

## East Longmeadow Code Adoption Schedule A - Bylaws

### Specifically Repealed:

The following sections of the 1982 General Bylaws are repealed in their entirety:

- Chapter 5, § 5.030, regarding the Inspector of Weights and Measures.
- Chapter 5, § 5.050, regarding the Building Inspector.
- Chapter 8, § 8.100, Limitation on the Use, Sale, Keeping and Storage of Fuel Burning Portable Space Heaters.
- Chapter 10, §10.011, regarding consultant fees.
- Chapter 10, § 10.050, regarding the Industrial Development Committee.
- Chapter 10, § 10.060, regarding the Industrial Development Financing Authority.

### Nomenclature Changes:

The following nomenclature changes are made throughout the bylaws:

- “Building Inspector” is changed to “Building Commissioner”.
- “Board of Public Works” is changed to “Department of Public Works”.
- “Collector of Taxes”, “Tax Collector”, “Treasurer” and “Treasurer-Collector” are changed to “Collector/Treasurer”.
- “Library Trustees” is changed to “Board of Library Trustees”.
- “Ordinance” is changed to “bylaw”.

### Chapter 1, General Provisions, Article I, Interpretation; General Penalty

1. Section 1-2 is amended as follows: *Whoever violates any of the provisions of these bylaws whereby any act or thing is enjoined or prohibited shall, unless other provision is expressly made, forfeit and pay a fine, not exceeding \$200, for each offense. **Unless otherwise provided by statute or these bylaws, all fees, fines or other money collected in the name of or on behalf of the Town by any Town officer, board or committee shall be turned over to the Collector/Treasurer.***
2. Section 1-4 is amended as follows: *These bylaws 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.*
3. Section 1-5 is amended as follows: *The invalidity of any section or provision of these bylaws shall not invalidate any other section or provision thereof. **The repeal or amendment of any bylaw or any portion of these bylaws shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any bylaw so repealed or amended prior to the taking effect of the bylaw repealing or amending the bylaw.***

### Chapter 1, General Provisions, Article II, Noncriminal Disposition of Violations

1. Section 1-6 is amended as follows: *A noncriminal disposition procedure, using the civil infraction procedure in MGL c. 40, § 21D, is enacted for violations of the **state codes**, Town of East Longmeadow [General] bylaws, rules or regulations [of the Town].*

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2. Section 1-7 is amended as follows:
  - A. Citations for violations of the bylaws, **codes**, rules or regulations made enforceable under this article shall be issued by the designated enforcing officer authorized in writing by the appointing authority which has voted to have the designated bylaw, **code**, rule and/or regulation enforced under this bylaw.
  - B. Any authorized employee observing a violation of a **bylaw, code, rule or regulation** **which the employee** is empowered to enforce [and] shall give to the offender a ticket in a form in compliance with the requirements of and in the manner established by [said Section] **MGL c. 40, § 21D**.
3. Section 1-8 is amended as follows: *The penalty under **the** civil infraction procedure for each violation of any bylaw, **code**, rule or regulation shall be as designated in each bylaw, **code**, rule or regulation enforced under this bylaw. Each day of violation shall be considered a separate violation. This penalty is an alternative to the criminal penalties that are set forth in this bylaw.*
4. Section 1-9 is amended as follows: *It shall be the responsibility of the [Chief Procurement Officer or his] **head of each department or the department head's** designee to purchase, distribute and track the citations issued under this article. The Collector/**Treasurer** [of Taxes] shall, [monthly forward] **upon request**, provide a report of the fines received pursuant to this article, showing by department, board or committee the amount received as a result of tickets issued by [each] such department, board or committee.*

### Chapter 37, Town Elections and Town Council

Section 37-2 is amended as follows: *Regular meetings of the Town Council shall take place [at least once in each month] on the second Tuesday of each month in [a handicapped] **an** accessible area of a municipal building, **and at such other times as the Council may designate**.*

### Chapter 40, Town Manager

1. Section 40-1 is amended as follows: *The Town Manager shall make, from time to time, such [rules and regulations for the government, management and disposition of the Police and Fire Departments or other departments under his control as he may deem expedient.] **policies and procedures for the administration, management and disposition of all departments under the Manager's control**.*
2. Section 40-4 is amended as follows: *Departments having surplus or obsolete Town property not being traded in shall notify other departments through the Town Manager of the availability of said property [and shall send notice of sale to the Town Manager prior to disposal]. **Prior to sale or disposal of said property, the Town Manager will notify the Director of Municipal Finance**.*
3. Section 40-5B(1) is amended as follows: *The Town Attorney shall be paid for services in advising Town officials on all matters of a recurring nature, for planning and attendance at board, council and committee meetings, for drafting of contracts and other instruments, a salary established annually by the Town Council appropriation. The Town Attorney, and special counsel when engaged, shall also be paid at an hourly rate agreed upon with the Town Manager for time-use in all Town matters litigated in courts, before administrative bodies, the Appellate Tax Board, etc., and for non-recurring-type negotiations with other attorneys, towns or officials, on Town matters, land damage claims, zoning and subdivision controversies, preparation of witnesses, title searching and similar legal exercises. Such payment [to be made from the Legal Services Fund, established for such purpose in 1960, or,] as to tax title matters initiated by the Collector[of Taxes or]/Treasurer, **shall be made** from that official's tax title expense funds **with the approval of the Town Manager**.*

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**Chapter 55, Council on Aging Department**

Chapter 55 is adopted as follows:

**§ 55-1. Department head.**

*The Town Manager shall appoint a Director of Council on Aging. The Director of Council on Aging shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.*

**§ 55-2. Composition.**

*The Department of Council on Aging shall consist of the Director of Council on Aging and include additional employees as required for the efficient operation of the Department.*

**§ 55-3. Duties and responsibilities.**

*The duties of the Council on Aging shall be to identify the total needs of the community's elderly population; educate the community and enlist support and participation of all citizens concerning these needs; design, promote or implement services to fill these needs or coordinate presently existing services in the community; and promote and support any other programs which are designed to assist elderly people in the community.*

**§ 55-4. Annual report.**

*The Director of Council on Aging shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.*

**Chapter 65, East Longmeadow Cable Access Television**

Chapter 65 is adopted as follows:

**§ 65-1. Department head.**

*The Town Manager shall appoint a Director of East Longmeadow Cable Access Television (ELCAT) Department. The Director of ELCAT shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.*

**§ 65-2. Composition.**

*The Department of ELCAT shall consist of the Director of ELCAT and include additional employees as required for the efficient operation of the Department.*

**§ 65-3. Duties and responsibilities.**

*The duties of the Department of ELCAT shall be to record public meetings of East Longmeadow Town government bodies as outlined in the general bylaws, provide public access to the Town's designated cable channels for community-produced programming, provide facilities, equipment and training in video production for Town residents seeking to share content over the public access channels and provide instruction and training in video production for school students who reside in the Town.*

**§ 65-4. Annual report.**

*The Director of ELCAT shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.*

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**Chapter 69, Article I, Police Department**

1. Section 69-1 is amended to read as follows: *The Police Chief shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Chief's department as required by the Town Manager.*
2. Section 69-6 is amended as follows: *The Police Department shall keep a true and accurate inventory of all police equipment, including guns and ammunition. The inventory should show the original purchase price, description and number of the item and the date of purchase. [Equipment valued over \$100 will be included in the inventory.] The inventory will be brought up-to-date yearly and filed with the Town Manager and Town Accountant.*

**Chapter 69, Article II, Fire Department**

1. Section 69-7 is amended to read as follows: *The Fire Chief shall act as the Town's Emergency Management Director, Forest Fire Warden and Fire Warden.*
2. Section 69-9 is amended to read as follows: *The Fire Chief shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Chief's department as required by the Town Manager.*
3. Original Sec. 5.020(D), regarding inspection of wood- and coal-burning stoves, is repealed.
4. Section 69-10 is amended to read as follows: *Permit and license requirements for fuel storage tanks are found in 527 CMR 1.12.8 of the Massachusetts Comprehensive Fire Code.*
5. Section 69-11 is amended as follows: *The Fire Department shall keep a true and accurate inventory of all fire equipment. The inventory should show the original purchase price, description and number of the item and the date of purchase. [Equipment valued over \$100 will be included in the inventory.] The inventory will be brought up-to-date yearly and filed with the Town Manager and Town Accountant.*

**Chapter 74, Health Department**

Chapter 74 is amended in its entirety to read as follows:

**§ 74-1. Department head.**

*The Town Manager shall appoint a Director of Public Health. The Director of Public Health shall be responsible for the supervision and coordination of all public-health-related functions of the Town that are placed under the Director's control by the Massachusetts General Laws, the Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.*

**§ 74-2. Composition.**

*The Health Department shall be under the direction of the Director of Public Health and include additional employees as required for the efficient operation of the Department.*

**§ 74-3. Duties and responsibilities.**

*The purpose of the Health Department is to protect and strengthen the public health in the Town. It shall be responsible for the performance of all public-health-related functions and activities of the Town. Health Department staff act as an agent of the Board of Health enforcing all related regulations of the Commonwealth of Massachusetts, all related bylaws and regulations of the Town of East Longmeadow, and shall perform any other duties which may be assigned by state or federal statute, state or federal regulations, or Town regulations or bylaws. The Health Department provides administrative, technical and clerical support to the Board of Health.*

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**§ 74-4. Annual report.**

*The Director of Public Health shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.*

**Chapter 83, Information Technology Department**

Chapter 83 is adopted as follows:

**§ 83-1. Department head.**

*The Town Manager shall appoint a Director of Information Technology. The Director of Information Technology shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.*

**§ 83-2. Composition.**

*The Department of Information Technology shall consist of the Director of Information Technology and include additional employees as required for the efficient operation of the Department.*

**§ 83-3. Duties and responsibilities.**

*The duties of the Department of Information Technology shall be to support the Town's operating units in their use of information technology (IT), to manage Town and departmental information systems, and to recommend appropriate IT plans, standards and training so users may make full and effective use of information technology resources. The tasks involve working with senior managers and department heads to define the Town's services and operational objectives, the appropriate cost-effective information management strategies to achieve those objectives, the adoption of cohesive IT plans and standards, and the acquisition, implementation and maintenance of information systems and related components. The Information Technology Director is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under the Director's direction and control. The Information Technology Department shall also be responsible for all technology and information systems in all departments, including the School Department.*

**§ 83-4. Annual report.**

*The Director of Information Technology shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.*

**Chapter 92, Library Department**

Chapter 92 is adopted as follows:

**§ 92-1. Department head.**

*The Town Manager shall appoint a Library Director. The Library Director shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.*

**§ 92-2. Composition.**

*The Department of Library shall consist of the Library Director and include additional employees as required for the efficient operation of the Department.*

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**§ 92-3. Duties and responsibilities.**

*The duties of the Library Department shall be to provide free and equal access to information, resources and technology to help educate and enrich the residents of the Town of East Longmeadow and the surrounding community.*

**§ 92-4. Annual report.**

*The Library Director shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.*

**Chapter 97, Municipal Finances**

1. Article I is adopted as follows:

**§ 97-1. Department head.**

*The Town Manager shall appoint a Director of Municipal Finance. The Director of Municipal Finance shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.*

**§ 97-2. Composition.**

*The Department of Municipal Finance shall consist of the Director of Municipal Finance and include additional employees as required for the efficient operation of the Department.*

**§ 97-3. Duties and responsibilities.**

*The Department of Municipal Finance shall be responsible for the performance of all of the fiscal and financial activities of the Town. The Department of Municipal Finance shall be responsible for the coordination of all of the duties and responsibilities related to fiscal and financial activities which are performed by or under the authority of the Town Accountant, the Collector/Treasurer and the Board of Assessors, and it may have such additional powers, duties and responsibilities with respect to fiscal and financial-related functions and activities as may from time to time be provided by bylaw or Town Manager delegation.*

**§ 97-4. Annual report.**

*The Director of Municipal Finance shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.*

2. Section 97-5 is amended as follows: *The Town Manager shall appoint a Town Accountant, who shall be sworn to the faithful performance of his duties and shall hold no other Town office involving the receipt or disbursement of money, except that the Town Accountant shall be eligible to hold the position of Director of Municipal Finance. [, and] **The Town Accountant shall** hold office for three years and until a successor is qualified [. The Town Accountant] **and** shall perform the duties and possess the powers of the Town Auditor as defined in MGL c. 41, §§ 50 to 53, inclusive, as amended.*
3. Section 97-6 is amended as follows: *The Town Accountant shall keep a complete set of books wherein shall be entered the amount of each specific appropriation, the amounts and purposes of expenditures made therefrom, the receipts from each source of income, the amount of each assessment levied and the abatements made; and the Town Accountant shall keep the accounts, so far as practicable, in conformity with the classifications and forms prescribed by the State Director of Accounts in accordance with MGL c. 44, § 43 and in conformity with any systems, classifications, forms and designations prescribed pursuant to regulations of the State Board of Education for use by school committees. The Town Accountant shall have custody of all contracts of the Town, shall keep a register of the sureties on all bonds of indemnity given to the Town, shall keep a detailed record of the Town debt, showing the purpose*

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*for which it was incurred, when incurred, when due, the rate of interest and the provisions made for payment of the debt. (See MGL c. 41, § 57.)*

4. Section 97-7 is amended as follows: *The Town Accountant shall notify the Town Manager and all departments[, including the School Department,] monthly of the balance in the Town Accountant's hands of any appropriation to their credit.*
5. Section 97-8 is amended as follows: *All [Town] departments [, including the School Department,] shall provide any financial information or financial documentation that the Town Accountant shall request.*
6. Section 97-9 is amended as follows: *The Town Accountant shall immediately upon the close of each calendar year compile a written report showing the amounts appropriated and the amounts expended from each appropriation during the preceding fiscal year, the amounts appropriated for the current fiscal year and the amounts expended from such appropriations during the first six months of such year and the amounts estimated to be expended from such appropriations during the second six months of such year and the estimates for the next ensuing fiscal year, and shall forthwith furnish a copy thereof to the Town Manager. (See MGL c. 41, § 60.)*
7. Section 97-13 is amended as follows: *The Town Council shall have a special audit made of the books and accounts held by the [Town] **Collector/Treasurer**, Town Clerk, [Town Accountant,] Director of Municipal Finance and [the Collector of Taxes] **School Department Business Manager** as of the last day of employment of any of said officials.*
8. Article V, Enterprise Funds, § 97-19, is amended in its entirety to read as follows: *All enterprise funds will be maintained pursuant to MGL c. 44, § 53F 1/2.*
9. Section 97-22 is amended as follows: *The **Collector/Treasurer** shall be the custodian of all bonds [and insurance policies] belonging to the Town, except that the surety bonds of the **Collector/Treasurer**, [Collector of Taxes,] Deputy Collector of Taxes and Town Clerk shall be in the custody of the Town Clerk. **The Town Manager shall be the custodian of all insurance policies belonging to the Town.***
10. Section 97-24A is amended as follows: *The [Town] **Collector/Treasurer**, with [the approval of] **notice to the Town Manager [and the Town Council]**, is authorized to sell and convey by public sale any or all parcels of real estate [to] which the Town has acquired, or may hereafter acquire title to, either by foreclosure of tax titles in the Land Court, or by procedure under MGL c. 60, §§ 79 and 80, as amended, pertaining to land of low value.*
11. Section 97-28 is amended as follows: *The [Collector of Taxes, if a separate official,] **Collector/Treasurer** shall have the combination of all safes and vaults wherein Town records and monies are kept.*
12. Section 97-30 is amended to read as follows: *The Collector/Treasurer shall have charge of the keeping of the books, acts involving collection of monies due the Town and the preparation of such returns and reports as it may be required to make. The Collector/Treasurer shall report annually, to departments concerned, the receipts and collections for each department.*
13. Article VII is adopted as follows:

**§ 97-31. Department head.**

*The Board of Assessors, as the appointing authority prescribed under MGL c. 41, § 25A, in conjunction with the Town Manager, shall appoint a Director of Assessing. The Director of Assessing shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.*

**§ 97-32. Composition.**

*The Department of Assessing shall consist of the Director of Assessing and include additional employees as required for the efficient operation of the Department.*

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**§ 97-33. Duties and responsibilities.**

*The duties of the Department of Assessing shall be to administer all assessing functions, including but not limited to the following: real and personal property assessments, abatements, exemptions, motor vehicle and boat excise commitments and abatements, ensuring compliance with Department of Revenue and Division of Local Services standards.*

**§ 97-34. Annual report.**

*The Director of Assessing shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager. At a minimum the Annual Report shall contain:*

- A. A statement showing the number of parcels of real estate assessed, broken down by classification category and the assessed valuation of each group, also showing the percentage of valuation of each group.*
- B. A statement showing the amount of personal property taxes and assessed value.*
- C. A statement of all categories of taxes assessed for the year, showing the total amount of taxes assessed for each kind of tax.*
- D. A statement listing state receipts due the Town in the setting of the most recent tax rate, and a listing of amounts due to the state and county governments.*
- E. A statement listing general Town receipts estimated in the setting of the most recent tax rate.*
- F. A list of exempt property by category and valuation, also including property owned by the Town.*
- G. A comparison report showing a five-year history of:
  - (1) Latest tax rate.*
  - (2) Total real and personal property valuation.*
  - (3) Total number of parcels assessed.*
  - (4) Total real and personal property taxes committed.**

**Chapter 115, Planning and Community Development Department**

Chapter 115 is adopted as follows:

*ARTICLE I  
Planning and Community Development*

**§ 115-1. Department head.**

*The Town Manager shall appoint a Director of Planning and Community Development. The Director of Planning and Community Development shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.*

**§ 115-2. Composition.**

*The Department of Planning and Community Development shall consist of the Director of Planning and Community Development and include additional employees as required for the efficient operation of the Department.*



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**§ 115-3. Duties and responsibilities.**

*The duties of the Department of Planning and Community Development shall be to provide professional, managerial and administrative work by developing and coordinating the activities, programs, functions and operations of the Department of Planning and Community Development and all of its relative boards, commissions and authorities in keeping with the Town's comprehensive planning and development program.*

**§ 115-4. Annual report.**

*The Director of Planning and Community Development shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.*

**ARTICLE II  
Building Department**

**§ 115-5. Building Commissioner; local inspectors.**

- A. *The Town Manager shall appoint a Building Commissioner. The appointment shall be for three years.*
- B. *The powers and duties of the Building Commissioner are defined in the rules and regulations issued by MGL c. 143, §§ 3 and 3A, the State Building Code (780 CMR) and the Board of Building Regulations and Standards (BBRS).*
- C. *The Building Commissioner shall have control and supervision over the Electrical Department/Inspector of Wires, Plumbing Department/Inspector of Plumbing and Gas Fitting and the Sealer of Weights and Measures Inspector.*
- D. *Pursuant to MGL c. 40A, § 7 and the Town's Zoning Bylaws, the Building Commissioner shall serve as the Town's Zoning Enforcement Officer.*
- E. *The Building Commissioner and any local inspectors hired to assist the Building Commissioner shall administer and enforce the State Building Code, MGL c. 22, § 13A, as well as the rules and regulations made thereunder pertaining to accessible design standards, and the Town's Zoning Bylaws.*
- F. *The Town Clerk shall annually, not later than April 1, transmit to the State Board of Building Regulations and Standards, in writing, the name and official address of each Building Commissioner and each local inspector in the Town.*
- G. *Every Building Commissioner or local inspector shall be certified by the Board of Building Regulations and Standards in accordance with regulations promulgated by said Board.*
- H. *The Building Commissioner and local inspectors shall enter upon the premises wherein any fire has occurred, if necessary, to determine whether the structure is sound.*
- I. *The Building Commissioner and local inspectors shall supervise the construction of all buildings erected by the Town, including any repairs and alterations to any building under the care and custody of the Town, to ensure the project complies with plans and specifications, unless the Town Manager shall designate an independent construction supervisor for a specific project.*
- J. *The Building Commissioner shall have the authority to issue citations and prosecute violations of the Town's Zoning Bylaws, violations under Chapter 40A of the General Laws, and violations under the State Building Code.*

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- K. *The Building Commissioner shall annually prepare and submit to the Town Manager a report that shall include the number and types of permits issued and the number of permit applications denied.*

**§ 115-6. Inspectors of Wires.**

- A. *The Town Manager shall appoint a Wire Inspector and an Alternate Wire Inspector every year.*
- B. *Each individual appointed to these positions must be licensed as a Massachusetts electrician and have either 1) practical experience as an electrician during the five years immediately preceding appointment; or 2) served as a Massachusetts inspector of wires or electrical inspector during the five years immediately preceding appointment, or some combination thereof.*
- C. *The Alternate Inspector of Wires shall serve in an intermittent, part-time capacity, subject to the supervision of the Building Commissioner, and only in the event that:*
- (1) *The work of the Inspector of Wires or that of any business associate or immediate family member of such Inspector requires inspection; or*
  - (2) *The Inspector of Wires is incapacitated from performing the normal duties of office or is otherwise unavailable.*
- D. *It shall be the duty of the Wire Inspector and, as necessary, the alternate, to undertake those duties as imposed by virtue of MGL c. 166, § 32 in conformity with the regulations of the Massachusetts Board of Fire Prevention Regulations (NEC).*

**§ 115-7. Inspector of Plumbing and Gas Fitting.**

- A. *The Town Manager shall appoint a Plumbing and Gas Fitting Inspector and an Alternate Plumbing and Gas Fitting Inspector every year.*
- B. *There are hereby established the positions of Inspector of Plumbing and Gas Fitting and Alternate Inspector of Plumbing and Gas Fitting. Each individual appointed to these positions must be licensed as a Massachusetts master or journeyman plumber. In addition, each such appointee must have either 1) practical experience as a plumber during the five years immediately preceding appointment; or 2) served as a Massachusetts plumbing inspector during the five years immediately preceding appointment, or some combination thereof.*
- C. *The Alternate Inspector of Plumbing and Gas Fitting shall serve in an intermittent, part-time capacity, subject to the supervision of the Building Commissioner, only in the event:*
- (1) *That the work of the Inspector of Plumbing and Gas Fitting or that of any business associate or immediate family member of such Inspector requires inspection; or*
  - (2) *That the Inspector of Plumbing and Gas Fitting is incapacitated from performing the normal duties of office or is otherwise unavailable.*
- D. *It shall be the duty of the Inspector of Plumbing and Gas Fitting and, as necessary, the alternate position, to undertake those duties as imposed by virtue of MGL c. 143, § 30 in conformity with the regulations of the Massachusetts Board of State Examiners of Plumbers and Gas Fitters (248 CMR).*

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**§ 115-8. Inspector of Weights and Measures.**

- A. *The Inspector of Weights and Measures shall annually prepare and submit to the Town Manager a report that shall contain:*
- (1) *A list of all scales, meters, capacity and measuring devices tested and sealed, including the number not sealed and condemned.*
  - (2) *A list of other items checked and sealed and other inspections prescribed by the State Director of Standards.*
  - (3) *A statement of general interest to citizens concerning the year's activity.*
- B. *The Inspector of Weights and Measures shall turn over all fees received to the Collector/Treasurer.*
- C. *The Inspector of Weights and Measures may, at the Inspector's discretion, stop and examine any device or measure in any location and check hawkers and peddlers for permits, all as prescribed by the State Director of Standards.*
- D. *The Inspector of Weights and Measures shall keep a true and accurate inventory of all the Inspector's equipment. The inventory should show a description of all weights and measures in the Inspector's charge. A copy of the inventory, updated annually, shall be filed with the Town Manager and Town Accountant.*

**ARTICLE III  
Planning Department**

**§ 115-9. Department head.**

*The Town Manager shall appoint a Director of Planning. The Director of Planning shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.*

**§ 115-10. Composition.**

*The Department of Planning shall consist of the Director of Planning and include additional employees as required for the efficient operation of the Department.*

**§ 115-11. Duties and responsibilities.**

*The duties of the Planning Department shall be to provide professional, managerial and administrative help to the public and Planning Board on matters dealing with zoning, site plans, permitting and all other matters under its purview.*

**§ 115-12. Annual report.**

*The Director of Planning shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.*

**Chapter 119, Public Works Department**

Chapter 119 is adopted as follows:

**§ 119-1. Department head.**

*The Town Manager, with Town Council approval, shall appoint a Superintendent of Public Works. The Superintendent of Public Works shall be responsible for the supervision and coordination of all public*

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*works operations of the Town that are placed under the Superintendent's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.*

**§ 119-2. Composition.**

*The Department of Public Works shall be under the direction of a Superintendent of Public Works and include additional employees as required for the efficient operation of the Department.*

**§ 119-3. Duties and responsibilities.**

*The purpose of the Public Works Department is to coordinate all public works activities, including but not limited to the following operations: snow removal, municipal building maintenance, grounds, parks, public shade trees, water supply and distribution, sanitary sewer systems, streets, roads, sidewalks, stormwater systems and engineering.*

**§ 119-4. Annual report.**

*The Superintendent of Public Works shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.*

**Chapter 126, Recreation Department**

Chapter 126 is adopted as follows:

**§ 126-1. Department head.**

*The Town Manager shall appoint a Director of Recreation. The Director of Recreation shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.*

**§ 126-2. Composition.**

*The Department of Recreation shall consist of the Director of Recreation and include additional employees as required for the efficient operation of the Department.*

**§ 126-3. Duties and responsibilities.**

*The duties of the Department of Recreation shall be to provide recreational activities for all residents of all abilities and interests. This includes but is not limited to the following: maintaining fiscally sound business decisions that uphold safety and quality in programming, analyzing national participatory trends to compare demands for recreational activities, being aware of the Town's social and economic factors in determining programs and managing the needs and resources of the community for years to come.*

**§ 126-4. Annual report.**

*The Director of Recreation shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.*

**Chapter 131, School Department**

Chapter 131 is adopted as follows:

**§ 131-1. Department head.**

*The School Committee shall appoint a Superintendent of Schools. The Superintendent of Schools shall be responsible for the supervision and coordination of all school operations of the Town that are placed*

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*under the Superintendent's control by Charter, bylaw, state law, rules and regulations or by other Town vote.*

**§ 131-2. Composition.**

*The School Department shall be under the direction of a Superintendent of Schools and include additional employees as required for the efficient operation of the Department.*

**§ 131-3. Duties and responsibilities.**

*The purpose of the School Department is to offer educational programming for all school-age children residing in East Longmeadow. The Department will coordinate all school activities, including but not limited to the following operations:*

- A. Establish educational programming for grades K through 12;*
- B. Enroll all school-age children residing in the Town in the appropriate grade level;*
- C. Provide early intervention educational programming for identified three- and four-year-old children residing in Town;*
- D. Provide specialized programming for school-age children with identified learning disabilities;*
- E. Coordinate all athletic, cocurricular and extracurricular programming offered.*

**Chapter 135, Town Clerk**

1. The fee schedule in § 135-4 is amended as follows:

*The Town Clerk shall charge fees for the following in amounts set from time to time and available in the Town Clerk's office:*

2. Section 135-5B is amended as follows: *A full report of the annual Town Election and every state or special election[, but need not include primaries].*
3. Section 135-5C is amended as follows: *A complete list of the elected Town officers, with their salaries or compensation[, the organization of the different boards] and the expiration of the term of office of each member.*
4. Section 135-5E is amended as follows: *A statement of [fish and game licenses sold,] dog licenses issued and other fees collected and turned over to the Town.*
5. Section 135-7B is amended as follows: *The surety bonds of the Town [Treasurer, Collector of Taxes,] **Collector/Treasurer**, Deputy Collector of Taxes and Town Clerk shall be in the custody of the Town Clerk and kept in [the] **a fire-rated and waterproof** Town vault.*
6. Section 135-8, 135-9 and 135-10 are added as follows:

**§ 135-8. Elections.**

*The Town Clerk shall supervise voter registration, election officers and direct the preparation of ballots, polling places, voting equipment, voting lists, and certify nomination papers and initiative petitions. The Town Clerk shall also serve on the Board of Registrars and administers campaign finance laws.*

**§ 135-9. Annual census; street list.**

*The Town Clerk shall conduct the annual Town census and prepares the street list of residents.*

**§ 135-10. Records access.**

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*The Town Clerk, as the Records Access Officer (RAO), shall respond to requests for access to public records, assist individuals seeking public records in identifying the records requests, assist in the preservation and management of public records, and prepare guidelines to enable requestors to make informed requests.*

### **Chapter 150, Multiple-Member Bodies: General Provisions**

1. Section 150-1 is amended as follows: *All open session portions of regularly scheduled meetings of the Town Council, School Committee, Board of Public Works, Planning Board, Board of Assessors, [and] **Board of Library Trustees and East Longmeadow Housing Authority** shall be filmed by the East Longmeadow Community Access Television Department and shall be broadcast regularly on community access television. This bylaw is not intended to expand the requirements of the Open Meeting Law and the failure to film a meeting shall not affect the legality of such a meeting.*
2. Section 150-2C is amended as follows: *Each multiple-member body, **as described in Division I, Part III, of the Town Code**, shall elect a Chair[man] and a Clerk[, per the Charter].*

### **Chapter 155, Board of Appeals**

Chapter 155 is amended in its entirety to read as follows:

#### **§ 155-1. Membership; term; appointment.**

*The Board of Appeals shall be appointed by the Town Manager and consist of five members whose terms shall be three years each, one appointed in one year and two appointed in each of the next succeeding years.*

#### **§ 155-2. Associate members.**

*Two or more associate members may be appointed by the Town Manager (see MGL c. 40A, § 12).*

#### **§ 155-3. Authority.**

*The Board of Appeals shall have the powers provided by the Town of East Longmeadow bylaws and MGL c. 40A, § 14.*

### **Chapter 160, Board of Assessors**

Chapter 160 is amended in its entirety to read as follows:

#### **§ 160-1. Membership; term; appointment.**

*The Board of Assessors shall be appointed by the Town Manager and consist of three members, each serving staggered three-year terms, with one member appointed each year.*

#### **§ 160-2. Vacancies.**

*Vacancies occurring on the Board of Assessors shall be filled by the Town Manager.*

#### **§ 160-3. Statutory powers and duties.**

*Statutory powers and duties of the Board of Assessors are prescribed under MGL c. 59.*

#### **§ 160-4. Oath of office; certification.**

*Appointed Assessors must take an oath of office as prescribed under MGL c. 41, § 29. The Department of Revenue, Division of Local Services, Assessment Administration Course 101 must be taken by all appointed Assessors within two years of appointment.*

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**Chapter 165, Board of Health**

Chapter 165 is adopted as follows:

**§ 165-1. Membership; term; appointment.**

*The Board of Health shall be appointed by the Town Manager and consist of three members whose terms shall be three years each, with one member being appointed each year.*

**§ 165-2. Vacancies.**

*Vacancies on the Board of Health shall be filled by the Town Manager.*

**§ 165-3. Purpose.**

*The Board of Health preserves and maintains the Town's public health standards and protects environmental resources through community education, and by promulgating reasonable rules and regulations.*

**§ 165-4. Powers and duties.**

- A. *The Board of Health shall have all the powers and duties that the Board of Health may have under the Constitution and laws of the commonwealth, and it shall have such additional powers and duties not inconsistent with said Constitution and laws as may be authorized by the Town Charter or bylaws.*
- B. *The Board of Health is an advisory, regulatory and adjudicatory multiple-member body of the Town.*
- C. *The Board of Health reviews and recommends Health Department policies and programs.*
- D. *The Board of Health shall keep records of:*
  - (1) *Complaints made to it, and disposition thereof.*
  - (2) *Nuisances abated and how abated.*
  - (3) *Unusual sickness of the Town.*
  - (4) *Violations of the State Sanitary Code.*
  - (5) *Any other records required by statute.*
- E. *The Board of Health may grant or revoke permits, grant variances and seek enforcement of any health laws or regulations in the manner provided in such laws and regulations, including noncriminal disposition procedures authorized under Chapter 1, Article II, of these bylaws.*
- F. *The Board of Health is hereby authorized and empowered to regulate the storage, collection, transportation and disposal of garbage and rubbish as provided in MGL c. 111, §§ 21, 31A and 31B.*

**Chapter 170, Board of Library Trustees**

Chapter 170 is amended in its entirety to read as follows:

**§ 170-1. Membership; term; appointment.**

*There shall be six Library Trustees appointed by the Town Manager, each serving staggered three-year terms, with two members appointed annually.*

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**§ 170-2. Vacancies.**

*Vacancies occurring on the Board of Library Trustees shall be filled by appointment by the Town Manager.*

**§ 170-3. Purpose; powers and duties.**

*The Board of Library Trustees shall perform any state or federally mandated functions or those established by Town bylaw. The Board of Library Trustees may, upon request of the Town Manager, assist the Town Manager with hiring a Library Director.*

**Chapter 175, Board of Public Works**

Chapter 175 is amended in its entirety to read as follows:

**§ 175-1. Membership; terms; appointment.**

*The Board of Public Works shall consist three members appointed by the Town Manager, each serving staggered three-year terms.*

**§ 175-2. Purpose.**

*The Board of Public Works shall be an advisory and recommending body to the Town Manager in matters of public works. The Town Council shall set water, sewer and stormwater rates based upon the recommendations of the Board of Public Works and the Town Manager.*

**Chapter 185, Community Preservation Committee**

Chapter 185 is amended in its entirety to read as follows:

**§ 185-1. Membership; term; appointment.**

- A. *The Community Preservation Committee shall consist of nine members serving three-year terms. The following boards will each designate a member to sit on this Committee:*
- (1) Conservation Commission.*
  - (2) Historical Commission.*
  - (3) Housing Authority.*
  - (4) Planning Board.*
  - (5) Board of Public Works.*
  - (6) Recreation Commission.*
- B. *The Town Manager shall appoint an additional three at-large members.*

**§ 185-2. Purpose.**

*Pursuant to MGL c. 44B, § 5, the Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation, including the consideration of regional projects for community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Recreation Commission, the Planing Board, the Board of Public Works and the Housing Authority, in conducting such studies. As part of the study, the Committee shall hold one or more public information hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources.*



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**§ 185-3. Recommendations.**

- A. *The Community Preservation Committee shall make recommendations to the Town Council for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created as provided in MGL c. 44B; provided, however, that funds expended pursuant to MGL c. 44B shall not be used for maintenance.*
- B. *The Community Preservation Committee may include in its recommendation to the Town Council a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose. All recommendations to the Town Council shall include their anticipated costs.*
- C. *The Community Preservation Committee shall submit to the Town Council at a public hearing the Committee's recommendations for the appropriation from the Community Preservation Fund and such additional non-Community Preservation Fund appropriations as it deems appropriate to carry out the recommendations of the Community Preservation Committee. The Town Council shall vote to approve or veto the appropriation request by a majority vote.*

**Chapter 190, Conservation Commission**

Section 190-2 is added as follows:

**§ 190-2. Powers and duties.**

*The Conservation Commission's duties and authority shall include, but shall not be limited to, those specified in MGL c. 40, § 8C and MGL c. 131, § 40. See also Chapter 424, Wetlands Protection, of the Town Bylaws.*

**Chapter 195, Council on Aging Board**

Chapter 195 is amended in its entirety to read as follows:

**§ 195-1. Membership; appointment.**

*The Council on Aging Board shall be appointed by the Town Manager and consist of six members 60 years of age or older, representing the elderly; three members of any age, representing the community at large; and the Town Manager and Director of the Council on Aging shall be ex-officio members, without vote.*

**§ 195-2. Duties.**

- A. *The Council on Aging Board shall be an advisory and recommending body to the Director of the Council on Aging in matters regarding the Council on Aging and its programs.*
- B. *The Council on Aging Board shall identify the total needs of the community's elderly population; educate the community and enlist support and participation of all citizens concerning these needs; design, promote or implement services to fill these needs or coordinate presently existing services in the community; and promote and support any other programs which are designed to assist elderly people in the community.*

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**Chapter 200, Cultural Council**

Chapter 200 is adopted as follows:

***§ 200-1. Membership; term; appointment.***

*The East Longmeadow Cultural Council consists of nine members who are appointed by the Town Manager to serve three-year terms.*

***§ 200-2. Goals and duties.***

*The goal of the East Longmeadow Cultural Council is to fund diverse cultural programs for a variety of audiences/participants. The Cultural Council is responsible for making decisions on how it will award the money granted by the Massachusetts Cultural Council in ways that will serve the local cultural needs.*

**Chapter 225, Historical Commission**

Chapter 225 is amended in its entirety to read as follows:

***§ 225-1. Membership; terms; appointment.***

*The Historical Commission shall consist of seven members serving terms of three years by appointment of the Town Manager.*

***§ 225-2. Purpose and authority.***

*The Historical Commission's purpose is the preservation, protection and development of the historical or archeological assets of the Town. See MGL c. 40, § 8D.*

**Chapter 230, Housing Authority**

Chapter 230 is amended in its entirety to read as follows:

***§ 230-1. Membership; term; appointment.***

*The Housing Authority shall consist of four members appointed by the Town Manager serving terms of five years, one expiring each year. The fifth member is appointed by the state to a five-year term.*

***§ 230-2. Purpose.***

*The purpose of the East Longmeadow Housing Authority is to provide decent, safe, affordable housing for the low-income, elderly, veterans, disabled and families.*

**Chapter 245, Local Emergency Planning Committee**

Chapter 245 is adopted as follows:

***§ 245-1. Membership; term; appointment.***

*The Local Emergency Planning Committee shall be appointed by the Town Manager, with each member serving a three-year term.*

***§ 245-2. Vacancies.***

*Vacancies occurring on the Local Emergency Planning Committee shall be filled by the Town Manager.*

***§ 245-3. Purpose and duties.***

A. *The Committee is responsible for developing a comprehensive emergency plan (CEMP) for the community and keeping the plan up-to-date.*

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- B. *The Committee shall receive information about accidental releases.*
- C. *The Committee shall collect, manage and provide public access to information on hazardous chemicals in the community.*
- D. *The Committee shall educate the public about risks from accidental and routine releases of chemicals, and work with facilities to minimize the risks.*

**Chapter 250, Planning Board**

Chapter 250 is amended in its entirety to read as follows:

***§ 250-1. Membership; term; appointment.***

*The Planning Board shall consist of five members appointed by the Town Manager serving terms of five years, one expiring each year.*

***§ 250-2. Vacancies.***

*All vacancies will be filled by the Town Manager for the remainder of the term so vacated.*

***§ 250-3. Powers and duties.***

*Powers and duties of the Planning Board are prescribed in MGL c. 41, § 70 and § 81B.*

***§ 250-4. Special permit granting authority.***

*The Planning Board shall act as the special permit granting authority.*

**Chapter 255, Recreation Commission**

Chapter 255 is amended in its entirety to read as follows:

***§ 255-1. Membership; term; appointment.***

*The Recreation Commission shall consist of five members appointed by the Town Manager serving terms of three years.*

***§ 255-2. Purpose.***

*The Recreation Commission advises the Director of Recreation on the active and passive recreational needs of the community.*

**Chapter 260, School Committee**

Chapter 260 is amended in its entirety to read as follows:

***§ 260-1. Membership; term.***

*There shall be a School Committee consisting of five members nominated and elected at large by the voters for three-year terms to begin on July 1.*

***§ 260-2. Vacancies.***

*Vacancies on the School Committee shall be filled by procedures outlined in the Town Charter.*

***§ 260-3. Powers and duties.***

*The School Committee shall have all the powers and duties school committees may have under the Constitution and laws of the commonwealth, and it shall have such additional powers and duties not*

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*inconsistent with said Constitution and laws as may be authorized by the Town Charter or bylaws. The School Committee will annually submit a budget to the Town Manager.*

### **§ 260-4. Annual report.**

*The School Committee shall annually submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager. At a minimum the annual report shall contain:*

- A. A report of the year's work in the schools, with such recommendations and suggestions regarding educational work as it deems fitting.*
- B. The school calendar for the year.*
- C. A tabulated statement of membership, attendance and truancy for each school.*
- D. A statement of their expenditures and receipts during the year.*
- E. A list of teachers.*

### **Chapter 310, Alcoholic Beverages**

1. Section 310-1 is amended as follows: *Whoever shall, within the Town, whether that public way is a Town way, county highway, or a private way open to the public, or in any other place where the public shall have **the right of** access, consume intoxicating beverages shall be punished by a fine not exceeding [\$50] **\$100**. This section shall also be construed so as to prohibit the consumption of intoxicating beverages by any person while such person is standing, sitting, walking, running or otherwise present within such way or public place as hereinabove defined, or within any vehicle, whether parked or moving, which is within the limits of such public way or place as herein defined.*
2. Section 310-2 is amended to increase the fine from \$50 to \$100.
3. Section 310-3 is amended as follows: *The foregoing §§ 310-1 and 310-2 shall not apply to any activity duly licensed by the Town Council under the applicable provisions of the Massachusetts General Laws. [A violation of this bylaw shall be deemed to be a breach of peace.]*

### **Chapter 315, Animals**

1. Section 315-2 is amended as follows:
  - A. A violation of this Article I, including § 315-8, [this section] shall be punishable by a fine of \$25 for the first offense and \$50 for the second **and third offenses** [through fourth subsequent offense] within [the] **a** calendar year. The fourth and subsequent offenses shall be punishable by a mandatory hearing and a fine of \$75.*
  - B. The owner of any dog picked up shall pay a fee of \$25 to the Town before the release of the dog from the pound. The pound fee for animals held in violation of this Animal Control Law shall be \$25.*
  - C. In addition to the above-described procedures, the provisions of this article may also be enforced by the Animal Control Officer or any police officer of the Town by noncriminal disposition procedure pursuant to Chapter 1, Article II, of the bylaws.*
2. Section 315-3 is amended as follows: *The fee required by MGL c. 140, §§ 137 to 174, inclusive, as amended, for the licensing of dogs within the Town, shall be increased by \$25 for any license purchased after the due date; said additional fees shall be retained by the Town. Dogs shall be required to be vaccinated against rabies and proof of same shall be required before licensing, **unless the dog is exempt from vaccination in accordance with MGL c. 140, § 145B.***
3. Section 315-12 is added as follows:

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**§ 315-12. Outdoor confinement of dogs.**

*The Town of East Longmeadow prohibits the prolonged confinement of dogs outside. Specific rules and regulations can be found in MGL c. 140, § 174E, as amended.*

4. Section 315-14 is amended as follows: *The provisions of this article shall not apply to a [guide] dog accompanying any [blind person] **handicapped person who, by reason of a handicap, is physically unable to comply with these requirements.***
5. Section 315-15B is amended as follows: *This article may also be enforced by the noncriminal disposition procedure set forth in Chapter 1, Article II, of the bylaws. The penalty [for each violation] shall be \$20 for each violation.*
6. Original Sec. 9.025 of the 1982 General Bylaws, Prolonged Confinement of Dogs Outside, is repealed.

**Chapter 321, Buildings, Numbering of**

1. Section 321-1 is amended as follows: *The [Department of Public Works Superintendent or his] **IT Director** or designee shall require and regulate the numbering of buildings on all public or private ways. [and may] **The Building Commissioner shall** order, in writing, the owners of said buildings to place on their building such numbers required.*
2. Section 321-3 is amended as follows: *[House] **Building** numbers shall be [no less than three inches in height] **a minimum of four inches high with a minimum stroke width of 1/2 inch** and shall be visible from the street. **Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.***

**Chapter 330, Article I, Municipal Charges Lien**

Section 330-5 is amended as follows:

*The Collector/**Treasurer** [of Taxes] shall be in charge of collecting the lien.*

*[The Town Clerk shall notify the Assessors of all tickets that have not been paid or appealed to the court at the end of each month.*

*The Assessors shall prepare a statement of Municipal Charges Lien for each person from the list(s) received from the Town Clerk or person responsible for collecting the charge or penalty and shall forward said statement to the Collector of Taxes who shall cause said statement(s) to be recorded in the Hampden County Registry of Deeds.]*

**Chapter 354, Licenses and Permits, Article II, Revocation of Municipal Licenses for Violations of Local or State Laws Related to Premises**

1. Section 354-3 is amended as follows: *The purpose **of this article** is to provide a uniform and cost-effective method for ensuring a locally licensed business by the Town [it] is in and remains in compliance with safety, health and other laws, bylaws, rules and regulations applicable to a premises holding licenses issued by the licensing authority allowing the operation of a business in the Town.*
2. Section 354-5A is amended to add a comma between “bylaw” and “rule.”
3. Section 354-5B is amended as follows: *The licensing authority may suspend, modify or revoke any license, including renewals and transfers, of any [license] **licensee** that is the subject of department head's complaint; provided that written notice is given to the licensee and the department head that a hearing will be held by the licensing authority. Said notice [is] **shall be** mailed to the licensee by certified mail, and the department head shall be notified by hand-delivered letter from the Town Clerk, indicating the date and location of said hearing at least 14 days before the date of said hearing. The letter shall inform the licensee of the violation(s) to be considered, along with a copy of the department head's*

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*complaint, and shall state that the licensee has the right to present evidence as to the existence of the violations and why the license should not be suspended, modified or revoked.*

4. Section 354-5C is amended as follows: *Said department head's detailed statement of the existing violations filed with the original complaint shall be prima facie evidence **of** the violation and shall be sufficient reason, unless rebutted, for the revocation, modification or suspension of the license.*
5. Section 354-5D is amended as follows: *Any finding made by the licensing authority with respect to a license revocation, modification or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for an appeal from such revocation, modification [of] **or** suspension.*
6. Section 354-5E is amended as follows: *Any license modified, revoked or suspended under the bylaw shall not be reissued or renewed until the [license] **licensing** authority receives a certificate issued by the department head that the party has brought the licensed premises into compliance with the applicable law, bylaw, rule or regulation as of the date of the certificate.*
7. Section 354-5F is amended as follows: *A party shall be given an opportunity to enter into a compliance agreement, thereby allowing the [license] **licensing** authority to issue certificate setting forth any limitations to the license, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for suspension, modification or revocation of said license; provided, however, the party in breach is given a hearing as set forth in Subsection B above.*

### Chapter 354, Licenses and Permits, Article III, Revocation of Municipal Licenses for Unpaid Municipal Taxes and Charges

1. Section 354-8 is amended as follows: *The purpose **of this article** is to provide a uniform and cost-effective method for the collection of municipal taxes, fees, assessments, betterments or any other municipal charges or obligations of whatever nature for persons or entities holding licenses issued by a licensing authority or permit granting authority that are not paid when due.*
2. Section 354-10B is amended as follows: *The licensing authority may deny, suspend or revoke any license, including renewals and transfers, [by] **of** any party whose name appears on said list or with respect to any activity, event or other matter which is the subject [or] **of** such license and which activity, event or other matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by a party whose name appears on said list; provided that written notice is given to the party and the [Tax] Collector/**Treasurer** that a hearing will be held by the licensing authority and the notice of said hearing is mailed to the party indicating the date and location; provided that said hearing shall be held more than 14 days after the date of said notice.*
3. Section 354-10C is amended as follows: *Said [Tax] Collector/**Treasurer**'s list shall be prima facie evidence [of] for denial, revocation or suspension of a license to a party. The [Tax] Collector/**Treasurer** shall have the right to intervene in any hearing conducted with respect to a license denial, revocation, suspension or modification.*
4. Section 354-10D is amended as follows: *Any finding made by the licensing authority with respect to a license denial, [renovation] **revocation**, modification or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for an appeal from such denial, revocation or suspension.*
5. Section 354-10E is amended as follows: *Any license denied, revoked or suspended under this bylaw shall not be reissued or renewed until the [license] **licensing** authority receives a certificate issued by the [Tax] Collector/**Treasurer** that the party has paid all outstanding obligations to the Town or that an acceptable agreement has been reached providing for the payment of all outstanding taxes as of the date of the certificate.*

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6. Section 354-12 is amended as follows: *A party shall be given an opportunity to enter into a payment agreement, thereby allowing the [license] **licensing** authority to issue certificate setting forth any limitations to the license and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for suspension or revocation of said license; provided, however, the party in breach is given a hearing as set forth in § 354-10B above.*
7. Section 354-12 is amended as follows: *The licensing authority may waive a denial, revocation or suspension if, at said hearing, it finds there is [not] **no** business interest, direct or indirect, between the party and the person, corporation or business entity, including its officers [of] **or** shareholders, if any, or member of such person's immediate family, as defined in MGL c. 268A, § 1, owning the property containing the licensed premises. If a determination is made that there is such a relationship, the licensing authority may order any payments **that** are due, or that may become due, from the party to the property owner for the lease, rental, use [of] **or** occupancy of the licensed premises [shall] **to** be paid to the [Tax] Collector/**Treasurer** until any monies owed to the Town are paid in full; provided that the property [owned] **owner** is given notice of the hearing to consider such action in conformity with § 354-10B above and has the opportunity to object to the entry of such order, before any such finding and order becomes effective.*

### Chapter 359, Marijuana: Public Use and Consumption

Chapter 359 is adopted as follows:

#### **§ 359-1. Restrictions on public use and consumption.**

*No person shall smoke, vaporize, ingest or otherwise consume marijuana, medical marijuana or delta-9-tetrahydrocannabinol (THC) while in or upon any public way or any way to which the public has a right of access, street, sidewalk, footway, passageway, stairs, park, playground, recreation area, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town of East Longmeadow, or any place to which members of the public have access as invitees or licensees, or private land, building, structure or place without the consent of the owner or person in control thereof.*

#### **§ 359-2. Violations and penalties.**

*This bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, enforcement by criminal indictment or complaint by the East Longmeadow Police Department. The fine for violation of this bylaw shall be \$100 for each offense.*

### Chapter 360, Marijuana: Prohibited Uses and Facilities

Chapter 360 is adopted as follows:

#### **§ 360-1. Prohibited facilities.**

*The following are prohibited: recreational marijuana facilities (marijuana not medically prescribed by a licensed physician), including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses.*

#### **§ 360-2. Definitions.**

*In constructing this bylaw, the following words shall have the meanings indicated:*

**MANUFACTURE** — *To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.*

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*MARIJUANA ACCESSORIES* — Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

*MARIJUANA CULTIVATOR* — An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to marijuana establishments and to transfer marijuana to other establishments, but not to consumers.

*MARIJUANA ESTABLISHMENT* — A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any type of licensed marijuana-related business.

*MARIJUANA PRODUCT MANUFACTURER* — An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

*MARIJUANA PRODUCTS* — Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

*MARIJUANA RETAILER* — An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

*MARIJUANA TESTING FACILITY* — An entity licensed to test marijuana products, including certification for potency and the presence of contaminants.

### Chapter 363, Noise

1. Section 363-2B is amended as follows: [radios, phonographs and] Musical instruments, musical devices and sound-reproducing equipment. The [playing] **using or operation** of any [radio, phonograph or any] musical instrument, musical devices and sound-reproducing equipment in such a manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of **any** person in any dwelling or other type of residence.
2. Section 363-2D is amended as follows: Power equipment. The operation of bulldozers, [power shovels,] **excavators**, rollers or other similar heavy equipment other than between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday is prohibited. No such equipment shall be operated on Sundays. Emergencies involving the health and welfare of the citizens are exempted from the conditions of this subsection.

### Chapter 371, Parks and Recreation Areas

Section 371-1 is amended as follows: The Town Manager or [his] designee, **in collaboration with the Superintendent of Public Works**, shall [post] **determine** the official hours of parks and recreation areas within the Town.

### Chapter 373, Petroleum Products

Section 373-1 is amended to read as follows: Fees shall be established by the Town Council for licenses to use land for the keeping, storage or sale of petroleum fluids or compounds, including propane, for resale or other commercial use. The fee for any annual certificate or registration required under MGL c. 148, § 13, shall be 1/2 of the current license fee.



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**Chapter 376, Property Maintenance**

1. Section 376-1 is amended as follows: *No person shall erect or maintain upon said person's property a fence, trees, shrubs, [or] bushes, **objects, structures or material** which interferes unreasonably with the view of travelers, upon an abutting way **or public way**, and any order from the Town Manager or [his] designee for the partial or total removal of [such fence, trees, shrubs or bushes] **the items mentioned in this section** shall be complied with forthwith.*
2. Section 376-2A is amended as follows: *No owner or foreclosing mortgagee (hereinafter "owner") shall allow grass, trees, bushes, shrubs or any other vegetation to constitute a nuisance, as determined by the [Health Agent] **agent of the Board of Health**, to the health, safety or appearance of the neighborhood where the property is located.*
3. Section 376-2B is amended to read as follows: *If an agent of the Board of Health notifies the owner of the existence of a nuisance and said owner fails to correct the situation within 10 days of the date of said notice, the owner is subject to fines as specified in MGL c. 111, § 122. Each day of noncompliance after the 10th day constitutes a separate violation. Unpaid fines shall be assessed against the property and should be a municipal charges lien under Chapter 330, Article I, of these bylaws and enforced as set forth therein. The Town may also correct the nuisance through its employees or an independent contractor.*
4. Section 376-2C is amended as follows: *The cost of correction plus **an** administrative fee of \$200 shall be assessed against the property [and shall be a municipal charges lien under Chapter 230, Article I, and enforced as set forth therein].*

**Chapter 379, Public Entertainment**

Chapter 379 is amended in its entirety to read as follows:

**§ 379-1. Definition.**

*For purposes of this bylaw, the term "outdoor public entertainment" shall mean any outdoor public gathering, such as an event, performance or activity designed to provide amusement or enjoyment. It shall exclude school functions held on school property and Town functions held on Town property.*

**§ 379-2. License required.**

*No outdoor public entertainment shall be held within the Town without a license issued by the Town Council.*

**§ 379-3. Application for license.**

*An application for such a license shall be submitted to the Town Clerk's office at least 30 days prior to the date on which the public entertainment is held.*

**§ 379-4. Action on license.**

*The Town Council, Police Chief, Fire Chief, Building Commissioner and Health Director shall review the license application and shall have the authority to:*

- A. *Prescribe public safety and health regulations for the outdoor public entertainment.*
- B. *Prescribe the hours during which the outdoor public entertainment may be held.*
- C. *Require a bond or other security to secure compensation to the Town or its citizens for damage which may result from the public entertainment.*

**§ 379-5. License fee.**

*The fee for a public entertainment license is \$75.*

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### Chapter 388, Secondhand and Junk Dealers

Section 388-1 is amended as follows: *No person shall be a collector of or a dealer in junk, old metals or secondhand articles, or a keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles, without first applying for a license from the Town [Manager] **Council**.*

### Chapter 393, Solicitors

Section 393-2 is amended as follows: *Failure to register properly with the Police Chief or designee will result in a fine of not more than [\$20] **\$50**.*

### Chapter 395, Solid Waste

Section 395-1A(3) is amended as follows: *Other waste **as described in 310 CMR 19.017**.*

### Chapter 402, Stormwater Management

1. In § 402-1, the definition of “best management practices” is amended as follows: *Structural or biological devices that temporarily store or treat stormwater runoff to reduce flooding, remove pollutants and provide other amenities. They can also be nonstructural practices that reduce pollutants at their source. Examples of BMPs are described in the Massachusetts Department of Environmental Protection's (MassDEP) stormwater design manual: Stormwater [Management] Handbook, Volume 2: Chapter 2: Structural BMP Specifications for the Massachusetts Stormwater Handbook (February 2008, MassDEP, as updated or amended).*
2. In § 402-1, the definition of “pollutant” is amended as follows: *Any element or property of sewage, agricultural, industrial, commercial or residential waste, runoff, leachate, heated effluent or other matter, whether originating at a point or nonpoint source, that is introduced into the MS4 or waters of the commonwealth. Pollutants shall include, but not be limited to: **construction site wastes such as demolition debris, litter and sanitary wastes**, dredged spoil, solid waste, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, hot fluids, wrecked or discarded equipment, rock, sand, and industrial, municipal, agricultural and residential waste discharged into water.*
3. Section 402-4B(4) is amended as follows: *Activities that [do not disturb more] **disturb less** than one acre (43,560 square feet) of land;*
4. Section 402-5B is amended as follows: *Permit fees. [For] **The** stormwater management permit fee shall be based on the amount of land to be disturbed at the site, and the fee structure shall be established by the Department of Public Works Superintendent by regulation **and approval by the Town Council**. If, in the judgment of the Department of Public Works Superintendent or [his] designee, consulting services are necessary or appropriate, the applicant shall, prior to a determination on an application, deposit with the Town an amount determined by the Department of Public Works Superintendent or [his] designee to be sufficient to cover the full costs of such services. All such consultants shall be selected by the Department of Public Works Superintendent or [his] designee and paid out of said deposit. The Town will reimburse the applicant for any credits remaining after a consultant has been paid, within 30 days of said payment. In the event the deposit is insufficient to cover consultant services, the outstanding balance is to be paid by the applicant within 30 days of receipt of an invoice for the outstanding balance.*
5. Section 402-5D is amended as follows: *Stormwater management performance standards. Projects that require a permit under this bylaw must meet the Massachusetts Stormwater Management Standards **and the development and redevelopment requirements of the EPA General Permits for Stormwater Discharges from Small MS4s in Massachusetts**.*
6. Section 402-6 is amended as follows: *The Department of Public Works Superintendent shall require from the developer a cash bond prior to the submittal of a building permit application for the construction of a*

## East Longmeadow Code Adoption Schedule A - Bylaws

*development requiring a stormwater management facility. The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility, including the applicable prevailing wage cost for the project. The bond shall be forfeited for failure to complete work specified in the approved stormwater management permit, compliance with all of the provisions of this bylaw and other applicable laws and rules and regulations, and any time limitations. No portion of the bond shall be released without an inspection of the work by the Department of Public Works Superintendent or [his] designee. The bond shall not be fully released without submission to the Department of Public Works Superintendent or [his] designee of acceptable "as-built" plans **within two years of completion of work** and certification of completion that the stormwater management facilities are in compliance with the permit and plans approved thereunder.*

7. Section 402-8C(4)(h) is amended as follows: *Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), **uncontaminated groundwater from** sump pumps, or air conditioning condensation;*
8. Section 402-10F(1) is amended as follows: *Notice of the intent to suspend or terminate a person's connection to the MS4 or a permit shall be given **in writing by certified mail** to the owner of the property and the permit holder, if different, by delivering, to the owner [to] **at** the address listed for taxation purposes in the Assessor's Office, and the permit holder at the address listed in the application, a copy of the notice of hearing [shall be] delivered at least 10 business days before said hearing date and shall, in addition, be mailed by first class mail, postage prepaid, at least 14 days before said hearing.*

### **Chapter 407, Streets and Sidewalks, Article I, Prohibited Deposits; Loitering**

1. Section 407-1 is amended as follows: *No person shall [without license of the Board of Health,] throw or leave in or upon any street, court, square, lane, road, public square, public enclosure, and/or body of water or vacant land within the limits of the Town any filth, rubbish or other substance. [Any person who shall refuse or neglect to forthwith remove the same, after being requested by a police officer to do so, may be arrested and, if the identity of such person is unknown to the police officer, he may after arrest be detained without a warrant until that person's identity is ascertained. Reasonable diligence shall be exercised by the arresting officer in ascertaining the identity of the offender and, when identified, he shall be released from arrest unless a warrant has been issued against him.]*
2. Original § 8.010(B) of the 1982 General Bylaws, regarding disorderly conduct, is repealed.
3. Section 407-2 is amended as follows: *No person shall, in violation of MGL c. 272, § 59, or any amendments thereto, linger, continue to sit, stand or occupy any part of the public street, public place, public building or any property not [his own] **belonging to that person** or under [his] **that person's** control, so as to obstruct or impede the free passage of [or in any manner annoy or disturb] any other person, after being instructed or directed by a police officer to move on. [Any person refusing to comply with this section, after he shall be requested to do so by a police officer, shall be subject to arrest. If the identity of such person is unknown to the police officer, such person may be arrested without a warrant and detained until his identity is ascertained, unless a warrant has been issued against him, or he may be further detained until he can be taken before a court having jurisdiction of the offense.]*
4. Section 407-3 is amended as follows: *The penalty for any violation of the foregoing sections shall be a fine of [not more than \$25] **\$100**.*

### **Chapter 407, Streets and Sidewalks, Article II, Removing of Snow and Ice from Sidewalks**

Section 407-5 is added to read as follows:

#### ***§ 407-5. Enforcement; violations and penalties.***

*A. Police officers are authorized to issue citations of \$50 per day for violations of this bylaw.*

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*B. If sidewalks are not cleared within 72 hours, the Department of Public Works may clear the snow or ice and charge the owner for the costs of said removal.*

### **Chapter 407, Streets and Sidewalks, Article III, Dumping or Disposal of Snow and Ice from Outside Town**

Section 407-7 is amended as follows: *Violators of this article shall be fined [not more than] \$100 for each offense.*

### **Chapter 407, Streets and Sidewalks, Article IV, Obstructions and Excavations**

Section 407-9 is amended as follows:

*A. No person or persons, except employees of the Department of Public Works or their agents, shall break or dig up or obstruct any street or sidewalk or excavate within any public way without a permit from the Department of Public Works, which may require said person to furnish a bond if the Department of Public Works Superintendent so demands, to indemnify and save harmless the Town against all damages or costs by reason of any claims of damages or by reason of any process, civil or criminal, on account of the existence of such obstruction or excavation, and the Department of Public Works may impose such conditions, terms and limitations as it deems necessary. All work shall be in accordance with the Department of Public Works' specifications. The Department of Public Works shall notify the Police Department and the Fire Department [, and the Town Manager] of any such permit **in a timely manner.***

*B. Any person licensed or permitted to obstruct any street or break or dig the ground of the same shall put up and keep at all times a suitable railing or barricade around the parts of the sidewalk or street so obstructed or dug up, so long as the same shall be unsafe or inconvenient for traveling. The person so licensed or permitted shall also keep enough lighted warnings at or near the parts of the street so obstructed or dug up, from twilight through the whole night, as shall be sufficient to warn travelers.*

### **Chapter 407, Streets and Sidewalks, Article VI, Sales Near School Property**

Section 407-12 is amended as follows: *No person shall, except for school cafeteria personnel, offer for sale, sell or cause to be sold [~~to any school pupil~~] any articles of food, or any articles suitable for or intended for human consumption, within the limits of the public ways and within 100 yards from the nearest boundary of any [public ways] school grounds between the hours of 7:00 a.m. and 4:00 p.m. on days when the public schools are in session.*

### **Chapter 416, Vehicles and Traffic**

1. Section 416-2A is amended as follows: *The Department of Public Works Superintendent, or designee, for the purpose of removing or plowing snow or removing ice from any street or way, may declare a [snow or ice removal] severe weather emergency.*
2. Section 416-2B is amended as follows: *When such emergency is declared by the Department of Public Works Superintendent or designee, the Police Department [shall] may be notified [immediately and] as to vehicles parked on streets and ways that hinder the removal of snow or ice. Vehicles ordered for removal shall be towed to a convenient storage facility according to a policy directed by the Police Chief. Vehicles removed under this section shall be subject to a fine of [\$15] \$30 for each offense in addition to any reasonable [removal, storage charges and the] costs of publishing or sending any notices. The Department of Public Works, Police Department or the Town of East Longmeadow shall not be responsible for any fees incurred for removal and storage of vehicles legally towed in violation of such declared emergency.*
3. Section 416-2C is amended as follows: *The Police Chief shall keep or cause to be kept a record of each vehicle removed under this bylaw. Such record shall describe each vehicle, its registration number and*

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*the location of the storage facility. The Police Chief shall, within 48 hours, [notify the lawful owner] **send the owner on record with the Massachusetts Registry of Motor Vehicles**, by mail, in writing **or other means**, [at his address as recorded by the Registry of Motor Vehicles,] **notice** as to the location of the removed vehicle.*

4. Original § 7.030 of the 1982 General Bylaws, Handicapped parking, is repealed.
5. Section 416-4B is amended as follows: *The owner of record of any area [designed] **designated** as a fire lane shall provide and install signs that shall read "Fire Lane - No Parking - Loading or Unloading - Violators Can Be Subject To a Fine of [\$15] **\$100**." The signs shall be 12 inches wide and 18 inches high. They shall be installed at a height of six feet six inches from ground level to the bottom of the sign. Location of the signs shall be approved by the Fire Chief or designee prior to installation.*
6. Section 416-4C is amended as follows: *It shall be unlawful to obstruct or block any area [designed] **designated** as a fire lane with a vehicle or by any other means.*
7. Section 416-4D is amended as follows: *The registered owner of any vehicle [parked or left unattended within the limits] **that obstructs, blocks or occupies any area** designated as a fire lane shall be punished by a fine not to exceed [\$15] **\$100** for each offense.*

### Chapter 421, Article I, Water Emergencies

1. Section 421-1 is amended as follows: *The Town Manager or designee is authorized and empowered to declare a state of water emergency as may be necessary from time to time, in order to conserve water resources of the Town, and ban or restrict the use of water [on] **for** certain uses.*
2. Section 421-2 is amended as follows: *Any person who, upon approval of the foregoing restrictions for a state of water emergency, by the Department of Environmental Protection of the Commonwealth of Massachusetts, shall violate the ban or restrictions shall be subject to a fine in an amount [not to exceed the sum] of \$100 for each violation, and each day in which a violation occurs will be considered a separate violation.*

### Chapter 424, Wetlands Protection

1. Section 424-8 is amended as follows: *In general, the applicant shall have the burden of [providing] **proving** by a preponderance of credible evidence that the work proposed in the application will not harm the interests protected by this bylaw. As to activities which may impact isolated wetlands and temporary wetlands which are not also subject to the Commission's jurisdiction under the Wetlands Protection Act, the Commission shall not require that the applicant prove that the proposed alteration will not have cumulative effect on the interests protected by this bylaw but shall require only that the applicant demonstrate that the proposed activity will not have a significant effect on the interests protected by this bylaw.*
2. Section 424-11B is amended as follows: *Any person who violates any provision of this bylaw or any conditions of a permit issued pursuant to it shall be punished by a fine of [not more than] \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense.*
3. Section 424-11C is amended as follows: *If the Town of East Longmeadow has adopted a comprehensive "ticketing" program based on MGL c. 40, § 21D, the Commission shall adopt such program through its regulations. If such a program has not been adopted, the Commission may thereafter elect to enforce this bylaw pursuant to MGL c. 40, § 21D, and the Chair[man] of the Commission or the Town Conservation Enforcement Officer, if one has been appointed, may enforce this [by] bylaw under the provision of that section.*

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**Chapter 450, Zoning**

1. Table 3-1: Schedule of Use Regulations.
  - a. Subsection A(2) is amended as follows: *Agriculture, horticulture, floriculture, viticulture, aquaculture uses. On parcels of land [less than] 5 acres or less, including: . . .*
  - b. Subsection B(2) is amended to change “N” to “Y” in the PUR and PAR District columns.
  - c. Subsection B(3) is amended as follows: *Managed by the Housing Authority in conformity with Chapter 121B of the Massachusetts General Laws, including dwellings for the aged.*
2. Section 450-2.1 is amended as follows: *The locations and boundaries of zoning districts, except for the Floodplain Districts, shall be shown on a map entitled "Zoning Districts East Longmeadow, Massachusetts", May, 2007, as amended from time to time by a vote of the [Town Meeting] **Town Council**. Said map is hereinafter referred to as the "Zoning Districts Map, 2007." The Floodplain District is defined on maps described in Article IV. All maps are deemed to be part of this bylaw, the originals of which shall be on file with the Town Clerk.*
3. Section 450-2.1B is amended as follows: *Where boundaries approximately follow property lines and are not more than 25 feet [wherefrom] **therefrom**, the property line shall be the district boundary; with the exception of the Floodplain District, wherein boundaries shall always follow natural features and landscape contours shown on the maps.*
4. Section 450-3.3A(2)(e) is amended as follows: *Fence requirements **for swimming pools. Fences surrounding** swimming pools shall conform to the setback, side yard, and rear yard requirements for a principal building for the district in which the pool is constructed. [See Subsection B(4), Setback.] **For** additional criteria **for** pool fencing, see § 450-5.9E, Safety devices.*
5. Section 450-3.3A(2)(f) is amended as follows: *Fences in Industrial Garden Park **District**: see § 450-5.0H. Fences screening outside storage **in the** Industrial Garden Park **District**: see § 450-5.0D.*
6. Section 450-3.3B(1)(a) is amended as follows: *Accessory uses customarily incidental to any use or building permitted herein **are permitted**, provided that such use shall not be offensive nor dangerous to life by reason of health or fire; and further provided that such accessory use shall not include any business, industry, trailer camp, manufacturing, or commercial use or other activity conducted for gain, other than what is specifically set forth in § 450-8.8 for home-based trade together with a special permit.*
7. Section 340-3.3B(4)(a) is amended as follows: *Accessory structure setback shall be the setback of the district of the primary building, and the setback, side yard and rear yard requirements must be met for that district in which the accessory structure is constructed. Any accessory structure which shall be constructed within the side yard and/or rear yard in the district in which it is constructed shall be erected in such a manner that no portion of this accessory building shall be closer to the street line or lines than the maximum rear [dimension] **setback** of the primary building, plus 10 feet, in which event an accessory building may be constructed within five feet of the side lot line or rear yard line. Notwithstanding **the foregoing, fencing for neighborhood swimming pools shall conform to** the setback, side yard and rear yard requirements for a principal building for the district in which such pool is constructed.*
8. Section 450-3.3C(2) is amended as follows: *Lot coverage. In the case of a single-story building, the building area shall not exceed 40% of the lot area and a minimum of 24% of the lot area shall be left as landscaped open space; in the case of a two-story building, the building area shall not exceed 30% of the lot area and a minimum of 16% of the lot area shall be left as landscaped open space. Plot plans must be submitted to the Planning Board for approval of parking provisions in all cases, and to the [Board of Public Works] **Department of Public Works Superintendent** in accordance with the General Bylaw of the Town of East Longmeadow, Chapter 416, Vehicles and Traffic, § 416-3, where applicable.*

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9. Section 450-3.3D(2) is amended as follows: *Lot coverage. Building area shall not exceed 25% of the lot area. Plot plans must be submitted to the Planning Board for approval of parking provisions in all cases, and to the [Board of Public Works] **Department of Public Works Superintendent** in accordance with the General Bylaw of the Town of East Longmeadow, Chapter 416, Vehicles and Traffic, § 416-3, where applicable.*
10. Section 450-3.3E(2) is amended as follows: *Lot coverage. Plot plans must be submitted to the Planning Board for approval of parking provisions in all cases, and to the [Board of Public Works] **Department of Public Works Superintendent** in accordance with the General Bylaw of the Town of East Longmeadow, Chapter 416, Vehicles and Traffic, § 416-3, where applicable. Building area shall not exceed 60% of the lot area.*
11. Section 450-3.3F is amended as follows: *Industrial Garden **Park** District.*
12. Section 450-4.4B(6) is amended as follows: *Proof that all permits required by federal or state law, including Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. [1334] **§ 134L**, have been or are in the process of being obtained.*
13. Section 450-4.5A is amended as follows: *The Floodplain District is established as an [overly] **overlay** district to all other districts. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131, § 40 and with the following: . . .*
14. Section 450-4.6 is amended to read as follows:

**§ 450-4.6. Permitted uses.**

*The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged, provided they are permitted in the underlying district and they do not require structures, fill or storage of materials or equipment:*

  - A. *Agricultural uses, such as farming, grazing, truck farming, horticulture, etc.;*
  - B. *Forestry and nursery uses;*
  - C. *Outdoor recreational uses, including fishing, boating, play areas, etc.;*
  - D. *Conservation of water, plants, wildlife;*
  - E. *Wildlife management areas, foot, bicycle and/or horse paths;*
  - F. *Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage or sale of crops raised on the premises;*
  - G. *Buildings lawfully existing prior to the adoption of these provisions.*
15. Section 450-5.0B is amended as follows: *Industrial Garden Park District [sub development] **subdivision**. Subdivision within the Industrial Garden Park District shall conform to the Subdivision Control Law as adopted by the Town of East Longmeadow, and shall further conform to the rules and regulations of the Planning Board for the submission of subdivisions.*
16. Section 450-5.0D is amended as follows: *Rubbish and trash. All rubbish and/or trash, scrap or other waste material incident to the uses of the principal building shall be stored within a structure compatible with Subsection C, unless such material is stored behind the rear line of the building, and provided such material is not placed closer to the side lot lines **than the required setbacks** of the principal building; and further provided such material shall not be stored within 50 feet of the rear lot line.*
17. Section 450-5.0I is amended as follows: *Additional dimensional and density requirements. [An industrial building shall have a setback of 75 feet from any street line, a forty-foot side yard and a fifty-foot rear yard. When abutting a Residence District, the rear and/or side yard shall be 50 feet.] The 25 feet of*

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*[such] a rear or side yard nearest to [the] a Residence District shall be left as a natural wooded buffer or, if none exists, shall be landscaped by providing trees, shrubs or fencing to provide a practical buffer between the two districts. The establishment of this buffer strip shall be an integral part of any required parking plan. Facilities must be provided for loading and unloading all equipment and merchandise on the premises, entirely off the traveled way. No loading or unloading door or platform may face a street unless said door or platform shall be back from said street 300 feet or more, and this requirement shall also apply to nonconforming lots under Subsection B.*

18. Section 450-5.1A is amended as follows: *Dwellings for the aged, including multiple dwelling units and including accessory meeting rooms, dining and garage facilities, shall be permitted in the Elderly Residential District only upon [approval of a Plan of Development from the Board of Selectmen,] **site plan review as specified in Article IX of the East Longmeadow Zoning Bylaw** and in accordance with additional requirements specified herein.*
19. Section 450-5.1B(1) is amended as follows: *[A Plan of Development shall be submitted to the Selectmen for review, and such Plan must be approved by said Board before a building permit shall be issued. The Board of Selectmen, in reviewing such Plan, shall obtain and consider the recommendations of the Planning Board.] **A site plan shall be submitted to the Planning Board for review, and such plan must be approved by said Board before a building permit shall be issued.** In review of such plan, the following standards shall be met: . . .*
20. Section 450-5.1B(2) is amended as follows: *The [Selectmen] **Planning Board** may require any additional information needed to permit a thorough review.*
21. Section 450-5.2D(1) is amended to read as follows: *All uses in a planned business development shall be in conformity with the dimensional and density regulations set forth in the Table of Dimensional and Density Regulations. In addition, a twelve-foot-wide landscaped buffer strip is required in the front yard and shall include a sidewalk constructed not less than three feet from the property line. Sidewalks shall be four feet wide and constructed of bituminous concrete or cement concrete.*
22. Section 450-5.2E(4) is amended as follows: *The Planning Board shall require a detailed traffic study for high-volume traffic-generating uses with a trip generation rate over 700 vehicles/day (based on Institute of Transportation Engineers rates found in Trip Generation); for the construction of a new planned business development (PBD) structure of more than 25,000 square feet in gross floor area; and for any external enlargement that brings the PBD total to 25,000 square feet of gross floor area for all structures. The Planning Board may waive any or all requirements for a traffic study for external enlargements of less than 2,000 square feet of gross floor area in excess of the 25,000 **square feet** gross floor area threshold. . . .*
23. Section 450-5.3F(1) is amended as follows: *[A minimum of two parking spaces per dwelling unit shall be required, which may include garages.] **Parking shall be provided as set forth in § 450-5.6G of this bylaw.***
24. Section 450-5.3J(4) is amended as follows: *A special permit application and subdivision review site plan shall be submitted to the Planning Board. Following approval of the special permit, a definitive plan shall be submitted to the Planning Board consistent with its Subdivision Regulations and in substantial conformity with the approved **special permit application and subdivision review site plan.***
25. Section 450-5.3A, Subsection F(1), is amended as follows: *[A minimum of two parking spaces per dwelling unit shall be required, which may include garages.] **Parking shall be provided as set forth in § 450-5.6G of this bylaw.***
26. Section 450-5.3A, Subsection H(4), is amended as follows: *Open space **shall be** subject to a restriction recorded and enforceable by the Town.*



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27. Section 450-5.4, Subsection A, is amended as follows: *Uses. In any Golf Recreational District, as indicated on the [Building Zone Map] **Zoning Districts Map identified in § 450-2.1** of this bylaw, no building or other structure shall be erected, altered or used, and no land shall be used or occupied for any purpose, except one or more of the [following:] **uses permitted in Table 3-1.** (original Subsections 5.401 and 5.402 repealed)*
28. Section 450-5.4C is amended as follows: *Lighting. For [a use permitted by Section 5.402] **golf course uses**, exterior artificial lighting shall be restricted to the lighting of signs in accordance with § 450-5.8 of this Zoning Bylaw, and to the lighting of walks, driveways, parking areas and garden areas necessary for the operation thereof and public safety. Any such lighting shall be shaded and directed in such a manner so as not to constitute a nuisance. For [a use permitted by Section 5.402] **golf course uses**, artificial lighting of a golf course, practice golf area, basketball or tennis area or swimming pool is specifically prohibited.*
29. In § 450-5.5C, the definition of “ancillary facilities” is amended as follows: *The buildings, cabinets, vaults, [closures] **enclosures** and equipment required for operation of telecommunication systems, including but not limited to repeaters, equipment housing and ventilation and other mechanical equipment.*
30. Section 5.5D(2) is amended as follows: *Location. If possible, wireless service facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those structures and to minimize adverse visual impacts associated with clustering of towers, provided that: 1) a tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless reconstruction as a monopole is proposed; 2) an existing tower may be modified or rebuilt to a taller height, not to exceed the maximum tower height established by this bylaw, with approval from the SPGA; and 3) all antenna mounts installed on existing towers shall, to the extent technically feasible, match both **antenna** type and type of the existing antenna mounts.*
31. Section 450-5.5E(2)(b) is amended as follows: *In no case shall a ground-mounted facility be built as an accessory use, or [use] be allowed on any portion of the lot between the primary structure and the street.*
32. Section 450-5.6B(2)(b) is amended as follows: *Drainage. Drainage facilities for each parking area should be designed and constructed to contain stormwater run-off on the premises, and **stormwater** should not be distributed on a public way.*
33. Section 450-5.6B(2)(c) is amended as follows: *Surfacing. All off-street parking facilities shall be surfaced in accordance with the Town of East Longmeadow Department of Public Works (DPW) standards and specifications. The [area and] access driveways and parking areas for all business, commercial and industrial uses shall be surfaced with bituminous or cement material, according to established DPW standards and specifications.*
34. Section 450-5.6G is amended as follows: *Minimum required parking spaces. **In addition to parking requirements for specific uses found elsewhere in this bylaw, the following minimum required spaces shall be provided for the uses shown:** . . .*

35. Section 450-5.6G is amended as follows:

<i>Restaurants, clubs or similar facilities serving food or beverages (even when in conjunction with retail stores and the like)</i>	<i>1 parking space [per person] for each 3 seats</i>
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36. Section 450-5.6G is amended to add the following entries to the parking table:

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<i>Planned residential unit developments</i>	<i>2 parking spaces per dwelling unit, which may include garages</i>
<i>Planned adult residential developments</i>	<i>2 parking spaces per dwelling unit, which may include garages</i>
<i>Used car lot</i>	<i>1 parking space for each employee; 1 parking space for each company vehicle; and 1 parking space for every 8 spaces devoted to sale or storage of cars</i>

37. Section 450-5.6H(2) is amended as follows: *Accessible spaces shall be eight feet zero inches wide, with an adjacent access aisle five feet zero inches wide, and shall be marked with signs and pavement paint. One in every eight accessible spaces, **but not less than one**, shall have an access aisle eight feet zero inches (rather than five feet zero inches), and shall be signed "van accessible".*
38. Section 450-5.7A is amended as follows: *Public garages, automobile repair shops, storage battery service stations, gasoline filling stations, greasing stations, or any of their appurtenances or accessory uses shall hereafter be erected not less than 100 feet from any Residence District. . . . A plot plan for any such use as described herein shall require the approval signatures of the [Board of Selectmen] **Town Manager**, the [Board] **Department** of Public Works and the Planning Board prior to the issuance of a building permit or the occupancy or use of land for any of the purposes described in this subsection.*
39. Section 450-5.7C(1) is amended as follows: *Car washing facilities shall be permitted by [right] **special permit** in the Business (BUS) and Industrial (I) Districts in accordance with the additional requirements specified herein.*
40. Section 450-5.8D(1)(a) is amended as follows: *A sign attached to a building shall be securely affixed to one of the walls or a roof of the building. If affixed to a wall, it shall be parallel with and not project more than 12 inches from the face of such wall and shall not project beyond the face of any other wall of the building. If affixed to the roof, it shall be parallel with the front wall of the [store] **building** and shall not project beyond the face of any wall of the building. No sign, whether affixed to a wall or roof of a building, shall project above the highest line of the main roof of the building.*
41. Section 450-5.8E is amended as follows: *Industrial District. Signs shall only be permitted in an Industrial [(IND)] (**I**) District subject to the following conditions: . . .*
42. Section 450-5.8E(1) is amended as follows: *Signs must identify or otherwise relate to the primary use of the building or tenants in such building and may not be used for other purposes (except that on vacant lots, nonilluminated real estate signs having an area not more than 35 square feet **advertising the sale, rental or lease of the premises** on which such signs are located is permitted).*
43. Section 450-5.8H(1) is amended as follows: *Any nonconforming sign, legally erected prior to the adoption of this bylaw **or any amendment to this bylaw**, may continue to be maintained and repaired. Such a sign shall not be enlarged, reinstated, altered or the copy and wording thereon may not be changed in any way other than normal maintenance and repair, unless it is brought into conformity with this bylaw.*
44. Section 450-5.8H(2)(b) is amended as follows: *Advertises or calls attention to any products **no longer carried or sold at the premises, or any** business or activities which are no longer carried [or sold] **on** at the premises;*
45. Section 450-5.9 is amended to add the following lead-in statement: **All swimming pools must conform to the Massachusetts State Building Code (780 CMR).**

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46. In § 450-5.9A, the definition of “neighborhood pool” is amended in its entirety to read as follows: A swimming pool not to exceed 24 feet by 52 feet, to be used by a nonprofit organization of not more than 25 families living in the immediate vicinity of the pool.
47. In § 450-5.9A, the definition of “swimming pool” is amended as follows: *[Swimming pool is a] A body of water 18 or more inches in depth at any point in an artificial or semi-artificial receptacle or container, permanent or temporary, whether located indoors or outdoors, used or intended to be used for public, semi-public or private swimming by [other facilities appurtenant to or intended for the operation and maintenance of a swimming pool, and also all pools operated and maintained in conjunction with] adults or children or both, whether or not any charge or fee is imposed for such use, and includes all structures, appurtenances, equipment, appliances, and **all other facilities appurtenant to or intended for the operation and maintenance of a swimming pool, and also all pools operated and maintained in conjunction with or** by clubs, community associations, and hotels.*
48. Section 450-5.9B is amended to read as follows:
- B. Restrictions and exceptions.*
- (1) The family pool and neighborhood pool, in accordance with the Table of Use Regulations, Subsection G(6) and (7), are the only pools permitted in Residence Districts. All swimming pools shall conform to the accessory building setback, side yard and rear yard requirements of the district in which located, except that fencing around neighborhood pools shall conform to the principal building's setback, side yard and rear yard requirements of the district in which they are located.*
- (2) Exception. The following special exception may be granted by the Board of Appeals after a public hearing and subject to the approval of the abutting landowners:*
- (a) A neighborhood pool shall be operated under a set of bylaws which include safety rules, limited guest privileges, as well as regulations to keep the use of said pool from becoming objectionable to the abutters and neighbors or a general nuisance.*
- (b) The fence surrounding the pool shall be not less than six feet in height and in all other respects shall conform to the regulations set down under Subsection E, Safety devices. Such fence shall conform to the setback, side yard and rear yard requirements for a primary building for the district in which the pool is located.*
- (c) Sufficient provisions shall be made on the property in which the pool is located for off-street parking for all members or their guests.*
- (d) It shall also be required that neighborhood pools whose organizations decide at any time to disband shall be completely filled in before such organization is disbanded. Any of the membership in such organization can be or will be held responsible personally for the fulfillment of this requirement should the organization disband without satisfactory completion of this requirement.*
49. Section 450-5.9H is amended as follows: *Protection of property rights. No swimming pool, neighborhood pool or family pool shall be so located, designed, operated or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining the swimming pool, neighborhood pool or family pool or located in the neighborhood of such swimming pool, neighborhood pool or family pool. It shall be unlawful for any person to make, continue or cause to be made or continued at any swimming pool, neighborhood pool or family pool any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. In the operation of a swimming pool, neighborhood pool or family pool, the use or permitting the use or operation of any radio, television, receiving set, musical instruments, phonograph or other machine or device for the producing or reproducing of [such] **sound** in such a manner as to disturb the peace, quiet*

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*and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the swimming pool, neighborhood pool or family pool shall be unlawful. Any commercial undertaking at any swimming pool, neighborhood pool or family pool is expressly prohibited.*

50. Section 450-6.0 is amended to add the following lead-in statement: ***The purposes of this article is: . . .***
51. Section 450-6.2 is amended as follows: *RMDs, other than agricultural operations meeting exemption standards under MGL c. 40A, § 3, may be allowed by special permit of the Planning Board in the Industrial Garden **Park** District, provided the facility otherwise meets the requirements of this article. Operations under MGL c. 40A, § 3 must meet all of the general requirements for a site plan review.*
52. Section 450-6.3A is amended as follows: *All RMDs shall be contained within a building or structure [of] **in** which there will be no windows.*
53. Section 450-7.0A(1) is amended as follows: *The Board of Appeals shall consist of five members. The [Board of Selectmen] **Town Manager** shall appoint members of the Board of Appeals pursuant to MGL c. 40A, § 12. The [Board of Selectmen] **Town Manager** shall also appoint two or more associate members of the Board of Appeals as provided in MGL c. 40A, § 12.*
54. Section 450-7.0B(1) is amended as follows: *Appeals to the Board of Appeals may be taken by any person aggrieved by reason of their inability to obtain a permit or enforcement action from any [administration] **administrative** office under the provisions of said Chapter 40A, or by any person, including an officer or board of the Town or of an abutting town, aggrieved by an order or decision of the Building Commissioner, or other administrative official, in violation of any provision of said Chapter **40A** or the Zoning Bylaw of the Town of East Longmeadow.*
55. Section 450-7.0C is amended as follows: *Variances. Petitions [of] **for** variances from the terms of the applicable zoning provisions shall be dealt with by the Board of Appeals in accordance with Chapter 40A of the General Laws, as amended. . . .*
56. Section 450-7.0G is amended as follows: *Procedures. Appeals, applications and petitions authorized by this bylaw and/or by Chapter 40A of the Massachusetts General Laws shall be taken and/or filed as provided in MGL c. 40A, §§ 15 through 17. All hearings, meetings and other proceedings conducted by the Board of Appeals shall comply [in] **with** Chapter 40A of the Massachusetts General Laws.*
57. Section 450-7.1A(1) is amended as follows: *The Building [Inspector] **Commissioner** shall enforce the provisions of the bylaw and amendments as hereinafter provided. No building shall be constructed, altered, moved or changed in use in the Town without a permit from the Building [Inspector] **Commissioner**. Such permit shall be withheld unless such construction, alteration or proposed use is in conformity with all the provisions of this bylaw. Where a special permit is required pursuant to the provisions of the bylaw, or where an appeal or petition involving a variance is pending, the Building [Inspector] **Commissioner** shall issue no such permit except in accordance with written decision of [appropriate Board] **the Planning Board (as special permit granting authority) and/or the Zoning Board of Appeals**.*
58. Section 450-7.1A(2) is amended as follows: *The general duties and responsibilities of the Building [Inspector] **Commissioner** shall be in accordance with any or all action necessary to enforce full compliance with any or all provisions of this bylaw and the conditions and stipulations of permits and variances issued hereunder, including notification of noncompliance, together with requests for legal action through the [Board of Selectmen] **Town Manager** to the Town Counsel.*
59. Section 450-7.1A(3)(b) is amended as follows: *If, after such order, such violation continues and no appeal to the Board of Appeals is taken within 30 days, the [Selectmen] **Town Manager** shall, upon notice from the Building [Inspector] **Commissioner**, forthwith make applications to the Superior Court*

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*for an injunction or order restraining the violation and shall take such other action as is necessary to enforce the provisions of the bylaw.*

60. Section 450-7.1A(3)(c) is amended as follows: *If, after action by the Building [Inspector] **Commissioner**, appeal is taken to the Board of Appeals, and after a public hearing the Board of Appeals finds that there has been a violation or prospective violation, the Building [Inspector] **Commissioner** shall issue an order to cease and desist and refrain from such violation unless such order has been previously issued. If such then continues, the [Selectmen] **Town Manager** shall, upon written notice from the Building [Inspector] **Commissioner**, forthwith make application to the Superior Court or Land Court for an injunction or order restraining the violation and shall take such other action as may be necessary to enforce this bylaw.*
61. Section 450-8.1A is amended as follows: *Special permits are [requested] **required** for certain uses, structures or conditions as specified in Article III, Schedule of Use Regulations.*
62. Section 450-8.2A(1) is amended as follows: *Special permits shall only be issued following a public hearing held within 65 days after filing an application with the special permit granting authority, a copy of which shall forthwith be given to the Town Clerk by the applicant. The SPGA shall take final action on an application for special permit within 90 days following the public hearing. Failure to do so shall constitute approval. A [unanimous vote of a three-member board and a] vote of at least four members of [a five-member board] **the Planning Board** is required.*
63. Section 450-8.2A(3) is amended as follows: *Quorum requirement. Four members of [a five-member board] **the Planning Board** must be present in order to hold a public hearing. Only members who have attended the public hearing may vote on whether or not to grant a special permit.*
64. Section 450-8.2B(2) is amended as follows: *A special permit granted under this section shall lapse after a period of [nine months] **one year** has passed if substantial use has not sooner commenced, except for good cause, or, in the case of permit for construction, if construction has not begun by such date, except for good cause. This period shall not include such time required to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17.*
65. Section 450-8.4A is amended as follows: *The removal, from any site, for profit or benefit or for any other purpose, of gravel, sand, loam or any other [earthly] **earth** material, provided: . . .*
66. Section 450-8.4A(5) is amended as follows: *In any district, gravel, sand, loam or other [earthly] **earth** material may be removed from the area covered by a building or other construction operation, as evidenced by a current and valid building permit, provided that if such material is removed from the site in consideration of profit or benefit or for any other purpose, a special permit is required. In the area affected by such operation, no less than four inches of loam shall remain, or be brought in and spread, and provided that the entire open area disturbed is seeded with a suitable cover crop. Filled areas shall be properly drained and covered in the same manner.*
67. Section 450-8.4A(6) is amended as follows: *Removal of gravel, sand, loam or other [earthly] **earth** material from any portion of any premises which is not part of a building or construction operation as evidenced by a current and valid building permit shall be prohibited unless allowed by the issuance of a special permit in accordance with the foregoing procedure.*
68. Section 450-8.4B(2) is amended as follows: *Single-house lot development which involves the removal of [earthly] **earth** materials.*
69. Section 450-8.5 is amended as follows: *In Residence Districts, family home day-care **may be allowed by special permit**. The SPGA shall not grant or renew a special permit for the use, construction, extension or modification of a family home day-care unless: . . .*
70. Section 450-8.7 is amended as follows: *In the Business District, used car lots **may be allowed by special permit**. The SPGA may issue a special permit allowing buildings, structures or land to be used for the*

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*sale of, and storage for sale of, used motor vehicles. Issuance of said special permit shall be subject to the general standards and conditions enumerated in § 450-8.3 and the following provisions: . . .*

71. Section 450-8.7A is amended as follows: *This use will only be allowed in a Business District, as indicated on the [Building Zone Map] **Zoning Districts Map identified in § 450-2.1.***
72. Section 450-8.7D is amended as follows: *Buildings, structures or any of their appurtenances or accessory uses shall hereafter be erected not less than 100 feet from any Residence District. . . . A plot plan for any such use as described herein shall be reviewed by the [Board of Selectmen] **Town Manager** and the Department of Public Works prior to the issuance of a building permit or the occupancy or use of land for the purpose described in this subsection.*
73. Section 450-8.7F is amended as follows: *Building area shall not exceed 25% of the lot area. Plot plans must be submitted to the Planning Board for approval of parking provisions in all cases, and to the [Board] **Department** of Public Works in accordance with the General Bylaw of the Town of East Longmeadow, Chapter 416, Vehicles and Traffic, § 416-3, where applicable.*
74. Section 450-8.7G is amended as follows: *Off-street parking shall be provided and shall meet the requirements of § 450-5.6 of the Zoning Bylaw. [Minimum parking spaces shall be as follows: (a), (b), (c)]*
75. Section 450-8.11A is amended as follows: *Retail sales as a primary use are prohibited in the Industrial Garden **Park** District.*
76. Section 450-8.11B(2) is amended as follows: *No more than 10% of the floor area of a business establishment shall be utilized for retail sales activities. In no event shall the area of the retail **sales** exceed 1,000 square feet.*
77. Section 450-8.11B(3) is amended as follows: *In the event a building is occupied by two or more business establishments, not more than 10% of the floor area of the individual business establishment shall be devoted to retail sales. In no event shall the area of the retail **sales** exceed 1,000 square feet.*
78. Section 450-8.12 is amended as follows: *In addition to the requirements of §§ 450-8.1, 450-8.2 and 450-8.3 of the East Longmeadow bylaws, and for an application **for an adult use** to be considered complete, the following additional criteria must be met: . . .*
79. Section 450-8.12D(3) is amended as follows: *A sworn statement must be provided stating that neither the applicant nor any person having an equity or security interest in the establishment has been convicted of violating MGL c. 119, § 63 or MGL c. [262] **272**, § 28.*
80. Section 450-8.12E is amended as follows: *No special permit shall be issued under this section to any person convicted of violating MGL c. 119, § 63 or MGL c. [262] **272**, § 28.*
81. Section 450-8.12G is amended as follows: *No obscene matter, material or conduct, as defined in MGL c. [262] **272**, § 31, shall be permitted.*
82. Section 450-9.4A(7) is amended as follows: *Location of all present and proposed utility systems, including sewage or septic systems, water supply system, existing and proposed surface and subsurface drainage systems, telephone, cable and electric lines. Storm drainage system will include existing and proposed drain lines, culverts, drainage [swells] **swales**, catch basins, headwalls, end walls, hydrants, manholes, channels and subdrainage, along with soil logs, percolation tests when necessary, and drainage calculations. The applicant shall submit plans to prevent the pollution of surface water or groundwater, erosion of soil, excessive run-off of precipitation, excessive raising or lowering of the water table and flooding of other properties.*
83. Section 450-9.7G is amended as follows: *Protection of agricultural land [with] **within** the proposed development and minimization and development impact on abutting agricultural land.*

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84. Section 450-9.7J is amended as follows: *Compliance with the provision of MGL c. 40A and [41A] **the Subdivision Control Law**, the rules and regulations of state and federal agencies and the bylaw of the Town of East Longmeadow.*
85. Section 450-11.1A is amended as follows: *For the purpose of this bylaw, the following words shall have the meanings given hereinafter. Where appropriate, the plural shall include the singular, the words "used" or "occupied" include the words "designed", "arranged", "intended" **to be used or occupied** [, or] **and the words** "lot", "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the Subdivision Control Law shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meanings given in Merriam Webster's Unabridged Dictionary.*
86. Section 450-11.1B is amended as follows: *Definitions are provided strictly for clarification and are not to be interpreted as permissible or allowed unless stated [in the table of uses] within this Zoning Bylaw.*
87. Section 450-11.2 is amended to add the following lead-in statement: **Unless otherwise specified in other sections of this bylaw, the following terms shall have the meanings indicated: . . .**
88. In Section 450-11.2, the definitions of "adult bookstore", "adult club", "adult paraphernalia store", "adult theater" and "adult video store" are amended to correct the statutory citation, changing "MGL chapter 262, section 31" to "MGL c. 272, § 31."
89. Section 450-11.2 is amended to revise the following definitions:

*AREA AND/OR FACILITY FOR SPORTING ACTIVITY - An area that is designed to offer athletic-type events to be viewed by a significant number of spectators, with said spectators either seated or standing, including but not limited to **a** professional/commercial sports stadium and/or arena, a professional/commercial ice hockey rink and/or ballpark or a hippodrome. Town sports are addressed under school, park and recreation **regulations** and do not apply to this section.*

*BUFFER AREA - **Except as provided in § 450-5.5 of this bylaw**, a strip or strips of land densely planted (or having equal natural growth as approved by the Planning Board) with shrubs and/or trees at least four feet high at time of planting, of a type that will form year-round dense screening. Such area must be without buildings, structures, parking or other accessory uses, except that a public road right-of-way may pass through a buffer as close to 90 degrees as possible and [that] **except for** any fencing for the purposes **of** noise abatement, security and/or grading, as deemed appropriate by the Planning Board.*

*BUILDING - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. For the purpose of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature. The word "building" shall be construed, where the context requires, as though followed by the words "or part or parts thereof". A porch is to be considered as part of a building when [considered] **considering** setbacks.*

*CHILD-CARE FACILITY - Centers operating on a regular basis that serve more than six children under seven years of age or **under 16 years of age** if the children have special needs, or school-age children (under 14 years of age or **under 16 years of age** if the children have special needs) in programs with supervised group care that are held before or after school hours or during vacation.*

*[BOARDING HOME] **DWELLING FOR THE AGED** - Any institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing care incident to old age to three or more persons over 60 years of age, who are not acutely ill or generally in need of medical or nursing care.*

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*DWELLING, SEMI-DETACHED* - A single-family residential unit that is joined on one side to another single-family residential unit and having a [party] **common** wall between said units.

*FRATERNAL ORGANIZATION* - A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements, **including related uses such as fraternity houses, sorority houses and dormitories.**

*GAMING ESTABLISHMENT* - An establishment whose primary function is conducting sweepstakes, lotteries or other games with cash prizes, other than games conducted by the State Lottery Commission [are not allowed in any district], with the exception of nonprofit or religious organizations.

*HELIPORT* - An area, either at ground level or elevated on a structure, licensed or approved for the [loading] **landing** and takeoff of helicopters, and including auxiliary facilities such as parking, fueling and maintenance equipment.

*HOTEL* - A building operated by a duly licensed innholder where lodging is furnished [or] **and** food [is] **may be** served to transient or permanent guests, and which has a public dining room and general kitchen. See also "lodging, short-term."

*MASSAGE* - The systematic treatment of the soft tissues of the body by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion for purposes of demonstrating muscle [excursion] **exertion** or muscle flexibility and nonspecific stretching. Massage therapy may include the use of oil, ice, hot and cold packs, tub, shower, steam, dry heat or cabinet baths, in which the primary intent is to enhance or restore the health and well-being of the client. Massage therapy shall not include diagnoses, the prescribing of drugs or medicines, spinal or other joint manipulations or any services or procedures for which a license to practice medicine, chiropractic, occupational therapy, physical therapy or podiatry is required by law.

*SEMI-DETACHED DWELLING* - [A single family residential unit that is joined on one side to another single family residential unit, and having a common wall between the said units.] **See "dwelling, semi-detached."**

*STREET* - A public way, a private way shown on a plan approved under the Subdivision Control Law and recorded at the Hampden County Registry of Deeds as required, or a way [of] **in** existence when the Subdivision Control Law became effective in East Longmeadow, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the proposed use of the abutting land or land to be served thereby.

90. Section 450-11.2 is amended to delete the following definition: **SECONDHAND PERSONAL PROPERTY.**

91. Section 450-11.2 is amended to add the following definition:

*MARIJUANA DISPENSARY, REGISTERED (RMD)* - A not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes [including development of related products such as edible marijuana-infused products ("MIPs"), tinctures, aerosols, oils or ointments], transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, "RMD" refers to the site(s) of dispensing, cultivation and preparation of marijuana.



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**Chapter 500, Fee Schedule**

Chapter 500 is adopted to read as follows:

*Chapter 500*  
**FEE SCHEDULE**

**§ 500-1. Schedule of Town fees.**

The following table lists fees charged for various Town services.

<b>Item/Service</b>	<b>Fee</b>	<b>Reference</b>
<b>Animals</b>		
<i>Redemption of impounded dog</i>	\$25	§ 315-2
<i>Redemption of dog impounded for violations of Animal Control Bylaw</i>	\$25	§ 315-2
<i>Dogs licensed after due date</i>	Additional \$25	§ 315-3
<b>Nuisances</b>		
<i>Administrative fee for correcting nuisance vegetation violations</i>	\$200	§ 376-2
<b>Public Entertainment</b>		
<i>Public entertainment license</i>	\$75	§ 379-5
<b>Town Clerk Fees</b>		
<i>For entering amendment of a record of the birth of an illegitimate child subsequently legitimized</i>	\$25	§ 105-8
<i>For correcting errors in a record of birth</i>	\$25	
<i>For furnishing a certificate of a birth</i>	\$10	
<i>For filing a certificate of a person conducting business under any title other than the person's real name</i>	\$30	
<i>For filing by a person conducting business under any title other than the person's real name of a statement of change of residence, or of discontinuance, retirement or withdrawal from, or of a change of location of such business</i>	\$20	
<i>For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the commonwealth</i>	\$20	
<i>For correcting errors in a record of death</i>	\$25	
<i>For furnishing a certificate of death</i>	\$10	
<i>For entering a notice of intention of marriage and issuing certificates thereof</i>	\$40	
<i>For entering a certificate of marriage filed by persons married out of the commonwealth</i>	\$40	
<i>For issuing a certificate of marriage</i>	\$10	
<i>For furnishing an abstract copy of a record of marriage</i>	\$10	
<i>For correcting errors in a record of marriage</i>	\$25	
<i>For recording a power of attorney</i>	\$5	
<i>For recording a certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof</i>	\$20	

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<i>Item/Service</i>	<i>Fee</i>	<i>Reference</i>
<i>For recording the name of the owner of a certificate of registration as a physician or osteopath in the commonwealth</i>	\$20	
<i>For recording an order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in the number of wires and cable or attachments under the provisions of MGL c. 166, § 22</i>	\$40	
<i>For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof, as provided by MGL c. 182, § 2</i>	\$20	
<i>For recording a deed or lot or plot in a public burial place or cemetery</i>	\$5	
<i>Voter's card</i>	\$5	
<i>Dog license</i>	\$10	
<i>Dog license (non-spayed/-neutered).</i>	\$20	
<i>Dog license renewal (late fee)</i>	\$25	
<i>Kennel license</i>		
<i>1 to 4 dogs</i>	\$30	
<i>5 to 10 dogs</i>	\$60	
<i>More than 10 dogs</i>	\$100	