

DIVISION 1

BYLAWS

PART I

ADMINISTRATIVE

Chapter 1

GENERAL PROVISIONS

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[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Interpretation; General Penalty [Adopted as Ch. 1 of the 1982 General Bylaws]

- § 1-1. 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 subdivisions.
 - 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 - C. Any or all of these bylaws may be repealed or amended or other bylaws may be adopted by the Town Council pursuant to the requirements in the Town Charter.

§ 1-2. General penalty. [Amended 4-12-2022]

Whoever violates any of the provisions of these bylaws whereby any act or thing is enjoined or prohibited shall, unless other provision is expressly made, forfeit and pay a fine, not exceeding \$200, for each offense. Unless otherwise provided by statute or these bylaws, all fees, fines or other money collected in the name of or on behalf of the Town by any Town officer, board or committee shall be turned over to the Collector/Treasurer.

§ 1-3. Construction of terms.

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

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. The word "person" shall include limited-liability companies, corporations, societies, associations, partnerships or other legally formed entities.
- F. 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.
- G. "Minutes" means a record of action taken and matters considered.
- H. These bylaws shall be construed as ordinances where appropriate under the laws of the Commonwealth of Massachusetts.
- I. Any references to "MGL" will mean a reference to the Massachusetts General Laws.

§ 1-4. Effective date of bylaws. [Amended 4-12-2022]

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

§ 1-5. Severability. [Amended 4-12-2022]

The invalidity of any section or provision of these bylaws shall not invalidate any other section or provision thereof. The repeal or amendment of any bylaw or any portion of these bylaws shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any bylaw so repealed or amended prior to the taking effect of the bylaw repealing or amending the bylaw.

ARTICLE II

Noncriminal Disposition of Violations

[Adopted as Ch. 8, § 8.130, of the 1982 General Bylaws; amended in its entirety 4-12-2022]

§ 1-6. Violations of certain bylaws, rules and regulations.

A noncriminal disposition procedure, using the civil infraction procedure in MGL c. 40, § 21D, is enacted for violations of the state codes, Town of East Longmeadow bylaws, rules or regulations.

§ 1-7. Issuance of citations.

- A. Citations for violations of the bylaws, codes, rules or regulations made enforceable under this article shall be issued by the designated enforcing officer authorized in writing by the appointing authority which has voted to have the designated bylaw, code, rule and/or regulation enforced under this bylaw.
- B. Any authorized employee observing a violation of a bylaw, code, rule or regulation which the employee is empowered to enforce shall give to the offender a ticket in a form in compliance with the requirements of and in the manner established by MGL c. 40, § 21D.

§ 1-8. Violations and penalties.

The penalty under the civil infraction procedure for each violation of any bylaw, code, rule or regulation shall be as designated in each bylaw, code, rule or regulation enforced under this bylaw. Each day of violation shall be considered a separate violation. This penalty is an alternative to the criminal penalties that are set forth in this bylaw.

§ 1-9. Enforcement officer duty to track citations; report of fines.

It shall be the responsibility of the head of each department or the department head's designee to purchase, distribute and track the citations issued under this article. The Collector/Treasurer shall, upon request, provide a report of the fines received pursuant to this article, showing by department, board or committee the amount received as a result of tickets issued by such department, board or committee.

ARTICLE III

**Adoption of Code
[Adopted 4-12-2022]****§ 1-10. Code adopted; continuation of existing provisions.**

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

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

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

§ 1-12. Notice; publication.

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

§ 1-13. Repeal.

- A. Repeal of inconsistent enactments. All bylaws of a general and permanent nature, or parts of such bylaws, inconsistent with the provisions contained in the Code adopted by this bylaw are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of East Longmeadow which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific enactments. The Town Council of the Town of East Longmeadow has determined that the following portions of the 1982 Bylaws are no longer in effect and hereby specifically repeals the following sections:
- (1) Section 5.030, Inspector of Weights and Measures.
 - (2) Section 5.050, Building Inspector.
 - (3) Section 8.100, Limitation on the use, sale, keeping and storage of fuel burning portable space heaters.
 - (4) Section 10.011, Conservation Commission - Consultant Fees - Definition.
 - (5) Section 10.050, Industrial Development Committee.
 - (6) Section 10.060, Industrial Development Financing Authority.

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

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

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of East Longmeadow prior to the effective date of this bylaw or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this bylaw in violation of any legislative provision of the Town of East Longmeadow or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this bylaw brought pursuant to any legislative provision of the Town of East Longmeadow.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of East Longmeadow.
- E. Any enactment of the Town of East Longmeadow providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of East Longmeadow or any portion thereof.

- F. Any enactment of the Town of East Longmeadow appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of East Longmeadow or other instruments or evidence of the Town's indebtedness.
- G. Enactments authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any bylaw relating to salaries and compensation.
- K. Any bylaw amending the Zoning Map.
- L. Any bylaw relating to or establishing a pension plan or pension fund for Town employees.
- M. Any bylaw or portion of a bylaw establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any bylaw adopted subsequent to January 2021.

§ 1-15. Changes in previously adopted legislation.

- A. In compiling and preparing the bylaws for codification and publication as the Code of the Town of East Longmeadow, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said bylaws. It is the intention of the Town Council that all such changes be adopted as part of the Code as if the bylaws had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this bylaw. (Chapter and section number references are to the bylaws as they have been renumbered and appear in the Code.)¹
- C. All bylaws included in the Code have been made gender-neutral. This style will be maintained throughout the life of the Code as the Code is supplemented with new and/or updated bylaws in the future.

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

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

1. Editor's Note: In accordance with § 1-15B, the chapters, parts and sections which were added, amended, adopted or repealed by this bylaw are indicated throughout the Code by the following history: "Amended (added, repealed) 4-12-2022." Schedule A, which contains a complete description of all changes, is on file in the Town offices.

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

§ 1-17. When effective.

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

Chapter 37

TOWN ELECTIONS AND TOWN COUNCIL

§ 37-1. Town elections.

§ 37-2. Town Council meetings.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 2 of the 1982 General Bylaws. Amendments noted where applicable.]

§ 37-1. 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 a.m. and close at 8:00 p.m.

§ 37-2. Town Council meetings. [Amended 4-12-2022]

Regular meetings of the Town Council shall take place on the second Tuesday of each month in an accessible area of a municipal building, and at such other times as the Council may designate.

Chapter 40

TOWN MANAGER

§ 40-1. Rules and regulations for departments.

§ 40-2. Inventory of property.

§ 40-3. Employment of special counsel.

§ 40-4. Disposition of surplus property.

§ 40-5. Town Attorney.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.020(A) through (D), and Ch. 5, § 5.040, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 40-1. Rules and regulations for departments. [Amended 4-12-2022]

The Town Manager shall make, from time to time, such policies and procedures for the administration, management and disposition of all departments under the Manager's control.

§ 40-2. Inventory of property.

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.

§ 40-3. Employment of special counsel.

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

§ 40-4. Disposition of surplus property. [Amended 4-12-2022]

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. Prior to sale or disposal of said property, the Town Manager will notify the Director of Municipal Finance.

§ 40-5. Town Attorney.

A. Appointment and removal. 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. The Town Attorney shall be subject at any time to removal by the Town Manager.

B. Duties.

(1) The Town Attorney shall be paid for services in advising Town officials on all matters of a recurring nature, for planning and attendance at board, council and

committee meetings, for drafting of contracts and other instruments, a salary established annually by the Town Council appropriation. The Town Attorney, and special counsel when engaged, shall also be paid at an hourly rate agreed upon with the Town Manager for time-use in all Town matters litigated in courts, before administrative bodies, the Appellate Tax Board, etc., and for non-recurring-type negotiations with other attorneys, towns or officials, on Town matters, land damage claims, zoning and subdivision controversies, preparation of witnesses, title searching and similar legal exercises. Such payment as to tax title matters initiated by the Collector/Treasurer shall be made from that official's tax title expense funds with the approval of the Town Manager. **[Amended 4-12-2022]**

- (2) 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.
 - (3) 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 the Town Attorney by the Town Manager, Town Council or School Committee. The Town Attorney shall furnish a written opinion on any legal question submitted to the Town Attorney on any matter concerning the Town and its officials, and furnish legal advice to Town officials who require the Town Attorney's opinion on matters within the scope of their official duties.
 - (4) The Town Attorney shall annually prepare and submit to the Town Manager a report describing legal services rendered.
- C. 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 the Town Manager in writing or by sending copies of any communications to the Manager.

PART II

DEPARTMENTS

Chapter 55

COUNCIL ON AGING DEPARTMENT

§ 55-1. Department head.

§ 55-3. Duties and responsibilities.

§ 55-2. Composition.

§ 55-4. Annual report.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

§ 55-1. Department head.

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

§ 55-2. Composition.

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

§ 55-3. Duties and responsibilities.

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

§ 55-4. Annual report.

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

Chapter 65

EAST LONGMEADOW CABLE ACCESS TELEVISION

§ 65-1. Department head.

§ 65-3. Duties and responsibilities.

§ 65-2. Composition.

§ 65-4. Annual report.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

§ 65-1. Department head.

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

§ 65-2. Composition.

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

§ 65-3. Duties and responsibilities.

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

§ 65-4. Annual report.

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

Chapter 69

EMERGENCY SERVICES

ARTICLE I Police Department

- § 69-1. Annual report.
- § 69-2. Appointments; officer identification.
- § 69-3. Authority to close ways to traffic or prohibit parking.
- § 69-4. Authority to direct traffic.
- § 69-5. Interdepartmental assistance.
- § 69-6. Inventory of equipment.

ARTICLE II Fire Department

- § 69-7. Responsibilities of Fire Chief.
- § 69-8. Appointment of firefighters.
- § 69-9. Annual report.
- § 69-10. Fuel storage tanks.
- § 69-11. Inventory of equipment.
- § 69-12. Key lock box required.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Police Department [Adopted as Ch. 5, § 5.010, of the 1982 General Bylaws]

§ 69-1. Annual report. [Amended 4-12-2022]

The Police Chief shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Chief's department as required by the Town Manager.

§ 69-2. Appointments; officer identification.

- A. 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.
- B. All police officers appointed by the Town Manager shall be issued a badge and identification with picture by the Police Chief.

§ 69-3. Authority to close ways to traffic or prohibit parking.

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, the 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.

§ 69-4. Authority to direct traffic.

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.

§ 69-5. Interdepartmental assistance.

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.

§ 69-6. Inventory of equipment. [Amended 4-12-2022]

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. The inventory will be brought up-to-date yearly and filed with the Town Manager and Town Accountant.

ARTICLE II

Fire Department**[Adopted as Ch. 5, § 5.020, of the 1982 General Bylaws]****§ 69-7. Responsibilities of Fire Chief. [Amended 4-12-2022]**

The Fire Chief shall act as the Town's Emergency Management Director, Forest Fire Warden and Fire Warden.

§ 69-8. Appointment of firefighters.

All firefighter appointments shall be made by the Town Manager, acting as Fire Commissioner in the Town, with recommendations from the Fire Chief.

§ 69-9. Annual report. [Amended 4-12-2022]

The Fire Chief shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Chief's department as required by the Town Manager.¹

§ 69-10. Fuel storage tanks. [Amended 4-12-2022]

Permit and license requirements for fuel storage tanks are found in 527 CMR 1.12.8 of the Massachusetts Comprehensive Fire Code.

1. Editor's Note: Original Sec. 5.020(D), regarding inspection of wood- and coal-burning stoves, which immediately followed this section, was repealed 4-12-2022.

§ 69-11. Inventory of equipment. [Amended 4-12-2022]

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. The inventory will be brought up-to-date yearly and filed with the Town Manager and Town Accountant.²

§ 69-12. Key lock box required.

Any building, other than a residential building of less than six 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 designee and shall be located and installed as instructed by the Fire Chief or designee.

2. Editor's Note: Original Sec. 5.020(G), Fire Lanes, which immediately followed this section, was moved to Ch. 416, Vehicles and Traffic, 4-12-2022. See now § 416-4.

Chapter 74

HEALTH DEPARTMENT

§ 74-1. Department head.

§ 74-3. Duties and responsibilities.

§ 74-2. Composition.

§ 74-4. Annual report.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.030(A) and (B), of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 74-1. Department head.

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

§ 74-2. Composition.

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

§ 74-3. Duties and responsibilities.

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

§ 74-4. Annual report.

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

Chapter 78
HUMAN RESOURCES

(Reserved)

Chapter 83

INFORMATION TECHNOLOGY DEPARTMENT

§ 83-1. Department head.

§ 83-3. Duties and responsibilities.

§ 83-2. Composition.

§ 83-4. Annual report.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

§ 83-1. Department head.

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

§ 83-2. Composition.

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

§ 83-3. Duties and responsibilities.

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

§ 83-4. Annual report.

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

Chapter 92

LIBRARY DEPARTMENT

§ 92-1. Department head.

§ 92-3. Duties and responsibilities.

§ 92-2. Composition.

§ 92-4. Annual report.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

§ 92-1. Department head.

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

§ 92-2. Composition.

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

§ 92-3. Duties and responsibilities.

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

§ 92-4. Annual report.

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

Chapter 97

MUNICIPAL FINANCES

Part 1 Municipal Finance Department

ARTICLE I Department of Municipal Finance

- § 97-1. Department head.
- § 97-2. Composition.
- § 97-3. Duties and responsibilities.
- § 97-4. Annual report.

ARTICLE II Town Accountant

- § 97-5. Appointment; term; powers and duties.
- § 97-6. Books and records.
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- § 97-8. Duty to provide information to Accountant.
- § 97-9. Report of appropriations and expenditures.

Part 2 Town Accountant

ARTICLE III Town Audits

- § 97-10. Annual determination of cash on hand.
- § 97-11. Cash balances.
- § 97-12. Annual audit required.
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ARTICLE IV Revolving Funds

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- § 97-15. Expenditure limitations.
- § 97-16. Interest.
- § 97-17. Procedures and reports.
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ARTICLE V Enterprise Funds

- § 97-19. Statutory authority.

Part 3 Collector/Treasurer

ARTICLE VI Town Collector/Treasurer

- § 97-20. Annual report.
- § 97-21. Bond required.
- § 97-22. Custody of bonds and insurance policies.
- § 97-23. Investment policy.
- § 97-24. Sale of Town land taken for taxes.
- § 97-25. Trust funds.
- § 97-26. Service as Collector of Taxes.
- § 97-27. Bond required.
- § 97-28. Access to vault.
- § 97-29. Annual report.
- § 97-30. Maintenance of books and records; annual report.

**Part 4
Assessors**

- § 97-32. Composition.**
- § 97-33. Duties and responsibilities.**
- § 97-34. Annual report.**

ARTICLE VII
Department of Assessing

§ 97-31. Department head.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

**Part 1
Municipal Finance Department**

ARTICLE I
**Department of Municipal Finance
[Adopted 4-12-2022]**

§ 97-1. Department head.

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

§ 97-2. Composition.

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

§ 97-3. Duties and responsibilities.

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

§ 97-4. Annual report.

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

ARTICLE II

Town Accountant**[Adopted as Ch. 3, § 3.010(A) through (E), of the 1982 General Bylaws]****§ 97-5. Appointment; term; powers and duties. [Amended 4-12-2022]**

The Town Manager shall appoint a Town Accountant, who shall be sworn to the faithful performance of his duties and shall hold no other Town office involving the receipt or disbursement of money, except that the Town Accountant shall be eligible to hold the position of Director of Municipal Finance. The Town Accountant shall hold office for three years and until a successor is qualified and shall perform the duties and possess the powers of the Town Auditor as defined in MGL c. 41, §§ 50 to 53, inclusive, as amended.

§ 97-6. Books and records. [Amended 4-12-2022]

The Town Accountant shall keep a complete set of books wherein shall be entered the amount of each specific appropriation, the amounts and purposes of expenditures made therefrom, the receipts from each source of income, the amount of each assessment levied and the abatements made; and the Town Accountant shall keep the accounts, so far as practicable, in conformity with the classifications and forms prescribed by the State Director of Accounts in accordance with MGL c. 44, § 43 and in conformity with any systems, classifications, forms and designations prescribed pursuant to regulations of the State Board of Education for use by school committees. The Town Accountant shall have custody of all contracts of the Town, shall keep a register of the sureties on all bonds of indemnity given to the Town, shall keep a detailed record of the Town debt, showing the purpose for which it was incurred, when incurred, when due, the rate of interest and the provisions made for payment of the debt. (See MGL c. 41, § 57.)

§ 97-7. Notification of appropriation balances. [Amended 4-12-2022]

The Town Accountant shall notify the Town Manager and all departments monthly of the balance in the Town Accountant's hands of any appropriation to their credit.

§ 97-8. Duty to provide information to Accountant. [Amended 4-12-2022]

All departments shall provide any financial information or financial documentation that the Town Accountant shall request.

§ 97-9. Report of appropriations and expenditures. [Amended 4-12-2022]

The Town Accountant shall immediately upon the close of each calendar year compile a written report showing the amounts appropriated and the amounts expended from each appropriation during the preceding fiscal year, the amounts appropriated for the current fiscal year and the amounts expended from such appropriations during the first six months of such year and the amounts estimated to be expended from such appropriations during the second six months of such year and the estimates for the next ensuing fiscal year, and shall forthwith furnish a copy thereof to the Town Manager. (See MGL c. 41, § 60.)

Part 2
Town Accountant

ARTICLE III

Town Audits

[Adopted as Ch. 3, § 3.020, of the 1982 General Bylaws]

§ 97-10. Annual determination of cash on hand.

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

§ 97-11. Cash balances.

The Town Accountant shall balance the year-ending cash of the Town Collector/Treasurer, including the balancing of all checking and savings accounts of the Town.

§ 97-12. Annual audit required.

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.

§ 97-13. Special audits upon termination of certain positions. [Amended 4-12-2022]

The Town Council shall have a special audit made of the books and accounts held by the Collector/Treasurer, Town Clerk, Director of Municipal Finance and School Department Business Manager as of the last day of employment of any of said officials.

ARTICLE IV

Revolving Funds

[Adopted 6-26-2018 (Ch. 11 of the 1982 General Bylaws)]

§ 97-14. Purpose and authority.

This bylaw 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 MGL c. 44, § 53E 1/2.

§ 97-15. 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 bylaw 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 jointly by the Town Council and Town Manager.

§ 97-16. Interest.

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

§ 97-17. Procedures and reports.

Except as provided in MGL c. 44, § 53E 1/2 and this bylaw, 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 bylaw. 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.

§ 97-18. 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; legal fees, i.e., lawyer, attorney fees; rent;

- F. Any reporting or other requirements that apply to each fund; 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, and
- G. The fiscal years beginning July 1 and ending June 30 each fund shall operate under this bylaw.

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

ARTICLE V

Enterprise Funds

[Adopted as Ch. 3, § 3.010(F) and (G), of the 1982 General Bylaws; amended in its entirety 4-12-2022]

§ 97-19. Statutory authority.

All enterprise funds will be maintained pursuant to MGL c. 44, § 53F 1/2.

**Part 3
Collector/Treasurer**

ARTICLE VI

Town Collector/Treasurer**[Adopted as Ch. 4, § 4.050 and § 4.060, of the 1982 General Bylaws]****§ 97-20. Annual report.**

The Town Collector/Treasurer shall annually prepare and submit to the Town Manager a report that shall contain:

- A. 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.
- B. 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.
- C. The relation of the Town debt to the percent limit of indebtedness if the relevant data supplied by the Commonwealth is available in time for insertion in the report. If such data is not supplied in time for insertion in said report, the Collector/Treasurer may include general remarks on this subject in whatever form may best serve to inform the Town under the circumstances.

§ 97-21. Bond required.

The Collector/Treasurer 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.

§ 97-22. Custody of bonds and insurance policies. [Amended 4-12-2022]

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

§ 97-23. Investment policy.

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

§ 97-24. Sale of Town land taken for taxes.

- A. The Collector/Treasurer, with notice to the Town Manager, is authorized to sell and convey by public sale any or all parcels of real estate which the Town has acquired, or may hereafter acquire title to, either by foreclosure of tax titles in the Land Court, or by procedure under MGL c. 60, §§ 79 and 80, as amended, pertaining to land of low value. **[Amended 4-12-2022]**

- B. Abutters to any land proposed for sale shall be notified by mail at least 10 days prior to the sale, unless the land proposed for sale is one of several parcels offered for sale in a public advertisement appearing twice at least 10 days before the date of the sale.

§ 97-25. 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 Collector/Treasurer, and shall be paid out by the Collector/Treasurer for the purpose named in the trust only upon orders duly drawn upon the Collector/Treasurer by the Town Manager.

§ 97-26. Service as Collector of Taxes.

The Town Collector/Treasurer may act as Collector of Taxes and shall be possessor of all statutory powers to collect all accounts due the Town pursuant to MGL c. 41, §§ 38 and 38A.

§ 97-27. Bond required.

The Collector/Treasurer 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.

§ 97-28. Access to vault. [Amended 4-12-2022]

The Collector/Treasurer shall have the combination of all safes and vaults wherein Town records and monies are kept.

§ 97-29. Annual report.

The Collector/Treasurer shall annually prepare and submit to the Town Manager a report that shall contain a statement of the amounts committed to the Collector/Treasurer 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.

§ 97-30. Maintenance of books and records; annual report. [Amended 1-23-2018; 4-12-2022]

The Collector/Treasurer shall have charge of the keeping of the books, acts involving collection of monies due the Town and the preparation of such returns and reports as it may be required to make. The Collector/Treasurer shall report annually, to departments concerned, the receipts and collections for each department.

Part 4
Assessors

ARTICLE VII
Department of Assessing
[Adopted 4-12-2022]

§ 97-31. Department head.

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

§ 97-32. Composition.

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

§ 97-33. Duties and responsibilities.

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

§ 97-34. Annual report.

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

- A. A statement showing the number of parcels of real estate assessed, broken down by classification category and the assessed valuation of each group, also showing the percentage of valuation of each group.
- B. A statement showing the amount of personal property taxes and assessed value.
- C. A statement of all categories of taxes assessed for the year, showing the total amount of taxes assessed for each kind of tax.
- D. A statement listing state receipts due the Town in the setting of the most recent tax rate, and a listing of amounts due to the state and county governments.
- E. A statement listing general Town receipts estimated in the setting of the most recent tax rate.
- F. A list of exempt property by category and valuation, also including property owned by the Town.

G. A comparison report showing a five-year history of:

- (1) Latest tax rate.
- (2) Total real and personal property valuation.
- (3) Total number of parcels assessed.
- (4) Total real and personal property taxes committed.

Chapter 115

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

ARTICLE I

Planning and Community Development

§ 115-1. Department head.

§ 115-2. Composition.

§ 115-3. Duties and responsibilities.

§ 115-4. Annual report.

ARTICLE II

Building Department

§ 115-5. Building Commissioner; local inspectors.

§ 115-6. Inspectors of Wires.

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

§ 115-8. Inspector of Weights and Measures.

ARTICLE III

Planning Department

§ 115-9. Department head.

§ 115-10. Composition.

§ 115-11. Duties and responsibilities.

§ 115-12. Annual report.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

ARTICLE I

Planning and Community Development

§ 115-1. Department head.

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

§ 115-2. Composition.

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

§ 115-3. Duties and responsibilities.

The duties of the Department of Planning and Community Development shall be to provide professional, managerial and administrative work by developing and coordinating the activities, programs, functions and operations of the Department of Planning and Community

Development and all of its relative boards, commissions and authorities in keeping with the Town's comprehensive planning and development program.

§ 115-4. Annual report.

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

ARTICLE II
Building Department

§ 115-5. Building Commissioner; local inspectors.

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

1. Editor's Note: See Ch. 450, Zoning.

specifications, unless the Town Manager shall designate an independent construction supervisor for a specific project.

- J. The Building Commissioner shall have the authority to issue citations and prosecute violations of the Town’s Zoning Bylaws, violations under Chapter 40A of the General Laws, and violations under the State Building Code.
- K. The Building Commissioner shall annually prepare and submit to the Town Manager a report that shall include the number and types of permits issued and the number of permit applications denied.

§ 115-6. Inspectors of Wires.

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

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

- A. The Town Manager shall appoint a Plumbing and Gas Fitting Inspector and an Alternate Plumbing and Gas Fitting Inspector every year.
- B. There are hereby established the positions of Inspector of Plumbing and Gas Fitting and Alternate Inspector of Plumbing and Gas Fitting. Each individual appointed to these positions must be licensed as a Massachusetts master or journeyman plumber. In addition, each such appointee must have either 1) practical experience as a plumber during the five years immediately preceding appointment; or 2) served as a Massachusetts plumbing inspector during the five years immediately preceding appointment, or some combination thereof.
- C. The Alternate Inspector of Plumbing and Gas Fitting shall serve in an intermittent, part-time capacity, subject to the supervision of the Building Commissioner, only in the event:

- (1) That the work of the Inspector of Plumbing and Gas Fitting or that of any business associate or immediate family member of such Inspector requires inspection; or
 - (2) That the Inspector of Plumbing and Gas Fitting is incapacitated from performing the normal duties of office or is otherwise unavailable.
- D. It shall be the duty of the Inspector of Plumbing and Gas Fitting and, as necessary, the alternate position, to undertake those duties as imposed by virtue of MGL c. 143, § 30 in conformity with the regulations of the Massachusetts Board of State Examiners of Plumbers and Gas Fitters (248 CMR).

§ 115-8. Inspector of Weights and Measures.

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

ARTICLE III

Planning Department

§ 115-9. Department head.

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

PLANNING AND COMMUNITY DEVELOPMENT
DEPARTMENT

§ 115-10

§ 115-12

§ 115-10. Composition.

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

§ 115-11. Duties and responsibilities.

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

§ 115-12. Annual report.

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

Chapter 119

PUBLIC WORKS DEPARTMENT

§ 119-1. Department head.

§ 119-3. Duties and responsibilities.

§ 119-2. Composition.

§ 119-4. Annual report.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

§ 119-1. Department head.

The Town Manager, with Town Council approval, shall appoint a Superintendent of Public Works. The Superintendent of Public Works shall be responsible for the supervision and coordination of all public works operations of the Town that are placed under the Superintendent's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.

§ 119-2. Composition.

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

§ 119-3. Duties and responsibilities.

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

§ 119-4. Annual report.

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

Chapter 126

RECREATION DEPARTMENT

§ 126-1. Department head.

§ 126-3. Duties and responsibilities.

§ 126-2. Composition.

§ 126-4. Annual report.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

§ 126-1. Department head.

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

§ 126-2. Composition.

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

§ 126-3. Duties and responsibilities.

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

§ 126-4. Annual report.

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

Chapter 131

SCHOOL DEPARTMENT

§ 131-1. Department head.

§ 131-3. Duties and responsibilities.

§ 131-2. Composition.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

§ 131-1. Department head.

The School Committee shall appoint a Superintendent of Schools. The Superintendent of Schools shall be responsible for the supervision and coordination of all school operations of the Town that are placed under the Superintendent's control by Charter, bylaw, state law, rules and regulations or by other Town vote.

§ 131-2. Composition.

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

§ 131-3. Duties and responsibilities.

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

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

Chapter 135
TOWN CLERK

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| § 135-1. Records to be kept and stored. | § 135-5. Annual report. |
| § 135-2. Minutes of Council meetings. | § 135-6. Resignations. |
| § 135-3. Reports of multiple-member bodies; results of primaries and elections. | § 135-7. Bonds. |
| § 135-4. Fees. | § 135-8. Elections. |
| | § 135-9. Annual census; street list. |
| | § 135-10. Records access. |

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.040, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 135-1. Records to be kept and stored.

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

§ 135-2. Minutes of Council meetings.

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 the Clerk's term of office.

§ 135-3. Reports of multiple-member bodies; results of primaries and elections.

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 the Clerk's custody. The Town Clerk 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.

§ 135-4. Fees. [Amended 6-15-2021; 4-12-2022]

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

1.	For entering an amendment of a record of the birth of an illegitimate child subsequently legitimized	\$25
2.	For correcting errors in a record of birth	\$25
3.	For furnishing a certificate of a birth	\$10

4.	For filing a certificate of a person conducting business under any title other than the person's real name	\$30
5.	For filing by a person conducting business under any title other than the person's real name of a statement of change of residence, or of discontinuance, retirement or withdrawal from, or of a change of location of such business	\$20
6.	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
7.	For correcting errors in a record of death	\$25
8.	For furnishing a certificate of death	\$10
9.	For entering a notice of intention of marriage and issuing certificates thereof	\$40
10.	For entering a certificate of marriage filed by persons married out of the commonwealth	\$40
11.	For issuing a certificate of marriage	\$10
12.	For furnishing an abstract copy of a record of marriage	\$10
13.	For correcting errors in a record of marriage	\$25
14.	For recording a power of attorney	\$5
15.	For recording a certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof	\$20
16.	For recording the name of the owner of a certificate of registration as a physician or osteopath in the commonwealth	\$20
17.	For recording an order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in the number of wires and cable or attachments under the provisions of MGL c. 166, § 22	\$40
18.	For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof, as provided by MGL c. 182, § 2	\$20
19.	For recording a deed or lot or plot in a public burial place or cemetery	\$5
20.	Voter's card	\$5
21.	Dog license	\$10
22.	Dog license (non-spayed/-neutered).	\$20
23.	Dog license renewal (late fee)	\$25
24.	Kennel license	
	1 to 4 dogs	\$30

	5 to 10 dogs	\$60
	More than 10 dogs	\$100

§ 135-5. Annual report.

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

- A. 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.
- B. A full report of the annual Town Election and every state or special election. **[Amended 4-12-2022]**
- C. A complete list of the elected Town officers, with their salaries or compensation and the expiration of the term of office of each member. **[Amended 4-12-2022]**
- D. 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.
- E. A statement of dog licenses issued and other fees collected and turned over to the Town. **[Amended 4-12-2022]**
- F. A report of the number of births, marriages and deaths, showing a comparison with the two previous years.

§ 135-6. Resignations.

- A. 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.
- B. 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 the Clerk shall further notify the Town Manager, and such notification shall include the effective date of the resignation.

§ 135-7. Bonds.

- A. The Town Clerk shall give bond to the Town for the faithful performance of the Clerk's duties in a form approved by the Commissioner of Revenue, in such sum not less than the amount established by said Commissioner, or which shall be fixed by the Town Manager.
- B. The surety bonds of the Town Collector/Treasurer, Deputy Collector of Taxes and Town Clerk shall be in the custody of the Town Clerk and kept in a fire-rated and waterproof Town vault. **[Amended 4-12-2022]**

§ 135-8. Elections. [Added 4-12-2022]

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

§ 135-9. Annual census; street list. [Added 4-12-2022]

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

§ 135-10. Records access. [Added 4-12-2022]

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

PART III

MULTIPLE-MEMBER BODIES

Chapter 150

MULTIPLE-MEMBER BODIES: GENERAL PROVISIONS

§ 150-1. Filming of meetings.

§ 150-2. Conduct of meetings; reports.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 3, § 3.030, and Ch. 4, § 4.010, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 150-1. Filming of meetings. [Amended 4-12-2022]

All open session portions of regularly scheduled meetings of the Town Council, School Committee, Board of Public Works, Planning Board, Board of Assessors, Board of Library Trustees and East Longmeadow Housing Authority shall be filmed by the East Longmeadow Community Access Television Department and shall be broadcast regularly on community access television. This bylaw is not intended to expand the requirements of the Open Meeting Law¹ and the failure to film a meeting shall not affect the legality of such a meeting.

§ 150-2. Conduct of meetings; 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.²
- B. The minutes of every meeting shall be delivered to the Town Clerk in final typed or electronic form within 30 days of the date of said meeting, but shall be available for public inspection within 10 days of said meeting.
- C. Each multiple-member body, as described in Division 1, Part III, of the Town Code, shall elect a Chair and a Clerk. [Amended 4-12-2022]
- 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 its 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.

1. Editor's Note: See MGL c. 30A, §§ 18 through 25.

2. Editor's Note: See MGL c. 30A, §§ 18 through 25.

Chapter 155

BOARD OF APPEALS

§ 155-1. Membership; term; appointment.

§ 155-2. Associate members.

§ 155-3. Authority.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.120, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 155-1. Membership; term; appointment.

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

§ 155-2. Associate members.

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

§ 155-3. Authority.

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

Chapter 160

BOARD OF ASSESSORS

§ 160-1. Membership; term; appointment.

§ 160-3. Statutory powers and duties.

§ 160-2. Vacancies.

§ 160-4. Oath of office; certification.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.070, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 160-1. Membership; term; appointment.

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

§ 160-2. Vacancies.

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

§ 160-3. Statutory powers and duties.

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

§ 160-4. Oath of office; certification.

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

Chapter 165

BOARD OF HEALTH

§ 165-1. Membership; term; appointment.

§ 165-3. Purpose.

§ 165-2. Vacancies.

§ 165-4. Powers and duties.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

§ 165-1. Membership; term; appointment.

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

§ 165-2. Vacancies.

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

§ 165-3. Purpose.

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

§ 165-4. Powers and duties.

- A. The Board of Health shall have all the powers and duties that the Board of Health may have under the Constitution and laws of the commonwealth, and it shall have such additional powers and duties not inconsistent with said Constitution and laws as may be authorized by the Town Charter or bylaws.
- B. The Board of Health is an advisory, regulatory and adjudicatory multiple-member body of the Town.
- C. The Board of Health reviews and recommends Health Department policies and programs.
- D. The Board of Health shall keep records of:
 - (1) Complaints made to it, and disposition thereof.
 - (2) Nuisances abated and how abated.
 - (3) Unusual sickness of the Town.
 - (4) Violations of the State Sanitary Code.

- (5) Any other records required by statute.
- E. The Board of Health may grant or revoke permits, grant variances and seek enforcement of any health laws or regulations in the manner provided in such laws and regulations, including noncriminal disposition procedures authorized under Chapter 1, Article II, of these bylaws.
- F. The Board of Health is hereby authorized and empowered to regulate the storage, collection, transportation and disposal of garbage and rubbish as provided in MGL c. 111, §§ 21, 31A and 31B.

Chapter 170

BOARD OF LIBRARY TRUSTEES

§ 170-1. Membership; term; appointment.

§ 170-2. Vacancies.

§ 170-3. Purpose; powers and duties.

[HISTORY: Adopted by the Town of East Longmeadow as Ch. 4, § 4.100, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 170-1. Membership; term; appointment.

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

§ 170-2. Vacancies.

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

§ 170-3. Purpose; powers and duties.

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

Chapter 175

BOARD OF PUBLIC WORKS

§ 175-1. Membership; terms; appointment.

§ 175-2. Purpose.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.080(A), of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 175-1. Membership; terms; appointment.

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

§ 175-2. Purpose.

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

Chapter 177

CHARTER REVIEW COMMITTEE

§ 177-1. Authority to establish.

§ 177-4. Membership.

§ 177-2. When established; report.

§ 177-5. Appointment of members;
term.

§ 177-3. Powers and duties.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 1-14-2020 (Ch. 10, § 10.090, of the 1982 General Bylaws). Amendments noted where applicable.]

§ 177-1. Authority to establish.

A special Charter Review Committee, as mandated in Article 9, Section 2 of the Town Charter, shall be periodically established as provided below.

§ 177-2. When established; report.

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.

§ 177-3. Powers and duties.

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

§ 177-4. Membership.

The Committee shall be comprised of seven registered voters of the Town, with the following restrictions:

- A. No more than two members can be current Town Councilors;
- B. No more than two members can be former Charter Commission members;
- C. No more than two members can be employees of the Town;
- D. At least two members shall be persons who are not current Town Councilors or Town employees nor former Charter Commission members.

§ 177-5. Appointment of members; term.

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.

Chapter 180
COMMISSION ON DISABILITY

(Reserved)

Chapter 185

COMMUNITY PRESERVATION COMMITTEE

§ 185-1. Membership; term; appointment.

§ 185-2. Purpose.

§ 185-3. Recommendations.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 10, § 10.080, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 185-1. Membership; term; appointment.

A. The Community Preservation Committee shall consist of nine members serving three-year terms. The following boards will each designate a member to sit on this Committee:

- (1) Conservation Commission.
- (2) Historical Commission.
- (3) Housing Authority.
- (4) Planning Board.
- (5) Board of Public Works.
- (6) Recreation Commission.

B. The Town Manager shall appoint an additional three at-large members.

§ 185-2. Purpose.

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

§ 185-3. Recommendations.

A. The Community Preservation Committee shall make recommendations to the Town Council for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the

acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created as provided in MGL c. 44B; provided, however, that funds expended pursuant to MGL c. 44B shall not be used for maintenance.

- B. The Community Preservation Committee may include in its recommendation to the Town Council a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose. All recommendations to the Town Council shall include their anticipated costs.
- C. The Community Preservation Committee shall submit to the Town Council at a public hearing the Committee's recommendations for the appropriation from the Community Preservation Fund and such additional non-Community Preservation Fund appropriations as it deems appropriate to carry out the recommendations of the Community Preservation Committee. The Town Council shall vote to approve or veto the appropriation request by a majority vote.

Chapter 190

CONSERVATION COMMISSION

§ 190-1. Membership; terms; appointment

§ 190-2. Powers and duties.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 10, § 10.010, of the 1982 General Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Wetlands protection — See Ch. 424.

§ 190-1. Membership; terms; appointment

The membership of the Conservation Commission consists of seven members serving three-year terms by appointment of the Town Manager.

§ 190-2. Powers and duties. [Added 4-12-2022]

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

Chapter 195

COUNCIL ON AGING BOARD

§ 195-1. Membership; appointment.

§ 195-2. Duties.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 10, § 10.020, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 195-1. Membership; appointment.

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

§ 195-2. Duties.

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

Chapter 200
CULTURAL COUNCIL

§ 200-1. Membership; term; appointment.

§ 200-2. Goals and duties.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

§ 200-1. Membership; term; appointment.

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

§ 200-2. Goals and duties.

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

Chapter 225

HISTORICAL COMMISSION

§ 225-1. Membership; terms; appointment.

§ 225-2. Purpose and authority.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 10, § 10.030, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 225-1. Membership; terms; appointment.

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

§ 225-2. Purpose and authority.

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

Chapter 230

HOUSING AUTHORITY

§ 230-1. Membership; term; appointment.

§ 230-2. Purpose.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 10, § 10.040, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 230-1. Membership; term; appointment.

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

§ 230-2. Purpose.

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

Chapter 245

LOCAL EMERGENCY PLANNING COMMITTEE

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

§ 245-2. **Vacancies.**

§ 245-3. **Purpose and duties.**

[**HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.**]

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

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

§ 245-2. **Vacancies.**

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

§ 245-3. **Purpose and duties.**

- A. The Committee is responsible for developing a comprehensive emergency plan (CEMP) for the community and keeping the plan up-to-date.
- B. The Committee shall receive information about accidental releases.
- C. The Committee shall collect, manage and provide public access to information on hazardous chemicals in the community.
- D. The Committee shall educate the public about risks from accidental and routine releases of chemicals, and work with facilities to minimize the risks.

Chapter 250

PLANNING BOARD

§ 250-1. Membership; term; appointment.

§ 250-2. Vacancies.

§ 250-3. Powers and duties.

§ 250-4. Special permit granting authority.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.110, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 250-1. Membership; term; appointment.

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

§ 250-2. Vacancies.

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

§ 250-3. Powers and duties.

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

§ 250-4. Special permit granting authority.

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

Chapter 255

RECREATION COMMISSION

§ 255-1. Membership; term; appointment.

§ 255-2. Purpose.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow Ch. 10, § 10.070, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 255-1. Membership; term; appointment.

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

§ 255-2. Purpose.

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

Chapter 260

SCHOOL COMMITTEE

§ 260-1. Membership; term.

§ 260-3. Powers and duties.

§ 260-2. Vacancies.

§ 260-4. Annual report.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.090(A), of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 260-1. Membership; term.

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

§ 260-2. Vacancies.

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

§ 260-3. Powers and duties.

The School Committee shall have all the powers and duties school committees may have under the Constitution and laws of the commonwealth, and it shall have such additional powers and duties not inconsistent with said Constitution and laws as may be authorized by the Town Charter or bylaws. The School Committee will annually submit a budget to the Town Manager.

§ 260-4. Annual report.

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

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

PART IV

GENERAL LEGISLATION

Chapter 305

ALARM SYSTEMS

§ 305-1. Fine for false alarms.

§ 305-3. Enforcement.

§ 305-2. False alarm defined.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 8, § 8.120, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 305-1. Fine for 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 \$50 for each violation of the above, after the third false alarm in any given calendar year.

§ 305-2. False alarm defined.

For the purposes of this chapter, 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.

§ 305-3. Enforcement.

This bylaw shall be enforced by the Fire Chief or designee under the provisions of MGL c. 40, § 21D, the Noncriminal Disposition Law.

Chapter 310

ALCOHOLIC BEVERAGES

ARTICLE I

Restrictions on Public Consumption

§ 310-1. Consumption on public ways prohibited.

§ 310-2. Consumption in public buildings, on public property or on certain private ways prohibited.

§ 310-3. Exceptions.

§ 310-4. Enforcement.

ARTICLE II

Liquor License Rules and Regulations

§ 310-5. Compliance with state law required; additional local restrictions.

§ 310-6. Violations.

§ 310-7. Hearings.

§ 310-8. Penalties.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Restrictions on Public Consumption

[Adopted as Ch. 8, § 8.020, of the 1982 General Bylaws]

§ 310-1. Consumption on public ways prohibited. [Amended 4-12-2022]

Whoever shall, within the Town, whether that public way is a Town way, county highway or a private way open to the public, or in any other place where the public shall have the right of access, consume intoxicating beverages shall be punished by a fine not exceeding \$100. This section shall also be construed so as to prohibit the consumption of intoxicating beverages by any person while such person is standing, sitting, walking, running or otherwise present within such way or public place as hereinabove defined, or within any vehicle, whether parked or moving, which is within the limits of such public way or place as herein defined.

§ 310-2. Consumption in public buildings, on public property or on certain private ways prohibited. [Amended 4-12-2022]

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 MGL c. 90, § 18, shall be punished by a fine not exceeding \$100.

§ 310-3. Exceptions. [Amended 4-12-2022]

The foregoing §§ 310-1 and 310-2 shall not apply to any activity duly licensed by the Town Council under the applicable provisions of the Massachusetts General Laws.

§ 310-4. Enforcement.

It shall be the duty of any police officer of the Town to arrest any person who violates the provisions of §§ 310-1 and 310-2 and to cause such person to be detained until that person can be taken before a court having jurisdiction over the offense.

ARTICLE II

Liquor License Rules and Regulations

[Adopted 1-28-2020 (Ch. 6, § 6.050, of the 1982 General Bylaws)]

§ 310-5. Compliance with state law required; additional local restrictions.

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

§ 310-6. Violations.

The LLA may, after deliberation and hearing, impose penalties for violation of any applicable regulations and laws, including, but not limited to, the following:

- A. 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;
- B. Absence of manager or substitute manager of record on the licensed premises;
- C. Failure to call police for a physical disturbance on the licensed premises;
- D. Sales of alcoholic beverages to intoxicated person(s);
- E. Failure to comply with last call requirement;
- F. 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);
- G. Service of alcohol in impermissible areas of the licensed premises;
- H. Consumption of alcohol by employees of the licensee while on duty;
- I. Substitution of brands of alcoholic beverages;
- J. Failure of licensee or employee(s) of the licensee to permit inspection of the premises by the local licensing authority or its agent;

- K. Sale/Possession of alcoholic beverages not permitted by license;
- L. Keg registration violations;
- M. Misrepresentation of material facts on an initial license application or renewal application;
- N. Presence of licensees, managers or employees on the licensed premises while in an intoxicated condition;
- O. Knowing allowance by licensee, manager or employee of the use of licensed premises for the purpose of engaging in or promoting any illegal activity.

§ 310-7. Hearings.

- A. Upon written notification to the LLA from the Police Chief or other law enforcement source that a violation has allegedly occurred on a licensed premises, 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 violation(s) and a hearing date.
- B. A licensee may be represented by an attorney or other trial person, but need not be.
- C. Hearings shall be conducted informally, without the application of the rules of evidence or the need for testimony under oath.

§ 310-8. Penalties.

- A. Penalties.
 - (1) For a first offense, the LLA may issue up to a five-day liquor license suspension.
 - (2) For a second offense within a twenty-four-hour period, the LLA may issue up to a ten-day liquor license suspension.
 - (3) For a third or subsequent offense within a thirty-six-month period, the LLA may authorize revocation of the liquor license.
- B. 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.
- C. If a subsequent violation occurs during the period of any suspension or abeyance, the 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.
- D. 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).

Chapter 315

ANIMAL CONTROL

ARTICLE I Animal Control

- § 315-1. Dogs at large.
- § 315-2. Violations and penalties; impound fees.
- § 315-3. License fees and requirements.
- § 315-4. Disposition of fees.
- § 315-5. Dog parks.
- § 315-6. Impounding of dogs at large.
- § 315-7. Animal Control Officer.
- § 315-8. Nuisance complaints.
- § 315-9. Bulls; vicious and attack animals.
- § 315-10. Animals on public property.
- § 315-11. Animals regulated by Board of Health.

§ 315-12. Outdoor confinement of dogs.

ARTICLE II Removal of Dog Waste

- § 315-13. Removal required.
- § 315-14. Exception for dogs accompanying handicapped persons.
- § 315-15. Violations and penalties.
- § 315-16. Enforcement.

ARTICLE III Animal Inspector

- § 315-17. Appointment and term.
- § 315-18. Annual report.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 9 of the 1982 General Bylaws. Amendments noted where applicable.]

ARTICLE I Animal Control

§ 315-1. Dogs at large.

- 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 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.

§ 315-2. Violations and penalties; impound fees. [Amended 4-12-2022]

- A. A violation of this Article I, including § 315-8, shall be punishable by a fine of \$25 for the first offense and \$50 for the second and third offenses within a calendar year. The fourth and subsequent offenses shall be punishable by a mandatory hearing and a fine of \$75.
- B. The owner of any dog picked up shall pay a fee of \$25 to the Town before the release of the dog from the pound. The pound fee for animals held in violation of this Animal Control Law shall be \$25.
- C. In addition to the above-described procedures, the provisions of this article may also be enforced by the Animal Control Officer or any police officer of the Town by noncriminal disposition procedure pursuant to Chapter 1, Article II, of the bylaws.

§ 315-3. License fees and requirements. [Amended 4-12-2022]

The fee required by MGL c. 140, §§ 137 to 174, inclusive, as amended, for the licensing of dogs within the Town shall be increased by \$25 for any license purchased after the due date; said additional fees shall be retained by the Town. Dogs shall be required to be vaccinated against rabies and proof of same shall be required before licensing, unless the dog is exempt from vaccination in accordance with MGL c. 140, § 145B.

§ 315-4. Disposition of fees.

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 Collector/Treasurer.

§ 315-5. Dog parks.

The Town Manager or 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.

§ 315-6. Impounding of dogs at large.

Any animal found to be at large in violation of this article shall be caught and confined by the Animal Control Officer and/or assistants, who shall notify forthwith the licensed owner or keeper of such animal, giving the owner or keeper of such animal a period of 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 designee. At the end of the ten-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, the 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 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 the owner or keeper has not been taken into custody for violation of this section, the Animal Control Officer may waive prosecution.

§ 315-7. Animal Control Officer.

- A. The Town Manager or designee shall appoint an Animal Control Officer and such assistants as are deemed necessary to administer and enforce this bylaw and the sections of MGL c. 140, as amended, relating to dogs.
- B. The Town Manager or designee may appoint the Animal Control Officer a special police officer or constable.

§ 315-8. Nuisance complaints.

- A. If any person shall make a complaint in writing to the Town Manager or 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 MGL c. 140, §§ 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.
- B. Said written complaint to the Town Manager or 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 the complaint.

§ 315-9. Bulls; vicious and attack animals.

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

§ 315-10. Animals on public property.

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

§ 315-11. Animals regulated by Board of Health.

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

§ 315-12. Outdoor confinement of dogs. [Added 4-12-2022]

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

ARTICLE II
Removal of Dog Waste

§ 315-13. Removal required.

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.

§ 315-14. Exception for dogs accompanying handicapped persons. [Amended 4-12-2022]

The provisions of this article shall not apply to a dog accompanying any handicapped person who, by reason of a handicap, is physically unable to comply with these requirements.

§ 315-15. Violations and penalties.

- A. Any violation of this article shall constitute an infraction and shall be punishable by a fine of \$20.
- B. This article may also be enforced by the noncriminal disposition procedure set forth in Chapter 1, Article II, of the bylaws. The penalty shall be \$20 for each violation. [Amended 4-12-2022]

§ 315-16. Enforcement.

The Animal Control Officer and any police officer of the Town are authorized to enforce the provisions of this article.

ARTICLE III
Animal Inspector

§ 315-17. Appointment and term.

The Town Manager or designee shall appoint the Animal Inspector for one year.

§ 315-18. Annual report.

The Animal Inspector shall make an annual report to the Town Manager that contains the number of inspections made and facts of general interest.¹

1. Editor's Note: Original Sec. 9.025 of the 1982 General Bylaws, Prolonged Confinement of Dogs Outside, which immediately followed this section, was repealed 4-12-2022. See now § 315-12 of this chapter.

Chapter 321

BUILDINGS, NUMBERING OF

§ 321-1. Authority to require numbering.

§ 321-2. Time frame for compliance.

§ 321-3. Number specifications; location.

[HISTORY: Adopted by the Town of East Longmeadow as Ch. 4, § 4.020(F), of the 1982 General Bylaws. Amendments noted where applicable.]

§ 321-1. Authority to require numbering. [Amended 4-12-2022]

The IT Director or designee shall require and regulate the numbering of buildings on all public or private ways. The Building Commissioner shall order, in writing, the owners of said buildings to place on their building such numbers required.

§ 321-2. Time frame for compliance.

The owner of the building, upon receipt of such an order, shall comply with said order within 10 days.

§ 321-3. Number specifications; location. [Amended 4-12-2022]

Building numbers shall be a minimum of four inches high with a minimum stroke width of 1/2 inch and shall be visible from the street. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

Chapter 330
FEES AND CHARGES

ARTICLE I
Municipal Charges Lien

§ 330-1. Authority.

§ 330-2. Purpose.

§ 330-3. Applicability.

§ 330-4. Recording of lien.

§ 330-5. Collection of lien.

§ 330-6. Unpaid liens.

§ 330-7. Release of lien.

§ 330-8. Abatement.

ARTICLE II
Agricultural and Horticultural Water Rates

§ 330-9. Establishment of rate; reimbursement for changed property use.

§ 330-10. Qualification for reduced rate.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Municipal Charges Lien
[Adopted as Ch. 8, § 8.140, of the 1982 General Bylaws]

§ 330-1. Authority.

This bylaw is adopted pursuant to the authority of MGL c. 40, §§ 21 and 58.

§ 330-2. 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.

§ 330-3. Applicability.

The municipal charges lien shall apply to the following municipal charges and/or fees:

- A. Charges or penalties for violations of the Zoning Bylaws,¹ including interest and costs to record said liens in the Hampden County Registry of Deeds.
- B. Charges or penalties for violation of the general bylaws, including interest and costs to record said liens in the Hampden County Registry of Deeds.

1. Editor's Note: See Ch. 450, Zoning.

- C. 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 the Hampden County Registry of Deeds.

§ 330-4. 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.

§ 330-5. Collection of lien. [Amended 4-12-2022]

The Collector/Treasurer shall be in charge of collecting the lien.

§ 330-6. Unpaid 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/Treasurer 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/Treasurer 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.

§ 330-7. Release of lien.

The municipal charge lien may be discharged by filing a certificate from the Collector/Treasurer that all municipal charges or fees, including interest and costs, constituting a lien have been paid or legally abated.

§ 330-8. Abatement.

The Assessors, prior to a charge or fee being certified to the Assessors by the Collector/Treasurer under § 330-6, may abate any charge or fee for justifiable cause, which shall be effective upon the issuing of a written statement setting forth said cause, and filing of said statement with the Collector/Treasurer. 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.

ARTICLE II

Agricultural and Horticultural Water Rates**[Adopted as Ch. 4, § 4.080(F), of the 1982 General Bylaws]****§ 330-9. Establishment of rate; reimbursement for changed property use.**

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 MGL c. 61A, and said water rate shall be set at 75% of the residential water rate; provided, however, if any such property receiving the water rate set forth herein is converted to a nonagricultural or nonhorticultural use, the owner or lessee shall pay to the Collector/Treasurer 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 15 years preceding the conversion.

§ 330-10. Qualification for reduced rate.

To qualify for the water rate reduction, the MGL c. 61A registered applicant must also be an IRS registered farm with 2/3 of its annual income being derived from farming.

Chapter 335

FIREARMS

§ 335-1. Discharge of firearms within Town.

§ 335-2. Fine for carrying firearms on private property.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 8, § 8.080 and § 8.110, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 335-1. Discharge of firearms within Town.

Rifles larger than 0.22 caliber, pistols larger than 0.38 caliber, 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.

§ 335-2. Fine for carrying firearms on private property.

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 \$100 for each such offense. This bylaw shall be enforced by police officers and may be administered under the provisions of MGL c. 40, § 21D, the Noncriminal Disposition Law.

Chapter 342

HAWKERS AND PEDDLERS

§ 342-1. License required.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 6, § 6.010, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 342-1. License required.

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.

Chapter 354

LICENSES AND PERMITS

ARTICLE I Indemnification of Town

§ 354-1. Condition of permit or license.

ARTICLE II Revocation of Municipal Licenses for Violations of Local or State Laws Related to Premises

§ 354-2. Authority.

§ 354-3. Purpose.

§ 354-4. Definitions.

§ 354-5. Procedure for revocation, suspension or modification.

§ 354-6. Severability.

ARTICLE III

Revocation of Municipal Licenses for Unpaid Municipal Taxes and Charges

§ 354-7. Authority.

§ 354-8. Purpose.

§ 354-9. Definitions.

§ 354-10. Procedure for revocation, suspension or denial.

§ 354-11. Payment agreements.

§ 354-12. Waiver.

§ 354-13. Exempt licenses.

§ 354-14. Severability.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Indemnification of Town

[Adopted as Ch. 4, § 4.020(G), of the 1982 General Bylaws]

§ 354-1. Condition of permit or license.

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 the Manager shall see fit for the safety of the general public.

ARTICLE II

Revocation of Municipal Licenses for Violations of Local or State Laws Related to Premises**[Adopted 2-13-2018]****§ 354-2. Authority.**

This bylaw is enacted pursuant to the authority of Article 89 of the Amendments to the Constitution of the Commonwealth, the East Longmeadow Home Rule Charter and any other applicable statutes.

§ 354-3. Purpose. [Amended 4-12-2022]

The purpose of this article is to provide a uniform and cost-effective method for ensuring a locally licensed business by the Town 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.

§ 354-4. Definitions.

In construing this bylaw the following words shall have the meanings indicated:

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.

LICENSING AUTHORITY — Any board, committee, commission, council, department or employee of the Town that issues any license.

§ 354-5. Procedure for revocation, suspension or modification. [Amended 4-12-2022]

- A. Any municipal department head that has determined that a premises to which a license has been issued is in violation or noncompliance with any law, bylaw, rule or regulation enforceable by the department head's 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 the department head's determination of the existence of the violation(s). The notice to the licensing authority shall include a request for the revocation, suspension or modification of said license. Until the licensing authority has held a hearing, as hereinafter set forth, it shall not transfer or modify said license, unless the department head files a written statement with the licensing authority that the premises have 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 licensee that is the subject of a 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 shall be mailed to the licensee by certified mail, and the department head shall be notified by hand-delivered letter from the Town Clerk, indicating the date and location of said hearing at least 14

days before the date of said hearing. The letter shall inform the licensee of the violation(s) to be considered, along with a copy of the department head's complaint, and shall state that the licensee has the right to present evidence as to the existence of the violations and why the license should not be suspended, modified or revoked.

- C. Said department head's detailed statement of the existing violations filed with the original complaint shall be prima facie evidence of the violation and shall be sufficient reason, unless rebutted, for the revocation, modification or suspension of the license.
- 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 or suspension.
- E. Any license modified, revoked or suspended under this bylaw shall not be reissued or renewed until the licensing authority receives a certificate issued by the department head that the party has brought the licensed premises into compliance with the applicable law, bylaw, rule or regulation as of the date of the certificate.
- F. A party shall be given an opportunity to enter into a compliance agreement, thereby allowing the licensing authority to issue certificate setting forth any limitations to the license, and the validity of said license shall be conditioned upon satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for suspension, modification or revocation of said license; provided, however, the party in breach is given a hearing as set forth in Subsection B above.

§ 354-6. Severability.

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

ARTICLE III

Revocation of Municipal Licenses for Unpaid Municipal Taxes and Charges [Adopted 2-13-2018]

§ 354-7. Authority.

This bylaw is enacted pursuant to the authority of Article 89 of the Amendments to the Constitution of the Commonwealth, the East Longmeadow Home Rule Charter, MGL c. 40, § 57 and any other applicable statutes.

§ 354-8. Purpose. [Amended 4-12-2022]

The purpose of this article is to provide a uniform and cost-effective method for the collection of municipal taxes, fees, assessments, betterments or any other municipal charges or obligations of whatever nature for persons or entities holding licenses issued by a licensing authority or permit granting authority that are not paid when due.

§ 354-9. Definitions.

In construing this bylaw the following words shall have the meanings indicated:

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 MGL c. 40, § 57(d).

LICENSING AUTHORITY — Any board, committee, commission, council, department or employee of the Town that issues any license.

TAXES — Any municipal taxes, fees and charges of whatever nature owed to the Town.

§ 354-10. Procedure for revocation, suspension or denial. [Amended 4-12-2022]

- A. The Collector/Treasurer 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, of any party whose name appears on said list or with respect to any activity, event or other matter which is the subject of such license and which activity, event or other matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by a party whose name appears on said list; provided that written notice is given to the party and the Collector/Treasurer that a hearing will be held by the licensing authority and the notice of said hearing is mailed to the party indicating the date and location; provided that said hearing shall be held more than 14 days after the date of said notice.
- C. Said Collector/Treasurer's list shall be prima facie evidence for denial, revocation or suspension of a license to a party. The Collector/Treasurer shall have the right to intervene in any hearing conducted with respect to a license denial, revocation, suspension or modification.
- D. Any finding made by the licensing authority with respect to a license denial, revocation, modification or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for an appeal from such denial, revocation or suspension.
- E. Any license denied, revoked or suspended under this bylaw shall not be reissued or renewed until the licensing authority receives a certificate issued by the Collector/Treasurer that the party has paid all outstanding obligations to the Town or that an acceptable agreement has been reached providing for the payment of all outstanding taxes as of the date of the certificate.

§ 354-11. Payment agreements. [Amended 4-12-2022]

A party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue certificate setting forth any limitations to the license, and the validity of said license shall be conditioned upon satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for suspension or revocation of said license; provided, however, the party in breach is given a hearing as set forth in § 354-10B above.

§ 354-12. Waiver. [Amended 4-12-2022]

The licensing authority may waive a denial, revocation or suspension if, at said hearing, it finds there is no business interest, direct or indirect, between the party and the person, corporation or business entity, including its officers or shareholders, if any, or member of such person's immediate family, as defined in MGL c. 268A, § 1, owning the property containing the licensed premises. If a determination is made that there is such a relationship, the licensing authority may order any payments that are due, or that may become due, from the party to the property owner for the lease, rental, use or occupancy of the licensed premises to be paid to the Collector/Treasurer until any monies owed to the Town are paid in full; provided that the property owner is given notice of the hearing to consider such action in conformity with § 354-10B above and has the opportunity to object to the entry of such order, before any such finding and order becomes effective.

§ 354-13. Exempt licenses.

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

§ 354-14. Severability.

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

Chapter 359

MARIJUANA: PUBLIC USE AND CONSUMPTION

§ 359-1. Restrictions on public use and consumption. § 359-2. Violations and penalties.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

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

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

§ 359-2. Violations and penalties.

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

Chapter 360

MARIJUANA: PROHIBITED USES AND FACILITIES

§ 360-1. Prohibited facilities.

§ 360-2. Definitions.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

§ 360-1. Prohibited facilities.

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

§ 360-2. Definitions.

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

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

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

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

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

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

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

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

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

Chapter 363

NOISE

§ 363-1. General prohibition.

§ 363-2. Specific prohibitions.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 8, § 8.090, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 363-1. General prohibition.

Except as otherwise provided herein, the creation of any unreasonably loud, disturbing and unnecessary noise in the Town is prohibited.

§ 363-2. Specific prohibitions.

The following acts, among others, are declared to be unreasonably loud, disturbing and unnecessary noises in violation of this bylaw, but said examples shall not be deemed to be exclusive:

- A. 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 unmuffled vehicles, and the sounding of such device for an unnecessary and unreasonable period of time.
- B. Musical instruments, musical devices and sound-reproducing equipment. The using or operation of any musical instrument, musical devices and sound-reproducing equipment in such a manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of any person in any dwelling or other type of residence. **[Amended 4-12-2022]**
- C. 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.
- D. Power equipment. The operation of bulldozers, excavators, rollers or other similar heavy equipment other than between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday, is prohibited. No such equipment shall be operated on Sundays. Emergencies involving the health and welfare of the citizens are exempted from the conditions of this subsection. **[Amended 4-12-2022]**

Chapter 371

PARKS AND RECREATION AREAS

§ 371-1. Hours of operation.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 8, § 8.050, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 371-1. Hours of operation.

The Town Manager or designee, in collaboration with the Superintendent of Public Works, shall determine the official hours of parks and recreation areas within the Town.

Chapter 373

PETROLEUM PRODUCTS

§ 373-1. License to store inflammables. § 373-2. Emergency equipment.

[HISTORY: Adopted by the Town of East Longmeadow as Ch. 4, § 4.020(H) and (I), of the 1982 General Bylaws. Amendments noted where applicable.]

§ 373-1. License to store inflammables. [Amended 4-12-2022]

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

§ 373-2. Emergency equipment.

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 \$100, and each day shall constitute a separate violation.

Chapter 376

PROPERTY MAINTENANCE

§ 376-1. Vegetation or material interfering with vehicular traffic.

§ 376-2. Nuisance vegetation.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 8, § 8.030, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 376-1. Vegetation or material interfering with vehicular traffic.

No person shall erect or maintain upon said person's property a fence, trees, shrubs, bushes, objects, structures or material which interferes unreasonably with the view of travelers upon an abutting way or public way, and any order from the Town Manager or designee for the partial or total removal of the items mentioned in this section shall be complied with forthwith.

§ 376-2. Nuisance vegetation.

- A. 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 agent of the Board of Health, to the health, safety or appearance of the neighborhood where the property is located.
- B. If an agent of the Board of Health notifies the owner of the existence of a nuisance and said owner fails to correct the situation within 10 days of the date of said notice, the owner is subject to fines as specified in MGL c. 111, § 122. Each day of noncompliance after the 10th day constitutes a separate violation. Unpaid fines shall be assessed against the property and should be a municipal charges lien under Chapter 330, Article I, of these bylaws and enforced as set forth therein. The Town may also correct the nuisance through its employees or an independent contractor.
- C. The cost of correction plus an administrative fee of \$200 shall be assessed against the property.

Chapter 379

PUBLIC ENTERTAINMENT

§ 379-1. Definition.

§ 379-4. Action on license.

§ 379-2. License required.

§ 379-5. License fee.

§ 379-3. Application for license.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 6, § 6.040, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 379-1. Definition.

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

§ 379-2. License required.

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

§ 379-3. Application for license.

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

§ 379-4. Action on license.

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

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

§ 379-5. License fee.

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

Chapter 388

SECONDHAND AND JUNK DEALERS

§ 388-1. License required.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 6, § 6.020, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 388-1. License required. [Amended 4-12-2022]

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

Chapter 393

SOLICITORS

§ 393-1. Permit required.

§ 393-2. Violations and penalties.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 6, § 6.030, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 393-1. Permit required.

- 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 written permission to do so from the Police Chief or designee.
- B. Every such written permit shall state the following:
 - (1) Name of the organization.
 - (2) Name and address of person in charge of the solicitation.
 - (3) Number of persons involved in soliciting.
 - (4) Exact dates and hours for solicitation.
 - (5) That no soliciting is permitted after dark.

§ 393-2. Violations and penalties. [Amended 4-12-2022]

Failure to register properly with the Police Chief or designee will result in a fine of not more than \$50.

Chapter 395
SOLID WASTE

§ 395-1. Mandatory recycling.

§ 395-2. Dumping and disposal of refuse.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.030(C), of the 1982 General Bylaws. Amendments noted where applicable.]

§ 395-1. Mandatory recycling.

- A. 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 as described in 310 CMR 19.017. **[Amended 4-12-2022]**
- B. If no separation takes place, waste material shall not be accepted for collection at the disposal location.
- C. Any person who violates the provisions of this section shall be fined in accordance with the provisions of Chapter 1, Article I, § 1-2, of these bylaws.

§ 395-2. Dumping and disposal of refuse.

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.

Chapter 402

STORMWATER MANAGEMENT

- | | |
|--|---|
| § 402-1. Definitions. | § 402-8. Illicit discharges and connections prohibited. |
| § 402-2. Purpose. | § 402-9. Notification of spills. |
| § 402-3. Authority. | § 402-10. Enforcement; violations and penalties. |
| § 402-4. Applicability; exemptions; waivers. | § 402-11. Transitional provisions. |
| § 402-5. Permit requirements. | § 402-12. Stormwater Enterprise Fund. |
| § 402-6. Performance bond. | |
| § 402-7. Certificate of completion. | |

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 8, § 8.070, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 402-1. Definitions.

The following definitions describe the meanings 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 interferes with the enjoyment of life or property, including outdoor recreation.

BEST MANAGEMENT PRACTICES (BMPs) — Structural or biological devices that temporarily store or treat stormwater runoff to reduce flooding, remove pollutants and provide other amenities. They can also be nonstructural practices that reduce pollutants at their source. Examples of BMPs are described in the Massachusetts Department of Environmental Protection's (MassDEP) stormwater design manual: Stormwater Handbook, Volume 2: Chapter 2: Structural BMP Specifications for the Massachusetts Stormwater Handbook (February 2008, MassDEP, as updated or amended). **[Amended 4-12-2022]**

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 CONNECTION — Surface or subsurface drain or conveyance which allows an illicit discharge into an MS4. Illicit connections include conveyances which allow a

nonstormwater 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.

ILLCIT DISCHARGE — Direct or indirect nonstormwater discharge to an MS4, except as specifically exempted in illicit stormwater § 402-8C(4). 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.

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 a 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.

NONSTORMWATER 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 water 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: construction site wastes such as demolition debris, litter and sanitary wastes, dredged spoil, solid waste, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, hot fluids, wrecked or discarded equipment, rock, sand, and industrial, municipal, agricultural and residential waste discharged into water. **[Amended 4-12-2022]**

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.

TOWN MANAGER OR DESIGNEE — The permitting and enforcement agency.

UNCONTAMINATED GROUNDWATER — Groundwater containing no pollutants.

UNCONTAMINATED WATER — Water containing no pollutants.

WASTEWATER — Sanitary waste or sludge and water used during manufacturing, cleaning or processing of materials that enters the MS4 or waters of the commonwealth.

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.

§ 402-2. Purpose.

The purpose of this bylaw 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.

§ 402-3. Authority.

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

§ 402-4. Applicability; exemptions; waivers.

- A. **Applicability.** This bylaw shall apply to activities that result in disturbance of one 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 designee and the 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 designee, no person shall perform an activity that results in disturbance of one 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 Resources Conservation Service;

- (3) Logging which is in compliance with a timber management plan approved under the Forest Cutting Practices Act by the Massachusetts Department of Conservation and Recreation;
 - (4) Activities that disturb less than one acre (43,560 square feet) of land; [**Amended 4-12-2022**]
 - (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 designee.
- C. Waivers. The Department of Public Works Superintendent or designee may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder upon written findings of fact setting forth the basis for the waiver by the Department of Public Works Superintendent.

§ 402-5. 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 designee.
- B. Permit fees. The stormwater management permit fee shall be based on the amount of land to be disturbed at the site, and the fee structure shall be established by the Department of Public Works Superintendent by regulation and approval by the Town Council. If, in the judgment of the Department of Public Works Superintendent or 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 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 designee and paid out of said deposit. The Town will reimburse the applicant for any credits remaining after a consultant has been paid, within 30 days of said payment. In the event the deposit is insufficient to cover consultant services, the outstanding balance is to be paid by the applicant within 30 days of receipt of an invoice for the outstanding balance. [**Amended 4-12-2022**]
- 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 and the development and redevelopment requirements of the EPA General Permits for Stormwater Discharges from Small MS4s in Massachusetts. [**Amended 4-12-2022**]

§ 402-6. Performance bond. [Amended 4-12-2022]

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 designee. The bond shall not be fully released without submission to the Department of Public Works Superintendent or designee of acceptable "as-built" plans within two years of completion of work and certification of completion that the stormwater management facilities are in compliance with the permit and plans approved thereunder.

§ 402-7. Certificate of completion.

The Department of Public Works Superintendent or 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.

§ 402-8. Illicit discharges and connections prohibited.

- A. Purpose. The purpose of this section 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:
- (1) Preventing pollutants from entering East Longmeadow's MS4;
 - (2) Prohibiting illicit connections and unauthorized discharges to the MS4;
 - (3) Requiring the removal of all such illicit connections;
 - (4) Establishing the legal authority to ensure compliance with the provision of this bylaw through inspection, monitoring and enforcement.
- B. Applicability. This section shall apply to flows entering the MS4.
- C. Prohibited activities.
- (1) Illicit discharges. No person shall dump, discharge, cause or allow to be discharged a pollutant or nonstormwater discharge into MS4s or into waters of the commonwealth.
 - (2) 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.

- (3) 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 designee.
- (4) Exemptions. This section shall not apply to the following nonstormwater discharges or flows, provided that the source is not a significant contributor of a pollutant to MS4s:
 - (a) Water line flushing;
 - (b) Flow from potable water sources;
 - (c) Springs;
 - (d) Natural flow from riparian habitats and wetlands;
 - (e) Diverted stream flow;
 - (f) Rising groundwater;
 - (g) Uncontaminated groundwater infiltrating (entering the MS4 from the ground through such means as defective pipes, pipe joints, connections or manholes), or uncontaminated pumped groundwater;
 - (h) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), uncontaminated groundwater from sump pumps, or air conditioning condensation; **[Amended 4-12-2022]**
 - (i) Discharge from landscape irrigation or lawn watering;
 - (j) Water from individual residential car washing;
 - (k) Discharge from dechlorinated swimming pool water (less than one ppm chlorine), provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
 - (l) Discharge from street sweeping;
 - (m) Discharge or flow resulting from ice and snow control operations;
 - (n) Dye testing, provided verbal notification is given to the Department of Public Works Superintendent or designee prior to the time of the test;
 - (o) Discharge or flow resulting from fire-fighting activities;
 - (p) Nonstormwater 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;
 - (q) Discharge for which advanced written approval is received from the Department of Public Works Superintendent or designee as necessary to protect public health, safety, welfare and the environment; and

- (r) 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.

§ 402-9. 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 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 designee within three 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 years.

§ 402-10. Enforcement; violations and penalties.

- A. 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 the officer, employee, person or entity 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 MGL c. 40, § 21D and Chapter 1, Art. II, of the East Longmeadow General Bylaws. The Department of Public Works Superintendent shall designate the person or persons responsible for enforcement.
- B. The penalty for each violation of this stormwater management portion of the bylaw and the rules and regulations adopted hereunder shall be \$200, and each day or part thereof shall constitute a separate violation.
- C. The Department of Public Works Superintendent, in addition to issuing said tickets, may enforce the provisions of this bylaw by injunctive relief if the Superintendent 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).
- D. 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.
- E. The prior provisions of this bylaw notwithstanding, the Department of Public Works Superintendent or 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 the Superintendent has a good-faith basis to believe an activity requiring a permit is being performed on the property without such a permit.

- F. 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.
- (1) Notice of the intent to suspend or terminate a person's connection to the MS4 or a permit shall be given in writing by certified mail to the owner of the property and the permit holder, if different, by delivering, to the owner at the address listed for taxation purposes in the Assessor's office, and the permit holder at the address listed in the application, a copy of the notice of hearing delivered at least 10 business days before said hearing date and shall, in addition, be mailed by first class mail, postage prepaid, at least 14 days before said hearing. **[Amended 4-12-2022]**
 - (2) The notice shall contain the:
 - (a) Name and address of the owner of the property;
 - (b) The name and address of the permit holder if different than the owner;
 - (c) The action contemplated;
 - (d) A statement of violations believed to exist; and
 - (e) A statement that the owner and permit holder may present evidence regarding alleged violations.
 - (3) If the Department of Public Works Superintendent or designee determines in writing that the public health, safety or welfare requires immediate action, the Superintendent 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 15 days from the date of the suspension or termination to appeal said action of the Department of Public Works Superintendent.

§ 402-11. 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 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.

§ 402-12. Stormwater Enterprise Fund. [Added 4-23-2019]

- 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. Division 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.
- D. Authority. This section 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 are granted to cities and towns in the General Laws.
- E. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

CREDIT — A reduction in the amount of a stormwater fee charged 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 nonresidential 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).

NONRESIDENTIAL 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 ASSOCIATION — 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 nonresidential 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 section by the Town of East Longmeadow for providing stormwater management.

- F. Fee established; billing frequency; deposit to enterprise fund account.
- (1) 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."
 - (2) The stormwater fee is imposed on each parcel of residential property and each parcel of nonresidential property, whether occupied or not, as referred to in Subsection G. 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.

- (3) 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.

G. Rates.

- (1) 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.
- (2) A user fee based on property type or land use code (LUC) shall be imposed with respect to each nonexempt/exempt property in the Town:
 - (a) Single-family homes (LUC 101).
 - (b) Two-family homes (LUC 104).
 - (c) Three-family homes (LUC 105).
 - (d) Two-family homes on single parcel (LUC 109).
 - (e) Residential condos (LUC 102).
 - (f) Four- to eight-unit apartments (LUC 111).
 - (g) Mixed-use parcels (LUC 013).
 - (h) Exempt parcels (LUC 900) currently are being charged for Town utilities.
 - (i) Mixed-use commercial/residential (LUC 031).
 - (j) Apartment >8 (LUC 112), congregate living facilities (LUC 125), Commercial and industrial with LUC 300s and 400s, commercial condos (LUC 343) and Fields at Chestnut (per building).

Agricultural land and vacant residential land will not be subjected to this fee.
- (3) 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.

H. Scope of responsibility for stormwater management systems and facilities.

- (1) 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.
 - (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.
 - (2) 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.
- I. 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 H, including without limitation the direct and indirect costs of the following:
- (1) 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;
 - (2) 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;
 - (3) Engineering and design, debt service and related financing expenses, construction of new facilities and enlargement or improvement of existing facilities;
 - (4) 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;
 - (5) Capital projects for stormwater management;
 - (6) Illicit discharge detection and elimination;
 - (7) Monitoring, surveillance and inspection of stormwater control devices;
 - (8) Water quality monitoring and water quality programs;
 - (9) Retrofitting developed areas for pollution control;
 - (10) Inspection and enforcement activities;
 - (11) Billing and related administrative tasks; and

- (12) Other activities which are determined to be reasonably necessary by the Superintendent of Public Works, including those related to regulatory compliance.

J. Liability for fee; exemptions.

- (1) 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 subsection 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.
- (2) 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.

- (1) 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.
- (2) 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.
- (3) 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 section.
- (4) 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 shall be fully completed in accordance with the procedures outlined in the Credit Policy.
- (5) 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 and abatements.

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) Abatements that are offered by the Town of East Longmeadow per MGL c. 59, § 5 may also be requested from the Department of Public Works.

M. Appeals; hearings.

- (1) 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.

- (2) 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 M(1) 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, he/she shall, in his/her 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 M(2) 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 section conflict with the terms specified there, the terms specified in the General Laws control.

Chapter 407

STREETS AND SIDEWALKS

ARTICLE I Prohibited Deposits; Loitering

- § 407-1. Prohibited deposits.
- § 407-2. Loitering.
- § 407-3. Violations and penalties.

ARTICLE II Removing Snow and Ice from Sidewalks

- § 407-4. Clearing sidewalks of ice and snow.
- § 407-5. Enforcement; violations and penalties.

ARTICLE III Dumping or Disposal of Snow and Ice from Outside Town

- § 407-6. Dumping of snow and ice containing salt or chemicals prohibited.

§ 407-7. Violations and penalties.

ARTICLE IV Obstructions and Excavations

- § 407-8. Placement of staging or materials prohibited.
- § 407-9. Permit required for obstructions and excavations; railings or barricades.

ARTICLE V Water Discharges

- § 407-10. Discharges prohibited.
- § 407-11. Abatement of violations.

ARTICLE VI Sales Near School Property

- § 407-12. Sale of food items.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Prohibited Deposits; Loitering

[Adopted as Ch. 8, § 8.010, of the 1982 General Bylaws; amended in its entirety 4-12-2022]

§ 407-1. Prohibited deposits.

No person shall 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.

§ 407-2. Loitering.

No person shall, in violation of MGL c. 272, § 59, or any amendments thereto, linger, continue to sit, stand or occupy any part of the public street, public place, public building or

any property not belonging to that person or under that person's control, so as to obstruct or impede the free passage of any other person, after being instructed or directed by a police officer to move on.

§ 407-3. Violations and penalties.

The penalty for any violation of the foregoing sections shall be a fine of \$100.

ARTICLE II

Removing Snow and Ice from Sidewalks

[Adopted as Ch. 8, § 8.040, of the 1982 General Bylaws]

§ 407-4. 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 designee under Town control, shall clear said walks of ice and snow within 24 hours after the snow ceases to fall. Should the sidewalks become covered with ice that cannot be readily removed, the abutters or residents shall be required to place sand or salt or other material thereon to render said walks safe for pedestrians.

§ 407-5. Enforcement; violations and penalties. [Added 4-12-2022]

- A. Police officers are authorized to issue citations of \$50 per day for violations of this bylaw.
- B. If sidewalks are not cleared within 72 hours, the Department of Public Works may clear the snow or ice and charge the owner for the costs of said removal.

ARTICLE III

Dumping or Disposal of Snow and Ice from Outside Town

[Adopted as Ch. 8, § 8.060, of the 1982 General Bylaws]

§ 407-6. Dumping of snow and ice containing salt or chemicals prohibited.

The dumping or disposal, from outside the Town, of snow or ice containing salt or other chemical substance is hereby prohibited.

§ 407-7. Violations and penalties. [Amended 4-12-2022]

Violators of this article shall be fined \$100 for each offense.

ARTICLE IV

Obstructions and Excavations**[Adopted as Ch. 4, § 4.020(E) and § 4.080(B) and (C), of the 1982 General Bylaws]****§ 407-8. Placement of staging or materials prohibited.**

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 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.

§ 407-9. Permit required for obstructions and excavations; railings or barricades. [Amended 4-12-2022]

- A. No person or persons, except employees of the Department of Public Works or their agents, shall break or dig up or obstruct any street or sidewalk or excavate within any public way without a permit from the Department of Public Works, which may require said person to furnish a bond if the Department of Public Works Superintendent so demands, to indemnify and save harmless the Town against all damages or costs by reason of any claims of damages or by reason of any process, civil or criminal, on account of the existence of such obstruction or excavation, and the Department of Public Works may impose such conditions, terms and limitations as it deems necessary. All work shall be in accordance with the Department of Public Works' specifications. The Department of Public Works shall notify the Police Department and the Fire Department of any such permit in a timely manner.
- B. Any person licensed or permitted to obstruct any street or break or dig the ground of the same shall put up and keep at all times a suitable railing or barricade around the parts of the sidewalk or street so obstructed or dug up, so long as the same shall be unsafe or inconvenient for traveling. The person so licensed or permitted shall also keep enough lighted warnings at or near the parts of the street so obstructed or dug up, from twilight through the whole night, as shall be sufficient to warn travelers.

ARTICLE V

Water Discharges**[Adopted as Ch. 4, § 4.080(D), of the 1982 General Bylaws]****§ 407-10. Discharges prohibited.**

No person shall permit water from the eaves or lead pipes of any building, owned or cared for by said person, to be discharged upon or run on the public sidewalk or shall suffer any building to shed water on, or make or permit any drain, sluice, gully or conduit upon said person's land to discharge water upon a sidewalk, tree belt or traveled way within a public way.

§ 407-11. Abatement of violations.

When said person is notified of violating this bylaw by the Department of Public Works, said person shall, within 10 days, abate said violation. If the violator fails to abate the situation within said time frame, 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 noncriminal disposition procedure authorized under Chapter 1, Article II, of these bylaws in addition to or in place of any criminal or civil actions.

ARTICLE VI

Sales Near School Property

[Adopted as Ch. 4, § 4.090(B), of the 1982 General Bylaws; amended in its entirety 4-12-2022]

§ 407-12. Sale of food items.

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

Chapter 416

VEHICLES AND TRAFFIC

§ 416-1. Parking ban.

§ 416-3. Off-street parking.

§ 416-2. Removal of vehicles from streets and ways.

§ 416-4. Fire lanes.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 7 of the 1982 General Bylaws. Amendments noted where applicable.]

§ 416-1. 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 designee has declared a parking ban.

§ 416-2. Removal of vehicles from streets and ways.

- A. The Department of Public Works Superintendent or designee, for the purpose of removing or plowing snow or removing ice from any street or way, may declare a severe weather emergency. [Amended 4-12-2022]
- B. When such emergency is declared by the Department of Public Works Superintendent or designee, the Police Department may be notified as to vehicles parked on streets and ways that hinder the removal of snow or ice. Vehicles ordered for removal shall be towed to a convenient storage facility according to a policy directed by the Police Chief. Vehicles removed under this section shall be subject to a fine of \$30 for each offense in addition to any reasonable costs of publishing or sending any notices. The Department of Public Works, Police Department or the Town of East Longmeadow shall not be responsible for any fees incurred for removal and storage of vehicles legally towed in violation of such declared emergency. [Amended 4-12-2022]
- 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. The Police Chief shall, within 48 hours, send the owner on record with the Massachusetts Registry of Motor Vehicles, by mail, in writing or other means, notice as to the location of the removed vehicle. [Amended 4-12-2022]
- D. If the owner of the removed vehicle is unknown, the Police Chief shall, within 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, the person shall:
- (1) Furnish evidence to the Police Department of the person's 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.¹

§ 416-3. Off-street parking.

Any person or persons proposing to construct off-street parking of more than 1,000 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 designee and obtain the Superintendent's approval prior to issuance of any building permit.

§ 416-4. Fire lanes. [Amended 4-12-2022]

- A. The Fire Chief or 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.
- B. The owner of record of any area designated as a fire lane shall provide and install signs that shall read "Fire Lane - No Parking - Loading or Unloading - Violators Can Be Subject To a Fine of \$100." The signs shall be 12 inches wide and 18 inches high. They shall be installed at a height of six feet six inches from ground level to the bottom of the sign. Location of the signs shall be approved by the Fire Chief or designee prior to installation.
- C. It shall be unlawful to obstruct or block any area designated as a fire lane with a vehicle or by any other means.
- D. The registered owner of any vehicle that obstructs, blocks or occupies any area designated as a fire lane shall be punished by a fine not to exceed \$100 for each offense.

1. Editor's Note: Original § 7.030 of the 1982 General Bylaws, Handicapped parking, which immediately followed this section, was repealed 4-12-2022.

Chapter 421

WATER

ARTICLE I Water Emergencies

§ 421-2. Violations and penalties.

§ 421-3. Applicability of state law.

§ 421-1. Authority to declare emergency.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Water Emergencies [Adopted as Ch. 4, § 4.080(E), of the 1982 General Bylaws]

§ 421-1. Authority to declare emergency. [Amended 4-12-2022]

The Town Manager or designee is authorized and empowered to declare a state of water emergency as may be necessary from time to time, in order to conserve water resources of the Town, and ban or restrict the use of water for certain uses.

§ 421-2. Violations and penalties. [Amended 4-12-2022]

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 of \$100 for each violation, and each day in which a violation occurs will be considered a separate violation.

§ 421-3. Applicability of state law.

This bylaw shall be subject to the provision of MGL c. 21G, and the regulations adopted thereunder.

Chapter 424

WETLANDS PROTECTION

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| § 424-1. Purpose. | § 424-8. Burden of proof. |
| § 424-2. Jurisdiction. | § 424-9. Definitions. |
| § 424-3. Exceptions. | § 424-10. Security. |
| § 424-4. Applications for permits and requests for determinations. | § 424-11. Enforcement; violations and penalties. |
| § 424-5. Notice and hearing. | § 424-12. Appeals. |
| § 424-6. Permits, determinations and conditions. | § 424-13. Relation to Wetlands Protection Act. |
| § 424-7. Preacquisition violations. | § 424-14. Severability. |

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 10, § 10.012, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 424-1. 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 stormwater 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").

§ 424-2. 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 100 feet of any bank, bordering freshwater wetland, flat, marsh, wet meadow, bog swamp, isolated wetland or temporary wetland, or upon or within 100 feet of any estuary, creek, river, stream, pond or lake, or upon or within 100 feet of any land under said waters or upon or within 100 feet of any bordering or isolated land subject to flooding, or within 100 feet of the 100-year flood line. The jurisdiction of the Commission over any temporary wetland and the 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.

§ 424-3. Exceptions.

- A. 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 and 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.
- B. This bylaw shall not apply to any emergency project as defined in the Wetlands Protection Act, MGL c. 131, § 40 (hereinafter "the Wetlands Protection Act") and the regulations pursuant thereto or to any mosquito control project authorized by any laws of the commonwealth.
- C. 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.

§ 424-4. Applications for permits and requests for determinations.

- A. 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.
- B. The Commission may accept as the application and plans under this bylaw the notice of intent and plans filed under the Wetlands Protection Act.
- C. 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.

§ 424-5. Notice and hearing.

- A. 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.
- B. The Commission shall hold a public hearing on a notice of intent within 21 days of its receipt. The East Longmeadow Conservation Commission may request an extension of

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 Commissioner and the Board of Health. The Commission shall provide written notice of the hearing, at the expense of the applicant, five working days prior to the hearing in a newspaper of general circulation in the community.

- C. 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 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.
- D. The Commission shall issue its decision in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.
- E. The Commission may combine its hearing under this bylaw with a hearing conducted under the Wetlands Protection Act.
- F. 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 Subsection B.
- G. 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.

§ 424-6. Permits, determinations and conditions.

- A. 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 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.
- B. 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 21 days after the public hearing.
- C. Failure by the Commission to take any action within 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 for determination, the area is not subject to this bylaw or, in the case of an application, the activities which are the 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 Wetlands Protection Act.

- D. 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 interests 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.
- E. A permit shall expire three 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-year period.
- F. 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 § 424-5, and public hearing, for two or more violations of a notice of intent and order of conditions.
- G. 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.
- H. 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 is 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.

§ 424-7. Preacquisition violations.

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 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.

§ 424-8. Burden of proof. [Amended 4-12-2022]

In general, the applicant shall have the burden of proving by a preponderance of credible evidence that the work proposed in the application will not harm the interests protected by this bylaw. As to activities which may impact isolated wetlands and temporary wetlands which are not also subject to the Commission's jurisdiction under the Wetlands Protection Act, the Commission shall not require that the applicant prove that the proposed alteration will not have cumulative effect on the interests protected by this bylaw, but shall require only that the applicant demonstrate that the proposed activity will not have a significant effect on the interests protected by this bylaw.

§ 424-9. Definitions.

A. The following definitions shall apply in the interpretation and implementation of this bylaw:

ALTER — Includes, without limitation, the following actions when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- (1) Removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind;
- (2) Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns of surface and subsurface water or flood retention characteristics;
- (3) Drainage or other disturbance of water level of water table;
- (4) Dumping, discharging or filling with any material or in any manner which may degrade water quality or interfere with any of the interests protected by this bylaw;
- (5) Driving of piles, erection of buildings or structures of any kind;
- (6) Placing of obstructions, whether or not they interfere with the flow of water;
- (7) Destruction of plant life, including cutting of trees;
- (8) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

APPLICANT — Person giving notice of intention to build, remove, fill, dredge or alter or making a request for determination.

BANKS; BORDERING FRESHWATER WETLAND; FLAT; MARSH; WET MEADOW; BOG; SWAMP; ESTUARY; CREEK; RIVER; POND; LAKE; AND BORDERING AND ISOLATED LAND SUBJECT TO FLOODING — Unless otherwise defined in this bylaw, shall have the same meaning as in the Wetlands Protection Act and the regulations thereunder.

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.

ISOLATED WETLANDS — Areas of wetland vegetation (as defined in the definition of "banks, bordering freshwater wetland, flat, marsh, wet meadow, bog, swamp, estuary, creek, river, pond, lake and bordering and isolated land subject to flooding") which are subject to flooding and consist of isolated depressions or closed basins which serve as a ponding area for run off or high groundwater and which remain wet on a year-round basis except for extended dry periods. Such areas must be at least 400 square feet in area and may include kettle holes and bogs.

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.

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.

TEMPORARY WETLANDS — Those areas of at least 400 square feet in areas which are periodically flooded on a purely seasonal basis by high groundwater 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.

- B. Other definitions. The Commission may adopt additional definitions not inconsistent with § 424-9 in its regulations promulgated pursuant to § 424-8 of this bylaw.

§ 424-10. Security.

- A. 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.
- B. 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.

§ 424-11. Enforcement; violations and penalties.

- A. 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.
- B. 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 \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense. **[Amended 4-12-2022]**
- C. If the Town of East Longmeadow has adopted a comprehensive "ticketing" program based on MGL c. 40, § 21D, the Commission shall adopt such program through its regulations. If such a program has not been adopted, the Commission may thereafter elect to enforce this bylaw pursuant to MGL c. 40, § 21D, and the Chair of the Commission or the Town Conservation Enforcement Officer, if one has been appointed, may enforce this bylaw under the provision of that section. **[Amended 4-12-2022]**
- D. 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.

§ 424-12. Appeals.

A decision of the Commission may be appealed by any person aggrieved thereby in the following manner:

- A. Such person may, within 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 Chair 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 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 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
- B. The decision shall be reviewable in the Superior Court in an action filed within 60 days thereof in accordance with MGL c. 249, § 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.

§ 424-13. 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.

§ 424-14. Severability.

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.