

**Town of East Longmeadow
PROPOSED CODE ADOPTION BYLAW**

**ARTICLE III
Adoption of Code**

§ 1-10. Code adopted; continuation of existing provisions.

The codification of the general and zoning bylaws of the Town of East Longmeadow, as recodified and consisting of Chapters 1 through 500, together with an Appendix, are hereby approved, adopted, and enacted as the Code of the Town of East Longmeadow, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of bylaws in force immediately prior to the enactment of the Code by this bylaw, are intended as a continuation of such bylaws and not as new enactments. This bylaw and the Code adopted hereby shall supersede and replace the 1982 Bylaws of the Town of East Longmeadow, as amended and supplemented. This act is being undertaken in accordance with the codification process outlined in Article 2-6 of the East Longmeadow Home Rule Charter. It is the determination of the Town Council that the changes to and modification of the existing Town Bylaws implemented hereby are appropriate for treatment as part of that codification process.

§ 1-11. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Town Clerk and shall remain there for use and examination by the public until final action is taken on this bylaw. Following adoption of this bylaw such copy shall be certified by the Clerk of the Town of East Longmeadow by impressing thereon the Seal of the Town, as provided by law, and such certified copy shall remain on file in the office of the Town Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Town Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of East Longmeadow" shall be understood and intended to include such additions and amendments. Nothing contained in this bylaw shall affect the status of any bylaw contained in the Code, and such bylaws may be amended, deleted or changed from time to time as the Town Council deems desirable.

§ 1-12. Notice; publication.

In the event that notice of enactment of this bylaw is required due to amendments adopted by way of this bylaw to zoning or land use provisions, or is otherwise required by law, the Clerk of the Town of East Longmeadow shall cause notice of the enactment of this bylaw to be given in the manner required by law. The notice of the enactment of this bylaw, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Repeal.

- A. Repeal of inconsistent enactments. All bylaws of a general and permanent nature, or parts of such bylaws, inconsistent with the provisions contained in the Code adopted by this bylaw are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any

valid legislation of the Town of East Longmeadow which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

B. Repeal of specific enactments. The Town Council of the Town of East Longmeadow has determined that the following portions of the 1982 Bylaws are no longer in effect and hereby specifically repeals the following sections:

(1) Section 5.030, Inspector of Weights and Measures.

(2) Section 5.050, Building Inspector.

(3) Section 8.100, Limitation on the use, sale, keeping and storage of fuel burning portable space heaters.

(4) Section 10.011, Conservation Commission – Consultant Fees – Definition.

(5) Section 10.050, Industrial Development Committee.

(6) Section 10.060, Industrial Development Financing Authority.

§ 1-14. Enactments saved from repeal; matters not affected.

The repeal of bylaws provided for in § 1-13 of this bylaw shall not affect the following classes of bylaws, rights and obligations, which are hereby expressly saved from repeal:

A. Any right or liability established, accrued or incurred under any legislative provision of the Town of East Longmeadow prior to the effective date of this bylaw or any action or proceeding brought for the enforcement of such right or liability.

B. Any offense or act committed or done before the effective date of this bylaw in violation of any legislative provision of the Town of East Longmeadow or any penalty, punishment or forfeiture which may result therefrom.

C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this bylaw brought pursuant to any legislative provision of the Town of East Longmeadow.

D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of East Longmeadow.

E. Any enactment of the Town of East Longmeadow providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of East Longmeadow or any portion thereof.

F. Any enactment of the Town of East Longmeadow appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of East Longmeadow or other instruments or evidence of the Town's indebtedness.

G. Enactments authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.

- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any bylaw relating to salaries and compensation.
- K. Any bylaw amending the Zoning Map.
- L. Any bylaw relating to or establishing a pension plan or pension fund for Town employees.
- M. Any bylaw or portion of a bylaw establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any bylaw adopted subsequent to January 2021.

§ 1-15. Changes in previously adopted legislation.

- A. In compiling and preparing the bylaws for codification and publication as the Code of the Town of East Longmeadow, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said bylaws. It is the intention of the Town Council that all such changes be adopted as part of the Code as if the bylaws had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this bylaw. (Chapter and section number references are to the bylaws as they have been renumbered and appear in the Code.)
- C. All bylaws included in the Code have been made gender-neutral. This style will be maintained throughout the life of the Code as the Code is supplemented with new and/or updated bylaws in the future.

§ 1-16. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-17. When effective.

This bylaw shall take effect when duly adopted by Town Council, pursuant to the requirements of the Town Charter, and published or posted pursuant to the requirements of the General Laws of the Commonwealth of Massachusetts, MGL c. 40, § 32A, as amended.