

TOWN OF LONGMEADOW BY-LAWS

1985 GENERAL REVISION

as Amended through May 9, 2000 Annual Town Meeting

**TABLE OF CONTENTS
AND
HISTORICAL NOTES**

ARTICLE ONE GENERAL PROVISIONS 1

Chapter 100. Title, Authority, Amendments 1

1-101. Title 1

1-102. Citation Form 1

1-103. Authority 1

1-104. Amendment 1

1-105. Penalties -- *Approved at Annual Town Meeting 5/8/90; approved by Attorney General 6/25/90; Amended at Annual Town Meeting 5/12/98; Amendment approved by Attorney General 8/7/98* 1

Chapter 200. Definitions 1

1-201. Street 1

1-202. Owner 1

1-203. Occupant 1

1-204. Person 1

1-205. Department 2

1-206. Head of Department 2

1-207. Officer 2

1-208. Commonwealth 2

1-209. Vote of the Town 2

Chapter 300. Rules for Interpretation 2

1-301. Singular and Plural 2

1-302. Gender 2

1-303. Construction 2

Chapter 400. Provisions of General Applicability 2

1-401. Powers 2

1-402. Deputy 2

1-403. Acting Officer 2

1-404. Relation to Massachusetts General Laws 2

Chapter 500. Non-Criminal Sanctions -- *Replaced at Annual Town Meeting 5/10/94; approved by Attorney General 8/22/94* 2

1-501. Violations Covered 3

1-502. Amount of Penalty 3

1-503. Enforcement Procedure 3

Chapter 600. Savings Provisions 3

1-601. Savings Clause 3

ARTICLE TWO TOWN GOVERNMENT 4

Chapter 100. Provisions Applicable to Article Two 4

2-101. Compensation Limitation 4

2-102. Annual Reports 4

Chapter 200. Board of Selectmen	4
2-201. Executive Authority	4
2-202. Member 4	
2-203. Term of Office	4
2-204. Vacancy 4	
2-205. Office Limitation	4
2-206. Organizational Meeting	4
2-207. Town Administrator -- <i>Amended at Annual Town Meeting 5/8/90; approved by Attorney General 6/25/90; Amended at Annual Town Meeting 5/12/98; Amendment approved by Attorney General 8/7/98</i>	4
2-208. Annual Report	4
2-209. Annual Town Report	4
2-210. Administration of Personnel - Enacted Annual Town Meeting 5/9/00 (Attorney General Approval Not Required)	5
Chapter 300. Town Management	5
2-301. Appropriation Required	5
2-302. Diversion Prohibited	5
2-303. Procurement Contract -- <i>Deleted at Special Town Meeting 10/28/97; Deletion approved by Attorney General 4/28/98</i>	5
2-304. Procurement Advertisement -- <i>Deleted at Special Town Meeting 10/28/97; Deletion approved by Attorney General 4/28/98</i> ...	6
2-305. Surplus Personal Property -- <i>Amended at Special Town Meeting 10/28/97; Amendment approved by Attorney General 4/28/98</i>	6
2-306. Town Records	6
2-307. Litigation of Claims	6
2-308. Compromise of Claims	6
2-309. Town Counsel	6
2-310. Special or Associate Counsel	6
2-311. Duties of the Town Counsel	6
2-312. Town Prosecutor -- <i>Deleted at Special Town Meeting 10/28/97; Deletion approved by Attorney General 4/28/98</i>	7
2-313. Town Clerk	7
2-314. Town Treasurer - <i>Amended at Annual Town Meeting 5/11/99; Amendment approved by Attorney General 8/30/99</i>	7
2-315. Security Plan	7
2-316. Security Information	7
2-317. Annual Audit -- <i>Amended at Special Town Meeting 10/28/97; Amendment approved by Attorney General 4/28/98</i>	8
2-318. Accountant -- <i>Amended at Special Town Meeting 10/28/97; Amendment approved by Attorney General 4/28/98</i>	8
2-319. Balance Requests - <i>Amended at Annual Town Meeting 5/11/99; Amendment approved by Attorney General 8/30/99</i>	8
2-320. Licenses & Permits; Unpaid Fees -- <i>Amended at Annual Town Meeting 5/12/92; approved by Attorney General 6/30/92</i>	8
Chapter 400. Property Records and Assessment	9
2-401. Board of Assessors	9
2-402. Collector of Taxes	9
2-403. Delinquent Accounts	9
Chapter 500. Public Health and Safety	9
2-501. Board of Health	9
2-502. Board of Health Records - <i>Amended at Annual Town Meeting 5/11/99; Amendment approved by Attorney General 8/30/99</i> ...	9
2-503. Water Supplies - <i>Amended at Annual Town Meeting 5/11/99; Amendment approved by Attorney General 8/30/99</i>	9
2-504. Wells - <i>Amended at Annual Town Meeting 5/9/00; Amendment Approved by Attorney General 8/17/00</i>	9
2-505. Well Water - <i>Amended at Annual Town Meeting 5/9/00; Amendment Approved by Attorney General 8/17/00</i>	10
2-506. Sewers and Drains	10

2-507.	Fire Chief	10
2-508.	Fire Department	10
2-509.	Forest Fire Warden	10
2-510.	Chief of Police	10
2-511.	Police Department Records	10
2-512.	Constables	10
2-513.	Sealer of Weights and Measures -- <i>Renumbered at Annual Town Meeting 5/12/98</i>	11
	<i>(Note: Former Section 2-513 Milk Inspector deleted at Annual Town Meeting 5/12/98; Deletion approved by Attorney General 8/7/98)</i>	
Chapter 600. Public Works and Services		11
2-601.	Water and Sewer Commissioners	11
2-602.	Right of Passage	11
2-603.	Superintendent	11
2-604.	Administration	11
2-605.	Rules and Regulations	11
2-606.	Limitation on Use	11
2-607.	Building Code	11
2-608.	Water Service	11
2-609.	Water Meter Fee	11
2-610.	Water Statements	12
2-611.	Interim Statement	12
2-612.	Clerk of Commissioners - Amended at Annual Town Meeting 5/9/00; Amendment	12
	<i>Approved by Attorney General 8/17/00</i>	
2-613.	Water Records	12
2-614.	Abatement	12
2-615.	Non-Payment	12
2-616.	Violation of Water Regulations	12
2-617.	Water Report	12
2-618.	Superintendent of Streets	13
2-619.	Tree Warden	13
2-620.	Harming Trees	13
2-621.	Park Commissioners	13
2-622.	Park Recommendations	13
2-623.	Ambulance Fee -- <i>Amended at Annual Town Meeting 5/12/98; Amendment</i>	13
	<i>approved by Attorney General 8/7/98</i>	
2-624.	Recycling Commission	13
2-625.	Term of Office: Recycling Commission	13
2-626.	Recycling Plan	13
2-627.	Mandatory Separation of Recycling Materials -- <i>Approved at Annual Town</i>	13
	<i>Meeting 5/11/93; approved by Attorney General 7/8/93</i>	
Chapter 700. Conservation Commission		14
2-701.	Wetlands Control -- <i>Approved at Annual Town Meeting 5/13/85; approved by</i>	14
	<i>Attorney General 8/7/85</i>	
Chapter 800. Advisory and Policy Agencies		17
2-801.	Planning Board	17
2-802.	Council on Aging	17
2-803.	Personnel Policy Board	17
2-804.	Cultural Council -- <i>Amended to replace original Section 2-804 at Annual</i>	17
	<i>Town Meeting 5/13/97; approved by Attorney General 9/4/97</i>	
2-805.	Conservation Commission: Resource Development	18
2-806.	Longmeadow Historic District Commission	19
2-807.	Housing Authority	20
Chapter 900. School Committee		20
2-901.	School Records	20
2-902.	School Recommendations	20

ARTICLE THREE	<u>TOWN PROCEDURES</u>	21
Chapter 100.	Provisions Applicable to Article Three	21
3-101.	Presiding Officer	21
3-102.	Clerk	21
3-103.	Records	21
3-104.	Town Meeting Action	21
3-105.	Town Meeting Record	21
Chapter 200.	Town Elections	21
3-201.	Annual Election - <i>Amended at Annual Town Meeting 5/11/99; Amendment approved by Attorney General 8/30/99</i>	21
3-202.	Voting Hours	21
3-203.	Elective Officers	21
3-204.	Term of Office	22
3-205.	Election to a New Term - <i>Amended at Annual Town Meeting 5/11/99; Amendment approved by Attorney General 8/30/99</i>	22
3-206.	Vacancy	22
Chapter 300.	Town Meeting	22
3-301.	Annual Town Meeting	22
3-302.	Notice of Business	22
3-303.	Warrant	22
3-304.	Issuance of Warrant	22
3-305.	Citizen Article for Warrant	22
3-306.	Special Meeting	22
3-307.	Unlawful Meeting	22
3-308.	Admission to Meeting	23
3-309.	Attendance by Non-Voters	23
3-310.	Audio and Video Equipment	23
3-311.	No Smoking	23
3-312.	Opening Prayer	23
3-313.	Parliamentary Procedure	23
3-314.	Order and Decorum	23
3-315.	Points of Order	23
3-316.	Order of Motions	23
3-317.	Precedence of Motions	23
3-318.	Motion to Cut Off Debate	24
3-319.	Limits on Speech	24
3-320.	Written Motion	24
3-321.	Speaker Identification	24
3-322.	Use of Names	24
3-323.	Debate Questions	24
3-324.	Vote on Reconsideration	24
3-325.	Counting Votes -- <i>Amended at Annual Town Meeting 5/12/98; Amendment approved by Attorney General 8/7/98</i>	24
3-326.	Order of Articles	24
3-327.	Quorum	25
3-328.	Adjournment Without Day	25
3-329.	Adjournment With a Time Certain	25
3-330.	Town Meeting Committees	25
3-331.	Citizen Article in Warrant	25
Chapter 400.	Budgets and Appropriations	25
3-401.	Appropriations Committee	25
3-402.	Term of Office	25
3-403.	Committee Function	25
3-404.	Budget Preparation	25

ARTICLE FOUR CONDUCT AFFECTING PUBLIC FACILITIES 27

Chapter 100. Provisions Applicable to Article Four 27

Chapter 200. Streets 27

4-201. Numbering of Buildings 27
4-202. Street Excavation 27
4-203. Obstruction of Street 27
4-204. Safety Precautions 27
4-205. Additional Requirements 27
4-206. Indemnification of Town 28
4-207. Materials on Public Way 28
4-208. Upsetting Containers 28
4-209. Puncture or Cutting Materials 28
4-210. Explosive Devices 28
4-211. Games 28
4-212. Flying Objects 28
4-213. Human Obstruction -- Deleted by Attorney General, 8/7/85 28
4-214. Burning in the Streets 28
4-215. Hitchhiking Prohibited 28
4-216. Overnight Parking 29
4-217. Commercial Parking 29

Chapter 300. Sidewalks and Tree Belts 29

4-301. Tree Belt -- Approved at Annual Town Meeting 5/14/85; approved by Attorney General 8/7/85 29
4-302. Sidewalk Definition 29
4-303. Materials on Sidewalks 29
4-304. Upsetting Containers 29
4-305. Congregation of Persons -- Deleted by Attorney General, 8/7/85 29
4-306. Obstruction 29
4-307. Temporary Walk 30
4-308. Safety Precautions -- Amended at Special Town Meeting 10/28/97; Amendment approved by Attorney General 4/28/98 30
4-309. Access Way 30
4-310. Snow Removal -- Amended at Annual Town Meeting 5/10/94; approved by Attorney General 8/22/94 30
4-311. Falling Snow or Ice 30
4-312. Flowing Water 30
4-313. Shrubbery 30
4-314. Shrubbery at Intersections 30

Chapter 400. Parks and Common Land 31

4-401. Protection of Trees 31
4-402. Climbing Prohibited 31
4-403. Town Dump 31

Chapter 500. Public Facilities 31

4-501. Fire Hydrants 31

ARTICLE FIVE CONDUCT AFFECTING HEALTH AND SAFETY 32

Chapter 100. Provisions Applicable to Article Five 32

Chapter 200. Motor Vehicles 32

5-201. Fire Lane -- Amended (Section b) at Annual Town Meeting 5/14/85; approved by Attorney General 8/7/85 32
5-202. Handicap Parking 32
5-203. Temporary Permit 32

5-204.	Other Obstruction	32
5-205.	Hanging on Vehicle	33
5-206.	Grass Covered Area	33
5-207.	Towing: Snow Removal	33
5-208.	Vehicle Maintenance	33
5-209.	Street Storage	33
Chapter 300.	Animals	33
5-301.	Vicious Animals	33
5-302.	Public Property	33
5-303.	Tethering of Animals	34
5-304.	Frightening of Animals	34
5-305.	Unrestrained Animal	34
5-306.	Control of Dog - Public Facilities and Property	34
5-307.	Dog Control - Private Property	34
5-308.	Prima Facie Evidence	34
5-309.	Dog Exercise Areas	34
5-310.	Catching a Dog	34
5-311.	Confinement of Dog	34
5-312.	Reclaiming Dog	34
5-313.	Disposition of Dog	35
5-314.	Prosecution	35
5-315.	Dog Officer -- <i>Amended at Annual Town Meeting 5/12/92; approved by Attorney General 6/30/92</i>	35
5-316.	Equipment	35
5-317.	Dog as Nuisance	35
5-318.	Definition: Dog as Nuisance	35
5-319.	Dog License Penalty -- <i>Amended at Annual Town Meeting 5/11/93; approved by Attorney General 7/8/93</i> <i>Replaced Section approved at Special Town Meeting 9/26/85; approved by Attorney General 10/23/85</i>	35
5-320.	Dogs on Athletic Fields -- <i>Approved at Annual Town Meeting 5/11/93; approved by Attorney General 7/8/93</i>	35
5-320A.	Dogs on Park Athletic Fields -- <i>Approved at Annual Town Meeting 5/11/93; approved by Attorney General 7/8/93</i>	36
5-321.	Dog License Fees -- <i>Approved at Special Town Meeting 9/23/86; approved by Attorney General 10/22/86</i> <i>Amended for fee amount increase at Annual Town Meeting 5/13/97; approved by Attorney General 9/4/97</i> <i>This by-law was passed as 5-320; number has been changed to 5-321 to avoid duplication</i>	36
5-322.	Removal of Dog Waste -- <i>Approved at Annual Town Meeting 5/12/98; approved by Attorney General 8/7/98</i>	36
Chapter 400.	Recreational Equipment	36
5-401.	Coasting	36
5-402.	Motorized Recreational Vehicles	36
Chapter 500.	Land and Buildings	37
5-501.	Projection into a Public Way	37
5-502.	Excavation	37
5-503.	Swimming Pools - <i>Amended at Annual Town Meeting 5/9/00; Amendment Approved By Attorney General 8/17/00</i>	37
Chapter 600.	Civil Defense	37
5-601.	Department of Civil Defense	37
5-602.	Director of Civil Defense	37
5-603.	Civil Defense Advisory Council	37
5-604.	Police Aid to Other Cities and Towns in Event of Riots or Other Violence Therein	37

5-605.	Termination of By-Law	37
5-606.	Definition	37
Chapter 700.	Dangerous Materials	38
5-701.	Explosive or Inflammable Materials	38
5-702.	Land Storage	38
5-703.	Vehicle Storage	38
5-704.	Change of Fees	38

ARTICLE SIX CONDUCT AFFECTING THE COMMUNITY 39

Chapter 100. Provisions Applicable to Article Five 39

Chapter 200. Property Care and Maintenance 39

6-201.	False Burglar Alarm	39
6-202.	Fee Collection	39
6-203.	Fire Alarm Systems -- <i>Approved at Special Town Meeting 9/26/85; approved by Attorney General 10/23/85</i>	39

Chapter 300. Commercial Activities 39

6-301.	Junk Dealer License	39
6-302.	Licensing Authority	39
6-303.	Badge or Emblem	39
6-304.	Inspection	40
6-305.	Record of Transactions	40
6-306.	Exhibit of Signs	40
6-307.	Sidewalk Sales	40
6-308.	Booths or Carts	40
6-309.	Failure to Exhibit License	40
6-310.	Tag Sale - <i>Amended at Annual Town Meeting 5/11/99; Amendment approved by Attorney General 8/30/99</i>	40
6-311.	Licensing of Solicitors and Canvassers -- <i>Amended to replace original section 5/12/98; approved by Attorney General 8/7/98; (Replaced Section entitled <u>Solicitation of Money</u> -- Approved at Annual Town Meeting 5/13/86; approved by Attorney General 6/27/86)</i>	41
6-312.	Sale at School	44
6-313.	Recycling Program	44
6-314.	Billboards, Signs and Other Advertising Devices -- <i>Sections (e)-(g) approved at Annual Town Meeting 5/9/89; approved by Attorney General 8/1/89</i>	44
6-315.	Vending Machines -- <i>Approved at Annual Town Meeting 5/12/87; approved by Attorney General 8/17/87 (Section (b) disapproved by Attorney General 8/17/87)</i>	45
6-316.	Retail Sales -- <i>Approved at Special Town Meeting 9/25/90; approved by Attorney General 1/9/91</i> <i>This by-law was passed as Section 6-315; number has been changed to 6-316 to avoid duplication</i>	46

Chapter 400. Public Order and Decency 46

6-401.	Game, Exercise or Amusement	46
6-402.	Flying Objects	46
6-403.	Explosive or Dangerous Material	46
6-404.	Firearms -- <i>Amended at Annual Town Meeting 5/11/93; approved by Attorney General 7/8/93</i> <i>Replaced an amendment approved at Annual Town Meeting 5/14/91; approved by Attorney General 6/12/91</i>	46
6-405.	Advertising Circular	47
6-406.	Curfew -- <i>Deleted by Attorney General, 8/7/85</i>	47
6-407.	Unnecessary Noise	47
6-408.	Whistle or Siren	47
6-409.	Peeping Toms	47

6-410.	Indecent Exposure	47
6-411.	Alcohol - Minors	48
6-412.	Alcohol - Possession	48
6-413.	Alcohol - Consumption	48
6-414.	Alcohol - Exception	48
6-415.	Video Game Prohibition	48
6-416.	Permit for Procession or Gathering	48
Chapter 500. Injury to Property		49
6-501.	Obscene Inscription	49
6-502.	Defacement	49
6-503.	Posters and Circulars	49
6-504.	Lawns and Gardens	49

TOWN OF LONGMEADOW BY-LAWS

1985 GENERAL REVISION

as Amended through May 9, 2000 Annual Town Meeting

ARTICLE ONE

GENERAL PROVISIONS

Chapter 100

Title, Authority, Amendments

1-101. Title.

These By-Laws are the By-Laws of the Town of Longmeadow, Commonwealth of Massachusetts.

1-102. Citation Form.

In documents of the Town of Longmeadow, these By-Laws are cited in the following form: By-Laws 1-102; By-Laws 3-410; By-Laws 4-506; etc. In a writing that is not a document of the Town of Longmeadow, these By-Laws are cited in the following form: Longmeadow By-Laws 1-102; Longmeadow By-Laws 3-410; Longmeadow By-Laws 4-506; etc.

1-103. Authority.

These By-Laws are in effect by reason of their having been adopted by the Town Meeting of the Town of Longmeadow and approved by the Attorney General of the Commonwealth.

1-104. Amendment.

These By-Laws may be amended as authorized by the General Laws of the Commonwealth.

1-105. Penalties.

A penalty provided for the violation of these General Bylaws shall be for each violation. In the case of a continuing violation, each day in which the violation occurs shall be considered a separate violation..

Whoever violates any provision of these General Bylaws shall, unless otherwise provided in these General Bylaws, pay a fine of twenty-five dollars (\$25) on the first offense, and a fine of fifty dollars (\$50) on the second offense and subsequent offenses for each violation.

Chapter 200

Definitions

1-201. Street.

The word "street" includes a public way, highway, town way, alley, square, lane, court, crossroad, sidewalk, and a part of a public place that forms a traveled part of a highway or public way.

1-202. Owner.

As applied to a building or to land, the word "owner" includes a part-owner, joint owner, tenant in common, joint tenant, and tenant by the entirety of the whole or of a part of the building or the land.

1-203. Occupant.

As applied to a building or to land, the word "occupant" includes a person who occupies the whole or a part of a building or land, either alone or with others, regardless of whether the person occupies the building or the land as a tenant or as an occupant.

1-204. Person.

The word "person" includes a corporation, an unincorporated business entity, a partnership, and a joint venture.

1-205. Department.

The word "department" includes an officer, board, committee and commission.

1-206. Head of Department.

The term "head of department" means the person who has responsibility for supervision of the day-to-day activities of the department.

1-207. Officer.

The term "officer" includes a person who is elected at the annual town election and a person who is a head of a department.

1-208. Commonwealth.

The term "Commonwealth" means the Commonwealth of Massachusetts.

1-209. Vote of the Town.

The term "vote of the town" includes a vote on an issue that is taken at a meeting of the town at which a quorum is present and a vote of eligible voters in an election of an officer of the town.

Chapter 300

Rules for Interpretation

1-301. Singular and Plural.

A word in the singular includes the plural and a word in the plural includes the singular.

1-302. Gender.

A word in the masculine gender includes the feminine.

1-303. Construction.

Section 1-301 or Section 1-302 does not apply to a provision of these By-Laws if application of the section creates a meaning that is inconsistent with, or repugnant to, the context in which the need for interpretation exists.

Chapter 400

Provisions of General Applicability

1-401. Powers.

An officer of the Town has the powers that are given to the officer by these By-Laws and that are given to an officer of that kind by the General Laws of the Commonwealth.

1-402. Deputy.

If a power has been given to an officer of the Town, the officer has authority, with the consent of the Board of Selectmen, to designate a specific person to exercise the power as a deputy of the officer.

1-403. Acting Officer.

If a power has been given to an officer of the Town, and if that office is vacant, the person, if any, who has authority to act as that officer also has authority to exercise the power.

1-404. Relation to Massachusetts General Laws.

If a conflict exists between a provision in these By-Laws and a provision in the General Laws of the Commonwealth, the provision in the General Laws is the controlling provision.

Chapter 500

Noncriminal Disposition of Certain Violations

1-501. Violations Covered

The following violations shall be subject to the noncriminal disposition procedures described in this chapter:

- (a) Any violation of an order of the Longmeadow Board of Health relating to public health which is authorized by the general laws, any special law applicable to the Town of Longmeadow, the provisions of the state sanitary code or other state regulation, or any Longmeadow ordinance, by-law, rule or regulation;
- (b) Any violation of an order of the Longmeadow Building Commissioner relating to public safety which is authorized by the general laws, any special law applicable to the Town of Longmeadow, the provisions of the state building code or other state regulation, or any Longmeadow ordinance, by-law, rule or regulation;
- (c) Any violation of an order of the Chief or Fire Safety Officer of the Longmeadow Fire Department relating to public safety which is authorized by the general laws, any special law applicable to the Town of Longmeadow, the provision of the state fire prevention code or other state regulation, or any Longmeadow ordinance, by-law, rule or regulation; or;
- (d) Any violation of any other Longmeadow ordinance or by-law or any rule or regulation of any Longmeadow officer, board or department.

1-502. Amount of Penalty.

The penalties for the infractions set forth in section 1-501 above shall be as specifically set forth in the respective order, ordinance, by-law rule or regulations which is violated but, if no such penalty is provided, the penalty shall be as set forth in Article One, Chapter 100, Section 1-105 of these by-laws.

1-503. Enforcement Procedure.

The violations set forth in Section 1-501 above shall be disposed of in keeping with the "civil infractions" procedures set forth in Massachusetts General Laws, Chapter 90G.

Chapter 600

Savings Provisions

1-601. Savings Clause.

These By-Laws do not affect any act that has been done, any right that has accrued, any penalty that has been incurred, any suit, prosecution or proceeding that is pending, or the tenure of office of a person who holds office at the time that these By-Laws take effect.

(Reserved for Future Enactments)

Chapter 700 (1-701 et seq.)

Chapter 800 (1-801 et seq.)

Chapter 900 (1-901 et seq.)

ARTICLE TWO
TOWN GOVERNMENT

Chapter 100

Provisions Applicable to Article Two

2-101. Compensation Limitation.

A person who serves on a committee of the Town is not entitled to receive compensation for his services unless the compensation has been voted by the Town.

2-102. Annual Reports.

Each Town officer, board, committee and department shall prepare an annual report and submit that report in writing to the Board of Selectmen.

Chapter 200

Board of Selectmen

2-201. Executive Authority.

The Board of Selectmen exercises the executive authority of the Town of Longmeadow.

2-202. Member.

A person becomes a member of the Board of Selectmen by being elected at a town election.

2-203. Term of Office.

The term of office of a selectman is three (3) years, and until his successor has been elected and has qualified for the position.

2-204. Vacancy.

If a vacancy occurs in a position on the Board of Selectmen, the vacancy is filled according to Massachusetts General Laws, Chapter 41, Section 10.

2-205. Office Limitation.

A person who is a Selectman shall not hold any other office in the Town by appointment of the Board of Selectmen except as provided in these By-Laws.

2-206. Organizational Meeting.

Less than fifteen (15) days after the annual election of the Town, the persons who hold the position of Selectman shall meet and organize as the Board of Selectmen.

2-207. Town Administrator.

As soon as practicable after the organizational meeting of the Board of Selectmen, the Board of Selectmen shall appoint a Town Administrator to serve for a term of one (1) year. The Town Administrator shall serve under the direction of the Board of Selectmen, shall perform the duties that are assigned to the Town Administrator by the Board of Selectmen, and shall not perform any function that has not been approved for the Town Administrator by the Board of Selectmen. The Town Administrator receives for his services the compensation that is negotiated by the Board of Selectmen and appropriated by the Town.

2-208. Annual Report.

The Board of Selectmen shall prepare an annual report and shall include in that report:

- (a) A statement of the expenditures of the Board in as much detail as is practicable, and
- (b) A clear and concise account of the activities of the Board during the year.

2-209. Annual Town Report.

The Board of Selectmen shall compile and publish in one volume an annual town report. The Board of Selectmen shall include in the annual town report:

- (a) The annual report of each Town officer, board, committee and commission (except that the Board of Selectmen may omit from the printing of the annual report of an officer, board, committee or commission such financial data relating to the activities of that officer, board, committee or commission as is reflected in the report of the Town Treasurer);
- (b) A complete list of the elected Town officers, with their salaries or compensation, or both;
- (c) The organization of each board, committee or commission and the expiration of the term of office of each member;
- (d) A complete list of the appointees for the year, with their salaries or compensation, or both, including the salaries of the Superintendent of Schools, the Fire Chief and the Chief of Police (but otherwise the salaries or compensation of the school, fire and police department personnel shall be given in the aggregate);
- (e) A copy of the warrant for the next annual town meeting (except that the Board of Selectmen may choose to print the warrant for that meeting as a supplement that is not bound in the same volume with the annual town report);
- (f) The municipal jury list, as long as applicable;
- (g) A statement, in detail, of the votes cast by the Town at the last preceding town elections and at the town meetings that have occurred during the year; and
- (h) Such other matters as are determined by the Board of Selectmen or required by law.

2-210. Administration of Personnel.

- (a) The Board of Selectmen shall have the authority to establish and from time to time modify or delete personnel policies, procedures for regulating compliance by elected and appointed officials and boards with law regarding employment, wage and salary plans and the determination of wage and salary increases and reclassifications, and to generally provide that the Town's personnel matters are managed consistent with the law and commonly understood principles of human resource management.
- (b) In effectuating the administration of Town personnel policies, the Board of Selectmen may appoint such persons and delegate such authority to said appointees, or to the Personnel Policy Board, or to any other boards or committees, as it deems appropriate. The Board may reserve to itself such authority as it deems appropriate from time to time.
- (c) This program does not affect employees for whom the School Committee is the Employer, but otherwise affects and covers all exempt and non-exempt employees of the Town.

Chapter 300

Town Management

2-301. Appropriation Required.

A person shall not spend Town funds or incur liability on behalf of the Town if there has not been an appropriation that is sufficient to meet the expenditure or liability together with all prior unpaid liabilities that are payable from the appropriation.

2-302. Diversions Prohibited.

A person shall not spend Town funds for a purpose that is not within the purposes for which those funds were appropriated unless the proposed expenditure is approved by a vote of the Town.

2-303. Procurement Contract. Deleted at Special Town Meeting 10/28/97

2-304. Procurement Advertisement. Deleted at Special Town Meeting 10/28/87

2-305. Surplus Personal Property.

After receiving prior approval in writing from the Board of Selectmen, a Town officer, board, committee or commission has authority to dispose of excess or surplus personal property of the Town by sale, exchange, trade or donation. If disposal of surplus property produces a monetary asset of any kind, the agency that disposed of the property shall deliver the asset received from the property to the Town Treasurer. The Town Treasurer shall deposit the asset in an appropriate Town account. In all aspects the disposal of surplus property shall be in accordance with Massachusetts General Laws, Chapter 30 B.

2-306. Town Records.

- (a) A person who is a Town officer or a member of a board, committee or commission shall turn over to his successor in office all books, papers, documents, and other property in his custody that belong to the Town.
- (b) An officer, board, committee or commission shall turn over to the Town Clerk any book, paper or document that belongs to the Town and that is not necessary for current use by the officer, board, committee or commission.

2-307. Litigation of Claims.

The Board of Selectmen shall prosecute or defend any claim of or against the Town, except as otherwise required by statute.

2-308. Compromise of Claim.

The Board of Selectmen has authority to compromise and settle a claim against the Town if the cost of the settlement to the Town does not exceed Five Thousand (\$5,000) Dollars.

2-309. Town Counsel.

The Board of Selectmen shall, annually, within a reasonable time after the organization of the Board of Selectmen following the annual election, appoint some member of the Bar who is a resident of the Town to be Town Counsel. The Town Counsel receives for his services a salary and such other compensation that is recommended by the Board of Selectmen and appropriated by the Town. The Town Counsel is subject to removal by the Board of Selectmen at any time.

2-310. Special or Associate Counsel.

Except as such authority is conferred upon another officer of the Town by a provision of the General Laws of the Commonwealth, the Board of Selectmen has authority to employ special counsel to assist the Town Counsel whenever, in their judgment, necessity for special counsel exists. The Town Counsel has authority from time to time, with the approval of the Board of Selectmen, to engage the services of a special or associated counsel to assist him in the performance of the duties of Town Counsel. Any compensation of special or associate counsel is subject to approval by the Board of Selectmen.

2-311. Duties of the Town Counsel.

- (a) The Town Counsel shall draft all legal instruments and do every act of professional legal service that is required of him by the Board of Selectmen or by a vote of the Town.
- (b) The Town Counsel shall at any time furnish legal advice to an officer, board, committee or commission that requires the opinion of the Town Counsel upon any subject concerning the work of the office from which the request comes.
- (c) When requested by an officer, board, committee or commission, the Town Counsel shall furnish a written opinion on any legal question that is submitted to him concerning the work of the officer, board, committee or commission.
- (d) The Town Counsel shall have charge of all suits brought by the Town and shall defend all actions or suits brought against the Town or against an officer, board, committee or commission of the Town in his or its official capacity.
- (e) The Town Counsel shall represent the Town or an officer, board, committee or commission of the Town in any proceeding to which it is a party before any court, government agency or body, arbitration or mediation panel or board of referees.

2-312. Town Prosecutor. Deleted at Special Town Meeting 10/28/97

2-313. Town Clerk.

The duties of the Town Clerk include the following:

- (a) To receive and preserve all original documents relating to the affairs of the Town;
- (b) To notify or cause to be notified each person who is elected by the Town or appointed to a committee;
- (c) To furnish each board, committee and commission with a copy of each vote affecting that board, committee or commission;
- (d) To create and with the approval of the Board of Selectmen to establish procedures that are designed to make the records of the Town secure;
- (e) Subject to procedures for the security of documents, to make the documents of the Town available for public inspection and reading;
- (f) Subject to procedures for the security of documents, to establish circumstances under which documents may be taken from his office;
- (g) Subject to procedures for the security of documents, to propose, and with the approval of the Board of Selectmen, establish written criteria for the destruction of documents that are no longer needed for public purposes;
- (h) To receive and preserve copies of the annual reports of Town officers, boards, committees and commissions;
- (I) To index all records and reports that relate to the affairs of the Town;
- (j) To maintain a set of the By-Laws of the Town that reflects all changes that have occurred since the By-laws were adopted;
- (k) To include in the By-Laws reference to any change, addition or limitation of the By-Laws that results from federal or state legislation or administrative regulation;
- (l) To prepare, on or before August 1 of each year, a current form of the By-Laws and distribute a copy to each officer, board, committee or commission of the Town; and
- (m) To make copies of the current form of the By-Laws available for purchase by the public through the Town office or the Town library or both.

2-314. Town Treasurer.

The Town Treasurer shall have all the powers and duties set forth in Chapter 41, Sections 35 through 37 of the General Laws of the Commonwealth.

2-315. Security Plan.

The Town Treasurer shall develop and, with the approval of the Board of Selectmen, shall implement a plan for the security of the monetary assets of the Town. Insofar as is practicable, the Town Clerk and the Town Treasurer shall develop a coordinated system of security for the monetary assets and the documents of the Town.

2-316. Security Information.

The combination for a lock for any Town safe or vault is to be known only to the Town Treasurer and to some other specific person selected by him and approved by the Board of Selectmen.

2-317. Annual Audit.

The Town shall at least once a year have an audit of the financial records and accounts of the Town by an independent auditor.

2-318. Accountant.

The Board of Selectmen shall appoint a Town Accountant to hold office for three (3) years and until his successor is qualified. The Town Accountant shall not perform any function of his office until he has sworn to faithfully perform his

duties; and he shall not hold any other Town office that involves the receipt or disbursement of money. The Town Accountant shall perform the duties and possess the powers of Town Auditor as defined in Sections 50 through 53 inclusive of Chapter 41 of the General Laws of the Commonwealth. He shall cooperate with the independent auditor in the annual audit of the financial records and accounts of the Town. The Town Accountant shall, in addition, have all of the powers and duties as set out in Sections 55 through 61 of Chapter 41 of the General Laws of the Commonwealth.

2-319. Balance Requests.

Upon request from an officer, board, committee or commission of the Town, the Town Accountant shall inform the officer, board, committee or commission of the balance in his hands of any appropriation to of the officer, board, committee or commission.

2-320. Licenses and Permits; Unpaid Fees.

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

(b) The licensing authority may deny, revoke, or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of the law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees assessments, betterment or other municipal charges, payable to the municipality as of the date of issuance of said certificate.

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

This section shall not apply to the following licenses and permits: open burning, Sections Thirteen of Chapter Forty-eight; bicycle permit, section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section 21E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty fishing, hunting, and trapping licenses, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

Chapter 400

Property Records and Assessment

2-401. Board of Assessors.

The Board of Assessors shall maintain records that show the number of assessed polls, the value of real estate and personal property assessed, the number and assessed value of motor vehicles, and the rate of taxation and the basis of its computation.

2-402. Collector of Taxes.

The Collector of Taxes shall maintain records that show the amount committed to him for collection, the amount of interest collected, the amount paid to the Treasurer, the amount of abatements and discounts, the amount of uncollected taxes and street, sewer, sidewalk, and other assessments in detail that remain uncollected for each year and cash on hand.

2-403. Delinquent Accounts.

The Tax Collector shall maintain records that show each tax or assessment that is delinquent and the identity of the taxpayer against whom the tax or assessment has been levied.

Chapter 500

Public Health and Safety

2-501. Board of Health.

Under the provisions of Chapter 41, Section 21 of the General Laws of the Commonwealth, the Town has elected to have a Board of Health that is appointed by the Board of Selectmen.

A member of the Board of Health has a three-year term of office. The initial appointments of members were to terms of one, two, and three years; and the term of one member expires each year. If a vacancy occurs in a position of member of the Board, the Board of Selectmen appoint a person to serve for the balance of that term.

2-502. Board of Health Records.

The Board of Health shall maintain records that show:

- (a) Complaints made to the Board of Health;
- (b) Nuisances reported and nuisances abated;
- (c) Those diseases required by state regulation to be reported to the local Board of Health;
- (e) Deaths and causes of deaths; and
- (f) Licenses issued or terminated.

2-503. Water Supplies.

The Water and Sewer Commissioners have exclusive jurisdiction over all public water supplies and public water service pipes.

2-504. Wells.

A person shall not dig, bore, drive or drill a well if he does not have a permit to do so from the Water and Sewer Commissioners. A person shall not connect a well to a water system that is also connected to the water system of the Town of Longmeadow. A person shall not install a new well or convert from a public to a private water system without first obtaining a permit from the Board of Health.

2-505. Well Water.

A person shall not use water from a well for domestic water purposes until the owner of the property on whose land the well is located has provided to the Board of Health of the Town of Longmeadow an analysis of a water sample, certified by a testing agency acceptable to the Board of Health, that shows that the water provided by the well is free from pathogenic bacteria or other disease producing organism and does not contain a chemical or mineral substance that is capable of causing unfavorable physiological effects upon a person who consumes the water.

2-506. Sewers and Drains.

The Water and Sewer Commissioners have exclusive jurisdiction over sewers and drains and over pipes that lead from private properties to connect to sewers or drains.

2-507. Fire Chief.

Immediately after the annual organization of the Board of Selectmen, the Board of Selectmen shall appoint a Fire Chief to serve one (1) year.

2-508. Fire Department.

The Fire Department shall maintain records that show:

- (a) A statement of the property and apparatus that is in the possession of the Fire Department and the condition of that property and apparatus;
- (b) A listing of the calls made during the year;
- (c) An estimate of property damage and loss during the year;
- (d) A statement of the fire prevention activities of the department during the year; and
- (e) Other information that demonstrates the activities of the department during the year.

2-509. Forest Fire Warden.

The Forest Fire Warden shall maintain records that show the property loss caused by forest fires during the year and shall from time to time offer to the Board of Selectmen recommendations concerning the prevention of forest fires. Insofar as is practicable, the Forest Fire Warden and the Fire Chief shall offer to the Board of Selectmen a coordinated plan for fire prevention.

2-510. Chief of Police.

Immediately after the annual organization of the Board of Selectmen, the Board of Selectmen shall appoint a Chief of Police to serve one (1) year.

2-511. Police Department Records.

The Police Department shall maintain records that show:

- (a) A statement of the property that is in the possession of the Police Department and the condition of that property;
- (b) A statement of the activities of the department, including the number of offenses reported (on the basis of established categories of offenses), the number of arrests and the disposition of the offenses for which arrests were made;
- (c) A statement of the activities of the department relating to crime prevention; and
- (d) Other information that demonstrates the activities of the department in the course of the year.

2-512. Constables.

The Board of Selectmen shall annually appoint, for a term of one (1) year, at least two (2) and not more than four (4) constables each of whom must be a resident of the Town of Longmeadow.

2-513. Sealer of Weights and Measures.

The Sealer of Weights and Measures shall maintain records that show the activities of his department, including receipts and expenditures, a statement of the standard of weights and measures used in the Town and on the number and results of inspections made year to year.

Chapter 600

Public Works and Services

2-601. Water and Sewer Commissioners.

The Water and Sewer Commissioners have exclusive jurisdiction over all water supplies, water service pipes (to and including the water meters), water mains, fire hydrants, sewers and drains, connection pipes leading from private properties to sewers and drains and all equipment that is in the possession of the Water and Sewer Department.

2-602. Right of Passage.

The Water and Sewer Commissioners have the authority to exercise any right that the Town has to enter upon and pass over premises where the Town has an easement of way for the construction or maintenance of pipes, mains, sewers or drains that are within the jurisdiction of the Water and Sewer Commissioners.

2-603. Superintendent.

Within three (3) weeks after the Annual Town Meeting, the Water and Sewer Commissioners shall appoint a superintendent of the Water and recommend his compensation to the Board of Selectmen.

2-604. Administration.

The Water and Sewer Commissioners have authority to make rules and regulations to establish the responsibilities of the Superintendent of the Department and to govern the administration of the Water and Sewer Department.

2-605. Rules and Regulations.

The Water and Sewer Commissioners have the authority to make rules and regulation to regulate the introduction, supply and use of water, to regulate the fee to be charged for the installation or maintenance of water meters, to determine and assess water rates and sewer usage rates, and to regulate the collection, transmission and treatment of waster water.

2-606. Limitation on Use.

When, in the opinion of the Water and Sewer Commissioners, an emergency exists as a result of drought, hurricane, conflagration or other disaster, the Commissioners have the authority upon notice to the consumers by publication to establish special rules and regulations concerning the use of water during the existence of an emergency, including limits on the quantity of water used, the manner in which water is used or the purpose for which water is used.

2-607. Building Code.

The Water and Sewer Commissioners hall not supply water to a building unless the pipes and fixtures of the building conform to the building rules and regulations of the Town.

2-608. Water Service.

The Water and Sewer Commissioners shall install and maintain in proper working condition a water meter on each service and shall charge for water by measure. The Commissioners shall require a separate connection for each estate.

2-609. Water Meter Fee.

The Water and Sewer Commissioners shall charge a fee for the initial installation of a water meter and water service; and the Commissioners have the authority to charge a fee for the replacement or the repair of a water meter.

2-610. Water Statements.

The Water and Sewer commissioners shall, at least semi-annually, and at such other times as they think appropriate, issue to a water user or the owner of premises a statement of the amount of water used on the premises. (A water use statement shall be made out in the name of the owner of the premises. A copy of such statement shall be given to the Tax Collector and shall be the basis for an appropriate bill for water use.)

2-611. Interim Statement.

Upon request of a water user, the Water and Sewer Commissioners may provide an interim meter reading; and the Commissioners have the authority to establish an appropriate service charge for the interim meter reading.

2-612. Clerk of the Commissioners.

The Water and Sewer Commissioners shall annually appoint a clerk. The Clerk shall have charge of the keeping of the books, accounts and records of the Commissioners, the collection of monies due the Town and the preparation fo such reports as the Commissioners are required to make. The Clerk shall also perform such other services as are required of him by the Water and Sewer Commissioners.

2-613. Water Records.

As Clerk of the Water and Sewer Commissioners, the Town Treasurer shall maintain records that show:

- (a) The receipts and expenditures of the Commissioners;
- (b) The names of all persons who use water, the address at which the water is used, the nature of the use;
- (c) The number of water takers;

- (d) The amount charged for water service;
- (e) The number and amount of rebates;
- (f) The number of cases in which water has been shut off; and
- (g) Such other information as the Commissioners may require.

2-614. Abatement.

The Water and Sewer Commissioners have authority to make an abatement on a charge for water in an appropriate case.

2-615. Non-Payment.

If a bill for water services remains unpaid for thirty (30) days after the bill is due, the Water and Sewer Commissioners shall send a notice to the delinquent; and, if the bill remains unpaid for fifteen (15) days thereafter, the Commissioners have the authority to turn off the water supply. If the water supply has been turned off at a water use location, the Commissioners shall not turn the water on again until the amount due, together with Five (\$5) Dollars for the notice and Twenty-five (\$25) Dollars for the restoration of service have been paid.

2-616. Violation of Water Regulations.

A person shall not violate a rule or regulation established by the Water and Sewer Commissioners.

2-617. Water Report.

The Water and Sewer Commissioners shall include in their annual report:

- (a) A statement of receipts and expenditures during the year;
- (b) Statistics that reflect the quantity of water and sewer service during the year;
- (c) Additions to and withdrawals of water, sewer and drainage systems during the year; and
- (d) The number of new fire hydrants and hydrant replacements installed during the year.

2-618. Superintendent of Streets.

The Superintendent of Streets shall maintain records that show the activities of the Street Department, including a record of the expenditure of monies by the department and a listing of the streets and ways that were accepted or abandoned by the Town during the year and shall maintain the streets and ways of the Town under the direction of the Board of Selectmen.

2-619. Tree Warden.

The Tree Warden is appointed annually by the Board of Selectmen, He shall maintain records that show the activities of his office, including a record of receipts and expenditures. He shall from time to time make to the Board of Selectmen recommendations concerning the care of trees in the Town.

2-620. Harming Trees.

A person shall not trim, cut down or remove a tree or shrub from land that is owned or controlled by the Town of Longmeadow unless he has first obtained written authorization from the Tree Warden.

2-621. Park Commissioners.

Park Commissioners shall maintain records that show the activities of the department, including the receipts and expenditures of the department, and that lists and describes the property that is under their jurisdiction.

2-622. Park Recommendations.

The Park Commissioners shall, from time to time, prepare and submit to the Board of Selectmen a statement of existing park programs and goals and recommendations for future development of parks and parks policy.

2-623. Ambulance Fee.

A person who is transported in the Town Ambulance shall pay a fee as set by the Board of Selectmen from time to time, and the Board of Selectmen has authority to waive the ambulance fee if financial hardship of the user is demonstrated

to the Selectmen. The Town shall not provide ambulance service that is not an emergency or to a medial facility that is more than ten (10) miles from the center of town. The Fire Department provides the ambulance service and shall coordinate all patient billing activities.

2-624. Recycling Commission.

The Board of Selectmen shall appoint a Recycling Commission consisting of not less than three (3) nor more than seven (7) members and shall include as one of the members the Superintendent of Streets (or the person who is acting in that capacity).

2-625. Term of Office: Recycling Commission.

The term of office on the Recycling Commission is three (3) years. The Board of Selectmen shall appoint the original members to terms of one (1), two (2) or three (3) years, to establish a pattern in which approximately one-third of the members are appointed each year. A member of the Commission serves until his successor has been appointed. The Selectmen have authority, after a public hearing, to remove a member of the Commission for cause.

2-626. Recycling Plan.

The Recycling Commission shall create and propose to the Board of Selectmen a plan for recycling paper, metal, glass and such additional materials as appear to be appropriate. The Commission has authority to propose that the plan be established for the Town individually or for the Town in agreement with other cities and towns. The Commission shall include in the plan curbside collection of recyclable materials. The commission shall, in preparation of the plan, assume participation by all residents in the Town. The plan becomes effective upon approval by the Board of Health and the Board of Selectmen.

2-627. Mandatory Separation of Recycling Materials.

(a) Recycling Program: There is hereby established a program for the mandatory separation of certain recyclable material from trash or rubbish by the residents of the Town of Longmeadow.

(b) Definitions: Recyclables are hereby defined as discarded materials which may be reclaimed and which are considered by the Recycling commission as saleable or recyclable. For the purposes of this bylaw recyclables shall include the following: aluminum, glass, ferrous metal cans, plastic containers, corrugated, mixed paper, other material determined to be recyclable by the Recycling Commission.

Chapter 700

Conservation Commission

2-701. Wetlands Control.

(a) Purpose. The purpose of this by-Laws is to protect the flood plains and wetlands of the Town of Longmeadow by controlling activities deemed to have a significant effect upon wetland values which include but are not limited to the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution control, fisheries, shellfish, wildlife, recreation and threatened or endangered species (collectively, the "interests protected by this by-Laws").

No person shall remove, fill, dredge, alter or build upon or within one hundred (100) feet of any bank, freshwater wetland, beach, flat, marsh, wet meadow, bog, swamp or upon or within one hundred (100) feet of any brook, creek, river, stream (intermittent or otherwise), pool or lake, or upon or within one hundred (100) feet of any land under said waters or upon or within one hundred (100) feet of any land subject to flooding or inundation, or within one hundred (100) feet of the 100-year storm line, other than in the course of 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, sewer, telephone, telegraph and other telecommunication services, without filing written application with the Longmeadow Conservation Commission for a Permit so to remove, fill, dredge, alter or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a Permit issued to this By-Law.

The provisions of this Section shall not apply to work performed for maintenance of land in agricultural use.

(b) Application. Application for a Permit may be identical in form to a Notice of Intent filed pursuant to Massachusetts General Laws, Chapter 131, Section 40, and shall be sent by certified mail or hand delivered to the Longmeadow Conservation Commission. The Commission shall set a filing fee by regulation; such filing fee shall be payable to the Town of Longmeadow. Application must be filed concurrently with or after application for all other variances and approvals required by Zoning by-Law, the Subdivision Control Law or any other by-Law or Regulation have been obtained. No filing fee is required when the Town of Longmeadow files an application for a Permit. Copies of the application shall be set at the same time by certified mail or hand delivered to the Board of Selectmen, the Planning Board, the Board of Health, the Building Commissioner, Superintendent of Streets and Engineering, the abutters and the DEQE. The Conservation Commission may require other forms of filing.

Upon written request of any person, the Commission shall, within twenty-one (21) days of receipt of this request make a written Determination of Applicability as to whether this By-Law applies to any land or work thereon. When the person requesting a Determination is other than the owner, notice of the Determination shall be sent to the owner as well as to the requesting person.

The Commission, its agent, officers and employees, may enter upon the land upon which the proposed work is to be done in response to a request for a prior Determination or for the purpose of carrying out its duties under this By-Law and may make or cause to be made such examination or survey as deemed necessary.

(c) Hearing. The Commission shall hold a public hearing on the application for a Permit within twenty-one (21) days of its receipt. Notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five (5) days prior to hearing, by publication in the Springfield Newspapers and by mailing a notice to the applicant, the Board of Selectmen, the Board of Health, the Planning Board, the Building Commissioner, Superintendent of Streets and Engineering, the abutters and the DEQ, and to such other persons as the Commission may by regulation require. Notice published for a hearing under the Wetlands Protection Act may be expanded to include the Town's Wetlands By-Law.

(1) Permit and Conditions. If, after the public hearing, the Commission determines that the area which is the subject of the application is significant to the interests protected by this By-Law, the Commission shall, within twenty-one (21) days of such hearing, issue or deny a Permit for the work requested. If it issues a Permit after making such determination, the Commission shall impose such conditions as it determines are necessary to desirable for protection of those interests, and all work shall be done in accordance with those conditions or it may deny the application. If the Commission determines that the area which is the subject of the application is not significant to the interests protected by this By-Law, or that the proposed activity does not require the imposition of conditions, it shall issue a Permit without conditions within twenty-one (21) days of the public hearing. Permits shall expire one (1) year from the date of issuance, unless renewed prior to expiration, and all work shall be completed prior to expiration. A request for renewal shall be made in writing to the Conservation Commission at least two (2) weeks prior to date of expiration.

(2) Denials. The Conservation Commission is empowered to deny permission for any removal, dredging, filling or altering of subject lands within the Town if, in its judgment, such denial is necessary to preserve the interests described in this By-Law of either or both the subject lands and contiguous lands. Due consideration shall be given to possible effects of the proposal on all values to be protected under this By-Law and to any demonstrated hardship on the petitioner by reason of a denial, as brought forth at the public hearing.

(3) Emergency projects. The notice required in this By-Law shall not apply to emergency projects necessary for the protection of health or safety of the citizens of Longmeadow and to be performed or ordered to be performed by an administrative agency of the Commonwealth or by the Town.

d) Pre-Acquisition Violation. Any person who purchases, inherits or acquires real estate upon which work has been done in violation of the provisions of this By-Law or in violation of any Permit issued pursuant to this By-Law shall forthwith comply with any such order or restore such land to its condition prior to any such violation; however, that no action, civil or criminal, shall be brought against such person unless commenced within three (3) years following the date acquisition of the real estate by such person.

(e) Regulations. After due notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this By-Law. Failure by the Commission to promulgate such rules and regulations

or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of the By-Law.

(f) **Burden of Proof.** The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not harm the interests protected by this By-Law. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not harm the interests protected by this By-Law shall be sufficient cause for the Commission to deny a Permit or grant a Permit with conditions, or, in the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence.

(g) **Definitions.** The following definitions shall apply in the interpretation and implementation of this By-Law:

(1) **"Person".** The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust estate, the Commonwealth or political subdivision thereof to the extent subject to Town By-Laws, administrative agencies, public or quasi-public corporations or bodies, the Town of Longmeadow, and any other legal entity, its legal representatives, agents or assigns.

(2) **"Alter".** The term "alter" shall include, without limitation, the following actions when undertaken in areas subject to this by-Law:

(a) Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind;

(b) Changing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns and flood retention characteristics;

(c) Drainage or other disturbance of water level or water table;

(d) Dumping, discharging or filling with any material which may degrade water quality;

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

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

(g) Destruction of plant life, including cutting of trees and shrubs;

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

(3) **"Banks".** The term "banks" shall mean that part of land adjoining any body of water which confines the water.

(4) **"Freshwater Wetlands".** The term "freshwater wetlands" as used in this By-Laws shall mean wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provides a significant part of the supporting substrate for a plant community for at least five (5) months of the year; emergent or submergent plant communities in inland waters; that portion of any bank which touches any inland waters.

(5) **Agricultural Practices.**

(a) The term "land in agricultural use" shall mean any qualifying wetland within a farm which is qualified or eligible to be qualified under the Farmland Assessment Act, Massachusetts General Laws, Chapter 61A, Sections 1-5;

(b) The term "qualifying wetland" shall mean only areas which are seasonally flooded basins of flats or inland freshwater meadows;

(c) The term "normal maintenance" of land in agricultural use shall mean only:

(1) Tilling practices customarily employed in the raising of crops;

(2) Use of fertilizers, pesticides and similar materials subject to state and federal regulations covering their use.

(6) Additional Definitions. The Commission may adopt additional definitions not inconsistent with sub-section (g), in its regulations promulgated pursuant to sub--section (e) of this By-Law.

(h) Security. The Commission may require, as a Permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

(1) By a bond or deposit of money or negotiable securities in an amount determined by the Commission to be sufficient and payable to the Town of Longmeadow;

(2) By a conservation restriction, easement or other covenant running with the land, executed and properly recorded (or registered, in the case of registered and).

(I) Enforcement. Any person who violates any provision of this By-Law or of any Condition of a Permit issued pursuant to it shall be punished by a fine of not more than Three Hundred (\$300) Dollars. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. This By-Law may be enforced pursuant to Massachusetts General Laws Chapter 40, Section 210, by a Town police officer or other officer having police powers.

Upon the request of the Commission, the Board of Selectmen and Town Counsel shall take such legal action as may be necessary to enforce this By-Law and Permits issued pursuant to it. When the Conservation Commission determines that an activity is in violation of this By-Law, the regulations or a final order, the Commission may issue an enforcement order.

Chapter 800

Advisory and Policy Agencies

2-801. Planning Board.

The Planning Board shall develop recommendations concerning the layout and improvement of property in the Town with the idea of providing adequate facilities for future growth. The Planning Board shall maintain records that show the activities of the Board and the basis for the recommendations concerning the use and development of property within the Town of Longmeadow.

2-802. Council on Aging.

The Board of Selectmen shall appoint a Council on Aging to carry out programs designed to meet the problems of the aging in coordination with programs of the Massachusetts Commission on Aging established under Section 73 of Chapter 6 of the General Laws. The Council shall consist of as many members for such terms of office as the Board of Selectmen determine. The Council is responsible to the Board of Selectmen and council members shall server without compensation. Within the limits of the available funds the council has the authority to appoint such clerk and other employees as it requires.

2-803. Personnel Policy Board.

The Personnel Policy Board was created by the Board of Selectmen under authority given by a vote of the Town. The Board consists of five (5) members who are appointed by and serve at the will of the Board of Selectmen.

The Board reviews and makes recommendations to the Board of Selectmen on requests for changes in the classification of Town personnel and on such other matters of personnel policy or administration as are referred to the Board by the Board of Selectmen.

2-804. Cultural Council.

(a) The Town has accepted the provisions of General Laws Chapter 10, Section 58 and has established a Cultural Council under that statute. This Bylaw does not undertake to restate fully the provisions of Section 58.

(b) The Cultural Council shall consist of nine (9) persons who are appointed by the Board of Selectmen and who have three year terms of office, but a person is not eligible to be appointed to more than two consecutive terms. If a vacancy occurs in the term of a member, the Board of Selectmen shall appoint a person to be a member of the

Council for the remainder of the term. A member serves without compensation but is entitled to be reimbursed for expenses actually and necessarily incurred in the discharge of council duties. Upon adoption of the amendment to this section, the Council shall organize itself so that three of its members shall have three terms, three of its members shall have two year terms and three of its members shall have one year terms.

(c) A person is not eligible to be a member of Council if he or she has not demonstrated scholarship or creativity in, or distinguished service to, the arts and humanities. A person is not eligible to be a member of the Council if he or she is an elected public official.

(d) Each year the Council shall elect from among its members a Chairman, Secretary and Treasurer. The Council is authorized to establish administrative units; but the Council is forbidden to use more than five percent (5%) of the funds received from the State Arts Lottery Fund for administrative purposes, including the expenses of members of the Council.

(e) The Council has the responsibility to promote and encourage the arts. Subject to the regulations and guidelines of the Massachusetts Cultural Council, the Town Cultural Council has authority:

(1) To receive, obligate and disburse funds received from the State Arts Lottery Fund and other funds allocated to the Cultural Council;

(2) To receive grants, contributions and gifts from all sources and to obligate and disburse those funds for the same purposes as Arts Lottery funds are used;

(3) To enter into contracts, subject to approval as to form by the Town Counsel; and

(4) To do any act that is necessary or desirable to carry out the purposes of Chapter 10, Sections 56 through 58.

(f) The Treasurer of the Town is the custodian of funds received by the Cultural Council, regardless of the source of the funds. The Treasurer has the authority to invest those funds to the extent that they are not then needed for the purposes of the Council in such investments as are authorized under the provisions of General Laws Chapter 54, Section 55.

(g) The Town is obligated to establish for the funds administered by the Council a revolving account that is separate from the other accounts of the Town. The Council is authorized to expend the funds that it administers, including interest earned on those funds, without appropriation by the Town or the Board of Selectmen; but funds that are not expended within twelve (12) months after receipt shall be segregated and shall be subject to further appropriation by the Board of Selectmen for the purposes provided in General Laws, Chapter 10, Sections 56 through 58 inclusive.

(h) The Treasurer of the Town has a duty to submit a report on the revolving fund annually to the Board of Selectmen and to the Massachusetts Bureau of Accounts and Massachusetts Cultural Council.

2-805. Conservation Commission: Resource Development.

(a) The Town has accepted the provisions of General laws Chapter 40, Section 8C and has established a Conservation Commission under that statute. This By-Law does not undertake to restate fully the provisions of Section 8C.

(b) The Conservation Commission consists of seven (7) members who have a three (3) year term of office and who are appointed by the Board of Selectmen. The terms of office of approximately one-third of the members of the Commission expire each year. If a vacancy occurs in the term of a member, the Board of Selectmen appoints a person to be a member of the Commission for the remainder of that term.

(c) The Commission has the responsibility to promote and develop the natural resources of the Town and protect the watershed resources of the Town. To that end, the Commission has a duty to conduct research concerning the land and water resources of the Town and to seek to coordinate the activities of unofficial organizations that have similar purposes.

(d) The Commission has a duty to keep accurate records of its meetings and its actions. The Commission has a duty to deliver to the Board of Selectmen an annual report of its activities and actions.

- (e) The Commission is authorized:
 - (1) To adopt rules and regulations for its, meetings, activities and actions;
 - (2) To prepare and distribute maps, charts, plans, pamphlets and books that are necessary to its work; and
 - (3) To create a conservation and passive recreation plan.
- (f) To the extent necessary to pursue the goals of this section, the Town is authorized to acquire, hold, manage and contrgift of the interest, it may purchase the interest, or within limits stated in the General Laws, Chapter 40, Section 8C, it may use its power of eminent domain. An interest that can be acquired in land or water includes but is noeasemen an easement and a right arising out of contract. The Commission is authorized to maintain and improve the land or water area and is directed to seek to conserve and to prevent improper use of open spaces in land and water by controlling the use of land and water.
- (g) The Commission has authority to adopt rules and regulations governing the use of land and water under its control and to include those rules and regulations penalties for violation of the rules and regulations.

2-806. Longmeadow Historic District Commission.

(a) The purpose of this By-Law is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings, their architecture and places significant to the encouragement of design compatible therewith.

(b) There is hereby established under the Historic District Act, General laws, Chapter 40C, as amended by Chapter 359 of the Acts of 1971, with all the powers and duties of an historic commission a Longmeadow Historic District commission consisting of seven (7) members to be appointed by the Board of Selectmen, all being residents of Longmeadow, including one (1) member, where possible from two (2) nominees, one of whom shall be submitted by the Chapter of American Institute of Architects covering Longmeadow, and one (1) member, where possible from two (2) nominees of the Board of Realtors covering Longmeadow. Two or more of the foregoing shall be residents of the Historic district established in Longmeadow pursuant to the Historic District Act. When the Commission is first established, one member shall be appointed for a term of one (1) year, three shall be appointed for a term of two (2) years and three shall be appointed for a term of three (3) years, and their successors shall be appointed in like manner for terms of three (3) years.

The Selectmen may appoint one alternate member for a term of one (1) year and two alternate members may be appointed for a term of three (3) years, and their successors shall be appointed in like manner for terms of three (3) years. No member may serve on the Commission for more than six (6) consecutive years.

(c) There is hereby established under the provisions of the Historic District Act, as amended, an historic district to be known as the Longmeadow Historic District, bounded as shown on a map entitled "Plan Showing Longmeadow Historic District, Longmeadow, Massachusetts", dated May 1, 1973, prepared by the Town Engineer, attached to and made part of the by-Laws, a copy of which is on file with the Town Clerk.

(d) The Historic District Commission established hereunder shall have all the powers and duties of an historical commission as provided in Section 80 of Chapter 40, of the Massachusetts General Laws.

(e) The Commission shall have all of the powers and duties of an historic district commission and all of the powers and duties of an historical commission and may in the exercise of any of the powers and duties accept money gifts and expend the same and, subject to appropriation or receipt of such gifts, employ clerical and technical assistance or consultants and the aforesaid powers and duties may include, but not be limited to, the following:

- (1) To conduct a survey of Longmeadow buildings and sites for the purpose of determining those of historic significance, architecturally or otherwise, and pertinent facts about the, acting in collaboration with the Planning Board, conservation Commission and the Longmeadow Historical Society to the extent each may from time to time be able to undertake such work and to maintain, and from time to time revise, detailed listings of historic sites and buildings in Longmeadow and data about them appropriately classified with respect to national, state or local significance, to period or field of interest, or otherwise;

- (2) To propose, from time to time as they deem appropriate, the establishment, in accordance with the provisions of the Historic District Act, if additional historic districts and changes in historic districts;
- (3) To determine an appropriate system of markers for selected historic sites and buildings not already sufficiently marked, to arrange for preparation and installation of such markers and to arrange for care of historic markers;
- (4) To arrange for preparation and publication of maps and brochures and descriptive material about Longmeadow historic sites and buildings, arrange for convenient walks or tours, or otherwise;
- (5) To cooperate with and advise the Planning Board, Board of Park Commissioners, the Highway Department and other town departments in matters involving historic buildings, sites and historic district boundaries.
- (6) To cooperate with and enlist assistance for Longmeadow from the Massachusetts Historical Commission, the National Register, the National Park Services, the National trust for Historic Preservation, the Society for the Preservation of New England Antiquities and other agencies, public and private, concerned with historic buildings and sites.
- (7) To advise owners of historic buildings in Longmeadow on matters of preservation.

(f) The Commission may recommend to the Selectmen, from time to time as needed, appointment of advisory committees of historians and persons experienced in architecture or other arts or in historic restoration or preservation to assist in a manner comparable to the National Park service Advisory Board or Consulting Committee.

(g) The Commission shall adopt rules and regulations for the conduct of its business not inconsistent with the provisions of Chapter 40 Section 8D, the Historical Commission Act; or this By-Law, as the case may be.

(I) The provisions of the By-Law shall be deemed to be severable. If any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction the remaining provisions shall continue in full force and effect.

2-807. Housing Authority

The Longmeadow Housing Authority exists by reason of the acceptance of Chapter 121B of the General Laws by the Town at a special meeting on March 5, 1984. These By-Laws do not undertake to restate the provisions of Chapter 121B.

Chapter 900

School Committee

2-901. School Records.

The School Committee shall maintain records that show:

- (a) The year's work in the schools of the Town;
- (b) The school calendar for the year;
- (c) A tabulation of membership, attendance and truancy for each school;
- (d) A statement of expenditures for the year;
- (e) A list of teachers, specifying for each one the date of employment, colleges attended, degrees attained and positions within the school system; and
- (f) The aggregate of the salaries of the teachers in the school system.

2-902. School Recommendation.

The School Committee shall, from time to time, propose to the Board of Selectmen and to the Town such recommendations and suggestions concerning educational policy and development as the Committee thinks appropriate.

ARTICLE THREE
TOWN PROCEDURES

Chapter 100

Provisions Applicable to Article Three

3-101. Presiding Officer.

Each board, committee or commission shall elect a Chairman, if a chairman is not otherwise provided by these By-Laws.

3-102. Clerk.

Each board, committee or commission shall elect a Clerk, if a clerk is not otherwise provided by these By-Laws.

3-103. Records.

The Chairman and the Clerk shall cause to be recorded each vote, resolution or other act of a board, committee or commission. A board, committee or commission has authority to enter in full upon its records a report or document that it believes of sufficient importance. The Chairman and the Clerk shall cause the record of each meeting of a board, committee or commission to be completed as soon as practicable following the meeting.

3-104. Town Meeting Action.

The Moderator and the Town Clerk shall cause each vote, resolution or other act of a Town Meeting to be recorded.

3-105. Town Meeting Record.

The Moderator and the Town Clerk shall cause the record of each meeting of the Town to be completed as soon as practicable following the meeting.

Chapter 200

Town Elections

3-201. Annual Election.

The annual election of Town Officers is held in May after the annual meeting, the exact date to be determined by February first of each year by the Board of Selectmen.

3-202. Voting Hours.

The polls shall be open from 8:00 o'clock in the morning until 8:00 o'clock in the evening. The hour of opening may be earlier if ordered by the Board of Selectmen.

3-203. Elective Officers.

The officers of the Town that are elected at the annual election are as follows:

- (a) Moderator, elected for three (3) years;
- (b) Three (3) Selectmen, elected for three (3) years; one (1) to be elected each year;
- (c) Town Clerk, elected for three (3) years;
- (d) Town Treasurer, elected for three (3) years;
- (e) Collector of Taxes, elected for three (3) years;
- (f) Three (3) Assessors, elected for three (3) years; one (1) to be elected each year;
- (g) Three (3) Water and Sewer Commissioners, to be elected for three (3) years, one (1) to be elected each year;

(h) Seven (7) members of the School Committee to be elected for three (3) years, three (3) to be elected in one year and two (2) to be elected in each of the next two years;

(l) Five (5) Park Commissioners, to be elected for three (3) years, one (1) to be elected in one year and two (2) to be elected in each of the next two years;

(j) Five (5) members of the Planning Board, to be elected for five (5) years, one (1) to be elected each year.

(k) Four (4) members of the Housing Authority, to be elected for five (5) years, one (1) to be elected each year and one (1) additional member to be appointed in accordance with Chapter 121B of the General Laws.

3-204. Term of Office.

The term of office of a Town officer who is elected by the voters begins the day following the Town Election.

3-205. Election to a New Term.

A Town office that is filled by election is voted upon at the election in May next preceding the expiration of the term of the incumbent.

3-206. Vacancy.

If a vacancy occurs in an office that is filled by election, the vacancy is filled pursuant to the provisions of the General Laws of Massachusetts.

Chapter 300

Town Meetings

3-301. Annual Town Meeting.

The annual meeting of the Town is held on the second Tuesday of May, at 7:30 o'clock in the evening.

3-302. Notice of Business.

An item of business is out of order at a Town Meeting if it is not within the scope of an article designated for action at the meeting in the warrant that was published before the meeting.

3-303. Warrant.

General Laws, Chapter 39, Section 10 specifies what a Town Meeting Warrant must include, who is to issue it and when it must be issued.

3-304. Issuance of Warrant.

The Selectmen shall direct a warrant for a Town Meeting to the Constables of the Town or to the Tax Collector of the Town. The constable or tax collector shall post a copy of the warrant in at least one public place in each voting precinct in the town.

3-305. Citizen Article for Warrant.

The law of the Commonwealth establishes the right of the citizen to include an article in a warrant for a meeting by following an established procedure, as provided in Massachusetts General Laws, Chapter 39, Section 10.

3-306. Special Meeting.

The law of the Commonwealth gives a citizen the right to demand a calling of a Special Meeting of the Town by following an established procedure, as provided in Massachusetts General Laws, Chapter 39, Section 10.

3-307. Unlawful Meeting.

If a Town Meeting is not properly called, the Selectmen shall call the meeting for a time as soon thereafter as is practicable.

3-308. Admission to Meeting.

At a Town Meeting held for the transaction of Town business, a person is not eligible to be admitted to the floor of the meeting if a person's name is not upon the list of voters of the Town. The Moderator has authority to direct a police officer or constable of the Town to exclude or remove a person who is not eligible to be admitted to the floor of the meeting.

3-309. Attendance by Non-Voters.

The Moderator has authority to admit to a Town Meeting a media representative or any person whose knowledge, in the opinion of the Moderator, can assist the voters in better understanding a question that is before the Meeting.

3-310. Audio and Video Equipment.

The Moderator has authority to permit or prohibit the use of audio and video equipment for the purpose of news coverage and the authority to regulate the use of equipment if it is permitted.

3-311. No Smoking.

Smoking is not permitted within a room in which a Town Meeting is held.

3-312. Opening Prayer.

The annual meeting of the Town is opened with prayer.

3-313. Parliamentary Procedure.

In matters that are not covered by the standing orders of the Town, the general provisions of parliamentary law constitute the rules for the conduct of the business of Town Meetings to the extent that those general provisions are applicable to the issues that arise.

3-314. Order and Decorum.

The Moderator has the duty to preserve order and decorum in a Town Meeting and to this end he has authority to direct a police officer or constable of the Town to do any act that he believes is appropriate.

3-315. Points of Order.

The Moderator is authorized to speak on points of order in preference to other persons and has authority to decide each question of order.

3-316. Order of Motions.

The Moderator shall put all motions in the order in which they are moved, unless a specific motion is previous in its nature.

3-317. Precedence of Motions.

When a question is before a Town Meeting, the Moderator shall not receive a motion that does not relate to that question, except a motion to adjourn or some other motion that is privileged in its nature.

The Moderator shall not receive a motion relating to the question except:

- (a) A motion to lay on the table;
- (b) A motion for the previous question;
- (c) A motion to postpone to a time set;
- (d) A motion to commit or re-commit;
- (e) A motion to postpone indefinitely; or
- (f) A motion to amend.

These motions have precedent in the order in which they are here arranged.

The Moderator shall permit debate upon the merits of the main question upon a motion to postpone indefinitely or upon a motion to amend.

3-318. Motion to Cut Off Debate.

The Moderator shall not receive a motion to cut off debate on any motion that is before a meeting until at least five (5) voters have spoken for, and five (5) voters have spoken against, the pending motion; but if fewer than five (5) voters have asked to speak for or against the pending motion, the Moderator may receive a motion to cut off debate after the voters who have asked to speak, not to exceed five on either side, have had an opportunity to do so.

3-319. Limits on Speech.

Except when the Moderator has recognized a voter for the correction of an error or to state an explanation, a voter is not entitled to speak more than two (2) times on one question until others who have not spoken have had an opportunity to do so, and a voter is not entitled to speak more than three (3) times on one question, without first obtaining leave of the meeting to do so.

3-320. Written Motion.

The Moderator has the authority to require that a motion be reduced to writing.

3-321. Speaker Identification.

A person who speaks at a Town Meeting shall stand, address the Moderator, and identify himself or herself by name and address.

3-322. Use of Names.

The Moderator is authorized to refer to a person by name for the purpose of identification or recognition; but otherwise, one person shall not refer to another person by name in a Town Meeting.

3-323. Debate Question.

A person who desires to ask of another person a question relating to debate shall put the question to the Moderator.

3-324. Vote on Reconsideration.

If a vote has been taken at a Town Meeting, the vote is not reconsidered at that meeting or at any adjournment of that meeting, unless two-thirds (2/3) of the voters present cast an affirmative vote on the motion to reconsider the issue. And, if reconsideration is sought at any adjournment of that meeting, the mover of reconsideration must inform the session at which the principal vote was taken of his intent to seek reconsideration at the adjournment.

3-325. Counting Votes.

If a vote is taken in a Town Meeting and if the decision of the Moderator is doubted by seven (7) or more voters, the Moderator shall request the house to be seated and shall appoint tellers. The Moderator shall announce that only those voters who occupy seats on the floor of the meeting are eligible to be counted on the vote; but the Moderator has authority to instruct the tellers to count the votes of specific voters who are unable to obtain seats on the floor of the meeting. The Moderator shall cause the question before the meeting to be distinctly and clearly stated and, in sequence, the Moderator shall request those who choose to vote in the affirmative and those who choose to vote in the negative to rise and stand in their places until they are counted by the tellers. The tellers shall carefully count the standing voters and shall report to the Moderator. The Moderator shall announce the number of voters in the affirmative and in the negative. If a two-thirds vote for an action at a Town meeting is required by statute, the moderator, in accordance with General Laws Chapter 39, Section 15, as amended, may dispense with the requirement of taking a count of the vote if the moderator, in his discretion and without taking a count, determines that two-thirds of those voting supported this action.

3-326. Order of Articles.

The Moderator shall present to a Town Meeting the articles in the warrant in the order in which the articles appear in the warrant; but the meeting may direct a different order of business by an affirmative vote of two-thirds (2/3) of the voters present.

3-327. Quorum.

Fifty (50) voters constitute a quorum for the transaction of business at a Town Meeting; but less than a quorum may adjourn a meeting to a stated time or without day. This section does not apply to a meeting or a part of a meeting that is devoted exclusively to the election of a Town officer.

3-328. Adjournment Without Day.

If a motion would have the effect of dissolving a Town Meeting, the motion is not in order until each article in the warrant for the meeting has been considered and acted upon.

3-329. Adjournment With A Time Certain.

If a Town Meeting is adjourned to a time certain, the Town Clerk shall give as much notice of the time and place to which the meeting has been adjourned as is practicable under the circumstances.

3-330. Town Meeting Committees.

Unless otherwise directed by the Town Meeting, the Moderator has authority to appoint a committee that is established by vote of the Town Meeting. Prior to making an appointment, the Moderator shall consult with such Town

officials as he thinks appropriate as a means to provide each committee with members having the best available expertise, knowledge, background and experience to accomplish the purposes for which the committee has been established. The Moderator shall announce committee appointments no less than fourteen (14) days and no more than twenty-one (21) days following the adjournment of the Town Meeting that established the committee.

3-331. Citizen Article in Warrant.

The Selectmen shall not adopt a rule or regulation that restricts or limits a citizen's right to add an article to a Town Meeting Warrant without first publishing the rule or regulation as an appendix to these By-Laws.

Chapter 400

Budgets and Appropriations

3-401. Appropriations Committee.

The Appropriations Committee consists of five (5) members who are appointed by the Moderator at the Annual Town Meeting.

3-402. Term of Office.

Each year at the Annual Town Meeting the Moderator shall appoint members to this Committee to serve for a period of three (3) years to fill the vacancies that occur by the expiration of the terms of members. A member of the Committee shall serve until his successor has been appointed. If a vacancy occurs for a reason other than expiration of a term of a member, the Moderator shall appoint a person to fill the vacancy for the balance of the unexpired term.

3-403. Committee Function.

The Appropriations Committee shall consider each proposed article for a Town Meeting that involves the expending, appropriating, raising or borrowing of money in excess of One Hundred (\$100) Dollars and shall prepare a report on each article. The Selectmen shall include in the warrant for a meeting the recommendation of the Appropriations Committee on each matter in the warrant that is within the jurisdiction of the Committee. In case of emergency, the report may be given at Town Meeting.

3-404. Budget Preparation.

Ten (10) days before the end of the calendar year, or not less than ninety (90) days before any Town Meeting, whichever is later, the head of a Town department shall prepare and submit to the Appropriations Committee an estimate of the money that is necessary for the operation of his department for the next fiscal year, together with an estimate of the probable income of the department for the same fiscal year.

The Appropriations Committee may establish such form and detail for the submission of these budget estimates as is appropriate for the work of the committee.

A head of a department has the right to appear before the Appropriations Committee and to be heard with respect to the estimates and other matters relating to his department. The Appropriations Committee shall submit to the Town Meeting a budget of the probable expenditures of the Town for the ensuing fiscal year, including the amounts required to meet interest and payments on maturing bonds and outstanding indebtedness. The Committee shall also submit to the Town Meeting an estimate of the amounts of income from all sources of revenue exclusive of taxes and the probable amount required to be raised by taxation.

In its recommendation of appropriations for ordinary or usual Town expenditures, the Appropriations Committee shall specify the purposes of each proposed expenditure and shall provide as itemized and detailed a statement of such expenditures as is practicable.

(Reserved for Future Enactment)

**Chapter 500 (3-501 et seq)
Chapter 600 (3-601 et seq)
Chapter 700 (3-701 et seq)
Chapter 800 (3-801 et seq)
Chapter 900 (3-901 et seq)**

ARTICLE FOUR

CONDUCT AFFECTING PUBLIC FACILITIES

Chapter 100

Provisions Applicable to Article Four

4-101. (Reserved for Future Enactment)

Chapter 200

Streets

4-201. Numbering of Buildings.

The Board of Selectmen has authority to regulate the numbering of buildings on or near the line of public or private ways. The Board of Selectmen has authority to, and if requested in writing to do so by a majority of the residents or owners of real estate on or near a public or private way shall, order in writing that the owners of the buildings along the public or private way place on their buildings the numbers that the Board of Selectmen has assigned for each building or subdivision of a building. If the owner of a building receives such an order from the Selectmen, he shall comply with the order within ten (10) days.

4-202. Street Excavation.

Except in an emergency, the Water and Sewer Commissioners or their agents shall not excavate in any street until they have given to the Superintendent of Streets written notice of the location and date of the proposed excavation. If the Water and Sewer Commissioners or their agents excavate in a street, they shall restore the street to the satisfaction of the Superintendent of Streets.

A person other than the Water and Sewer Commissioners or their agents shall not excavate in a street without a permit in writing from the Superintendent of Streets. The Superintendent of Streets may require, as a condition of a permit, that the person who proposes to engage in excavation give to the Town a bond sufficient to insure the restoration of the street to the satisfaction of the Superintendent of Streets.

4-203. Obstruction of Street.

A person shall not place in or upon a street in the Town any material in such a manner as to obstruct or impede the free use of the street for public travel unless the person has a written license from the Board of Selectmen. The Board of Selectmen has authority to grant a license to obstruct a street for any purpose that appears to the Board of Selectmen to be reasonable, including an excavation or obstruction that is appropriate for erecting, repairing, altering, moving or removing a building.

If the Board of Selectmen issue a license for the obstruction of a street, they shall specify in the license the length of time the license is in force.

4-204. Safety Precautions.

If a person receives a license or permit to obstruct or excavate in a street, the person:

- (a) Shall keep a suitable railing around the area that is obstructed or excavated so long as the area is unsafe or inconvenient for traveling; and
- (b) Shall keep at or near the area that is so obstructed or excavated such lighted lanterns as are sufficient to warn travelers from one hour before sunset to one hour after sunrise.

4-205. Additional Requirements.

The Board of Selectmen has authority to impose upon a license or permit to obstruct or excavate in a street a condition, term or limitation that is appropriate with respect to erecting a barricade, maintaining a light or taking any other precaution for the safety of travelers.

4-206. Indemnification of Town.

As a condition to receiving a license or permit to obstruct or excavate in a street, the Board of Selectmen has authority to require that the person who is to receive the license or permit execute a written agreement and furnish a bond 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, that arises out of the existence of the obstruction or excavation.

4-207. Materials on Public Way.

A person shall not place on a public way:

- (a) Ice or snow on a portion of a public way that has been cleared or plowed for travel;
- (b) Rubbish or filth of any kind;
- (c) Lawn clippings;
- (d) Leaves, except that a person is permitted to place leaves in any area identified by the Superintendent of Streets for the purposes of Town collection of leaves between October 1 and December 15;
- (e) Any noxious liquid or solid matter or substance; or
- (f) Any concrete, bituminous material or other similar material.

4-208. Upsetting Containers.

A person shall not willfully or knowingly tip over or upset a container of ashes, rubbish, leaves or other material that appears to have been placed in the vicinity of a public way or a private way to which the public has access for purposes of collection.

4-209. Puncture or Cutting Materials.

A person shall not place, discard or scatter on a public or private way to which the public has access a material that has the capacity to puncture or cut the tire of a vehicle or to impede the passage of a vehicle over the said public way or the private way to which the public has access.

If, as a result of the operation of a motor vehicle on a public way or a private way to which the public has access, broken glass or other debris is thrown, discarded or scattered on the surface of the way, the person who was operating the vehicle shall remove the material from the surface of the way as soon as practicable.

4-210. Explosive Devices.

Except by written permission of the Board of Selectmen or in the exercise of a duty required or justified by law, a person shall not fire a weapon, explosive device or an implement for discharging a missile on a public way or a private way to which the public has access.

4-211. Games.

A person shall not engage in a game, exercise or amusement on a public way or a private way to which the public has access if the game, exercise or amusement interferes with the safe or convenient use of the way or if the game, exercise or amusement disturbs the safety of a person or property or of the peace or quiet of a person.

4-212. Flying Objects.

A person shall not in a public way or a private way to which the public has access throw or shoot a ball, stone, arrow, snowball, stick, brick or other hard substance in a way that interferes with the safe or convenient use of the way or disturbs the safety of a person or property the peace or quiet of a person.

4-213. Human Obstruction. -- Deleted by Attorney General, 8/7/85

4-214. Burning in the Streets.

A person shall not create or maintain a fire within the limits of a public way.

4-215. Hitchhiking Prohibited.

A person shall not while within the limits of a public way solicit transportation in a motor vehicle for himself or for another person by any verbal or visual sign or signal, except for a sign or signal to a motor vehicle that is operated for the carriage of passengers for hire.

4-216. Overnight Parking.

A person shall not leave a vehicle unattended on a public way for more than one hour at any time between the hour of 1:00 A.M. and 6:00 A.M. local time, regardless of whether local time is standard time or daylight savings time when the offense occurs.

4-217. Commercial Parking.

A person shall not park a vehicle that is used for commercial purposes on a public way for more than one hour. This section does not apply to a vehicle during the time that the person who is using the vehicle is rendering a service to a household or business establishment or during the time that the vehicle is being used for a pickup from or delivery to a household or business establishment.

Chapter 300

Sidewalks and Tree Belts

4-301. Tree Belt.

(a) The Board of Selectmen has authority upon such terms as they prescribe, to permit or license an owner or occupant of real estate abutting on a street to lay out and maintain a lawn on that portion of the street that is contiguous to the estate and outside the traveled portion of the street.

(b) The owner of any real estate in the Town which abuts on any public or private way within the Town where there is a tree belt shall keep said tree belt mowed and free and clean of all litter, debris, noxious woods and brush, and shall maintain the same in a clean and sanitary manner.

4-302. Sidewalk Definition.

A regulation relating to a sidewalk applies to any walk that is under the control of the Town regardless of the dimensions of the walk or the material used in its construction.

4-303. Materials on Sidewalks.

A person shall not place on a sidewalk or a way to which the public has access:

- (a) Ice or snow on a portion of a public way that has been cleared or plowed for travel;
- (b) Rubbish or filth of any kind;
- (c) Lawn clippings;
- (d) Leaves, except that a person is permitted to place leaves in any way identified by the Superintendent of Streets for the purpose of Town collection of leaves between October 1 and December 15;
- (e) Any noxious liquid or solid matter or substance; or
- (f) Any concrete, bituminous material or other similar material.

4-304. Upsetting Containers.

A person shall not knowingly or willfully tip over or upset a container of ashes, rubbish or other discarded material on any sidewalk or way to which the public has access.

4-305. Congregation of Persons. -- Deleted by Attorney General 8/7/85

4-306. Obstruction.

A person shall not place on a sidewalk or way to which the public has access an obstruction that hinders the free or safe use of the sidewalk or way by a pedestrian unless the person has placed the obstruction there by order of the Board of Selectmen or with the written permission of the Board of Selectmen.

4-307. Temporary Walk.

If a person erects, alters, repairs or moves a building or engages in any other conduct that obstructs a sidewalk or way to which the public has access or renders the sidewalk or way impassable, the person shall place a good temporary walk around the obstruction.

4-308. Safety Precautions.

If a person receives a license or permit to obstruct or excavate in a sidewalk, the person shall:

- (a) Keep a suitable railing around the area that is obstructed or dug up so long as the area is unsafe or inconvenient for traveling; and
- (b) Keep at or near the area that is so obstructed or excavated such barricades with flashers as are sufficient to warn travelers from one hour before sunset to one hour after sunrise.

4-309. Accessway.

The Board of Selectmen has authority to permit installation in a sidewalk or a street of a passageway for access or for light or air on such terms and conditions as are reasonable; but the Board of Selectmen shall not permit the accessway to extend more than three and one-half (3 ½) feet into a sidewalk or from the edge of the sidewalk or street, and the Board of Selectmen shall require that the way of access be made secure by suitable platform, grate or other covering.

4-310. Snow Removal.

(a) A person who is a resident or an owner of property on which or adjacent to which there is a hard surfaced sidewalk that is under the control of the Town shall clear the sidewalk of ice and snow within twenty-four (24) hours after the precipitation ceases to fall. If the sidewalk becomes covered with ice that cannot be readily removed, the resident or owner shall place sand or ashes on the sidewalk to render the walk safe for pedestrians.

A violation of this section is punishable by a fine of Twenty-Five (\$25) Dollars.

(b) A person who is a resident or an owner of property, including business or commercial property as well as residential property, on which or adjacent to which there is a fire hydrant shall clear the hydrant of ice and snow within 24 hours after precipitation ceases to fall so that the fire hydrant is readily visible to fire department personnel. If the fire hydrant is located on a property line, the abutting property owners shall be jointly liable for removing the snow and ice.

4-311. Falling Snow or Ice.

The owner of a building or person who has the care of the building shall not permit an accumulation of ice or snow on the building that can fall upon a sidewalk or street. If necessary, to prevent snow or ice from falling from the building onto a sidewalk or street, the person shall erect on the building a barrier or other suitable structure.

4-312. Flowing Water.

A person who owns or has care of a building shall not permit water from the eaves or guttering of the building to be discharged upon a sidewalk or street or permit any drain, sluice, gully or conduit upon his land to discharge water upon a sidewalk, tree belt or traveled way within a public way or private way to which the public has access.

4-313. Shrubbery.

A person who is a resident or any owner of property on which or adjacent to which there is a sidewalk that is under the control of the Town shall cut back bushes or trees that grow over the sidewalk to allow clearance up to seven (7') feet above the surface of the sidewalk.

4-314. Shrubbery at Intersections.

A person shall not erect a structure or permit a plant to grow in a way that obstructs the view of a street intersection for a distance of twenty-five (25') feet from the point at which the nearest edges of the two streets intersect. If the point from which the distance is measured cannot be readily determined, the Building Commissioner shall determine the area of unobstructed view required for the safety of the public. The Building Commissioner shall file with the Planning Board a plan that shows the area of unobstructed view determined by him.

Chapter 400

Parks and Common Land

4-401. Protection of Trees.

A person shall not trim, cut down or remove a tree or shrub from land that is owned or controlled by the Town of Longmeadow unless he has first obtained written authorization from the Tree Warden or his deputy.

4-402. Climbing Prohibited.

A person shall not climb a tree, public sign or guide on a public way or in a public place in the Town unless he has first obtained permission to do so from the Chief of Police. This paragraph does not apply to an employee of the Town, to an employee of a telephone, telegraph, electric light company, or of a cable television franchise, while acting within the scope of his employment.

4-403. Town Dump.

A person shall not deposit material in a disposal area that is maintained by the Town unless the material has been collected within the Town of Longmeadow.

A person who deposits material in a disposal area that is maintained by the Town shall conform to the regulations prescribed for the disposal area by the Board of Selectmen.

Chapter 500

Public Facilities

4-501. Fire Hydrants.

A person shall not except by permission of the Superintendent of the Water Department or by a member of the Fire Department, open, molest or deface a fire hydrant.

(Reserved for Future Enactments)

Chapter 600 (4-601 et seq)

Chapter 700 (4-701 et seq)

Chapter 800 (4-801 et seq)

Chapter 900 (4-901 et seq)

ARTICLE FIVE

CONDUCT AFFECTING HEALTH AND SAFETY

Chapter 100

Provisions Applicable to Article Five

5-101. (Reserved for Future Enactment)

Chapter 200

Motor Vehicles

5-201. Fire Lane.

(a) An owner or operator of a vehicle shall not stand or park the vehicle within the limits of a private way that furnishes access to a building for fire apparatus if the fire lane is marked by a sign or other labeling that says "Fire Lane -- No Parking". An owner or operator of a vehicle who violates this section is subject to a fine and to the procedures established under General Laws Chapter 90, Section 20A ½.

(b) The Board of Selectmen, upon the recommendation of the Fire Chief, shall designate "Fire Lanes" within the limits of any private way, parking area or driveway for the access of fire apparatus or other emergency vehicles onto commercial property or multiple dwelling property. The owner of record of any area designated as a "Fire Lane" shall provide and install signs on one or both sides of the Fire Lane, at the discretion of the Fire Chief, not more than fifty (50) feet apart that shall read "FIRE LANE - NO PARKING - NO STANDING". The size, color and design of said sign shall first be approved by the Fire Chief. No vehicle shall be left within the limits of any Fire Lane denoted by signs as aforesaid. The registered owner of any vehicle in violation of this section shall be subject to a fine and the procedures established pursuant to General Laws, Chapter 90, Section 20A ½.

5-202. Handicap Parking.

An owner or operator of a vehicle shall not stand or park the vehicle in a parking space that is reserved for handicapped persons unless the vehicle bears a distinctive plate authorized by General Laws Chapter 90, Section 2, for a disabled veteran or handicapped person, or has affixed to the rear window of the vehicle a temporary permit that has been issued by the Board of Health and that bears the international symbol for the handicapped.

An owner or operator of a vehicle who violates this section is subject to a fine and to the procedures established under General Laws Chapter 90, Section 20A ½.

5-203. Temporary Permit.

If a physician certifies in writing that a person has a temporary disability, the Board of Health has authority to issue to that person a temporary permit bearing the international symbol for the handicapped. The permit is limited to a duration of six (6) months but is renewable by the Board, if necessary, with the written certification of the physician.

The Board of Health shall revoke a temporary handicap permit issued by it if the vehicle to which the permit is affixed is used for special handicapped parking privileges when the vehicle is not operated by or is not carrying as a passenger the person for whose handicap the permit was issued. If the owner or operator of a vehicle for which a temporary handicap permit has been issued stands or parks the vehicle in a space reserved for handicapped persons when the vehicle is not being operated by or is not carrying as a passenger the person for whose handicap the permit was issued, he is subject to a fine and to the procedures established under General Laws Chapter 90, Section 20A ½.

5-204. Other Obstruction.

A person who, by the use of an object other than a vehicle, blocks a parking space that has been reserved for use by handicapped persons is subject to a fine of Fifty (\$50) Dollars for each offense.

5-205. Hanging on Vehicle.

Except insofar as the person has been granted a permit by the Board of Selectmen for this conduct, a person shall not ride on, hold on to or hang on to a moving vehicle or a portion of the load of a vehicle in a manner that any part of his

body protrudes beyond the limits of the vehicle or of the load of the vehicle while the vehicle is on a public way or a private way to which the public has access.

5-206. Grass Covered Area.

Except insofar as the person has a permit from the Board of Selectmen for this conduct, a person shall not drive a vehicle on the turf or grass-covered area that adjoins the paved or hardened portion of a public way or a private way to which the public has access.

5-207. Towing: Snow Removal.

For the purpose of removing or piling snow or removing ice from a public way or a private way to which the public has access, the Superintendent of Streets has authority to remove to a convenient place, including a public garage, any vehicle that interferes with the snow or ice removal process. If the Superintendent of Streets removes a vehicle for this purpose, he shall:

- (a) Keep a record of the registration number of each vehicle and the place to which it is removed;
- (b) Immediately inform the Police Department that the vehicle has been towed; and
- (c) Within forty-eight (48) hours after the removal of the vehicle, send notice by mail to the owner of the vehicle at his address as recorded at the Registry of Motor Vehicles of the place to which the vehicle has been removed. If the owner of the vehicle is not known or is not on the record of the Registry of Motor Vehicles for this Commonwealth, the Superintendent of Streets shall, within forty-eight (48) hours after removal of the vehicle, publish in a newspaper published and having a general circulation in Hampden County notice of the removal, the registration number, if any, the type of vehicle, and the place to which the vehicle was removed.

A person is not entitled to repossess a vehicle that has been removed under this section until he has:

- (a) Furnished to the Police Department satisfactory evidence of his identity and of his ownership or right to possession of this vehicle; and
- (b) Paid the reasonable costs, not exceeding the maximum charges allowed by the Massachusetts Department of Public Utilities for this area, of removing the vehicle to the place of storage and all reasonable charges, if any, for storage, together with the costs of publication or the sending of any notice required under this section.

5-208. Vehicle Maintenance.

Except for emergency or temporary repairs, a person shall not repair, wash or clean a vehicle in or on a public way of the Town.

5-209. Street Storage.

A person shall not occupy any part of a public way for the storage of a vehicle.

Chapter 300

Animals

5-301. Vicious Animals.

A person shall not keep a vicious animal within the Town.

5-302. Public Property.

Except insofar as a person has a permit from the Board of Selectmen for this conduct, a person shall not drive or ride an animal on a sidewalk, tree belt or park that is under the control of the Town.

5-303. Tethering of Animals.

A person shall not tie or fasten an animal to a lamp post, hydrant, tree, shrub, fence or other object or tie or fasten an animal so near to a tree, shrub or vine that the animal can damage it.

5-304. Frightening of Animals.

A person shall not by noise, gesture or other means wantonly or intentionally frighten an animal.

5-305. Unrestrained Animal.

A person shall not permit an animal to roam unrestrained except on property under the control of the person. If a person permits an animal to roam unrestrained on property under his control, he shall keep the property sufficiently fenced to keep the animal from emerging from the property.

5-306. Control of Dog -- Public Facilities and Property.

A person who owns or keeps a dog shall not permit the dog to be on school grounds between the hours of 7:00 A.M. and 4:00 P.M. on any day that the school is in session, or within one hundred (100') feet of any public swimming pool or public wading pool during the time that the swimming pool or wading pool is available for use.

A person who violates this section is subject to a fine of Twenty-Five (\$25) Dollars.

5-307. Dog Control -- Private Property.

A person who owns or keeps a dog shall not permit the dog to be upon the land of another person without the permission of the other person if the owner or keeper of the dog does not restrain the dog by a chain or leash that does not exceed six (6') feet in length.

5-308. Prima Facie Evidence.

The presence of a dog on the land of a person other than the owner or keeper of the dog when the dog is not restrained by a chain or leash that does not exceed six (6') feet in length is prima facie evidence that the owner or keeper of the dog has violated the preceding section. The penalty for the violation is Twenty-Five (\$25) Dollars for each offense, subject to the provisions of Chapter 140, Section 173A of the General Laws.

5-309. Dog Exercise Area.

The Board of Selectmen has authority to designate times and places on Town property where the owner or keeper of a dog may exercise or train the dog without a chain or leash so long as the dog is under the supervision or control of the owner or keeper.

5-310. Catching a Dog.

If a dog is at large or is on the property of a person other than the owner or keeper of that dog without the permissions of the property owner and without being restrained by a chain or leash that does not exceed six (6') feet in length, the dog officer shall take possession of the dog and confine it. The dog officer shall, as soon as practicable, notify in writing the licensed owner or keeper of the dog that the owner or keeper has ten (10) days within which to recover the dog.

5-311. Confinement of Dog.

If the dog officer takes possession of a dog, he shall confine it in a place suitable for the care and detention of dogs, or he may place the dog in the care of the holder of a kennel license, whichever has been designated by the Board of Selectmen.

5-312. Reclaiming Dog.

A person is not entitled to reclaim a dog that has been confined by the dog officer until:

- (a) A person has acknowledged that he is the owner or keeper of the dog;
- (b) He has undertaken responsibility for the dog; and
- (c) He has paid the expense of maintaining the dog in confinement, including, but not limited to, the cost of feeding, medical care, medicines and the necessary dog license.

5-313. Disposition of Dog.

If a dog has been confined by the dog officer, and if the dog remains unclaimed more than ten (10) days after notice has been given to the owner or the keeper of the dog, the dog officer shall dispose of the dog in a manner provided by law.

5-314. Prosecution.

The dog officer has a duty to seek and prosecute a complaint against the owner or keeper of a dog that the dog officer has taken into custody; but, if the owner or keeper of the dog has not been convicted of a violation of these provisions within the twelve (12) months next preceding the confinement of the dog, the dog officer has authority to waive prosecution.

5-315. Dog Officer.

The Board of Selectmen shall appoint a person to serve as dog officer for the Town. The person so appointed shall serve either full-time or part-time as determined by the Board of Selectmen. The Board of Selectmen has authority to appoint such assistants as are necessary to enforce and administer the dog control law.

5-316. Equipment.

The Board of Selectmen shall provide to the dog officer and his assistants proper equipment for the administration and enforcement of the dog control law and a vehicle that is suitable for the conveyance of dogs.

5-317. Dog As Nuisance.

If a person makes a complaint in writing to the Board of Selectmen that a dog owned or kept within the Town is a nuisance, the Board of Selectmen shall take action as provided in Chapter 140, Section 157 of the General Laws. If the person who files the complaint knows the identity of the owner or keeper of the dog, he shall provide that information to the Board of Selectmen.

5-318. Definition: Dog As Nuisance.

A dog is a nuisance for the purpose of these By-Laws if the dog:

- (a) Has a vicious disposition;
- (b) Engages in excessive barking;
- (c) Chases cars;
- (d) Runs in packs with other dogs;
- (e) Breaks or damages shrubbery;
- (f) Damages gardens;
- (g) Bites or threatens to bite a person or persons; or
- (h) Enters unrestrained onto the property of persons other than the owner or keeper of the dog.

5-319. Dog License Penalty.

A penalty of Fifteen Dollars (\$15) shall be imposed after written notification to dog owners of an annual fee in addition to any other basic license fee, for any dog license purchased more than sixty (60) days after the due date, said penalty to be retained by the Town.

5-320. Dogs on Athletic Fields.

Dogs, except for seeing eye dogs or hearing aid dogs, whether or not under the control of their owners shall not be permitted at any time on any athletic field under the jurisdiction of the School committee. This section shall supersede the provisions of Section 5-306 with respect to athletic fields which are on school grounds.

5-320- A. Dogs on Park Athletic Fields.

Dogs, except for seeing eye dogs or hearing aid dogs, whether or not under the control of their owners, shall not be permitted at any time on any athletic field under the jurisdiction of the Board of Park Commissioners.

5-321. Dog License Fees.

The annual fee charged by the Town for issuance of licenses for dogs shall be \$20.00 for each male or female dog, but \$10.00 for each dog which has been spayed or neutered and these fees shall apply regardless of the number of dogs being licensed by an individual resident.

5-322. Removal of Dog Waste.

- (a) It shall be unlawful for any person owning, keeping, walking, in possession, custody or control of any dog to allow or permit such dog to defecate upon any public or private property, other than the property of the dog's owner or with the permission of the property owner, unless such person shall remove all feces deposited by such dog before leaving such property.

- (b) The provision of this section shall not apply to a guide dog accompanying any blind person.
- (c) Any violation of this section shall constitute an infraction and shall be punishable by a fine of twenty-five (\$25.00) on the first offense, fifty dollars (\$50.00) on the second offense and subsequent offenses for each violation.
- (d) This section may also be enforced by the non-criminal disposition procedure set forth in article One chapter 500.
- (e) The Dog Officer and any Police Officer of the Town are authorized to enforce the provisions of this section.
- (f) For the purposes of Article 5-322, feces may not be disposed of in the public storm drain system due to concern for the pollution of brooks, streams, and wetlands. Feces may only be disposed of by:
 - (1) utilizing the public sewer systems; or
 - (2) sealing in a plastic bag and disposing in the regular trash; or
 - (3) utilizing a dog waste septic tank disposal system; or
 - (4) burial; or
 - (5) other methods approved by the public health department.

Chapter 400

Recreational Equipment

5-401. Coasting.

A person shall not coast or slide upon or across a sidewalk that is under the control of the Town. Except at such places and at such times as the Board of Selectmen may designate, a person shall not coast or slide upon a public way or private way to which the public has access.

5-402. Motorized Recreational Vehicles.

A person shall not operate a motorized vehicle upon property that is under the control of the Town, other than upon public ways, and except in such places and at such times as the Board of Selectmen or other municipal authority designates.

Chapter 500

Land and Buildings

5-501. Projection into a Public Way.

A person shall not allow a gate or door belonging to premises under his control to swing over or into a public way.

5-502. Excavation.

A person shall not excavate within six (6') feet of a street within the Town without erecting and maintaining a suitable fence or railing to protect travelers from injury.

5-503. Swimming Pools.

If a person has a swimming pool on property that is subject to his control, he shall enclose the pool by a fence which complies with the regulations contained in the Massachusetts State Building code.

Chapter 600

Civil Defense

5-601. Department of Civil Defense.

There is hereby established a Department of Civil Defense (hereinafter called the "department"). It shall be the function of the department to have charge of civil defense as defined in Section 1, Chapter 639, Acts of 1950 and to perform civil defense functions as authorized or directed by said Chapter or by any and all executive orders or general regulations promulgated thereunder, and to exercise any authority delegated to it by the governor under said Chapter 639.

5-602. Director of Civil Defense.

The department shall be under the direction of a director of civil defense (hereinafter called the "director") who shall be appointed as prescribed by law. The director shall have direct responsibility for the organization, administration and operation of the department, subject to the direction and control of the appointing authority, and shall receive such salary as may be fixed from time to time by the appointing authority. The director may, within the limits of the amount appropriated therefor, appoint such experts, clerks and other assistants as the work of the department may require and may remove them, and may make such expenditures as may be necessary to execute effectively the purposes of Chapter 639, Acts of 1950.

The director shall also have authority to appoint district coordinators and may accept and may receive, on behalf of the Town: services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of civil defense offered by the Federal government or any agency or officer thereof or any person, firm or corporation, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. The director shall cause appropriate records to be kept of all matters relating to such gifts, grants or loans.

5-603. Civil Defense Advisory Council.

There is hereby appointed a Civil Defense Advisory Council (hereinafter called the "council"). Said council shall serve without pay and shall consist of the director of civil defense, such other department heads and such other persons as the authority appointing said director may deem necessary. Such member of said council as said appointing authority shall designate shall serve as chairman of said council. Said council shall serve subject to the direction and control of the appointing authority and shall advise said appointing authority and the director on matters pertaining to civil defense.

5-604. Police Aid to Other Cities and Towns in Event of Riots or Other Violence Therein.

The Police Department is hereby authorized to go to aid another city or town at the request of said city or town in the suppression of riots or other forms of violence therein.

5-605. Termination of By-Law.

This By-Law shall remain in force during the effective period of Chapter 639, Acts of 1950 and any act in amendment or continuation thereof or substitution therefor.

5-606. Definition.

All references to Chapter 639, Acts of 1950, as now in force, shall be applicable to any act or acts in amendment or continuation of or substitution for said Chapter 639.

Chapter 700

Dangerous Materials

5-701. Explosive or Inflammable Materials.

A person shall not keep, store, sell or make other commercial use of petroleum, a petroleum product or any explosive or inflammable fluid or material if he does not have a license to do so.

5-702. Land Storage.

If a person uses land for the keeping, storage, sale or other commercial use of an explosive or inflammable fluid or material, he shall pay a fee for the license as follows:

Not more than	1,000 gallons or	8,000 pounds	\$15.00
Not more than	5,000 gallons or	40,000 pounds	\$25.00
Not more than	10,000 gallons or	80,000 pounds	\$35.00
Not more than	30,000 gallons or	240,000 pounds	\$45.00
Not more than	100,000 gallons or	800,000 pounds	\$55.00
Not more than	200,000 gallons or	1,600,000 pounds	\$80.00
More than	200,000 gallons or	1,600,000 pounds	\$110.00

(NOTE: Pursuant to Section 5-704 the Board of Selectmen have subsequently changed to above fees to \$45.00, 75.00, 105.00, 135.00, 165.00 and 240.00 respectively.)

5-703. Vehicle Storage.

If a person uses a vehicle for the keeping, storage, sale or other commercial use of an explosive or inflammable fluid or material, he shall pay for the license as follows:

Not more than five vehicles	\$1.00
Not more than twenty-five vehicles	\$4.00

5-704. Change of Fees.

The Board of Selectmen has authority to change the license fees.

(Reserved for Future Enactments)

Chapter 800 (5-801 et seq)

Chapter 900 (5-901 et seq)

ARTICLE SIX

CONDUCT AFFECTING THE COMMUNITY

Chapter 100

Provisions Applicable to Article Six

6-101. *(Reserved for Future Enactment)*

Chapter 200

Property Care and Maintenance

6-201. False Burglar Alarm.

If a person has for his home or business a burglar alarm system that results in a police call to the person's home or business, the person is liable for a fee of Twenty-Five (\$25) Dollars for each "false alarm" after the first three (3) "false alarms" in any calendar year. For the purposes of this section a "false alarm" means the triggering of the alarm by any cause other than by a person whose presence on the premises the alarm system is intended to report.

6-202. Fee Collection.

If a person becomes liable for the "false alarm" fee, the Town Collector shall send to the person a bill for the fee. If the person fails to pay the fee within thirty (30) days after the sending of the bill, the Police Department shall cause the burglar alarm system to be disconnected so that the system no longer gives notice to the police upon being triggered. The Collector has authority to collect a "false alarm" fee that accrued before the discontinuance.

6-203. Fire Alarm Systems.

(a) No person shall connect or cause to be connected a fire alarm system to a burglar alarm system whereby the triggering of the burglar alarm would cause the fire alarm system to place a call to the Fire Department.

(b) If a person has for his home or business a fire alarm system that results in a Fire Department call to the person's home or business, the person is liable for a fee of Twenty-Five (\$25) Dollars for each "false alarm" after the first three "false alarms" in any calendar year. For the purpose of this section, a "false alarm" means the triggering of the alarm by any cause other than fire on the premises which requires the attention of the Fire Department.

(c) All fire alarms shall have a disconnect feature which will automatically prevents an alarm from transmitting for more than fifteen (15) minutes.

Chapter 300

Commercial Activities

6-301. Junk Dealer License.

A person shall not collect, deal in or keep a shop for the purchase, sale or barter of junk, old metals or secondhand articles if he does not have a license to do so.

6-302. Licensing Authority.

The Board of Selectmen has authority to issue a license to a person to collect, deal or keep a shop for the purchase, sale or barter of junk, old metals or secondhand articles and, to this end, to adopt standards for the identification of persons who are eligible to receive such a license. Subject to the General Laws of the Commonwealth, the Board of Selectmen also has authority to identify the circumstances under which such a license can be revoked.

6-303. Badge or Emblem.

The Board of Selectmen has the authority to design a badge or emblem and to require a person who holds a license to collect, deal in, or keep a shop for junk, old metals or secondhand articles to display the badge or emblem when engaged in collecting, transporting or dealing in junk, old metals or secondhand articles.

6-304. Inspection.

Any article of merchandise or any place, vehicle or receptacle used for the collection, storage or sale of junk, old metals or secondhand articles is subject to inspection at any time by the Board of Selectmen or by a person authorized by the Board of Selectmen.

6-305. Record of Transactions.

A person who keeps a shop for the purchase, sale or barter of junk, old metals or secondhand articles shall keep a book in which he records each purchase of such an article, a description of the article, the name, age and residence of the person from whom the purchase was made, and the day and hour when the purchase was made. This record book is subject to inspection by the Board of Selectmen or by a person authorized by them at any time.

6-306. Exhibit of Sign.

A person who keeps a shop for the purchase, sale or barter of junk, old metals or secondhand articles shall put in a suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon.

6-307. Sidewalk Sales.

Except in accordance with a written permit from the Board of Selectmen and except as provided in Section 17 of Chapter 101 of the General Laws, a person shall not in any street or from any point immediately adjacent to a sidewalk sell or offer for sale any goods or articles to a person who is on any sidewalk that is under the control of the Town.

6-308. Booths or Carts.

Except in accordance with a written permit from the Board of Selectmen, a person shall not sell or offer to sell food, fruit, merchandise or other things from a table, stall, booth, cart or other structure in a public way or public place or upon a sidewalk that is under the control of the Town.

6-309. Failure to Exhibit License.

If a person who sells goods or merchandise has a permit or license that is required by these By-Laws and if the person fails, neglects or refuses to exhibit his permit or license when demanded of him by a Selectman, Commissioner, Inspector, Sealer of Weights and Measures, Police Officer or any person authorized by the Board of Selectmen, the person is subject to the same penalty as if he had no license.

6-310. Tag Sale.

A person shall not conduct a "tag sale", "garage sale", "barn sale" or "house sale" if he does not have a permit for the sale from the Building Commissioner of the Town.

The Building Commissioner shall not issue the permit:

- (a) If the person who desires the permit has not applied for the permit at least five(5) days prior to the date of the proposed sale;
- (b) If the applicant has failed to indicate the hours during which the sale is to be conducted;
- (c) If the sale is to extend beyond one (1) day; or
- (d) If the applicant fails to pay the fee established by the Board of Selectmen for the issuance of the permit.

The Building Commissioner shall not issue more than two (2) permits per year to the occupant of a dwelling unless the Board of Selectmen specifically authorizes the additional permits.

A person who holds a permit for a sale under this section is authorized to exhibit on the day of the sale in front of the affected dwelling a sign up to four (4') feet square that advertises the sale. A person shall not exhibit other signs advertising the sale.

6-311 Licensing of Solicitors and Canvassers.

- (a) Purpose. This section, adopted pursuant to M.G.L. c. 43B, section 13 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operation requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Longmeadow in order to (1) protect its citizenry from disruption of the peaceful enjoyment of the residences and from the perpetration of fraud or other crimes; and (2) to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

- (b) Definitions. The following definitions shall apply in the interpretation and implementation of this Bylaw:
- (1) "Soliciting" shall mean and include any one or more of the following door-to-door activities:
 - (a) selling or seeking to obtain orders for the purchase of goods or services for any kind of consideration whatever;
 - (b) selling or seeking to obtain prospective customers for application to purchase insurance of any kind;
 - (c) seeking to obtain subscriptions to books, magazines, periodicals, newspapers, or any other type of publication;
 - (d) seeking to obtain gifts or contributions money, clothing, or any other valuable thing for the support or benefits of any association, organization, corporation or project;
 - (e) seeking to obtain information on the background, occupation, economic status political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly or in part for commercial purposes.
 - (2) "Canvassing" shall mean and include any one or more of the following door-to-door activities:
 - (a) person-to-person distribution of literature, periodicals, or other printed materials, but shall not include placing or dropping off printed materials on the premises;
 - (b) seeking to enlist membership in any organization;
 - (c) seeking to present, in person, organizational information
 - (3) "Residence" shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons.
 - (4) "Registered solicitor" shall mean any person who has obtained a valid certificate of registration from the Town as required by this Bylaw.
- (c) Registration. Every person or organization intending to engage in commercial soliciting or canvassing door-to-door in the Town of Longmeadow must register with the Police Department at least three (3) days in advance by filing a registration application form with the Chief of Police.
- (1) Organization application forms shall include the following information:
 - (a) The name and the address of the organization applying for registration, and the names and address of the organization applying for registration, and the names and addresses of the organizations' principal officers.
 - (b) The name, title and telephone number, IRS taxpayer identification number of the persons filing the application form.
 - (c) The names and addresses of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Longmeadow.
 - (d) A list of the names, addresses, dates of birth of all individuals who will be employed in solicitation or canvassing by the applicant.
 - (e) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 90 day period).
 - (f) Names of the last three communities (if any) in which the organization has conducted a solicitation or canvassing operation.

(2) Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under 6-311 (c) (1). Individual registration forms shall contain the following information:

(a) Names and address of the present place of residence and length of residence at that address; if less than three years residence at a present address, the address of residence(s) during the past three years.

(b) Date of birth.

(c) Name and address and telephone number of the person or organization whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization.

(d) Name and address of employer during the past three years if other than listed in 6-311 (c).

(e) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 90 day period).

(f) Name of the last three communities (if any) in which the applicant has solicited or canvassed door-to-door.

(g) Social Security Number. (Optional)

(h) Recent passport-sized photograph of the applicant to be affixed to the registration card.

(I) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

(d) Registration Fee. Each applicant for registration or re-registration shall pay a fee of \$5.00 to the Town.

(e) Registration Cards:

(1) The Police Chief, after a review, shall furnish each person engaged in solicitation or canvassing with a registration card which shall contain the following information:

(a) The name of the person.

(b) A recent photograph of the person.

(c) The name of the organization (if any) which the person represents.

(d) A statement that the individual has been registered with the Town of Longmeadow Police Department but that registration is not an endorsement of any individual or organization.

(e) Specific dates or period of time covered by the registration.

(2) Persons engaged in solicitation or canvassing must carry the registration card at all times and present the card to any person solicited or upon the request of any police officer.

(3) Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days.

(4) The Police Chief shall refuse to register an organization or individual whose registration has been revoked for violation of this by-law within the previous two year period, or an individual who at any time has been convicted of murder, manslaughter, rape, robbery, arson, burglary/breaking and entering, assault, larceny.

(f) Exceptions:

(1) Registration shall not be required for officers or employees of the Town, County, State or Federal governments when on official business.

(2) Individual registration shall not be required for minors under the age of 18 except in connection with canvassing or soliciting on behalf of a profit organization, newspaper carriers excepted.

(3) Registration shall not be required for individuals seeking to engage in exclusively non-commercial communication.

(g) Duties of Solicitors:

(1) It shall be the duty of every solicitor or canvasser, upon going into any residential premises in the Town of Longmeadow, to first examine any notice which may be posted prohibiting solicitation. If such a notice is posted, the soliciting or canvasser shall immediately and peacefully depart from the premises.

(2) Any solicitor or canvasser who has gone onto any residential property or gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(3) Immediately upon going onto any residential property or gaining entrance to any residence, each registered solicitor or canvasser must do the following:

(a) Present his registration card for inspection by the occupant.

(b) Request that the occupant read the registration card.

(c) Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization.

(4) It shall be the duty of every organization employing solicitors or canvassers to notify the Police Department daily as to what area(s) of the Town they will be operating in.

(h) Restrictions on Methods of Solicitation: It shall be unlawful for a solicitor or canvasser to do any of the following:

(1) Falsely represent, directly or by implication, that the solicitation or canvassing is being done on behalf of a governmental organization.

(2) Solicit or canvass at any residence where there is a posted sign prohibiting solicitation, without express prior permission of an occupant.

(3) Solicit or canvass any residence without express prior permission of an occupant, before 9:00 a.m. or after 8:00 p.m. where there is no sign posted otherwise limiting solicitation or the hours of solicitation.

(i) Penalty:

(1) Any person or organization who, after being advised and given a copy of this By-law, violates any of the provisions of the By-law shall be subject to a fine not to exceed \$300.00 for each offense.

(2) Any person or organization who for himself, itself, or through its agents, servants or employees violates any provision of sub-sections 6-311 (a) or 6-311 (h) of this By-law, or who knowingly provides false information on the registration application, or who is found, after investigation by a police officer, to have conducted himself or itself in a threatening, abusive, or illegal fashion, shall have his, her, or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

(j) Appeals: Any person or organization who is denied registration or whose registration has been revoked may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within 5 days after receipt of the notice of denial or revocation. The Board of Selectmen shall hear the appeal at its next

scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Board of Selectmen fails to make determination within 30 days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

(k) Severability. Invalidity of any provision of this section shall not affect the validity of the By-law as a whole.

6-312. Sale at School.

A person shall not sell or offer to sell to a school pupil food or any article that is suitable for or intended for human consumption or use within the limits of a public way or within one hundred (100) yards from the nearest boundary of a public school grounds between the hours of 8:00 A.M. and 4:00 P.M. on a day that the school that the pupil attends is in session.

6-313. Recycling Program.

A person who is not an authorized agent of the Longmeadow Recycling Commission shall not pick up material left at curbside in front of a residence in the Town in connection with the Town's recycling program. This section does not apply to a person who is an occupant of the residence or a person designated by the resident.

6-314. Billboards, Signs and Other Advertising Devices.

No billboard, sign or other advertising device shall be posted, erected, displayed or maintained in the Town of Longmeadow on any public way or on private property within public view from any highway, public park or reservation except as the same shall be permitted under the provisions of the statutes of the Commonwealth of Massachusetts and rules and regulations adopted thereunder, or as may be permitted under the provisions of this section as set forth in the following subparagraph thereof:

(a) A sign may be erected and maintained in any zone as shown on the zoning map of the Town, showing name and street number only, which is affixed to the dwelling or attached to a suitable support. In the case of a street number, the class of profession. Such sign shall not exceed one (1) square foot in area, or two (2) feet in line buildings thereon, may be displayed but may not exceed four (4) square feet in area.

(b) An owner of premises in a business zone as shown on the zoning map of the Town, or his lessee or tenant, may erect and maintain a single sign affixed to a structure, or the portion thereof devoted to the business transacted thereon, whose length shall not exceed two (2') feet less than the width of said structure, or said portion as the case may be, and whose height shall not exceed three (3') feet; affixed at a height determined by the Building Commissioner. Any sign or other advertising device which shall be painted or otherwise placed upon said structure, without the use of a separate board or other removable construction, shall be deemed to be so affixed under the provisions of this subparagraph. Said sign may advertise or indicate either the person occupying the premises in question or the business transacted thereon, but shall not make reference to a specific item or items for sale within the premises may be displayed in the windows, or at any point within the area normally devoted to the service of customers, but in no case shall such sign, or any item, be displayed or stored outside the building, except in the case of a business devoted to the service of motor vehicles, and then only in the manner and to the extent approved by the Board of Selectmen.

(c) The Board of Appeals may, in its discretion, in appropriate cases and subject to appropriate conditions and safeguards, permit an owner, lessee or tenant to display, under the provisions and limitations of subparagraph (b) hereof, a sign or signs in addition to the single sign therein permitted.

(d) The Board of Selectmen shall have the right to authorize or direct the installation, on any public way or on any land owned by the Town, such signs as they deem appropriate for the purpose of controlling traffic.

(e) A temporary sign relating to (i) a candidate for public office, or (ii) an issue which will be voted on at a town meeting or election, or (iii) some other issue which may be of general concern, interest or controversy or (iv) a scheduled function, event or activity sponsored by a non-profit organization, may be erected by the owner of property in any zone or by permission of such owner, but subject to the limitations set forth in subsection (c).

(f) (i) Temporary signs relating to candidates for office shall be limited to candidates for Town Offices or candidates for other offices whose name will appear on a ballot for an election within the Town.

(ii) Temporary signs permitted by subsection (e) (i), as limited by section (f) (i), or signs permitted by section (e) (ii) may be erected no sooner than sixty (60) days prior to the election or meeting at which

the candidates or issue will be voted on and must be removed no later than two (2) days after such election or meeting.

(iii) There shall be no limitation on temporary signs permitted by section (e) (iii) except as set forth in section (f) (v).

(iv) Temporary signs permitted by section (e) (iv) may be erected no sooner than fourteen (14) days prior to the date of the function, event or activity and must be removed no later than two (2) days after such function, event or activity.

(v) Signs permitted by any provision of this by-law (A) shall be no greater than four (4) square feet in area, (B) shall not, in the aggregate at any one time, total more than sixteen (16) square feet in area, (C) shall not be artificially illuminated, and (D) shall not be higher than three (3) feet above ground level.

(g) For purposes of this by-law, decorative flags suspended from residences shall not be treated as signs.

6-315. Vending Machines.

(a) No vending machines, including but not limited to, newspaper vending machines, shall be placed in any area under the care and control of the Town:

(b) *Disapproved by Attorney General 8/17/87.*

(c) The provisions of this section shall be severable so that the failure of the Attorney General to approved either Sub-section (a) and (b) shall not affect the validity of the other sub-section.

6-316. Retail Sales.

(a) No retail, commercial operation or place of business shall be open for the transaction of retail business between the hours of 12:01 a.m. and 6:00 a.m., unless after an application and hearing before the Board of Selectmen, the Board of Selectmen determine that it is in the interest of the public health, safety and welfare to allow such retail, commercial operation or place of business to operate during such hours or during a portion of such hours.

(b) This bylaw shall not apply to the retail, commercial operation of facilities operated by innholders and/or common victualers and/or taverns where a license has been duly issued for the operation of the same which otherwise restricts or describes the hours of operation of such facilities.

(c) For the purpose of this bylaw, facilities operated by innholders shall include, but not be limited to: an inn, hotel, motel lodging house and public lodging house or any similar establishment for which a license is required under Chapter 140 of the General Laws; the term facilities operated by a common victualer shall include a restaurant and any other similar establishment which provides food at retail for strangers and travelers for which a common victualer's license is required under said Chapter; and the term "tavern" shall include an establishment where alcoholic beverages may be sold with or without food in accordance with the provisions of Chapter 138 of the General Laws.

(d) The Board of Selectmen shall give public notice of any request whereby a retail, commercial operation or place of business seeks to be open for the transaction of retail business between the hours of 12:01 a.m. and 6:00 a.m. or any portion thereof, shall hold a public hearing within thirty (30) days of receipt of any such request and may grant the request for operation during all or any part of such hours with or without any conditions and may be imposed by the Board of Selectmen to ensure public health, safety and welfare.

Chapter 400

Public Order and Decency

6-401. Game, Exercise or Amusement.

A person shall not engage in a game, exercise or amusement in a public way or a private way to which the public has access if the game, exercise or amusement interferes with the safe or convenient use of the public way or the game, exercise or amusement disturbs the safety of a person or property or the peace and quiet of a person.

6-402. Flying Objects.

A person shall not throw or shoot a ball, stone, arrow, missile, snowball, ice, stick, brick or other hard substance in a public way or private way to which the public has access, if the throwing or shooting of the object interferes with the safe or convenient use of the public way or disturbs the safety of a person or property or the peace or quiet of a person.

6-403. Explosive or Dangerous Material.

A person shall not fire a weapon, discharge a missile or discharge an explosive or dangerous material in a public way. This section does not apply to an activity for which a permit has been given by the Board of Selectmen or to an activity that is required or justified by law.

6-404. Firearms.

(a) A person shall not discharge a firearm, rifle or shotgun within the limits of the Town. This section does not apply to lawful defense of a person or property, or to an activity for which permission has been given by the landowner or resident and by the Board of selectmen. For the purpose of this by-law, a firearm shall be defined as any instrument used in the propulsion of shot, shell, bullets, or ball by the use of gunpowder.

(b) Hunting by any means or trapping of wildlife is prohibited within the limits of the Town except on a property owner's or resident's own property or on another owner's or resident's property with the written permission of the owners or residents. A copy of such written permission shall be placed on file with the Police Department. This section shall not be construed to permit hunting by means of a firearm within the limits of the town.

6-405. Advertising Circular.

A person shall not distribute a handbill, circular or other advertising device on a public way or any place to which the public has access unless the handbill, circular or other advertising device is given in hand or placed within the door of a store, office, business house or residence or vehicle.

6-406. Curfew. -- Deleted by Attorney General 8/7/85

6-407. Unnecessary Noise.

A person shall not create any unreasonably loud, disturbing or unnecessary noise in the Town.

An unreasonably loud, disturbing or unnecessary noise includes, but is not limited to:

(a) Motor vehicles. The sounding of a horn or signal device on an automobile, motorcycle, bus or other vehicle for the purpose of making an unreasonably loud or harsh sound, or for an unnecessary and unreasonably long time; the sounding of a horn or signal device while the vehicle is not in motion, except as a danger signal if another vehicle is approaching and appears to be out of control; the sounding of a horn or signal device if the vehicle is in motion when the sounding of the horn or signal device is not connected to its use as a danger signal.

(b) Radios, Phonographs or Musical Instruments. The playing of a radio, phonograph or musical instrument in a manner or with such a volume particularly during the hours between 10:00 P.M. and 8:00 A.M., that the instrument is likely to annoy or disturb the quiet, comfort or repose of a person in a dwelling, hotel or other kind of residence.

(c) Churches, Schools, Hospitals and Courts. The creation of a noise on any street adjacent to a church, school, institution of learning, court or place of public meeting, while the same is in session, or adjacent to any hospital or nursing home, if the noise is excessive and tends unreasonably to interfere with their use.

(d) Peddlers and Hawkers. The shouting and crying of a peddler, hawker or vendor that disturbs the peace and quiet of the neighborhood.

(e) Drums, Loudspeakers. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by the creation of noise.

(f) Heavy Equipment. The operation of a bulldozer, power shovel, roller or other heavy equipment after the hour of 9:00 P.M. and before the hour of 7:00 A.M.

(g) Sound Trucks. The use of a sound truck or other advertising sound vehicle.

6-408. Whistle or Siren.

A person who is not authorized to do so shall not sound, within the limits of the Town, a whistle or siren horn in a way that imitates the whistle or siren horn used by the Fire Department, Police Department or Water Department of the Town.

6-409. Peeping Toms.

A person shall not enter upon the premises of another person with the intention of looking into the windows of a house or spying in any manner upon a person or persons. This section does not apply to a law enforcement officer who is in the performance of his duties.

6-410. Indecent Exposure.

A person shall not swim or bathe in a pool or in a body of water in the Town so divested of clothing as to be indecently exposed to the view of a person who is lawfully passing or is lawfully located in a public place, on a public way or in a place to which the public has access.

6-411. Alcohol -- Minors.

A person who is below the age established by the General Laws for the purchase of alcoholic beverages shall not have in his possession any such beverage while on a public way or in a public building or in a place to which the public has access.

6-412. Alcohol -- Possession.

A person shall not on a public way, in a public place or in a place to which the public has access, have in his possession an opened container of an alcoholic beverage. A person who violates this section is subject to a fine of not less than Twenty-Five (\$25) Dollars and not more than Fifty (\$50) Dollars.

6-413. Alcohol -- Consumption.

A person shall not consume an alcoholic beverage in a public building or on public property, including a park, cemetery, school, house, school ground or public square or on a public way or private way to which the public has access, or on a parking area regulated under the provisions of General Laws Chapter 90, Section 18. A person who violates this section is subject to a fine of not less than Twenty-Five (\$25) Dollars and not more than Fifty (\$50) Dollars.

6-414. Alcohol -- Exception.

The two preceding sections do not apply to an activity which has been licensed or permitted by the Board of Selectmen under the applicable provisions of the General Laws.

6-415. Video Game Prohibition.

A person shall not keep, operate or permit another person to operate a mechanical or electronic device, whether coin-operated or not, that uses or tests the skill of a player. This section includes, but is not limited to, an automatic amusement device as defined in Chapter 140, Section 177a(2) of the Massachusetts General Laws. This section applies to a device that is located in or on property that is owned, leased or under the control of the person. This section does not apply to private in-home use, coin-operated juke boxes, pool, billiard, bowling and athletic training devices. A violation of this section is punishable by a fine of Two Hundred (\$200) Dollars for each offense.

6-416. Permit for Procession or Gathering.

(a) A person shall not participate in a procession or gathering on a public way, on public land, or in a public area if the Police Department has not issued a permit for the procession or gathering.

(b) This section applies to a procession or gathering of persons, animals or vehicles or any combination of them.

(c) This section applies to a way, land or area that is available for use by members of the community regardless of whether the way, land or area is owned by a public body and includes a way, land or area to which members of the public have access.

(d) The Police Department does not have a duty to decide whether to issue a permit for a procession or a gathering if it does not have a written application for the permit that contains:

1. The name, address and telephone number of the person who is the applicant;

2. The name, address and telephone number of the organization that is the sponsor or the procession or gathering;
 3. The date and time of the procession or gathering;
 4. An estimate of the number of persons, animals and vehicles that will participate in the procession or gathering;
 5. The area and the time at which the procession will form or the gathering will assemble;
 6. The route of the procession; and
 7. An estimate of the degree to which the way, land or area affected by the procession or gathering will be occupied by the participants in the procession or gathering.
- (e) The Police Department has a duty to issue a permit for a procession or gathering unless the Department finds that:
1. The Department received the application less than seventy-two (72) hours before the time for the formation of the procession or the assembly of the gathering; or
 2. The Department has reason to believe that the number of participants or the degree to which the way, land or area will be occupied by the participants has been grossly and unreasonably underestimated in the application; or
 3. The procession or gathering has principally a business or mercantile purpose or is designed for private profit; or
 4. The size or nature of the procession or gathering requires the assignment of so great a number of police officers to the areas contiguous to the procession or gathering that the occurrence of the procession or gathering will deny reasonable police protection to the Town; or
 5. The time, route or size of the procession or gathering will deny to a substantial number of persons, animals or vehicles who are not participants in the procession or gathering the use of the way, land or area, or of area contiguous to the way, land or area, during the formation or assembly and the occurrence of the procession or gathering.
- (f) If the Department fails to issue a permit for a procession or gathering for a reason stated in the previous paragraph, the Department has the duty, on request from the applicant, to discuss with the applicant the question whether a change in the date, time, place, route or number of participants can overcome the reason for the failure to issue the permit. If one or more changes in the arrangements for a procession or gathering overcome the reason for the failure to issue the permit, and if the applicant assures the Department in writing that those changes will be observed, the Department has a duty to issue the permit.
- (g) The Police Department has authority to issue a special permit for an occasion of extraordinary public interest that is expected not to be annual or become customary even though, under the circumstances, a reason stated in this section for not issuing a permit for a procession or gathering exists.

Chapter 500

Injury to Property

6-501. Obscene Inscription.

A person shall not make an indecent figure or write an obscene word upon a fence, building, sidewalk, crosswalk, receptacle or other surface visible from any place to which the public has access.

6-502. Defacement.

A person shall not deface or injure a public playground, landscaped area, flower bed, grass area, guide board, sign, post or signaling device for the direction of traffic, lamp post or lamp, or lantern, building, fence, monument or other thing

intended for the use or ornament of the Town or deface or injure a warning light, lantern, flare or device intended for the protection of the public.

6-503. Posters and Circulars.

A person, unless required by law so to do, shall not make a mark, letter or figure or place a sign, advertisement or placard upon or against a wall, fence, post, ledge, stone, building or structure without the permission of the owner thereof or upon any sidewalk or upon the property of the Town without the consent of the Board of Selectmen.

6-504. Lawns and Gardens.

A person shall not enter a garden, orchard or flower or shrubbery arrangement without the consent of the owner or occupant of the land on which it is located. A person shall not cut down, injure, damage, destroy, eat or carry away any portion of a lawn, garden, orchard or flower or shrubbery arrangement including any growing thing. A person shall not carry away any tools, any devices or materials, any protective devices, or anything useful for the development, cultivation, maintenance or the use of a lawn, garden, orchard, or flower or shrubbery arrangement.

(Reserved for Future Enactment)

Chapter 600 (6-601 et seq)

Chapter 700 (6-701 et seq)

Chapter 800 (6-801 et seq)

Chapter 900 (6-901 et seq)