

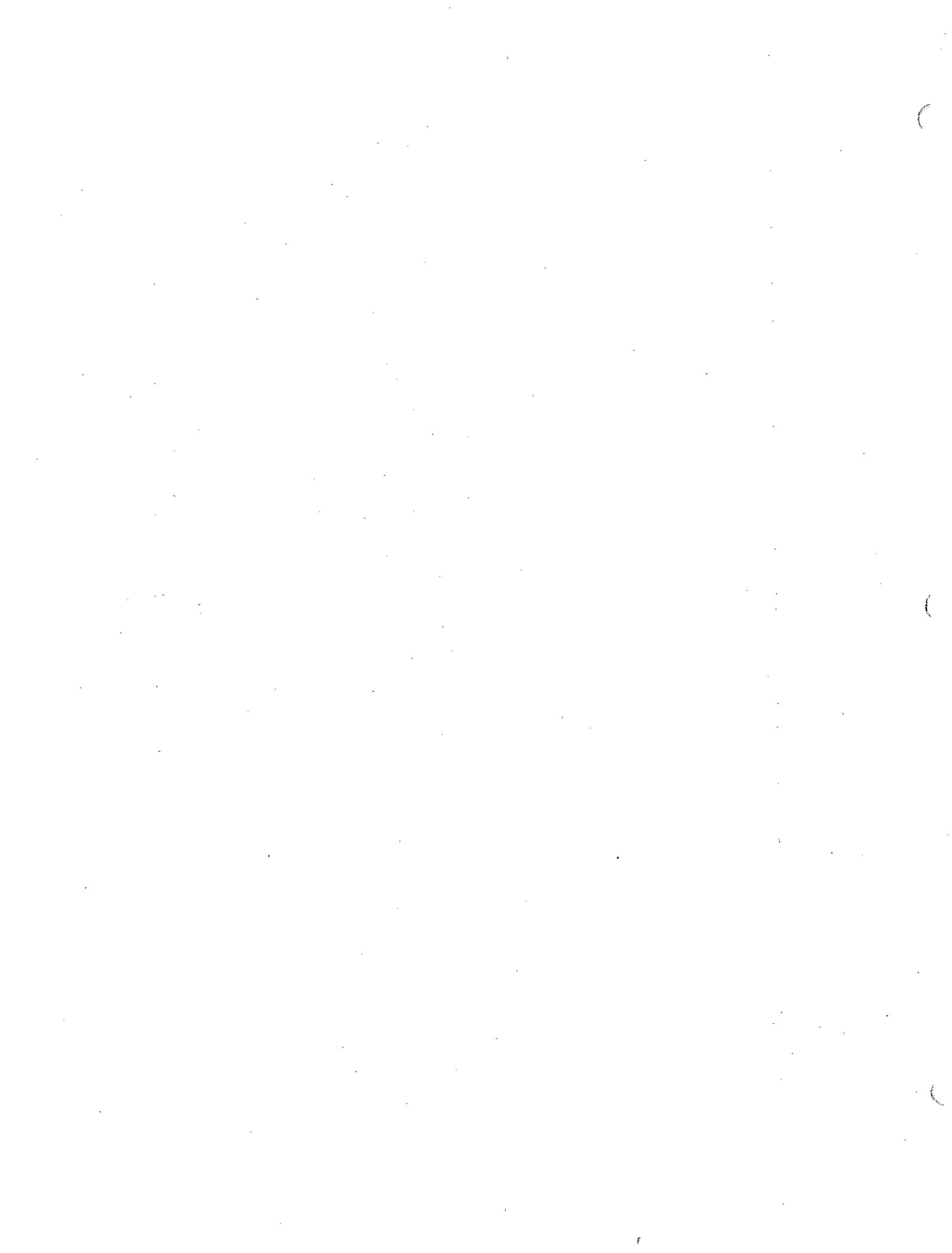
**Code  
of the  
Town of Avon**

**COUNTY OF NORFOLK  
COMMONWEALTH OF MASSACHUSETTS**

**Bylaw Committee**

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1989



A COMPILATION AND ARRANGEMENT

of

GENERAL AND SPECIAL LAWS

HAVING THE FORCE OF AN

EXISTING CHARTER

TOWN OF AVON, MASSACHUSETTS

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ARTICLE I  
I N C O R P O R A T I O N  
P O W E R S   O F   T H E   T O W N

SECTION 1-1      INCORPORATION

All that territory now the town of Stoughton, in the county of Norfolk, comprised within the following limits, that is to say: beginning at a point on the easterly line of Stoughton, where the Old Colony railroad crosses said easterly line; thence southwesterly along the westerly side of said Old Colony railroad about four hundred and sixty rods to a point on the westerly side of the culvert where Salisbury brook passes under said railroad; thence in a straight line south about five hundred and thirty-two rods to the westerly side of Oak street, where it intersects South street; thence southerly again along the westerly side of Oak street about seventy-five rods to the Brockton line; thence easterly along said Brockton line about six hundred and eighty-seven and one-half rods to the Holbrook line; thence in a straight line northerly about eight hundred and ninety-four rods along the Holbrook line and the Randolph line to the point of beginning, is hereby incorporated as a town by the name of Avon, and said Avon is hereby invested with all the powers, privileges, rights and immunities, and made subject to all the duties, liabilities and requisitions to which other towns, are entitled and subjected by the constitution and laws of this Commonwealth. (c. 47, Acts of 1888)

So much of the towns of Randolph and Holbrook, in the county of Norfolk, with all the inhabitants and estates thereon as is thus bounded and described, to wit:- Beginning at a stone bound on the westerly side of Main street in the boundary line between said towns of Randolph and Avon (formerly Stoughton) marked R on one side and S on the opposite side, and thence running in a straight line over territorial land of said Randolph and of said Holbrook to a point in said Holbrook midway between two main tracks of the Old Colony railroad as now existing and distant north sixteen degrees, fifteen minutes east, six hundred ninety-four and eight-tenths feet from the southerly side line of High street in said

Holbrook; thence turning and running south sixteen degrees, fifteen minutes west, midway between said tracks, one thousand five hundred sixteen and four-tenths feet to a point of curvature in said Holbrook and intersecting said southerly line of High street at a point distant south fifty-six degrees, thirteen minutes east, one hundred sixty-seven and seventy-two one hundredths feet from a stone bound set in said southerly line of High street; thence running by a curve to the left of five thousand seven hundred and thirty feet radius, one thousand three hundred twenty-three and forty-five one hundredths feet to a point of tangency in said Holbrook; thence running midway between said tracks south three degrees, one minute west, five hundred thirty-five and forty-five one hundredths feet to the boundary line between said towns of Holbrook and Avon; thence running northwesterly by said boundary line between the towns of Randolph, Holbrook and Avon to the point of beginning, containing an area of about fourteen acres of the territory of said town of Randolph and about one hundred thirty acres of the territory of said town of Holbrook, is hereby set off and separated from said towns of Randolph and Holbrook and annexed to and made part of said town of Avon. (c. 257, Acts of 1889)

SECTION 1-2      POWERS OF THE TOWN

The town may, by the adoption, amendment or repeal of local by-laws, exercise any power or perform any function which the general court has power to confer upon it and which is not inconsistent with the constitution or laws enacted by the general court in conformity with its powers or denied to the town by its own charter. (HRA, s.6, c. 43B, s. 14)

ARTICLE II

LEGISLATIVE BODY

SECTION 2-1 COMPOSITION

"All the qualified inhabitants (are eligible to) meet, deliberate, act and vote in their natural and personal capacities, in the exercise of their corporate powers." (2 Grey 84, 101:1854)

"Each qualified inhabitant of the town has an indisputable right to vote upon every question presented, as well as to discuss it, or there is no town meeting. (229 Mass. 601: 1918)

SECTION 2-2 TIME OF MEETINGS

The annual meeting of the town shall be held in February, March, April or May. Other meetings of the town may be held at such other times as the board of selectmen may order. (c.39:s. 9)

The board of selectmen shall call a special town meeting whenever they are requested to do so, in writing, by two hundred or more registered voters. (c.39:s.10)

SECTION 2-3 MANNER OF CALLING MEETINGS

Every town meeting shall be called by a warrant issued by the board of selectmen which shall state the time and place at which the meeting is to convene and the subjects which are to be acted upon. (c. 39:s.10)

If a majority of the members of the board of selectmen have vacated their offices a minority of the board of selectmen may call a town meeting. If there are no selectmen in office the town clerk may call a town meeting, and if there is no town clerk a justice of the peace may call a town meeting (c.39:s.11)

If the board of selectmen unreasonably refuse to call a special town meeting a justice of the peace may call one upon the written petition signed by ten percent of the whole number of registered voters of the town. (c.39:s.12)

SECTION 2-4 QUORUM

A town by-law may establish the number of voters necessary to constitute a quorum for the purpose of conducting town meeting business, provided, however, that fewer voters may vote to adjourn from time to time. (c. 39:s.13)

SECTION 2-5 RULES OF PROCEDURE

The town may, by by-law, adopt rules and regulations governing the proceedings of town meetings. (c.39:s. 15)

SECTION 2-6 SUBJECT MATTER AT TOWN MEETINGS

The board of selectmen shall insert in the warrant for an annual town meeting all subjects which are requested of them, in writing, by ten or more registered voters. The board of selectmen shall insert in the warrant for a special town meeting all subjects which are requested of them, in writing, by one hundred or more registered voters. (c.39:s.10)

SECTION 2-7 PRESIDING OFFICER

A moderator shall preside and regulate the proceedings at every town meeting. The moderator shall decide all questions of order, make public declaration of all votes and may, in open session, administer the oath to any town officer. (c.39:s.14,15)

SECTION 2-8 COMMITTEES

The town shall, by by-law, provide for a finance or advisory committee which shall, as may be provided in such by-law, consider any, or all municipal questions for the purpose of making reports or recommendations to the town. Unless some other provision is made for the submission of an annual budget to the town meeting the finance committee shall do so. (c.39:s.16)

ARTICLE 3

E L E C T E D     O F F I C E R S

SECTION 3-1     BOARD OF SELECTMEN

(a) Composition, Term of Office - A board of selectmen shall be elected which shall consist of three members. The term of office of each member shall be for three years, so arranged that the term of one member shall expire each year. (c.41,s.1)

(b) Powers and Duties - The board of selectmen shall be the chief executive and administrative office in the town. The board of selectmen shall exercise a general superintendency over the administration of all affairs of the town. The board of selectmen shall, by the issuance of warrants, call all sessions of the town meeting and determine all subjects which shall be acted upon at such meetings. The board of selectmen shall approve all bills and payrolls as prepared by the town accountant before any payments are made by the town treasurer. The board of selectmen shall have all of the other powers, duties and responsibilities which are given to boards of selectmen by general laws of the commonwealth. (Note: It is not practical to list the statutes giving specific powers to a board of selectmen, suffice it to say they are extensive.)

SECTION 3-2     SCHOOL COMMITTEE

(a) Composition, Term of Office - A school committee shall be elected which shall consist of five members. The term of office of each member of the school committee shall be for three years. The terms of office of members of the school committee shall be so arranged that as nearly an equal number of terms as is possible shall expire each year. (c.41,s.1)

(b) Powers and Duties - The school committee shall have the general charge and superintendency of the public schools of the town. The powers and duties of the school committee shall include: (1) to appoint a superintendent and all other officers and employees associated with the schools, to fix the salaries of all such persons, define their duties, make rules concerning their tenure of office, including their discharge, (2) to make all reasonable rules and regulations, consistent with law, for the administration, management and operation of the public schools of the town. The school committee shall have all of the other powers, duties and responsibilities which are given to school committees by general laws.

SECTION 3-3 BOARD OF ASSESSORS

(a) Composition, Term of Office - A board of assessors shall be elected which shall consist of three members. The term of office of each member of the board of assessors shall be for three years, so arranged that the term of one member shall expire each year. (c.41,s.1)

(b) Powers and Duties - The board of assessors shall annually make a fair cash valuation of all of the estate, both real and personal, subject to taxation within the town. The board of assessors shall annually determine the annual tax rate necessary to meet all sums voted by the town. The board of assessors shall hear and decide all questions relating to the abatement of taxes levied by it. The board of assessors shall have all of the other powers, duties and responsibilities which are given to boards of assessors by general laws. (see c.59, generally)

SECTION 3-4 TOWN CLERK

(a) Term of Office - A town clerk shall be elected for the term of three years. (c.41:s.1)

(b) Powers and Duties - The town clerk shall be the keeper of vital statistics for the town, the custodian of the town seal and of all other records of the town; shall administer the oath of office to all town officers who are required to be sworn to their office, be the clerk of the town meeting, shall issue all such licenses and permits as are provided by law and shall be responsible for the conduct of all elections held in the town and of all other matters relating to elections. The town clerk shall have all of the other powers, duties and responsibilities which are given to town clerks by general laws. (Note: It is not possible to summarize all of the statutes which give specific powers to town clerks, suffice it to say they are extensive.)

SECTION 3-5 COLLECTOR OF TAXES

(a) Term of Office - A collector of taxes shall be elected for the term of three years. (c. 41:s.1)

(b) Powers and Duties - The collector of taxes shall upon receiving a tax list and warrant from the board of assessors collect the taxes, and any interest thereon and shall make a written return of his doings shall give to the town treasurer an account of all fees and charges and shall pay over to the town treasurer all money received or collected. The collector of taxes shall have all of the other powers, duties and responsibilities which are given to collectors of taxes by general laws. (see c.41:s.38; c.44:s.59; c.60:ss.2, 3, 7, 13, 92, 95, 97).

SECTION 3-6 CONSTABLES

(a) Number, Term of Office - Two constables shall be elected for terms of three years each. (c.41:1)

(b) Powers and Duties - Constables may serve writs, warrants and processes in civil and criminal matters as authorized by law. They shall have the power of sheriffs to require aid in the execution of their duties. They shall take due notice of and shall prosecute all violations of law respecting the observance of the Lord's day, profane swearing and gaming. They shall serve all warrants and other processes directed to them by the board of selectmen for notifying town meetings and other purposes. (c.41:s.94)

SECTION 3-7 BOARD OF HEALTH

(a) Composition, Term of Office - A board of health shall be elected which shall consist of three members. The term of office of a board of health member shall be for three years so arranged that the term of one member shall expire each year.(c.41:s.1)

(b) Powers and Duties - The board of health shall be responsible for the formulation and enforcement of local rules and regulations affecting the environment and the public health and for the enforcement within the town of all state statutes and rules and regulations of the state affecting the public health. The board of health shall have all of the other powers, duties and responsibilities which are given to boards of health by general laws. (see c.111:ss. 26-32, and chapters 111-114, generally)

SECTION 3-8 TRUSTEES OF PUBLIC LIBRARY

(a) Composition, Term of Office - A board of trustees of the public library consisting of three members shall be elected. The term of office of members of the board of library trustees shall be for three years each so arranged that the term of office of one member shall expire each year. (c. 78, s.10)

(b) Powers and Duties - The board of library trustees shall have the care, custody and management of the library and reading room and of all property of the town related to library purposes. All money raised or appropriated by the town for library purposes shall be expended by the board of library trustees and all money or property which the town may receive by gift or bequest shall be administered by the board of library trustees in accordance with the provisions of any such gift or bequest. The board of library trustees shall have all of the other powers, duties and responsibilities which are given to boards of library trustees by general laws. (c. 78:ss.7-12)

SECTION 3-9 TOWN MODERATOR

(a) Term of Office - A town moderator shall be elected for the term of three years. (c.39:s.14)

(b) Powers and Duties - The town moderator shall preside, and regulate the proceedings at all town meetings; decide all questions of order; make public declaration of all votes, and may, in open session administer the oath of office to any town officer. No person shall address a town meeting without leave of the town moderator to do so and all persons shall at the request of the town moderator, be silent. (c.39, ss. 9ff)

SECTION 3-10 PARK AND RECREATION COMMISSION

(a) Composition, Term of Office - A town may elect a board of three or five park commissioners and prescribe their term of office. (c.45, s. 2)

(b) Powers and Duties - The board of park and recreation commissioners may lay out and improve public parks, and may make rules for the use and government of lands held by the town for park purposes. In addition, the board of parks and recreation commissioners may conduct and promote recreation, play, sport and physical education activities on land, or in buildings, owned or leased by it for such purposes. (c. 45, ss. 5 and 14; see c. 45, generally)

SECTION 3-11 PLANNING BOARD

(a) Composition, Term of Office - A planning board shall be elected which shall consist of five members. The term of office of a planning board member shall be for five years, so arranged that as nearly an equal number of terms as possible shall expire each year. (c.412, s. 81A)

(b) Powers and Duties - It shall be the duty of the planning board to make careful studies of the resources, possibilities and needs of the town and to make plans for the development of the town. The planning board shall have the power to regulate the subdivision of land within the town by the adoption of rules and regulations governing such development. The planning board shall make an annual report giving information regarding the condition of the town and any plans or proposals for its development and estimates of their cost. The planning board shall have all of the other powers and duties which are given to planning boards by general laws. (c. 41, ss. 81A to 81JJ, and c. 40A, generally)

SECTION 3-12 SEWER COMMISSION

(a) Composition, Term of Office - There shall be a sewer commission consisting of three members elected for terms of three years each so arranged that the term of one member shall expire each year. (c. 41, s. 63)

(b) Powers and Duties - The sewer commissioners shall, as to sewers and drains, exclusively have the powers, perform the duties and be subject to the liabilities and penalties of selectmen and road commissioners. (c. 41, s. 65)

SECTION 3-13 TOWN TREASURER

(a) Term of Office - A town treasurer shall be elected for the term of three years. (c. 41, s. 1)

(b) Powers and Duties - The treasurer shall receive and take charge of all money belonging to the town. He shall, according to the orders of the town or its authorized officers, pay out and account for all disbursements in behalf of the town. He shall annually render a true account of his receipts and disbursements and report on all of his official acts. The town treasurer shall have all of the other powers and duties which are given to town treasurers by general laws. (c. 41, ss. 35-43A)

SECTION 3-14 TREE WARDEN

(a) Term of Office - A tree warden shall be elected for the term of three years. (c. 41, s. 1)

(b) Powers and Duties - The tree warden shall have the care and custody of all public shade trees, shrubs and growths in the town, except those within a state highway or under the control of the park commissioners. (c. 87, s. 2)

SECTION 3-15 WATER COMMISSION

(a) Composition, Term of Office - A board of water commissioners consisting of three members shall be elected for terms of three years each. The terms of office of water commissioners shall be so arranged that the term of one member shall expire each year. (s. 10, c. 236:1889)

(b) Powers and Duties - The board of water commissioners shall have exclusive charge and control of the water department and water system, subject to all lawful by-laws and such instructions, rules and regulations as the town may from time to time impose by its vote. (s. 10, c. 236:1889 and generally)

SECTION 3-16 AVON HOUSING AUTHORITY

(a) Composition, Term of Office - There shall be a housing authority which shall consist of five members serving for terms of five years each, so arranged that one term of office shall expire each year. Four of these members shall be elected by the voters of the town of Avon; the fifth member shall be appointed as provided by general law. (c.121B:s. 5)

(b) Powers and Duties - The housing authority shall make studies of the housing needs of the town and shall provide such programs to make available housing for families of low income or elderly persons of low income as it deems to be necessary. The housing authority shall have all of the other powers, duties, and responsibilities which are given to housing authorities by general law. (see c.121B, generally)

SECTION 3-17 AVON REDEVELOPMENT AUTHORITY

(a) Composition, Term of Office - There shall be a redevelopment authority which shall consist of five members serving for terms of five years each, so arranged that one term of office shall expire each year. Four of these members shall be elected by the voters of the town of Avon; the fifth member shall be appointed as provided by general law.

(b) Powers and Duties - The redevelopment authority shall make studies and shall determine what areas within the town are decadent, substandard or blighted open areas and shall prepare plans for the clearance, conservation or rehabilitation of such areas. The redevelopment authority shall have all of the other powers, duties and responsibilities which are given to redevelopment authorities by general laws.

ARTICLE IV

A P P O I N T E D O F F I C E R S

SECTION 4-1 TOWN ACCOUNTANT

(a) Appointment, Term of Office - There shall be a town accountant, appointed by the board of selectmen, to serve for a term of three years. (c.41:s.44)

(b) Powers and Duties - The town accountant shall examine the books and accounts of all officers and committees intrusted with the custody or expenditure of money. The town accountant shall have free access to all books, accounts, bills and vouchers and shall examine the same at least once in each year, verify the cash balance of each of such officers and committees by actual count of the cash and by reconciliation of bank balances. The town accountant shall have all of the other powers, duties and responsibilities which are given to town accountants by general laws. (c.41:ss.49-55)

SECTION 4-2 COUNCIL ON AGING

(a) Appointment, Term of Office - The town may, by by-law, provide for the establishment of a council on aging. (c.40:s.8B)

(b) Powers and Duties - The council on aging shall coordinate and carry out programs designed to meet the problems of the aging c. 40: s.8B)

SECTION 4-3 ANIMAL INSPECTOR

(a) Appointment, Term of Office - The board of health shall, annually, appoint an animal inspector. (c.129:s.15)

(b) Powers and Duties - The animal inspector shall make regular and thorough inspections of all neat cattle, sheep, swine and other domesticated animals within the limits of the town, and, if he knows or has reason to suspect any are infected with or have been exposed to any contagious disease, he may order their quarantine. The animal inspector shall have all of the other powers, duties and responsibilities which are given to animal inspectors by general laws. (c.129:ss.15-25)

SECTION 4-4 BOARD OF APPEALS

(a) Appointment, Term of Office - The zoning by-law of the town shall provide for the appointment of a board of appeals by the board of selectmen of either three or five members for terms of office so arranged that the term of one member shall expire each year. (c. 40A:s.12 and c.41:s.81Z)

(b) Powers and Duties - The board of appeals shall hear and decide all appeals taken to it concerning actions taken by other town officers and agencies under the zoning by-law and the subdivision rules and regulations adopted by the planning board. The board of appeals shall have such other powers, duties and responsibilities as are given to boards of appeal by general laws. (c. 40A:s.14, and c.41:s.81AA)

SECTION 4-5 BUILDING INSPECTOR

(a) Appointment, Term of Office - The chief administrative office of the town shall appoint a building inspector. (c.143:s.3)

(b) Powers and Duties - The building inspector shall administer and enforce the provisions of the state building code within the limits of the town. The building inspector shall also be the zoning enforcement officer for the town (c.143:s.3 and c. 40A:s.7)

SECTION 4-6 BURIAL AGENT

(a) Appointment - The veteran's agent appointed by the board of selectmen shall also be a burial agent. (c.115:s.7)

(b) Powers and Duties - The burial agent shall cause to be interred the body of any veteran or adult dependent of a veteran who dies without sufficient means of defraying funeral expenses and the body of any dependent child of a veteran if the veteran and his wife, or the veterans widow, are without sufficient means to defray the expense. (c. 115:s.7)

SECTION 4-7 CIVIL DEFENSE DIRECTOR

(a) Appointment, Term of Office - The board of selectmen shall appoint a civil defense director. (c.639:s.13,Acts of 1950)

(b) Powers and Duties - The civil defense director shall be responsible for preparing and carrying out of all emergency functions and services, including, but not limited to: police and fire fighting services; medical and other health related services; rescue engineering and air raid warning services; evacuation of persons from stricken areas; emergency welfare services; communications; radiological, chemical and other special weapons of defense; emergency transportation; existing or properly assigned functions of plant protection; temporary restoration of public utility services and functions. The civil defense director shall have all of the other powers, duties and responsibilities which are assigned to civil defense directors by general laws. (c.639, Acts of 1950, generally)

SECTION 4-8 CONSERVATION COMMISSION

(a) Composition, Term of Office - The board of selectmen shall appoint a conservation commission consisting of seven members for terms of three years each so arranged that the terms of as nearly an equal a number of members as possible shall expire each year. (c. 40: s.8C)

(b) Powers and Duties - The conservation commission shall be responsible for the promotion and development of the natural resources of the town and for the protection of watershed resources of the town. The conservation commission shall have all of its other powers, duties and responsibilities which are given to conservation commissions by general laws. (see c. 40, s.8C and c.131, s.40)

SECTION 4-9 DEVELOPMENT AND INDUSTRIAL COMMISSION

(a) Composition, Term of Office - The board of selectmen shall appoint a development and industrial commission to consist of not less than five nor more than fifteen members to serve for terms of three years each so arranged that the terms of as nearly an equal a number of members as possible shall expire each year. (c.40, s.8A)

(b) Powers and Duties - The development and industrial commission shall conduct researches into industrial conditions, investigate and assist in the establishment of educational or commercial projects for the purpose of expanding or strengthening the local economy. (c.40:s.8A)

SECTION 4-10 DOG OFFICER

(a) Appointment, Term of Office - The board of selectmen shall, annually, appoint a dog officer. (c.140:s.151)

(b) Powers and Duties - The dog officer shall be responsible for the enforcement of all laws relating to the care, custody and control of dogs. (c.140:ss. 136-174)

SECTION 4-11 FENCE VIEWERS

(a) Appointment, Term of Office - The board of selectmen shall, annually, appoint two or more fence viewers. (c.49:s.1)

(b) Powers and Duties - The fence viewers shall be responsible for the enforcement of sections one through twenty-one of chapter forty-nine of the General Laws, and may determine when a partition fence is required. They shall have all of the other powers, duties and responsibilities which are given fence viewers by general laws. (c. 49:ss.1-21)

SECTION 4-12 FINANCE COMMITTEE

(a) Composition, Term of Office - The town shall, by by-law, provide for the appointment of a finance or advisory committee.

(b) Powers and Duties - The finance or advisory committee shall consider any or all municipal questions, as may be provided in such by-law, for the purpose of making recommendations to the town. Unless some other provision is made for the submission of an annual budget to the town meeting, the said committee shall do so. (c. 39:s.16)

SECTION 4-13 FIRE CHIEF AND FIRE DEPARTMENT

(a) Appointment, Term of Office - The board of selectmen shall appoint a fire chief and shall fix his salary within the amount annually appropriated for such purpose. The fire chief may be removed, for cause, by the board of selectmen at any time after a public hearing. (c. 48, s. 42)

(b) Powers and Duties - The fire chief shall have full charge of extinguishing fires in the town and the protection of life and property in the event of fire. The fire chief shall have full and absolute authority in the administration of the fire department, shall make all rules and regulations for its operation, shall report to the board of selectmen from time to time as it may require and shall annually report to the town on the condition of the department with his recommendations. (c. 48, s. 42)

SECTION 4-14 HIGHWAY SUPERINTENDENT  
(Superintendent of Streets)

(a) Appointment, Term of Office - The board of selectmen shall appoint, annually, a superintendent of streets. (c. 41, s. 66)

(b) Powers and Duties - The superintendent of streets, under the direction of the board of selectmen, shall have full charge of all repairs and labor upon public ways and sidewalks and in relation to such matters he shall have the powers, perform the duties, and be subject to the liabilities and penalties of surveyors of highways and road commissioners. (c. 41, s. 68)

SECTION 4-15 HISTORICAL COMMISSION

(a) Composition, Term of Office - The board of selectmen shall appoint a historical commission which shall consist of not less than three nor more than twelve members. The terms of members shall be for three years each, so arranged that as nearly an equal number of terms as possible shall expire each year. (c.40:s.8D)

(b) Powers and Duties - The historical commission shall act for the preservation, promotion and development of the historical assets of the town. The commission shall have such additional powers, duties and responsibilities as are given historical commissions by general law. (c. 40:s.8D)



(b) Powers and Duties - The keeper of the lock up shall have the care and custody of the town lock up and of all persons who are committed to the lock up. (c.40:s.34-37 inclusive)

SECTION 4-19 MEASURERS OF WOOD AND BARK

(a) Appointment, Term of Office - The town shall annually choose one or more measurers of wood and bark or may, by vote fixing the number to be chosen, delegate to the board of selectmen the authority to appoint such measurers of wood and bark. (c. 94:s.296)

(b) Powers and Duties - The measurers of wood and bark shall be responsible for the enforcement of the laws relating to the sale of wood and bark within the town. (c. 94:ss. 296 to 303, inclusive)

SECTION 4-20 MOTH SUPERINTENDENT  
(Superintendent of Insect Pest Control)

(a) Appointment, Term of Office - The board of selectmen shall appoint a superintendent of insect pest control for a term of three years. (c. 132, s. 13)

(b) Powers and Duties - The superintendent of insect pest control shall be responsible for the suppression of the public nuisances named in section eleven of chapter one hundred thirty-two. (c. 132, s. 13, see c. 132, generally)

SECTION 4-21 PARKING CLERK

(a) Appointment - The board of selectmen shall designate or appoint a parking clerk. (c. 90, s. 20A 1/2)

(b) Powers and Duties - The parking clerk shall report to the board of selectmen and shall supervise and coordinate the processing of parking notices in the town. (c. 90, s. 20A-E)

SECTION 4-22 PERSONNEL BOARD

(a) Composition, Term of Office - The town may, by by-law, provide for a personnel board. (c. 41, s. 108C)

(b) Powers and Duties - The personnel board may administer compensation plans established pursuant to paragraph (b) of section five of chapter thirty-one, plans established pursuant to section one hundred and eight A of chapter forty-one and any other by-laws adopted pursuant to section twenty-one a of chapter forty. (c. 41, s. 108C)

SECTION 4-23 PLUMBING INSPECTOR

(a) Appointment, Term of Office - An inspector of plumbing shall be appointed by the building inspector. (c.142,s.11)

(b) Powers and Duties - The plumbing inspector shall be responsible for the enforcement of all rules and regulations regarding the installation, alteration and repair of all plumbing in the town. (c.142:ss. 11-13; c.142, generally)

SECTION 4-24 POLICE CHIEF AND POLICE DEPARTMENT

(a) Appointment - The board of selectmen shall appoint a police chief and such other police officers as they deem necessary. (c. 41:s. 97A)

(b) Powers and Duties - The chief of police shall be in immediate control of all town property used by the department, and of the police officers, whom he shall assign to their respective duties and who shall obey his orders. The police department under the direction of the police chief shall have full charge of keeping the peace and the enforcement of all laws. (c. 41:ss. 97A, and 98)

SECTION 4-25 REGISTRARS OF VOTERS

(a) Appointment, Term of Office - The board of selectmen shall appoint a board of registrars of voters to consist of three persons, appointed for terms of three years each and the town clerk who shall serve ex officio. (c. 51:s.15)

(b) Powers and Duties - The board of registrars of voters shall supervise the qualification of persons to vote, certify the signatures on nomination papers and petitions, and shall hold hearings and decide disputes with regard to any of the foregoing matters. (c. 51:generally)

SECTION 4-26 SEALER OF WEIGHTS AND MEASURES

(a) Appointment, Term of Office - The board of selectmen shall appoint one or more sealers of weights and measures. (c.98:s.34)

(b) Powers and Duties - The sealer of weights and measures shall test, adjust and seal all devices used for the weighing and measuring of commodities and shall be responsible for the enforcement of all laws relating to weights and measures. (c.98:ss.34-56C)

SECTION 4-27 SUPERINTENDENT OF SCHOOLS

(a) Appointment, Term of Office - The school committee shall appoint a superintendent of the schools and fix the term of his appointment. (c.71:s.59)

(b) Powers and Duties - The superintendent of schools shall be the executive officer of the school committee, and under its general direction, shall have the care and supervision of the public schools, shall assist it in keeping its records and accounts and in making such reports as are required by law, and shall recommend to the school committee teachers, textbooks and courses of study. (c.71:s.59)

SECTION 4-28 TOWN COUNSEL

(a) Appointment - The board of selectmen may appoint a town counsel in such manner and for such term as it or the town by by-law may determine (c.40:s.5, clauses 15,16 and 16A)

(b) Powers and Duties - The town counsel shall perform such duties as may be required of such officer by town by-law, by vote of the board of selectmen, or otherwise. (c.40:s. 5, clauses 15, 16, and 16A)

SECTION 4-29 VETERAN'S GRAVES OFFICER

(a) Appointment, Term of Office - The board of selectmen shall annually, in April, appoint a veteran's graves officer. (c.115:s.9)

(b) Powers and Duties - The veteran's graves officer shall be responsible to see that every veteran's grave is suitably kept and cared for. (c. .115:s.9)

SECTION 4-30 VETERAN'S SERVICES DIRECTOR

(a) Appointment, Term of Office - The board of selectmen shall appoint a veteran's services director. (c.115: s. 10)

(b) Powers and Duties - The veteran's services director shall furnish information, advice and assistance to veteran's relative to employment, education, medical care, pensions and other benefits to which they are or may be entitled. (c.115: s.10)

SECTION 4-31 WIRE INSPECTOR

(a) Appointment - The board of selectmen shall appoint a wire inspector. (c.166: s. 32)

(b) Powers and Duties - The wire inspector shall supervise every wire over, under or in streets or buildings and every wire within a building which is designed to carry electricity (.c.166,s.32)

ARTICLE 5

SPECIAL POWERS OF THE TOWN

note: The items contained in this article represent powers/authority not available to the town under 'general' laws, but made available to it by an 'acceptance' statute or a special law.

SECTION 5-1 TOWING OF VEHICLES

The board of selectmen may, through appropriate rules and regulations adopted by it, authorize the police chief, or any member of the police department the rank of sergeant or higher the police chief may designate, to cause vehicles which are illegally parked to be towed and stored at the owner's expense. (c. 40, s. 21D)

See TM 3/6/62, article 35

SECTION 5-2 ENFORCEMENT OF PARKING REGULATIONS

The parking regulations of the town may be enforced through a local non-criminal procedure. (c. 90, s. 20 1/2)

See TM June 1, 1982, article 18

SECTION 5-3 RECALL OF ELECTED OFFICERS

The town's voters may remove elected officials from office, prior to the time at which their term of office would otherwise expire, through a petition and special election process. A single voter may request the issuance of recall petitions, which, if returned within thirty days after their issuance and signed by ten percent of the voters in each of the town's precincts, will require a special election to be held seventy days, or more, later. (c.246:1984)

SECTION 5-4 SPECIAL FINANCIAL AUTHORITY

(a) Water Liens - If the rates and charges for supplying water remain unpaid after the date established for such payment such rates and charges shall constitute a lien against the real estate for which the service was supplied. (c. 40, ss. 42A through 44F)

See town election March 24, 1924

(b) Appropriation Offsets - The town may specify, when making an appropriation for the annual operating costs of any town agency that such costs are to be offset by the estimated receipts from user fees charged by the said agency. (c. 44, s. 53E)

See TM May 1, 1984, article 16

(c) Expenditures from the Receipts of Certain School Related Funds - The school committee in the conduct of adult education, continuing education and community school programs may establish separate accounts into which the receipts from such programs may be deposited and from which expenditures made without further appropriation. (c. 71, s. 71E)

See TM June 2, 1981, article 21

(d) Special Assessments to Cover Cost of Laying Certain Water Pipes - The town may, by by-law, provide for the levy of special assessments to meet the whole or part of the cost of laying pipes in public and private ways for the conveyance or distribution of water to its inhabitants. (c. 40, s. 42G)

See TM March 2, 1971, article 24

SECTION 5-5 NON-CRIMINAL ENFORCEMENT OF TOWN BY-LAWS, RULES AND REGULATIONS

The town has accepted the provisions of MGL c. 40, section 21D which permits it to provide for the enforcement of violations of its by-laws and rules and regulations by a non-criminal procedure.

See ATM May 3, 1988, article 12

ARTICLE 6

SPECIAL PROVISIONS RELATING TO TOWN EMPLOYEES

Section 6-1 Civil Service

With certain exceptions, the members of the police department are covered by civil service. (c. 31, s. 48)

see TM March 1, 1932, article 18

Section 6-2 Workmen's Compensation

Persons in the employ of the town of Avon have been covered by the special provisions in the state Workmen's Compensation law since 1914. The selectmen were authorized in 1967 to keep the list of employees covered, current. (c. 152, s. 69)

See Town Election, March 3, 1914 and TM March 7, 1967, article 28

Section 6-3 Pension and Retirement Benefits

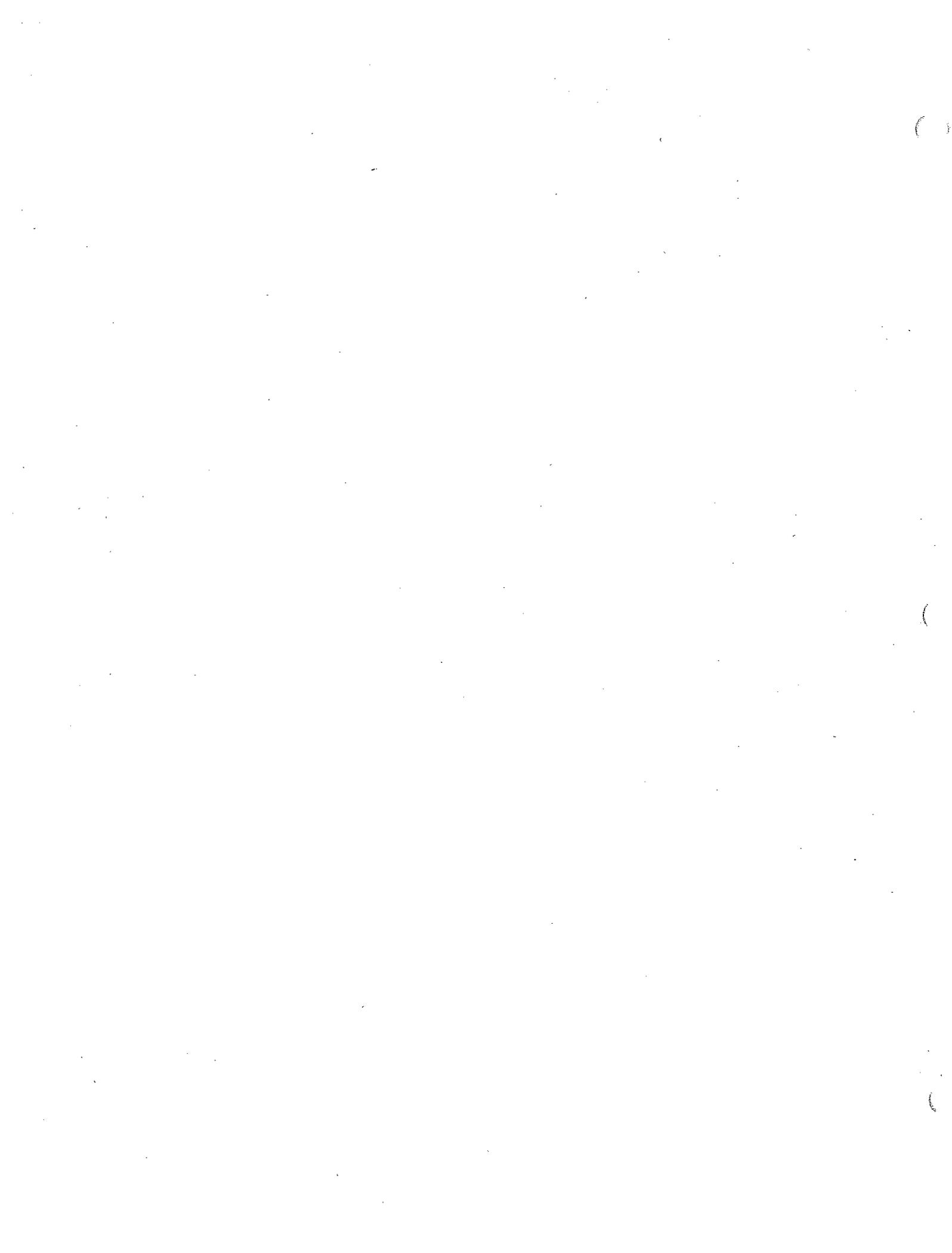
Pensions have been provided for town 'laborers' since 1912. The state contributory retirement system for municipal employees generally was adopted in 1946. (c. 32)

See State election November 5, 1912, and November 5, 1946

Section 6-4 Group Insurance

The town has provided group medical and life insurance for town employees since 1967. (c. 32B)

See TM March 13, 1967



APPENDIX A

NOTE: Under article 11 of the warrant for the 1988 Annual Town Meeting it was voted that,

The following votes, to accept, or to act pursuant to authority granted under the statute cited, are hereby ratified and confirmed:

A. ELECTED TOWN OFFICERS

1. General Laws, Chapter 39, section 14

A town moderator for the term of three years.

2. General Laws, Chapter 41, section 1

A board of selectmen to consist of three members elected for terms of three years each, such that the term of one member expires each year.

A school committee to consist of five members elected for terms of three years each so arranged that as nearly an equal a number of terms as is possible expire each year.

A board of assessors to consist of three members elected for terms of three years each, such that the term of one member expires each year.

A town clerk for the term of three years.

A town treasurer for the term of three years.

A collector of taxes for the term of three years.

Two constables for the term of three years each.

A board of health to consist of three members elected for terms of three years each, such that the term of one member expires each year.

A tree warden for the term of three years

3. General Laws, Chapter 41, section 63

A board or sewer commissioners to consist of three members elected for terms of three years each such that one term expires each year.

4. General Laws Chapter 41, section 81A

A planning board to consist of five members elected for terms of five years each so arranged that the term of one member expires each year

5. General Laws, Chapter 45, section 2

A board of park and recreation commissioners to consist of five members elected for terms of three years each so arranged that as nearly an equal a number of terms as is possible expire each year.

6. General Laws Chapter 78, section 10

A board of trustees of the public library to consist of three members elected for terms of three years each, such that the term of one member expires each year.

7. General Laws Chapter 121B

An Avon Housing Authority to consist of four members elected by the voters of Avon and a fifth member appointed by the Secretary of Communities and Development for terms of five years each so arranged that the term of one member shall expire each year.

An Avon Redevelopment Authority to consist of four members elected by the voters of Avon and a fifth member appointed by the Secretary of Communities and Development for terms of five years each so arranged that the term of one member shall expire each year.

8. Chapter 236: Acts of 1889

A board of water commissioners to consist of three members elected for terms of three years each so arranged that the term of one member expires each year.

**B. APPOINTED TOWN OFFICERS AND AGENCIES**

General Laws

chapter 41, ss 44: A town accountant;

40. s. 8B: a council on aging;

129, s. 15: an animal inspector;  
41, s. 81Z: a board of appeals;  
143, s. 3: a building inspector;  
115, s. 7: a burial agent;  
40, s. 8C: a conservation commission;  
40, s. 8A: a development commission;  
140, s.151: a dog officer;  
49, s. 1: fence viewers;  
39, s. 16: a finance committee;  
48, s. 42; a fire chief and fire department  
41, s. 66: a highway superintendent;  
40, s. 8D: a historical commission;  
40D, s. 3: an industrial development finance  
authority;  
143, s. 30: a gas inspector;  
40, s. 35: a lock-up officer;  
94, s. 296: measurers of wood and bark;  
132, s. 13: a moth superintendent;  
90, s. 201/2: a parking clerk;  
41, s. 108C: a personnel board;  
142, s. 11: a plumbing inspector;  
41, s. 97A: a police chief and police  
department;  
51, s. 15: a board of registrars of voters;  
98, s. 34: a sealer of weights and measures;  
71, s. 59: a superintendent of schools;

115, s. 9, s. 10: a veterans graves officer and  
veterans services director

166, s.32: a wire inspector;

#### C. SPECIAL POWERS OF THE TOWN

40, s. 21D Authority to tow certain illegally  
parked motor vehicles.

90, s.201/2 Enforce traffic violations through  
local, non-criminal procedure.

40, ss. 42A-44F Authority to impose lien on  
real estate to enforce collection  
of water bills.

44, s. 53E Authority to offset certain  
appropriations with certain  
receipts.

71, s. 71E Authority to offset certain school  
expenditures from receipts.

40, s. 42G Authority to levy special  
assessments to install water pipes.

Chapter 246:Acts of 1984 Authority of voters to  
recall elected officers.

#### D. SPECIAL PROVISIONS AFFECTING TOWN EMPLOYEES

31., s. 48 Civil service for police officers.

152, s. 59 "Workmen's Compensation" coverage.

32 Retirement for town employees.

32B Group Insurance for town  
employees.

TOWN OF AVON

ACCEPTANCE OF STATUTES

March 6, 1888 article 4	Accepted c. 47:1888, An Act to Incorporate the Town of Avon
July 31, 1889 article 2	Accepted c. 236:1889, An Act to Supply the Town of Avon With Water
March 26, 1890 article 2	Accepted c. 15:1890, An Act to Authorize the Town of Avon to Make an Additional Water Loan
January 31, 1891 article 2	Accepted c. 386:1890 An Act to Authorize the Printing and Distribution of Ballots for Town Elections at Public Expense
March 6, 1894 article 20	Accepted c. 431:1888 An Act to Aid Small Towns to Provide Themselves With School Superintendents
March 5, 1895 article 24	Accepted c. 344:1894, An Act to Authorize the Town of Avon to Make an Additional Water Loan
February 13, 1896 article 2	Accepted c. 465:1893 An Act to Authorize Towns to Use the McTammany Automatic Ballot Machines at Elections of Town Officers
March 7, 1899 article 15	Accepted c. 466:1898, An Act Relative to the Employment of Superintendents of Schools by Small Towns

March 5, 1901 article 18	Accepted c. 366:1869 An Act Concerning the Impounding of Cattle
March 3, 1903 article 18	Accepted c. 361:1902 An Act to Authorize Cities and Towns to Purchase Water for Temporary Purposes
November 6, 1906 (state election)	Accepted c. 532:1906 An Act to Incorporate the New York, Brockton and Boston Canal and Transportation Company
March 2, 1909 article 8	Accepted c. 209:1908, An Act to Protect Forest and Sprout Lands From Fire
November 7, 1911 state election	Accepted c.. 634:1911 An Act to Authorize the Counties of the Commonwealth to Establish Retirement System for Their Employees
October 18, 1912 article 2	Accepted c. 598:1910 An Act Relative to the Auditing by the Director of the Bureau of Statistics of Municipal Accounts
November 5, 1912 state election	Accepted c. 503:1912 An Act Relative to Pensioning Laborers in the Employ of Cities and Towns
November 4, 1913 state election	Accepted c. 807:1913 An Act to Provide for Compensating Certain Public Employees for Injuries Sustained in the Course of Their Employment

March 3, 1914 town election	Accepted 487:1913 An Act Relative to the Promotion of Call Men in the Fire Departments of Cities and Towns
	Accepted s. 42, c. 514:1909 (Eight hour day for town laborers)
	Accepted c. 807:1913 An Act to Provide for Compensating Certain Public Employees for Injuries Sustained in the Course of Their Employment
November 3, 1914 state election	Accepted c. 217:1914 An Act Relative to Vacations of Laborers Employed by Cities and Towns
	Accepted c. 688:1914 An Act to Make Saturday a Half-Day Holiday for Laborers, Workmen and Mechanics Employed By or On Behalf of the Commonwealth and Otherwise to Regulate Their Employment
February 9, 1915	Accepted c. 11, s. 336 R.L. (Elect Highway Surveyor by ballot) (see also vote at TM 3/1/21/)
December 22, 1919 article 3	Accepted c. 293:1916 An Act To Authorize the Licensing by Cities and Towns of Motor Vehicles Carrying Passengers for Hire.
March 1, 1921 article 19	Rescinded acceptance of c. 11, s.336 R.L.
article 24	Accepted c. 153:1916 An Act Relative to the License Fee For Slaughter Houses in Towns Having Less Than Ten Thousand Inhabitants

November 25, 1921 article	Accepted c. 14:1921 An Act to Authorize Assessors in Towns to Appoint Assistant Assessors
March 24, 1924 town election	Accepted c. 391:1923 An Act Relative to the Collection of Water Rates
March 3, 1925 article 23	Accepted c. 136, s. 7.G.L. (Permitted sale of frozen desserts on the Lord's Day)
July 14, 1925 article 3	Accepted c. 41, s. 97 G.L. (police department organization)
May 2, 1928 article 2	Accepted c. 136, ss. 21-28 Licensing of Boxing Matches
March 5, 1929 article 16	Accepted c. 406:1928 (permitted certain sports, games to be conducted on the Lord's Day)
March 4, 1930 article 18	Accepted c.402:1928 An Act Providing for the Payment of Compensation to Widows and Children of Policemen and Firemen Who Are Killed in the Performance of Duty
March 1, 1932 article 18	Accepted c. 31, s. 48 G.L. Civil Service for police force
article 19	Accepted c. 31, s. 49 Civil Service for police chief
November 5, 1945 article 3	Accepted 723:1945 Established Veteran's Service Department

November 5, 1946 state election	Accepted c. 32, ss. 1-21 G.L. Contributory retirement system for Town Employees
March 10, 1947 town election	Accepted c. 71, s. 40 (equal pay for male and female teachers)
March 4, 1952 article 21	Accepted c. 41, s. 81A "Improved" method of municipal planning
March 2, 1954 article 16	Accepted c.386:1953 An Act Further regulating the Making of Repairs on Private Ways by Cities and Towns.
March 12, 1956 article 24	Accepted c. 114, s. 18 G.L. Care of neglected burial places within the town
article 25	Accepted c. 40, s. 8A G.L. Establishing Development and Industrial Commission
March 1, 1960 article 37	Accepted c. 40, s. 8C G.L. Establish a Conservation Commission
March 7, 1961 article 17	Accepted c. 166, s. 32 G.L. Establish position of Inspector of Wires
article 25	Accepted c. 647:1960 Providing for increases in certain retirement allowances
October 10, 1961 article 8	Accepted c. 737:1960 Establish position of Inspector of Gas Piping and Gas Appliances
article 10	Accepted c. 136, s. 4B G.L. (Licensing of Bowling Alleys on the Lord's Day)

March 6, 1962 article 34	Accepted c. 58, ss. 7A to 7D G.L. State Assessment system
article 35	Accepted c. 322:1961 (see.40, s.22D G.L.) Towing of certain motor vehicles
March 5, 1963 article 29	Accepted c. 48, ss 42 to 44 G.L. Establishing a fire department
March 30, 1964 article 4	Accepted c. 121, s. 26XX G.L. "Declaration of Need' Establishment of Redevelopment Authority
article 6	Accepted c. 478:1963 Increase in certain retirement allowances
November 9, 1964 article 7	accepted c. 53, s. 9A G.L. Establishes a final date for 'taking out' nomination papers for town office
March 7, 1967 article 28	Accepted c. 152, s. 69 G.L. Authorize Board of Selectmen to compile listing of offices and positions covered by Workmen's Compensation
March 13, 1967 (town Election)	Accepted c. 32B, group insurance for municipal officers and employees
March 5, 1968 article 19	Accepted c. 319:1961 An Act Providing that Cities and Towns May Make Repairs on Private Ways Without Liability for Damages
June 22, 1970 article 3	Accepted c. 121B, s. 3 G.L. "Declaration of Need" establishing local Housing Authority

March 2, 1971 article 18	Accepted c. 41, s. 55 G.L. Established position of Town Accountant
article 22	Accepted c. 722:1967 "Declaration of Need" establishing Industrial Development Financing Authority
article 24	Accepted c. 40, s. 42G G.L. Special assessments to meet cost of laying water pipes
March 7, 1972 article 24	Accepted c. 41, s. 100G G.L. (provides for payment of funeral and burial expenses of police officer or fire fighter dies from injuries received in the performance of duties
March 12, 1973 (town election)	Accepted c. 32B, s. 9A G.L. Town pay one-half of the cost of group insurance premiums for retirees
	Accepted c. 32B, s. 11A G.L. Purchase of 'additional' insurance for employees, at no cost to Town
May 10, 1975 (town election)	(c. 41, ss. 126-132 G.L.) Granted tenure to incumbent Highway Surveyor
May 5, 1976 article 25	Accepted c. 40, s. 8D G.L. Establishing an Historical Commission
May 3, 1977 article 24	Accepted c. 90, s. 20C, G.L. Multiple Parking Violations

March 10, 1980  
(town election)

Town to distribute dividends from Group Insurance to town employees in proportionate amounts.

Accepted c. 258, s. 13, G.L. Indemnification of municipal officers and employees

June 2, 1981  
article 21

Accepted c. 71, s. 71E, G.L. "Revolving" fund for certain school accounts

June 1, 1982  
article 18

Accepted c. 90, s. 20 1/2, G.L. Establish local parking clerk

June 6, 1983  
article 5

Accepted c. 597:1982 Providing an exemption from motor vehicle excise tax for former P O W's

May 1, 1984  
article 11

Accepted c. 59, s. 5, cl.41B, G.L. . Abatement of property tax

article 16

Accepted c. 44, s. 53 E, G.L. "Enterprise Fund" for water

February 10, 1986  
article 7

Accepted s.1, c. 188:1985 "equal education opportunity"

May 4, 1987  
article 37

Accepted c. 59, s. 5, clause 17 Providing exemption for certain tax payers