

**BYLAWS**  
**TOWN OF HATFIELD**  
**MAY 11, 2021**

**INDEX**

**ARTICLE ONE: THE TOWN GOVERNMENT**

Rules of Order for Town Meeting and Elections

Section 1.01: Annual Town Meeting

Section 1.02: Quorum

Section 1.03: Town Meeting Time-Handbook of Parliamentary Law

Section 1.03A: Declaration of Vote by Town Moderator

Section 1.04: Speaking at Town Meeting

Section 1.05: Dissolving a Town Meeting

Section 1.06A: Finance Committee - Creation of

Section 1.06B: Finance Committee - Membership

Section 1.07: Finance Committee - Recommend Articles

Section 1.08: Finance Committee Reserve Fund

Section 1.09: Notice of Town Meeting

Section 1.10: Suits and Action For and Against the Town

Section 1.11: Audit of Town Accounts

Section 1.12: Numbering of By-Laws

Section 1.13: Surplus Property

Section 1.14: Fees, Fines to Town

Section 1.15: Council on Aging

Section 1.16: Capital Improvement Planning Committee

Section 1.17: Conservation Fund/Hatfield Land Preservation Advisory Committee

Section 1.18: Agricultural Advisory Commission

Section 1.19: Community Preservation Committee

Section 1.20: Purchase of Agricultural Products, Grown or Produced

Section 1.21: Select Board

**ARTICLE TWO: GENERAL POLICE REGULATIONS**

Conduct in or Near Streets and Public Places

Section 2.01: Sidewalks

Section 2.02A: Littering

Section 2.02AA: Snow in Streets

Section 2.02B: Penalty

Section 2.03: Loitering

Section 2.03A: Firearms

Section 2.03AA: Alcoholic Beverages

Section 2.03C: Condom Distribution

Horses, Dogs and Other Animals

Section 2.04: Livestock

Section 2.05: Livestock

Section 2.06: Livestock

Section 2.07: Dog Regulations

Section 2.07A: Responsibility for and Removal of Canine Waste

Immoral or Annoying Conduct

Section 2.08: Indecent Exposure

Section 2.09: Graffiti/Pornography

Section 2.10: Disorderly Conduct

Injury to Property and Trees

Section 2.11: Injury to Property

Section 2.12: Injury to Trees

Section 2.12A: Removal of Soil or Loam

Section 2.13A: Chicken Manure

Section 2.13: Penalty

### **ARTICLE THREE: REGULATIONS OF PARTICULAR ACTIVITIES AND DEVICES**

#### **Collecting and Dealing in Used Articles**

- Section 3.01: Junk
- Section 3.02: Second-Hand Articles
- Section 3.03: Hawking or Peddling Fruits
- Section 3.03A: Tag Sales
- Section 3.04: Issuing of Licenses - Select Board
- Section 3.05: Penalty
- Section 3.06: Highway Signs
- Section 3.07: Advertising Signs
- Section 3.08: Trailer Camps
- Section 3.09: Junk Cars
- Section 3.10: Recycling and Anti-Litter By-Law
- Section 3.11: Underground Storage Tank By-Law
- Section 3.12: Hazardous Materials By-Law
- Section 3.13: Use of the Public Sewers
- Section 3.14: Wetlands Protection Bylaw
- Section 3.15: Burning Without Permit
- Section 3.16: Secure Access Key Box

### **ARTICLE FOUR: REGULATIONS FOR THE USE OF VEHICLES**

- Section 4.01: Right of Way
- Section 4.02: Fire Department Equipment
- Section 4.03: Chief of Police
- Section 4.04: Police Direction

#### **Parking**

- Section 4.05: Parking

#### **One-Way Streets**

- Section 4.06: One-Way Streets
- Section 4.07: Highway Superintendent
- Section 4.08: Penalty
- Section 4.09: Protection of Highways and Roads
- Section 4.10: Weight Limits
- Section 4.11: Speed Limits

### **ARTICLE FIVE: NUMBERING OF BUILDINGS BY-LAW**

- Section 5.01: Buildings to be Numbered
- Section 5.02: Manner of Numbering
- Section 5.03: Street Numbers Assigned
- Section 5.04: Penalties

### **ARTICLE SIX: Rescinded May, 1992**

### **ARTICLE SEVEN: LICENSES AND FEES**

- Section 7.01: Automatic Amusement Device Licenses
- Section 7.02: Fees Charged by Town Clerk
- Section 7.03: Nonrenewal of Licenses for Nonpayment of Taxes
- Section 7.04: Setting of Fees
- SECTION 7.05: CLASS I, II & III LICENSES

### **ARTICLE EIGHT: WATER BAN BY-LAW**

- Section 8.01: Authority
- Section 8.02: Purpose
- Section 8.03: Definitions
- Section 8.04: Declaration of a State of Water Supply Conservation
- Section 8.05: Restricted Water Uses
- Section 8.06: Public Notification of s State of Water Supply Conservation; Notification of DEP
- Section 8.07: Termination of a State of Water Supply Conservation; Notice
- Section 8.08: State of Water Supply Emergency; Compliance with DEP Orders
- Section 8.09: Penalties
- Section 8.10: Right of Entry
- Section 8.11: Severability

### **ARTICLE NINE: NON-CRIMINAL ENFORCEMENT BY-LAW**

- Section 9.01A: Criminal Complaint
- Section 9.01B: Non-Criminal Disposition
- Section 9.02: Enforcement

**ARTICLE TEN: NUISANCE ALARM**

Section 10.01: Nuisance Alarm

**ARTICLE ELEVEN: RIGHT TO FARM BYLAW**

Section 1: Legislative Purpose and Intent

Section 2: Definitions

Section 3: Right to Farm Declaration

Section 4: Disclosure Notification

Section 5: Resolution of Disputes

Section 6: Severability Clause

**ARTICLE TWELVE: STRETCH ENERGY CODE**

Section 1: Definitions

Section 2: Purpose

Section 3: Applicability

Section 4: Authority

Section 5: Stretch Code

**ARTICLE THIRTEEN: THE PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS**

Section 1: Intent and Purpose

Section 2: Definitions

Section 3: Procedure

Section 4: Administration

Section 5: Emergency Demolition

Section 6: Enforcement and Remedies

Section 7: Historic District Act

Section 8: Severability

**ARTICLE FOURTEEN: DELETED ATM 5/12/15**

**ARTICLE FIFTEEN: HAZARDOUS MATERIALS AND WASTE RECOVERY BYLAW**

**ARTICLE SIXTEEN: DEPARTMENT REVOLVING FUNDS**

Section 1: Purpose

Section 2: Expenditure Limitations

Section 3: Interest

Section 4: Procedures and Reports

Section 5: Chart

ARTICLE ONE - THE TOWN GOVERNMENT  
RULES OF ORDER FOR TOWN MEETING

Section 1.01: The Annual Town Meeting of the Town of Hatfield, Massachusetts, for the conduct of its business shall be held on the second Tuesday of the month of May in each year, and the election of officers shall be held on the third Tuesday in the month of May in each year, at a time and place to be designated by the Select Board of the Town of Hatfield, Massachusetts, commencing with the calendar year of 1990.

Section 1.01A: A quorum of seventy-five voters shall be required for carrying on any business at an Annual and Special Town Meeting except for and excluding the elections of town, state and federal officers; the determination of any matters required by the statutory law of the Commonwealth of Massachusetts and federal government to be elected or determined by ballot; and the dissolution or adjournment of any such meeting.

Section 1.02: All motions shall be in writing if requested by the moderator.

Section 1.03: 'Town Meeting Time-Handbook of Parliamentary Law' shall govern.

Section 1.03A: Whenever a two-thirds vote is required by statute, such vote may be declared as such by the moderator without a count and be recorded as such by the clerk upon such declaration, provided, however that seven or more members of a town meeting may challenge such declaration, all as provided by Massachusetts General Law Chapter 39, Section 15, at which time a count shall be held. Before considering another warrant article the Moderator shall ask if the two-thirds vote is questioned.

Section 1.04: No person shall speak more than seven minutes at any one time or more than twice on the same subject, without leave of the meeting except to raise a point of order.

Section 1.05: No motion to dissolve a town meeting shall be in order until every article in the warrant therefor has been acted upon. No person shall be permitted to smoke at a Town Meeting.

Section 1.06A: There shall be a finance committee consisting of five members to be appointed by the moderator. In addition to the five appointed members the Town Treasurer and Town Accountant shall serve as non-voting ex-officio members of the Finance Committee. The members shall hold office for three years and their terms of office shall expire at the final adjournment of the third annual town meeting following their appointment except that the terms of the two members appointed initially to increase the committee from three to five shall be so arranged that the term of one member shall expire in one year at the final adjournment of

the first annual town meeting following his appointment and the term of the other member shall expire in two years at the final adjournment of the second annual town meeting following his appointment and thereafter the terms of these members shall expire at the final adjournment of the third annual town meeting following their appointment. After the final adjournment of each annual town meeting the moderator shall appoint as many new members to said committee as are necessary to replace members whose terms expired at such final adjournment. The moderator shall fill by appointment any vacancy in the membership of the committee.

This amendment shall not become effective until the adjournment of the 1968 annual meeting.

SECTION 1.06B No appointed member of the Finance Committee shall hold any Town elective office or be an employee of the Town or a member, whether elected or appointed, of any other Town body (Board, commission, committee or other body) provided for by State statute or Town by-law, with the exception that when it is otherwise provided that there may or shall be a Finance Committee representative on another Town body then a Finance Committee member may serve on that other body as its representative from the Finance Committee.

If any member of the Finance Committee, with the exception of ex-officio, shall cease to be a resident of the Town of Hatfield, or shall become an employee of the Town, he or she shall forthwith cease to be a member of the Finance Committee. In the event that any member of the Finance Committee, except ex-officio, is elected to any Town office or appointed to a Town body provided for by State statute or Town by-law, the Town Clerk shall inform the member to the new body or positions, thus giving the member the opportunity to remain on the Finance committee by declining to accept the new position.

Section 1.07: It shall be the duty of the finance committee to investigate all proposals in the articles of the warrant for any town meeting that shall in any way affect the finances of the town and to recommend to the town at the time of said meeting a course of action thereon, and in general to make recommendations to the town in regard to any financial business of the town.

Section 1.08: The Finance Committee shall also have control of the Reserve Fund of the Town, in accordance with the provisions of Chapter 347 of the Acts of 1912, and of Chapter 645 of the Acts of 1913.

Section 1.09: The Constable or other persons to whom a warrant for a Town Meeting is directed shall give notice of such meeting in the following manner, to wit: by posting attested copies thereof in five or more public places in said Town at least seven days before the day of said meeting.

Section 1.10: The Select Board shall have the charge and management of all suits and action for and against it, and may prosecute, defend or settle the same as they see fit, unless the Town otherwise determines.

Section 1.11: There shall be an annual audit of the town accounts under the supervision of the Director of Accounts of the Department of Corporations and Taxation in accordance with the provisions of Section 35, Chapter 44 of the General Laws.

Section 1.12: As new by-laws are adopted by the town and become effective, the town clerk shall allocate each to an appropriate article in the scheme of town by-laws, giving it a suitable label if necessary, and numbering of the sections of that Article, or by affixing letters to a section number if the new by-laws seem to belong in the middle of

an Article; and wherever in the new by-laws a reference is made to a section which will be misleading because of renumbering of the sections or because of incorporation of a new section in the old by-laws, the town clerk shall make such change in the reference as will make it apply to the section originally indicated, and shall cause a footnote to be printed on the same page with the reference, indicating which are newly adopted sections, how they were originally numbered, and what was the wording in reference.

Section 1.13: Upon declaration by any department that personal property owned by the Town is surplus and not required by any other town department, the Select Board is authorized to dispose of such personal property by sale, trade-in, or otherwise, notice of such disposal shall be given by posting at Town Hall and by publication, seven (7) days at least prior to the disposal time thereof.

Section 1.14: All monies collected by the Town Treasurer, Clerk or Collector as fines, fees, late charges, or penalties shall be paid by any such official into the Town Treasury except to the extent otherwise required by the laws of the Commonwealth.

Section 1.15: Establishing of Council on Aging

Section 1: A five member Council on Aging shall be appointed by the Select Board for the purpose of carrying out programs designed to meet the problems of the aging in the Town of Hatfield.

Section 2: The Select Board shall appoint the five member board as follows: Two members for a term of three years; two members for a term of two years; and one member for a term of one year. As vacancies occur thereafter, the Select Board of the Town shall fill such vacancies.

Section 3: The Council may appoint a Clerk or other employees.

Section 4: The Council shall have all powers granted to it under Chapter 40, Section 8B of the General Laws of the Commonwealth of Massachusetts.

Section 1.16: Capital Improvement Planning Committee

Section 1. The Select Board shall establish and annually by July 1st appoint a committee to be known as the Capital Improvement Planning Committee, composed of one member of the Select Board, one member of the Finance Committee, one member of the School Committee, and two members of the community at large. Terms shall be for one year. The Town Accountant and the Town Treasurer shall be ex officio Committee staff members without rights to vote. The Committee shall choose its own officers.

Section 2. The Committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which 1) are purchased or undertaken at intervals of not less than five years; 2) have a useful life of at least five years; and 3) cost over \$10,000. All officers, boards and committees, including the Select Board and the School Committee, shall, by December 1st of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing six years. The committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the Committee's report, or the Committee shall first have submitted a report to the Select Board explaining the omission.

Section 3. The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Select Board for its consideration and approval. The Board shall submit its approved Capital Budget to the Annual Town Meeting for adoption by the town.

Section 4. Such Capital Improvement 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 through appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.

Section 5. The Committee's report and the Select Board's recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Finance Committee report. The Committee shall deposit its original report with the Town Clerk.

Section 6. At the close of each fiscal year the Capital Improvement Planning Committee shall determine the amount of any unencumbered funds remaining in the Capital Improvement Budget. The Committee shall notify the Town Accountant and Town Treasurer to transfer such funds to the Stabilization Fund.

Note: Pursuant to Chapter 41, section 106B.

Section 1.17: Conservation Fund A Conservation Fund is hereby established in the Town treasury in accordance with M. G. L. Chapter 40, Section 8C to be used solely for the acquisition of land or water rights, conservation restrictions, agricultural preservation restrictions, easements, or other contractual rights including conveyances on conditions or with limitations or reversions, as may be necessary to acquire, protect, limit the future use of or otherwise conserve and properly utilize open spaces in land and water areas and agricultural lands within the Town of Hatfield, and under the following conditions:

a. Expenditure of funds from the Land Preservation account shall be authorized by a majority vote of the Hatfield Conservation Commission,

b. Farmland and open space to be preserved must be consistent with Hatfield's planning objectives including the open space plan, agricultural preservation goals, natural resources inventory, and zoning; and

c. The Town Treasurer shall be the custodian of the Conservation Fund, in accordance with M.G.L Chapter 40, Section 8C.

Section 1.18: Agricultural Advisory Commission

An Agricultural Advisory Commission shall be established to address and represent agricultural issues and interests in the Town. The Select Board shall appoint a five-member commission comprised of and five at-

large citizen representatives. At least three of the members of the commission shall be engaged in the business of farming or related agricultural industries. The duties and responsibilities of the commission shall include, but not be limited to:

1) advising the Hatfield Land Preservation Advisory Committee on transactions and acquisitions involving agricultural lands in town;

2) advising the Select Board, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health and Historic Commission on projects and activities involving agricultural lands in town;

3) engaging in projects and activities to promote the business of farming activities and traditions, and farmland protection in town including educational programs and community events.;

4) reporting on its projects and activities on an annual basis within the Town Report;

#### Section 1.19: Community Preservation Committee

A Community Preservation Committee is established in accordance with Massachusetts General Laws, Chapter 44B:

A nine member Committee consisting of one (1) designee from each of the following: the Planning Board, the Housing Authority, the Conservation Commission, the Historical Commission, the Recreation Committee, the Agricultural Committee, and the Open Space Committee, and two (2) Members-at-large: one (1) appointed by the Select Board and one (1) appointed by the Moderator.

Section 1.20: Purchase of Agricultural Products, Grown or Produced Pursuant to Massachusetts General Laws, Chapter 30B, purchases of Massachusetts agricultural products, it is the stated preference of the Town of Hatfield, all governmental bodies, including the town's schools, to make every effort to purchase agricultural products, grown or produced as part of a Massachusetts farming operation. This preference extends to stating such a preference when any governmental body is advertising for bids or contracts for purchases of agricultural products of \$25,000 or more.

Section 1.21: Select Board. The Board of Selectmen in Hatfield shall be known as the 'Select Board', but shall have all the powers and responsibilities of a board of selectmen within the meaning of the Massachusetts General Laws and shall be a board of selectmen in all but name."

## ARTICLE TWO - GENERAL POLICE REGULATIONS

### Conduct in or near Streets and Public Places



Section 2.01: No person shall ride or drive a motorcycle or other motor vehicle or bicycle on any sidewalk in this town.

Section 2.02A: No person shall place or cause to be placed any waste, refuse or rubbish of any kind or description in any street or public place in the town except in receptacles provided by the town for said purpose except at the designated locations at the Town Transfer Station and Landfill, or at such times as the Select Board may request that any or all of the aforementioned articles be so deposited for removal by it or others as part of a rubbish removal program.

Section 2.02AA: No person, other than a person removing snow and/or ice under the direction of state or local government, shall place or cause to be placed any snow or ice on any public way or on any private way which serves as access to any building. The penalty provisions of Section 2.02B of the Town By-laws shall apply, and this Section may be enforced under the provisions of Massachusetts General Laws Chapter 40, Section 21D.

Section 2.02B: Any person violating this By-law shall be liable to a penalty of not less than fifty nor more than three hundred dollars for each and every offense.

Section 2.03: No person shall loiter upon any sidewalk or street after having been requested by any constable or police officer to move on.

Section 2.03A: No minor under the age of sixteen shall discharge any firearms, airguns, beebee rifles or any other dangerous weapon in the Town of Hatfield, except or unless such minor is at the time and place accompanied by and under the control and supervision of an adult.

Section 2.03AA: No person shall consume any alcoholic beverage nor possess nor transport any open can, bottle or other container, containing an alcoholic beverage on any town street, sidewalk, school property or while in any town park.

The operation of the Section may be temporarily suspended to the extent necessary by the Select Board to permit the public sale, use and possession of alcoholic beverages and the consumption thereof.

#### CONDOM DISTRIBUTION

Section 2.03C: The sale, distribution or making available for distribution of condoms is prohibited on all Town owned, leased or maintained property, including any buildings thereon. These provisions shall not be applicable to the property and buildings under the authority and control of the Hatfield School Committee.

#### Horses, Dogs, and Other Animals

Section 2.04: No person shall permit any goat, sheep, swine, horse, cow, other neat cattle or fowl, belonging to him or under his control, to go at large in any of the streets, commons, or parks of this town.

Section 2.05: No person shall drive or lead any horse or other animal, except a dog, upon any of the sidewalks, parks or commons of this town, except in the case of sidewalks for the purpose of immediately crossing the same.

Section 2.06: No person by noise, gesture, or other means shall maliciously frighten any horse or other domestic animal in any street or public place in this town.

#### Section 2.07: Dog Regulations

a) No person shall allow a dog of which he is owner or keeper:

i. to go beyond the confines of his property unless the dog is held firmly on a leash;

ii. by biting, barking, howling, or in any other manner to disturb the peace or quiet of any neighborhood or endanger the safety of any person;

iii. to run at large or unmuzzled in violation of any order of the Select Board or of the Dog Officer;

iv. to worry, kill, maim or otherwise injure another's fowl, livestock or domesticated animal;

v. To chase another's vehicle on any way open to public travel;

vi. to be unlicensed or untagged in violation of state law or Town By-Law;

vii. to run at large in a school building, school yard, public recreation area, or any Town property or;

viii. to be in violation of any restraining order or condition issued by the Select Board or by the Dog Officer or in violation of any pertinent other provision of applicable law.

b) Any person may complain to the Dog Officer of any dog involved in a violation of the preceding subsection a. On receipt of such complaint the Officer shall investigate, and may order the owner or keeper of the dog to restrain or muzzle it, as the Officer deems necessary, for not longer than twenty-one days. The Officer may file a report to the Select Board asking for permanent restraint or destruction of the dog. The Select Board, on receipt of such report and after examination of the complaint under oath, may make such order to restrain, muzzle or dispose of such dog as they deem necessary. The owner or keeper of a dog subject to such an order of the Select Board may file a written request with the Dog Officer to vacate the order, on receipt of which the Officer shall investigate and report in writing to the Select Board who may vacate such order.

#### Licensing:

c) Any owner or keeper of a dog six months or older, or a dog that becomes six months old during the license period, in the Town of Hatfield, shall cause said dog to be licensed with the Town Clerk annually by March 31st for the license period beginning April 1st and ending March 31st, both dates inclusive. (M.G.L. Chapter 140, Section 137). Upon payment of the licensing fee, the Town Clerk shall issue a license and a tag. The tag, along with the current rabies tag, shall be worn by the dog on a collar or harness when the dog is off its owner's or keeper's property.

#### c.1) Fees for dog licenses are:

Spayed/Neutered	\$10.00
Intact	\$15.00

A late fee of \$2.00 per month starting April 1st shall be added for any dogs not licensed by March 31st.

c.2) Any person who is the owner or keeper of a dog in the Town of Hatfield and who fails to license said dog by the end of the licensing period, shall be subject to a penalty of fifty dollars

(\$50.00) per dog to be payable to the Town Clerk upon demand by the Animal Control Officer, in addition to the licensing fee.

c.3) All dogs, as stated in Section (c) must have a license. However, no fee shall be charged for a license for a dog owned by a person aged 70 years or older and for service dogs as defined by The Americans with Disabilities Act or for service animals trained to work with federal, state and local law enforcement agencies, if said dog is licensed by March 31st.

#### Rabies Vaccination

d) When applying for a license the applicant must show proof of rabies vaccination by a veterinarian certificate dated within the last three years, if the dog is six (6) months of age or older. (M.G.L. Chapter 140, Section 145B).

#### Kennel Licensing

e) Every person maintaining a kennel as defined in M.G.L. Chapter 140, Section 136A shall have a kennel license. Any owner or keeper of less than four dogs (6) months old or over, whether maintained for breeding, boarding, sale, training, hunting, or other purposes and including any shop where dogs are on sale, and who does not maintain a kennel may elect to secure a kennel license in lieu of licensing such dogs under section one hundred and thirty-seven of said Chapter 140, and during such time as he does not license such dogs thereunder shall have a kennel license and shall be subject to this section and to sections one hundred and thirty-seven B of said Chapter 140, and one hundred and thirty-seven C of said Chapter 140, and to so much of section one hundred and forty-one of said Chapter 140, as relates to violations of this section, section one hundred and thirty-seven B of said Chapter 140, or section one hundred and thirty-seven C of said Chapter 140, to the same extent as though he were maintaining a kennel. Kennel licenses under this section shall be issued by the Town Clerk. Kennel fees shall be determined by the maximum number of dogs kept and as provided under Section 137A of said Chapter 140. Kennel licensing dates shall be the same as for individual licensing.

#### Fees and Fines

f) The Select Board shall be the licensing board of the Town of Hatfield and shall determine licensing fees annually for a male dog, a female dog, a spayed female dog and a neutered male. Owners and keepers must provide a certificate of a registered veterinarian that said female dog has been spayed and said male dog has been neutered in order to qualify for that fee. For each month after May 1st a penalty of not less than \$1.00 per month shall be assessed on the first of each month during any period in which any dog is not licensed as required, said amount to be reviewed annually by the Select Board. Reclaiming fees, fees connected with the dog pound, and any other fees, fines, penalties or costs relating to this By-Law and the enforcement hereof shall be set by the Select Board.

This By-Law shall be enforced by the Town Dog Officer.

**Section 2.07A: Responsibility for and Removal of Canine Waste**

a. It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, street, or other public area. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any private property neither owned nor occupied by said person.

b. No person who owns, possesses, or controls such dog shall appear with such dog on any sidewalk street or other public area without the means of removal of any feces left by such dog. Furthermore, any person who owns, possesses or controls such dog shall not appear with such dog on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog.

c. For the purposes of this regulation, the means of removal shall be any tool, implement, container, or other device carried for the purpose of picking up and containing such feces unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of human feces, specifically reserved for the disposal of canine feces, or as otherwise designated by the Hatfield Board of Health,

d. Any person found in violation of this section by the Animal Control Officer or a Police Officer shall be subject to a penalty for violation of this section which shall be Thirty-five Dollars (\$35.00) for each offense.”

**Immoral or Annoying Conduct**

Section 2.08: No person shall divest himself of clothing so as to be indecently exposed to persons in any street or public place.

Section 2.09: No person shall make any indecent figures, or write any profane indecent, or obscene words, upon any sidewalk, building, or structure, or upon any place in this town in public view. And no person shall sell, distribute or expose to public view, any article on which appears indecent or obscene figures or words.

Section 2.10: No person shall behave in a rude or disorderly manner, or use any indecent or insulting language in any of the streets or public places in this town or near any dwelling house therein, or be or remain upon any sidewalk or near any building to the annoyance and disturbance of other persons.

#### Injury to Property and Trees

Section 2.11: No person shall, with malicious intent, remove, mutilate, or destroy any sign, sign post, advertisement, awning, or other thing lawfully set or erected upon the property of this town.

Section 2.12: No person shall cut down, mutilate, or otherwise injure any tree or plant, growing in any street, park, common, playground or town cemetery, without permission from the proper authorities. And no person shall fasten any animal to any tree or plant so as to put the same in danger of injury.

Section 2.12A: No person shall remove any soil, loam, sand or gravel from any land in the Town of Hatfield not in public use unless such removal is authorized by a permit issued by the Select Board, except in conjunction with construction of a building on the parcel and except for the continued operation on the same parcel of an existing sand and gravel pit. No such permit shall be issued until an application therefor is filed with said Board; said Board shall hold a public hearing on said application following the publication of said application; date and time of said public hearing in a newspaper published in Hampshire County, at least seven days before said hearing. Whosoever shall violate this By-law shall pay a penalty of fifty (\$50.00) dollars for the first offense; for the second offense one hundred (\$100.00) dollars; and for each subsequent offense two hundred (\$200.00) dollars.

#### Regulations for the Use and Transportation of Chicken Manure

Section 2.13A: Whereas, the Town finds and declares that the spreading of poultry manure and the transportation and delivery of poultry manure, when any such activity is conducted at any time from June 1st to September 30th, are in general unreasonably hazardous to, and posing an imminent, clear and present danger to the health, safety and wellbeing of the Town, and further finds that such activities are noisome trades within the meaning of Massachusetts General Laws C.111, Section 143, and noxious and offensive trades and occupations within the meaning of Massachusetts General Laws C.111, Section 151, as well as being nuisances distinct from that provision of Massachusetts General Laws C.111, Section 125A relative only to the "odor...from the spreading of manure" (emphasis added). And whereas the Town does not wish to prohibit the possession, storage, transportation or use of such manure, whether for fertilization or otherwise, in any manner not inconsistent with the foregoing, nor in any way to unreasonably impede normal poultry maintenance, but rather only to provide for the reasonable regulation of the same, fully consistent with and in recognition of the legitimate and lawful rights and interests of all relative to both agricultural and residential concerns, now therefore:

1. It is hereby declared unlawful and a violation of this by-law to spread poultry manure or to cause the same to be done any time from June 1st to September 30th, or to transport or deliver same in or to any location in Town, or to cause the same to be done, at any time from June 1st to September 30th.

Provided, however, that it shall not be here-by made unlawful to transport poultry manure in sealed containers which prevent the escape of any odors, germs and any other harmful or offensive properties therefrom.

And provided, further, that this by-law is in no way in-

tended, nor shall it in any way be construed, to prohibit or make unlawful any handling of poultry manure, other than the spreading thereof, so long as such handling is incident to the normal and otherwise lawful maintenance of poultry, and so long as the manure thereby produced is kept within premises owned or controlled by the person(s) maintaining such poultry therein.

2. Whoever violates this by-law shall be fined up to \$50.00 for each offense.

3. Each day or portion thereof of continuing violation shall constitute a separate offense. Likewise, the unlawful transportation or delivery of any quantity of such manure in excess of 25 pounds or one cubic yard, whichever is less, shall be a separate offense.

#### Penalties and Limitations

Section 2.13: Whoever violates any of the provisions in any of the fourteen preceding Sections, except sections 2.7, 2.7A, and 2.12A shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each violation, and a fine of not more than ten for each violation in Section 7.

#### ARTICLE THREE - REGULATIONS OF PARTICULAR ACTIVITIES AND DEVICES

##### Collecting and Dealing in Used Articles

Section 3.01: No person shall engage in the business of, or go about, picking up or collecting by purchase or otherwise, or storing rags, paper, junk, old metals, or other waste matter, within the limits of the Town of Hatfield unless he is duly licensed by the Select Board.

Section 3.02: No person shall engage in the business of buying or selling second-hand articles within the limits of the Town of Hatfield unless he is duly licensed by the Select Board.

Section 3.03: No person shall hawk or peddle fruits and vegetables within the limits of the Town of Hatfield unless he is duly licensed by the Select Board. A person engaged in the pursuit of agriculture who peddles fruits and vegetables shall not be deemed a hawker and peddler under the provisions of the by-law.

Section 3.03A: "Any person conducting a tag sale, garage sale, yard sale or other sale of used goods to the general public on residential premises or other premises not zoned for such activities, and including the owner or other person in charge of such premises, must:

1. Secure and pay for a license for such sale in advance thereof; such tag sale license being valid for 9 days and the fee for said permit shall be \$5.00 or less;
2. Prominently display the license on the premises during the sale such that the same is readily visible to the general public;
3. All tag sale signs must have the owner's name on them and have to be removed from public property by one-half hour after sundown and may not be put up before sunrise.

Section 3.04: The Select Board may from time to time make such rules and regulations regarding the issuing of such licenses the fees to be paid therefrom and the manner in which the business is to be conducted,

as may seem advisable to them, and in accordance with the laws of the Commonwealth.

Section 3.05: "Any person violating any provision of the foregoing Sections 3.1 through 3.4 inclusive shall be punished by a fine of not more than fifty dollars (\$50.00) for each offense, and any offense continuing beyond twenty-four hours shall be considered a separate offense."

Section 3.06: The Select Board shall cause suitable permanent notices to be posted and maintained, warning the drivers of automobiles and all other vehicles to go slow in passing public houses and a sign reading "School Ahead - Go Slow" suitably posted shall be sufficient compliance with this requirement.

Section 3.07: No person shall erect, maintain or display any sign or other advertising device any part of which extends six inches or more into or over the limits of a public way in this town without a permit in writing therefor from the Select Board. Persons violating this section shall be subject to the penalties imposed by the regulations of the Select Board made in accordance with Sections 8 and 9 of Chapter 85 of the General Laws.

Section 3.08: No trailer camps shall be permitted within the Town limits.

Section 3.09:

- A. No person shall park, store or otherwise place or leave in or upon land in any district within the Town any junk car or truck for a period of more than thirty days, nor any unregistered car or truck for a period of more than six months following the expiration date of the registration of said motor vehicle, except as hereinafter provided.
- B. Exceptions: (1) motor vehicles within premises used and duly licensed for commercial automotive purposes in compliance with all licensing and zoning requirements; (2) motor vehicles within an enclosed building.
- C. Definition: a junk car or truck is one not capable of being used as such in its existing condition by reason of being damaged or dismantled or failing to contain functioning parts necessary for operation.
- D. Penalty: \$300.00 for each day a violation continues to exist.

Section 3.10: "RECYCLING AND ANTI-LITTER BY-LAW"  
PROGRAM ESTABLISHED

There is hereby established a program for the mandatory separation of certain recyclable material from garbage or rubbish by the residents of the Town of Hatfield.

DEFINITIONS

Recyclables are:

- a. Aluminum - cans, containers, trays, packaging or other articles made from aluminum, aluminum foil, or aluminum wrappers.
- b. Glass - all broken or unbroken products being used for packaging or bottling of various matter and all other material commonly known as glass excluding:
  1. Blue and flat glass commonly known as window glass.
  2. Dishes and cookery.
- c. Ferrous metal cans - all containers composed in whole of iron or steel and so called "tin" cans used for the packaging or storing of various food and non-food items, except containers which contained paint or petroleum based solvents and any pressurized aerosol cans.
- d. Newspaper - including all newspaper advertisements, supplements, comics, and enclosures.  
Newspapers which have been soiled by paint, petroleum, oil and/or solvents, or other liquid wastes are not recyclable.

Separation of recyclables.

- a. All metal and glass recyclables as defined in above Section (a), (b), and (c) shall be placed together separate from rubbish or garbage. These recyclables need not be washed, flattened, or processed in any way, and labels, lids, corks, and neck rings need not be removed.
- b. Recyclable newspapers and corrugated paper shall be packed together separate from rubbish or garbage.
  1. Newspapers shall either be packed in standard grocery or shopping bags, placed in corrugated boxes, or securely tied in flat bundles, none of which shall weigh more than fifty pounds.
  2. If not used for packing paper recyclables, corrugated boxes and cardboard cartons shall be collapsed and tied in bundles, not weighing more than fifty (50) pounds.
- c. Recyclables shall not be placed in plastic garbage bags for collection, removal, or disposal. Recyclables shall not be placed in the same refuse containers as or otherwise mixed with other forms of solid waste for collection, removal, or disposal.
- d. If no separation of recyclables takes place, none of the household rubbish or garbage shall be accepted for disposal in the Hatfield landfill.

Ownership of Recyclables. Offenses.

- a. Any recyclables placed at in a central collection point



in the Town shall be transported to and disposed of at the designated Materials Recovery Facility, except as may be otherwise authorized by the Select Board.

- b. Any violation of this section or any part thereof shall be punishable by a fine not to exceed three hundred dollars (\$300.00) and the violator shall make restitution to the Town for the value of any recyclable illegally removed.

**Repealer.**

All by-laws or parts of by-laws, resolutions, regulations, or other documents inconsistent with the provisions of these by-laws are hereby repealed to the extent of such inconsistency.

**Severability.**

These by-laws and the various parts, sentences, sections, and clauses thereof, are hereby declared to be severable. If any part, sentence, section, or clause is adjudged invalid, it is hereby provided that the remainder of these by-laws shall not be affected thereby.

**ANTI-LITTER BY-LAW**

This article shall be known and may be cited as "Hatfield Anti-Litter By-law."

**Definitions.**

For the purposes of this by-law, the following terms, phrases, words, and their derivations shall have the meaning given herein.

**Garbage.** The word "garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

**Litter.** The word "litter" includes "garbage", "refuse" and "rubbish" as defined herein and all other waste materials which, if thrown or deposited as prohibited in this article, tend to create a danger to public health, safety, and welfare.

**Park.** The word "park" shall include a park, reservation, playground, recreation center or any other public area in the Town owned or used by the Town and devoted to active or passive recreation.

**Private Premises.** The term "private premises" shall include any yard, grounds, walks, driveway, porch, steps, mailbox belonging or appurtenant to any dwelling, house, building, or other structure.

**Public Place.** The term "public place" includes any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, grounds, and buildings.

**Refuse.** The word "refuse" means all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

**Rubbish.** "Rubbish" is non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard

clippings, leaves, wood, glass, bedding, crockery, and similar materials.

Shall. The word "shall" is always mandatory and not merely directory.

Vehicle. The word "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

Unlawful use of public litter receptacles.

No person shall deposit household rubbish or garbage in public litter receptacles.

Littering streets and other public places generally.

- a. No person shall throw or deposit litter in or upon any street, sidewalk, or other public places within the town.
- b. No person shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter from any building or lot of any litter from any public or private sidewalk or driveway.

Littering parks.

No person shall throw or deposit litter in any park within the Town. Where public receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and properly dispose of elsewhere.

Throwing litter from vehicle.

No person being the driver or a passenger in a vehicle, shall throw or deposit litter upon the street or public place within the Town, or upon any private property.

Unlawful deposits in ponds, etc.

No person shall throw or deposit, in any pond, brook, or natural waterway within the limits of the Town, any dead animal, dead fish, or fish waste, rubbish, filth, foul or offensive substance, or any refuse matter whatsoever, fuel, lubricating oil, fish oil or other greasy substance, so that the same shall create a danger to the public health, safety and welfare.

Deposit of litter on open or vacant property.

No person shall throw or deposit litter on any open or vacant private property within the Town, whether owned by such person or not, so that the same shall create a danger to the public health, safety, and welfare.

Duty to maintain property free of litter.

The owner or person in control of any private property shall at all times maintain his premises free of litter so that the same does not constitute a danger to the public health, safety and welfare. This section shall not prohibit the storage of litter in authorized private receptacles for collection.

Notice to remove litter from open or vacant private property.

The Board of Health is hereby authorized and empowered to direct the owner of any private property within the Town, or the agent of such owner, to properly dispose of litter

located on such owner's property which is dangerous to public health, safety and welfare. Such request shall be by registered or certified mail, addressed to the owner at his or her last known address.

3.11 UNDERGROUND STORAGE TANK BYLAW

1.00 Authority

The Town of Hatfield adopts the following measures under its home rule powers, its police powers to protect the public health and welfare, and its authority under M.G.L., Chapter 40, Section 21.

1.01 Definitions

a. Underground Storage: storage of petroleum products or other hazardous materials below ground level but not including storage in a free-standing container within a building.

1.02 Prohibitions

All new underground storage tanks are prohibited from the Water Supply Protection District.

1.03 Underground Storage Tanks

Every owner of an underground storage container for hazardous materials including petroleum products shall comply with all applicable state regulations for such storage.

1.04 Permits for Existing and New Underground Storage Tanks

a. Every owner of an existing underground storage container for hazardous materials including petroleum products, whether in use or abandoned, shall apply to the Fire Department for a permit to have a storage facility. Application shall be made within sixty (60) days of the effective date of this bylaw and shall contain the following information:

1. Name, address, and telephone numbers of the owner and operator;
2. The type of materials stored;
3. Tank size and construction type for tank and piping;
4. Evidence of the date of installation warranty;
5. Plot plan of the site, including location of the tank, pumping components, and any wells or water bodies.
6. Where the age of a tank is unknown, the tank shall be presumed to be 25 years old.

b. The head of the Hatfield Fire Department is required to send to the Board of Health, the Water Department and the Conservation Commission a copy of every permit application for a new storage facility with a request for a recommendation of approval or disapproval within 30 days.

c. Subsequent to the effective date of this ordinance, no new underground storage containers shall be installed unless the owner shall have first obtained a permit from the Fire Department. If the Fire Department determines that the proposed storage container constitutes a danger to a water supply, water body, public health or safety, the Fire Department may deny the permit or may grant it subject to conditions which the Department determines are necessary. All new and replacement underground storage tanks, regardless of size, shall meet the requirements of Massachusetts regulations 527 CMR 9.00 regarding tank design, construction and installation.

#### 1.05 Registration Tags

a. Upon registering the tank with the Fire Department, the tank owner will receive a permanent metal or plastic tag, embossed with a registration number unique to that tank. This registration tag must be affixed to the fill pipe or in such location as to be visible to any inspector authorized by the Town.

b. Effective (date) every petroleum or other chemical distributor, when filling an underground storage tank, shall note on the invoice or bill for the product delivered, the registration number appearing on the tank. Every petroleum or other chemical distributor shall notify the Board of Health of the existence and location of any unregistered or untagged underground tank, or any tank which the distributor cannot clearly identify as being either above or below ground, which they are requested to fill. Such notification must be completed within two (2) working days of the time the distributor discovers that the tank registration tag is not present.

#### 1.06 Tanks Over 30 Years Old or Older

For any tank 30 years or older, the Town shall send a notice to the owner strongly recommending that the tank be drained and removed, or that a testing system, approved by the Fire Chief, be instituted to ensure that the tank is not leaking. The notice shall inform the owner of the potential hazards and liabilities of a leaking tank.

#### 1.06A Abandoned Tanks

Tank which are abandoned or temporarily out of service must comply with state regulations under 527 CMR 9.22-23.

#### 1.07 Fees

These permits shall be in addition to any license or permit required by M.G.L., Chapter 148, as amended, or by any regulation issued thereunder. The fee for this permit, payable to the Town of Hatfield shall be established by the Select Board.

#### 1.09 Transfer of Ownership

If the ownership of any underground storage tank is transferred, the new owner shall notify the Fire Department within ten (10) working days. Any such tanks 30 years or older, without cathodic protection or other leak prevention devices, shall be removed under the supervision of the Fire Chief. This provision may be waived if the tank owner can prove, through testing, to the satisfaction of the Fire Chief, the tank and piping are tight. If proof of date of installation is not known, the tank will be assumed to be 25 years old.

#### 1.10 Report of Leaks or Spills

Any person who is aware of a spill, loss of product, or unaccounted for increase in consumption which may indicate a leak shall report such spill, loss or increase immediately to the head of the Fire Department and to the Board of Health.

#### 1.11 Enforcement

Any violation of the provisions of this bylaw, the conditions of a permit granted under this bylaw, or any decisions rendered by the Fire Department under this bylaw, shall be liable to a fine or not more than one hundred dollars (\$100.00) for each violation. Each day such violation continues shall be deemed a separate offense.

### 3.12 HAZARDOUS MATERIALS BYLAW

#### 1.00 Authority

The Town of Hatfield adopts the following measures under its home rule powers, its police powers to protect the public health and welfare, and its authority under M.G.L., Ch. 40, Sec. 21.

1.01 Definitions

- a. Discharge: the spilling, leaking, pumping, emitting, or dumping of toxic or hazardous materials upon or into any land or waters of the Town of Hatfield.
- b. Hazardous Material: any substance with such physical, chemical, or infectious characteristics as to pose a potential hazard to existing or potential water supplies or to human health. Hazardous materials include, but are not limited to, toxic chemicals, heavy metals, radioactive or infectious wastes, acids and alkalies, pesticides, petroleum products, herbicides, solvents, and thinners.

1.02 Prohibition

- a. The use of septic system cleaners within the Town of Hatfield containing toxic or hazardous materials is prohibited.
- b. The discharge of hazardous materials within the Town of Hatfield is prohibited with the following exceptions.
  - 1. Application of fertilizers and pesticides in accordance with label recommendations and with regulations of the Massachusetts Pesticide Control Board.
  - 2. Application of roadsalts or other de-icing chemicals provided that such use is minimized and consistent with public highway safety standards.
  - 3. Proper disposal of acceptable materials at a facility or site which has received and maintained all legal approvals as specified in the Massachusetts Hazardous Waste Management Act, M.G.L., Ch. 21C, Sec. 7.

### 1.03 Hazardous Material Registration and Controls

- a. Every owner, or operator of a commercial, industrial, or agricultural operation storing hazardous materials in quantities totaling more than 50 gallons liquid volume or 25 pounds dry weight shall register with the Fire Department a description of the types and quantities of hazardous materials stored, and the location and method of storage. Registration required by this subsection shall be submitted within sixty (60) days of the effective date of this bylaw and annually thereafter.
- b. The Fire Department may require that an inventory of hazardous materials be maintained on the premises and be reconciled with purchase, use, sales, and disposal records on a monthly basis.
- c. Hazardous materials shall be stored in product-tight storage containers and shall be removed and disposed of in accordance with the Massachusetts Hazardous Waste Management Act, M.G.L., Ch. 21C.
- d. The Fire Department shall require that containers of hazardous material be stored on an impervious, chemical-resistant surface, that the storage area be enclosed with an impermeable dike or within an impermeable basement, and that the containers be protected from weather, vandalism, corrosion, and leakage.

### Section 3.13 USE OF THE PUBLIC SEWERS

Sec. 1 No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 2 Stormwater and all other unpolluted drainage as defined in Section 1 shall not be discharged to any sewers except such sewers as are specifically designated as combined sewers or as storm sewers by the Sewer Commissioners, or to a natural outlet approved by the Sewer Commissioners. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Sewer Commissioners to a storm sewer, combined sewer, or natural outlet.

Sec. 3 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Trash or garbage or solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or of causing other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground

garbage, whole blood, paunch manure, hair, fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Sec. 4(a) Any person or entity who violates the By-law, shall be liable to the Town of Hatfield in the amount of \$50.00 for each offense, which amounts shall inure to the Town of Hatfield for such uses as the Board of Sewer Commissioners may direct. Fines shall be recovered by a complaint before the District Court or by disposition in accordance with section 21D of Chapter 40 of the General Laws. The enforcing person shall be the Sewer Commissioners.

(b) If an offense is committed on any given day and continues, or the violating circumstances exist, on any subsequent day or days, as the case may be, with or without interruption, then for purposes of this By-Law it shall be deemed that separate and further offense(s), each punishable by a fine of \$50.00, has or have been committed.

(c) When a violation exists by virtue of there having been built or created on any premises any system or systems by which violation(s) of this By-Law occur or are accomplished, then each of the following persons shall be responsible: the person(s) having installed such system(s), the owner of the premises, and the occupant of the premises, provided that there shall be no violation in these regards by any person who shows that he/she/it had no knowledge of such system(s).

#### Section 3.14 WETLAND PROTECTION BYLAW

##### 1. Purpose

The purpose of this bylaw is to protect the wetlands, water resources, and adjoining land areas in the Town of Hatfield by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution control, fisheries, wildlife habitat, rare wildlife species and their habitat, rare plant species and their habitat, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the "resource area values protected by this bylaw"). This bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, and additional resource values, with additional standards and procedures stricter than those of the Wetlands Protection Act (G.L. Ch. 131 Sec. 40) and Regulations thereunder (310 CMR 10.00).

##### II. Jurisdiction

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater wetlands; marshes; wet meadows; bogs; swamps; vernal pools;

banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; and lands abutting, any of the aforesaid resource areas as set out in Sec. VII (collectively the "resource areas protected by this bylaw"). Said resource areas shall be protected whether or not they border surface waters.

### III. Conditional Exceptions

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

The application and permit required by this bylaw shall not be required for work performed for normal maintenance or improvement of land which is lawfully in agricultural use at the time the work takes place, provided that written notice has been given to the Commission prior to commencement of work, the Commission agrees that the proposed work meets appropriate standards for maintenance and improvement of land in agricultural use, and provided that the work conforms to applicable performance standards, if adopted by the Commission in conformance with this Bylaw.

The application and permit required by this bylaw shall not be required for emergency projects necessary for protection of the human health and safety, or the preservation or protection of wetland resources from a clear, present, and immediate danger; provided that advance notice, oral and written, has been given to the Commission prior to commencement of work; provided that the Commission or its agent certifies the work as an emergency project; and provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this section, the exceptions provided in the Wetlands Protection Act (G.L. Ch. 131 Sec. 40) and Regulations (310 CMR 10.00) shall not apply under this bylaw.

### IV. Applications for Permits and Requests for Determination

Written application shall be filed with the Commission to perform activities affecting resource areas protected by this bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.



The Commission in an appropriate case may accept as the permit application and plans under this bylaw the Notice of Intent and plans filed under the Wetlands Protection Act (G.L. Ch. 131 Sec.40) and Regulations (310 CMR 10.00).

Any person desiring, to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination (RFD) shall include information and plans as are deemed necessary by the Commission.

At the time of a permit application or RFD, or application for Certificate of Compliance, the applicant shall pay a filing fee specified in Regulations of the Commission. In cases where a fee is paid to the Town under the Wetlands Protection Act (G.L. Ch. 131 Sec. 40) and Regulations (310 CMR 10.00) for application for the same activity, no additional fee shall be required. The fee shall be deposited in a dedicated account, for use only for wetlands protection activities, from which the Commission may withdraw funds without further appropriation.

Upon receipt of a permit application or RFD, or at any point during the hearing process, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services, if deemed necessary by the Commission to come to a final decision on the application. This fee is called the "consultant fee." The specific consultant services may include, but are not limited to, performing or verifying the accuracy of resource area survey and delineation; analyzing resource area functions and values, including wildlife habitat evaluations, hydrologic and drainage analysis; and researching environmental or land use law.

The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. If a revolving fund for consultant expenses and fees is authorized by the town meeting, or by any general or special law, the applicant's fee shall be put into such revolving fund, and the Commission may draw upon that fund for specific consultant services approved by the Commission at one of its public meetings. Any unused portion of the consultant fee shall be returned to the applicant unless the Commission decides at a public meeting that additional services will be required.

The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding, that additional information acquirable only through outside consultants would be necessary for the making of an objective decision. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws. The Commission may waive the filing fee, consultant fee, and costs and expenses for a permit application or RFD filed by a government agency. The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall not exceed \$500.00 or 5.0% of the estimated cost of the entire project, whichever is greater. The project cost means the estimated, entire cost of the project including,

but not limited to, building construction, site preparation, landscaping, and all site improvements. The project shall not be segmented to avoid being, subject to the consultant fee. The applicant shall submit estimated project costs at the Commission's request, but the lack of such estimated project costs shall not avoid the payment of the consultant fee.

#### V. Notice and Hearings

Any person filing a permit application or a RFD with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested), certificate of mailing or hand delivered, to all abutters at 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 of the applicant, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent by the Commission to the owner as well as to the person making, the request.

The Commission shall conduct a public hearing, on any permit application or RFD, with written notice given at the expense of the applicant, five business days prior to the hearing, in a newspaper of general circulation in the municipality.

The Commission shall commence the public hearing, within 30 days from receipt of a completed permit application or RFD unless an extension is authorized in writing, by the applicant.

The Commission shall issue its permit or determination 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 in an appropriate case may combine its hearing, under this bylaw with the hearing conducted under the Wetlands Protection Act (G.L. Ch. 131 Sec. 40) and Regulations (310 CMR 1 0.00).

The Commission shall have authority to continue the hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information from the applicant or others deemed necessary by the Commission in its discretion, or comments and recommendations of the boards and officials listed in Sec. VI.

#### VI. Coordination with Other Boards

Any person filing a permit application or RFD with the Commission shall provide notice of application thereof at the same time, by certified mail (return receipt requested), certificate of mailing or hand delivery, to the selectboard, planning board, board of

appeals, board of health, and building, inspector. Notice shall be provided in the same manner to the Conservation Commission of the adjoining municipality, if the application or RFD pertains to property within 300 feet of that municipality. A copy of the permit application shall be provided free of charge to the aforementioned notified parties upon their request. An affidavit of the person providing notice shall be filed with the Commission. The Commission shall not take final action until the boards and officials have had 14 days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

#### VII. Permits and Conditions -

If the Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses which will result therefrom are likely to have a significant individual or cumulative effect upon the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing and receipt of any final plan modifications, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose such conditions that the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities. The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this bylaw; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

Lands within 200 feet of perennial streams, wetland resources tributary to the Hatfield Reservoir, ponds and lakes (the 200 foot zone), and lands within 100 feet of other resource areas (the 100 foot zone), are presumed to provide important adjacent wildlife habitat and secondary protection of these wetland resources. Activities undertaken in close proximity to wetland resource areas are presumed to have a high likelihood of adverse impact upon the wetland or other resource, either immediately (as a consequence of construction), or over time (as a consequence of daily operation or existence of the activities). These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, reduction in surface and ground water quality, and loss or degradation of wildlife habitat. The Commission, therefore, may require that the

applicant maintain continuous, undisturbed vegetative cover within a portion of the 200-foot or 100-foot area(s). The Commission may allow activity within this area if the applicant provides convincing evidence to the Commission that the planned activity, on balance, would allow disturbance to the area or part of it without harm to the values protected by this bylaw. In the review of areas within the 200 foot zone and the 100 foot zone, no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this bylaw, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this bylaw. The Commission shall regard as practicable an alternative which is reasonably capable of being, done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial purpose), logistics, existing technology, costs of the alternatives, and overall project costs. To prevent wetlands loss, the Commission shall require applicants to avoid wetlands alteration wherever feasible; shall minimize wetlands alteration; and, where alteration is unavoidable, shall require full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication.

A permit shall expire three years from the date of issuance. Notwithstanding, the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed for good cause at the discretion of the Commission, provided that a request for a renewal is received in writing, by the Commission prior to expiration. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land. For good cause the Commission may revoke or modify a permit or determination issued under this bylaw after notice to the holder of the permit or determination, notice to the public, abutters, and town boards, pursuant to Sec. V and Sec. VI, and a public hearing. For appropriate jurisdictional areas, the Commission may combine the permit or determination issued under this bylaw with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act (G.L. Ch. 131 Sec. 40) and Regulations (310 CMR 10.00). No work proposed in any permit 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 is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the permit has been recorded.

#### VIII. Regulations

After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw effective when voted and filed with the town or city clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. At a minimum, these regulations shall define key terms in this bylaw not inconsistent with the bylaw and procedures governing, the amount and filing, of fees.

#### IX. Definitions

The following definitions shall apply in the interpretation and implementation of this bylaw. The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being, the mean annual low flow level, and the upper boundary being, the first observable break in the slope or the mean annual flood level, whichever is higher.

The term "vernal pool" shall include a confined basin depression which, at least in most years, holds water for a minimum of two continuous months during, the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. Vernal pools under this bylaw shall not include constructed landscape pools, farm ponds, or other artificial water-bearing topographic depressions unless abandoned in place for 10 years or more, surrounded by reasonably undisturbed vegetation, and not subject to a violation of this bylaw or the Wetlands Protection Act (G.L. Ch. 131 Sec. 40) and Regulations (310 CMR 1 0.00) thereunder.

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division. The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns. The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- B. Changing, of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- C. Drainage, or other disturbance of water level or water table
- D. Dumping, discharging, or filling with any material which may degrade water quality

- E. Placing, of fill, or removal of material, which would alter elevation
- F. Driving, of piles, erection, or repair of buildings, or structures of any kind
- G. Placing, of obstructions or objects in water
- H. Destruction of plant life including cutting, of trees
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
- J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
- K. Incremental activities that have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

Except as otherwise provided in this bylaw or in regulations of the Commission, the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 Sec 40) and Regulations (310 CMR 10.00).

#### X. Security

As part of a permit issued under this bylaw for a major project involving work within a resource area, 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 thereunder (including, conditions requiring mitigation work) be secured wholly or in part by one or more of the methods described below:

- A. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.
- B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

#### XI. Enforcement

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling, as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by any one or more of the following; violation notices, administrative orders (citations under G.L. Ch. 40 Sec 21D), and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and to take other action deemed necessary to remedy such violations, or may be fined, or both. Upon request of the Commission, the Select Board and the town counsel may take legal action for enforcement under civil law. Upon request of the Commission, the chief of police may take any appropriate legal action for enforcement under criminal law. The Commission may also use funds otherwise available to it for investigation, legal services and enforcement activities under this bylaw. Municipal boards and officers, including any police officer or other officer having, police powers, shall have authority to assist the Commission in enforcement. Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of not more than \$300. Each day or portion thereof during, which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense. As an alternative to criminal prosecution in a specific case, the Commission may issue citations under the non-criminal disposition procedure set forth in G.L. Ch. 40 Sec 21D.

#### XII. Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource areas and values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

#### XIII. Appeals

A decision of the Commission shall be reviewable in the Superior Court in accordance with G.L. Ch. 249 Sec. 4.

#### XIV. Relation to the Wetlands Protection Act

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131 Sec. 40) and Regulations (310 CMR 1 0.00) thereunder.

#### XV. Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

#### **Section 3.15: Burning Without Permit**

No person shall set, maintain, or increase a fire in the open at any time without a permit. Persons who are determined to be burning without a permit shall be charged for the service of the fire department at the following rates: 1) Trucks: a) One hundred dollars per truck (\$100.00) for the response, up to one (1) hour. b) Fifty dollars (\$50.00) for each truck for each additional hour. 2) Firefighters: hourly wage each per hour, one (1) hour minimum.

These charges shall apply to mutual aid companies either at the fire, or providing station coverage.”

#### **Section 3.16: Secure Access Key Box**

Any commercial or residential building which has a fire alarm system or other fire protection system that is monitored by an Alarm Company shall be required to have a secure access key box. The box shall be mounted at a location readily accessible to the fire department, closest to the main entrance to the structure. The key box shall contain keys to the fire alarm control panel, keys necessary to operate or service fire protection equipment, and keys to access all areas covered by the fire alarm protection systems. The fire department is to be notified of any change with regard to keys contained within the key box and provided replacements in a timely manner.

### **ARTICLE FOUR - REGULATIONS FOR THE USE OF VEHICLES**

Section 4.01: Police and Fire Department vehicles, ambulances, and vehicles of physicians, while engaged in the actual performance or pursuit of their professional duties, shall have the right of way in any street and through any procession.

A hearse and any other vehicle, or vehicles, and pedestrians when forming a funeral procession, and on the way to an interment, shall have the right of way in any street, except over the vehicles specified in paragraph one of this section, and no other vehicle shall interfere with such procession or attempt to cut across the line thereof.

Section 4.02: No driver shall drive a vehicle over or across any hose or equipment of the Fire Department.

Section 4.03: Except as otherwise provided by law or by-law, the control, direction and regulation of vehicles using the streets shall be exercised by the Chief of Police. In times of emergency, the Chief of Police shall have the direction and control of all traffic within the town and may make temporary regulations.

Section 4.04: The driver of any vehicle shall stop whenever ordered or regulated to do so by a police officer in uniform, and shall proceed thereafter at the direction or signal of the officer, and then only in accordance with whatever instructions or directions have been given by the officer.

#### **PARKING**

Section 4.05: No person shall park a vehicle in any of the following places, and vehicles found parked in violation of the provisions of this section may be moved under the direction of a police officer and at the expense of the owner to a place where parking is permitted:



- A. within an intersection and within twenty-five(25) feet of an intersection.
- B. upon any sidewalk,
- C. upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least fifteen (15) feet wide for passing traffic,
- D. upon any street or highway within twenty-five(25) feet of a fire hydrant,
- E. upon or in front of any private road or driveway, without the consent of the owner of said private road or driveway,
- F. at or upon the Northwest corner of Prospect Street and School Street and the corner of Bridge Street and School Street where designated by NO PARKING signs,
- G. upon the northerly side of the access road on the Southerly side of the Town Hall; and upon and around the South Main Street Common at Bridge Lane as designated by NO PARKING signs,
- H. "in any parking space on public or private property, designated and posted by the owner or person(s) in control of the parking area as being reserved for handicapped persons pursuant to Massachusetts General Laws, Chapter 40, Section 21-22D, except vehicles displaying such handicapped person or disabled veteran registration plates(s) or sticker(s) issued pursuant to Massachusetts General Laws Chapter 90, Section 2, or comparable provision or other State laws, as would exempt them,"
- I. upon the Westerly side of the School Street entrance to Smith Academy - up to and including the entrance to the main parking lot, and both sides of the oval section of the driveway in front of said building, including the driveway extension. Also at the West side of the building, where designated by NO PARKING signs.
- J. No motor vehicle shall be parked or otherwise left on any public way or any private way to which the public has a right of access, if the same would impede snowplowing or removal from November 15 through March 15 inclusive. In addition to the foregoing general provision of Section 4.5 as to removal, if any motor vehicle is parked or left in violation of the Sub-Section, the owner thereof shall be fined up to \$15.00 for each offense.
- K. on both sides of Plain Road from a point one hundred feet east of the railroad tracks to the intersection of Routes 5 and 10.
- L. On the northerly side of Billings Way from Main Street to the driveway at the rear of the First Congregational Church; on the northerly side of Billings Way from the main entrance to the Main Street Cemetery to the Lions Club Pavilion parking lot; along the southerly side of Billings Way next to the Mary Lou and Robert Cutter Museum and the southerly side of Billings Way from the eastern entrance/exit to the Hatfield Elementary School to the parking area of the Hatfield Public Library; **"The penalty for each violation of any Sub-Section of Section 4.05 is**

\$15.00 if paid within 21 days of the date of the notice of citation, and \$20.00 thereafter."

#### ONE-WAY STREETS

Section 4.06: That portion of Prospect Street beginning at the Northeast corner of the Hill Cemetery and extending to the Roswell Hubbard house and thence to Elm Street shall be a one-way street and vehicular traffic shall move only in a southerly direction.

Section 4.07: The road superintendent may and on request of the Select Board, shall set up, establish and maintain suitable marks, markers, and direction to inform the public of the restrictions regarding the use of streets by vehicles, and to assist the public in observing the said restrictions.

Section 4.08: Whoever violates any of the provisions of the foregoing rules and regulations in this article Four shall be punished by a fine not exceeding two hundred fifty (\$250.00) dollars for each offense.

Section 4.09: No person shall drag or haul tools, equipment, machinery, or other property upon the surface of a concrete, tar, macadam, or other hard surfaced highway within control of the town without providing reasonable and adequate means to protect the said highway from damage thereby.

All by-laws or parts of by-laws inconsistent with the provisions hereof are repealed.

Section 4.10: In accordance with Massachusetts General Laws, Chapter 85, Section 30, no person shall operate a motor vehicle which weighs (including its load) more than 24,000 pounds except a Town Highway Department vehicle, a home oil delivery truck, a school bus, or ambulance or fire truck or other emergency vehicle on any of the following streets in the Town of Hatfield: Linseed Road from Linseed Hill northerly, Old Stage Road, Rocks Road and Plain Road from No. 80 to Circle Drive, unless a permit for an exception to the by-law has been obtained from the Select Board. Any violation of the by-law shall be subject to the penalty provisions of Section 4.8.

Section 4.11: No person operating a motor vehicle on any public or private way within the Town shall operate said vehicle at a rate of speed greater than a reasonable and proper, having regard to traffic and use of the way and regard for the safety of the public.

Determination of motor vehicle's speed to be in excess of a posted speed limit or reasonable and proper speed on a not-posted way through the use of radar, laser, or other scientifically recognized method of speed measurement shall be prima facie evidence of a violation under this section

Violation under this section shall result in a fine of \$50.00.

#### ARTICLE FIVE - NUMBERING OF BUILDINGS BY-LAW

Section 5.01: Buildings to be numbered. Every owner, occupant, or person having control of any dwelling, house or building used for business or industry on or near any public or private way within the Town of Hatfield shall at his own expense cause said building to be numbered with figures at least four inches in height and conspicuously placed on said building according to the directions of the Superintendent of Streets of the Town of Hatfield.

Provided, however, that if the numbers so placed on a building are or would not be visible from the roadway year-round, then such numbers shall be placed on the mailbox or at some other place at the entrance to the premises from the roadway so as to be visible from the roadway

year-round. And provided further that any owner and other person in control of a dwelling with two or more apartments shall similarly provide numbers and/or letters visible from the roadway and upon the entrance to each apartment.

If there is any question whether or not a building should bear a street number, this question shall be resolved by the Superintendent of Streets in the Town of Hatfield.

Section 5.02: Manner of Numbering. The numbering of streets in the Town of Hatfield shall begin at the corner of Main and Maple Streets. The direction of numbers will run on Maple Street from the corner of Main and Maple Streets to the bridge at the American Legion; on Elm Street from the bridge at the American Legion to the Northampton line; on Main Street from the corner of Main and Maple Streets to the Whately line; and on West Street from the Northampton line to the Whately line. All streets running off the streets named above will be numbered away from the center of town and all other streets running off any other principal street, other than those named above, will be numbered going away from the principal street from which it leads. On all streets the odd numbers will be on the right side of the street; the even numbers, on the left side of the street. The right and left sides of the streets shall be determined by facing in the direction in which the numbers are to run. A number will be left for each seventy-five feet of vacant space facing the front of any street. All questions of what is a principal street and the direction in which the numbers will run shall be resolved by the Superintendent of Streets.

Section 5.03: The Building Inspector will assign a street number to every newly constructed dwelling, house, or building used for business or industry or whenever he finds a number in use is incorrect, but he shall not have the authority to renumber a street unless so ordered to do so by the Planning Board. New streets will be numbered in accordance with the provisions of Section 2 of this by-law.

Section 5.04: Penalties. Any owner, occupant, or person having control of any dwelling, house or other building to which a street number is assigned who shall refuse or neglect to comply with the provisions of any portion of Article Five of the Town By-laws within ten days after notice in writing is delivered to such owner, occupant, or person of the number or numbers assigned said building by the Inspector of Buildings, shall for each and every offense forfeit and pay a penalty of not more than fifty dollars.

ARTICLE SIX - BUILDING CODE BY-LAWS Rescinded May 12, 1992

ARTICLE SEVEN - LICENSES AND FEES

Section 7.01: Automatic Amusement Devices. The annual fee for a license issued under Section 177A of Chapter 140 of the General Laws of Massachusetts, as amended for any automatic amusement device, as defined therein, including any video type devices, licenses pursuant to said section, or any renewal thereof, shall be \$50.00 for each device so licensed.

Section 7.02: The following fees shall be charged by the Town Clerk for the appropriate service rendered.

Chapter 262, Section 34.

PROPOSED NEW FEE

- |   |         |
|---|---------|
| (1) For filing and indexing assignment for the benefit of creditors | \$10.00 |
| (11) For entering amendment of a record of the                      |         |

birth of an illegitimate child, subsequently legitimized	10.00
12) For correcting errors in a record of birth	10.00
(13) For furnishing certificate of a birth	5.00
(13A) For furnishing an abstract copy of a record of birth	4.00
(14) For entering delayed record of birth	10.00
(20) For filing certificate of a person conducting business under any title other than his real name	20.00
(21) For the filing by a person conducting business under any title other than his real name of a statement of change of his residence, or of his discontinuance, retirement, or withdrawal from, or of a change of location of, such business	10.00
(22) 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
(24) 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
(29) For correcting errors in a record of death	10.00
(30) For furnishing a certificate of death	5.00
(30A) For furnishing an abstract copy of a record of death	4.00
(42) For entering notice of intention of marriage and issuing certificates thereof	15.00
(43) For entering certificate of marriage filed by persons married out of the commonwealth,	5.00
(44) For issuing certificate of marriage	5.00
(44A) For furnishing an abstract copy of a record of marriage	4.00
(45) For correcting errors in a record of marriage	10.00
(54) For recording power of attorney	10.00
(57) For recording certificate of registration granted, to a person to engage in the practice of optometry, or issuing a certified copy thereof	20.00
(58) For recording the name of the owner of a certificate of registration as a physician or osteopath in the commonwealth-	20.00
(62) For recording order granting locations of poles, piers, abutments, or conduits, alterations, or transfers thereof, and increase of number of wires and cable or attachments under the provisions of section 22, Chapter 166	40.00, flat rate
	10.00 add'l streets
(66) For examining records or papers relating to birth, marriage, or deaths upon the application of any person the actual expense thereof, but less than	5.00
(67) For copying any manuscript or record pertaining to a birth, marriage or death	\$5.00 per page
(69) For receiving and filing of a complete inventory of all items to be included in a "closing out sale", "going out of business sale", "discontinuation of business sale", "selling out" "liquidation", "lost our lease", "must vacate", "Forced out", or other designation of like meaning,	\$10.00 1 <sup>st</sup> page, 2.00 add'l page
(75) For filing a copy of written instrument of declaration of trust	

- by the trustees of an association or trust, or any amendment thereof,  
as provided by Section 2 of Chapter 182 20.00
- (78) For recording deed of lot or plot in a public burial place  
or cemetery 10.00
- (79) Recording any other documents \$10.00 1<sup>st</sup> page, plus 2.00 per add'l page

#### Section 7.03

- a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually, and may periodically, 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, 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, that 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 proceedings and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended, or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.
- c) Any party shall be given the opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- d) The Select Board 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 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, association 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 licenses, section twelve of chapter one hundred and thirty one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

#### Section 7.04 Setting of Fees

In the event that any fee or charge fixed pursuant to Massachusetts General Laws Chapter 40, Section 22F is greater than the fee or charge specifically set forth in the Town's General Bylaws, the greater fee or charge shall prevail.

#### SECTION 7.05 CLASS I, II & III LICENSES

*SUBJECT: Licensing under M.G.L. Chapter 140. Dealing in new motor vehicles, second hand or used motor vehicles, second hand or used motor vehicle parts and related matters - applications, renewals, transfers and changes of conditions.*

*The following shall apply as to all licensing and licenses under the pertinent sections of M. G. L. Chapter 140.*

It is recommended that Applicants verify zoning compliance (License/Special Permit Checklist Form) with the Building Inspector/Zoning Enforcement Officer prior to starting the process.

*Definitions Class I, II, and III:* In accordance with M.G.L. Chapter 140, Section 58, Class I, II, and III (also referred to as Classes 1, 2, and 3) are defined as follows:

*Class I:* Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter applicable to holders of licenses of Class 2, except subsection (c), and to rules and regulations made under those provisions; and provided further, that such dealer maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section 7N1/4 of chapter 90, and shall remain liable for all warranty repairs made and other obligations imposed by said section 7N1/4 of said chapter 90.

*Class II:* A person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license and shall be subject to the conditions of M.G.L. Chapter 140, Section 58.

*Class III:* A person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding and selling the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts may be granted a motor vehicle junk license.

A. All applicants for Class I, II, III Licenses under M.G.L. Chapter 140, and licensees applying for a transfer of license from one location to another or to make any changes within the existing location must submit application/plans to the Select Board. All applications/plans must show the following:

1. size and dimensions of the property to scale
2. location and dimensions of all existing and proposed buildings on the site, with dimensions to lot lines
3. driveway entrances and widths
4. location and dimensions of areas for vehicles for sale
5. location of areas for storage of parts, vehicles and vehicles to be prepared for sale or otherwise serviced
6. location and dimensions of customer parking, with suitable turn around
7. location and dimensions of required fire lanes around building
8. location of office(s) and customer entrances
9. *Total square footage of all buildings on the site*
10. *Total square footage of all green spaces on the site*
11. location and square footage of area that is hard-covered
12. location of wetlands and floodplain on the entire site

Copies of any plot plans or surveys or wetlands depictions which have been done for the premises should also be provided.

*B. Licenses I, II, and III*

A Class I, II, or III license will be granted for one location only. Each separate or non-contiguous location requires a separate license. In accordance with M.G.L. Chapter 140, Section 59, a new Class III license application will require a hearing including seven (7) days notification of abutters.

*C. Vehicular Waste*

All vehicular waste products must be stored in sealed containers in a separate defined area within a suitable building and in compliance with the Town of Hatfield Town By-Laws, Section 3.12 and the Town of Hatfield Zoning By-Laws, Section 3.5

All areas must meet state, federal and any other governmental requirements.

*D. Storage of Vehicular Parts and Parts Vehicle*

Exterior storage of parts and parts vehicles must be minimized. Parts are to be stored off the ground and in a safe manner. Parts and tires are to be stored in such a way as to prevent infestation by insects or vermin. Storage areas must be fenced and screened from public view and neighboring lots using either continuous hedging or other plantings, or fencing which obscures the storage area from public view. Storage must be in the rear of the site or in such an area as to be as remote from public view as possible, and in such a location which minimizes impact to the environment. The height of fencing shall be no higher than six (6) feet unless otherwise permitted by by-law. No stacking of cars will be permitted. For Class II licensed premises, parts cars may be stored on site in a screened area [not to be visible from the street] for a period of not more than six (6) months.

*E. Parking*

Licensees shall conform with the Town of Hatfield Town By-Laws, Section 4.05 and the Town of Hatfield Zoning By-Laws, Section 5.7.

*F. Signs*

Display of signs must be in accordance with the Town of Hatfield By-Laws, Section 3.06 and the Town of Hatfield Zoning By-Laws, Section 5.9.

*G. Unloading Vehicles*

Unloading of vehicles must take place on the property and not be accomplished on any public road and must be in compliance with Sections 5.7.5 and 6.3.3.1.m of the Town of Hatfield Zoning By-Laws.



#### *H. Zoning*

All premises must conform to town zoning requirements and must receive necessary approvals from other town boards before being granted a license or transfer.

#### *I. Number of Vehicles*

The number of vehicles to be displayed and/or stored on licensed premises at any time will be determined by the Select Board. The number of vehicles allowed for sale and for parts shall be stated in the conditions of the license and shall appear on the license. In determining the maximum number of vehicles allowed on a lot, the Select Board shall review restrictions outlined in the Table of Use Regulations of the Town of Hatfield Zoning By-Laws, Section 3.0, the size and location of the lot, the visibility of the proposed site and storage area, the nature and character of the surrounding area and other considerations relative to the suitability of that premises for the purposes intended, including recommendations of the Zoning Enforcement Officer and the Planning Board. The same criteria and process shall be employed in determining what conditions there should be on the license.

#### *J. Change of Conditions*

Licensees may petition the Select Board for a change in number of vehicles and other conditions of the license. No licensee may increase the number of vehicles allowed nor fail to conform to any condition of the license without the express written approval from the Planning Board and the Select Board.

#### *K. Inspections*

As part of the conditions of any license, and as provided for in M.G.L. C.140, §66, the Select Board, or its designee, shall have the right to inspect the premises for conformance to conditions of license, and any applicant for a license by so applying agrees to such inspections.

#### *L. Penalties for Violations*

Penalties for violation of conditions of license and/or these policies shall be as follows:

Violations and Offenses: A written warning sent by mail to licensee, stating a time by which the violation(s) must be corrected. Failure to comply with licensing conditions within the specified time will result in a disciplinary hearing. The Select Board will notify licensee of hearing date and time to consider disciplinary action, which may include a formal warning, fines, suspension or revocation of license.

#### *M. Fine Schedule*

The amount of any fine payable to the Town for operating in violation of any license condition shall be up to \$300.00 for each day any such violation or offense is occurring, with the Select Board, in their reasonable judgment, to determine the specific amount per day and the specific number of days.

ARTICLE EIGHT: WATER BAN BY LAW

Section 8.01 Authority

This Bylaw is adopted by the Town under its police powers to protect public health and welfare and its powers under M.G. L. c. 41 ss 21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c 41 s 69B. This bylaw also implements the Town's authority under M.G.L. c. 40, s41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

Section 8.02 Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

Section 8.03 Definitions

Person shall mean any individual, corporation trust, partnership or association, or other entity.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, s 15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to section 8.04 of this bylaw.

Water Users or Water Consumers shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

Section 8.04 Declaration of a State of Water Supply Conservation

The Town, through its Select Board, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 8.06 of this by law before it may be enforced.

Section 8.05 Restricted Water Uses

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 8.06.

- a) Odd/Even Day Outdoor Watering Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to

- even numbered days.
- b) Outdoor Watering Ban Outdoor watering is prohibited.
  - c) Outdoor Watering Hours Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
  - d) Filling Swimming Pools Filling of swimming pools is prohibited.
  - e) Automatic Sprinkler Use The use of automatic sprinkler systems is prohibited.

Section 8.06      Public Notification of a State of Water Supply Conservation; Notification of DEP

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under section 8.05 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 8.07      Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Select Board, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by section 8.06.

Section 8.08      State of Water Supply Emergency; Compliance with DEP Orders

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

Section 8.09      Penalties

Any person violating this bylaw or failing to comply with any restrictions, conditions, or requirements hereunder shall be liable to the Town in the amount of \$50.00 for the first violation or failure to comply and \$100 for each subsequent violation or failure to comply which shall inure to the Town for such uses as the Select Board may direct. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of Chapter 40 of the general laws. Each day of violation shall constitute a separate offense.

Section 8.10            Right of Entry

After the declaration of a State of Water Supply Emergency or of a State of Water Supply Conservation, the Select Board and any agent of the Select Board, and any agent of the State Department of Environmental Protection or its successor, may enter any property based upon probable cause to believe that a violation is occurring or has occurred during the declaration for purposes of investigation or enforcement or both; this shall not, however, provide authority to enter any buildings.

Section 8.11            Severability

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof, except to the extent necessary to avoid a manifestly unjust result, and as long as the remaining portion or provision without the invalidated portion or provision remains consistent with the purpose of this bylaw, that being to protect, preserve, and maintain the public health, safety, and welfare.

ARTICLE NINE:    NON-CRIMINAL ENFORCEMENT BY-LAW

Section 9.01A: Criminal Complaint. Whoever violates any provisions of the By-laws of the Town of Hatfield may be penalized by indictment or criminal complaint brought in the District Court. The penalty shall be that fixed by by-law; provided, however, that in no case shall the maximum penalty for each violation, or offense, brought in such manner, be in excess of three hundred dollars (\$300.00) unless otherwise allowed by law.

Section 9.01B: Non-Criminal Disposition. Whoever violates any provisions of the general By-Laws or Zoning By-Laws of the Town of Hatfield, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in the General Laws, Chapter 40, Section 21 D, including the amendments thereto through and including Chapter 470 of the Acts of 1990. The non-criminal method for disposition may also be used pursuant to this article for violations of any rule or regulation of any municipal officer, board, or department which is subject to a specific penalty provided that the Select Board first approve, by majority vote, each such rule or regulation to be enforced by this procedure.

Section 9.02. Any person, board or department taking cognizance of a specific by-law, rule or regulation which he or it is empowered to enforce, hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof at any time during office hours, not later than twenty-one days after the date of such notice. Said notice shall also provide that the offender may, in the alternative, confess the offense charged by mailing the notice and the penalty amount by postal note, money order, or check to the Town Clerk. The Town Clerk, upon receipt thereof, shall forthwith notify the District Court Clerk, which notification shall operate as a final disposition of the case.

The procedure following the giving of such notice, and the enforcement of this by-law, shall in all other regards conform to Massachusetts General Laws, c. 40, sec. 21D including the amendments thereto through

and including Chapter 470 of the Acts of 1990 and any all other provisions of law, and the same are hereby accepted consistent with the foregoing and to the full extent allowed by law.

#### ARTICLE TEN: "NUISANCE ALARM"

Section 10.01: Alarm Device: An electronically operated instrument composed of sensory apparatus designed to detect a physical force or condition characteristic to un-authorized entry or a fire and which (a) transmits a signal to a person or company who relays information to the police or fire department, or (b) produces an audible or visible signal to which the police or fire department are expected to respond.

Alarm User: Any person who is the owner or person in charge of the premises where an alarm system is maintained within the Town of Hatfield.

False Burglar Alarm: The activation of an alarm through negligence of an alarm user, or employee, improper installation, mechanical failure, malfunctions, or any other cause which results in the police responding, where it is determined, after investigation by the police department, that no criminal activity has occurred.

False Fire Alarm: The activation of an alarm through negligence of an alarm user, or employee, improper installation, mechanical failure, malfunction, or any other cause which results in fire department response, where it is determined, after investigation by the fire department, that no fire, smoke, or heat has occurred, nor did any health emergency exit.

#### DEVICES PROHIBITED

Section 10.02: No person shall install, consent or cause to be installed, maintain or consent or cause to be maintained in any building or structure, an alarm device that is automatically keyed to or that activates the telephone lines or numbers controlled by or listed to the Town of Hatfield police or fire departments.

#### EXCEPTIONS

Section 10.03: Provisions of this By-Law shall not apply to alarm devices owned or controlled by the Town of Hatfield, the Hatfield Elementary School and Smith Academy, or to alarm devices installed in a motor vehicle.

#### ALARM USER RESPONSIBILITY

Section 10.04: Every alarm user shall submit to the chief of Police or Fire Chief, or their designee, their name, address, telephone number, and at least one (1) other person who is authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises in which the alarm system is located.

All alarm users must notify the police or fire department, in advance of a testing of equipment. Failure to notify the police or fire department in advance of a testing of equipment shall constitute a false alarm and therefore be subject to the assessment schedule contained herein.

All burglar alarm systems which use an audible bell, horn, or siren shall be equipped with an automatic shut-off device, which will deactivate the alarm system within fifteen (15) minutes. All burglar alarm users with an audible bell, horn or siren, must comply with this subsection within ninety (90) days of the effective date of this By-Law.

#### PENALTIES

Section 10.05: Failure to comply with the provisions of this By-Law shall be punishable by a fine of not more than three hundred dollars (\$300). After the police or fire department has recorded three (3) separate false alarms from an alarm user within a calendar year, the Chief of Police or Fire Chief, or their designee, shall notify the alarm user, in writing, of such facts, including the dates and times of each alleged false alarm. For the fourth false alarm, a fifty dollar (\$50.00) fine shall be assessed, and a one hundred dollar (\$100.00) fine shall be assessed for each subsequent false alarm within said calendar year.

#### LIMITATION OF LIABILITY

Section 10.06: Neither the Town of Hatfield no any of its employees shall be under any obligation or duty to any alarm or to any other person hereunder, by reason of this By-Law. The Town of Hatfield specifically disclaims liability for any damages which may be caused by failure to respond to an alarm.

#### ADMINISTRATIVE RULES

Section 10.07: The Chief of Police and Fire Chief may promulgate such rules as may be necessary for the implementation of this By-Law.

#### ARTICLE ELEVEN: RIGHT TO FARM BY-LAW

##### Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Hatfield restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Hatfield by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

##### Section 2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

### Section 3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Hatfield. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use

regulation, which is properly the subject of state statute, regulation, or local zoning law.

#### Section 4 Disclosure Notification

Within 30 days after this bylaw becomes effective, the Select Board shall prominently post in the Town Hall and make available for distribution the following disclosure:

It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors."

In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

#### Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance involving all concerned parties, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance involving all concerned parties, and report its recommendations to the Board of Health within an agreed upon time frame.

#### Section 6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Hatfield hereby declares the provisions of this By-law to be severable.

### ARTICLE TWELVE. STRETCH ENERGY CODE

#### Section 1. Definitions

International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements



of the MA State Building Code will default to IECC 2009 and MA amendments.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

#### Section 2. Purpose

The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

#### Section 3. Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

#### Section 4. Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix.

780 CMR 120 AA may be adopted or rescinded by any municipality in the Commonwealth in the manner prescribed by law.

#### Section 5. Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Hatfield General Bylaws, Article Twelve.

The Stretch Code is enforceable by the building inspector/municipal code official.

### ARTICLE THIRTEEN: The Preservation of Historically Significant Buildings

#### Section 1. Intent and Purpose

This by-law is enacted for the purpose of preserving and protecting significant buildings within the town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town. Through this bylaw, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings and residents of the town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, streetscapes and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Historical Commission is authorized to advise the Building Inspector with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this by-law.

## Section 2. Definitions

**APPLICANT-** Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

**APPLICATION-** An application for the demolition of a building.

**BUILDING -** Any combination of materials forming a shelter for persons, animals, or property.

**BUILDING COMMISSIONER -** The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.

**COMMISSION -** The Hatfield Historical Commission or its designee.

**DEMOLITION-**Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial

destruction with the intent of completing the same. **DEMOLITION PERMIT -** The building permit issued by the Building Inspector for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

**PREFERABLY PRESERVED -** Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the twelve month demolition delay period of this bylaw.

**SIGNIFICANT BUILDING -** Any building within the Town which is in whole or in part one hundred years or more old and which has been determined by the Commission or its designee to be significant based on any of the following criteria:

The Building is listed on, or is within an area listed on, the National Register of Historic Places; or

The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the town or the Commonwealth; or

The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

## Section 3. Procedure

No demolition permit for a building which is in whole or in part one hundred years or more old shall be issued without following the provisions of this bylaw. If a building is of unknown age, it shall be assumed that the building is over one hundred years old for the purposes of this bylaw.

An applicant proposing to demolish a building subject to this bylaw shall file with the Building Commissioner an application containing the following information:

The address of the building to be demolished.

The owner's name, address and telephone number.

A description of the building.

The reason for requesting a demolition permit.

A brief description of the proposed reuse, reconstruction or replacement.

A photograph or photographs of the building.

The Building Commissioner shall within seven days forward a copy of the application to the Historical Commission. The Commission shall within fifteen days after receipt of the application, make a written determination of whether the building is significant.

Upon determination by the Commission that the building is not significant, the Commission shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then issue the demolition permit.

Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Commissioner and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Commissioner within fifteen days of receipt of the application, the Building Commissioner may proceed to issue the demolition permit

If the Commission finds that the building is significant, it shall hold a public hearing within thirty days of the written notification to the Building Commissioner. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in town hall for a period of not less than seven days prior to the date of said hearing and the applicant and the building inspector shall be notified in writing of the meeting time and place

The Commission shall decide at the public hearing or within fourteen days after the public hearing whether the building should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.

If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then issue the demolition permit.

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Commissioner and applicant in writing. No demolition permit may then be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Commissioner in writing within twenty one days of the public hearing, the Building Commissioner may issue the demolition permit

Upon determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission.

No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner and have found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any

necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

The Building Commissioner may issue a demolition permit or a building permit for a preferably preserved building within the twelve months if the Commission notifies the Building Commissioner in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit. Following the twelve month delay period, the Building Commissioner may issue the demolition permit.

#### Section 4. Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw.

The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

The Commission may delegate authority to make initial determinations of Significance to one or more members of the Commission or to a municipal employee.

The Commission may pro-actively develop a list of significant buildings that will be subject to this bylaw.

Buildings proposed for the significant building list shall be added following a public hearing.

#### Section 5. Emergency Demolition

If after an inspection, the Building Commissioner finds that a building subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Commissioner may issue an emergency demolition permit to the owner of the building or structure. The Building Commissioner shall then prepare a report explaining the condition of the building and the basis for his decision which shall be forwarded to the Commission.

#### Section 6. Enforcement and Remedies

The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this by-law or to prevent a threatened violation thereof. Any owner of a building subject to this bylaw that demolished the building without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than three hundred dollars. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission.

If a building subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.

#### Section 7. Historic District Act

Following a determination that the building is significant and preferably preserved, the Commission may recommend to town meeting that the building be protected through the provisions of Massachusetts General Law, Chapter 40C, the Historic Districts Act. The steps required under M. G. L. Chapter 40C shall be followed prior to the establishment of a local historic district. Nothing in this by-law shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this by-law do so conflict, that act shall prevail.

#### Section 8. Severability

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

ARTICLE FOURTEEN: DELETED ATM 5/12/15

ARTICLE FIFTEEN:

### **HAZARDOUS MATERIALS AND WASTE RECOVERY BY-LAW**

A. Any individual, corporation or organization which whether deliberately or accidentally, releases, or causes a release or threat of release of, any hazardous material or hazardous waste as defined in Massachusetts General Law Chapter 21C, 21D and 21E, upon public or private property within the boundaries of the Town of Hatfield, shall be liable to the Town for any and all response costs directly incurred by the Town as a result of said release or threat of release including but not limited to, the following:

1. The cost of complete cleanup and disposal of the material released or contaminated by the release, and all costs incurred by the Town as a result of remediation required due to the release or threat of release, including all costs incurred or authorized by any officer of the Town having jurisdiction over such matters.
2. Replacement or cost of replacement of any reusable equipment and/or material damaged due to the incident.
3. Replacement or cost of replacement of any disposable equipment and/or materials used during the incident.
4. Reimbursement of any funds expended by the Town for food/or shelter upon determination by the Town that expenditures are necessary due to a threat to public health and safety as a result of the release or threat of release.
5. Reimbursement of any funds expended by the Town for evacuation and/or relocation upon determination by the Town that such expenditures are necessary due to a threat to public health and safety as a result of the release or threat of release.
6. Reimbursement of any funds expended by the Town for overtime expenditures incurred by the Town as a result of the release or threat of release.

**B.** The following are excluded (as defined in Massachusetts General Law Chapter 21E)

- 1, Emissions from exhaust of an engine
2. Normal application of fertilizer and application of pesticides consistent with their labeling.

**C.** Failure by any individual, corporation, or organization responsible for any costs incurred by the Town pursuant to Section A., shall reimburse the Town for said costs within thirty (30) days of demand shall entitle the Town to bring an action in any court of competent jurisdiction to recover said costs,

**ARTICLE 16: DEPARTMENT REVOLVING FUNDS**

1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities.
2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations”
  - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund (, except for those employed as school bus drivers).
  - B. No liability shall be incurred in excess of the available balance of the fund.
  - C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the selectboard and finance committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.
4. Procedures and Reports. Except as provided in General Laws Chapter 44, §53E ½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5.

REVOLVING FUND	AUTHORIZED TO SPEND FUND	FEES, CHARGES OR OTHER RECEIPTS CREDITED TO FUND	PROGRAM OR ACTIVITY EXPENSES PAYABLE FROM FUND	RESTRICTIONS OR CONDITIONS ON EXPENSES PAYABLE FROM FUND	OTHER REQUIREMENTS /REPORTS	FISCAL YEARS
Communities Garden	Agriculture Advisory Commission	Plot Fees	Expenditures for Maintenance	\$5,000.00		July 1, 2018 -
DPW Motor Grader	DPW Director	Rental Fees	Maintenance and Salaries	\$5,000.00		July 1, 2018 -
Hazardous Materials	Fire Chief	Departmental Receipts	Expenditures Regarding Hazardous Materials	\$20,000.00		July 1, 2018 -
Tax Title	Treasurer	Departmental Receipts	Expenditures Regarding Tax Title	\$25,000.00		July 1, 2019-