

# TOWN OF EAST LONGMEADOW GENERAL BY-LAWS



## REVISED 1982

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- Amended, Sept. 1984
- Amended, May 1989
- Amended, May 1991
- Amended, May 1992
- Amended, May 1994
- Amended, September 1996
- Amended, July 1997
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- Amended, May 1999
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- Amended, May 2013
- Amended, May 2014
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**Chapter 1**

**GENERAL PROVISIONS**

**Sections:**

- 1.010      General Provisions**
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- 1.040      Validity**

**1.010      General Provisions**

(A) These by-laws are hereby entitled, “General By-Laws for the Town of East Longmeadow, Massachusetts,” to distinguish them from by-laws of the Town dealing with special subjects such as zoning and sub-divisions.

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

(C) Any or all of these by-laws may be repealed or amended or other by-laws may be adopted at a Town Meeting, an article or articles for that purpose having been inserted in the Warrant of such Meeting if approved by a majority vote.

(D) Whoever violates any of the provisions of these by-laws whereby any act or thing is enjoined or prohibited, shall, unless other provision is expressly made, forfeit and pay a fine, not exceeding two hundred (\$200.00) dollars, for each offense. All fines shall be paid into the Town Treasury.

**1.020 Definitions and Construction**

(A) The following rules of construction shall be observed in construing these by-laws, unless inconsistent with the manifest intent or the context:

1. Word importing the singular shall include the plural; words importing the plural shall include the singular; and words importing the masculine gender shall include the feminine.
2. The words “streets, ways and highways” shall be construed to include all public ways, town ways, highways, bridges, streets, traveled parts of highways, so far as such construction is not contrary to law.
3. The word “owner” applied to a building or land shall include part owner, joint owner, tenant in common, or joint tenant of the whole or of a part of such building or land.
4. The word “tenant” or “occupant” applied to a building or land shall include any person who occupies the whole or a part of such buildings or land either alone or with other persons.
5. The word “person” shall include corporations, society, association or partnership; and the words “head of departments” shall include boards and officers.
6. Words purporting to give joint authority to three or more officers or other persons shall be construed as granting such authority to a majority of such officers or persons.
7. Words prohibiting anything from being done, except in accordance with a license, permit or authority from a board or office, shall be construed as giving such board or office power to license, permit or authorize such a thing to be done.
8. Minutes: A record of action taken and matters considered.

**1.030 Effective Date of By-Laws**

(A) These By-laws shall take effect when duly adopted by a Town meeting, approved by the Attorney General of the Commonwealth of Massachusetts, and published or posted pursuant to Section 32 of Chapter 40 of the General Laws, as amended.

**1.040 Validity**

(A) The invalidity of any section or provision of these by-laws shall not invalidate any other section or provision thereof.

**Chapter 2**

**ANNUAL TOWN MEETING**

**Sections:**

- 2.010      Annual Town Meeting**
- 2.020      The Calling of Town Meeting**
- 2.030      Town Meeting Procedures**

**2.010      Annual Town Meeting**

The Annual Town Meeting shall be conducted in two parts as follows:

- (A) The election of Town Officers shall be held on the second Tuesday of April in each year with polling places provided for each precinct. The polls shall be open in all precincts no later than 7:00 AM and close at 8:00 PM.
- (B) The officers of the Town to be elected at the annual election in the years in which the terms of the incumbent expire, with their terms of office, shall be as follows:
  - One Moderator for three years.
  - Three Selectmen, three years each, one elected annually.
  - Three Assessors, three years each, one elected annually.
  - Three members of Board of Public Works, three years each, one elected annually.
  - Five members of the School Committee, three years each, one elected in one year and two in each of the next two succeeding years.
  - Six Library Trustees, three years each, two elected annually.
  - Five members of Planning Board, five years each, one elected annually.
  - Four members of the Housing Authority, five years each, one elected annually, except in fifth year when State Appointee is appointed; making a five-member board.
- (C) If a vacancy occurs in any elected office, that vacancy shall be filled in accordance with the provisions of the Massachusetts General Laws, Chapter 41 as amended.
- (D) The meeting for the transaction of other business shall be held the third Monday in May, starting at 7:00 P.M. (amended 5-1-06)
- (E) Unless for good cause, as determined by the Board of Selectmen, Town Meetings shall take place at the High School. (added 5-1-06)

## **2.020 The Calling of Town Meeting**

(A) The Selectmen shall have delivered or mailed a true copy of the Warrant for a town meeting to every occupied dwelling at least 7 days before the Annual Town Meeting and at least 14 days before a Special Town Meeting.

(B) If, by reason of mistake, defect in the Warrant, or other irregularity the Annual Town Meeting is not properly called as herein provided, it shall be called and held as soon as practicable thereafter. (amended 5-1-06)

(C) If the Board of Selectmen by unanimous vote determine that an emergency exists requiring the holding of a Special Town Meeting and such emergency shall be prolonged by reason of the requirement for delivering or mailing a copy of the Warrant, the Board of Selectmen shall publish a notice in a newspaper of general circulation in the town, provided that if notice is to be published in this manner, a concise summary of each article to be considered shall be included, and publication made in two editions of the newspaper or publication once each week for 2 successive weeks with the first publication at least 14 days before the Special Town Meeting shall fulfill the requirements for the notice under Section 2.020(A).

(D) The Warrant for that part of the Annual Town Meeting for the transaction of business shall close for the acceptance of petitioned Articles on March 1, and for all Articles as determined by the Board of Selectmen. (Amended 5-17-2010)

(E) The Selectmen shall insert in the Warrant for the Annual Town Meeting all articles requested of them in writing by ten or more registered voters of the Town and in the Warrant for every Special Town Meeting all articles requested of them in writing by one hundred registered voters of the Town.

(F) The Selectmen shall call a Special Town Meeting upon request in writing, upon a form approved by the Secretary of State of two hundred registered voters of the Town; such meeting to be held not later than forty-five day after receipt of such request.

(G) The written request of registered voters for the insertion of articles in town meeting warrants shall not be valid unless the required number of registered voters not only sign their names but also state their residences, with street and number of dwelling. The Selectmen shall submit such written requests to the Board of Registrars of Voters who shall check and forthwith certify the number of signatures so checked which are names of voters of the Town. (G.L. 39/10).

(H) Town Meetings, regular, postponed to another date, special or emergency, will have priority over other Town business. Meetings of elected or appointed Town officials, board and committees are to be scheduled so as not to conflict with these dates.

## **2.030 Town Meeting Procedures**

(A) QUORUM. A Quorum at the Annual Town Meeting shall be 150 voters, except that a quorum for any adjourned town meeting or any special town meeting shall be 100 voters. In the event that the necessary quorum for any regular, adjourned or special town meeting has not been attained within thirty (30) minutes after the scheduled starting time, the Moderator shall adjourn said meeting to another date and time certain. Persons entering the meeting hall shall be issued identification sufficient to distinguish voters from non-voters. (amended 5-1-06)

(B) LIMITS OF THE FLOOR.

1. The Moderator shall determine the limits of the floor for any Town Meeting if not covered by these by-laws or by Massachusetts law. (amended 5-1-06)
2. No lobbying and circulation of handbills or other voter information shall take place within 150 feet of the entrance to the building in which Town Meeting is held unless authorized by the Moderator. (amended 5-1-06)
3. Only registered voters of the town may be limited to the floor.
4. Non-voters, non-resident board members and non-resident employees will be assigned seating selected by the Moderator. (amended 5-1-06)
5. A Sergeant-at-Arms, appointed by the Moderator, shall enforce this chapter at the direction of the Moderator.
6. All persons shall be seated during the meeting, as far as possible.
7. Every town meeting shall, if practicable, be opened with prayer and Oath of Allegiance.
8. The Moderator shall regulate the use of audio or visual equipment for the purposes of news coverage.
9. The Moderator shall appoint by May 1 a Deputy Moderator for a one year term. (added 5-1-06)

(C) PROCEDURE

1. The then-current edition of Town Meeting Time, A Handbook of Parliamentary Law, shall prevail in such matters not covered by law, or in these General By-laws for conducting the business of any town meeting. (amended 5-1-06)
2. The Moderator shall preserve decorum and order and he shall decide all questions of order and he may make any ruling of parliamentary law without appeal.
3. Articles in the warrant shall be acted upon in the order in which they stand, unless the meeting shall direct otherwise by a 2/3rds affirmative vote.
4. No person shall address a town meeting without leave of the Moderator. All questions asked of any person shall be asked through the Moderator.
5. No person shall speak on any question more than two times, with a limit of three minutes each, without obtaining permission of the Moderator, except to correct an error, make an explanation, to answer a question, or to make the initial presentation of a warrant article. (amended 5-1-06)
6. Within ADA Guidelines, persons entitled to speak shall rise and address the Moderator, remaining standing, using microphones when possible, while speaking. No person may speak without first being recognized by the Moderator. (amended 5-1-06)
7. No person in the meeting shall be referred to by name except by the Moderator for the purpose of recognition or identification.
8. Except for procedural motions, every motion or amendment to the motion shall be reduced to writing by the presenter. (amended 5-1-06)
9. Any person who is employed as an attorney (or agent) of another, interested in any matter under discussion at a town meeting, shall disclose the fact of his employment before speaking.
10. Non-voters may speak at a town meeting only by permission of the Moderator and with proper identification.

11. If a motion to reconsider shall be allowed by the Moderator, it shall require a two-thirds affirmative vote of those present and entitled to vote and voting upon the motion for reconsideration. No vote passed at any meeting shall be reconsidered at any adjournment thereof unless such reconsideration be ordered at the meeting at which it was adopted by two-thirds of the voters present and voting upon such motion for re-consideration. No question shall be reconsidered more than once.
12. Whenever any matter has been referred to a committee and the report of the committee thereon has been presented, and has been read before the meeting, the report shall be regarded as accepted.
13. Upon taking a vote, if the decision of the Moderator is doubted by seven or more voters, the Moderator shall request the house to be seated and shall appoint tellers. The question shall then be distinctly and clearly stated, and those in the affirmative and negative respectively, shall be counted by the tellers, who shall carefully count each side and make report thereof to the Moderator. No person shall be counted who does not occupy a seat, provided that the tellers, under the direction of the Moderator, may count the voters of those who are unable to obtain seats.
14. A motion for a secret ballot shall be permitted. A ballot vote may be called for on any question by a 2/3rds majority of the voters present and voting.
15. No motion whose effect would be to dissolve a town meeting shall be in order until each article in the Warrant has been duly considered and acted upon but this shall not prevent an adjournment of a meeting to a stated time.
16. The Moderator, while occupying the chair, shall not participate in any discussion so as to influence motions or articles on the floor.
17. In the absence of the Moderator, the Deputy Moderator shall preside. If the Deputy Moderator is absent, the Clerk of the Town shall preside until a Temporary Moderator is elected. (amended 5-1-06)
18. Subject to the provisions of subsection (13) relating to questioning a count, the Moderator shall have the power to declare that the requirements of a two-thirds vote have been satisfied without the necessity of a teller count if the Moderator reasonably believes such to be the result of a voice or standing vote. (added 5-1-06)

**Chapter 3**

**BUDGETS AND APPROPRIATIONS**

**Sections:**

- 3.010 Appropriations Committee**
- 3.020 Recommendations of Committee**
- 3.030 Annual Estimates**
- 3.040 Town Accountant**
- 3.050 Town Audits**
- 3.052 Capital Planning Committee**
- 3.060 Department Reports on Petitioned Articles**
- 3.070 Film Elected Board's and Committee's Meetings**

**3.010 Appropriations Committee**

- (A) There shall be an Appropriations Committee consisting of seven members to be appointed by the Moderator and Town Accountant, who shall be ex-officio, non-voting member. At the Annual Town Meeting, the Moderator shall appoint members of the committee to serve for a term of three years to fill vacancies of the retiring members as they occur. The term of the appointee(s) shall commence one day after the final adjournment of the town meeting at which they are appointed.
- (B) The Moderator shall have the power to fill vacancies on the committee.
- (C) No Appropriations Committee member shall decide or participate in an official capacity in matters involving appropriations in which he has an interest personally or financially.

**3.020 Recommendations of Committee**

- (A) The Committee shall consider all articles involving the expending, appropriation, raising, transferring, or borrowing of money, and shall make report of their recommendations thereon, to be included in the warrant of any town meeting. They shall also make their recommendation on the disposition of any property owned by the Town or in the custody of the Town.
- (B) The Committee shall hold a public hearing prior to the Annual Town Meeting on the submission of proposed budgets and such other articles to be reported upon as they deem necessary. The Committee may also hold such other public hearings as may be appropriate, on matters to be reported upon at special town meetings.
- (C) The 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, payments on maturing bonds and outstanding indebtedness and shall also submit 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.

(D) In the discharge of its duty, said Committee shall have free access to all books of records and accounts, bills and vouchers on which money has been or may be paid from or to the Town Treasurer.

(E) Officers, boards and committees of the Town shall, upon request, furnish said committee with facts, figures, and other financial information pertaining to their respective activities.

(F) No expenditures shall be made or liability incurred by or in behalf of the Town until an appropriation has been made sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable from said appropriation; and no sum appropriated for a specific purpose shall in whole or in part be expended for any purpose unless by vote of the Town. This section shall be subject to any provision to the contrary of the statutes of the Commonwealth of Massachusetts.

### **3.030 Annual Estimates**

(A) The Selectmen and all boards, committees, head of departments, or other officers of the Town authorized by law to expend money shall furnish to the Appropriations Committee, not less than ninety days prior to the date of the start of the Annual Town Meeting, detailed estimates of the amount necessary for the proper maintenance of the departments under their jurisdiction for the ensuing fiscal year, with explanatory statements as to any changes from the amounts appropriated for the same purposes in the then current fiscal year, and an estimate of amounts necessary for outlays or permanent improvements. They shall also prepare estimates of any income likely to be received by the town during the ensuing fiscal year in connection with the Town's business or property entrusted to their care. The Selectmen shall include in their estimates the salaries and expenses connected with their own office, and the salaries of all other Town officers shall be included in the estimates for the office, department or branch of the public service of which they are in charge. The Treasurer shall, in addition to his estimate of the amount required for the maintenance of his own office, prepare a separate statement indicating the amounts required for the payment of interest on the Town debt and for the payment of such portions of the Town debt as may become due during the ensuing fiscal year. (Ch. 41/59).

(B) After due consideration, the Committee shall make recommendations of the amounts which, in their opinion, should be appropriated for the ensuing fiscal year, together with such explanations and suggestions in relation thereto, as they deem desirable, to properly inform the voters as to any action to be taken thereupon.

(C) Any department or town officers submitting a budget estimate shall have the right to, or at the request of the Committee, be heard in regard to such estimates.

**3.040 Town Accountant**

(A) The Selectmen shall appoint a Town Accountant who shall be sworn to the faithful performance of his duties, and shall hold no other Town Office involving the receipt or disbursement of money and shall hold office for three years and until his successor is qualified. The Town Accountant shall perform the duties and possess the powers of the Town Auditor as defined in sections 50 to 53 inclusive of Chapter 41 of the General Laws, as amended.

(B) The Town Accountant shall cause each Town Officer or department head having custody of any town property to keep a true inventory thereof on file and annually have such inventory brought up-to-date. The inventory should show the original purchase price, description and number of the item and the date of purchase. Equipment valued over \$300 will be included in the inventory.

(C) The Town Accountant shall act as Clerk of the Personnel Board and maintain employment records of all town employees, except school employees, including their name, age, date of employment, classification and department in which employed. Department heads shall furnish such information as shall be requested for this purpose.

(D) The Town Accountant shall keep a complete set of books wherein shall be entered the amount of each specific appropriation, the amounts and purposes of expenditures made therefrom, the receipts from each source of income, the amount of each assessment levied, and the abatements made; and he shall keep his accounts, so far as practicable, in conformity with the classifications and forms prescribed by the director of accounts in accordance with section forty-three of Massachusetts General Laws, Chapter forty-four and in conformity with any systems, classifications, forms and designations prescribed pursuant to regulations of the board of education for use by school committees. The Town Accountant shall have custody of all contracts of the town, shall keep a register of the sureties on all bonds of indemnity given to the town, shall keep a detailed record of the town debt, showing the purpose for which it was incurred, when incurred, when due, the rate of interest and the provisions made for payment of the debt. (Ch. 41/57).

(E) The Town Accountant shall notify each Town Board monthly of the balance in his hands of any appropriation to their credit.

(F) The Town Accountant shall immediately upon the close of each calendar year compile statements in tabulated form showing the amounts appropriated and the amounts expended from each appropriation during the preceding fiscal year, the amounts appropriated for the current fiscal year and the amounts expended from such appropriations during the first six months of such year and the amounts estimated to be expended from such appropriations during the second six months of such year and the estimates for the next ensuing fiscal year, and shall forthwith furnish a copy thereof to the Selectmen, or to such committee as the town may appoint to consider the report on proposed appropriations. The Selectmen, or said committee when so appointed, shall after due consideration designate the amounts which in their opinion should be appropriated for the ensuing fiscal year; and shall accompany the same with such explanations and suggestions in relation thereto as they may deem desirable for the proper information of the inhabitants. The Selectmen or, if such a committee has been appointed, the committee, shall print and distribute this document at or before the

annual town meeting, and the Town Clerk shall transmit a copy thereof and of all town reports to the director of accounts.

(G) The Town Accountant's report shall also include:

1. A tabulated statement showing the object of each appropriation for the year; the amount appropriated; the money expended; the balance unexpended; the balance on hand at the end of the preceding year; the amount received outside of the appropriation from transfer from other appropriation, or otherwise; and a separate statement of transfers from one appropriation to another.
2. A classified statement of all expenditures and receipts of the Town, so as to give a fair and full exhibit of the objects and methods of all expenditures.
3. A table showing the aggregates of the Town debt and expenditures.

(H) **WATER REVENUE ACCOUNT.** All water revenue shall be placed in a special account and appropriated by vote of a town meeting. Water revenue shall include water rates, water entrance fees, water service and sales charges and interest and penalties on the collection of these bills. The amounts appropriated from Water Revenue shall be used to cover all or a portion of the cost of providing domestic water to the Town, and maintenance of the Water Division of the Board of Public Works and the annual payment of debt and interest on outstanding debt for water bonds, where possible. Funds to cover the Town's share of any water project may be appropriated from Water Revenue.

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

### **3.050 Town Audits**

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

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

(C) The Town shall have an audit of the financial books and accounts of the town made annually or bi-annually by the State Bureau of Accounts or by private accounting firm with the approval of the State Bureau of Accounts. The Board of Selectmen shall decide on whether the audits be annually or bi-annually.

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

### **3.052 Capital Planning Committee**

(A) A committee to be known as the Capital Planning Committee is established under G.L. 41, Sec. 106B, composed of two members of the Appropriations Committee appointed by it

and four additional members to be appointed by the Moderator and the Board of Selectmen. The members from the Appropriations Committee shall be appointed for one-year terms. The other members shall be appointed for four-year terms such that one will expire each year. One shall be a town officer or town employee. The Town Accountant shall be an ex-officio member without right to vote. A member who ceases to reside in the town or who accepts employment for it shall resign. A vacancy shall be filled for the unexpired term in the manner of the original appointment. The committee shall choose its' own officers. It may spend such sums as shall annually be appropriated for its use.

(B) The Committee shall study proposed capital outlays involving the acquisition of land or an expenditure of \$20,000 having a useful life of at least three years. All officers, boards, and committees, including the Selectmen and the School Committee, shall by September 1<sup>st</sup> each year give to such Committee, on forms prepared by it, information concerning all projects anticipated by them to need town meeting action during the ensuing six years. The Committee shall consider the relative need, timing, and cost of these expenditures and the effect each will have on the financial position of the Town. (No expenditure shall be voted for a capital outlay, which is not reflected in the Committee's report unless that Committee shall first have submitted a report explaining the omission).

(C) The Committee shall transmit its recommendations to the appropriate officer, board, agency or department involved in proposed capital improvement. These shall constitute a capital improvement program. The report of this program shall, as to items planned for the ensuing fiscal year, be given to the Appropriations Committee for its review and possible inclusion in the budget. The text and tables of a capital program for the following five years shall be published with the Appropriations Committee report.

(D) Such capital program shall be presented to the annual town meeting for acceptance in principal, subject to final action at a subsequent meeting or meetings. The original shall be deposited with the Town Clerk.

(E) The Committee may undertake such investigations and hold such hearings as it may deem necessary.

(F) Such capital program after its adoption shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options, or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town either by approval as above or through the appropriation of sums in the current year or in prior years. (Added May, 1989)

### **3.060 Department Reports on Petitioned Articles**

Each Town Board, Committee or Department upon notification by the Board of Selectmen that an Article, requesting funds to be appropriated for expenditure under its control or for purposes that are under its control has been submitted for inclusion in a Town Meeting Warrant by petition of registered voters of the Town, shall review the petition and file a written report with the Appropriations Committee and with the Capital Planning Committee (if a capital expenditure is involved). Said report shall include:

(A) Whether it favors or opposes the action petitioned as its reasons therefore;

- (B) The estimated cost to perform the petitioned action:
- (C) Whether additional expenditures or projects should be anticipated or expected to be required if the petitioned action is approved;
- (D) Any reasons why the petitioned action may not be in the best interest of the Town.  
(Added May, 1997).

**3.070 Film Elected Board's and Committee's Meetings**

All open session portions of regularly scheduled meetings of the elected Board of Selectmen, School Committee, Board of Public Works, Planning Board, Board of Assessors and Board of Library Trustees shall be filmed by the East Longmeadow Community Access Television department and shall be broadcast regularly on Community Access Television. This by-law is not intended to expand the requirements of the open meeting law and the failure to film a meeting shall not affect the legality of such a meeting.

**Chapter 4**

**TOWN OFFICERS AND REPORTS**

**Sections:**

- 4.010 Town Officers and Reports**
- 4.020 Moderator**
- 4.030 Board of Selectmen**
- 4.040 Board of Health**
- 4.041 Town Treasurer-Collector-Town Clerk**
- 4.050 Town Clerk**
- 4.060 Town Treasurer**
- 4.070 Collector of Taxes**
- 4.080 Board of Assessors**
- 4.090 Board of Public Works**
- 4.100 School Committee**
- 4.110 Board of Library Trustees**
- 4.120 Planning Board**
- 4.130 Board of Appeals**

**4.010 Town Officers and Reports**

(A) All meetings of any governmental body within the Town shall conform to the requirements of Chapter 39, Sections 23A, 23B, and 23C (Open Meeting Law) of the Massachusetts General Laws, as amended.

(B) Except in an emergency, a notice of every meeting of any governmental body shall be filed with the Town Clerk and a copy of the Notice shall, at least forty-eight (48) hours, including Saturdays but not Sundays and legal holidays prior to such meeting, be publicly posted in the Office of the Town Clerk or on the principal office bulletin board in the Town Hall.

(C) A governmental body shall maintain accurate records of its meetings, setting forth the date, time and place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided however, that the records of any executive session may remain secret, so long as publication may defeat the lawful purpose of the executive session, but no longer.

(D) The minutes of every meeting shall be delivered to the Town Clerk in final typed form within 30 days of the date of said meeting, but shall be available for public inspection within 10 days of said meeting.

(E) All officers, boards and committees of the Town shall cause records of their doings and accounts to be kept in suitable books. Said books shall be kept in their respective places in the Town offices, and shall not be removed therefrom. Said books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under the supervision of the officer, board or committee having custody thereof.

(F) All Town officers shall turn over to their successors in office, at the expiration of their term of office, all books, papers, documents, or other property in their custody belonging to the Town. All departments shall turn over to the Town Clerk all books, papers and documents belonging to the Town, and not necessary for the immediate use of their respective departments, and these shall be deposited, insofar as in the Town Clerk's determination this may be practicable, in the Town Clerk's vault, safe or other place of safekeeping.

(G) Each Town board shall elect a chairman and a clerk.

(H) The annual reports of all Town officers and committees shall be issued in one book under the direction of the Board of Selectmen (Refer to 2.030, Town Meeting section for information concerning the annual town warrant.) In addition to the department reports, the book shall contain;

1. A complete list of the elected Town Officers, with their salaries or compensations, the organization of the different boards, and the expiration of the term of office for each member.
2. A complete list of the appointees for the year.
3. A statement in detail of the votes cast in the Town at the last Town election, and for the transaction of business at the last Annual Town Meeting and any subsequent special town meetings.
4. It may also contain such other matters deemed expedient by the Board of Selectmen or required by law.

(I) No committee of the Town shall receive compensation for their services, except as voted by the Town.

(J) Bids for equipment, materials, and services, shall conform to Massachusetts General Laws, Chapter 40, Section 4G, as accepted by Article 17 at Town Meeting.

#### **4.020 Moderator**

(A) The Moderator is elected annually.

(B) The Moderator directs all arrangements for the conducting of all town meetings. The Moderator also presides over town meetings (see Town Meeting procedures 2.030.)

(C) The Moderator appoints all members of the Appropriations Committee. (See Appropriations Committee 3.010.)

#### **4.030 Board of Selectmen**

(A) The Board of Selectmen shall have the general direction and management of the Town in matters not otherwise provided for by law, or vote of the Town. The Board of Selectmen shall have the authority to prosecute, defend, and to comprise all litigation to which the town is a party.

- (B) The Selectmen shall make, from time to time, such rules and regulations for the government, management and disposition of the Police and Fire Departments or other departments under their control as they may deem expedient.
- (C) No Selectman shall hold any Town office by appointment of the Board, except as ex-officio of a committee.
- (D) Their annual report shall contain a clear and concise account of their activities during the year.
- (E) The Selectmen shall have the authority to grant licenses and permits in accordance with the general laws and establish fees therefore, as well as for copies of public records not otherwise prescribed by statute.
- (F) The Selectmen shall cause each town officer including the Superintendent of Schools, and department heads having custody of Town property to keep a true inventory on file, and each Town Officer shall deliver a copy of said inventory at least annually to the Town Accountant or to the Board of Selectmen.
- (G) The Selectmen shall have the authority to employ special counsel to assist the Town Counsel when necessary.
- (H) Any board or officer in charge of a department of the Town may, with the approval of the Selectmen, sell any property of the Town having a value of less than three hundred dollars for any one item, within the possession or control of the department which has become obsolete or is not required for further use by the department, or trade the same in part payment for replacement for which funds have been provided.
- (I) In cases of sale of town property, the value of which is three hundred dollars (\$300.00) or more, the Selectmen shall cause notice of said sale to appear in one or more newspapers of general circulation in the Town, once a week for at least two weeks, the final publication to be at least ten days before the time advertised for sale.
- (J) Departments having surplus or obsolete Town property not being traded in, shall notify other departments through their respective boards of the availability of said property and shall send notice of sale to the Board of Selectmen or Town Accountant prior to disposal.
- (K) No person shall erect in or upon any street or sidewalk in the Town any staging or place thereon any material of any kind in such manner as to obstruct or impede the free use of such street or sidewalk for public travel, without a written permit from the Board of Selectmen, and no person shall place any material upon any street, sidewalk or tree belt in the Town which may damage or injure any person, animal or vehicle traveling thereon.
- (L) The Board of Selectmen shall require and regulate the numbering of buildings on all public or private ways and may order, in writing, the owner of said buildings to place on their building such numbers required. The owner of the building, upon receipt of such an order, shall comply with said order within ten (10) days. House numbers shall be no less than three (3) inches in height and shall be visible from the street.
- (M) Any person receiving a permit from the Board of Selectmen shall execute a written agreement and furnish a bond if the Selectmen so demand to indemnify and save harmless the Town against all damage or cost by reason of any claim for damages, or by reason of any process, civil or criminal, arising from the use of said permit or license, and the Selectmen may impose such conditions, terms and limitations as they shall see fit for the safety of the general public.

(N) LICENSE TO STORE INFLAMMABLES. The following fees are established for licenses to use land for the keeping, storage or sale of petroleum fluids or compounds for resale or other commercial use:

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

and fee for any annual certificate or registration required under Chapter 148, Section 13 of the General Laws, shall be one-half of the original license fee in accordance with the above schedule.

(O) All wholesale and retail business entities licensed to store or sell petroleum products, shall be required to install emergency break-away hose couplings on each pump or similar dispensing device, in accordance with the regulations and specifications adopted by the Fire Chief. The penalty for violating this section shall be a fine of not more than \$100, and each day shall constitute a separate violation. (Amended May, 1988)

#### **4.040 Board of Health**

(A) The Board of Selectmen shall annually appoint one of their number to act as Chairman of the Board of Health.

(B) The Board of Selectmen shall appoint a Health Inspector for one year, after the annual Town Meeting.

1. The annual report of the Health Inspector shall contain a report of the year's work in the field of Health Inspection, according to the duties under the State Sanitary Code of the Massachusetts Department of Public Health, divisions of Housing, Food and Drugs, and the Department of Environmental Quality Engineering.

(C) The Board of Health shall keep records of:

1. Complaints made to them, and disposition thereof.
2. Nuisances abated and how abated.
3. Unusual sickness of the Town.
4. Violations of the State Sanitary Code.
5. Any other records required by statute.

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

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

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

(E) Rules and Regulations of the Board of Health concerning Plumbing, Disposal of Garbage, Domestic Animals, Wells, Septic Tanks, Day Care Centers, Dairy Farms, Percolation Testing, Health Clubs and Restaurants are printed under separate cover, and booklets are available in the Town Clerk’s Office. (Subsection D amended May, 1990)

**4.041 Town Treasurer-Collector-Town Clerk**

In Accordance with Chapter 134 of the Acts of 1989, the Board of Selectmen shall appoint a person to the office of Town Treasurer-Collector-Clerk who shall serve a term of three years and until his successor is appointed and qualified. The Town Treasurer-Collector-Town Clerk so appointed shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred or imposed by law on town treasurers, collectors of taxes and town clerks. He may be removed for cause at a public hearing by the Board of Selectmen and the vacancy filled by appointment for the remainder of the term in the same manner as in the case of the original appointment. The position or office of Town Treasurer-Collector-Town Clerk shall not be subject to the provisions of Chapter 31 of the General Laws. (Section 4.041 added May, 1989)

**4.050 Town Clerk**

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

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

(C) He shall keep a file of all reports submitted by all committees chosen by the Town and all documents relating to the affairs of the town, which come into his custody. He shall suitably index all such reports and all town meeting votes after duly recording the same in the Book of Town Meetings and Elections. The results of all primaries and elections held must also be duly recorded.

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

	<b>Fees</b>
1. For filing and indexing assignment for the benefit of creditors	\$10.00
2. For entering amendment of a record of the birth of an illegitimate child subsequently legitimized.	\$25.00
3. For correcting errors in a record of birth.	\$25.00
4. For furnishing certificate of a birth.	\$10.00
5. For furnishing an abstract copy of a record of birth.	\$10.00
6. For entering delayed record of birth.	\$10.00
7. For filing certificate of a person conducting business under any title other than his real name.	\$30.00
8. For filing by person conducting business under any title other than his real name of statement of change of his residence, or of his discontinuance, retirement or withdrawal from, or of a change of location of such business.	\$20.00

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9. For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business.	\$5.00
10. For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the commonwealth.	\$20.00
11. For correcting errors in a record of death.	\$25.00
12. For furnishing a certificate of death.	\$10.00
13. For furnishing an abstract copy of a record of death.	\$10.00
14. For entering notice of intention of marriage and issuing certificates thereof.	\$40.00
15. For entering certificate of marriage filed by persons married out of the commonwealth.	\$40.00
16. For issuing certificate of marriage.	\$10.00
17. For furnishing an abstract copy of a record of marriage.	\$10.00
18. For correcting errors in a record of marriage.	\$25.00
19. For recording power of attorney.	\$5.00
20. For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof.	\$20.00
21. For recording the name of the owner of a certificate of registration as a physician or osteopath in the commonwealth.	\$20.00
22. For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Sec. 22 of Chapter 166.	\$40.00
23. For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than	\$5.00
24. For copying any manuscript or record pertaining to a birth, marriage or death.	\$3.00
25. For receiving and filing of a complete inventory of all items to be included in a “closing out sale” etc.	
	1 <sup>st</sup> page: \$10.00
	add'l page \$2.00
26. For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by Sec. 2, Chapter 182.	\$20.00
27. For recording deed or lot or plot in a public burial place or cemetery.	\$5.00
28. Recording any other documents.	
	1 <sup>st</sup> page: \$10.00
	add'l page: \$2.00
29. Voter’s card.	\$5.00
30. Dog License	\$10.00

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31. Dog License (non-spayed/neutered)	\$20.00
32. Dog License Renewal (Late Fee)	\$25.00

Amended May 21, 2012

- (E) The Town Clerk shall make annual report of:
1. A copy of every town meeting vote acted upon, showing in detail the number for and against or whether the vote was by majority or by unanimous vote. The report of every town meeting will also show the opening and closing of the meeting.
  2. A full report of the annual Town Election and every State or special Election, but need not include primaries.
  3. A complete list of the elected Town officers, with their salaries or compensation, the organization of the different boards and the expiration of the term of office of each member.
  4. A complete list of all appointees for the year and other appointments of the Selectmen, and the expiration of the term of office of each member, where possible.
  5. A statement of fish and game licenses sold, dog licenses issued and other fees collected and turned over to the Town.
  6. A report of the number of births, marriages and deaths showing a comparison with the two previous years.
- (F) No resignation of an elected Town officer shall be deemed effective unless and until such resignation is filed with the Town Clerk or such later time certain as may be specified in such resignation.
- (G) Upon receipt of a resignation, the Town Clerk shall notify the remaining members, if the resignation is received from a Board of two or more members, and he shall further notify the Board of Selectmen of the Town and such notification shall include the effective date of the resignation.
- (H) He shall give bond to the Town for the faithful performance of his duties in a form approved by the Commissioner of Revenue, in such sum, not less than the amount established by said Commissioner, or shall be fixed by the Board of Selectmen.
- (I) The surety bonds of the Town Treasurer, Collector of Taxes, Deputy Collector of Taxes and Town Clerk, shall be in the custody of the Town Clerk and kept in the Town vault. (Amended May, 1989)

**4.060 Town Treasurer**

(A) The annual report of the Town Treasurer shall contain:

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

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

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

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

(E) **SALE OF TOWN LAND TAKEN FOR TAXES.** The Town Treasurer, with the approval of the Selectmen, is authorized to sell and convey by public sale, any or all parcels of real estate to which the Town has acquired, or may hereafter acquire title to, either by foreclosure of tax titles in the Land Court, or by procedure under sections 79 and 80 of Chapter 60 of the General Laws, as amended, pertaining to land of low value. (Article 10, Annual Town Meeting, February 19, 1941.)

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

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

**4.070 Collector of Taxes**

(A) The Town Treasurer may act as Collector of Taxes and shall be possessor of all statutory powers to collect all accounts due the Town pursuant to General Laws, Chapter 41, Sections 38 and 38A.

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

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

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

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

(a) The tax collector or other municipal official responsible for records of all municipal taxes, assessment, 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, betterments, 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 or with respect to any activity, event, or other matter which is the subject of such license or permit and which activity, event, or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided however, the written notice is given to the party and the tax collector, as required by applicable provisions of 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 received a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

- (c) Any party shall be given an opportunity to enter into a payment agreement, 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, the holder be given notice and a hearing as required by applicable provisions of law.
- (d) The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; 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 twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, 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.

A city or town may exclude any local license or permit from this section by by-law or ordinance.

#### **4.080 Board of Assessors**

- (A) The annual report of the Board of Assessors shall contain:
  - 1. A statement showing the number of parcels of real estate assessed, broken down by classification category and the assessed valuation of each group, also showing the percentage of valuation of each group.
  - 2. A statement showing the number of personal property taxes and assessed value.

3. A statement of all categories of taxes assessed for the year, showing the total amount of taxes assessed for each kind of tax.
4. A statement listing State receipts due the Town in the setting of the most recent tax rate, and a listing of amounts due to the State and County governments.
5. A statement listing general Town receipts estimated in the setting of the most recent tax rate.
6. A list of exempt property by category and valuation, also including property owned by the Town.
7. A comparison report showing a five-year history of:
  - a. Latest tax rate.
  - b. Total real and personal property valuation.
  - c. Total number of parcels assessed.
  - d. Total real and personal property taxes committed.

#### **4.090 Board of Public Works**

(A) The Board of Public Works shall consist of three members whose terms shall be three years each, one elected annually.

(B) The Board shall have the powers to establish rules and regulations for water, sanitary sewers, storm drains, highways, parks, forestry or any other department, which, the Board has under their control. They shall have the power to assess and fix water rates, rates pertaining to sanitary sewers, storm drains or any other fees, which the Board feels necessary of which they have control and jurisdiction. The Board shall also have the power to determine the fee of betterment assessments.

(C) The Board of Public Works shall operate in conformance with Massachusetts General Laws, Chapter 41, Section 69C through 69E, as amended. (Annual Town Meeting vote 2-14-56)

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

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

(F) No person shall permit water from the eaves or lead pipes of any building, owned or cared for by him to be discharged upon or run on the public sidewalk or shall suffer his building to shed water on, or make or permit any drain, sluice, gully or conduit upon his land

to discharge water upon a sidewalk, tree belt or traveled way within a public way. When said person is notified of violating this section by the Department of Public Works, he shall, within ten (10) days, abate said violation.

(G) The Board of Public Works or its designee is authorized and empowered to declare a state of water emergency as may be necessary from time to time, in order to conserve water resources of the Town, and ban or restrict the use of water on certain uses. Any person who, upon approval of the foregoing restrictions for a state of water emergency, by the Department of Environmental Quality Engineering of the Commonwealth of Massachusetts, shall violate the ban or restrictions, shall be subject to a fine in an amount not to exceed the sum of one hundred dollars for each violation, and each day in which a violation occurs will be considered a separate violation. This section shall be subject to the provision of Massachusetts General Laws Chapter 21G, and the regulations adopted there under. (Amended Dec., 1988)

(H) **AGRICULTURAL & HORTICULTURAL WATER RATE:** The Board of Public Works, acting as Water Commissioners, establish a rate for water usage by properties that are certified by the Board of Assessors as being used for agricultural and horticultural uses pursuant to G.L. c. 61A and that said water rate be set at seventy-five (75%) percent of the residential water rate. Provided, however, if any such property receiving the water rate set forth herein is converted to a non-agricultural or non-horticultural use the Owner or Leasee shall pay to the Town Collector a sum equal to the difference between said agricultural and horticultural water rate and the residential rate for each year the discounted rate was received by the property prior to the conversion, provided further, that said repayment shall not be for more than 15 years preceding the conversion. To qualify for the water rate reduction the 61A registered applicant must also be an I.R.S. registered farm with two thirds of its' annual income being derived from farming. (Sec. H added May 21, 2012)

#### **4.100 School Committee**

(A) The School Committee shall consist of five members whose terms shall be three years each, one elected in one year and two elected in each of the next succeeding years.

(B) The annual report of the School Committee shall contain:

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

(C) No person shall, except for school cafeteria personnel, offer for sale, sell or cause to be sold to any school pupil any articles of food, or any articles suitable for or intended for human consumption, within the limits of the public ways and within one hundred yards from the nearest boundary of any public ways between the hours of 7:00 AM and 4:00PM on days when the public schools are in session.

**4.110 Board of Library Trustees**

- (A) The Board of Library Trustees shall consist of six members whose terms shall be three years each, two elected annually.
- (B) The Board of Library Trustees shall appoint a Library Director to supervise the operation of the library.
- (C) The Board of Library Trustees shall annually on or about the 15<sup>th</sup> day of January, prepare or cause to be prepared a report in writing covering clearly and concisely the work of its department for the preceding year, to be submitted to the Board of Selectmen for inclusion in the Annual Town Report.

**4.120 Planning Board**

- (A) The Planning Board shall consist of five members whose terms shall be five (5) years each, one elected annually.
- (B) Vacancies occurring in the Planning Board shall be filled by the remaining Planning Board members and the Board of Selectmen at a joint meeting. The term of the appointment shall be until the next town election.
- (C) The Planning Board shall report annually all activities pertaining to the above.
- (D) Statutes, powers and duties of the Planning Board are prescribed in the General Laws of the Commonwealth, Chapter 41, Sections 70 to 72 and 81A to 81I, as amended.
- (E) The Planning Board shall act as Special Permit Granting Authority. (see Zoning By-Laws.)

**4.130 Board of Appeals**

- (A) The Board of Appeals shall consist of five (5) members, whose term shall be three (3) years each, one appointed in one year and two appointed in each of the next succeeding years, by the Board of Selectmen after the annual town meeting.
- (B) Two or more Associate members may be appointed by the Board of Selectmen (Reference Chapter 40A, General Laws).

**Chapter 5**

**TOWN DEPARTMENTS**

**Sections:**

- 5.010 Police Department**
- 5.020 Fire Department**
- 5.030 Inspector of Weights and Measures**
- 5.040 Town Counsel**
- 5.050 Town Prosecutor**
- 5.060 Building Inspector**

**5.010 Police Department**

(A) Subject to the provisions of Civil Service status, if any appertain, the Board of Selectmen shall appoint a Chief of Police for one year after the Annual Town Meeting.

(B) The Annual report of the Chief of Police shall contain:

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

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

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

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

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

(G) The Police Department shall keep a true and accurate inventory of all Police equipment, including guns and ammunition. The inventory should show the original purchase price, description and number of the item and the date of purchase. Equipment valued over \$100.00 will be included in the inventory. The inventory will be brought up-to-date yearly and filed with the Board of Selectmen and Town Accountant.

**5.020 Fire Department**

- (A) The Board of Selectmen shall appoint the Fire Chief for one year, after the Annual Town Meeting.
- (B) The Fire Chief shall act a Forest Fire Warden and Fire Warden.
- (C) All fire fighter appointments shall be made by the Board of Selectmen, acting as Fire Commissioners in the Town, with the recommendations from the Fire Chief.
- (D) The annual report of the Fire Chief shall Contain:
  - 1. A listing of the number of alarms made during the year and an estimate of property damage and loss.
  - 2. A roster of the members of the Fire Department and their duty assignments.
  - 3. A listing of the Department’s fire-fighting equipment.
- (E) Wood and/or coal-burning stoves shall be inspected by the Fire Chief or his designee after application to the Building Inspector and before such stove installation is put into service.
- (F) Installation of all fuel tanks for the storage of inflammable liquids must have a permit issued by the Board of Selectmen. The Fire Chief shall supervise the installation of the tanks with a final inspection by the Fire Department.
- (G) The Fire Department shall keep a true and accurate inventory of all Fire equipment. The inventory should show the original purchase price, description and number of the item and the date of purchase. Equipment valued over \$100.00 will be included in the inventory. The inventory will be brought up-to-date yearly and filed with the Board of Selectmen and Town Accountant.
- (H) Fire Lanes.
  - 1. The Fire Chief may designate fire lanes within the limit of any private way, parking area, or driveway for the access of fire apparatus, ambulances or other emergency vehicles to multiple-family dwellings, stores, schools, health care facilities, elderly housing complexes and places of public assembly.
  - 2. The owner of record of any area designed as a fire lane shall provide and install signs that shall read, “Fire Lane – No Parking – Loading or Unloading – Violators Can Be Subject To a Fine of Fifteen (\$15.00) Dollars.” The signs shall be 12” wide and 18” high. They shall be installed at a height of six foot six inches (6’-6”) from ground level to the bottom of the sign. Location of the signs shall be approved by the Fire Department prior to installation.
  - 3. It shall be unlawful to obstruct or block any area designed as a Fire Lane with a vehicle or by any other means.
  - 4. The registered owner of any vehicle parked or left unattended within the limits designated as a Fire Lane shall be punished by a fine not to exceed Fifteen (\$15.00) Dollars for each offense.
- (I) Any building other than a residential building of less than six (6) units, which has a fire alarm system or other fire protection system, shall provide a secure key lock box installed in a location accessible to the Fire Department in case of an emergency. This key lock box shall contain keys to the fire alarm system control panel and any other keys necessary to operate or otherwise service the fire protection systems. The key lock box shall be of a type approved by the Fire Chief or his designee and shall be located and installed as instructed by the Fire Chief or his designee and/or the Fire Prevention Bureau personnel. (Subsection (I) added May, 1991)

**5.030 Inspector of Weights and Measures**

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

**5.040 Town Counsel**

- (A) The Board of Selectmen shall annually, in June, and whenever a vacancy shall exist, appoint a member of the Massachusetts Bar to act as Town Counsel. He shall be subject at any time to removal by the Board of Selectmen.
- (B) The Town Counsel shall be paid for his services in advising Town officers on all matters of a recurring nature, for planning and attendance at weekly Board meetings, and Town meetings, for drafting of contracts and other instruments, a salary established annually by the town meeting appropriation. He, and special counsel, when engaged, shall also be paid at an hourly rate agreed upon with the Selectmen for time-use in all Town matters litigated in Courts, before Administrative bodies, the Appellate Tax Board, etc., and for non-recurring type negotiations with other attorneys, Towns or officials, on Town or East Longmeadow matters, land damage claims, Zoning and sub-division controversies, preparation of witnesses, Title-searching, and similar legal exercises. Such payment to be made from the Legal Services Fund, established for such purpose in 1960, or, as to tax title matters initiated by the Tax Collector or Treasurer, from that official's tax title expense funds.
- (C) He shall represent the Town in all matters to which it is a party, in any court or Administrative tribunal, and in the trial or hearing of all litigated matters, and shall collaborate with the Town Prosecutor in the criminal cases brought for By-law violations.
- (D) The Town Counsel shall draw all deeds, leases, contracts, conveyances, and other legal instruments, or review the same, and take every legal action, requested of him by vote of the Town Meeting or by any Town officers, boards, or committees. He shall furnish a written opinion on any legal question submitted to him on any matter concerning the town and its officers, and furnish legal advise to Town officers who require his opinion on matters within the scope of their official duties.

(E) He shall annually make a written report to the Board of Selectmen, describing legal services rendered during the fiscal year.

(F) All town officers, boards and committees requiring the services of the Town Counsel, shall keep the Board of Selectmen aware of such requests for services, notifying them in writing or by sending copies of any communications to them.

**5.050 Town Prosecutor**

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

(B) The Prosecutor shall have the duty to appear in the District Court of Springfield, Juvenile and Housing Courts to prosecute criminal offenses committed in the Town of East Longmeadow.

(C) The Prosecutor shall prosecute criminal matters brought by the Police Department and by private citizens except for show cause hearings, which are non-criminal in nature.

(D) The Prosecutor shall prosecute, in collaboration with the Town Counsel, any criminal cases brought for By-law violations.

**5.060 Building Inspector**

(A) The Board of Selectmen shall appoint a Building Inspector for one year, after the Annual Town Meeting.

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

(C) The Building Inspector shall make an annual report of his activities, which shall include the number, and types of permits issued and the number of permit applications denied.

**Chapter 6**

**BUSINESS REGULATIONS**

**Sections:**

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

**6.010      Hawkers and Peddlers**

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

**6.020      Second Hand or Junk Dealers**

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

**6.030      Soliciting Money**

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

1. Every such written permit shall state the following:

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

(B) Failure to register properly with the Police Department will result in a fine of not more than \$20.00.

**6.040      Public Entertainment**

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

(B) No outdoor public entertainment shall be held within the Town without a permit issued by the Board of Selectmen.

(C) An application for such a permit shall be submitted to the Board of Selectmen at least forty-five (45) days prior to the date on which the public entertainment is held.

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

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

**Chapter 7**

**VEHICLES AND TRAFFIC**

**Sections:**

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

**7.010 Winter Parking Ban**

(A) It shall be unlawful for the driver of any vehicle, other than acting in an emergency, to park said vehicle on any street when severe weather conditions exist and/or are forecast within a 24-hour period by a newspaper of general circulation, or local television and radio stations. Said severe weather conditions shall include snow, ice and hail.

**7.020 Removal of Vehicles from Streets and Ways**

(A) The Superintendent of the Department of Public Works, or his designee, for the purpose of removing or plowing snow or removing ice from any street or way, may declare a snow or ice removal emergency.

(B) When such emergency is declared by the Superintendent or his designee, the Police Department shall be notified immediately and vehicles parked on streets and ways that hinder the removal of snow or ice, shall be towed to a convenient storage facility according to a policy directed by the Chief of Police. Vehicles removed under this section shall be subject to a fine of \$15.00 for each offense in addition to any reasonable removal, storage charges and the cost of publishing or sending any notices.

(C) The Chief of Police shall keep or cause to be kept, a record of each vehicle removed under this By-law. Such record shall describe each vehicle, its registration number, and the location of the storage facility. He shall, within 48 hours, notify the lawful owner by mail, in writing, at his address as recorded by the Registry of Motor Vehicles, as to the location of the removed vehicle.

(D) If the owner of the removed vehicle is unknown, the Chief of Police shall, within 48 hours, cause to be published in a newspaper of general circulation in the Town, the description and registration number, if any, of the removed vehicle and the location of the storage facility. If, after a reasonable time, the owner of the removed vehicle remains unknown and reasonable effort has been made to locate the lawful owner; said vehicle will be disposed of according to Massachusetts General Laws, to satisfy removal, storage and administrative charges. The remaining balance of such disposal shall be put into the General Fund of the Town.

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

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

**7.030 Handicapped Parking**

(A) No person shall allow or permit any vehicle registered in his name to stand or park in the spaces designated as reserved for handicapped persons under General Laws Chapter 22, Section 13A, unless the motor vehicle is owned by a disabled veteran or handicapped person and bears a distinctive plate authorized by General Laws Chapter 90, Section 2, or has affixed to the rear window of said motor vehicle a temporary permit bearing the international handicapped symbol issued by the Board of Health upon written certification of a physician, renewable semi-annually if deemed necessary. Such permit is not valid and is revocable if used for special parking privileges when such vehicle is not operated by, or carrying as a passenger, the handicapped person to whom such permit has been issued.

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

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

New section approved by Attorney General 6-21-83, publish. 7-12,19,1983. (Section 7.030 amended May, 1995)

**7.040 Off-Street Parking**

(A) Any person or persons proposing to construct “off-street” parking for more than 1000 square feet, which will have access to and from any street or way, shall first submit a plan showing the proposed work to the Board of Public Works or their designee and obtain its approval prior to issuance of any building permit. (Added May, 1988)

**Chapter 8**

**PERSONAL REGULATIONS**

**Sections:**

- 8.010      Depositing Filth, Rubbish or Other Substances**
- 8.020      Consuming Intoxicating Beverages on Public Ways or Other Public Property; Penalties**
- 8.030      Bushes, Shrubs, Interfering with Vehicular Traffic**
- 8.040      Clearing Sidewalks of Ice and Snow**
- 8.050      Hours of Parks and Recreation Areas**
- 8.060      Dumping Snow and Ice from Outside the Town**
- 8.070      Dumping into Storm Drains**
- 8.080      Discharge of Firearms Within the Town**
- 8.090      Disturbing and Unnecessary Noise**
- 8.100      Limitation on the Use, Sale, Keeping and Storage of Fuel Burning Portable Space Heaters**
- 8.110      Fine for Carrying Firearms**
- 8.120      False Alarms**
- 8.130      Non-criminal Disposition Procedure**
- 8.140      Municipal Charges Lien**
- 8.150      Maintenance of Stormwater Basins – repealed May 21, 2012**

**8.010      Depositing, Filth, Rubbish or Other Substances**

(A) No person, shall without license of the Board of Health, throw, or leave in or upon any street, court, square, lane, road, public square, public enclosure, and or body of water or vacant land within the limits of the Town, any filth, rubbish or other substance. Any person who shall refuse or neglect to forthwith remove the same, after being requested by a police officer to do so, may be arrested and, if the identity of such person is unknown to the police officer, that person may after arrest be detained without a warrant until his identity is ascertained. Reasonable diligence shall be exercised by the arresting officer in ascertaining the identity of the offender and, when identified, he shall be released from arrest unless a warrant has been issued against him.

(B) No person shall behave himself in a disorderly manner or use any indecent, profane, or obscene language or gesture, not in furtherance of his constitutional first amendment rights of free speech, in a street or elsewhere in any other public place in the Town to the annoyance or disturbance of any person. Whoever shall accost or address another person with such profane or obscene language or gesture, or otherwise behave himself in a disorderly manner shall be subject to arrest. If the identity of the offender is unknown to the police officer, such person may be arrested without a warrant and detained until his identity is ascertained, whereupon the arresting police officer may release him from arrest unless a warrant has been

issued against him, or he may be further detained until he can be taken before a court having jurisdiction of the offense.

(C) No person shall, in violation of General Laws, Chapter 272, Section 59, or any amendments thereto, linger, continue to sit, stand, or occupy any part of the public street, public place, public building, or any property not his own or under his control, so as to obstruct or impede the free passage of, or in any manner annoy or disturb any other person, after being instructed or directed by a police officer to move on. Any person refusing to comply with this section, after he shall be requested to do so by a police officer, shall be subject to arrest. If the identity of such person is unknown to the police officer, such person may be arrested without a warrant and detained until his identity is ascertained, unless a warrant has been issued against him, or he may be further detained until he can be taken before a court having jurisdiction of the offense.

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

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

(A) Whoever shall, within the Town, whether that public way be a Town way, County highway, or a private way open to the public, or in any other place where the public shall have access, consume intoxicating beverages shall be punished by a fine not exceeding \$50.00. This section shall also be construed so as to prohibit the consumption of intoxicating beverages by any person while such person is standing, sitting, walking, running, or otherwise present within such way or public place as hereinabove defined, or within any vehicle, whether parked or moving, which is within the limits of such public way or place as herein defined.

(B) Whoever shall consume any intoxicating beverages in any public building, or on any public property, including parks, cemeteries, schoolhouses and school grounds, public squares, or in any private way or parking area regulated under the provisions of General Laws, Chapter 90, Section 18, shall be punished by a fine not exceeding \$50.00.

(C) The foregoing paragraphs (A) and (B) shall not apply to any activity duly licensed by the Board of Selectmen under the applicable provisions of the General Laws. A violation of this By-Law shall be deemed to be a breach of peace.

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

**8.030 Brushes, Shrubs, Interfering with Vehicular Traffic**

(A) No person shall erect or maintain upon his property a fence, trees, shrubs or bushes, which interferes unreasonably with the view of travelers, upon an abutting way, and any order from the Board of Selectmen for the partial or total removal of such fence, trees, shrubs or bushes shall be complied with forthwith.

(B) No owner or foreclosing mortgagee (hereinafter “owner”) shall allow grass, trees, bushes, shrubs or any other vegetation to constitute a nuisance, as determined by the Health Agent, to the health, safety or appearance of the neighborhood where the property is located.

If the Health Agent notifies the owner of the existence of a nuisance and said owner fails to correct the situation identified in said notice within ten (10) days of the date of the notice, the Town may correct the nuisance through an independent contractor or its employees. The cost of correction plus administrative fee of \$200.00 shall be assessed against the property and shall be a municipal charges lien under section 8.140 and enforced as set forth therein.

#### **8.040 Clearing Sidewalks of Ice and Snow**

Residents on property or owners of property, where there exists a sidewalk, in front of or abutting a traveled way constructed of concrete, cement, brick, stone or other hard matter lying between the property lines and the traveled way designated by the Selectmen under Town control, shall clear said walks of ice and snow within 24 hours after the snow ceases to fall. Should the said sidewalks become covered with ice that cannot be readily removed, the said abutters or residents shall be required to place sand or salt or other material thereon to render said walks safe for pedestrians. (Added May, 2001)

#### **8.050 Hours of Parks and Recreation Areas**

(A) The Board of Public Works shall post the official hours of parks and recreation areas within the Town.

#### **8.060 Dumping Snow and Ice from Outside the Town**

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

#### **8.070 Stormwater Management**

##### ***8.070.010 Definitions***

The following definitions describe the meaning of the terms used in this by-law:

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

*Best Management Practices (BMP):* Structural or biological devices that temporarily store or treat stormwater runoff to reduce flooding, remove pollutants, and provide other amenities. They can also be nonstructural practices that reduce pollutants at their source. Examples of BMP's are described in the Massachusetts Department of Environmental Protection's (MassDEP) stormwater design manual: Stormwater Management Handbook, Volume 2:

Chapter 2: Structural BMP Specifications for the Massachusetts Stormwater Handbook (February 2008, MassDEP, as updated or amended).

*Board of Public Works:* The permitting and enforcement agency.

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

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

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

*Groundwater:* Water beneath the surface of the ground.

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

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

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

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

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

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

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

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

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

*Pollutant:* Any element or property of sewage, agricultural, industrial, commercial or residential waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is introduced into the MS4 or waters of the Commonwealth. Pollutants shall include, but not be limited to: dredged spoil, solid waste, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, hot fluids, wrecked or discarded equipment, rock, sand, and industrial, municipal, agricultural and residential waste discharged into water.

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

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

*Stormwater:* Runoff from precipitation or snowmelt.

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

*Uncontaminated Water:* Water containing no pollutants.

*Uncontaminated Groundwater:* Groundwater containing no pollutants.

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

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

#### **8.070.020 Purpose**

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

#### **8.070.030 Authority**

The Board of Public Works or its designee shall administer, enforce and implement this section. The Board of Public Works shall promulgate rules, regulations and a permitting process to effectuate the purposes of this section. Failure by the Board of Public Works to

promulgate such rules and regulations shall not have the effect of suspending or invalidating this section.

**8.070.040 Applicability**

(A) *Applicability.* This by-law shall apply to activities that result in disturbance of one or more acres (43,560+ square feet) of land. In determining whether an activity is subject to jurisdiction under this by-law, the Board of Public Works or its designee and applicant shall consider the entirety of the project, including any likely future expansion, and not separate phases or segments thereof. The applicant shall not phase or segment a project to evade, defer or curtail review under this by-law. Except as authorized by the Board of Public Works or its designee, no person shall perform an activity that results in disturbance of one or more acres of land.

(B) *Exemptions.* The following uses and activities are exempt from compliance with this by-law:

1. Stormwater discharges resulting from land disturbance activities that are subject to an Order of Conditions issued by the Conservation Commission under the Wetlands Protection Act;
2. An agricultural activity which is in compliance with an approved soil conservation plan prepared or approved by the United States Natural Resource Conservation Service;
3. Logging which is in compliance with a timber management plan approved under the Forest Cutting Practices Act by Massachusetts Department of Conservation and Recreation;
4. Activities that do not disturb more than one acre (43,560 square feet) of land;
5. Construction of municipal utilities;
6. In-kind repairs to a stormwater treatment system deemed necessary by the East Longmeadow Board of Public Works; and
7. An emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Board of Public Works.

(C) *Waivers.* The Board of Public Works may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder upon written findings of the fact setting forth the basis for the waiver by the Board of Public Works.

**8.070.050 Permit Requirements**

(A) Permit required. Prior to the approval of a Special Permit, Site Plan or waiver thereof or Building Permit for an activity regulated hereunder, a Stormwater Management Permit must be approved by the Board of Public Works or its designee.

(B) Permit fees. For Stormwater Management Permit fee shall be based on the amount of land to be disturbed at the site and the fee structure shall be established by the Board of Public Works by regulation. If, in the judgment of the Board of Public Works, or its designee consulting services are necessary or appropriate, the applicant shall, prior to a determination on an application, deposit with the Town, an amount determined by the Board of Public Works or its designee to be sufficient to cover the full costs of such services. All such consultants shall be selected by the Board of Public Works or its designee and paid out of said deposit. The Town will reimburse the applicant for any credits remaining after a consultant has been paid within thirty (30) days of said payment. In the event the deposit is insufficient to cover consultant services, the outstanding balance is to be paid by the applicant within 30 days of receipt of invoice for the outstanding balance.

(C) Stormwater and erosion control plan. The application for a stormwater management permit shall consist of submittal of a stormwater management and erosion control plan prepared in accordance with the rules and regulations.

(D) Stormwater Management Performance Standards. Projects that require a permit under this by-law must meet the Massachusetts Stormwater Management Standards.

#### ***8.070.060 Performance Bond***

The Board of Public Works shall require from the developer a cash bond prior to the submittal of a building permit application for the construction of a development requiring a stormwater management facility. The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility including the applicable prevailing wage cost for the project. The bond shall be forfeited for failure to complete work specified in the approved stormwater management permit, compliance with all of the provisions of this by-law and other applicable laws and rules and regulations, and any time limitations. No portion of the bond shall be released without an inspection of the work by the Board of Public Works or its designee. The bond shall not be fully released without submission to the Board of Public Works or its designee of acceptable “as-built” plans and certification of completion that the stormwater management facilities are in compliance with the permit and plans approved thereunder.

#### ***8.070.070 Certificate of Completion***

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

#### ***8.070.080 Illicit Discharges Purpose***

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

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

- (b) prohibiting illicit connections and unauthorized discharges to the MS4;
- (c) requiring the removal of all such illicit connections;
- (d) establishing the legal authority to ensure compliance with the provision of this by-law through inspection, monitoring, and enforcement.

**8.070.090 *Illicit Discharges Applicability***

This section shall apply to flows entering the MS4

**8.070.100 *Illicit Discharges Prohibited Activities***

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

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

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

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

1. waterline flushing;
2. flow from potable water sources;
3. springs
4. natural flow from riparian habitats and wetlands;
5. diverted stream flow;
6. rising groundwater;
7. uncontaminated groundwater infiltrating (entering the MS4 from the ground through such means as defective pipes, pipe joints, connections, or manholes), or uncontaminated pumped groundwater;
8. water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), sump pumps, or air conditioning condensation;
9. discharge from landscape irrigation or lawn watering;
10. water from individual residential car washing;
11. discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
12. discharge from street sweeping;

13. discharge or flow resulting from ice and snow control operations;
14. dye testing, provided verbal notification is given to the Board of Public Works or its designee prior to the time of the test;
15. discharge or flow resulting from fire fighting activities;
16. non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations;
17. discharge for which advanced written approval is received from the Board of Public Works or its designee as necessary to protect public health, safety, welfare, and the environment; and
18. incidental discharge (e.g., dust, drops of fluids) from maintenance and normal activities related to allowed uses, which results in de minimus levels of pollution entering the MS4 or Waters of the Commonwealth in East Longmeadow. This by-law does not supersede any other local, state or federal requirements.

#### ***8.070.110 Notification of Spills***

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

#### ***8.070.120 Enforcement***

Any officer, employee, person or entity observing or having actual knowledge of a violation of this by-law or a rule or regulation adopted hereunder that he is responsible for enforcing may, as an alternative to seeking a criminal penalty for violation of this by-law, give the offender a ticket in a form in compliance with the requirements of and in the manner established in G.L. c. 40 §21D and Section 8.130 of the East Longmeadow General By-laws. The Board of Public Works shall designate the person or persons responsible for enforcement.

The penalty for each violation of this stormwater management portion of the by-law and the rules and regulations adopted hereunder shall be \$200.00 and each day or part thereof shall constitute a separate violation.

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

Any permit issued pursuant to this by-law shall contain language requiring the applicant to pay any and all costs, including attorney fees and expert witness fees, incurred by the town in seeking court action regarding the enforcement of this by-law and the rules and regulations adopted hereunder.

The prior provisions of this by-law notwithstanding, the Board of Public Works or its designee may enter onto a person's land to inspect any work performed under a permit issued pursuant to this by-law. The Board of Public Works may also enter any property to determine if such property is in violation of this by-law or rules and regulations if it has a good faith basis to believe an activity requiring a permit is being performed on the property without such a permit.

The Board of Public Works may, for cause shown, suspend or terminate a person's connection to the MS4 and any permit issued pursuant to this by-law.

Notice of the intent to suspend or terminate a person's connection to the MS4 or a permit shall be given in writing to the owner of the property and the permit holder, if different, by delivering, to the owner to the address listed for taxation purposes in the Assessor's Office, and the permit holder at the address listed in the application; a copy of the notice of hearing shall be delivered at least ten (10) business days before said hearing date and shall, in addition, be mailed by 1<sup>st</sup> class mail, postage prepaid at least fourteen (14) days before said hearing.

The notice shall contain the:

1. Name and address of the owner of the property;
2. The name and address of the permit holder if different than the owner;
3. The action contemplated;
4. Statement of violations believed to exist; and
5. A statement that the owner and permit holder may present evidence regarding alleged violations.

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

#### ***8.070.130 Transitional Provisions***

Property owners shall comply with the illicit discharges sections of this by-law, but such property owners shall in no case have more than six months from the effective date of the by-

law to comply with its provisions, unless good cause is shown for the failure to comply with the by-law during that period.

This section added 9-26-11

**8.080 Discharge of Firearms Within the Town**

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

**8.090 Disturbing and Unnecessary Noise**

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

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

1. Motor Vehicles. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion as a danger signal after or as brakes are being applied and deceleration of a vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound, including unmuffled vehicles, and the sounding of such device for an unnecessary and unreasonable period of time.

2. Radios, phonographs, and musical instruments. The playing of any radio, phonograph, or any musical instrument in such a manner or with such volume, particularly during the hours between 10:00 PM and 7:00 AM as to annoy or disturb the quiet, comfort or repose of person in any dwelling, or other type of residence.

3. Churches, schools. The creation of any excessive noise on any street adjacent to any church, school or other institution of learning or adjacent to any institution for the care of the aged or infirm, which unreasonably interferes with their use.

4. Power Equipment. The operation of bulldozers, power shovels, rollers or other similar heavy equipment other than between the hours of 7:00 AM and 8:00 PM Monday through Saturday, is prohibited. No such equipment shall be operated on Sundays. Emergencies involving the health and welfare of the citizens are exempted from the conditions of this section. (Subsection (B) 4 amended May, 1991).

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

(A) No person shall keep, store, sell, or cause to allow to be used in any building any fuel burning portable space heater. “Portable space heater” is defined as a space heater which

when installed in a building is not firmly affixed in place by a rigid pipe connection or otherwise and is not permanently connected to a chimney, stack or flue.

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

1. An approved salamander is defined as one that has been approved by the Underwriters Laboratories or the Factory Mutual Laboratories.

2. An alteration is defined as a change in or addition to a building, which changes the internal or external shape of the building. New section approved by Atty. Gen. 6-21-83; published 7-12, 19, 1983.

### **8.110 Fine for Carrying Firearms**

Any person, who, without the written permission of the owner, enters upon the improved or unimproved land of another while carrying firearms, shall be punished by a fine of one hundred dollars for each such offense. This by-law shall be enforced by police officers and may be administered under the provisions of Massachusetts General Laws, Chapter 40, Section 21D, the Non-Criminal Disposition Law. (Section 8.110 added May 1991)

### **8.120 False Alarms**

In any calendar year, if the Fire Department responds to a fire alarm, which is transmitted to the department by an electronic fire alarm located at any dwelling or business premises, and which alarm is found to be false, the owner or occupant of said premises shall be liable for a fine in the amount of fifty dollars (\$50.00) for each violation of the above, after the third false alarm in any given calendar year. For the purposes of this section a “false” alarm shall be defined as the activation of an electronic fire alarm system which results in the response of the Fire Department to the premises, and is found to be for any cause other than a fire on the premises, which requires the services of the Fire Department. This By-Law section shall be enforced by firefighters under the provisions of Massachusetts General Laws Chapter 40, Section 21D, the Non-Criminal Disposition Law. (Section 8.120 added May 1993)

### **8.130 Non-Criminal Disposition Procedure**

(A) VIOLATIONS OF CERTAIN BY-LAWS, RULES AND REGULATIONS. A non-criminal disposition procedure, using the civil infraction procedure in General Laws Chapter 40, Section 21D, is enacted for violations of the Town of East Longmeadow General By-Laws, Rules or Regulations of the Town.

(B) ISSUANCE OF CITATIONS. Citations for violations of the By-Laws, Rules or Regulations made enforceable under this section shall be issued by the designated enforcing officer authorized in writing by the appointing authority which has voted to have the designated By-Law rule and/or regulation enforced under this By-Law.

(C) Any authorized employee observing a violation of a rule or regulation is empowered to enforce and shall give to the offender a ticket in a form in compliance with the requirements of and in the manner established by said Section 21D payable through the District Court.

(D) VIOLATIONS AND PENALTIES. The penalty under civil infraction procedure for each violation of any By-Law rule or regulation shall be as designated in each By-Law rule

or regulation enforced under this By-Law. Each day of violation shall be considered a separate violation. This penalty is an alternative to the criminal penalties that are set for the in this By-Law.

(E) ENFORCEMENT OFFICER: REPORT ON FINES. It shall be the responsibility of the Chief Procurement Officer or his designee to purchase, distribute and tract the citations issued under this section. The Town Collector shall monthly forward a report of the fines received pursuant to this section, showing by Department, Board or Committee, the amount received as a result of tickets issued by each such Department, Board or Committee. (Subsection (C) amended May 1997; Section 8.130 added 1995)

### **8.140 Municipal Charges Lien**

Section 1. Authority: This by-law is adopted pursuant to the authority of M.G.L., c.40, §21 and c.40, §58 and any other relative statutes and regulations.

Section 2. Purpose: The purpose of the establishment of a Municipal Charges Lien is to provide a cost effective method of collecting a charge and/or fee assessed against an owner of real property in the Town who fails and/or refuses to pay said charge and/or fee when due, by placing a lien upon real estate owned by the property owner.

Section 3. Charge and/or Fee: The Municipal Charges Lien shall apply to the following municipal charge and/or fees:

1. Charges of penalties for violations of the zoning by-laws including interest and costs to record said liens in the Hampden County Registry of Deeds.
2. Charges or penalties for violation of the general by-laws, including interest and costs to record said liens in the Hampden County Registry of Deeds.
3. Charges for full-day Kindergarten classes offered by the School Department.
4. Fees for licenses and permits and penalties for violations of the rules and regulations of the Board of Health including interest and costs to record said liens in Hampden County Registry of Deeds. (amended 5-1-06)

Section 4. Recording of Lien: The Municipal Charges Lien will take effect upon the recording of a statement of unpaid municipal charges and fees, setting forth the amount due, including recording costs, the address(es) of the land to which the lien is to apply and the name of the assessed owner.

Section 5. Collection of Lien:

- a) The tax collector shall be in charge of collecting the lien.
- b) The Town Clerk shall notify the Assessor of all tickets that have not been paid or appealed to the court at the end of each month.
- c) The School Department shall notify the Assessors of all unpaid Kindergarten charges at the end of each month.
- d) The Assessors shall prepare a statement of Municipal Charges Lien for each person from the list(s) received from the Town Clerk of person responsible for collecting

the charge or penalty and shall forward said statement to the Tax Collector who shall cause said statement(s) to be recorded in the Hampden County Registry of Deeds.

**Section 6. Unpaid Municipal Charges Liens:**

- a) If a charge or fee secured by the lien is unpaid when the assessors are preparing the real estate tax list and warrant, the Tax collector shall certify the charge or penalty to the Assessors' Department and the Assessors shall add the charge or fee to the next property tax bill to which it relates, and commit it with the warrant to the collector as part of the tax.
- b) If the property to which the charge or fee relates is tax exempt, the charge or fee shall be committed as a tax on said property.

**Section 7. Release of Lien:** The Municipal Charge Lien may be discharged by filing a certificate from the Tax Collector that all municipal charges or fees including interest and costs constituting a lien have been paid or legally abated.

**Section 8. Abatement:** The Assessors, prior to a charge or fee being certified to the assessors by the Tax Collector under Section 6, may abate any charge or fee for justifiable cause which shall be effective upon issuing of a written statement setting forth said cause, and filing of said statement with the Tax Collector. The cost of recording any documents required to release a lien in the Hampden County Registry of Deeds shall be the responsibility of the property owner.

**8.150 Maintenance of Stormwater Basins**

Repealed in its entirety May 21, 2012

**Chapter 9**

**ANIMAL CONTROL**

**Sections:**

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

**9.010      Animal Control (Leash Law)**

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

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

(C) A violation of section 9.010, including subsection (I), this section shall be punishable by a fine of twenty five dollars (\$25.00) for the first offense and fifty dollars (\$50.00) for the second through fourth subsequent offense within the calendar year. The fourth subsequent offense shall be punishable by a mandatory hearing and a fine of seventy five dollars (\$75.00). The owner of any dog picked up shall pay a fee of twenty-five dollars (\$25.00) to the Town before the release of the dog from the pound. The pound fee for animals held in violation of this Animal Control Law shall be twenty five dollars (\$25.00). In addition to the above described procedures, the provisions of this section may also be enforced by the Animal Control Officer or any police officer of the Town, by non-criminal disposition procedure pursuant to Section 8.130. (this section amended 5-21-12)

(D) The fee required by Section 137 - 174 of Chapter 140 of the Massachusetts General Laws, as amended, for the licensing of dogs within the town, shall be increased by \$25.00 for any license purchased after the due date, said additional fees shall be retained by the Town. Dogs shall be required to be vaccinated against rabies and proof of same shall be required before licensing. (this section amended 5-21-12)

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

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

(G) Any animal found to be at large in violation of this section shall be caught and confined by the Animal Control Officer and/or his assistants, who shall notify forthwith the licensed owner or keeper of such animal, giving the owner or keeper of such animal a period of ten

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

(H) The Board of Selectmen shall appoint an Animal Control Officer and such assistants as are deemed necessary to administer and enforce this law and the sections of Massachusetts General Laws, Chapter 140, as amended, relating to dogs.

(I) If any person shall make a complaint in writing to the Board of Selectmen that any animal owned or harbored within the Town is a nuisance by reason of vicious disposition, excessive barking, or other disturbance, the Board shall take any action as provided in General Laws, Chapter 140, Section 137 - 174 or any other Chapter, and any amendments thereto. Such disturbance causing a nuisance shall include, but not be limited to, the following:

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

Said written complaint to the Board of Selectmen shall include the name and address of the owner and keeper of such animal and the name and address of the person(s) making complaint.

(J) The Board of Selectmen may appoint the Animal Control Officer a special police officer or constable.

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

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

(M) Horses, cows, goats, swine, poultry and other animals are regulated by the Town Board of Health.

(N) Copies of the regulations of the Board of Health are available in the Town Clerk's Office for a fee. (Section 9.010 amended May 1993).

**9.015 Removal of Dog Waste**

- (A) It shall be unlawful for any person owning, keeping, walking, in possession, custody or control of any dog to allow or permit such dog to defecate upon any public or private property unless such person shall remove all feces deposited by such dog before leaving such property.
- (B) The provision of this section shall not apply to a guide dog accompanying any blind person.
- (C) Any violation of this section shall constitute an infraction and shall be punishable by a fine of twenty dollars (\$20.00).
- (D) This section may also be enforced by the non-criminal disposition procedure set forth in 8.130. The penalty for each violation shall be twenty dollars (\$20.00) for each violation.
- (E) The Animal Control Officer and any Police Officer of the Town are authorized to enforce the provisions of this section. (Added May 1997)

**9.020 Animal Inspector**

- (A) The Board of Selectmen shall appoint the Animal Inspector for one year, after the Annual Town Meeting.
- (B) The annual report of the Animal Inspector shall contain the number of inspections made and facts of general interest.

**9.025 Prolonged Confinement of Dogs Outside**

- (A) Prolonged Chaining or Tethering of Dogs is prohibited. No person owning or keeping a dog in the town shall chain or tether a dog to a stationary object including but not limited to any structure, dog house, pole or tree for longer than six total hours in any twenty-four hour period. Nothing in this section shall be construed as prohibiting a person from walking a dog on a hand-held leash.
- (B) Permissible Outside Confinement. A person owning or keeping a dog in the town may confine such dog outside for longer than six total hours in a twenty-four hour period through the use of any of the following three methods:
  - (1) A pen or secure enclosure, if the following conditions are met: (a) The pen or secure enclosure has adequate space for exercise with a dimension of at least one-hundred square feet. Commercial dog kennels with pens intended for the temporary boarding of dogs are exempt from this requirement. (b) The pen or secure enclosure is constructed with chain link or other similar material as determined by the Building Inspector, with all four sides enclosed.
  - (2) A fully fenced or otherwise securely enclosed yard wherein a dog has the ability to run but is unable to leave the enclosed yard.
  - (3) A trolley system or a tether attached to a pulley on a cable run, if the following conditions are met:
    - (a) Only one dog may be tethered to each cable run.

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

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

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

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

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

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

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

(F) Consequences of Violation. A violation of this section shall be punishable by a written warning for the first offense. Subsequent offenses shall be punishable by a fine of one hundred dollars (\$100.00) each, and the Animal Control Officer and/or his assistant shall have the authority to impound and confine the dog in accordance with Paragraph (G) of this section. In addition to the above described procedures, the provisions of this section may also be enforced by the Animal Control Officer or any police officer of this town, by non-criminal complaint pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21 D.

(G) Impounded Dogs. Animals impounded under the authority of this section shall be confined in a place suitable for the care and detention of animals, or they may be placed in the care of the holder of a kennel license, such place or holder of a kennel license to be

designated by the Board of Selectmen. The owner or keeper of the dog will be notified in writing of the impoundment and will have a period of ten calendar days within which to recover the dog. The owner or keeper of the dog shall be required to pay the reasonable expense of maintaining the dog in confinement, including, but not limited to cost of boarding, feeding, medical care, and medicines. Return of the animal to the licensed owner or keeper shall be dependent upon admission of ownership or the keeping of the dog and the assumption of the responsibility by the licensed owner or keeper. If the owner or keeper fails to claim the dog or perform all actions necessary for the return of the dog in said 10 days, the dog officer shall find permanent placement for the dog in a new home or rescue. If placement is not obtainable, as in the case of a vicious dog, the dog may be ordered euthanized.

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

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

(added 5-1-06)

**Chapter 10**

**SPECIAL COMMITTEES AND COMMISSIONS**

**Sections:**

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

**10.010 Conservation Commission**

Established by vote of the Town on March 7, 1966 in accepting Chapter 40, Section 8C of the General Laws as amended. Seven members serve three-year terms by appointment of the Board of Selectmen.

**10.011 Conservation Commission – Consultant Fees - Definitions**

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

1. Projects proposing 1,000 to 1,500 square feet of alteration of the 100-foot buffer zone, 50 linear feet of a bank or waterway alteration, the Consultant Fee shall not exceed \$100.00.
2. Projects proposing 1,500 to 2,500 square feet of alteration of the 100-foot buffer zone, 50 to 200 linear feet of bank or waterway alteration; the Consultant Fee shall not exceed \$400.00.
3. Projects proposing 2,500 to 10,000 square feet of alteration of 100-foot buffer zone or 200 to 400 linear feet of bank or waterway alteration, the Consultant Fee shall not exceed \$1,000.00.
4. Projects proposing more than 10,000 square feet of alteration of a 100 foot buffer zone or more than 400 linear feet of bank or waterway alteration, the Consultant Fee shall not exceed \$5,000.00.

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

**DEFINITIONS.** The following definitions shall apply to the interpretation and implementation of this by-law.

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

- a. Removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind;
- b. Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns of surface and subsurface water or flood retention characteristics;
- c. Drainage or other disturbance of water level of water table;
- d. Dumping, discharging or filling of any material or in any manner which may degrade water quality or interfere with any of the interests protected by this by-law;
- e. Driving of piles, erection of buildings or structures of any kind;
- f. Placing of obstructions whether or not they interfere with the flow of water;
- g. Destruction of plant life, including cutting of trees.
- h. Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water. (Section 10.011 added May 1990)

#### **10.012 Conservation Commission**

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

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

(C) **EXCEPTIONS.** The permit and application required by this by-law shall not be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sanitary sewer and storm sewer, telephone, telegraph and other

telecommunication services, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

This by-law shall not apply to any emergency project as defined in the Wetlands Protection Act, General Laws, Chapter 131, Section 40 (hereinafter “The Wetlands Protection Act”) and the regulations pursuant thereto or to any mosquito control project authorized by any laws of the Commonwealth.

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

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

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

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

(E) NOTICE AND HEARINGS

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

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

Any person filing a Notice of Intent with the Commission shall give written notice thereof, by certified mail (return receipt requested) or hand delivery, to abutters of the land to their mailing addresses shown on the most recent applicable tax list of the Assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line, including any in another municipality or across a body of water. The notice to abutters shall enclose a copy of the Notice of Intent with the plans, or shall state where copies may be examined and obtained by abutters free of

charge. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission.

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

The Commission may combine its hearing under this by-law with a hearing conducted under The Wetlands Protection Act.

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

The Commission shall adopt by regulation a procedure providing for the coordination of its activities with those of other Town Boards, which also assert or may thereafter assert jurisdiction over the same parcel of land. (This section amended 5-16-2011).

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

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

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

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

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

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

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

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

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

(H) REGULATIONS. (This section was deleted in its entirety. Approved May 16, 2011)

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

(J) DEFINITIONS. The following definitions shall apply in the interpretation and implementation of this by-law.

J1. **Alter** shall include, without limitation, the following actions when undertaken to, upon, within or affecting resource areas protected by this by-law;

- a. Removal, excavation or dredging of soil, sand gravel or aggregate material of any kind;
- b. Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns of surface and subsurface water or flood retention characteristics;
- c. Drainage or other disturbance of water level of water table;
- d. Dumping, discharging or filling with any material or in any manner which may degrade water quality or interfere with any of the interest protected by this by-law;
- e. Driving of piles, erection of buildings or structure of any kind;
- f. Placing of obstructions whether or not they interfere with the flow of water;

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

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

J2. **Applicant** shall mean a person giving notice of intention to build, remove, fill, dredge or alter or making a request for determination.

J3. **Banks, bordering fresh water wetland, flat, marsh, wet meadow, bog, swamp, estuary, creek, river, pond, lake and bordering and isolated land subject to flooding** shall, unless otherwise defined in this by-law, have the same meaning as in the Wetlands Protection Act and the regulations there under.

J4. **Person** shall include any individual, group of individuals, associations, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town by-laws, administrative agencies, public or quasi-public corporations or bodies, the Town of East Longmeadow, and any other legal entity, its legal representatives, agents, or assigns.

J5. **Isolated Wetlands** are areas of wetland vegetation (as defined in Section J.3 of this by-law) which are subject to flooding and consist of isolated depressions or closed basins which serve as a ponding area for run off or high ground water and which remain wet on a year-round basis except for extended dry periods. Such areas must be at least 400 square feet in area and may include kettle holes and bogs.

J6. **Temporary Wetlands** are those areas of at least 400 square feet in areas which are periodically flooded on a purely seasonal basis by high ground water or runoff and include vernal and autumnal ponds. Prior to exercising jurisdiction over any temporary wetlands which is not also subject to the Commission's jurisdiction under the Wetlands Protection Act, the Commission shall publish the location of such areas on a map, after notice and hearing. No such areas not already under the Commission's jurisdiction under the Wetlands Protection Act shall be subject to the Commission's jurisdiction unless a qualified wildlife professional has determined that the area is vital to the survival of a species of animal which uses that area exclusively in its reproductive process.

J7. **Significant Effect;** an activity has a significant effect on the interests protected by this by-law if such activity has a measurable impact on a resource covered by this by-law and tends to reduce the capacity of that resource area to support or sustain the interests protected by this by-law.

J8. **Cumulative Effect;** an activity has a cumulative effect on the interests protected by this by-law if such activity, added to or in conjunction with similar activity which has occurred or has been proposed and which affects the same resource area, has a measurable impact on a resource area covered by this by-law and tends to reduce the capacity of that resource area to support or sustain the interests protected by this by-law. The applicant shall have the burden of proving by a preponderance of credible evidence that the activity has no cumulative effect on the values protected by this by-law.

J9. **Other Definitions.** The Commission may adopt additional definitions not inconsistent with Section J in its regulations promulgated pursuant to Section H of this by-law.

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

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

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

Any person who violates any provision of this by-law or any conditions of a permit issued pursuant to it shall be punished by a fine of not more than \$300.00. Each day or portion thereof during which a violation continues shall constitute a separate offense.

If the Town of East Longmeadow has adopted a comprehensive “ticketing” program based on General Laws, Chapter 40, Section 21D, the Commission shall adopt such program through its regulations. If such a program has not been adopted, the Commission may thereafter elect to enforce this by-law pursuant to Massachusetts General Laws, Chapter 40, Section 21D, and the Chairman of the Commission or the Town Conservation Enforcement Officer, if one has been appointed, may enforce this by-law under the provision of that section.

Upon petition of the Commission, the Board of Selectmen and Town Counsel may take such legal action as may be necessary to enforce this by-law and permits issued pursuant to it.

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

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

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

2. The decision shall be reviewable in the Superior Court in an action filed within 60 days thereof in accordance with General Laws, Chapter 249, Section 4, provided that no such appeal may commence prior to a final decision by the Department of Environmental Protection on any matter which is subject both to this by-law and the Wetlands Protection Act and which has been appealed to that Department.

(N) RELATION TO WETLANDS PROTECTION ACT. This by-law is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act and regulations thereunder.

(O) LEGAL RENDERING BY COURTS. The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof, nor shall it invalidate any order of conditions which has previously become final. (Section 10.012 added May 1990)

#### **10.020 Council on Aging**

Established by vote of the Town on June 26, 1958. The membership of the Council on Aging consists of six members 60 years of age or over, representing the elderly; four members of any age, representing the community at large, and one of the Selectmen and the Director to be ex-officio members, without vote. (See Town Meeting votes of 3-6-73 and 5-6-74).

#### **10.030 Historical Commission**

Established by vote of the Town on March 7, 1979 in accepting Chapter 40, Section 8d of the General Laws as amended. Seven members serve terms of three years by appointment of the Board of Selectmen.

#### **10.040 Housing Authority**

Established by vote of the Town on June 25, 1959 in accepting Chapter 121, Section 26K of the General Laws as amended. Four members were elected to terms of 1, 2, 4 and 5 years on February 9, 1960, and a fifth member appointed by the State for a three-year term. Thereafter, members are elected to five-year terms, one expiring each year. The State appointee thereafter also appointed to a five-year term.

#### **10.050 Industrial Development Committee**

Established by vote of the Town on February 23, 1955. No statute mentioned. Five members appointed by the Board of Selectmen with ex-officio members representing the Board of Selectmen, Board of Public Works and Planning Board.

#### **10.060 Industrial Development Financing Authority**

Established by vote of the Town on March 7, 1972 in accepting Chapter 40D, General Laws as amended. The Board of Selectmen appoint the five members who serve for terms of five years.

**10.070 Recreation Commission**

Established by vote of the Town on March 5, 1960 in accepting Chapter 40, Section 5(25) of the General Laws as amended. Nine members serve terms of three years by appointment of the Board of Selectmen.

**10.080 Open Space Committee**

Established by vote of the Town on May 3, 2004. No statute mentioned. Create an Open Space Committee to act in an advisory capacity to the Board of Selectmen.

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

**MOTION MADE UNDER ARTICLE 18\***

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

Voted Unanimously

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

A True Record:

Attest:

Richard A. Clark,  
Town Clerk

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

**Repeal of 1955 General By-Laws:**

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

Passed Unanimously.

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

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

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Richard A. Clark, Town Clerk

Town of East Longmeadow - General By-Laws – Amended 2015

LEGISLATIVE ACTS ACCEPTED BY THE TOWN AND SPECIAL VOTES

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

## Town of East Longmeadow - General By-Laws – Amended 2015

6-25-1959	Ch. 121, Sec. 26K	Establish East Longmeadow Housing Authority
3-5-1960	Ch. 40, Sec. 5(25)	Establish a Recreation Commission
10-6-1960	Ch. 136, Sec. 4B	Operation of bowling alleys on Lord's Day
10-6-1960	Ch. 41, Sec. 111A	Paid vacations for members of Police Department
3-4-1961	Ch. 40, Sec. 42G,42H,42I	Special assessments; water mains
3-4-1961	Ch. 85, Sec. 6	Permit snow removal from sidewalks and assessment of costs against owners
2-21-1957		Division into three precincts
6-25-1959		Annual Town meeting changed to 1 <sup>st</sup> Saturday in March
3-4-1961		Division into four precincts
12-18-1961	Ch. 118B	Create East Longmeadow-Wilbraham Welfare District
2-13-1962	Ch. 32B, Sec. 9A	Town pays ½ cost of group insurance for retired employees
2-13-1962	Ch. 552, Acts 1961	Increased allowances for widows of deceased members of County Retirement System
3-7-1964	Ch. 478, Acts 1963	Increased allowances to former employees and widows
3-7-1964	Ch. 409, Acts 1962	Regulating use of ways by pedestrians
3-5-1966	Ch. 40, Sec. 42A thru 42F	Delinquent water accounts become liens on real estate taxes
3-5-1966	Ch. 40B, Sec. 7	Membership in Lower Pioneer Valley Regional Planning District
3-5-1966	Ch. 111, Sec. 142B, 142C	Membership in Lower Pioneer Valley Air Pollution Control District
3-7-1966	Ch. 40, Sec. 8C	Establishment of Conservation Commission
12-8-1966		Home Rule Act
2-23-1955		Establishment of Industrial Development Committee
4-17-1967		Increase Recreation Commission to 9 members
4-17-1967	Ch. 40, Sec. 44A, 44B	Establishment of Regional Refuse Disposal Planning Committee
2-13-1968	Ch. 32, Sec. 11A	Allow employees to pay 100% of additional optional life insurance
3-2-1968	Ch. 90, Sec. 20C	Violations of motor vehicle parking rules
6-6-1968	Ch. 381, Acts 1968	Tenure until 60 for present Town Engineer
3-7-1970	Ch. 40, Sec. 8d	Establish 7-member Historical Commission
3-9-1970	ATM. 3-9-70, Art. 35	Recreation Commission Revolving Fund; Home Rule vote
2-9-1971	Ch. 32B, Sec. 11B	Extend group insurance benefits to elderly persons retired from the service of the town
3-6-1971		Division into five precincts
2-8-1972	Ch. 32B, Sec. 9D	Surviving spouses of active or retired employees to pay 50% of group insurance costs
3-7-1972	Ch. 40, Sec. 8C	Establish a Conservation Fund
3-7-1972	Ch. 40D	Establish an Industrial Development Financing Authority
3-3-1973		Annual Town Election changed to 2 <sup>nd</sup> Tuesday in April
3-3-1973		Annual Town Meeting changed to 1 <sup>st</sup> Saturday in May
3-6-1973	Ch. 40, Sec. 42G thru 42I	Special assessments to meet cost of laying water mains
3-6-1973		Council on Aging; Change in membership
3-6-1973	Ch. 44, Sec 53C	Revolving fund for payments to off-duty police

Town of East Longmeadow - General By-Laws – Amended 2015

5-6-1974	Ch. 140, Sec. 139	officers \$10.00 penalty added for late licensing of dogs, after 60 days
5-6-1974		Council on Aging; Eliminate voting rights of ex-officio members
5-6-1974	Ch. 40B, Sec. 3	Establishment of Lower Pioneer Valley Transportation Authority
1-20-1975		Annual Town Meeting changed to 1 <sup>st</sup> Monday in May
4-8-1975	Ch. 10, Sec. 39	Licenses granted for game of beano
5-6-1975		Audit of financial books of Town by private auditing firms
1-20-1975	Ch. 143, Sec. 3	Enter agreement with one or more towns to combine and share expenses of Building Inspector
4-13-1976	Ch. 32B, Sec. 8A	Distribute to employees share of group insurance dividends after deducting administrative costs
10-12-1976	Ch. 41, Sec. 41B	Permit employee compensation to be paid to certain banks and credit unions
5-3-1977		Membership of Appropriations Committee increased to seven
12-15-1977		Town Meeting quorum reduced to 200 voters
5-2-1978	Ch. 40A; Chap. 808	Acts of 1975, Zoning Act
5-2-1978		Planning Board named Special Permit Granting Authority
12-28-1978	Ch. 71, Sec. 71E	Permit Town Treasurer to set up a special revolving account for certain school funds
12-28-1978	Ch. 83, Sec. 16A to 16F	Collection of sewer charges for sewer services by the Town
5-14-1979	Ch. 40, Sec. 8G	Town to enter into Mutual Aid Agreements for police services
1-20-1975	Ch. 468, Acts of 1974	Town declines to participate in Hampden County Mosquito Control District
10-13-1981	Ch. 41, Sec. 55	Appointment of Town Accountant
10-13-1981	Ch. 44, Sec. 35-43	Installation of accounting system
10-13-1981	Ch. 41, Sec. 55	Abolish Town Auditor
10-13-1981	Ch. 40, Sec. 5B	Create a Stabilization Fund
4-13-1982	Ch. 258, Sec. 13	Indemnification of town officers
5-3-1982	Ch. 59, Sec. 5, Clause 17C	Provides for certain elderly exemptions
5-3-1982	Ch. 90, Sec. 20A½	Appointment of parking clerk to handle parking violations
5-2-1983	Ch. 41. Sec. 100G	Funeral/burial expenses; Firefighters and Police Officers
5-3-1983	Ch. 148, Sec. 26C	Smoke/heat detectors in multiple dwelling unit structures
11-8-1983	Ch. 59, Sec. 5, C1.37A	Limited Real Property exemptions for certain blind persons
11-8-1983	Ch. 59, Sec. 5, C1.41B	Limited Real Property exemptions for certain persons over 70 years of age
11-8-1983	Ch. 60A, Sec. 1	Grant motor vehicle excise tax exemptions to former prisoners of war
5-5-1986	Ch. 71, Sec. 40, amended	\$18,000 minimum teacher salaries
5-5-1986	Ch. 40, Sec. 4G	Bids not required on purchases of \$4,000 and less of equipment, supplies, materials.

## Town of East Longmeadow - General By-Laws – Amended 2015

5-5-1986	Ch. 40, Sec. 5D	Pension reserve for Contributory Retirement Assessment
6-23-1986	Ch. 124, Acts 1986	Nonpartisan preliminary elections
1-14-1987	P.L. 99-272	Establish Medicare Tax Account
5-4-1987	Ch. 73, Acts	Granting elderly exemptions
5-4-1987	Ch. 73, Acts 1986	Granting certain elderly exemptions, surviving spouses, minors
6-5-1989	Ch. 134, Acts 1989	Combining positions of Town Clerk, Treasurer, Collector and appointment by Selectmen
5-1-1989	Ch. 245, Acts 1988	Planning Board authorized to expend monies of a developer in default
5-1-1989	Ch. 60A, Sec. 1 (5)	Motor vehicles leased by charitable corporations exempt from taxation
10-15-1990	Ch. 71, Sec. 71F	Authorizes School Committee to receive and expend tuition monies
5-6-1991	Ch. 291, Acts 1990	Enhanced 911 service
5-6-1991	Ch. 148, Sec. 26G	Installation of automatic sprinklers
5-6-1991	Ch. 148, Sec. 26I	Installation of automatic sprinklers
5-6-1991	Ch. 40, Sec. 5D	Rescinds 5-5-86 action requiring bids on purchases of \$4,000 or more
5-4-1992	Ch. 40, Sec. 49K	Establish Enterprise Fund for school transportation
5-4-1992	Ch. 59, Sec. Cls.41A	Increase exemption allowance to \$40,000
5-4-1992	Ch. 59, Sec. 5 Cls.8	Hardship exemption for military duty
5-1-1995	Ch. 268A, Sec. 21A	Selectmen appointed ex-officio committee members
5-1-1995	Ch. 41, Sec. 23A	Executive secretary to be appointed
5-5-1997	Ch. 59, Sec. 5 Cls.17(D) enacted as Ch. 181, Sec. 1, Acts 1995	Assessors-Increase of Widow's Tax Exemption
11-24-1997	Ch. 41, Sec. 108L	Accepts provisions of the Quinn Bill
5-4-1998	Ch. 40, Sec. 57	Denial Permits/Licenses for non-payment of taxes
5-3-1999	Ch. 40, Sec. 57	Restrictions on Permits & licenses
5-7-2001	Ch. 32, Sec. 90A	Retirement Allowances
5-6-2002	Ch. 59, Sec. 5 Cls. 17(E) enacted as Ch. 380, Sec.2 Acts 2000	Increase in Exemption Amount
5-6-2002	Ch. 59, Sec. 5 Cls. 41(D) enacted as Ch. 380, Sec.2 Acts 2000	Increase in Income and Assets Amount
5-5-2003	Ch. 59, Sec. 5 Cls. 41(C) enacted as Ch. 184, Sec. 51 Acts 2002	Increase Income Limit and Asset Limit
5-5-2003	Ch. 59, Sec. 5K	Senior Work-Off Abatement Program
5-5-2003	Ch. 4, Sec. 73 Acts 2003	Temporary Tax Amnesty Program
5-2-2005	Ch. 40, Sec. 21 & Sec. 58	Municipal Charges Lien
5-2-2005	Ch. 59, Sec. 5 Cls 41A Enacted as Ch 138, Sec 126 Acts 1991	Increase Gross Receipts Amounts
5-2-2005	Ch. 44, Sec. 3-7	Community Preservation Fund
6-20-2005	Ch. 44B, Sec 3-7	Community Preservation Act
10-15-2007	Ch 71, Sec 37M	Streamline cost effectiveness

## Town of East Longmeadow - General By-Laws – Amended 2015

5-19-2008	Ch. 33, Sec. 59	Effect of Military Service on Salary & Vac.
5-18-2009	Ch. 59, Sec. 8A	Not impose Farm Animal Excise Tax
5-18-2009	Ch. 3	Film Elected Boards & Committees
10-26-2009	Ch. 39, Sec. 23D	Adjudicatory Hearings, voting
5-17-2010	Ch. 44, Sec. 53E ½	Establish C.O. A. Revolving Fund
5-17-2010	Ch. 71, Sec 37M	Consolidate School IT & Town IT Dept.
5-17-2010	Ch. 71, Sec 37M	Consolidate School & Town Bldg. Maintenance
5-16-11	Ch. 59, Sec 57c	Quarterly Tax Billing
5-16-11	Ch. 59, Sec 5 clause (54) Acts 2000	Exempt from taxation personal property under \$1,500.00
5-16-11	Ch. 44, Sec. 53E ½	Establish Library Revolving Fund
9-26-11	Ch. 653 Sec 40 Acts 1989	Taxation of buildings built between Jan.-June
5-21-12	Ch. 44 Sec 53E ½	Establish a Library Revolving Fund
5-21-12	Ch. 61A	Agricultural & Horticultural Water Rate
5-19-14	Ch. 44 Sec. 53F ½	Establish a Water Services Enterprise Fund
5-19-14	Ch. 44 Sec. 53F ½	Establish a Sewer Enterprise Fund
5-19-14	Ch. 44 Sec 53D	Establish a Recreation Revolving Fund
5-18-15	Ch. 64L Sec S2	Local Option Meals Tax
5-18-15	Ch. 59 Sec 5K	Increase hours of Senior Work-off Abatement Program
10-19-15	Ch. 41 Sec 108P	Additional compensation Collector-Treasurer
10-19-15	Ch. 41 Sec 19J	Additional compensation Town Clerk as Registrar
10-19-15	Ch. 41 Sec 19K	Additional compensation Town Clerk
10-19-15	Ch. 32B Sec 20	Establish Other Post Employment Benefits Trust Fund (OPEB)
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