

MAY 5, 2008 ANNUAL TOWN MEETING

ARTICLE 13
Voters' Petition
By-law Amendment: Junk & Debris

PROPOSED MOTION TO BE OFFERED BY PETITIONERS

Updated April 3, 2008 by Jane Cook

Moved that the Town vote to amend the General By-laws for the Town of Littleton by adding Chapter 116, Junk & Debris, as printed in the warrant, with the following amendments:

From Section 116.2.1, Junk & Debris, strike the word, "machinery"--

[116.2.1 **Junk & Debris** includes but is not limited to the collection of paper, trash, rags, plastics, batteries, tires, scrap metal, scrap construction materials, appliances, mattresses, ~~machinery~~, machinery parts, vehicle parts, trash furniture, or other items not defined as a structure in accordance with the Massachusetts building Code and the Zoning by-laws, which is not in active use for any purpose authorized in a residential district.]

From Section 116.2.2, Public View, strike the wording "either (i)" and "or (ii) by any immediate direct abutter from any place within that immediate abutter's residence"--

[116.2.2. **Public View** shall refer to junk and debris visible ~~from either (i) any property line at six (6) feet or less above ground level, or (ii) by any immediately direct abutter from any place within that immediately direct abutter's residence.~~]

From Section 116.2.3, Substantial Amount, change "375 cubic feet" to "1,000 cubic feet" and strike the wording "or a quantity of materials repetitive in quantity more than (2)"

[116.2.3. **Substantial Amount** shall mean a quantity of material that occupies more than ~~375~~ 1,000 cubic feet in the aggregate on any lot or a quantity of materials of repetitive quantity more than two (2).]

So that Chapter 116 would read as follows:

Chapter 116 Junk & Debris

116.1 No owner of private property shall keep in the *public view*, on any lot, in any residential district any *substantial amount* of *junk & debris* for more than a *reasonable amount of time*.

116.2 Definitions

116.2.1 **Junk & Debris** includes but is not limited to the collection of paper, trash, rags, plastics, batteries, tires, scrap metal, scrap construction materials, appliances, mattresses, machinery parts, vehicle parts, trash furniture, or other items not defined as a structure in accordance with the Massachusetts building Code and the Zoning by-laws, which is not in active use for any purpose authorized in a residential district.

116.2.2. **Public View** shall refer to junk and debris viewed from any property line at six (6) feet or less above ground level.

116.2.3 **Substantial Amount** shall mean a quantity of material that occupies more than 1,000 cubic feet in the aggregate on any lot.

116.2.4 **Reasonable amount of time** shall be thirty (30) days.

116.2.5 **Hearing** shall mean an appeal before the Town Administrator for the purpose of either; appealing the decision of the enforcement officer or to request an extension of time for the purpose of compliance. Said extension of time may only be granted in instances where an inventory of items is documented to the satisfaction of the enforcement officer and submitted to the Town Administrator along with a progress schedule clearly defining a timetable for compliance. Any action by the enforcing officer shall be suspended until such time a decision is issued by the Town Administrator.

116.3. Conditions existing as of the date of this enactment this chapter which meet the definition of *substantial amount of junk & debris* must be brought into compliance within ninety (90) days of the date of the approval of this By-law.

116.4 Action under this Chapter shall not bar any separate action initiated by any other Town Board, Committee, or Department under other provisions of this By-law or by regulation.

116.5 Any Town employee(s) so designated for this work ("enforcement officer") by the Town Administrator shall enforce this By-law. The first notice of violation issued by the enforcement officer shall be a written warning. The owner shall then have thirty (30) days within which to remedy and cure the violation or to formally request in writing a *hearing* before the Town Administrator. If after thirty (30) days the violation has not been remedied or a *hearing* has not been requested before the Town Administrator, the enforcement officer may issue subsequent written notices of violation with fines of not more than one hundred (\$100) for each offence. Each day that such violation continues shall constitute a separate offence until deemed remedied by the enforcement officer. Any future action taken within a 12 month period after remedy of the violation under this section shall be deemed a continuing violation.

116.6 Any citizen against whom a notice of violation is issued under this By-law shall have the right for a *hearing* before the Town Administrator and following said hearing, the Town Administrator shall within a reasonable period of time thereafter, issue a decision. From the date that such a *hearing* request is received by the Town Administrator until the date that a decision is issued, all the deadlines stated in section 116.5 shall be temporarily stayed.

116.6 The provisions of this by-law shall not apply to properties assessed as agricultural or horticultural land pursuant to Massachusetts General Laws Chapter 61A