
ARTICLE 12: AMENDMENTS, VALIDITY & SEVERABILITY

SECTION 12.00 APPLICABILITY

- A. These By-Laws may be changed by amendment, addition or repeal, but only in the manner hereinafter provided.
- B. Any change to these By-Laws may be initiated by the submission to the Board of Selectmen of a proposed change by the Board of Selectmen, the Board of Appeals, the Planning Board, by an individual owning land to be affected by the change, by the request of registered voters pursuant to Section 10, Chapter 39, MGL or by the Metropolitan Area Regional Planning Council (MAPC). When a petition is presented by an individual owning land to be affected by the change or by the request of registered voters, the petition shall be accompanied by a reasonable fee to cover the costs of the required public notices. The Board of Selectmen shall submit any proposed change to the Planning Board for review within fourteen (14) days of receipt of such change.
- C. No change shall be adopted until after the Planning Board has held a public hearing at which interested parties shall be given an opportunity to be heard. The public hearing shall be held within sixty-five (65) days after the proposed change is submitted to the Planning Board by the Board of Selectmen.
- D. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing.
- E. Notice of such hearing shall also be sent by mail, postage prepaid, to the Department of Community Affairs, MAPC and to the Planning Boards of all abutting towns. A separate, conspicuous statement shall be included with property tax bills sent to non-resident property owners, stating that notice of hearings under these By-Laws shall be sent by mail, postage prepaid to any such owner who files an annual request for such notice with the Town Clerk no later than January first and pays a reasonable fee.
- F. Publication and notices shall contain the date, time and place of the hearing, a summary of the subject matter and the place where texts and maps may be inspected.
- G. The Planning Board shall submit a report with recommendations to the Board of Selectmen and Town Meeting within (21) days after the date of the public hearing.

SECTION 12.01 AMENDMENT PROCESS

- A. No vote to adopt any proposed change shall be taken until after such notice, hearing and report is subsequently submitted or twenty-one (21) days have elapsed without the required report with recommendations, after which the Town Meeting may adopt, reject, or amend any such proposed change. If a Town Meeting fails to vote to adopt any proposed change within six (6) months after the Planning Board hearing, no action shall be taken thereon until after a subsequent public hearing held with notice and report as provided above.
- B. No change shall be adopted except by a two-thirds (2/3) vote of Town Meeting. No proposed change which has been unfavorably acted upon shall be considered by Town Meeting within two (2) years after the date of such unfavorable action, unless the adoption of such proposed change is recommended in the final report of the Planning Board.
- C. The Planning Board shall furnish a statement explaining the change proposed, with supporting maps or plans to be submitted with the change to the Attorney General. The change shall also be published in a town bulletin or pamphlet, copies of which shall be posted in at least one (1) public places in each precinct; or be published at least twice, one week apart in a newspaper of general circulation. The publication shall include a statement that claims of invalidity because of any default in procedures may only be made within ninety (90) days of such posting of the second publication and a statement indicating where copies of such change may be examined.
- D. After adoption and approval, a copy of the By-Law shall be sent to the Department of Community Affairs by the Town Clerk.
- E. Pursuant to Chapter 40, Section 32, MGL, legal action may be taken regarding defects in the procedure of adoption. A copy of the petition must be filed with the Town Clerk within seven (7) days after the commencement of the action.

SECTION 12.02 EFFECTIVE DATE

- A. The effective date of any change shall be the date of the Town Meeting vote of acceptance, unless disapproved by the Attorney General, whereby the previous By-Laws shall govern.

SECTION 12.03 VALIDITY

- A. The invalidity of any section or provision of the By-Laws shall not invalidate the whole or any other section or provision thereof.