

Town of Ayer

SPECIAL ANNUAL FALL TOWN MEETING WARRANT

Ayer Shirley Regional High School Auditorium
141 Washington Street, Ayer, MA 01432
Monday, October 23, 2023 @ 7:00 P.M.

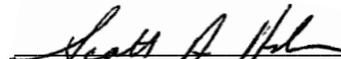
Commonwealth of Massachusetts
Middlesex, ss.

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Ayer qualified to vote in Town Elections and Affairs to meet at the Auditorium in the Ayer Shirley Regional High School located at 141 Washington Street, Ayer, Massachusetts on Monday, the Twenty-third (23rd) day of October, 2023, at seven o'clock in the evening (7:00 p.m.) then and there to act on the following articles:

Hereof fail not and make due return of this warrant with your doings thereof to the Town Clerk before the date appointed for said meeting.

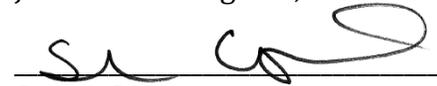
Given under our hands this 3rd day of October AD 2023.



Scott A. Houde, Chair



Jannice L. Livingston, Vice Chair



Shaun C. Copeland, Clerk

AYER SELECT BOARD

Any persons needing disability related assistance (such as signing, etc.) at the Town Meeting please contact the Select Board Office at 978-772-8220 x100 before October 20, 2023. We shall make every reasonable effort to assist you. Large print version of the text of this warrant is available upon request.

ARTICLE 1: ADOPTION OF G.L. c.39, §23D (Mullin Rule)

To see if the Town will vote to accept, for all boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of G.L. c.39, §23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met, or take any action thereon or in relation thereto.

Sponsor: Select Board

Simple Majority Vote

Explanatory Note: This Article would authorize the Town to adopt G.L. c.39, §23D (known as the Mullin Rule) which would allow any member on a town board, committee, or commission to miss one public hearing and still be able to vote on that application. The member shall review all meeting materials, minutes, and or recordings of the missed meeting and certify in writing that they have reviewed all relevant information to be able to vote on the application before that board, committee, or commission. Presentation to be made at Town Meeting.

ARTICLE 2: CPA AFFORDABLE HOUSING TRUST FUNDING

To see if the Town will vote to transfer from the Community Preservation Fund (FY 2024) Balance Reserve from the Housing Category the sum of \$200,000 for the Ayer Affordable Housing Trust for the following purposes:

Ayer Rental Assistance Program:	\$72,000
Administration and Financial Audit of Trust:	\$3,000
Future Acquisition of Affordable Housing:	<u>\$125,000</u>
Total:	\$200,000

Or take any action thereon or in relation thereto.

Sponsor: Community Preservation Committee

Select Board: Recommends

Finance Committee: Will Report at Town Meeting

Simple Majority Vote

Explanatory Note: This Article would authorize the transfer of \$200,000 from the Town's CPA (Community Preservation Act) Funds from the Housing Category to the Ayer Affordable Housing Trust. \$72,000 of these funds will be for the Rental Assistance Program (ARAP); \$3,000 will be for administrative costs for the Trust as well as an independent audit; and \$125,000 will be for building the Trust for possible future property purchases for affordable housing. For more information, please visit the Community Preservation Committee webpage on the Town's website at www.ayer.ma.us/townmeeting. Presentation to be made at Town Meeting.

ARTICLE 3: BY-LAW AMENDMENT: CHAPTER 130 (DOGS)

To see if the Town will vote to amend Chapter 130 (Dogs) of the General Bylaws of the Town by deleting the ~~strikethrough bold text~~ and inserting the underlined bold text as follows:

§ 130-1 Applicable Law and Definitions.

- A. In addition to the requirements set forth in this Bylaw, the licensing, keeping and control of dogs shall be in accordance with all applicable provisions of the Massachusetts General Laws, including but not limited to the provisions of MGL c. 140, §§136A to 174E, inclusive, as may be amended from time-to-time, which provisions are incorporated herein.
- B. The terms used in this Bylaw shall be as defined in MGL 140, §136A, as may be amended from time-to-time, and the following additional terms shall have the meanings indicated:

ABANDON:

A dog is considered abandoned within the meaning of this chapter when it has been left alone or unattended by the owner for any period greater than 24 hours without the owner providing for its needs.

AT LARGE:

A dog that is off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash held by a person capable of controlling the dog.

COMPLAINANT:

Any person, including the Animal Control Officer, who makes a written complaint regarding an animal committing a violation under this chapter. In the case where the complaint is from someone other than the Animal Control Officer, the Ayer Dog Incident Complaint Form should be used.

COMPLAINT:

A formal written report of a dog incident.

DOG:

Any animal of the canine species.

DOMESTIC ANIMAL:

An animal designated as domestic by regulations promulgated by the Department of Fish and Game, as may be amended from time-to-time.

HEARING AUTHORITY:

The Select Board or their designee is charged with the responsibility of handling nuisance or dangerous dog complaints.

LICENSE:

A valid and current municipal dog license and dog license tag.

OWNER:

Any person or persons, firm, association or corporation owning, keeping or harboring a dog.

PHYSICAL CONTROL:

Control of a dog with a restraint.

PUBLIC NUISANCE

~~Any dog shall be deemed a public nuisance when attacking persons or domestic animals when such dog is on property other than that of the dog owner; when destroying property; when on public school grounds and not under restraint ("Restraint" shall mean physical restraint, i.e., chain, rope or other material, and shall not mean voice control.); when it persistently chases moving motor vehicles, pedestrians, or bicycle riders; when it persistently and continually barks or howls; when it is permitted to run at large and unrestrained ("Restrained" shall mean physically restrained, i.e., with chain, rope or other material, and shall not mean voice control) on property other than its owners. Any unspayed female dog in season shall be deemed a public nuisance when not confined indoors or housed in a veterinary hospital or registered kennel. Each time one of the above nuisances exists shall constitute a separate offense.~~

PUBLIC DISTURBANCE

Any dog shall be deemed a public disturbance when such dog is engaged or has engaged in any combination of one or more of the following activities. Each instance

of a public disturbance is considered to be a violation. Each day of a violation is determined to be a separate violation.

- A. **Destroying, disturbing or otherwise molesting the property, including refuse, of another while outside the property of its owner, whether under such owner's physical control or not.**
- B. **Being upon any public park, playground, schoolyard, beach or in any place to which the public has a right of access while not under the restraint of its owner or keeper.**
- C. **Being permitted to run unrestrained at large. The running of hunting dogs, certified service dogs and search and rescue dogs shall not constitute a public disturbance hereunder. The exercising of other dogs which are under the physical control of their owner or keeper shall not constitute a public disturbance hereunder, providing permission of the landowner has been obtained.**
- D. **Being an unspayed female or unneutered male at large.**
- E. **Being over the age of six months and not wearing a suitable collar and current municipal dog license tag issued for it and while not on the property of the owner.**
- F. **Being a dog, which has been abandoned.**
- G. **Being a dog, which deposits solid waste not removed, or not properly disposed of, by the dog's owner or keeper upon any public park, playground, schoolyard, beach, public or private way sidewalk, in any place to which the public has a right of access or any property other than that of its owner.**

RESTRAINT:

The control of a dog by physical means, such as a leash, fence or other means of physically confining or restraining a dog.

RESTRAINT ORDER

Order to confine or restrain a dog with conditions determined by the Animal Control Officer.

§ 130-2 ~~Dog restraint; enforcement.~~ Nuisance Dog / Dangerous Dog / Public Disturbance Prohibited; Enforcement

- A. No owner or keeper of any dog shall permit such dog to become a Nuisance **Dog, Dangerous Dog or Public Disturbance** within the Town at any time.
- B. ~~This bylaw does not prohibit the running of hunting dogs or the exercising of dogs that are under the immediate control of the owner or keeper while on private property with the property owner's permission. If the owner or keeper of a dog is a minor, the parent or guardian of such minor shall be held liable for any violation of the bylaw.~~
- C. ~~If the owner or keeper of a dog is a minor, the parent or guardian of such minor shall be held liable for any violation of the bylaw. It shall be the duty of the Animal Control Officer to apprehend any dog which is found at large and to impound such dog in a suitable place or to order the owner to restrain such dog.~~
- D. ~~The owner shall pay such fees as established by the Town and it shall be the duty of the Animal Control Officer to apprehend any dog which he/she has reason to believe to be a public nuisance and to impound such dog in a suitable place or to order the owner to restrain such dog. If such a dog is impounded and has upon it the name and/or address of the owner, or owner if otherwise known, the Animal Control Officer shall immediately notify the owner.~~
- E. ~~If such a dog is impounded and has upon it the name and/or address of the owner, or owner if otherwise known, the Animal Control Officer shall immediately notify the owner. The owner of any dog impounded may reclaim such dog upon payment of a \$25 pick-up fee, together with any kennel fees incurred; provided, however, that if the dog is not licensed, a license must be secured from the Town Clerk before the dog is released. The sums collected pursuant to the provisions of this section shall be accounted for and paid over to the Town Treasurer/Tax Collector. Any dog which has been impounded and has not been redeemed by the owner within 7 days shall be disposed of as provided by the laws of the Commonwealth of Massachusetts.~~
- F. ~~The owner of any dog impounded may reclaim such dog upon payment of \$25; provided, however, that if the dog is not licensed, a license must be secured from the Town Clerk before the dog is released. The sums collected pursuant to the provisions of this section shall be accounted for and paid over to the Town Treasurer/Tax Collector. Any dog which has been impounded and has not been redeemed by the owner within 10 days shall be disposed of as provided by the laws of the Commonwealth of Massachusetts. The Animal Control Officer, members of the Police Department, or whoever else may be designated by the Select Board shall enforce the provisions of this bylaw and shall attend to all complaints pertaining to dogs in the Town.~~
- G. ~~The Animal Control Officer, members of the Police Department, or whoever else may be designated by the Select Board shall enforce the provisions of this bylaw~~

~~and shall attend to all complaints pertaining to dogs in the Town, with citation rights.~~

§ 130-3 Dog licenses; fees. Nuisance or Dangerous Dog Complaints.

~~A. MGL c. 140, § 137 requires that all owners or keepers of dogs shall cause the dog to be registered, numbered, described and licensed each year. All dogs must be vaccinated against rabies.~~

~~B. Fees.~~

~~(1) The annual fee in the Town of Ayer shall be:~~

~~(a) Unspayed female/unneutered male: \$10.~~

~~(b) Spayed female/neutered male: \$6.~~

~~(2) Dogs for which it can be verified by a veterinarian in writing that they cannot be spayed or neutered due to severe medical reasons shall pay the same fee as spayed or neutered dogs.~~

~~(3) A valid rabies certificate must be presented each time a dog is licensed.~~

~~(4) Kennel:~~

~~(a) One to four dogs: \$25.~~

~~(b) Five to 10 dogs: \$50.~~

~~(c) Over 10 dogs: \$75.~~

~~C. Any person or entity who fails to register and license their dog each year by the last day of March in the Town of Ayer, and pay the fees and charges under any and all applicable ordinances, bylaws or regulations adopted/observed by the Town of Ayer, will be required to pay to the Town a late fee, in the amount of \$10. Anyone acquiring a dog over the age of six months, after that date, shall have 30 days from the date the dog was received to register and license the dog or be subject to the late fee of \$10.~~

~~D. Fee exemptions. In accordance with MGL c. 140, § 139, no fee shall be charged for a license issued for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder; or for a license for a dog owned by a person aged 70 years or over.~~

A. Complaints concerning Nuisance Dogs or Dangerous Dogs shall be addressed

in accordance with MGL c. 140, §157, as may be amended from time-to-time.

- B. The Select Board is designated as the Hearing Authority to oversee the process of responding to all nuisance or dangerous dog complaints. The Select Board may designate another Town Employee as the Hearing Authority.
- C. The Hearing Authority shall notify the Town Clerk of any complaints filed and shall report any findings that a dog is a nuisance or dangerous dog to the Town Clerk.
- D. Issuance of temporary restraint orders. The Animal Control Officer may issue a temporary restraint order to the owner or keeper of any dog that is alleged to be a nuisance or dangerous dog and is awaiting a decision under this chapter. The Animal Control Officer's order shall expire upon receipt of a decision from the Hearing Authority on the nuisance dog or dangerous dog hearing.

§ 130-4 Dog waste. Dog Licenses; Fees

~~The owner or any person having the care, custody or control of a dog shall remove forthwith any excrement deposited by said dog and properly dispose of same in a trash container. This section shall apply to excrement left by a dog on public sidewalks, public streets or roadways, public parks, recreational fields and on the property other than the dog owner's.~~

- A. MGL c. 140, § 137 requires that all owners or keepers of dogs shall cause the dog to be registered, numbered, described, and licensed each year. All dogs must be vaccinated against rabies. A Valid rabies certificate must be presented each time a dog is licensed.
- B. The annual license period shall be January 1 to December 31 of the calendar year.
- C. Fees.
 - 1. The annual dog licensing fee in the Town of Ayer shall be:
 - i. Unaltered: \$15
 - ii. Spayed / Neutered: \$10
 - iii. Dangerous Dog: \$300

NOTE: Dogs for which it can be verified by a veterinarian in writing that they cannot be spayed or neutered due to medical reasons shall pay the same fee as spayed or neutered dogs

2. **Fee exemptions. In accordance with MGL c. 140, § 139, no fee shall be charged for a license issued for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder; or for a license for a dog owned by a person aged 70 years or over.**

3. **The annual kennel licensing fee in the Town of Ayer shall be:**
 - i. **One to four dogs: \$40**

 - ii. **Five to ten dogs: \$70**

 - iii. **Over Ten dogs: \$100**

§130-5 Violations and Penalties.

- A. **Any person or entity who fails to register and license their dog each year by the last day of February in the Town of Ayer and pay the required fees and charges will be required to pay to the Town a late fee, in the amount of \$50, in addition to the original licensing fee and any fines assessed. Anyone acquiring a dog over the age of six months, after that date, shall have 30 days from the date the dog was received to register and license the dog or be subject to the late fee of \$50.**

- B. **This Bylaw may be enforced by the Animal Control Officer or any police officer of the Town through any means available in law or equity, including but not limited to by the noncriminal disposition statute, MGL c. 40, § 21D, MGL c. 140, §173A and the Town Code, Chapter 1, Article I, § 1-4. When so enforced, the fines shall be as follows:**
 - _____ **(a) First violation: \$50.**
 - _____ **(b) Second violation: \$100.**
 - _____ **(c) Third violation: \$300.**
 - _____ **(d) Fourth and subsequent violations: \$500**

§130-6 Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause

thereof, nor shall it invalidate any permit or determination that previously has been issued.

Or take any action thereon or in relation thereto.

Sponsor: Select Board

Simple Majority Vote

Explanatory Note: This Article would amend the existing By-Law by adding a comprehensive definition section consistent with MGL Ch 140 Sec. 136A, clarifying prohibited behavior and responsibilities for dog owners, codifying the process of conducting a nuisance or dangerous dog hearings by the Hearing Authority, moving up the licensing late fee date to the last day of February, updating the schedule of fines in accordance with MGL and updating the licensing / kennel fees. For more information, please visit the Town's website at www.ayer.ma.us/townmeeting Presentation to be made at Town Meeting.

ARTICLE 4: BY-LAW AMENDMENT: Chapter 265 (TRANSIENT MERCHANTS)

To see if the Town will vote to amend Chapter 265 (Transient Merchants) of the General Bylaws of the Town by deleting the ~~striketrough bold text~~ and inserting the **underlined bold text** as follows:

§ 265-1 Definitions.

For the purpose of this bylaw, the following terms shall have the meanings indicated below:

PEDDLER

Any person who sells and makes immediate delivery of, or offers for sale and immediate delivery of, any goods, wares or merchandise, in possession of the seller, at any place within the Town of Ayer other than from a fixed place of business.

PERSON

Includes the singular and the plural and shall also mean and include any person, firm or corporation, association, club, partnership or society, or any other organization.

SOLICITOR

Any person who sells or takes orders or offers to sell or take orders for goods, wares, or merchandise for future delivery, or for services to be performed, at any place within the Town of Ayer other than a fixed place of business.

TRANSIENT MERCHANT

Any person, firm, or corporation, whether as owner, agent, or employee, whether a resident of the Town or not, who engages in or transacts any temporary business within the Town, either in one location or by moving from one place to another, selling or buying goods, wares, merchandise, or services, or who solicits for orders, sales,

subscriptions or business of any kind, or who solicits for information or donations and shall include all peddlers, canvassers and solicitors.

§ 265-2 ~~Exceptions.~~ Permit required.

Every Person intending to engage in soliciting or canvassing door-to-door as a Transient Merchant in the Town of Ayer must apply for a permit with the Chief of Police at least fourteen (14) business days in advance by filing an application form with the Chief of Police for a permit.

~~This bylaw, except as hereinafter provided, shall not apply to:~~

- ~~A. Persons, firms or corporations selling services, goods, wares, merchandise or materials at wholesale to dealers in such articles.~~
- ~~B. Newsboys.~~
- ~~C. Persons vending and delivering goods, wares or merchandise to regular customers on established routes in the regular course of business.~~
- ~~D. Sales in private residences of the owner's household goods and belongings.~~
- ~~E. Religious, charitable, patriotic or philanthropic organizations; provided, however, that such organization shall register with the Police Department prior to engaging in any business or activity related to the work or purposes of such organizations in Ayer and shall furnish such information in writing as is required from a permit applicant hereunder.~~
- ~~F. Governmental officers or employees of the Town, county, state or federal government, or any subdivision thereof, when on official business.~~
- ~~G. Insurance companies authorized to do business in Massachusetts.~~

§ 265-3 ~~Permit required.~~ Exceptions.

~~No persons, firm or corporation shall engage in the business of a transient merchant as defined herein within the Town of Ayer without first obtaining a permit in compliance with the provisions of this bylaw.~~

This bylaw shall not apply to:

- A. Persons, firms or corporations selling services, goods, wares, merchandise or materials at wholesale to dealers in such articles.
- B. Newspaper Delivery.
- C. Persons vending and delivering goods, wares, or merchandise to regular

customers on established routes in the regular course of business.

- D. Sales in private residences of the owner's household goods and belongings.
- E. Any activity for religious, political, or public policy purposes or other non-commercial purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting or canvassing.
- F. Governmental officers or employees of the Town, county, state or federal government, or any subdivision thereof, when on official business.
- G. Insurance companies authorized to do business in Massachusetts.
- H. Individual registration shall not be required for minors under the age of 18 except in connection with canvassing or soliciting on behalf of a profit organization, newspaper carriers excepted.

§ 265-4 Application for permit.

- A. Each applicant hereunder shall obtain from and file with the Police Department an application for a transient merchant permit and accompany said application with an investigation fee to cover the cost of investigating the applicant in an amount set from time to time by the Select Board.
- B. ~~The written application shall state the amount of time for which the permit is desired; the nature of the product or services in which he is interested; the name, date of birth and permanent address of the applicant for said permit; the name and address of the person, firm, partnership, association or corporation represented; and the proposed method of operation in the Town. The written application shall contain the required information:~~
 - a. Applicant Name, permanent address and telephone number, and temporary address if any.
 - b. Applicant date of birth
 - c. Applicant height, weight, color of hair and eyes.
 - d. Make, model and registration number and owner of any vehicle to be used by the applicant while soliciting or canvassing.
 - e. Period of time for which the permit is needed.
 - f. Brief description of nature of business and goods to be sold.

- g. Name, address and telephone number of the person or organization whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization.**

C. A permit fee structure shall be issued for one (1) day, one (1) week, one (1) Month, or one (1) Year. The fees for each duration shall be set from time to time by the Select Board. One Year duration permits will be pro-rated from the set fee if not obtained in the month of January.

§ 265-5 Investigation of applicant; issuance or denial of permit.

~~Upon receipt of each such application, the Police Department shall immediately institute such investigation of the applicant, his business, financial responsibility and moral character as the Department deems necessary for the protection of the public good, and the Chief of Police, or in his absence, the officer in charge of said Department, shall endorse his approval or disapproval upon said application within 72 hours after it has been filed with said Department. Each applicant who shows evidence of good character and who pays the fee provided for herein shall be furnished a permit. If the investigation reveals that the applicant has ever been convicted of a felony, the Chief of Police shall refuse to issue the permit requested, specifying the reason for such refusal.~~

- A. Upon receipt of each such application, the Police Department shall initiate an investigation of the applicant as the Department deems necessary for the protection of the public good, subject to all applicable legal requirements, including authorized criminal history background checks.**
- B. The Chief of Police, or in their absence, the Chief's designee, shall endorse their approval or disapproval upon said application within five (5) business days after it has been filed with said Department.**
- C. The Police Chief or their designee shall refuse to register an organization or individual whose registration has been revoked for violation of this bylaw within the previous two-year period, or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, assault, larceny, as such persons pose a substantial degree of danger to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief or their designee shall also refuse to register a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of danger to minors and other persons vulnerable to becoming victims of sex crimes.**

§ 265-6 Permits.

- A. ~~No permit shall be issued until three business days after application is made in writing to the Police Department. Permits shall be issued, or denied, by the Chief no later than five (5) business days after the application therefore is made in writing to the Police Department.~~
- B. All permits shall clearly indicate the dates of issuance and expiration and the name and address of the permittee.
- C. All permits issued under this bylaw are personal; they shall not be transferable. Any holder who allows a permit to be used by any other person shall be guilty of a violation of this bylaw.
- D. Permittees under this bylaw shall carry their permit with them while engaged in permitted activities and shall display such permit to any police officer or any person being solicited upon request.
- E. Annual permits shall expire on May 1 and expire on April 30 of each year. December 31st of the year issued.

§ 265-7 Time limit for operations.

No permittee under this bylaw shall sell, peddle, or solicit between the hours of 9:00 p.m. and 9:00 a.m. or on Sundays and legal holidays, unless invited to do so by the owner or occupant of any private residence in the Town.

§ 265-8 ~~Revocation of permit; appeals.~~ No Solicitation List.

~~A. Permits issued under this bylaw may be revoked by the Chief of Police after notice and hearing for any of the following causes:~~

- ~~(1) Fraud, misrepresentation or false statements contained in the application for a permit.~~
- ~~(2) Fraud, misrepresentation or false statements in the course of carrying on his business or transient merchant.~~
- ~~(3) Any violation of this bylaw.~~
- ~~(4) Conviction of a felony.~~

~~B. Notice of the hearing for the revocation of the permit shall be given in writing, setting forth the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his last known~~

~~address, or at an address contained in the application for a permit. It shall be mailed at least five days prior to the date set for the hearing.~~

~~C.—Any person aggrieved by the action of the Chief of Police in the denial of a permit, or in refusing a permit, shall have the right of appeal to the Select Board. Such appeal shall be taken by filing with the Select Board, within 10 days after any notice complained of has been mailed to the permittee's last known address, a written statement setting forth fully the grounds for appeal. The Selectmen shall set a time and place for a hearing on such appeal, and notice of the hearing shall be given to the appellant in writing five days before the date set for hearing. The decision and order of the Select Board on such appeal shall be final and conclusive.~~

A No Solicitation List shall be established and maintained by the Ayer Police Department to prohibit the practice of going in or upon the private property or residence of such owner or occupant by Transient Merchants as defined. Residents may submit their property for inclusion on the list without charge. Upon approval of the issuance of a license as provided herein, each such licensed entity or individual shall be provided with a copy of the No Solicitation List and may not solicit or canvass such property.

~~§ 265-9 Violations and penalties. Revocation of permit; appeals~~

~~Any person, firm, or corporation violating any provisions of this bylaw shall be fined not more than \$300 for each offense, except as otherwise provided herein; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.~~

- A. Permits issued under this bylaw may be revoked by the Chief of Police for any of the following causes:
- a. Fraud, misrepresentation, or false statements contained in the application for a permit.
 - b. Fraud, misrepresentation, or false statements in the course of carrying on his business or transient merchant.
 - c. Any violation of this bylaw.
 - d. Commission or conviction of a felony.
 - e. Commission or conviction of any crime or misdemeanor of moral turpitude.
 - f. Conducting the business of soliciting, or of canvassing, in a threatening,

abusive or illegal fashion so as to constitute a menace to the health, safety, or general welfare of the public.

- B. **Notice of the revocation of the permit shall be given in writing, setting forth the grounds of complaint and the opportunity to appeal the decision of revocation. Such notice shall be made in-person or mailed to the permittee at their last known address, or at an address contained in the application for a permit.**

Any Person who is denied a permit or whose permit has been revoked may appeal by filing a written notice of appeal with the Select Board. Such appeal must be filed within five (5) days after receipt of the notice of denial or revocation. The Select Board shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Select Board fails to make a determination within thirty (30) days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

§265-10 Violations and penalties.

Any person, firm, or corporation violating any provisions of this bylaw shall be fined not more than \$300 for each offense, except as otherwise provided herein; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

§265-11 Severability

Invalidity of any individual provision of this section shall not affect the validity of the bylaw as a whole.

Or take any action thereon or in relation thereto.

Sponsor: Select Board

Simple Majority Vote

Explanatory Note: This Article would amend the existing By-Law by adding an investigative fee to offset costs of investigating and issuing a transient merchant permit, creates a duration period for permits to be issued (1 Day, 1 Week, 1 Month and 1 Year) and an accompanying fee structure, clarified the application investigative period (5 Days), added language to include a "No Solicitation List" prohibiting solicitors from certain residences who sign up, modify language allowing for the Chief of Police to revoke permits for cause, and added exemption language for youth activity and sports associations. For more information, please go to the Town's website at www.ayer.ma.us/townmeeting Presentation to be made at Town Meeting.

ARTICLE 5: STREET ACCEPTANCE: CURLEY CIRCLE

To see if the Town will vote to accept the layout of Curley Circle as a public way, the metes and bounds of which are on file in the Office of the Town Clerk as previously laid out by the Select Board, and to authorize the Select Board to acquire by gift, purchase or eminent domain, a fee interest or easement in such public way and any and all easements related thereto, and further, to authorize the Select Board to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, on such terms and conditions as the Select Board deems appropriate; or take any action thereon or in relation thereto.

Sponsor: Select Board

Planning Board: Recommends

Simple Majority Vote

Explanatory Note: This Article would accept Curley Circle as a public way in the Town. The metes and bounds of the street to be accepted are shown on plans on file in the Office of the Town Clerk and are available on the Town’s website at www.ayer.ma.us/townmeeting. Presentation to be made at Town Meeting.

A True Copy Attest: 
Susan E. Copeland, Town Clerk

Date: October 5, 2023

As directed in the foregoing warrant, I have this day posted three attested copies in three public places, one of which was the Town Hall, at least fourteen days before said meeting, all as herein directed.


Constable

Date: October 5, 2023