TOWN OF EAST LONGMEADOW

GENERAL BYLAWS

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Chapter 1

GENERAL PROVISIONS

Sections:

1.010 General Provisions
1.020 Definitions and Construction
1.030 Effective Date of Bylaws
1.040 Validity

1.010 General Provisions

(A) These bylaws are hereby entitled, "General Bylaws for the Town of East Longmeadow, Massachusetts," to distinguish them from bylaws of the Town dealing with special subjects such as zoning and sub-divisions.

(B) These bylaws shall not affect any act done, any right accrued, any penalty incurred, any suit, prosecution or proceedings pending, or the tenure of office of any person holding office, at the time when they take effect.

(C) Any or all of these bylaws may be repealed or amended or other bylaws may be adopted by the Town Council pursuant to the requirements in the Town Charter.

(D) 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 two hundred ($200.00) dollars, for each offense.

1.020 Definitions and Construction

The following rules of construction shall be observed in construing these bylaws, unless inconsistent with the manifest intent or the context:

1. Words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing the masculine gender shall include the feminine.
2. The words "streets, ways and highways" shall be construed to include all public ways, town ways, highways, bridges, streets, traveled parts of highways, so far as such construction is not contrary to law.
3. The word "owner" applied to a building or land shall include part owner, joint owner, tenant in common, or joint tenant of the whole or of a part of such building or land.

4. The word “tenant” or “occupant” applied to a building or land shall include any person who occupies the whole or a part of such buildings or land either alone or with other persons.
5. The word “person” shall include limited liability companies, corporations, societies, associations, partnerships, or other legally formed entities.
6. Words prohibiting anything from being done, except in accordance with a license, permit or authority from a board or office, shall be construed as giving such board or office power to license, permit or authorize such a thing to be done.
7. Minutes: A record of action taken and matters considered.
8. These bylaws shall be construed as ordinances where appropriate under the laws of the Commonwealth of Massachusetts.
9. Any references to M.G.L. will mean a reference to Massachusetts General Laws.

1.030 Effective Date of Bylaws

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, as amended.

1.040 Validity

The invalidity of any section or provision of these bylaws shall not invalidate any other section or provision thereof.

Chapter 2

~~ANNUAL~~ TOWN ELECTIONS AND TOWN COUNCIL ~~MEETING~~

Sections:

2.010 ~~Annual Town Meeting~~Town Elections
2.020 ~~The Calling of Town Meeting~~Town Council Meetings
~~2.030 Town Meeting Procedures~~

2.010 Town Elections

Town elections shall be conducted as set forth in Article 7 of the Town Charter, "Town Elections." The polls shall be open in all precincts not later than 7:00 AM and close at 8:00 PM.

2.020 Town Council Meetings

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 accessible area of a municipal building

Chapter 3

BUDGETS AND APPROPRIATIONS

Sections:

3.010 Town Accountant
3.020 Town Audits
3.030 Film Multiple Member Body Meetings

3.010 Town Accountant

(A) 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 he shall be eligible to hold the position of Director of Municipal Finance, and shall hold office for three years and until his successor is qualified. The Town Accountant shall perform the duties and possess the powers of the Town Auditor as defined in M.G.L. chapter 41 sections 50 to 53 inclusive, as amended.
(B) 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 he shall keep his accounts, so far as practicable, in conformity with the classifications and forms prescribed by the state director of accounts in accordance with M.G.L. chapter 44 section 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 for which it was incurred, when incurred, when due, the rate of interest and the provisions made for payment of the debt.
(C) The Town Accountant shall notify the Town Manager and all departments, including the School Department, monthly of the balance in his hands of any appropriation to their credit.
(D) All town departments, including the School Department, shall provide any financial information or financial documentation that the Town Accountant shall request.
(E) 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 (6) months of such year and the amounts estimated to be expended from such appropriations during the second six (6) months of such year and the estimates for the next ensuing fiscal year, and shall forthwith furnish a copy thereof to the Town Manager.
(F) Water Enterprise Fund. All water revenue shall be placed in a special account and appropriated by vote of Town Council. Water revenue shall include water rates, water entrance fees, water service and sales charges and interest and penalties on the collection of

these bills. The amounts appropriated from the Water Enterprise Fund shall be used to cover all or a portion of the cost of providing domestic water to the Town, and maintenance of the Water Division of the Board of Public Works and the annual payment of debt and interest on outstanding debt for water bonds, where possible. Funds to cover the Town's share of any water project may be appropriated from the Water Enterprise Fund.

(G) Sewer Enterprise Fund. All sewer revenue shall be placed in a special account and appropriated by vote of Town Council. Sewer revenue shall include sewer use fees, sewer entrance fees, sewer service and sales charges and interest and penalties on the collection of these bills. The amounts appropriated from the Sewer Enterprise Fund shall be used to cover all or a portion of the cost of sewage treatment for the Town, and maintenance and operation of the Sewer Division of the Board of Public Works and the annual payment of debt and interest on outstanding debt for sewer bonds, where possible. Funds to cover the Town's share of any sewer project may also be appropriated from the Sewer Enterprise Fund.

3.020 Town Audits

(A) The Town Accountant shall, on June 30 of every year, count the cash on hand of the Town Treasurer, Town Clerk, and Collector of Taxes.

(B) The Town Accountant shall balance the year-ending cash of the Town Treasurer including the balancing of all checking and savings accounts of the Town.

(C) The Town shall have an audit of the financial books and accounts of the town made annually pursuant to Article 6 Section 5 of the Town Charter.

(D) The Town Council shall have a special audit made of the books and accounts held by the Town Treasurer, Town Clerk, Town Accountant, Director of Municipal Finance and the Collector of Taxes as of the last day of employment of any of said officials.

3.030 Film Multiple Member Body Meetings

All open session portions of regularly scheduled meetings of the Town Council, School Committee, Board of Public Works, Planning Board, Board of Assessors and Library Trustees 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

Chapter 4

TOWN ENTITIES AND OFFICIALS

Sections:

4.010 Town Entities and Reports
4.020 Town Manager
4.030 Board of Health
4.040 Town Clerk
4.050 Town Treasurer
4.060 Collector of Taxes
4.070 Board of Assessors
4.080 Board of Public Works
4.090 School Committee
4.100 Library Trustees
4.110 Planning Board
4.120 Board of Appeals

4.010 Town Entities and Reports

(A) All meetings of any governmental body within the Town shall conform to the requirements of the Open Meeting Law of the Massachusetts General Laws, as amended.
(B) The minutes of every meeting shall be delivered to the Town Clerk in final typed or electronic form within thirty (30) days of the date of said meeting, but shall be available for public inspection within ten (10) days of said meeting.
(C) Each multiple member body shall elect a chairman and a clerk, per the Charter.
(D) The annual town report shall be issued in hard copy under the direction of the Town Manager. It shall include reports from all departments including the School Department and the Town Council.
(E) No multiple member body of the Town shall receive compensation for their services, except as recommended by the Town Manager and approved by the Town Council.
(F) No Town Councilor shall hold any other Town appointed position except as a member of an advisory committee created by the Council, or as an ex-officio member of a committee created by the Town Manager, or as permitted by the Charter.

4.020 Town Manager

(A) 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.

(B) All Town department heads, including the Superintendent of Schools, shall submit an inventory of all property, both real and personal, within their department annually to the Town Manager.

(C) The Town Manager shall have the authority to employ special counsel to assist the Town Attorney when necessary.

(D) 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.

(E) No person shall erect in or upon any street or sidewalk in the Town any staging or place thereon any material of any kind in such manner as to obstruct or impede the free use of such street or sidewalk for public travel, without a written permit from the Department of Public Works Superintendent or his designee, and no person shall place any material upon any street, sidewalk or tree belt in the Town which may damage or injure any person, animal or vehicle traveling thereon.

(F) The Department of Public Works Superintendent or his designee shall require and regulate the numbering of buildings on all public or private ways and may order, in writing, the owner of said buildings to place on their building such numbers required. The owner of the building, upon receipt of such an order, shall comply with said order within ten (10) days. House numbers shall be no less than three (3) inches in height and shall be visible from the street.

(G) Any person receiving a permit from the Town shall execute a written agreement and furnish a bond if the Town Manager so demands to indemnify and save harmless the Town against all damage or cost by reason of any claim for damages, or by reason of any process, civil or criminal, arising from the use of said permit or license, and the Town Manager may impose such conditions, terms and limitations as he shall see fit for the safety of the general public.

(H) License to Store Inflammables. The following fees are established for licenses to use land for the keeping, storage or sale of petroleum fluids or compounds for resale or other commercial use:

Not more than	1,000 gallons or	8,000 pounds	$45.00
Not more than	5,000 gallons or	40,000 pounds	$75.00
Not more than	10,000 gallons or	80,000 pounds	$105.00
Not more than	30,000 gallons or	240,000 pounds	$135.00
Not more than	100,000 gallons or	800,000 pounds	$165.00
Not more than	200,000 gallons or	1,600,000 pounds	$240.00
More than	200,000 gallons or	1,600,000 pounds	$330.00

and the fee for any annual certificate or registration required under M.G.L. chapter 148, section 13, shall be one-half of the original license fee in accordance with the above schedule.

(I) All wholesale and retail business entities licensed to store or sell petroleum products, shall be required to install emergency break-away hose couplings on each pump or similar dispensing device, in accordance with the regulations and specifications adopted by the Fire Chief. The penalty for violating this section shall be a fine of not more than one hundred dollars ($100.00), and each day shall constitute a separate violation.

4.030 Board of Health

(A) The Town Manager shall appoint a Health Inspector for one year. The Health Inspector shall annually prepare and submit to the Town Manager a report that shall contain a report of the year's work in the field of Health Inspection, according to the duties under the State Sanitary Code of the Massachusetts Department of Public Health, divisions of Housing, Food and Drugs, and the Department of Environmental Protection.

(B) The Board of Health shall keep records of:
Complaints made to them, and disposition thereof.
Nuisances abated and how abated.
Unusual sickness of the Town.
Violations of the State Sanitary Code.
Any other records required by statute.

(C) Mandatory Recycling. In order to implement a program of recycling in conjunction with ordinary waste disposal, residents of every household shall separate waste material into the following categories before depositing same for disposal: (1) glass and containers; (2) paper; (3) other waste. If no separation takes place, waste material shall not be accepted for collection at the disposal location.

Any person who violates the provisions of this section shall be fined in accordance with the provisions of Section 1.010 of these bylaws.

All other current regulations of the Board of Health for dumping and disposal of refuse will remain in effect and copies are available in the Town Clerk's Office.

4.040 Town Clerk

(A) The Town Clerk shall keep and cause to be permanently bound one or more files of Town reports. He shall furnish all boards and committees with a copy of all votes affecting them. He shall not allow original papers or documents of the Town to be taken from his office, except as they remain in his custody or by authority of law.

(B) The Town Clerk shall record suitable minutes of Town Council meeting proceedings and the results of all votes cast at Town Council meetings held during his term of office.

(C) The Town Clerk shall keep a file of all reports submitted by all multiple member bodies of the Town and all documents relating to the affairs of the Town, which come into his custody. He shall suitably index all such reports and all Town Council meeting votes. The results of all primaries and elections held must also be duly recorded.

(D) The Town Clerk shall charge the following fees:

	Fees
1. For filing and indexing assignment for the benefit of creditors.	$10.00
2. For entering amendment of a record of the birth of an illegitimate child subsequently legitimized.	$25.00
3. For correcting errors in a record of birth.	$25.00
4. For furnishing certificate of a birth.	$10.00
5. For furnishing an abstract copy of a record of birth.	$10.00
6. For entering delayed record of birth.	$10.00
7. For filing certificate of a person conducting business under any title other than his real name.	$30.00

8. For filing by person conducting business under any title other than his real name of statement of change of his residence, or of his discontinuance, retirement or withdrawal from, or of a change of location of such business.	$20.00
9. For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business.	$5.00
10. 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.	$20.00
11. For correcting errors in a record of death.	$25.00
12. For furnishing a certificate of death.	$10.00
13. For furnishing an abstract copy of a record of death.	$10.00
14. For entering notice of intention of marriage and issuing certificates thereof.	$40.00
15. For entering certificate of marriage filed by persons married out of the commonwealth.	$40.00
16. For issuing certificate of marriage.	$10.00
17. For furnishing an abstract copy of a record of marriage.	$10.00
18. For correcting errors in a record of marriage.	$25.00
19. For recording power of attorney.	$5.00
20. For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof.	$20.00
21. For recording the name of the owner of a certificate of registration as a physician or osteopath in the commonwealth.	$20.00
22. For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of M.G.L. chapter 166, section 22.	$40.00
23. For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than.	$5.00
24. For copying any manuscript or record pertaining to a birth, marriage or death.	$3.00
25. For receiving and filing of a complete inventory of all items to be included in a "closing out sale" etc.	
1st page:	$10.00
each additional page:	$2.00
26. 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 M.G.L. chapter 182, section 2.	$20.00
27. For recording deed or lot or plot in a public burial place or cemetery.	$5.00

28. Recording any other documents.

1st page:	$10.00
each additional page:	$2.00

29. Voter's card.	$5.00
30. Dog License.	$10.00
31. Dog License (non-spayed/neutered).	$20.00
32. Dog License Renewal (Late Fee).	$25.00
33. Kennel License	
1-4 dogs:	$30.00
5-10 dogs:	$60.00
More than 10 dogs:	$100.00

(E) The Town Clerk shall annually prepare and submit to the Town Manager a report that shall contain:

1. A copy of every Town Council meeting vote acted upon, showing in detail the number for and against or whether the vote was by majority or by unanimous vote. The report of every Town Council meeting will also show the opening and closing of the meeting.
2. A full report of the annual Town Election and every State or special Election, but need not include primaries.
3. 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. A complete list of all appointees for the year and other appointments of the Town Manager, and the expiration of the term of office of each member, where possible.
5. A statement of fish and game licenses sold, dog licenses issued and other fees collected and turned over to the Town.
6. A report of the number of births, marriages and deaths showing a comparison with the two previous years.

(F) No resignation of a member of a multiple member body shall be deemed effective unless and until such resignation is filed with the Town Clerk or such later time certain as may be specified in such resignation.

(G) Upon receipt of a resignation, the Town Clerk shall notify the remaining members of the multiple member body, if the resignation is received from a multiple member body, and he shall further notify the Town Manager and such notification shall include the effective date of the resignation.

(H) The Town Clerk shall give bond to the Town for the faithful performance of his duties in a form approved by the Commissioner of Revenue, in such sum, not less than the amount established by said Commissioner, or shall be fixed by the Town Manager.

(I) The surety bonds of the Town Treasurer, Collector of Taxes, Deputy Collector of Taxes, and Town Clerk, shall be in the custody of the Town Clerk and kept in the Town vault.

4.050 Town Treasurer

(A) The Town Treasurer shall annually prepare and submit to the Town Manager a report that shall contain:

1. A classified statement showing the items of the Town debt, date when each was contracted, its original amount, rate of interest, date on which it will be due, and purpose for which the bonding was made.
2. A statement of all money borrowed by the Town during the year, and for what purposes, the amount of increase or decrease in the Town debt, and the object for which it was increased.
3. The relation of the Town debt to the percent limit of indebtedness if the relevant data supplied to him by the Commonwealth is available to him in time for insertion in the report. If such data is not supplied to him in time for insertion in said report, he may include general remarks on this subject in whatever form may best serve to inform the Town under the circumstances.

(B) He shall give bond to the Town for the faithful performance of his duties in a form approved by the Commissioner of Revenue, in such sum, not less than the amount established by said Commissioner.

(C) The Treasurer shall be the custodian of all bonds and insurance policies belonging to the Town, except that the surety bonds of the Treasurer, Collector of Taxes, Deputy Collector of Taxes, and Town Clerk shall be in the custody of the Town Clerk.

(D) The funds of the Town should be retained in long-term investments whenever possible and all funds kept in interest bearing accounts

(E) Sale of Town Land Taken For Taxes. The Town Treasurer, with the approval of 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 M.G.L. chapter 60 sections 79 and 80 , as amended, pertaining to land of low value.
Abutters to any land proposed for sale shall be notified by mail at least ten (10) days prior to the sale, unless the land proposed for sale is one (1) of several parcels offered for sale in a public advertisement appearing twice at least ten (10) days before the date of the sale.

(F) Trust Funds. All trust funds, if not otherwise provided in the conditions of the trust, and the income of all trust funds shall be held in the custody of the Town Treasurer, and shall be paid out by him for the purpose named in the trust only upon orders duly drawn upon him by the Town Manager.

4.060 Collector of Taxes

(A) The Town Treasurer may act as Collector of Taxes and shall be possessor of all statutory powers to collect all accounts due the Town pursuant to M.G.L. chapter 41, sections 38 and 38A.

(B) The Collector of Taxes and any appointed Deputies shall give bond for the faithful performance of their duties in such sum and in such form and subject to such conditions as the Commissioner of Revenue shall prescribe.

(C) The Collector of Taxes, if a separate official, shall have the combination of all safes and vaults wherein Town records and monies are kept.

(D) The Collector of Taxes shall annually prepare and submit to the Town Manager a report that shall contain a statement of the amounts committed to him for collection including the amount of abatements and refunds. The statement shall also show in detail the amounts of all uncollected taxes from any source including water and sewer charges, sewer, street and sidewalk betterment assessments.

(E) The Collector of Taxes, also known as the Town Collector or Tax Collector, 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 of Taxes shall report annually to departments concerned, the receipts and collections for each department.

(a) The Collector of Taxes or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Collector of Taxes shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing or permitting authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments, or other municipal charges for not less than a twelve (12) month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

(b) The licensing or permitting authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing or permitting authority from the Collector of Taxes or with respect to any activity, event, or other matter which is the subject of such license or permit and which activity, event, or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned or controlled by any party whose name appears on said list furnished to the licensing or permitting authority from the Collector of Taxes; provided however, the written notice is given to the party and the Collector of Taxes, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Collector of Taxes shall have the right to intervene in any hearing conducted with respect to such license or permit denial, revocation or suspension. Any findings made by the licensing or permitting authority with respect to such license or permit denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be

relevant to or introduced in any other proceeding at law, except for any appeal from such license or permit denial, revocation, or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing or permitting authority receives a certificate issued by the Collector of Taxes that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

(c) Any party shall be given an opportunity to enter into a payment agreement, upon approval of the Town Manager, thereby allowing the licensing or permitting authority to issue a certificate indicating said limitations to the license or permit and the validity of said license or permit shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, the holder be given notice and a hearing as required by applicable provisions of law.

(d) The Town Manager may waive such denial, suspension or revocation if he finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in M.G.L. chapter 268A section 1, in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning; M.G.L. chapter 48 section 13, as amended; bicycle permits; M.G.L. chapter 85 section 11A, as amended; sales of articles for charitable purposes, M.G.L. chapter 101 section 33, as amended; children work permits, M.G.L. chapter 149 section 69, as amended; clubs, associations dispensing food or beverage licenses, M.G.L. chapter 140 section 21E, as amended; dog licenses, M.G.L. chapter 140 section 137, as amended; fishing, hunting, trapping license, M.G.L. chapter 131 section 12, as amended; marriage licenses, M.G.L. chapter 207 section 28, as amended; and theatrical events, public exhibition permits, M.G.L. chapter 140 section 181, as amended.

4.070 Board of Assessors

The Board of Assessors shall annually prepare and submit to the Town Manager a report that shall contain:

1. 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.
2. A statement showing the number of personal property taxes and assessed value.
3. A statement of all categories of taxes assessed for the year, showing the total amount of taxes assessed for each kind of tax.
4. 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.
5. A statement listing general Town receipts estimated in the setting of the most recent tax rate.

6. A list of exempt property by category and valuation, also including property owned by the Town.
7. A comparison report showing a five (5) year history of:
a. Latest tax rate.
b. Total real and personal property valuation.
c. Total number of parcels assessed.
d. Total real and personal property taxes committed.

4.080 Board of Public Works

(A) The Board of Public Works shall recommend to the Town Manager rules and regulations for water, sanitary sewers, storm drains, highways, parks, forestry or any other division of the Department of Public Works.

(B) 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, Fire Department, and the Town Manager of any such permit.

(C) 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 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.

(D) No person shall permit water from the eaves or lead pipes of any building, owned or cared for by him to be discharged upon or run on the public sidewalk or shall suffer his building to shed water on, or make or permit any drain, sluice, gully or conduit upon his land to discharge water upon a sidewalk, tree belt or traveled way within a public way. When said person is notified of violating this section by the Department of Public Works, he shall, within ten (10) days, abate said violation. If the violator fails to abate the situation within said timeframe the Department of Public Works Superintendent, with the approval of the Town Manager, shall take reasonable means to abate the violation, which may include, but not limited to, the issuance of tickets pursuant to the non-criminal disposition procedure authorized under section 8.130 of these bylaws in addition to or in place of any criminal or civil actions.

(E) The Town Manager or his 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 certain uses. 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 one hundred

dollars ($100.00) for each violation, and each day in which a violation occurs will be considered a separate violation. This section shall be subject to the provision of M.G.L. chapter 21G, and the regulations adopted there under.

(F) Agricultural and Horticultural Water Rate: The Town Council shall establish a rate for water usage by properties that are certified by the Board of Assessors as being used for agricultural and horticultural uses pursuant to M.G.L. chapter 61A and that said water rate be set at seventy-five percent (75%) of the residential water rate. Provided, however, if any such property receiving the water rate set forth herein is converted to a non-agricultural or non-horticultural use the owner or lessee shall pay to the Collector of Taxes a sum equal to the difference between said agricultural and horticultural water rate and the residential rate for each year the discounted rate was received by the property prior to the conversion, provided further, that said repayment shall not be for more than fifteen (15) years preceding the conversion. To qualify for the water rate reduction the M.G.L. chapter 61A registered applicant must also be an I.R.S. registered farm with two thirds (2/3) of its annual income being derived from farming.

4.090 School Committee

(A) The School Committee shall annually prepare and submit to the Town Manager a report that shall contain:

1. A report of the year's work in the schools, with such recommendations and suggestions regarding educational work as they deem fitting.
2. The school calendar for the year.
3. A tabulated statement of membership, attendance and truancy for each school.
4. A statement of their expenditures and receipts during the year.
5. A list of teachers.

(B) 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 one hundred (100) yards from the nearest boundary of any public ways between the hours of 7:00 AM and 4:00 PM on days when the public schools are in session.

4.100 Library Trustees

(A) The Library Trustees shall recommend and advise the Town Manager regarding the appointment of a Library Director to supervise the operation of the library.

(B) The Library Trustees shall annually prepare or cause to be prepared and submit to the Town Manager a report in writing covering clearly and concisely the work of its department for the preceding year, for inclusion in the Annual Town Report.

4.110 Planning Board

(A) Vacancies occurring in the Planning Board shall be filled by the Town Manager.

(B) The Planning Board shall annually prepare and submit to the Town Manager a report in writing covering clearly and concisely the work of its department for the preceding year for inclusion in the Annual Town Report.

(C) Statutes, powers and duties of the Planning Board are prescribed in M.G.L. chapter 41, sections 70 to 72 and 81A to 81I, inclusive, as amended.
(D) The Planning Board shall act as Special Permit Granting Authority. (see Zoning bylaws.)

4.120 Board of Appeals

The Board of Appeals shall consist of five (5) members, whose terms shall be three (3) years each, one appointed in one year and two appointed in each of the next succeeding years, by the Town Manager.
Two or more associate members may be appointed by the Town Manager (Reference M.G.L. chapter 40A).

Chapter 5

TOWN DEPARTMENTS

Sections:

5.010 Police Department
5.020 Fire Department
5.030 Inspector of Weights and Measures
5.040 Town Attorney
5.050 Building Inspector

5.010 Police Department

(A) The Police Chief shall annually prepare and submit to the Town Manager a report that shall contain:

1. A tabulated report of the number of arrests during the year, showing the cause of arrest, and the sex of the persons arrested, by age categories.
2. A statement of the number of persons taken into custody for alcohol intoxication by age and sex.
3. A statement of the value of stolen property recovered and the value of stolen or lost property returned to the owner.
4. A statement of Police vehicles and emergency and rescue equipment.
5. A roster of the members of the Police Department and their duty assignments.

(B) All Police officer appointments shall be made by the Town Manager acting as Police Commissioner in the Town with the recommendations of the Police Chief.

(C) All Police officers appointed by the Town Manager shall be issued a badge and identification with picture, by the Police Chief.

(D) The Police may temporarily close any public or private way to vehicular traffic, in an impending or existing emergency, or for any lawful assemblage, demonstration or procession provided there is reasonable justification for said closing. For the same reasons, Police may prohibit parking and remove any vehicles parked in violation. Exempted from these rules are emergency vehicles, repair vehicles, and Fire and Police vehicles. Persons using said street are not exempted from the consequences of any reckless operation.

(E) Police officers shall have the authority to direct all traffic either in person or by means of a visible or audible signal. In the event of an emergency, Fire personnel may direct traffic for the safety of all persons and all persons are required to obey their commands.

(F) The Police Department is authorized to assist another Police Department by request, in an emergency. The Police Department is authorized to request assistance from other departments in similar instances.

(G) 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 one hundred dollars ($100.00) will be included in the inventory. The inventory will be brought up-to-date yearly and filed with the Town Manager and Town Accountant.

5.020 Fire Department

(A) The Fire Chief shall act as Forest Fire Warden and Fire Warden.
(B) All fire fighter appointments shall be made by the Town Manager, acting as Fire Commissioner in the Town, with the recommendations from the Fire Chief.
(C) The Fire Chief shall annually prepare and submit to the Town Manager a report that shall contain

1. A listing of the number of alarms made during the year and an estimate of property damage and loss.
2. A roster of the members of the Fire Department and their duty assignments.
3. A listing of the Department's fire-fighting equipment.

(D) Wood and/or coal-burning stoves shall be inspected by the Fire Chief or his designee after application to the Building Inspector and before such stove installation is put into service.
(E) Installation of all fuel tanks for the storage of inflammable liquids must have a permit issued by the Town Manager. The Fire Chief or his designee shall supervise the installation of the tanks with a final inspection by the Fire Department.
(F) 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 one hundred dollars ($100.00) will be included in the inventory. The inventory will be brought up-to-date yearly and filed with the Town Manager and Town Accountant.
(G) Fire Lanes.

1. The Fire Chief or his designee may designate fire lanes within the limits of any private way, parking area, or driveway for the access of fire apparatus, ambulances or other emergency vehicles to multiple-family dwellings, stores, schools, health care facilities, elderly housing complexes and places of public assembly.
2. The owner of record of any area designed 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 Fifteen Dollars ($15.00)." The signs shall be twelve inches (12") wide and eighteen inches (18") high. They shall be installed at a height of six foot six inches (6'-6") from ground level to the bottom of the sign. Location of the signs shall be approved by the Fire Chief or his designee prior to installation.
3. It shall be unlawful to obstruct or block any area designed as a Fire Lane with a vehicle or by any other means.
4. The registered owner of any vehicle parked or left unattended within the limits designated as a Fire Lane shall be punished by a fine not to exceed fifteen dollars ($15.00) for each offense.

(H) Any building other than a residential building of less than six (6) units, which has a fire alarm system or other fire protection system, shall provide a secure key lock box installed in

a location accessible to the Fire Department in case of an emergency. This key lock box shall contain keys to the fire alarm system control panel and any other keys necessary to operate or otherwise service the fire protection systems. The key lock box shall be of a type approved by the Fire Chief or his designee and shall be located and installed as instructed by the Fire Chief or his designee.

5.030 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 Town Treasurer at least monthly.

(C) The Inspector of Weights and Measures may at his 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 his equipment. The inventory should show a description of all weights and measures in his charge. A copy of the inventory, up-dated annually, shall be filed with the Town Manager and Town Accountant.

5.040 Town Attorney

(A) The Town Manager shall annually, in June, and whenever a vacancy shall exist, appoint a member of the Massachusetts Bar to act as Town Attorney. He shall be subject at any time to removal by the Town Manager.

(B) The Town Attorney shall be paid for his 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. He, 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 sub-division 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, from that official's tax title expense funds.

(C) The Town Attorney shall represent the Town in all matters to which it is a party, in any court or administrative tribunal, and in the trial or hearing of all litigated matters.

(D) The Town Attorney shall draw all deeds, leases, contracts, conveyances, and other legal instruments, or review the same, and take every legal action, requested of him by the Town

Manager, Town Council, or School Committee. He shall furnish a written opinion on any legal question submitted to him on any matter concerning the Town and its officials, and furnish legal advice to Town officials who require his opinion on matters within the scope of their official duties.

(E) The Town Attorney shall annually prepare and submit to the Town Manager a report describing legal services rendered.

(F) All Town officials, boards and committees requiring the services of the Town Attorney, shall keep the Town Manager aware of such requests for services, notifying him in writing or by sending copies of any communications to him.

5.050 Building Inspector

(A) The Town Manager shall appoint a Building Inspector for one year.

(B) The powers and duties of the Building Inspector are defined in the rules and regulations issued by the State Building Code Commission.

(C) The Building Inspector 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.

Chapter 6

BUSINESS REGULATIONS

Sections:

6.010 Hawkers and Peddlers
6.020 Second Hand or Junk Dealers
6.030 Soliciting Money
6.040 Public Entertainment

6.010 Hawkers and Peddlers

No person shall hawk or peddle any merchandise within the limits of the Town, except as authorized by law, without first applying for a license in the Town Clerk's Office. Final approval is given by the State Director of Standards.

6.020 Second Hand or Junk Dealers

No person shall be a collector of or a dealer in junk, old metals, or second-hand articles, or a keeper of a shop for the purchase, sale or barter of junk, old metals or second-hand articles without first applying for a license from the Town Manager.

6.030 Soliciting Money

(A) No person shall solicit money on any public way or other public place, or go from house to house for the purpose of soliciting money, or sell any tag, badge, or other article of any intrinsic value for the purpose of obtaining money, without first having the written permission to do so from the Police Chief or his designee. Every such written permit shall state the following:

a. Name of the organization.
b. Name and address of person in charge of the solicitation.
c. Number of persons involved in soliciting.
d. Exact dates and hours for solicitation.
e. That no soliciting is permitted after dark.

(B) Failure to register properly with the Police Chief or his designee will result in a fine of not more than twenty dollars ($20.00).

6.040 Public Entertainment

(A) For purposes of this section, the term outdoor public entertainments shall mean any outdoor public gathering, which two hundred (200) or more persons attend and for which an admission or attendance charge is made for profit, except for school functions held on school property.

(B) No outdoor public entertainment shall be held within the Town without a permit issued by the Town Manager or his designee.

(C) An application for such a permit shall be submitted to the Town Manager or his designee at least forty-five (45) days prior to the date on which the public entertainment is held.

(D) The Town Manager, Police Chief, Fire Chief and such other town officials as the Town Manager or his designee shall deem appropriate shall meet jointly to consider each application for such a permit. The joint meeting shall have the authority to:

1. Prescribe public safety and health regulations for the outdoor public entertainment.
2. Prescribe the hours during which the outdoor public entertainment may be held.
3. Require a bond or other security to secure compensation to the Town or its citizens for damage, which may result from the public entertainment.
4. Determine the amount of the fee to be charged for the permit; said fee to be based on the anticipated expense to the Town.

Chapter 7

VEHICLES AND TRAFFIC

Sections:

7.010 Parking Ban
7.020 Removal of Vehicles from Streets and Ways
7.030 Handicapped Parking
7.040 Off-Street Parking

7.010 Parking Ban

It shall be unlawful for the driver of any vehicle, other than acting in an emergency, to park said vehicle on any street when the Town Manager or his designee has declared a parking ban.

7.020 Removal of Vehicles from Streets and Ways

(A) The Department of Public Works Superintendent, or his designee, for the purpose of removing or plowing snow or removing ice from any street or way, may declare a snow or ice removal emergency.
(B) When such emergency is declared by the Department of Public Works Superintendent or his designee, the Police Department shall be notified immediately and vehicles parked on streets and ways that hinder the removal of snow or ice, 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 fifteen dollars ($15.00) for each offense in addition to any reasonable removal, storage charges and the cost of publishing or sending any notices.
(C) 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 the location of the storage facility. He shall, within forty-eight (48) hours, notify the lawful owner by mail, in writing, at his address as recorded by the Registry of Motor Vehicles, as to the location of the removed vehicle.
(D) If the owner of the removed vehicle is unknown, the Police Chief shall, within forty-eight (48) hours, cause to be published in a newspaper of general circulation in the Town, the description and registration number, if any, of the removed vehicle and the location of the storage facility. If, after a reasonable time, the owner of the removed vehicle remains unknown and reasonable effort has been made to locate the lawful owner; said vehicle will be disposed of according to Massachusetts General Laws, to satisfy removal, storage and

administrative charges. The remaining balance of such disposal shall be put into the General Fund of the Town.

(E) Before any person shall be permitted to reclaim a vehicle removed under this section, he shall:

1. Furnish evidence to the Police Department of his identity and ownership of the removed vehicle.
2. Pay the reasonable vehicle removal charges, the maximum being established by the Office of the Massachusetts Attorney General, and any reasonable daily storage charges together with the cost of publishing or sending any notices required by this section.

7.030 Handicapped Parking

(A) No person shall allow or permit any vehicle registered in his name to stand or park in the spaces designated as reserved for handicapped persons under M.G.L. chapter 22, section 13A, unless the motor vehicle is used to transport a disabled veteran or handicapped person and bears a distinctive plate or placard authorized by M.G.L. chapter 90, section 2.

(B) The registered owner of any vehicle, which is in violation of this bylaw, shall be punished by a fine not to exceed fifty dollars ($50.00) for each offense.

(C) This bylaw shall not apply to off-street parking areas owned or controlled by the United States of America or the Commonwealth of Massachusetts.

7.040 Off-Street Parking

Any person or persons proposing to construct “off-street” parking for more than one thousand (1000) square feet, which will have access to and from any street or way, shall first submit a plan showing the proposed work to the Department of Public Works Superintendent or his designee and obtain his approval prior to issuance of any building permit.

Chapter 8

PERSONAL REGULATIONS

Sections:

8.010	**Depositing Filth, Rubbish or Other Substances**
8.020	**Consuming Intoxicating Beverages on Public Ways or Other Public Property; Penalties**
8.030	**Bushes, Shrubs, Interfering with Vehicular Traffic**
8.040	**Clearing Sidewalks of Ice and Snow**
8.050	**Hours of Parks and Recreation Areas**
8.060	**Dumping Snow and Ice from Outside the Town**
8.070	**Stormwater Management**
8.080	**Discharge of Firearms within the Town**
8.090	**Disturbing and Unnecessary Noise**
8.100	**Limitation on the Use, Sale, Keeping and Storage of Fuel Burning Portable Space Heaters**
8.110	**Fine for Carrying Firearms**
8.120	**False Alarms**
8.130	**Non-criminal Disposition Procedure**
8.140	**Municipal Charges Lien**

8.010 Depositing, Filth, Rubbish or Other Substances

(A) 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, that person may after arrest be detained without a warrant until his 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.

(B) No person shall behave himself in a disorderly manner or use any indecent, profane, or obscene language or gesture, not in furtherance of his constitutional first amendment rights of free speech, in a street or elsewhere in any other public place in the Town to the annoyance or disturbance of any person. Whoever shall accost or address another person with such

profane or obscene language or gesture, or otherwise behave himself in a disorderly manner shall be subject to arrest. If the identity of the offender is unknown to the police officer, such person may be arrested without a warrant and detained until his identity is ascertained, whereupon the arresting police officer may release him from arrest 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.

(C) No person shall, in violation of M.G.L. chapter 272, section 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 or under his 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.

(D) The penalty for any violation of the foregoing sections shall be a fine of not more than twenty-five dollars ($25.00).

8.020 Consuming Intoxicating Beverages on Public Ways or Other Public Property; Penalties

(A) Whoever shall, within the Town, whether that public way be a Town way, County highway, or a private way open to the public, or in any other place where the public shall have access, consume intoxicating beverages shall be punished by a fine not exceeding fifty dollars ($50.00). 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.

(B) Whoever shall consume any intoxicating beverages in any public building, or on any public property, including parks, cemeteries, schoolhouses and school grounds, public squares, or in any private way or parking area regulated under the provisions of M.G.L. chapter 90, section 18, shall be punished by a fine not exceeding fifty dollars ($50.00).

(C) The foregoing paragraphs (A) and (B) 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.

(D) It shall be the duty of any police officer of the Town to arrest any person who violates the provisions of paragraph (A) and (B) and to cause such persons to be detained until he can be taken before a court having jurisdiction of the offense.

8.030 Brushes, Shrubs, Interfering with Vehicular Traffic

(A) No person shall erect or maintain upon his property a fence, trees, shrubs or bushes, which interferes unreasonably with the view of travelers, upon an abutting way, and any

order from the Town Manager or his designee for the partial or total removal of such fence, trees, shrubs or bushes shall be complied with forthwith.
(B) 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, to the health, safety or appearance of the neighborhood where the property is located. If the Health Agent notifies the owner of the existence of a nuisance and said owner fails to correct the situation identified in said notice within ten (10) days of the date of the notice, the Town may correct the nuisance through an independent contractor or its employees.
The cost of correction plus administrative fee of two hundred dollars ($200.00) shall be assessed against the property and shall be a municipal charges lien under section 8.140 of these bylaws and enforced as set forth therein.

8.040 Clearing Sidewalks of Ice and Snow

Residents on property or owners of property, where there exists a sidewalk, in front of or abutting a traveled way constructed of concrete, cement, brick, stone or other hard matter lying between the property lines and the traveled way designated by the Town Manager or his designee under Town control, shall clear said walks of ice and snow within twenty-four (24) hours after the snow ceases to fall. Should the said sidewalks become covered with ice that cannot be readily removed, the said abutters or residents shall be required to place sand or salt or other material thereon to render said walks safe for pedestrians.

8.050 Hours of Parks and Recreation Areas

The Town Manager or his designee shall post the official hours of parks and recreation areas within the Town.

8.060 Dumping Snow and Ice from Outside the Town

The dumping or disposal, from outside the Town, of snow or ice containing salt or other chemical substance is hereby prohibited. Violators of this section shall be fined not more than one hundred dollars ($100.00) for each offense.

8.070 Stormwater Management

8.070.010 Definitions

The following definitions describe the meaning of the terms used in this bylaw:

Adverse Impact: Harmful effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Best Management Practices (BMP): 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 BMP's 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).

Town Manager or His Designee: The permitting and enforcement agency.

Construction Activity: Disturbance of the ground by removal of surface cover, grading, excavation, clearing or filling.

Detention: The temporary storage of storm runoff in a BMP, which is used to control the "peak discharge" rates, and which provides gravity settling of pollutants.

Discharge of Pollutants: The addition of a pollutant or combination of pollutants into a Municipal Separate Storm Sewer System (MS4) or into the waters of the Commonwealth from any source.

Groundwater: Water beneath the surface of the ground.

Illicit Discharge: Direct or indirect non-stormwater discharge to an MS4, except as specifically exempted in Illicit Stormwater Section 8.07.100. (D). The term does not include a discharge in compliance with a National Pollutant Discharge and Elimination System (NPDES) stormwater discharge permit or resulting from fire fighting or other municipal activities, not including Construction Activities.

Illicit Connection: Surface or subsurface drain or conveyance, which allows an illicit discharge into an MS4. Illicit connections include conveyances which allow a non-stormwater discharge to an MS4 including sewage, process wastewater or wash water and connections from indoor drains, sinks or toilets, regardless of whether said connection was previously allowed, permitted or approved before the effective date of this bylaw.

Infiltration: The downward movement of water from the surface to the subsoil.

Municipal Separate Storm Sewer System (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including road or street with a drainage system, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, drain channel, reservoir, and other drainage owned or operated by the Town of East Longmeadow.

National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit: A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the discharge of pollutants to waters of the United States.

Non-Stormwater Discharges: Discharge to the MS4 not composed entirely of stormwater.

Peak Discharge: The maximum rate of flow during a storm.

Permeable Soils: Soil materials with a sufficiently rapid infiltration rate so as to greatly reduce or eliminate surface and stormwater runoff.

Person: An individual, group of individuals, association, partnership, corporation, company, business, organization, trust, estate, administrative agency, public or quasi-public entity, the commonwealth or political subdivision thereof or the federal government, to the extent permitted by law and an officer, employee or agent of such person.

Pollutant: 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: 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.

Retention: The holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

Runoff: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

Stormwater: Runoff from precipitation or snowmelt.

Stormwater Management Facility: A structural stormwater management measure, including stormwater management basins and filtration or other treatment systems.

Uncontaminated Water: Water containing no pollutants.

Uncontaminated Groundwater: Groundwater containing no pollutants.

Waters of the Commonwealth: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters and groundwater.

Wastewater: Sanitary waste or sludge and water used during manufacturing, cleaning or processing of materials that enters the MS4 or waters of the Commonwealth.

8.070.020 Purpose

The purpose of this section is to better manage land development in order to protect, maintain, and enhance the public health, safety, and general welfare of the citizens of East Longmeadow by establishing minimum requirements and procedures to control the adverse impacts associated with stormwater runoff.

8.070.030 Authority

The Department of Public Works Superintendent or his designee shall administer, enforce and implement this section. The Town Manager or his designee shall promulgate rules, regulations and a permitting process to effectuate the purposes of this section. Failure by the Town Manager or his designee to promulgate such rules and regulations shall not have the effect of suspending or invalidating this section.

8.070.040 Applicability

(A) Applicability. This bylaw shall apply to activities that result in disturbance of one (1) or more acres (43,560+ square feet) of land. In determining whether an activity is subject to jurisdiction under this bylaw, the Department of Public Works Superintendent or his designee and applicant shall consider the entirety of the project, including any likely future expansion, and not separate phases or segments thereof. The applicant shall not phase or segment a project to evade, defer or curtail review under this bylaw. Except as authorized by the Department of Public Works Superintendent or his designee, no person shall perform an activity that results in disturbance of one (1) or more acres of land.
(B) Exemptions. The following uses and activities are exempt from compliance with this bylaw:

1. Stormwater discharges resulting from land disturbance activities that are subject to an Order of Conditions issued by the Conservation Commission under the Wetlands Protection Act;

2. An agricultural activity which is in compliance with an approved soil conservation plan prepared or approved by the United States Natural Resource Conservation Service;

3. Logging which is in compliance with a timber management plan approved under the Forest Cutting Practices Act by Massachusetts Department of Conservation and Recreation;

4. Activities that do not disturb more than one (1) acre (43,560 square feet) of land;

5. Construction of municipal utilities;

6. In-kind repairs to a stormwater treatment system deemed necessary by the East Longmeadow Department of Public Works Superintendent; and

7. An emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Department of Public Works Superintendent or his designee.

(C) Waivers. The Department of Public Works Superintendent or his designee may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder upon written findings of the fact setting forth the basis for the waiver by the Department of Public Works Superintendent.

8.070.050 Permit Requirements

(A) Permit required. Prior to the approval of a Special Permit, Site Plan or waiver thereof or Building Permit for an activity regulated hereunder, a Stormwater Management Permit must be approved by the Department of Public Works Superintendent or his designee.
(B) Permit fees. For 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. 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 thirty (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 thirty (30) days of receipt of invoice for the outstanding balance.
(C) Stormwater and erosion control plan. The application for a stormwater management permit shall consist of submittal of a stormwater management and erosion control plan prepared in accordance with the rules and regulations.
(D) Stormwater Management Performance Standards. Projects that require a permit under this bylaw must meet the Massachusetts Stormwater Management Standards.

8.070.060 Performance Bond

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 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 and certification of completion that the stormwater management facilities are in compliance with the permit and plans approved thereunder.

8.070.070 Certificate of Completion

The Department of Public Works Superintendent or his designee shall issue a letter certifying completion upon receipt and approval of the final inspection reports, final plans, including evidence of recording of permanent easements, and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw.

8.070.080 Illicit Discharges Purpose

The purpose of this portion of the bylaw is to regulate illicit connections and discharges to the MS4, to protect East Longmeadow's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment, by:

(a) preventing pollutants from entering East Longmeadow's MS4;

(b) prohibiting illicit connections and unauthorized discharges to the MS4;

(c) requiring the removal of all such illicit connections;

(d) establishing the legal authority to ensure compliance with the provision of this bylaw through inspection, monitoring, and enforcement.

8.070.090 Illicit Discharges Applicability

This section shall apply to flows entering the MS4.

8.070.100 Illicit Discharges Prohibited Activities

(A) Illicit discharges. No person shall dump, discharge, cause or allow to be discharged a pollutant or non-stormwater discharge into MS4s or into waters of the Commonwealth.

(B) Illicit connections. No person shall construct, use, allow, maintain or continue an illicit connection to an MS4, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

(C) Obstruction of storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of an MS4 without prior approval from the Department of Public Works Superintendent or his designee.

(D) Exemptions. This section shall not apply to the following non-stormwater discharges or flows provided that the source is not a significant contributor of a pollutant to MS4s:

1. waterline flushing;
2. flow from potable water sources;
3. springs
4. natural flow from riparian habitats and wetlands;

5. diverted stream flow;
6. rising groundwater;
7. uncontaminated groundwater infiltrating (entering the MS4 from the ground through such means as defective pipes, pipe joints, connections, or manholes), or uncontaminated pumped groundwater;
8. water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), sump pumps, or air conditioning condensation;
9. discharge from landscape irrigation or lawn watering;
10. water from individual residential car washing;
11. discharge from dechlorinated swimming pool water (less than one (1) ppm chlorine) provided the water is allowed to stand for one (1) week prior to draining and the pool is drained in such a way as not to cause a nuisance;
12. discharge from street sweeping;
13. discharge or flow resulting from ice and snow control operations;
14. dye testing, provided verbal notification is given to the Department of Public Works Superintendent or his designee prior to the time of the test;
15. discharge or flow resulting from fire fighting activities;
16. non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations;
17. discharge for which advanced written approval is received from the Department of Public Works Superintendent or his designee as necessary to protect public health, safety, welfare, and the environment; and
18. incidental discharge (e.g., dust, drops of fluids) from maintenance and normal activities related to allowed uses, which results in de minimus levels of pollution entering the MS4 or Waters of the Commonwealth in East Longmeadow. This bylaw does not supersede any other local, state or federal requirements.

8.070.110 Notification of Spills

Notwithstanding any other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of a known or suspected release of materials at that facility operation which is resulting or may result in illicit discharge of pollutants that person shall take the necessary steps to ensure containment, and cleanup of the release. In the event of a release enters the MS4 or Waters of the Commonwealth in East Longmeadow, the person shall immediately notify the East Longmeadow Department of Public Works Superintendent. Written confirmation of telephone, facsimile or in-person notifications shall be provided to the Department of Public Works Superintendent or his designee within three (3) business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained by said facility owner or operator for at least three (3) years.

8.070.120 Enforcement

Any officer, employee, person or entity observing or having actual knowledge of a violation of this bylaw or a rule or regulation adopted hereunder that he is responsible for enforcing may, as an alternative to seeking a criminal penalty for violation of this bylaw, give the offender a ticket in a form in compliance with the requirements of and in the manner established in M.G.L. chapter 40, section 21D and section 8.130 of the East Longmeadow General Bylaws. The Department of Public Works Superintendent shall designate the person or persons responsible for enforcement.

The penalty for each violation of this stormwater management portion of the bylaw and the rules and regulations adopted hereunder shall be two hundred dollars ($200.00) and each day or part thereof shall constitute a separate violation.

The Department of Public Works Superintendent, in addition to issuing said tickets, may enforce the provisions of this bylaw by injunctive relief if it determines that the health, safety or welfare of any resident or member of the public or that the well being of the community is or will be endangered by the violation(s).

Any permit issued pursuant to this bylaw shall contain language requiring the applicant to pay any and all costs, including attorney fees and expert witness fees, incurred by the town in seeking court action regarding the enforcement of this bylaw and the rules and regulations adopted hereunder.
The prior provisions of this bylaw notwithstanding, the Department of Public Works Superintendent or his designee may enter onto a person's land to inspect any work performed under a permit issued pursuant to this bylaw. The Department of Public Works Superintendent may also enter any property to determine if such property is in violation of this bylaw or rules and regulations if it has a good faith basis to believe an activity requiring a permit is being performed on the property without such a permit.

The Department of Public Works Superintendent may, for cause shown, suspend or terminate a person's connection to the MS4 and any permit issued pursuant to this bylaw.

Notice of the intent to suspend or terminate a person's connection to the MS4 or a permit shall be given in writing to the owner of the property and the permit holder, if different, by delivering, to the owner to 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 ten (10) business days before said hearing date and shall, in addition, be mailed by 1st class mail, postage prepaid at least fourteen (14) days before said hearing.

The notice shall contain the:
1. Name and address of the owner of the property;
2. The name and address of the permit holder if different than the owner;
3. The action contemplated;
4. Statement of violations believed to exist; and

5. A statement that the owner and permit holder may present evidence regarding alleged violations.

If the Department of Public Works Superintendent or his designee determines in writing that the public health, safety or welfare requires immediate action, it may suspend or terminate MS4 service and any permit immediately. However, in such a case, notice as set forth above, shall be delivered and mailed to the owner and permit holder, if different, informing them that they have fifteen (15) days from the date of the suspension or termination to appeal said action of the Department of Public Works Superintendent.

8.070.130 Transitional Provisions

Property owners shall comply with the illicit discharges sections of this bylaw, but such property owners shall in no case have more than six (6) months from the effective date of the bylaw to comply with its provisions, unless good cause is shown for the failure to comply with the bylaw during that period.

8.080 Discharge of Firearms within the Town

Rifles larger than .22 cal., pistols larger than .38 cal., and shotguns larger than 12 gauge may not be discharged within the limits of the Town without a permit from the Town Manager. This section shall not apply to law enforcement personnel in the performance of their official duties.

8.090 Disturbing and Unnecessary Noise

(A) Except as otherwise provided herein, the creation of any unreasonably loud, disturbing and unnecessary noise in the Town is prohibited.
(B) The following acts, among others, are declared to be unreasonably loud, disturbing and unnecessary noises in violation of this section, but said examples shall not be deemed to be exclusive, namely:
1. Motor Vehicles. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion as a danger signal after or as brakes are being applied and deceleration of a vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound, including unmufflered vehicles, and the sounding of such device for an unnecessary and unreasonable period of time.
2. Radios, phonographs, and musical instruments. The playing of any radio, phonograph, or any musical instrument in such a manner or with such volume, particularly during the hours between 10:00 PM and 7:00 AM as to annoy or disturb the quiet, comfort or repose of person in any dwelling, or other type of residence.
3. Churches, schools. The creation of any excessive noise on any street adjacent to any church, school or other institution of learning or adjacent to any institution for the care of the aged or infirm, which unreasonably interferes with their use.

4. Power Equipment. The operation of bulldozers, power shovels, rollers or other similar heavy equipment other than between the hours of 7:00 AM and 8:00 PM 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 section.

8.100 Limitation on the Use, Sale, Keeping and Storage of Fuel Burning Portable Space Heaters

(A) No person shall keep, store, sell, or cause to allow to be used in any building any fuel burning portable space heater. "Portable space heater" is defined as a space heater which when installed in a building is not firmly affixed in place by a rigid pipe connection or otherwise and is not permanently connected to a chimney, stack or flue.

(B) Paragraph (A) above shall not apply to approved salamanders used by the building trades in buildings under alteration or construction.

1. An approved salamander is defined as one that has been approved by the Underwriters Laboratories or the Factory Mutual Laboratories.
2. An alteration is defined as a change in or addition to a building, which changes the internal or external shape of the building.

8.110 Fine for Carrying Firearms

Any person, who, without the written permission of the owner, enters upon the improved or unimproved land of another while carrying firearms, shall be punished by a fine of one hundred dollars ($100) for each such offense. This bylaw shall be enforced by police officers and may be administered under the provisions of M.G.L. chapter 40, section 21D, the Non-Criminal Disposition Law.

8.120 False Alarms

In any calendar year, if the Fire Department responds to a fire alarm, which is transmitted to the department by an electronic fire alarm located at any dwelling or business premises, and which alarm is found to be false, the owner or occupant of said premises shall be liable for a fine in the amount of fifty dollars ($50.00) for each violation of the above, after the third false alarm in any given calendar year. For the purposes of this section a "false" alarm shall be defined as the activation of an electronic fire alarm system which results in the response of the Fire Department to the premises, and is found to be for any cause other than a fire on the premises, which requires the services of the Fire Department. This bylaw section shall be enforced by the Fire Chief or his designee under the provisions of M.G.L. chapter 40, section 21D, the Non-Criminal Disposition Law.

8.130 Non-Criminal Disposition Procedure

(A) Violations of Certain Bylaws, Rules and Regulations. A non-criminal disposition procedure, using the civil infraction procedure in M.G.L. chapter 40, section 21D, is enacted

for violations of the Town of East Longmeadow General Bylaws, Rules or Regulations of the Town.

(B) Issuance Of Citations. Citations for violations of the bylaws, rules or regulations made enforceable under this section shall be issued by the designated enforcing officer authorized in writing by the appointing authority which has voted to have the designated bylaw rule and/or regulation enforced under this bylaw.

(C) Any authorized employee observing a violation of a rule or regulation 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 21D.

(D) Violations and Penalties. The penalty under civil infraction procedure for each violation of any bylaw rule or regulation shall be as designated in each bylaw, 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 for the in this bylaw.

(E) Enforcement Officer: Report on Fines. It shall be the responsibility of the Chief Procurement Officer or his designee to purchase, distribute and track the citations issued under this section. The Collector of Taxes shall monthly forward a report of the fines received pursuant to this section, showing by Department, Board or Committee, the amount received as a result of tickets issued by each such Department, Board or Committee.

8.140 Municipal Charges Lien

(A) Authority: This bylaw is adopted pursuant to the authority of M.G.L. chapter 40, sections 21 and 58.

(B) Purpose: The purpose of the establishment of a Municipal Charges Lien is to provide a cost effective method of collecting a charge and/or fee assessed against an owner of real property in the Town who fails and/or refuses to pay said charge and/or fee when due, by placing a lien upon real estate owned by the property owner.

(C) Charge and/or Fee: The Municipal Charges Lien shall apply to the following municipal charge and/or fees:

1. Charges or penalties for violations of the zoning bylaws including interest and costs to record said liens in the Hampden County Registry of Deeds.
2. Charges or penalties for violation of the general bylaws, including interest and costs to record said liens in the Hampden County Registry of Deeds.
3. Fees for licenses and permits and penalties for violations of the rules and regulations of the Board of Health including interest and costs to record said liens in Hampden County Registry of Deeds.

(D) Recording of Lien: The Municipal Charges Lien will take effect upon the recording of a statement of unpaid municipal charges and fees, setting forth the amount due, including recording costs, the address(es) of the land to which the lien is to apply and the name of the assessed owner.

(E) Collection of Lien:

a) The Collector of Taxes shall be in charge of collecting the lien.

b) 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.

c) 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.

(F) Unpaid Municipal Charges Liens:

a) If a charge or fee secured by the lien is unpaid when the Assessors are preparing the real estate tax list and warrant, the Collector of Taxes shall certify the charge or penalty to the Assessors' Department and the Assessors shall add the charge or fee to the next property tax bill to which it relates, and commit it with the warrant to the Collector of Taxes as part of the tax.

b) If the property to which the charge or fee relates is tax exempt, the charge or fee shall be committed as a tax on said property.

(G) Release of Lien: The Municipal Charge Lien may be discharged by filing a certificate from the Collector of Taxes that all municipal charges or fees including interest and costs constituting a lien have been paid or legally abated.

(H) Abatement: The Assessors, prior to a charge or fee being certified to the Assessors by the Tax Collector under section 6, may abate any charge or fee for justifiable cause which shall be effective upon issuing of a written statement setting forth said cause, and filing of said statement with the Collector of Taxes. The cost of recording any documents required to release a lien in the Hampden County Registry of Deeds shall be the responsibility of the property owner.

Chapter 9
ANIMAL CONTROL

Sections:

9.010 Animal Control (Leash Law)
9.015 Removal of Dog Waste
9.020 Animal Inspector
9.025 Prolonged Confinement of Dogs Outside

9.010 Animal Control (Leash Law)

(A) No person owning or keeping a dog in the town shall allow such animal to roam at large upon the land of another, except if it be on the premises of another person with the knowledge and permission of such other person. Such owner or keeper of an animal in the Town which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall restrain such animal by a chain or leash not exceeding six (6) feet in length.

(B) The unauthorized presence of any animal on the land of any person other than the owner or keeper of such animal when such animal is not restrained as above mentioned shall be prima facie evidence of a violation of the provisions of this section.

(C) A violation of section 9.010, including subsection (I), this section shall be punishable by a fine of twenty five dollars ($25.00) for the first offense and fifty dollars ($50.00) for the second through fourth subsequent offense within the calendar year. The fourth subsequent offense shall be punishable by a mandatory hearing and a fine of seventy five dollars ($75.00). The owner of any dog picked up shall pay a fee of twenty-five dollars ($25.00) 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 twenty five dollars ($25.00). In addition to the above described procedures, the provisions of this section may also be enforced by the Animal Control Officer or any police officer of the Town, by non-criminal disposition procedure pursuant to Section 8.130.

(D) The fee required by M.G.L. chapter 140, sections 137 to 174 inclusive, as amended, for the licensing of dogs within the town, shall be increased by twenty five dollars ($25.00) 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.

(E) Pound and other fees for violation of the Animal Control Law shall be collected by the Animal Control Officer and shall be turned over to the Town Treasurer.

(F) The Town Manager or his designee may designate times and places on Town property where dogs may be exercised or trained off the leash but under the control and supervision of their masters.

(G) Any animal found to be at large in violation of this section shall be caught and confined by the Animal Control Officer and/or his assistants, who shall notify forthwith the licensed owner or keeper of such animal, giving the owner or keeper of such animal a period of ten (10) days within which to recover such animal. Animals confined under the authority of this order shall be confined in a place suitable for the care and detention of animals, or they may be placed in the care of the holder of a kennel license, such place or holder of a kennel license to be designated by the Town Manager or his designee. At the end of the ten (10) day period, any animal not so claimed may be disposed of in the manner provided by law. The owner or keeper of such animal shall be required to pay the reasonable expense of maintaining such animal in confinement, including, but not limited to, cost of feeding, medical care, medicines, and the like. Return of the animal to the licensed owner or keeper shall be dependent upon admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper. The Animal Control Officer shall enter and prosecute a complaint against the owner or keeper of any animal taken into custody under this section; provided, that if within the twelve (12) months next preceding this offense the owner or keeper has not been convicted for violation of this section or an animal owned or kept by him has not been taken into custody for violation of this section, the Animal Control Officer may waive prosecution.

(H) The Town Manager or his designee shall appoint an Animal Control Officer and such assistants as are deemed necessary to administer and enforce this law and the sections of M.G.L. chapter 140, as amended, relating to dogs.

(I) If any person shall make a complaint in writing to the Town Manager or his designee that any animal owned or harbored within the Town is a nuisance by reason of vicious disposition, excessive barking, or other disturbance, the Town Manager shall take any action as provided in M.G.L. chapter 140, sections 137 to 174 inclusive or any other chapter, and any amendments thereto. Such disturbance causing a nuisance shall include, but not be limited to, the following:

1. Biting of persons.
2. Running in packs.
3. Breaking or damaging shrubbery or crops and gardens.
4. Chasing cars.
5. Running at large in violation of this bylaw.

Said written complaint to the Town Manager or his designee shall include the name and address of the owner and keeper of such animal and the name and address of the person(s) making complaint.

(J) The Town Manager or his designee may appoint the Animal Control Officer a special police officer or constable.

(K) No bull or vicious animal shall be kept within the Town unless securely confined within an enclosure adequate to prevent its escape there from. The Fire and Police Department are to be notified of areas where there are animals trained to attack.

(L) No animal shall be driven or ridden on any sidewalk, public park or school grounds under the control of the Town.

(M) Horses, cows, goats, swine, poultry and other animals are regulated by the Board of Health.
(N) Copies of the regulations of the Board of Health are available in the Town Clerk's Office for a fee.

9.015 Removal of Dog Waste

(A) It shall be unlawful for any person owning, keeping, walking, in possession, custody or control of any dog to allow or permit such dog to defecate upon any public or private property unless such person shall remove all feces deposited by such dog before leaving such property.
(B) The provision of this section shall not apply to a guide dog accompanying any blind person.
(C) Any violation of this section shall constitute an infraction and shall be punishable by a fine of twenty dollars ($20.00).
(D) This section may also be enforced by the non-criminal disposition procedure set forth in Section 8.130. The penalty for each violation shall be twenty dollars ($20.00) for each violation.
(E) The Animal Control Officer and any Police Officer of the Town are authorized to enforce the provisions of this section.

9.020 Animal Inspector

(A) The Town Manager or his designee shall appoint the Animal Inspector for one year.
(B) The Animal Inspector shall make an annual report to the Town Manager that contains the number of inspections made and facts of general interest.

9.025 Prolonged Confinement of Dogs Outside

(A) Prolonged chaining or tethering of dogs is prohibited. No person owning or keeping a dog in the town shall chain or tether a dog to a stationary object including but not limited to any structure, dog house, pole or tree for longer than six (6) total hours in any twenty-four (24) hour period. Nothing in this section shall be construed as prohibiting a person from walking a dog on a hand-held leash.
(B) Permissible Outside Confinement. A person owning or keeping a dog in the town may confine such dog outside for longer than six (6) total hours in a twenty-four (24) hour period through the use of any of the following three (3) methods:

(1) A pen or secure enclosure, if the following conditions are met: (a) The pen or secure enclosure has adequate space for exercise with a dimension of at least one-hundred (100) square feet. Commercial dog kennels with pens intended for the temporary boarding of dogs are exempt from this requirement. (b) The pen or secure enclosure is constructed

with chain link or other similar material as determined by the Building Inspector, with all four (4) sides enclosed.

(2) A fully fenced or otherwise securely enclosed yard wherein a dog has the ability to run but is unable to leave the enclosed yard.

(3) A trolley system or a tether attached to a pulley on a cable run, if the following conditions are met:

(a) Only one (1) dog may be tethered to each cable run.

(b) The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two (2) adult fingers may fit. Choke collars and pinch collars are prohibited for the purposes of tethering a dog to a cable run.

(c) There must be a swivel on at least one end of the tether to minimize tangling of the tether.

(d) The tether and cable run must be at least ten (10) feet in length and mounted at least four (4) feet but not more than seven (7) feet above ground level.

(e) The length of the tether from the cable run to the dog's collar or harness must allow continuous access to water and appropriate shelter as described in paragraph (C) of this bylaw. The trolley system or tether must be of appropriate configuration to confine the dog to the owner's property, to prevent the trolley system or tether from extending over an object or an edge that could result in injury or strangulation of the dog; and to prevent the trolley system or tether from becoming tangled with other objects or animals.

(C) Access to Water and Shelter. Any person owning or keeping a dog in the town confined outside in accordance with paragraph (B) of this section must provide the dog with access to water and an appropriate dog shelter. The dog shelter must allow the dog to remain dry and protected from the elements. Such shelter shall be fully enclosed on three (3) sides, roofed, and have a solid floor. The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of wind and rain. The shelter shall be small enough to retain the dog's body heat and large enough to allow the dog to stand and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage must be provided so that water is not standing in or around the shelter.

(D) No Outside Confinement at Night. No person owning or keeping a dog in the town may leave a dog chained, tethered or confined outside between the hours of 11:00 PM and 6:00 AM.

(E) Hazardous Weather Conditions. The Animal Control Officer shall determine if weather conditions are hazardous to a particular dog or dogs chained, tethered or confined outside in accordance with paragraphs (A) or (B) of this section. Upon such determination, the Animal Control Officer shall order the owner or keeper of the dog to provide the dog with immediate access to an approved area. The failure of the owner or keeper of a dog to provide access to an approved area pursuant to the Animal Control Officer's order shall constitute a violation of this section.

(F) Consequences of Violation. A violation of this section shall be punishable by a written warning for the first offense. Subsequent offenses shall be punishable by a fine of one hundred dollars ($100.00) each, and the Animal Control Officer and/or his assistant shall have the authority to impound and confine the dog in accordance with paragraph (G) of this section. In addition to the above described procedures, the provisions of this section may also

be enforced by the Animal Control Officer or any police officer of this town, by non-criminal complaint pursuant to the provisions of M.G.L. chapter 40, section 21 D.

(G) Impounded Dogs. Animals impounded under the authority of this section shall be confined in a place suitable for the care and detention of animals, or they may be placed in the care of the holder of a kennel license, such place or holder of a kennel license to be designated by the Town Manager or his designee. The owner or keeper of the dog will be notified in writing of the impoundment and will have a period of ten (10) calendar days within which to recover the dog. The owner or keeper of the dog shall be required to pay the reasonable expense of maintaining the dog in confinement, including, but not limited to cost of boarding, feeding, medical care, and medicines. Return of the animal to the licensed owner or keeper shall be dependent upon admission of ownership or the keeping of the dog and the assumption of the responsibility by the licensed owner or keeper. If the owner or keeper fails to claim the dog or perform all actions necessary for the return of the dog in said ten (10) days, the dog officer shall find permanent placement for the dog in a new home or rescue. If placement is not obtainable, as in the case of a vicious dog, the dog may be ordered euthanized.

(H) Payment of Fines and Fees. Fines and fees for violation of this section shall be collected by the Town Clerk and shall be turned over to the Town Treasurer. Failure of the owner or keeper of the dog to tender the applicable fines or fees to the Town Clerk within thirty (30) days shall result in the imposition of a municipal charge lien on any property in the Town of East Longmeadow owned by the dog owner or keeper.

(I) Consequence of Multiple Violations. If any owner or keeper of a dog in the town violates this section more than five times, the Animal Control Officer may after a hearing, with not less than ten (10) days notice to owner or keeper, confiscate the dog or order the person to permanently surrender the dog for placement. If placement is not obtainable, as in the case of a vicious dog, the dog may be ordered euthanized.

Chapter 10

SPECIAL COMMITTEES AND COMMISSIONS

Sections:

10.010 Conservation Commission
10.011 Conservation Commission – Consultant Fees - Definitions
10.012 Conservation Commission
10.020 Council on Aging
10.030 Historical Commission
10.040 Housing Authority
10.050 Industrial Development Committee
10.060 Industrial Development Financing Authority
10.070 Recreation Commission
10.080 Community Preservation Committee

10.010 Conservation Commission

The membership of the Conservation Commission consists of seven (7) members serving three (3) year terms by appointment of the Town Manager.

10.011 Conservation Commission – Consultant Fees - Definitions

Consultant Fees. The Conservation Commission is authorized to require any applicant to pay the reasonable costs and expenses borne by the Commission for specific expert engineering and consultant services deemed necessary by the Commission to review a Notice of Intent, as described in paragraphs 1 through 4 below. Said payment can be required at any point in the deliberations prior to a final decision rendered. Said services may include but are not necessarily limited to wetlands survey and delineations, hydrogeologic and drainage analysis, wildlife evaluation, and environmental/land-use law. The Commission may require the applicant to pay fees directly to the consultant designated by the Commission, not to exceed the following:

1. Projects proposing one thousand (1,000) to one thousand five hundred (1,500) square feet of alteration of the one hundred (100) foot buffer zone, or fifty (50) linear feet of a bank or waterway alteration, the Consultant Fee shall not exceed one hundred dollars ($100.00).
2. Projects proposing one thousand five hundred (1,500) to two thousand five hundred (2,500) square feet of alteration of the one hundred (100) foot buffer zone, or fifty (50) to two hundred (200) linear feet of bank or waterway alteration; the Consultant Fee shall not exceed four hundred dollars ($400.00).
3. Projects proposing two thousand five hundred (2,500) to ten thousand (10,000) square feet of alteration of the one hundred (100) foot buffer zone or two hundred (200) to four hundred (400) linear feet of bank or waterway alteration, the Consultant Fee shall not exceed one thousand dollars ($1,000.00).

4. Projects proposing more than ten thousand (10,000) square feet of alteration of a one hundred (100) foot buffer zone or more than four hundred (400) linear feet of bank or waterway alteration, the Consultant Fee shall not exceed five thousand dollars ($5,000.00).

The minimum qualifications of the consultant chosen by the Commission shall consist either of an educational degree in or related to the field of issue or three or four more years of practice in the field at issue or a related field. Hourly fees charged by Consultants shall be made available to the applicant at the applicant's request.

DEFINITIONS. The following definitions shall apply to the interpretation and implementation of this bylaw.

Alter shall include, without limitation, the following actions when undertaken to, upon, within or affecting resource areas protected by this bylaw:

a. Removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind;

b. Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns of surface and subsurface water or flood retention characteristics;

c. Drainage or other disturbance of water level of water table;

d. Dumping, discharging or filling of any material or in any manner which may degrade water quality or interfere with any of the interests protected by this bylaw;

e. Driving of piles, erection of buildings or structures of any kind;

f. Placing of obstructions whether or not they interfere with the flow of water;

g. Destruction of plant life, including cutting of trees;

h. Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

10.012 Conservation Commission

(A) Purpose. The purpose of this bylaw is to protect the wetlands, related water resources and adjoining land areas of the Town of East Longmeadow by controlling activities found by the Conservation Commission (hereinafter "Commission") likely to have a significant or cumulative effect upon the following wetland values: Protection of public or private water supply and groundwater, protection of fisheries, flood control, sedimentation and erosion control, serving as a drainage area for storm water runoff, prevention of water pollution, protection of water quality and the provision for and protection of wildlife habitat (collectively "the interests protected by this bylaw").

(B) Jurisdiction. Except as permitted by the Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon or alter the following resource areas: upon or within one hundred (100) feet of any bank, bordering fresh water wetland, flat, marsh, wet meadow, bog swamp, isolated wetland or temporary wetland, or upon or within one hundred (100) feet of any estuary, creek, river, stream, pond or lake, or upon or within one hundred (100) feet of any land under said waters or upon or within one hundred (100) feet of any bordering or isolated land subject to flooding, or within one hundred (100) feet of one hundred (100) year flood line. The jurisdiction of the Commission over any temporary wetland and the one hundred (100) foot buffer around such wetland shall exist only if any such temporary wetland is found by a qualified wildlife expert to be vital to the survival of any animal species that uses such wetland exclusively for its reproductive cycle.

(C) Exceptions. The permit and application required by this bylaw shall not be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing an lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sanitary sewer and storm sewer, telephone, telegraph and other telecommunication services, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

This bylaw shall not apply to any emergency project as defined in the Wetlands Protection Act, M.G.L. chapter 131, section 40 (hereinafter "The Wetlands Protection Act") and the regulations pursuant thereto or to any mosquito control project authorized by any laws of the Commonwealth.

The Commission may exempt by regulation the application of this bylaw to work performed for normal maintenance or improvement of land actively devoted to agricultural use at the time of the application, provided that such regulations are consistent with the provision applying to agricultural exemptions in the Regulations promulgated under the Wetlands Protection Act.

(D) Applications for Permits and Requests for Determinations. Written applications shall be filed with the Commission to perform activities regulated by this bylaw affecting resource areas protected by this bylaw. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects upon the environment. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

The Commission may accept as the application and plans under this bylaw the Notice of Intent and plans filed under the Wetlands Protection Act.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a request for determination shall contain data and plans specified by the regulations of the Commission. The Commission may in an appropriate case accept such data and plans as are submitted in compliance with the Wetlands Protection Act. Any resource area found by the Commission to meet the definitions contained in this bylaw shall be subject to the protection of this bylaw.

(E) Notice and Hearings

Any person filing a Notice of Intent with the Commission shall complete the filing in accordance with 310 CMR 10.00. The Commission reserves the right to ask for any additional information it deems necessary to evaluate a project.

The Commission shall hold a public hearing on a Notice of Intent within twenty one (21) days of its receipt. The East Longmeadow Conservation Commission may request an extension of twenty one (21) days; such extension must be agreed upon by the applicant in writing. If the Commission deems necessary, copies of the application shall be sent by hand delivery, to the Town Manager, the Planning Board, Department of Public Works Superintendent, the Building Inspector and the Board of Health. The Commission shall provide written notice of the hearing, at the expense of the applicant, five (5) working days prior to the hearing in a newspaper of general circulation in the Community.

Any person filing a Notice of Intent with the Commission shall give written notice thereof, by certified mail (return receipt requested) or hand delivery, to abutters of the land to their mailing addresses shown on the most recent applicable tax list of the Assessors, including owners of land directly opposite on any public or private street or way, and abutters

to the abutters within three hundred (300) feet of the property line, including any in another municipality or across a body of water. The notice to abutters shall enclose a copy of the Notice of Intent with the plans, or shall state where copies may be examined and obtained by abutters free of charge. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission.

The Commission shall issue its decision in writing within twenty one (21) days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission may combine its hearing under this bylaw with a hearing conducted under The Wetlands Protection Act.

The Commission shall have the authority to continue the hearing to a date and time certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required by the applicant, deemed necessary by the Commission in its discretion, or comments and recommendations of boards and officials listed in the second paragraph of this Section E.

The Commission shall adopt by regulation a procedure providing for the coordination of its activities with those of other Town Departments, which also assert or may thereafter assert jurisdiction over the same parcel of land.

(F) Permits, Determinations And Conditions. If the Commission after a public hearing determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the interests protected by this bylaw and are within the jurisdiction established by this bylaw, the Commission, within twenty one (21) days after the close of the hearing, shall issue or deny a permit for the activities requested. If the Commission issues a permit it shall impose conditions, which the Commission deems necessary or desirable to protect these interests and all activities shall be performed in accordance with those conditions.

If the Commission determines that the activities, which are subject to the application, are not likely to have a significant or cumulative effect upon the interests protected by this bylaw, the Commission shall issue a permit without conditions within twenty one (21) days after the public hearing.

Failure by the Commission to take any action within forty five (45) days after the close of a hearing at which the applicant has produced all the required information shall be deemed to be finding by the Commission that, in the case of a request of determination, the area is not subject to this bylaw or, in the case of an application, the activities which are subject of the application will not have a significant or cumulative impact upon the interests protected by this bylaw. Such procedure shall apply only to areas of Commission jurisdiction that exceed that established under the Wetland Protection Act.

The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the interest protected by this bylaw; and where no conditions are adequate to protect those values. Due consideration shall be given by the Commission to any demonstrated hardship on the applicant by reason of denial, as presented at public hearing.

A permit shall expire three (3) years from the date of issuance, and all work shall be completed prior to expiration. The Commission may extend a permit for an additional one (1) year period.

The Commission may revoke or modify a permit issued under this bylaw after notice to the holder of the permit, notice to the public, abutters, and town boards pursuant to Section E, and public hearing, for two or more violations of Notice of Intent and Order of Conditions.

The Commission may combine the permit or other action on an application issued under the bylaw with the Order of Conditions issued under the Wetlands Protection Act.

No work proposed in any application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the registry of deeds, or, if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies, by the holder of the permit or, if provided in regulations of the Commission, by the Town of East Longmeadow and until the holder of the permit certifies in writing to the Commission that the permit has been so recorded or that the Town of East Longmeadow has recorded said permit.

(G) Pre-Acquisition Violation. Any person who purchases, inherits or otherwise acquires real estate upon which work has been performed in violation of the provisions of this bylaw or in violation of any order issued pursuant to this bylaw shall forthwith comply with any such order or restore such land to its conditions prior to any such violation provided, however, that unless the violation is found by the Commission, after notice and hearing, to pose a substantial and material threat to the interests protected by this bylaw, no action, civil or criminal, shall be brought against such person unless such action is commenced within three (3) years of following the recording of the deed or the date of the death by which such real estate was acquired by such person and the order of conditions which is being violated or any enforcement order relating to the violation was appropriately recorded.

(H) Burden of Proof. In general the applicant shall have the burden of providing 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.

(I) Definitions. The following definitions shall apply in the interpretation and implementation of this bylaw.

1. **Alter** shall include, without limitation, the following actions when undertaken to, upon, within or affecting resource areas protected by this bylaw;
   a. Removal, excavation or dredging of soil, sand gravel or aggregate material of any kind;
   b. Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns of surface and subsurface water or flood retention characteristics;
   c. Drainage or other disturbance of water level of water table;
   d. Dumping, discharging or filling with any material or in any manner which may degrade water quality or interfere with any of the interest protected by this bylaw;
   e. Driving of piles, erection of buildings or structure of any kind;

f. Placing of obstructions whether or not they interfere with the flow of water;
g. Destruction of plant life, including cutting of trees;
h. Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

2. **Applicant** shall mean a person giving notice of intention to build, remove, fill, dredge or alter or making a request for determination.

3. **Banks, bordering fresh water wetland, flat, marsh, wet meadow, bog, swamp, estuary, creek, river, pond, lake and bordering and isolated land subject to flooding** shall, unless otherwise defined in this bylaw, have the same meaning as in the Wetlands Protection Act and the regulations there under.

4. **Person** shall include any individual, group of individuals, associations, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agencies, public or quasi-public corporations or bodies, the Town of East Longmeadow, and any other legal entity, its legal representatives, agents, or assigns.

5. **Isolated Wetlands** are areas of wetland vegetation (as defined in Section J.3 of this bylaw) which are subject to flooding and consist of isolated depressions or closed basins which serve as a ponding area for run off or high ground water and which remain wet on a year-round basis except for extended dry periods. Such areas must be at least four hundred (400) square feet in area and may include kettle holes and bogs.

6. **Temporary Wetlands** are those areas of at least four hundred (400) square feet in areas which are periodically flooded on a purely seasonal basis by high ground water or runoff and include vernal and autumnal ponds. Prior to exercising jurisdiction over any temporary wetlands which is not also subject to the Commission's jurisdiction under the Wetlands Protection Act, the Commission shall publish the location of such areas on a map, after notice and hearing. No such areas not already under the Commission's jurisdiction under the Wetlands Protection Act shall be subject to the Commission's jurisdiction unless a qualified wildlife professional has determined that the area is vital to the survival of a species of animal which uses that area exclusively in its reproductive process.

7. **Significant Effect.** An activity has a significant effect on the interests protected by this bylaw if such activity has a measurable impact on a resource covered by this bylaw and tends to reduce the capacity of that resource area to support or sustain the interests protected by this bylaw.

8. **Cumulative Effect.** An activity has a cumulative effect on the interests protected by this bylaw if such activity, added to or in conjunction with similar activity which has occurred or has been proposed and which affects the same resource area, has a measurable impact on a resource area covered by this bylaw and tends to reduce the capacity of that resource area to support or sustain the interests protected by this bylaw. The applicant shall have the burden of proving by a preponderance of credible evidence that the activity has no cumulative effect on the values protected by this bylaw.

9. **Other Definitions.** The Commission may adopt additional definitions not inconsistent with Section J in its regulations promulgated pursuant to Section H of this bylaw.

(J) Security. As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by a proper bond or a deposit of money or negotiable securities in an amount determined by the Commission to be sufficient and payable to the Town of East Longmeadow.

In addition or in the alternative, the Commission may accept as security a conservation restriction, easement or other covenant running with the land, executed and properly recorded (or registered, in case of registered land) by the owner of record to the benefit of the Town of East Longmeadow.

(K) Enforcement. After notice to the landowner, the Commission, its agents, officers, and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examination, surveys or sampling as the Commission deems necessary.

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 three hundred dollars ($300.00). Each day or portion thereof during which a violation continues shall constitute a separate offense.

If the Town of East Longmeadow has adopted a comprehensive "ticketing" program based on M.G.L. chapter 40, section 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 M.G.L. Chapter 40, Section 21D, and the Chairman 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.

Upon petition of the Commission, the Town Manager and Town Attorney may take such legal action as may be necessary to enforce this bylaw and permits issued pursuant to it.

(L) Appeals. A decision of the Commission may be appealed by any person aggrieved thereby in the following manner:

1. Such person may, within ten (10) days of the decision, request that the matter be settled through a mediation process conducted by a disinterested environmental professional who is mutually agreed upon by the Commission and the aggrieved party. If no such professional can be agreed upon, then one shall be appointed by the Chairman of the Conservation Law Foundation. Once the aggrieved party and the Commission agree to such procedure the results thereof shall be binding on both parties. An applicant whose application involves a total parcel size of less than two (2) acres (including all upland areas not under the jurisdiction of the Commission) and an abutter to the property which is the subject of the application may require that the Commission agree to such procedure. Such professional shall render a decision within thirty (30) days of the commencement of the mediation proceedings unless the professional requests additional information not in the control of either party. The mediator shall determine how the costs of the proceeding will be allocated between the parties. The decision of the mediator shall constitute a final decision which may be enforced in any court of competent jurisdiction with the costs of such enforcement procedures to be borne by the party who has refused to comply with such order. Such

procedures shall comply with the rules of the American Arbitration Association to the extent not otherwise agreed upon; or

2. The decision shall be reviewable in the Superior Court in an action filed within sixty (60) days thereof in accordance with M.G.L. chapter 249, section 4, provided that no such appeal may commence prior to a final decision by the Department of Environmental Protection on any matter which is subject both to this bylaw and the Wetlands Protection Act and which has been appealed to that Department.

(M) Relation to Wetlands Protection Act. This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act and regulations thereunder.

(N) Legal Rendering by Courts. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any order of conditions which has previously become final.

10.020 Council on Aging

The membership of the Council on Aging consists of six (6) members sixty (60) years of age or over, representing the elderly; four (4) members of any age, representing the community at large, and the Town Manager and the Director of the Council on Aging to be ex-officio members, without vote.

10.030 Historical Commission

The membership of the Historical Commission consists of seven (7) members serving terms of three (3) years by appointment of the Town Manager.

10.040 Housing Authority

The membership of the Housing Authority consists of four (4) members appointed by the Town Manager to five (5) year terms, one expiring each year. The fifth member is appointed by the State to a five (5) year term.

10.050 Industrial Development Committee

The membership of the Industrial Development Committee consists of five (5) members appointed by the Town Manager with ex-officio members representing the Town Manager, Department of Public Works and Planning Board.

10.060 Industrial Development Financing Authority

The membership of the Industrial Development Financing Authority consists of five (5) members appointed by the Town Manager who serve for terms of five (5) years.

10.070 Recreation Commission

The membership of the Recreation Commission consists of nine (9) members serving terms of three (3) years by appointment of the Town Manager.

10.080 Community Preservation Committee

Create a Community Preservation Committee to act in an advisory capacity to the Town Manager.

Special Town Meeting, Adjourned Session held November 1, 1982.
Town of East Longmeadow

MOTION MADE UNDER ARTICLE 18*

1982 BY-LAW REVISION

Voted that the Town re-enact all the present Sections of the General Bylaws, 1955, the subjects of which have not been revised and re-enacted at this Town Meeting, especially those of Article 6, Sections 63-110; and which are not repugnant to, or inconsistent with, any new By-Law provision voted at this Town Meeting; and the same to continue in full force and effect, constituting both sets as the "General Bylaws of the Town of East Longmeadow, Revision 1982".

Voted Unanimously

Note: The above vote was taken at the completion of voting on the By-Law Revision, prior to the final motion requesting funds to print the new revision.

A True Record:

Attest:

Richard A. Clark,
Town Clerk

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*Editor's Note: The following vote was taken under Article 8 of the Annual Town Meeting of May 6, 1996.

Repeal of 1955 General Bylaws:

Voted that the Town repeal those portions of the East Longmeadow General Bylaws, 1955 version, not previously repealed; said Bylaws having been replaced by General By-Law revisions enacted under Article 18 of the Special Town Meeting dated October 26, 1982.

Passed Unanimously.

The Bylaws herein were approved by Attorney General Francis X. Bellotti on January 11, 1983.

This is to certify that I have published these Bylaws by posting copies as required by law, on January 26, 1983, thereby constituting the same as the effective date.

Richard A. Clark, Town Clerk

LEGISLATIVE ACTS ACCEPTED BY THE TOWN AND SPECIAL VOTES

Date of Acceptance	Chapter/Section	Subject
3-14-1904	Ch. 11, Sec. 363,364	Official Ballots
3-9-1908	Ch. 49, Sec. 42	Establish grades, sidewalks; assess abutters.
3-11-1912	Ch. 11, Sec. 359	Elect moderator for one year.
3-11-1912	Ch. 104, Sec. 1	Adopt a building code.
11-5-1912	Ch. 503, Acts 1912	Pensioning laborers.
11-4-1913	Ch. 807, Acts 1913	Workmen's Compensation.
3-9-1914	Ch. 494, Acts 1911	Eight-hour day.
11-3-1914	Ch. 217, Acts 1914	Laborers' vacations.
11-3-1914	Ch. 688, Acts 1914	Saturday, half-holiday.
11-3-1914	Ch. 790, Acts 1914	Political party enrollment.
2-1-1915	Ch. 835, Sec. 406. Acts 1913	Selectmen act as Overseer of the Poor.
2-7-1916	Ch. 49, Sec. 43	Sidewalk construction; portion of costs assessed to abutters.
12-19-1919	Ch. 59, Acts 1916	Time for holding town meetings.
11-4-1919	Ch. 311, Acts 1919	Continuation of schools.
2-2-1920	Ch. 191, Acts 1907	Establish Board of survey.
2-2-1920	Ch. 655, Acts 1913	Sec. 1, 2, & 4 through 10. To revise and codify building laws of Commonwealth.
3-21-1920	Ch. 240, Acts 1920	To permit under public regulation and control certain games and sports on the Lord's Day.
2-6-1922	Ch. 41, Sec. 31	Selectmen to act as Overseer of the Poor.
3-14-1922	Ch. 41, Sec. 97	Establish a Police Department.
3-14-1922	Ch. 14, Acts 1921	Assessors to appoint assistant assessors.
2-12-1923	Ch. 516, Acts 1922	Installation of accounting system.
2-13-1924	Ch. 40, Sec. 42A thru 42F	Collection of water rates.
2-13-1924	Ch. 82, Sec. 37	Relative to building lines.
2-13-1929	Ch. 136, Sec. 7,8	Licensing for sale of articles on Lord's Day.
2-13-1929	Ch. 139, Sec. 1, 2, 3	Disposition of burnt and dangerous buildings.
2-10-1932	Ch. 107, Acts 1924	Collection of water rates.
3-29-1935	Ch. 131, Sec. 105B	Taking of fur-bearing animals; use of traps.
8-12-1942	Ch. 211, Acts 1936	Establish a Planning Board.
2-17-1943	Ch. 31, Sec. 48	Police Department under Civil Service.
2-20-1946	Ch. 723, Acts 1945	Furnish information, assistance to veterans.
2-13-1950	Ch. 158, Acts 1949	Borrowing to construct, furnish school buildings.
2-8-1954	Ch. 265, Acts 1953	Police Chief under Civil Service
2-17-1954	Ch. 265, Acts 1947	Closing of Town Hall offices on Saturday
2-23-1955	Ch. 147, Sec. (C)	Five-day week for members of Police Department
2-23-1955	Ch. 39, Sec. 20	Establish precinct voting for town officers.
2-14-1956	Ch. 41, Sec 69(C) to 69(F)	Establish a Board of Public Works.
2-23-1956	Ch. 44, Sec. 65	Vacation-pay advances to town employees
2-23-1956	Ch. 670, Acts 1955	Increased pensions of former employees
3-2-1956	Ch. 41, Sec 1, 91A, 91B	Two constables to be chosen by ballot
2-21-1958	Ch. 41	Establish a 3-member Art Commission
2-21-1958	Ch. 54, Sec. 103A	Absentee ballots at town elections
6-26-1958		Establish a 10-member Council on Aging
11-6-1958	Ch. 41, Sec. 91A	Selectmen appoint constables as necessary
2-20-1952	Ch. 41, Sec. 2	Increase members of School Committee from 3 to 5
2-10-1959	Ch. 32B	Acceptance of Group Insurance for town employees *(voted at Annual Town Election)*
Date of Acceptance	**Chapter/Section**	**Subject**

6-25-1959	Ch. 121, Sec. 26K	Establish East Longmeadow Housing Authority
3-5-1960	Ch. 40, Sec. 5(25)	Establish a Recreation Commission
10-6-1960	Ch. 136, Sec. 4B	Operation of bowling alleys on Lord's Day
10-6-1960	Ch. 41, Sec. 111A	Paid vacations for members of Police Department
3-4-1961	Ch. 40, Sec. 42G,42H,42I	Special assessments; water mains
3-4-1961	Ch. 85, Sec. 6	Permit snow removal from sidewalks and assessment of costs against owners
2-21-1957		Division into three precincts
6-25-1959		Annual Town meeting changed to 1st Saturday in March
3-4-1961		Division into four precincts
12-18-1961	Ch. 118B	Create East Longmeadow-Wilbraham Welfare District
2-13-1962	Ch. 32B, Sec. 9A	Town pays ½ cost of group insurance for retired employees
2-13-1962	Ch. 552, Acts 1961	Increased allowances for widows of deceased members of County Retirement System
3-7-1964	Ch. 478, Acts 1963	Increased allowances to former employees and widows
3-7-1964	Ch. 409, Acts 1962	Regulating use of ways by pedestrians
3-5-1966	Ch. 40, Sec. 42A thru 42F	Delinquent water accounts become liens on real estate taxes
3-5-1966	Ch. 40B, Sec. 7	Membership in Lower Pioneer Valley Regional Planning District
3-5-1966	Ch. 111, Sec. 142B, 142C	Membership in Lower Pioneer Valley Air Pollution Control District
3-7-1966	Ch. 40, Sec. 8C	Establishment of Conservation Commission
12-8-1966		Home Rule Act
2-23-1955		Establishment of Industrial Development Committee
4-17-1967		Increase Recreation Commission to 9 members
4-17-1967	Ch. 40, Sec. 44A, 44B	Establishment of Regional Refuse Disposal Planning Committee
2-13-1968	Ch. 32, Sec. 11A	Allow employees to pay 100% of additional optional life insurance
3-2-1968	Ch. 90, Sec. 20C	Violations of motor vehicle parking rules
6-6-1968	Ch. 381, Acts 1968	Tenure until 60 for present Town Engineer
3-7-1970	Ch. 40, Sec. 8d	Establish 7-member Historical Commission
3-9-1970	ATM. 3-9-70, Art. 35	Recreation Commission Revolving Fund; Home Rule vote
2-9-1971	Ch. 32B, Sec. 11B	Extend group insurance benefits to elderly persons retired from the service of the town
3-6-1971		Division into five precincts
2-8-1972	Ch. 32B, Sec. 9D	Surviving spouses of active or retired employees to pay 50% of group insurance costs
3-7-1972	Ch. 40, Sec. 8C	Establish a Conservation Fund
3-7-1972	Ch. 40D	Establish an Industrial Development Financing Authority
3-3-1973		Annual Town Election changed to 2nd Tuesday in April
3-3-1973		Annual Town Meeting changed to 1st Saturday in May
3-6-1973	Ch. 40, Sec. 42G thru 42I	Special assessments to meet cost of laying water mains
Date of Acceptance	**Chapter/Section**	**Subject**
3-6-1973		Council on Aging; Change in membership

3-6-1973	Ch. 44, Sec 53C	Revolving fund for payments to off-duty police officers
5-6-1974	Ch. 140, Sec. 139	$10.00 penalty added for late licensing of dogs, after 60 days
5-6-1974		Council on Aging; Eliminate voting rights of ex-officio members
5-6-1974	Ch. 40B, Sec. 3	Establishment of Lower Pioneer Valley Transportation Authority
1-20-1975		Annual Town Meeting changed to 1st Monday in May
4-8-1975	Ch. 10, Sec. 39	Licenses granted for game of beano
5-6-1975		Audit of financial books of Town by private auditing firms
1-20-1975	Ch. 143, Sec. 3	Enter agreement with one or more towns to combine and share expenses of Building Inspector
4-13-1976	Ch. 32B, Sec. 8A	Distribute to employees share of group insurance dividends after deducting administrative costs
10-12-1976	Ch. 41, Sec. 41B	Permit employee compensation to be paid to certain banks and credit unions
5-3-1977		Membership of Appropriations Committee increased to seven
12-15-1977		Town Meeting quorum reduced to 200 voters
5-2-1978	Ch. 40A; Chap. 808	Acts of 1975, Zoning Act
5-2-1978		Planning Board named Special Permit Granting Authority
12-28-1978	Ch. 71, Sec. 71E	Permit Town Treasurer to set up a special revolving account for certain school funds
12-28-1978	Ch. 83, Sec. 16A to 16F	Collection of sewer charges for sewer services by the Town
5-14-1979	Ch. 40, Sec. 8G	Town to enter into Mutual Aid Agreements for police services
1-20-1975	Ch. 468, Acts of 1974	Town declines to participate in Hampden County Mosquito Control District
10-13-1981	Ch. 41, Sec. 55	Appointment of Town Accountant
10-13-1981	Ch. 44, Sec. 35-43	Installation of accounting system
10-13-1981	Ch. 41, Sec. 55	Abolish Town Auditor
10-13-1981	Ch. 40, Sec. 5B	Create a Stabilization Fund
4-13-1982	Ch. 258, Sec. 13	Indemnification of town officers
5-3-1982	Ch. 59, Sec. 5, Clause 17C	Provides for certain elderly exemptions
5-3-1982	Ch. 90, Sec. 20A½	Appointment of parking clerk to handle parking violations
5-2-1983	Ch. 41. Sec. 100G	Funeral/burial expenses; Firefighters and Police Officers
5-3-1983	Ch. 148, Sec. 26C	Smoke/heat detectors in multiple dwelling unit structures
11-8-1983	Ch. 59, Sec. 5, C1.37A	Limited Real Property exemptions for certain blind persons
11-8-1983	Ch. 59, Sec. 5, C1.41B	Limited Real Property exemptions for certain persons over 70 years of age

Date of Acceptance	**Chapter/Section**	**Subject**
11-8-1983	Ch. 60A, Sec. 1	Grant motor vehicle excise tax exemptions to former prisoners of war

5-5-1986	Ch. 71, Sec. 40, amended	$18,000 minimum teacher salaries
5-5-1986	Ch. 40, Sec. 4G	Bids not required on purchases of $4,000 and less of equipment, supplies, materials.
5-5-1986	Ch. 40, Sec. 5D	Pension reserve for Contributory Retirement Assessment
6-23-1986	Ch. 124, Acts 1986	Nonpartisan preliminary elections
1-14-1987	P.L. 99-272	Establish Medicare Tax Account
5-4-1987	Ch. 73, Acts	Granting elderly exemptions
5-4-1987	Ch. 73, Acts 1986	Granting certain elderly exemptions, surviving spouses, minors
6-5-1989	Ch. 134, Acts 1989	Combining positions of Town Clerk, Treasurer, Collector and appointment by Selectmen
5-1-1989	Ch. 245, Acts 1988	Planning Board authorized to expend monies of a developer in default
5-1-1989	Ch. 60A, Sec. 1 (5)	Motor vehicles leased by charitable corporations exempt from taxation
10-15-1990	Ch. 71, Sec. 71F	Authorizes School Committee to receive and expend tuition monies
5-6-1991	Ch. 291, Acts 1990	Enhanced 911 service
5-6-1991	Ch. 148, Sec. 26G	Installation of automatic sprinklers
5-6-1991	Ch. 148, Sec. 26I	Installation of automatic sprinklers
5-6-1991	Ch. 40, Sec, 5D	Rescinds 5-5-86 action requiring bids on purchases of $4,000 or more
5-4-1992	Ch. 40, Sec. 49K	Establish Enterprise Fund for school transportation
5-4-1992	Ch. 59, Sec. Cls.41A	Increase exemption allowance to $40,000
5-4-1992	Ch. 59, Sec. 5 Cls.8	Hardship exemption for military duty
5-1-1995	Ch. 268A, Sec. 21A	Selectmen appointed ex-officio committee members
5-1-1995	Ch. 41, Sec. 23A	Executive secretary to be appointed
5-5-1997	Ch. 59, Sec. 5 Cls.17(D) enacted as Ch. 181, Sec. 1, Acts 1995	Assessors-Increase of Widow's Tax Exemption
11-24-1997	Ch. 41, Sec. 108L	Accepts provisions of the Quinn Bill
5-4-1998	Ch. 40, Sec. 57	Denial Permits/Licenses for non-payment of taxes
5-3-1999	Ch. 40, Sec. 57	Restrictions on Permits & licenses
5-7-2001	Ch. 32, Sec. 90A	Retirement Allowances
5-6-2002	Ch. 59, Sec. 5 Cls. 17(E) enacted as Ch. 380, Sec.2 Acts 2000	Increase in Exemption Amount
5-6-2002	Ch. 59, Sec. 5 Cls. 41(D) enacted as Ch. 380, Sec.2 Acts 2000	Increase in Income and Assets Amount
5-5-2003	Ch. 59, Sec. 5 Cls. 41(C) enacted as Ch. 184, Sec. 51 Acts 2002	Increase Income Limit and Asset Limit
5-5-2003	Ch. 59, Sec. 5K	Senior Work-Off Abatement Program
5-5-2003	Ch. 4, Sec. 73 Acts 2003	Temporary Tax Amnesty Program
5-2-2005	Ch. 40, Sec. 21 & Sec. 58	Municipal Charges Lien

Date of Acceptance	**Chapter/Section**	**Subject**
5-2-2005	Ch. 59, Sec. 5 Cls 41A Enacted as Ch 138, Sec 126 Acts 1991	Increase Gross Receipts Amounts
5-2-2005	Ch. 44, Sec. 3-7	Community Preservation Fund

6-20-2005	Ch. 44B, Sec 3-7	Community Preservation Act
10-15-2007	Ch 71, Sec 37M	Streamline cost effectiveness
5-19-2008	Ch. 33, Sec. 59	Effect of Military Service on Salary & Vac.
5-18-2009	Ch. 59, Sec. 8A	Not impose Farm Animal Excise Tax
5-18-2009	Ch. 3	Film Elected Boards & Committees
10-26-2009	Ch. 39, Sec. 23D	Adjudicatory Hearings, voting
5-17-2010	Ch. 44, Sec. 53E ½	Establish C.O. A. Revolving Fund
5-17-2010	Ch. 71, Sec 37M	Consolidate School IT & Town IT Dept.
5-17-2010	Ch. 71, Sec 37M	Consolidate School & Town Bldg. Maintenance
5-16-11	Ch. 59, Sec 57c	Quarterly Tax Billing
5-16-11	Ch. 59, Sec 5 clause (54) Acts 2000	Exempt from taxation personal property under $1,500.00
5-16-11	Ch. 44, Sec. 53E ½	Establish Library Revolving Fund
9-26-11	Ch. 653 Sec 40 Acts 1989	Taxation of buildings built between Jan.-June
5-21-12	Ch. 44 Sec 53E ½	Establish a Library Revolving Fund
5-21-12	Ch. 61A	Agricultural & Horticultural Water Rate
5-19-14	Ch. 44 Sec. 53F ½	Establish a Water Services Enterprise Fund
5-19-14	Ch. 44 Sec. 53F ½	Establish a Sewer Enterprise Fund
5-19-14	Ch. 44 Sec 53D	Establish a Recreation Revolving Fund
5-18-15	Ch. 64L Sec S2	Local Option Meals Tax
5-18-15	Ch. 59 Sec 5K	Increase hours of Senior Work-off Abatement Program
10-19-15	Ch. 41 Sec 108P	Additional compensation Collector-Treasurer
10-19-15	Ch. 41 Sec 19J	Additional compensation Town Clerk as Registrar
10-19-15	Ch. 41 Sec 19K	Additional compensation Town Clerk
10-19-15	Ch. 32B Sec 20	Establish Other Post Employment Benefits Trust Fund (OPEB)
10-19-15	Ch. 40 Sec 13D	Establish Accrued Liabilities Reserve Fund
8-8-17		General Bylaws brought into conformity with the Town Charter
6-26-18	Ch. 59 Sec. 5L	Deferral of taxes for National Guard et al
6-26-18	Ch. 59 Sec. 5 clauses (22)	Veterans residency requirement
6-26-18	Ch. 60A Sec. 9	Deferral of excise for National Guard et al
6-26-18	Ch. 11	Amendment to Ch. 11, Department Revolving Funds
11-27-18	Ch. 40 Sec 8J	Establish a Commission on Disabilities
4-23-19	Ch. 8	Establish Stormwater Enterprise Fund
1-14-2020		Establish Charter Review Committee
1-28-2020		Establish Liquor License Rules & Regulations
6-15-2021	Ch. 4 Sec. 4	Addition of Kennel License Fees
11-9-2021		Establish Stretch Energy Code
12-14-2021		Establish a Liquor License Fee Schedule

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ADDENDUM A

Additions to the General Bylaws – 2018

Approved by Town Council 1-23-18

Motion: Councilor Federici made a motion to approve the proposed bylaw amendment to MGL Chapter 40, Section 57, regarding License and Permit Denials by changing existing language on overdue municipal charges from 12 months to 6 months. Councilor Ford seconded and there was a roll call vote: Councilor O'Connor – aye; Councilor Federici – aye – Councilor Ford – aye; President Manley – aye; Councilor Anderson – aye; Councilor Hill – aye; Councilor Kane – aye. The motion passed unanimously.

4.60 Collector of Taxes

(D) The Collector of Taxes, also known as the Town Collector, 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 of Taxes shall report annually to departments concerned, the receipts and collections for each department.

(a) The Collector of Taxes or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Collector of Taxes shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing or permitting authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments, or other municipal charges for not less than a six (6) month period (as referenced in MGL Chapter 40 Section 57 adopted by the Town on 5/4/1998), and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

Approved by Town Council 2-13-18

Motion: Councilor Hill made a motion to approve the liquor license authority (LLA) and permit-granting authorities of the Town to deny or revoke any local license or permit who has neglected to pay any municipal charges and is not in compliance with the State Building code, sanitary code and town bylaws, including all health, fire, and police and building codes, with amendments. Councilor Kane seconded and a roll call vote was taken. Councilor O'Connor – aye; Councilor Federici – aye; Councilor Anderson – aye; Councilor Hill – aye; Vice President Kane – aye.

The Council enact the following bylaw establishing a procedure by which the various town departments shall provide notice to the licensing authorities that a license holder's premises is in

violation of any state or local law, bylaw, rule or regulation and as a result thereof, it shall deny, revoke, suspend or modify any such locally issued license.

Section 1. Title
Revocation of Municipal Licenses for violations of local or state laws related to the Premises.

Section 2. Authority
The bylaw is enacted pursuant to the authority of Article 89 of the Amendments to the Construction of the Commonwealth, the East Longmeadow Home Rule charter, and any other applicable statutes.

Section 3. Purpose
The purpose is to provide a uniform and cost effective method for insuring 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.

Section 4. Definitions
In construing this bylaw the following words shall mean:

(A) License or Locally Issued License: Any license, permit or written authorization to operate or perform any work or provide any good or service within the Town issued by a Licensing Authority or an employee or agent thereof.
(B) Licensing Authority: Any board, committee, commission, council, department or employee of the Town that issues any License.

Section 5. Procedure

A. Any municipal department head that has determined that a premises to which a License has been issued is in violation or non-compliance with any law, bylaw rule or regulation enforceable by his department shall, after unsuccessfully taking appropriate actions to bring the premises into compliance, notify the Licensing Authority of the continuing violation(s) in writing and in detail set forth the basis for his determination of the existence of the violation(s). The notice to the Licensing Authority shall include a request for the renovation, suspension or modification of said License. Until the Licensing Authority has held a hearing, as hereinafter set forth, it shall not transfer or modified said License, unless the department head files a written statement with the Licensing Authority that the premises has been brought into compliance and withdraws the complaint.
B. The Licensing Authority may suspend, modify or revoke any License, including renewals and transfers, of any License 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 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 fourteen (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 complaint and shall state that he has the right to present evidence as to the existence of the violations and why the License should not be suspended, modified, or revoked.

C. Said department head's detailed statement of the existing violations filed with the original complaint shall be prima facie evidence the violation and shall be sufficient reason, unless rebutted, for the revocation, modification or suspension of the License.

D. 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 suspension.

E. Any License modified, revoked or suspended under the bylaw shall not be reissued or renewed until the License 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.

A Party shall be given an opportunity to enter into a compliance agreement, thereby allowing the License 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 Section 5.B above.

Section 6. Invalidation

The invalidation of any section or portion of any section of this bylaw shall not affect the legality or enforceability of the remaining section or portions.

The Council enact the following bylaw establishing a procedure by which the Tax Collector shall provide notice to the licensing authorities that a license holder has unpaid municipal charges requiring, as a result thereof, that it deny, revoke, suspend or modify any locally issued license.

Section 1. Title

Revocation of Municipal Licenses for Unpaid Municipal Taxes or Charges.

Section 2. Authority
The bylaw is enacted pursuant to the authority of Article 89 of the Amendments to the Construction of the Commonwealth, the East Longmeadow Home Rule Charter, General Laws, c. 40, § 57 and any other applicable statutes.

Section 3. Purpose
The purpose 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.

Section 4. Definitions
In construing this bylaw the following words shall mean:

(A) License or Locally Issued License: Any license, permit or written authorization to operate or perform any work or provide any good or service within the Town issued by a Licensing Authority or an employee or agent thereof, except any license or permit listed in General Laws, c. 40, §57(d).
(B) Licensing Authority: Any board, committee, commission, council, department or employee of the Town that issues any License.
(C) Taxes: Any municipal taxes, fees and charges of whatever nature owed to the Town.

Section 5. Procedure

(A) The Tax Collector shall annually, and may periodically, furnish to the Licensing Authorities a list of any person, corporation or business enterprise, that has or is requesting a License from the Town, (hereinafter referred to as a "Party"), that has neglected or refused to pay any Taxes, and that such Party has not timely filed, or does not have, a pending application for an abatement or appeal of such Tax.
(B) The Licensing Authority may deny, suspend or revoke any License, including renewals and transfers, by any Party whose name appears on said list or with respect to any activity, event or other matter which is the subject or 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 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 fourteen (14) days after the date of said notice.
(C) Said Tax Collector's list shall be prima facie evidence of for denial, revocation or suspension of a License to a Party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to a License denial, renovation, suspension or modification.

(D) Any finding made by the Licensing Authority with respect to a License denial, renovation, 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.

(E) Any License denied, revoked or suspended under this bylaw shall not be reissued or renewed until the License Authority receives a certificate issued by the Tax Collector 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.

A Party shall be given an opportunity to enter into a payment agreement, thereby allowing the License 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 section 5.B above.

Section 6. Waiver

The Licensing Authority may waive a denial, revocation or suspension, if at said hearing, it finds there is not business interest, direct or indirect, between the Party and the person, corporation or business entity, including its officers of shareholders, if any, or member of such person's immediate family, as defined in Section 1 of Chapter 268A of the General Laws, 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 are due, or that may become due, from the Party to the property owner for the lease, rental, use of occupancy of the licensed premises shall be paid to the tax collector until any monies owed to the Town are paid in full; provided that the property owned is given notice of the hearing to consider such action conformity with Section 5.B above and has the opportunity to object to the entry of such order, before any such finding and order becomes effective.

Section 7. Exempt Licenses

This bylaw shall not be applicable to the licenses listed in General Laws c.40, §57 (d).

Section 8. Invalidation

The invalidation of any section or portion of any section of this bylaw shall not affect the legality or enforceability of the remaining section or portions.

Approved by Town Council 3-19-18

Motion: President Manley made a motion to approve a new general new general bylaw prohibiting the use, growth, cultivation, manufacture and/or sale of recreational marijuana as read into the minutes at the February 27 and March 13, 2018 Town Council Meetings. Councilor Ford seconded and a roll call vote was taken: Councilor Kane – aye; Councilor Hill – aye; Councilor Anderson – aye; President Manley – aye; Councilor Ford – aye; Councilor O'Connor – aye.

To see if the Town Council will vote to amend the Zoning Bylaws of the Town of East Longmeadow by adding amending section 3.01 Prohibited Uses – under General Uses by adding the following language:

3.01 Prohibited Uses

General Uses

g. Recreational Marijuana (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.

To see if the Town Council will vote to amend the Zoning Bylaws of the Town of East Longmeadow by amending Section VIII – Definitions to include the following:

VIII: Definitions

"Manufacture": to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"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 other marijuana establishments, but not to consumers. "Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other 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 testing facility", an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"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.

Approved by Town Council 6-26-18

Motion: Councilor Ford made a motion to approve the new Revolving Fund General Bylaw as read into the minutes at the May 22, 2018 and June 12, 2018 Council meetings with the four amendments as shown in Attachment C and set forth by the General Bylaws Subcommittee. Councilor O'Connor seconded and all were in favor.

Recommended Amendments to Chapter 11, Department Revolving Funds.

1. Under Section 2, Expenditure Limitations, Part C, insert the word "jointly" as indicated:

   " C. The total amount spent during a fiscal year shall not exceed the amount authorizes by the town Council on or before July 1 of that fiscal year, or any increased amount of that authorization that id later approved during that fiscal year **jointly** by the Town Council and Town Manager."

2. Under Section 5, Authorized Revolving Funds, Part E, Restrictions or Conditions on Expenses Payable from Fund, insert the following:

   "Legal fees, i.e., lawyer, attorney fees."
   Rent.

3. Under Section 5, Authorized Revolving Funds, Part G, Fiscal Years, insert the following:

   "Beginning July 1 and ending June 30"

4. Under Section 5, Authorized Revolving Funds, Part F, Other Requirements/Reports, insert the following:

"An additional report identifying year-to-date income and expenses for each fund shall be provided to the Town Council by March 15 of each fiscal year."

Chapter 11 DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by town, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of
those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

B. No liability shall be incurred in excess of the available balance of the fund.

C. The total amount spent during a fiscal year shall not exceed the amount authorized by the Town Council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Town Council and Town Manager.

3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, charter provisions, Bylaws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds. The Table establishes:

A. Each revolving fund authorized for use by a town department, board, committee, agency or officer,

B. The department or agency head, board, committee or officer authorized to spend from each fund,

C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant,

D. The expenses of the program or activity for which each fund may be used,

E. Any restrictions or conditions on expenditures from each fund;

F. Any reporting or other requirements that apply to each fund, and

G. The fiscal years each fund shall operate under this by-law.

A Revolving Fund	B Department Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Other Requirements/Reports	G Fiscal Years
Solid Waste Disposal (#2805)	Health Department	Trash bag receipts, recycling rebates	Salaries, expenses, supplies and contractual services to operate the solid waste disposal and recycling program		Annual reconciliation of internal records compared to the general ledger must be provided to the Town Accountant by July 31.	Fiscal Year 2018 and subsequent years
Council on Aging (#2809)	Council on Aging	Council on Aging general programming and activities, such as, but not limited to: Fitness room memberships, exercise class fees, event fees, facility/room rental	Salaries, expenses, and contractual expenses to operate the general programming and activities.		Annual reconciliation of internal records compared to the general ledger must be provided to the Town Accountant by July 31. Carryover of unspent rental funds is allowed.	Fiscal Year 2018 and subsequent years
Health Department (#2812)	Health Department	Users of the sharps recycling program	Expenses, such as containers and advertisements to provide a sharps recycling program in the community		Annual reconciliation of internal records compared to the general ledger must be provided to the Town Accountant by July 31	Fiscal Year 2018 and subsequent years

Approved by Town Council 4-23-19

Motion: Councilor Federici made a motion to approve a new proposed Stormwater Enterprise Fund as read into the minutes at the April 9, 2019 and April 23, 2019 Town Council meetings. Councilor Anderson seconded and all were in favor.

8.070.140 ***Stormwater Enterprise Fund***

(a) PURPOSE.The stormwater management program is a state mandate designed to promote the health and safety of the public, to protect property from flooding and the damage caused by stormwater runoff, and to protect and manage water quality by controlling the level of pollutants in stormwater runoff and the flow of water as conveyed by man-made and by natural stormwater management systems and facilities.

(b) ESTABLISHED. There is hereby established within the Department of Public Works a utility known as the "Stormwater Division" under the day-to-day supervision of the Superintendent of Public Works.

(c) ADMINISTRATION. The Department of Public Works shall administer the stormwater management programs of the Town through the Stormwater Division. It shall be funded by revenue collected through the Stormwater fee and such other funds as may, from time to time, be appropriated or obtained through other sources including but not limited to grants and low-interest loans. **AUTHORITY.** This chapter is adopted in accordance with the authority granted by Amendment Article 89 to Amendment Article 2 of the Massachusetts Constitution, MGL c. 83, §§ 1 through 24, and such other powers as granted to cities and towns in the General Laws.

(d) DEFINITIONS. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CREDIT - A reduction in the amount of a Stormwater fee charge to a particular property.

DIRECT COSTS - The costs incurred in the operation, salaries and maintenance of the stormwater system as reflected in the Stormwater Enterprise Fund budget.

DWELLING UNIT - The individual, private premises contained in any building intended, whether occupied or not, as the residence for one household, regardless of the number of individuals in the household. A building may contain more than one dwelling unit.

GENERAL LAWS - The General Laws of the Commonwealth of Massachusetts.

IMPERVIOUS SURFACE - Those areas which prevent or impede the infiltration of stormwater into the soil in the manner in which it entered the soil in natural conditions, prior to development. common impervious surfaces include, but are not limited to, rooftops, buildings or structures, sidewalks, walkways, patio areas, swimming pools, decks, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

INDIRECT COSTS - The costs incurred in the operation and maintenance of the stormwater system including, health insurance, property and casualty insurance, utility

expenses, life insurance, and retirement. Another example of an indirect cost could be the value of time spent by General Fund employees in the Collector's office processing Enterprise Fund user payments.

LARGE RESIDENTIAL PROPERTY - Improved property containing apartments, or condominiums with four or more dwelling units and rooming and boarding houses. Large residential properties shall not include improved property containing structures used primarily for non-residential purposes (i.e., hotels, motels, retirement centers, nursing homes or assisted living homes or properties designated as "mixed use" properties by the Board of Assessors).

NON-RESIDENTIAL PROPERTY - Property that is not small residential property as defined herein, including, but not limited to, such property as commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, Large Residential Property, storage buildings and storage areas, parking lots, roadways, driveways, parks, recreation properties, tennis courts, swimming pools, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses, water and wastewater treatment plants, hotels, motels, retirement centers, nursing homes or assisted living homes, properties designated as "mixed use" properties by the Board of Assessors, and any other form of use not otherwise mentioned which is not a residential property.

PERVIOUS SURFACE - Those areas that allow the unimpeded infiltration of stormwater into the soil. Common pervious surfaces include, but are not limited to, lawn area, forest land, agricultural lands, meadows and other undeveloped land. In determining utility fee calculations, all land on a parcel of property not defined as impervious land will be considered to be pervious.

PROPERTY ASSOCIATIONS - A condominium, cooperative, or other form of ownership, whether residential, commercial or multiple-use, in which fees are divided among multiple record title owners by instrument recorded in the Hampden Registry of Deeds or Hampden Land Court.

SMALL RESIDENTIAL PROPERTY - Improved property containing one, two or three dwelling units. Small residential properties shall not include improved property containing structures used primarily for non-residential purposes (i.e., hotels, motels, retirement centers, nursing homes or assisted living homes or properties designated as "mixed use" properties by the Board of Assessors).

STORMWATER - The surface water runoff from precipitation.

STORMWATER FEE - The user fee imposed pursuant to this chapter by the Town of East Longmeadow for providing stormwater management.

(e) FEE ESTABLISHED; BILLING FREQUENCY; DEPOSIT TO ENTERPRISE FUND ACCOUNT.

(i) Pursuant to MGL c. 83, § 16, the Town hereby establishes a charge for the use of the stormwater management of the Town to be known as the "Stormwater fee."

(ii) The Stormwater fee is imposed on each parcel of residential property and each parcel of non- residential property, whether occupied or not, as referred to in section F. The Stormwater fee shall be billed at least annually, but not more frequently than in four quarterly increments, as determined by the Town Manager. The fee shall be billed to the record title owner of the

property. The billing shall be consolidated in the same bill as is sent to said property owner for other services provided by the Town supported by fees, including water service and sanitary sewer use. If the property does not receive a water/sewer bill from the Town, a bill for only the Stormwater fee will be sent. Payment shall be due 30 days after the issue date of the bill for the Stormwater fee.

(iii) Receipts generated from the Stormwater fee shall be deposited to an enterprise fund account to be known as the "stormwater management account" set up in accordance with the authority granted by MGL c. 44, § 53F 1/2. The funds deposited to this account shall be used to fund the stormwater management program of the Town.

(f) RATES

(i) The Superintendent of Public Works shall recommend an annual budget for stormwater management services to the Town Manager. The Town Manager shall include a proposed annual budget for the stormwater management in the proposed operating budget submitted to the Town Council in accordance with the Charter of the Town of East Longmeadow. The budget submitted by the Superintendent and proposed by the Town Manager shall include rates in an amount sufficient to provide for a balanced operating and capital improvement budget for the stormwater management services.

(ii) A user fee based on property type or Land Use Code (LUC) shall be imposed with respect to each non-exempt/exempt property in the Town;
Single Family Homes (LUC 101).

Two Family Homes (LUC 104).

Three Family Homes (LUC 105).

Two Family Homes on Single Parcel (LUC 109).

Residential Condos (LUC 102).

4-8 Unit Apartments (LUC 111).

Mixed Use Parcels (LUC 013).

Exempt Parcels (LUC 900) currently are being charged for Town Utilities.

Mixed Use Commercial/ Residential (LUC 031).

Apartment >8 (LUC 112), Congregate Living Facilities LUC 125, Commercial & Industrial with LUC 300's & 400"s, Commercial Condos (LUC 343) and Fields at Chestnut (per building). Agricultural Land and Vacant Residential Land will not be subjected to this fee.

(iii) The Town Council shall have the authority to set and modify the user fee

rates so that the total revenue generated by said charges, and any secondary sources of revenue, shall be sufficient to fund the Town's stormwater program.

(g) SCOPE OF RESPONSIBILITY FOR STORMWATER MANAGEMENT SYSTEMS AND FACILITIES.

(i) The Town shall be responsible for all costs to operate, maintain, improve and access those stormwater management systems and facilities which are located:

A. Within public road rights-of-way;

B. On private property but within easements granted to, and accepted by, the Town of East Longmeadow, or which are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or such other lawful means to allow for operation, maintenance, improvement and access to the stormwater management system facilities located thereon;

C. On public land which is owned by the Town and/or land of another governmental entity as to which the Town has agreements providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon.

(ii) Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the Town, and for which the Town lacks a lawful right of entry, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by state and federal laws and regulations.

(h) PURPOSES OF FUND. The stormwater management account shall only be used for the direct and indirect costs of the Stormwater Division to provide stormwater management services as defined in subsection (g), including without limitation the direct and indirect costs of the following:

(i) Acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate, and maintain stormwater management systems and facilities;

(ii) Administration and implementation of the stormwater management programs, including the cost of labor attributable to the stormwater management program and the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;

(iii) Engineering and design, debt service and related financing expenses, construction of new facilities and enlargement or improvement of existing facilities;

(iv) Operation and maintenance of the stormwater systems, including catch basin cleaning, ditch maintenance, street sweeping and the purchase of equipment for use in the operation and maintenance of stormwater systems;

(v) Capital projects for stormwater management;

(vi) Illicit discharge detection and elimination;

(vii) Monitoring, surveillance, and inspection of stormwater control devices;
(viii) Water quality monitoring and water quality programs;
(ix) Retrofitting developed areas for pollution control;
(x) Inspection and enforcement activities;
(xi) Billing and related administrative tasks; and
(xii) Other activities which are determined to be reasonably necessary by the Superintendent of Public Works, including those related to regulatory compliance.

(i) SUBSECTION (i) IS INTENTIONALLY OMITTED.

(j) LIABILITY FOR FEE; EXEMPTIONS.

(i) The Town finds that all real property in the Town contributes to runoff and either uses or benefits from the maintenance of the stormwater system. Therefore, except as provided in this section or otherwise provided by law, no public property, including public property funded by taxpayers of the Town of East Longmeadow, or private property located in the Town of East Longmeadow shall be exempt from the Stormwater fee charges.

(ii) Notwithstanding the foregoing, the Town establishes exemptions to the Stormwater fee as follows:

A. Public streets, highways and rights-of-way. However, maintenance buildings and/or other improved property used for road maintenance purposes shall not be exempt from Stormwater fee charges. All other state, federal, and county properties are subject to the user fee charges on the same basis as private properties.

(k) FEE CREDITS.

(i) The Town Manager shall develop and recommend a proposed Stormwater Management Credit Policy ("Credit Policy"). The Credit Policy as recommended by the Town Manager shall be submitted to the Town Council for approval. Upon approval, the Credit Policy will define potential credits or adjustments such as: for stormwater improvements, undeveloped land with protected status, multiple undeveloped parcels under single ownership, seniors, low income, educational programs, and others. The Credit Policy shall be available for inspection by the public at the Department of Public Works and on the Town website.

(ii) The Superintendent of Public Works is authorized to grant credits to property owners to be applied against the Stormwater fee based on the technical and procedural criteria set forth in the Credit Policy.

(iii) Any credit allowed against the Stormwater fee shall be conditioned on continuing compliance with the Town's design and performance standards and/or upon continuing provision of the controls, systems, facilities, services, and activities upon which the credit is based. The Superintendent of Public Works may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Credit Policy or this chapter.

(iv) In order to obtain a credit, the property owner must make application to the Town on forms provided by the Department of Public Works for such purpose, the application to be fully completed in accordance with the procedures outlined in the Credit Policy.

(v) The Superintendent of Public Works shall have 30 days from the date an

application for credit is deemed complete and accepted to either grant the credit in whole, grant the credit in part, or deny the credit. If the Superintendent fails to act by the end of that period, he/she will be deemed to have granted the credit.

(l) FEE BILLING, DELINQUENCIES, COLLECTIONS, ABATEMENTS.

(i) Failure of the Town to send a bill for Stormwater fees shall not relieve the property owner of record from the obligation to pay for such utility. If a property is unbilled, or if no bill is sent for a particular parcel of land, the Town may back bill for the fees as applicable for a period not to exceed one year of charges, but no late fees or delinquency charges of any kind shall be charged or recovered from any property owner so back-billed.

(ii) Stormwater fee bills shall be managed by the Department of Public Works. The Town Treasurer/ Collector will manage collection of fees. The East Longmeadow Finance Department shall keep records of all paid and unpaid Stormwater fee bills and maintain financial records for the Department.

(iii) If a bill for Stormwater fees is not paid in full by the 30th day from the date the bill is issued, interest at the rate of 12% per annum shall accrue on any unpaid balance. Interest shall accrue beginning the day after a bill is due.

(iv) At any time after interest begins to accrue on an unpaid account, the East Longmeadow Town Collector may serve on the party assessed a statement of the amount due, including interest, with a demand for payment. A charge as set forth in Chapter 300, Section 2-319 Licenses and Permits, Unpaid Fees, shall be made for such demand. If the amount due remains unpaid 14 days after mailing of said demand, the East Longmeadow Town Collector shall commit the amount to the Board of Assessors for inclusion on the next annual property tax bill. Upon inclusion of the unpaid amount on an annual property tax bill, a lien on the property shall exist in the amount due, which lien shall have priority over all other liens except municipal liens and mortgages of record existing prior to the recording of a notice of lien.

(v) In the event that a property owner believes the Stormwater fee is improperly calculated or is otherwise incorrect, the property owner may, within 30 days from the date of issuance of the Stormwater fee bill, and after payment of the bill in full, apply to the Department of Public Works for abatement. The application for abatement shall be supported by such information as is necessary for a reasonable person to conclude that it is more likely than not that the billing is in error. The Department of Public Works shall have 60 days to consider the request for abatement and render a written decision, which may deny the abatement, grant the abatement in full or grant the abatement in part. If the Superintendent fails to act by the end of that period, he/she will be deemed to have granted the abatement.

(vi) Abatements that are offered by the Town of East Longmeadow per Massachusetts General Laws Chapter 59, Section 5 may also be requested from the Department of Public Works.

(m) APPEALS; HEARINGS.

(i) In the event that a property owner is aggrieved by a written decision from the Department of Public Works denying an application for abatement, in whole or

in part, or denying an application for a credit, in whole or in part, the property owner shall have 30 days from the date of the written decision to file a notice of appeal with the Department of Public Works. The notice of appeal shall be in writing and shall specify all grounds for appeal. Upon the filing of the notice of appeal with the Department of Public Works, the Department shall forthwith transmit to the Town Manager all documents constituting the record upon which the particular decision was made. The Town Manager shall set a date for hearing which shall be within 90 days of the date of the filing of the appeal, and a notice of hearing, setting forth the place, date and time of hearing shall be sent to the property owner no less than 10 days prior to the hearing date. The Town Manager shall preside over the hearing, and shall render a written decision within 30 days of the conclusion of the hearing, either affirming the action of the Department or reversing that action. If reversing the denial of an abatement, the decision shall specify the sum to be abated, which shall not exceed the amounts paid. If reversing the denial of a credit, the decision shall specify the amount to be credited prospectively against future charges.

(ii) In the event that a property owner fails to pay the Stormwater fee as charged and the Town utilizes the process set forth in MGL c. 83, §§ 16A through 16F, to collect the unpaid charges, the property owner shall have the right to seek an abatement by filing an application for abatement with the Department of Public Works in accordance with the remedy specified in MGL c. 83, § 16E, with a copy delivered to the Board of Assessors. The application for abatement shall conform to the requirements for a notice of appeal as set forth in Subsection (i), above, and the process for a hearing before the Town Manager, including the applicable time limits, shall be as set forth therein. In the event that the Town Manager denies the abatement, in whole or in part, it shall, in its written decision, include a statement notifying the property owner of the right to seek a review of the decision by the filing of an appeal with the Appellate Tax Board of the Commonwealth of Massachusetts within three months of the date of the decision of the Town Manager. As the right to Appellate Tax Board review under this Subsection (ii) is derived from applicable sections of the General Laws as contained in Chapters 59 and 83 thereof; to the extent that the terms of this chapter conflict with the terms specified there, the terms specified in the General Laws control.

Approved by Town Council 1-14-20

1/14/2020 Proposed bylaw to establish a Charter Review Committee, per Article 9, Section 2 of the Charter, second reading –
Motion: Councilor Richards made a motion to accept the proposed bylaw to establish a Charter Review Committee, per Article 9, Section 2 of the Charter. Councilor Page seconded the motion. The vote was 5 in favor 0 opposed, 2 absent (Councilors Anderson and O'Connor).

PROPOSED BYLAW ESTABLISHING A CHARTER REVIEW COMMITTEE
Special Charter Review Committee

A) A special charter review committee, as mandated in Article 9, Section 2 of the Town Charter shall be periodically established as provided below.

B) The Town Council shall establish the Committee in each year ending in zero and no later than July 1 of that year. The committee must submit a written report to the Town Council on or before March 15 of the following year.

C) The committee's charge is as described in Article 9, Section 2 of the Charter.

D) The committee shall be comprised of seven (7) registered voters of the Town, with the following restrictions:
> No more than two members can be current Town Councilors;
> No more than two members can be former Charter Commission members;
> No more than two members can be employees of the Town;
> At least two members shall be persons who are not current town councilors or town employees, nor former charter commission members.

E) The Town Council President will appoint committee members under the authority described in Article 2, Section 3 of the Charter. Each appointment shall expire as of the end of the calendar year in which the committee's report is submitted.

Approved by Town Council 1-28-20

Motion: Councilor Henry made Motion to approve the Liquor License Rules and Regulations bylaw as presented Councilor O'Connor seconded. The vote was 7 in favor and 0 opposed.

PROPOSED BYLAW FOR THE TOWN OF EAST LONGMEADOW
Liquor License Rules and Regulations

A) All establishments serving liquor shall abide by all requirements of Massachusetts General Laws, and regulations of the Alcoholic Beverages Control Commission. In addition, the Local Licensing Authority (LLA), which shall be the Town Council, requires the following:
   i. Last call for service of alcoholic beverages or drinks shall be 30 minutes before closing.
   ii. Police shall be contacted promptly in the event of any altercation that becomes physical.

B) The LLA may, after deliberation and hearing, impose penalties for violation of any applicable regulations and laws, including but not limited to, the following:
   i. Sale of alcoholic beverages to person(s) under the age of 21; permitting persons(s) under the age of 21 to consume; furnishing or causing to be furnished alcoholic beverages to person(s) under the age of 21;
   ii. Absence of manager or substitute manager of record on the licensed premises;
   iii. Failure to call Police for a physical disturbance on the licensed premises;
   iv. Sales of alcoholic beverages to intoxicated person(s);
   v. Failure to comply with last call requirement;

vi. Sale and/or consumption of alcoholic beverages after closing time (whether by the public, by employees of the licensee or friends of the licensee's employees);
vii. Service of alcohol in impermissible areas of the licensed premises;
viii. Consumption of alcohol by employees of the licensee while on duty;
ix. Substitution of brands of alcoholic beverages;
x. Failure of licensee or employee(s) of the licensee to permit inspection of the premises by the EL Licensing Authority, or its agent;
xi. Sale/possession of alcoholic beverages not permitted by license;
xii. Keg registration violations;
xiii. Misrepresentation of material facts on an initial license application, or renewal application;
xiv. Presence of licensees, managers or employees on the licensed premises while in an intoxicated condition;
xv. Knowing allowance by licensee, manager, or employee of the use of licensed premises for the purpose of engaging or promoting any illegal activity.

C) Hearings

i) Upon written notification to the LLA from the Police Chief or other law enforcement source that a violation has allegedly occurred on a licensed premise, the LLA will consider whether or not a reasonable basis exists to conduct a violation hearing. If it is determined that a reasonable basis for a violation hearing does not exist, the LLA shall so inform the licensee and reporting source. If it is determined that a reasonable basis for a violation hearing exists, the LLA shall send written notice via United States Postal Service to the licensee setting forth the alleged violations(s) and a hearing date.
ii. A licensee may be represented by an attorney or other trial person, but need not be.
iii. Hearings shall be conducted informally, without the application of the rules of evidence or the need for testimony under oath.

D) Penalties

i. For a first-offense, the LLA may issue up to a 5-day liquor license suspension.
ii. For a second-offense within a twenty-four (24) month period, the LLA may issue up to a 10-day liquor license suspension.
iii For a third or subsequent offence within a thirty-six (36) month period, the LLA may authorize revocation of the liquor license.
iv. Notwithstanding the above, the LLA may in its discretion determine on a case-by-case basis whether any such said suspension or revocation should be issued or held in abeyance or served. The LLA may in its discretion issue a letter of warning to be added to the licensee's file.
v. If a subsequent violation occurs during the period of any suspension and/or abeyance, licensee shall serve any period remaining in suspension or abeyance on the violation previously adjudicated and will face an additional penalty for the new violation.

The LLA shall have the authority in its discretion to issue a more severe penalty, including but not limited to revocation of a license for a first offense, upon determination after hearing on a particular violation(s) that a licensee constitutes a threat to public health and safety based upon said violation(s).

Approved by Town Council 6-15-2021

Motion: Councilor Page made Motion to approve a General Bylaw amendment, adding kennel license fees to the list of Town Clerk Fees in Section 4.040, as presented. Councilor Anderson seconded. The vote was 6 in favor, 0 opposed and 1 absent.

The Town of East Longmeadow is proposing a General Bylaw amendment, adding No. 33 to the list of Town Clerk Fees in Section 4.040 Town Clerk. The new fees would be for a Kennel License: 1-4 dogs, $30.00; 5- 10 dogs, $60.00; and more than 10 dogs, $100.00.

Approved by Town Council 11-9-2021

Motion: Councilor Richards made a motion to approve the adoption of the Stretch Energy Code bylaw, as presented. Councilor Anderson seconded the motion. The vote was 4 in favor, 0 opposed and 2 absent.

Chapter 5.05 D
STRETCH ENERGY CODE

§ 5.05D-1 Definitions
§ 5.05D-2 Purpose
§ 5.05D-3 Applicability
§ 5.05D-4 Stretch Code
§ 5.05D-5 Enforcement

§ 5.05D-1 Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§5.05D-2 Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

§ 5.05D-3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

§ 5.05D-4 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of East Longmeadow General Bylaws, Chapter 5.05D.

§ 5.05D-5 Enforcement
The Stretch Code is enforceable by the building commissioner and effective as of January 1, 2022

Approved by Town Council 12-14-2021

Councilor Hill made a motion to approve the adoption of a liquor license fee schedule bylaw, as presented. Councilor Page seconded. The vote was 6 in favor, and 1 absent.

Purpose: To update bylaw 6.050 by adding a fee schedule to the Liquor License Rules and Regulations, section 6.050E, and changing the heading to 6.050 Liquor License Rules, Regulations and Fees.

6.050 Liquor License Rules, Regulations and Fees

E. Fees

1. Annual Liquor License Fees

a. Wine and Malt off premises	$1,000.00
b. All Alcohol off premises	$2,000.00
c. Wine and Malt on premises	$1,000.00
d. All Alcohol on premises	$2,200.00
e. Club	$650.00
f. Veterans Club	$650.00
g. Farmer Series Pouring Permit	$500.00
2. One Day Liquor license	$65.00