACCEPTED
Ballots	1/6/1891		386	1890	9/15/1890	ACCEPTED
Beano			46	1971	3/13/1972	ACCEPTED
Board of Survey	3/25/1924	41 § 73 - 81			3/18/1924	ACCEPTED
Board of Survey-Establishment	9/5/1944	41 § 7 3- 81			3/18/1944	ACCEPTED
Board of Trustees, Great Neck	12/28/1936		52	1936	3/16/1936	REJECT
Board of Trustees, Great Neck	3/3/1937		16	1937	3/1/1937	ACCEPTED
Burley Ed Fund	9/7/1937		98	1937	9/2/1937	ACCEPTED

Burnt or Dangerous Buildings	11/4/1937	139 § 1 - 3			11/1/1937	ACCEPTED
Career Incentive Pay Program	12/7/1977		835	1970	3/1/1971	ACCEPTED
Certain Roads Designated as Scenic	12/7/1977	40	67	1973	3/4/1974	ACCEPTED
Chief Procurement Officer to Solicit and Award Contracts	12/4/2002	30B § 12(b)			10/21/2002	ACCEPTED
Clam Flats	7/3/1912		710	1912	6/21/1912	ACCEPTED
Closing Public Offices on Saturday	?/3/1947	41 § 110A	265	1947	6/23/1947	ACCEPTED
Coffee Houses - Licensing	3/3/1920		23	1917	3/2/1920	ACCEPTED
Collecting of Parking Fines from Courts	6/18/1982	90 § 20A 1/2			4/5/1982	ACCEPTED
Consolidation of Administrative Functions	10/25/2006	71 § 37M			10/16/2006	ACCEPTED
Contributory Retirement System	11/13/1944	32 § 26 - 31H			11/7/1944	ACCEPTED
Criminal Offender Record	10/15/2013	172 B ½	256	2010	10/15/2013	ACCEPTED
Dog Control	6/19/1991	140 § 147A			4/22/1991	ACCEPTED
Dwelling Units (6 or more) be Equipped with Smoke/Heat Detectors	5/23/1983	148 § 26C			4/4/1983	ACCEPTED
Eight Hour Day	3/6/1914		494	1911	3/2/1914	ACCEPTED
Enhance 9-1-1	6/12/1991		291	1990	4/22/1991	ACCEPTED
Equal Pay for Men & Women Teachers	?/13/1946		727	1945	3/11/1946	ACCEPTED
Est. Local Excise Tax Upon Transfer of Occupancy in Hotel, etc.	5/7/1999	64G § 3A			4/6/1999	ACCEPTED
Establish Development & Industrial Commission	12/7/1977	40 § 8A	297; 102	1954; 1955	3/15/1966	ACCEPTED
Establish Fire Department	?/18/1963	48 § 42			12/17/1962	ACCEPTED
Establish Historic Commission	6/9/1965	40 § 8D	697	1963	3/2/1964	ACCEPTED
Establish Planning Board	?/18/1963		340	1947	12/17/1962	ACCEPTED

Establish Purchasing Department	?/18/1963	41 § 103			12/10/1962	ACCEPTED
Establish Regional School District	12/7/1977		156	1967	3/18/1968	ACCEPTED
Establish Special Revenue Fund for the Water Division	4/21/1995				4/3/1995	ACCEPTED
Establish Youth Commission	12/7/1977		391	1969	3/2/1970	ACCEPTED
Establishment of Local Excise Tax on Rooms in B&B, Hotels/Motels, Lodging Houses	11/14/1997	64G § 3A			10/20/1997	ACCEPTED
Exempting Permanent Fire Fighters from Jury Duty	6/9/1980	234 § 1			4/7/1980	ACCEPTED
Exempts Former POW's from Payment of Certain Motor Vehicle Taxes	5/13/1998	60A § 14			4/6/1998	ACCEPTED
Fees for Licensing Slaughter Houses	12/7/1977	94 §§ 119, 120, 120A			3/18/1968	ACCEPTED
Increase Certain Pensions & Retirement Allowances	?/18/1963		646	1962	12/17/192	ACCEPTED
Increase Certain Pensions & Retirement Allow.	12/7/1977		647	1960	3/6/1961	ACCEPTED
Increase Certain Pensions & Retirement Allow.	12/7/1977		478	1963	3/2/1964	ACCEPTED
Increase Minimum Benefits for Widows of Certain Deceased Town Employees	12/7/1977		552	1961	3/5/1962	ACCEPTED
Indemnify & Save Municipal Officers from Personal Financial Loss	6/9/1980		396	1979	4/7/1980	ACCEPTED
Join Mass Municipal Wholesale Electric Company	12/7/1977		775	1975	5/3/1976	ACCEPTED
Laborers' Vacations			217	1914	11/3/1914	ACCEPTED
Licenses and Permits	5/21/1986	40 § 57	640	1985	4/7/1986	ACCEPTED
Liens and Collection of Water	3/10/1939		415	1938	3/6/1939	ACCEPTED

Rates/Charges						
Life Tenure for An Individual	4/11/1963		30	1963	3/11/1963	ACCEPTED
Local Option Tax on Restaurant Meals	5/31/2011	64L § 2(a)			5/10/2011	ACCEPTED
Making Certain Unpaid Sewer Charges a Municipal Lien			586	1977	5/1/1978	ACCEPTED
Making Certain Unpaid Sewer Charges a Municipal Lien	12/7/1977		586	1978	5/2/1978	ACCEPTED
Medicare Extension Plan	11/22/1996	32 § 18			10/21/1996	ACCEPTED
Money for School Purposes	7/25/1934		240	1934	7/23/1934	REJECT
Money for School Purposes	3/19/1935		240	1934	3/11/1935	ACCEPTED
Mullin Rule	10/25/2006	39 § 23D			10/16/2006	ACCEPTED
Mutual Police Aid Programs; Agreements	12/4/2002	40 § 8G			10/21/2002	ACCEPTED
Non-Resident or Foster Care Student Tuition Accounts	5/23/1983	71 § 71F	43	1982	4/4/1983	ACCEPTED
Optional Purchasing Procedure	11/30/1984	40 § 4G			4/5/1982	ACCEPTED
Ownership of Parcel of Land	6/19/1991	45 § 14			4/22/1991	ACCEPTED
Paid Vacation Leave	6/9/1980	41 § 111			4/7/1980	RECIND
Parking Fines	12/7/1977	90 § 20C			3/2/1970	ACCEPTED
Parks - Public	8/28/1892		154	1882	3/7/1892	ACCEPTED
Party Enrollment			790	1914	11/3/1914	ACCEPTED
Pay 1/2 of the Premium Costs for Retired Employees Group Life Insurance or Other Medical	5/6/1996	32B § 9A			4/8/1996	ACCEPTED

Insurance						
Pensioning Laborers	11/18/1912		503	1912	11/5/1912	ACCEPTED
Pensions for Police & Fire Departments	3/9/1944	32 § 85			3/6/1944	ACCEPTED
Planning Board - Establishment of Board	3/23/1937	41 § 81 F - J	211	1936	3/1/1937	ACCEPTED
Platoon System (2 platoon system)	11/13/1944	48 § 59			11/7/1944	ACCEPTED
Premium for Contributory Group Life & Health Insurance	11/15/2001	32B § 7A, § 9E			10/15/2001	ACCEPTED
Re-Authorize Revolving Funds	5/3/2002	44 § 53E			4/2/2002	ACCEPTED
Receipts from Sewer Rent	4/11/1963		508	1962	3/11/163	ACCEPTED
Recreation Fund for Lighting Facilities at Bialek Park	6/9/1980	44 § 53D			4/7/1980	ACCEPTED
Recreation Revolving Fund-Self Supporting Recreational Services	6/18/1982	44 § 53E			4/5/1982	ACCEPTED
Referendum	3/17/1923		345	1922	3/12/1923	ACCEPTED
Relative to Direct Deposit of Employee Pay	11/20/1995	41 § 41B			10/23/1995	ACCEPTED
Repairs on Private Ways	12/7/1977	40 § 6H	319	1961	3/4/196	ACCEPTED
Revolving Fund for Payment of Police Off-Duty Work Detail	12/7/1977		344	1970	3/5/1973	ACCEPTED
Revolving Fund for Plumbing & Gas Inspection Fees	6/18/1982	44 § 53E			4/5/1982	ACCEPTED
Revolving Fund Into Which to Deposit Building Dept. Permit Revenues	5/13/1998	44 § 53E 1/2			4/6/1998	ACCEPTED
Revolving Fund Into Which to Deposit Building Dept. Permit Revenues	5/7/1999	44 § 53E 1/2			4/5/1999	ACCEPTED
Revolving Funds	5/11/2001	44 § 53E			4/2/2001	ACCEPTED

Revolving Funds	4/28/2003	44 § 53E 1/2			4/7/2003	ACCEPTED
Salary Payments to an Individual (Valorous H. Grant)	8/9/1938		51	1936	3/7/1938	ACCEPTED
Sale of Liqueurs and Cordials			481 §2	1993	4/2/2007	ACCEPTED
Saturday 1/2 Holiday			688	1914	11/3/1914	ACCEPTED
Schools - Continuation			311G	1919	11/4/1919	ACCEPTED
Selectmen to Act as Sewer Commissioners	4/11/1963	41 § 21			3/11/1963	ACCEPTED
Selectmen-Executive Secretary Form of Government	11/10/1954		620	1954	11/2/1954	ACCEPTED
Selectmen-Executive Secretary Form of Government	?/18/1963		620	1954	3/12/1962	REVOKED
Selectmen-Manager Form of Government	?/22/1950		247	1949	3/13/1950	ACCEPTED
Selectmen-Manager Form of Government	?/25/1954		247	1949	3/8/1954	REVOKED
Selectmen-Manager Form of Government	?/22/1950		247	1949	3/13/1950	ACCEPTED
Selectmen to Act as Board of Public Works	4/11/1963	41 § 21			3/11/1963	ACCEPTED
Selectmen to Act as Water/Municipal Light Commissioners	4/11/1963	41 § 21			3/11/1963	ACCEPTED
Sell Land to Church (Warrant but no Meeting)	9/11/1968		582	1968	9/10/1968	ACCEPTED
Senior Citizen Property Tax Exemption	5/31/2011	59 § 5			5/10/2011	ACCEPTED
Senior Citizen Property Tax Work-Off	12/6/2000	59 § 5K			10/16/2000	ACCEPTED
Sewer System	11/8/1930		26	1929	3/4/1929	NO ACTION
Sewer System	?/13/1946		30	1946	3/11/1946	ACCEPTED

Steel Traps	3/12/1936	131 §105 B			3/9/1936	ACCEPTED
Sunday Bowling	?/14/1946		207	1946	6/12/1946	ACCEPTED
Taxing Certain Improved Real Property	5/7/199	59 § 2D			4/5/1999	ACCEPTED
Towing Vehicles	12/7/1977	40 § 22D			5/2/1977	ACCEPTED
Town Clerk Retirement	11/17/1947		633	1947	11/3/1947	ACCEPTED
Town Forest Act	3/20/1940	45 § 19 - 23 & 132 § 35			3/18/1940	ACCEPTED
Town Treasurer & Tax Collector	7/20/1964		257	1963	3/2/1964	ACCEPTED
Treas./Collector - Term	10/30/1923	41 § l	66	1923	10/4/1923	ACCEPTED
Vehicles for Hire	10/18/1919		293	1916	10/8/1919	ACCEPTED
Violation of Dog Control Laws; Non-Criminal Disposition	12/7/1977	140 § 173A			5/3/1976	ACCEPTED
Voting - Absentee	9/7/1937		77	1937	9/2/1937	ACCEPTED
Wastewater Enterprise Fund	5/14/2013	44 § 53F ½				ACCEPTED
Water & Light Commission	9/21/1905		106	1904	3/14/1904	ACCEPTED
Water Loan	8/27/1909		214	1908		NO ACTION
Water Loan	10/30/1915		201	1914	6/26/1914	ACCEPTED
Water Rates	7/21/1923		391	1923	7/19/1923	ACCEPTED
Water Supply	3/5/1894		313	1890	2/19/1894	ACCEPTED
Water/Light Dept. Manager Under Civil Service	11/15/1940		183	1939	11/5/1940	ACCEPTED
Withdraw from Essex County Mosquito Control Project	6/19/1991	516 § 4		1958	4/22/1991	ACCEPTED

Workmen's Compensation	11/6/1913		807 (county)	1913	11/4/1913	ACCEPTED
Workmen's Compensation			807 (town)	1913	3/2/1915	ACCEPTED

I hereby certify that the foregoing is the Charter of the Town of Ipswich, the Acceptances of Legislative Acts by the Town of Ipswich, Special Legislation Relating to the Town of Ipswich, the General By-Laws of the Town of Ipswich, adopted at Town Meetings and approved by the Attorney General, as applicable, on the dates respectively shown in the text and a Table of General Legislative Provisions by Subject.

ATTEST:

Pamela Z. Carakatsane, CMMC/CMC
Town Clerk