

Revised 10/30/2007

BY-LAWS FOR TOWN OF SOUTHAMPTON

ARTICLE 1

Town Meeting

Sec. 1 The Annual Election of Town Officers shall be held on the first Monday of May of each year and the Annual Town meeting for the transaction of business shall be held on the first Saturday of June of each year, commencing at 10:00A.M. And not continuing past 4:00P.m. which may require continuance on successive evenings from 7:30P.M. Until 10:00P.M. Until its conclusion, excluding Sundays and Holidays.

Amended Oct. 30, 2007

The Annual Election of town Officers shall be held on the first Monday of May of each year. The annual meeting of the Town shall be held on the third Tuesday in May, commencing at 7:00p.m. in the evening, and if not completed in a reasonable time period prescribed by the Moderator, shall continue on successive evenings beginning at 7:00p.m. until it conclusion, excluding Sundays and Holidays.

Sec. 2. Warrants for all Town meetings shall be served by posting attested copies of the same in five (5) places in the Town; at least seven (7) days before the time of holding an Annual Town meeting, and at least fourteen (14) days before the time of holding a Special Town meeting.

Sec. 3. A motion made in Town meeting shall be reduced to writing when required by the moderator.

Sec. 4. To vote on any question before the meeting shall be taken by use of the checklist, if the Moderator, or the meeting by vote, so orders.

Sec. 5. Articles in the warrant shall be acted upon in the order of their arrangement unless the meeting by vote otherwise determines.

Sec. 6. At all Town Meetings, except such parts of meetings as are devoted exclusively to the election of officer, twenty-five (25) legal voters shall be necessary to constitute a quorum; provided that a number less than a quorum may from time to time adjourn the same.

Sec. 7. The Warrant for an Annual or Special Town meeting may specify that the meeting is to be held in a suitable auditorium or other facility in any of the contiguous municipalities; and the Town meeting may also vote to adjourn to such a facility if it deems appropriate.

ARTICLE II

Finance Committee

Sec. 1, There shall be a Finance Committee for the Town consisting of five (5) voters of the Town, who shall perform the duties set forth in the following sections of this article and be governed by the provisions thereof. The committee shall be elected as provided in Section II of this article and no person holding other elective or appointive office shall be eligible to serve on said committee.

Sec. 2. Upon adoption of this by-law, there shall be elected by the voter's two (2) members of the Finance Committee to serve for a term of one (1) year, two (2) members to serve for a term of two (2) years, and one (1) member to serve for a term of three (3) years. At each annual election thereafter there shall be an election of Finance Committee member or members for terms of three (3) years to succeed the member whose terms may expire that year or to fill the balance of a term where a vacancy has occurred.

Sec. 3. All articles in any warrant thereafter issued for any Town meeting, Annual or Special, calling for the expenditures and/or transfer of money shall consider such articles and report in writing or otherwise to the Town meeting its recommendations as deemed to the best interest of the Town. No appropriation and/or transfer of money shall be made under the report of a committee or an individual until the matter has been considered and reported upon by the Finance Committee.

- a. No appropriation and/or transfer of money shall be made under the report of a committee, or an individual until the matter has been considered and reported upon by the Financial Committee.

Sec. 4 It shall also be the duty of the Finance Committee to make an Annual report in print of its doings, with the recommendations relative to financial matters.

ARTICLE III Selectmen

Sec. 1. The Selectmen shall have the general direction and management of the property of the Town affecting the interest or welfare of the Town, except as otherwise provided by law or by these by-laws.

Sec. 2. The Selectmen shall have the authority to prosecute and defend in legal controversy which may arise involving the Town and shall act as agents and officers of the Town to appoint and or employ a Town counsel for the Town and the various officers and boards thereof, and to fix the compensation. This shall not apply to such suits as are within the scope and duties of the Tax Collector.

Sec. 3. The Selectmen shall annually appoint an Administrative Assistant. The Administrative Assistant shall not hold an elective office in Southampton Town Government.

Sec. 4. The Selectmen shall appoint a Chief of Police, and such other Police Officers as may be necessary, and make suitable regulations governing the police department.

Sec. 5. The Board of Selectmen is authorized to sell and otherwise dispose of any equipment or material in the hands of any department, which is deemed, by said department to be obsolete and/or of no further use by the Town. The Selectmen shall determine if the equipment or material is of sufficient value to sell, by competitive bid or auction. Notices shall be posted in five (5) public places and at least once in a daily Newspaper of general circulation with the time and place of such sale with a descriptive listing of articles involved, at least two (2) weeks prior thereto. The Selectmen may reject and all bids which they deem inadequate and/or not in the best interest of the Town thereto.

Sec. 6. Unless otherwise provided by a vote of Town meeting, The Board of Selectmen or procurement officer designated pursuant to G.L. c. 30B is authorized to enter into any contract for the exercise of the Town's corporate powers, on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, the Board of Selectmen or procurement officer shall not contract for any purpose, or any terms, or under any conditions inconsistent with any applicable provisions of any general law.

Sec. 7. The Board of Selectmen shall consist of Five (5) members. To change the existing three (3) member board the election shall take place as follows: the first year at the Annual Town Election two (2) members will be elected for three (3) years and one (1) member for two (2) years, thus adding two (2) members to the present three (3) member board. Reelection then to be for three (3) year terms or the balance of any unexposed terms in case of a vacancy

ARTICLE IV Town Clerk

Sec. 1 The Town Clerk shall, immediately after every Town meeting, notify or cause to be notified, any person elected, chosen or appointed to any Town office or to serve upon any board or committee, of his election, choice or appointment.

Sec. 2. The Town Clerk shall keep and cause to be permanently one or more files of the Town reports.

Sec. 3. He shall not allow original paper or documents of the Town to be taken from his office, except as they remain in his custody, or by authority of law.

ARTICLE V

Town Treasurer

Sec. 1. The Town Treasurer shall make a detailed report of receipts and expenditures and of all trust funds in his charge together with a statement of Town debt, which shall be printed, in the annual report.

ARTICLE VI

General Government

Sec. 1. The Selectmen are authorized to close temporarily, or cause to be closed temporarily, any street or highway in an impending or existing emergency, or for any lawful assemblage or procession provided there is reasonable justification for closing of such street.

Sec. 2. No person shall coast on or across any public sidewalk or street of the Town, except at such time and in such places as May from time to time be designated by the Board of Selectmen.

Sec. 3. An Annual State Audit shall be made of the books and records of the Town.

Sec. 4. No officer or board of the Town shall make any contract on behalf of the Town, the execution of which shall necessarily extend beyond one (1) year from the date thereof, unless specific authority to do so has been given by a vote of the Town.

Sec. 5. Every officer in charge of a department shall annually, on or before April 30th, transmit to the Selectmen or Town Clerk, in writing a report containing a statement of the acts and doings of his department for the past financial year to be printed in the annual report, as the Selectmen may deem expedient.

Sec. 6. The Selectmen may license suitable persons to be collectors of, dealers in, or keepers of shop for the purchase, sale, or barter of junk, old metal, or second hand articles; and no such person shall be a dealer, or keeper of shop as aforesaid without such a license.

Sec. 7. These by-laws may be altered or amended at any annual or special Town meeting, an article or articles for such purpose having been inserted in the warrant for such meeting, specifying the alteration or amendment proposed.

Sec. 8. Any Town meeting requiring bonding shall require the Moderator to take a paper ballot count.

ARTICLE VII

Building Permits

Sec. 1. No building, structure or part thereof, more than eight (8) feet in length or breadth and seven (7) feet in height, shall hereafter be constructed and no building or

structure, now or hereafter erected shall hereafter be constructed and no building or structure, now or erected shall be razed, altered, moved or built within the limits of this Town without first giving description of same to the board of Selectmen and receiving a permit therefore.

All building permits issued by the Selectmen are effective for six (6) months from date of issue, as specified in the BOCA Basic Building Code/1970, Section 113.9.

Applications for all building permits shall be accompanied by a disposal works construction permit, a certified copy of the most recent deed to the property being built upon, and a copy of a recorded variance, special permit, letter of conditions or approved sub-division where applicable.

Applications for building permits for one (1) and two (2) family dwellings shall be accompanied by a sketch of the lot showing the building dimensions, set back and side yard dimensions, watercourses if any (including streams, ponds, open and subsurface drains), well or water supply line, and location of septic tank and leach field in relation to building.

Before issuance of a building permit for other than one (1) and two (2) family dwellings, the Selectmen may require submission of a site plan which shall show (in addition to the items herein before mentioned for one (1) and two (2) family dwellings) parking areas loading areas, driveway openings, driveways, service areas and other uses, all facilities for sewage refuse and other waste disposal and for surface water drainage, all landscape features (such as walks, planting areas, trees, fences, and signs), and topographical features on the lot. Said site plan shall be subject to such rules relating to scale, dimensions, legend, form, and preparations as may from time to time be promulgated by the Board of Selectmen.

Each application form, when submitted for a building permit hereunder, shall be accompanied by three copies of the proposed site plan. The Board of Selectmen shall within ten (10) days after receipt of any site plan, transmit one copy thereof to the Planning Board. The Planning Board may in its discretion investigate the case and report in writing its recommendations to the Board of Selectmen. The Board of Selectmen shall not take final action on said plan until it has received a report from the Planning Board or until said Planning Board has allowed fifteen (15) days to elapse after receipt of such plan without submission of a report thereon. Any alteration or amendment to said site plan shall be resubmitted and approved in writing by the Board of Selectmen.

Sec. 2. When decisions of the Board of Selectmen rendered in cases brought before it under the provisions of Section 1 shall have dissatisfied the petitioner in Section 1, they may have the right to be heard by a Board of Appeals

Sec. 3. A person who violates a by-law concerning building permits shall be liable to a penalty of ten (\$10.00) dollars per day for each day of violation.

ARTICLE VIII

Dog Kennels

Sec. 1. No Kennel license shall be issued by the Town Clerk, as licensing authority under the provisions of Section 137A of Chapter 10 of the General Laws, unless the applicant for such license shall first comply with the following requirements:

Each dog in said Kennel shall be provided with an enclosure and runway, the enclosure to have a floor space of at least three (3') feet by four (4') feet for each dog and a height of at least four (4') feet and the runway to have an area of at least three (3') feet by ten (10') feet for each dog and a height of at least four (4') feet.

Sec. 2. No owner or keeper of a dog that is part of a kennel, as defined in Section 136A of Chapter 140 of the General Laws, shall allow such dog to go unrestrained outside its enclosure or runway, at any time.

Sec. 3. Any person who violates any of the provisions of Section I and Section 2 of Article VIII of the Town by-laws shall be penalized twenty (\$20.00) dollars for each of such offenses in the manner provided by Section 21 of Chapter 40 of the General Laws.

ARTICLE IX

Swimming Pools

Sec. 1. A swimming pool, within the meaning of this by-law, shall be any permanent depression in the ground, or a permanent container of water, either above or below the ground, in which water of more than twelve (12") inches in depth is contained and which is primarily for the purpose of bathing and swimming.

Sec. 2. All outdoor pools to be constructed or which are already constructed shall be enclosed by a barrier not less than four (4') feet in height, which shall be constructed in such a manner and of a type not readily climbed by children. All gates and doors opening through such enclosures shall be of the self-latching lock type and shall be kept locked when the pool is not in actual use, or left unattended.

Sec. 3. A pool shall not be nearer than ten (10') feet to any lot line.

Sec. 4. A person who violates this by-law shall be liable to a penalty not to exceed five (\$5.00) dollars for each day of violation.

ARTICLE X

The Keeping of Unregistered Motor Vehicles

Sec. 1. The keeping of more than one unregistered motor vehicle, assembled or disassembled, except a person licensed under General Laws, Chapter 140, Section 59, on any premises shall not be permitted, unless said motor vehicles are stored within an enclosed building.

Sec. 2. A special permit to keep more than one unregistered motor vehicle on any premises not within an enclosed building may be granted by the Board of Selectmen if it finds that such keeping:

- a. In harmony with the general purpose and intent of this by-law,
- b. Will not adversely affect the neighborhood, and
- c. Will not be a nuisance.

Sec. 3 All such permits granted shall limit the number of unregistered motor vehicles to be kept on the premises by the permit holder, shall not run with the land, and shall be limited to a reasonable length of time.

Sec. 4. This article shall not apply to motor vehicles, which are designed and used for farming.

Sec. 4. Whoever violates any provisions of the article of the by-law shall be liable to a penalty of ten (\$10.00) dollars per day of violation; commencing ten (10) days following the date of receipt of written notice from the Board of Selectmen.

ARTICLE XI

Matter on Public Ways or Places

Sec. 1. No person shall place or cause to be placed in any street, lane, common, park, court, alley or other public place in the Town, any dirt, filth, ashes, garbage, decaying animal and vegetable matter or snow, ice, or rubbish of any description providing, however, that it shall not be unlawful for any person to place ashes, sand or other suitable material upon any public sidewalk in the Town.

Sec. 2. Any person who violates this by-law shall be liable to a penalty of twenty (\$20.00) dollars for each violation.

ARTICLE XII

Overnight Parking

Sec. 1. It shall be unlawful for any vehicle to be parked overnight or during a daytime snowstorm on any street of the Town from November 1 to April 1 of each year.

Sec. 2. Any person who violates this by-law shall be liable to a penalty of twenty (\$20.00) dollars for each violation.

ARTICLE XIII

Conflict of Interest-Town Attorney

The Town Attorney and/or any firm of office of which the Town Attorney is a member shall not henceforth represent any official, appointee, volunteer, or employee of the Town of Southampton, their family or families, and/or any legal entity in which any of the above has an interest in any manner or matter in which the Town of Southampton may have a legitimate interests.

ARTICLE XIV

Soliciting Prohibited

No person shall go from place to place in the Town or upon the highways of the Town soliciting or selling except:

- a. Representatives of those organizations whose income is exempt from taxation under the laws of the Commonwealth or the United States of America, and
- b. Such persons as may be licensed to do so under applicable provisions of the General Laws.

Any person violating this by-law shall be subject to a fine of twenty (\$20.00) dollars for each violation thereof.

ARTICLE XV

Dogs

Sec. 1. No person owning a dog shall permit such dog to be at large in Town, elsewhere than on the premises of the owner or keeper except if it be on the premises of another person with the knowledge and permission of such other person. Such owner or keeper of a dog which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall be required to have said dog under his complete control at all times.

Sec. 2. In any prosecution hereunder the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog shall be prima facie evidence that such knowledge and permission was not had.

Sec. 3. This by-law shall not apply to licensed hunting dogs owned by a licensed hunter while engaged in the sport of hunting or while training for such hunting.

Sec. 4. Any person who violated this by-law shall be liable to a penalty of twenty (\$20.00) dollars for each violation.

Sec. 5. Any Owner of a dog who fails to pay the required licensing fees as set forth in the Massachusetts General Laws, Chapter 140, on or before June 1 of any year, shall, prior to

the issuance of any license, pay a penalty fee of fifteen (\$15.00) dollars or a fee established by the Board of Selectmen, in addition to all other licensing fees due. This penalty shall not apply to any person who during the licensing period became the owner or keeper of a dog that becomes three (30 months old or older, or the owner or keeper of a dog that becomes three (3) months old during the licensing period, provided the licensing fee is paid within thirty (30) days of such event.

ARTICLE XVI

Fire Lanes

Sec. 1. It shall be unlawful for any vehicle to be left unattended within the limits of Private Ways designated as fire lanes furnishing means of access for fire apparatus to any building.

Sec. 2. Vehicles left unattended in fire lanes in violation of this by-law may be towed under the direction of the Police Department at the owner's expense.

Sec. 3. Any person who violates this by-law shall be liable to a penalty of fifty (\$50.00P) dollars for each violation.

ARTICLE XVII

Council on Aging

Sec. 1. There is hereby established a Council on Aging consisting of seven (7) persons appointed by the Board of Selectmen from the voters and residents of the Town.

Sec. 2. The Chairman of the Council on Aging shall be elected annually by said Council by vote of its membership.

Sec. 3. Appointees to the Council on Aging shall hold office until their successors are designated.

Sec. 4. The Council on Aging may appoint such clerks and other employees as it may require.

Sec. 5. It shall be the duty of the Council on Aging to carry out programs designed to meet problems of the aging in co-ordination with programs of the Department of Elder Affairs, pursuant to Chapter 40, Section 8B of the Massachusetts General Laws.

ARTICLE XVIII

Sidewalk Clearing

Property owners whose property abuts sidewalks in Southampton shall be required to clear such sidewalks of ice and snow during the winter month's hereafter. Such clearing of ice and snow to complete within twenty-four (24) hours after a storm. Each day shall be a separate violation, resulting in a fine of \$10.00 per day.

ARTICLE XIX

Littering

A fine not to exceed three hundred (\$300.00) dollars plus all costs incurred by the Town to clean up the violation, shall be imposed for littering and/or dumping of material(s) along public highways, streets, roads and other properties owned or controlled by the Town of Southampton

ARTICLE XX

Public Assembly

Sec. 1. No person shall consume any alcoholic beverages in the Town of Southampton on any public way, sidewalk, or while in the following; Town Hall grounds, Conant Park, all Town owned conservation property, Town Triangle, Edwards Library grounds, William E. Norris School Grounds, Primary School grounds; except by permit issued by the Board of Selectmen.

Sec. 2. Any person who violates this by-law shall be subject to a fine of fifty (\$50.00) dollars for each violation thereof.

ARTICLE XXI

Personnel Policies and Procedures

"Town of Southampton, Southampton Massachusetts, Personnel Policies and Procedures and Wage and Salary Administration Program" the contents of which are contained in a manual on file in the office of the Town Clerk.

ARTICLE XXII

Numbering of Buildings

Sec. 1. The Board of Selectmen shall adopt a comprehensive system for numbering of buildings on or near the line of public or private ways and may order numbers to be affixed to or painted on any buildings on any street in their discretion. The owner of every building shall comply with such order within thirty (30) days thereafter.

Sec. 2. Place the building number on the front side of the front door; if the building is not visible from the highway, it will be placed on the mailbox or a post or structure to the

right of the driveway. Numbers to be a minimum of six inches (6") or larger. Failing to do so after thirty (30) days of notification will be fined twenty (\$20.00) dollars.

ARTICLE XXIII

Fees to the Town Treasury

The Treasurer/Collector no longer is allowed to retain fees, returning all fees to the Town Treasury, effective May 1, 1987.

ARTICLE XXIV

Temporary Repairs on Private Ways

The Town of Southamptton, through its Board of Selectmen and Highway Superintendent shall have the general direction and management of making temporary repairs on private ways which have been opened to the public use for six (6) years or more, and in such cases Chapter 84, Section 25 shall not apply. Such temporary repairs must be determined to be of public necessity. Said repairs shall not include construction, reconstruction and resurfacing of such ways. The cost of such repairs shall be paid by the abutters. Such repairs shall be made only if petitioned for by the abutters who own 50% of the linear footage of such ways. No such repairs shall commence unless and until a cash deposit equal to the estimated cost of such repairs are determined by the Town of Southamptton to do the work, is paid over to the Town of Southamptton. Said temporary repairs shall only include the filling in of holes and depression with sand, gravel, cinders or other suitable material. The Town of Southamptton shall be held harmless on account of any damages whatever caused by such repairs by agreement executed by the abutters who petitioned for such work.

ARTICLE XXV

Curb Cuts

No person shall make a curb cut unless a permit is issued by the Superintendent of Highways in the case of Town ways or by the Department of public works of the Commonwealth of Massachusetts in the case of state highway layouts.

The Southamptton Board of Selectmen in the case of the town ways shall establish rules and regulations for the construction of curb cuts. Provisions shall be made for traffic and pedestrian safety in granting said permits.

ARTICLE XXVI

Solid Waste/Landfill

The Town requires a majority Town meeting vote to ratify a Board of Health vote to accept solid waste at the Town's landfill from sources outside the town limits for any period of time exceeding three (3) months.

ARTICLE XXVII

Commercial I.D. Stickers/Landfill

The Town requires commercial users to bear a valid identification sticker and to disclose to the authorized Board of Health personnel the source of all solid waste contained within each load, and further to establish a penalty of future prohibition from the Town's landfill for commercial user who are found in violation of disposing solid waste from sources outside the Town limits and not duly authorized for disposal at the Town's landfill.

ARTICLE XXVIII

Recycling

In order to implement a program of recycling in conjunction with ordinary waste collection, residents and businesses of every household or establishment in the town of Southampton shall separate waste material into the following categories before disposal at the Sanitary Landfill:

1. Glass, cans and aluminum.
2. Paper and cardboard.
3. Other waste classified by the Board of Health
4. Unrecyclable materials.

Material that is not separated will be refused at the Sanitary Landfill.

ARTICLE XXIX

Conservation Commission Fees

Sec. 1. Permit fee are payable at the time of application and are non-refundable.

Sec. 2. Permit fees shall be calculated b the Commission per the schedule below.

Sec. 3. Town, County, State and Federal projects are exempt from fees.

Sec. 4. There shall be no fees for activities involving improvements for the agricultural use of land or for conversion to agricultural use.

Sec. 5 No fee is charged for Requests for Determination under the law or extensions of Orders of Conditions.

Fees:

1. Notices of intent Hearing for single family residential property not involving the subdivision of land or the construction of more than one residential unit thereon--\$25.00.
2. Notice of Intent Hearing for multiple dwelling units or subdivisions--\$25.00.
3. Notice of Intent Hearing for Commercial and Industrial projects--\$25.00
4. Notice of Intent Hearing for work not involving a structure but coming within the jurisdiction of M.G.L. 131 Sec. 40--\$25.00.

ARTICLE XXX

Public Buildings

Sec. 1. All public buildings are non-smoking.

ARTICLE XXXI

Capital Improvement Committee

Sec. 1. The Board of Selectmen shall establish and appoint a committee to be known as the "Capital Improvement Committee", composed of not more than five (5) voting citizens of the Town of Southampton. Each member to serve a three year term upon adoption of this by-law, there shall be appointed by the board of Selectmen, two (2) members to serve for a term of one (1) year, two (2) members to serve for a term of two (2) years, and one (1) member to serve for a term of three (3) years. The Committee shall elect its own officers.

Sec. 2. The Committee shall study proposed capital projects and improvements involving major tangible assets or projects which are purchases or undertaken at intervals of not less than one year, have a useful life of at least one year or cost five thousand (\$5,000.00) dollars or more. Such a 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.

All Department Heads, Boards and Committees, shall by October 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 five (5) 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 is considered in the Committee's report or the Committee shall first have submitted a report to the Board of Selectmen explaining the omission.

Sec. 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. (Continued on next page) The Board shall submit its' capital budget to the Annual Town

meeting for adoption by the Town after joint review with Finance Committee of funding available for capital budgets.

Sec. 4. The Committee's recommended capital budget shall be published in advance and made available to Town meeting members.

Revised: 12/05/2006

ARTICLE XXXII
Non-Criminal Disposition

To provide for Non-Criminal Disposition of violations of Town By-laws and Regulations, including Tobacco Regulations of the Board of Health:

Sec. 1 Whoever violates any provision of these by-laws, the violation of which is subject to a specific penalty, may be penalized by a Non-Criminal Disposition as provided in MGL c.40, § 21D. The Non-Criminal method of Disposition may also be used for violation of any rule or regulation of any municipal officer, Board or Department which is subject to a specific penalty.

Sec. 2 Without intending to limit the Generality of the foregoing. It is the intention of this article that the following By-laws and regulations are to be included within the scope of this article, that the specific penalties as listed here shall apply in such cases and that, in addition to police officers who shall in all cases be considered enforcing persons for the purpose of this article, the municipal personnel listed for each section. If any, shall also be enforcing persons for such section, each day on which any violation exists shall be deemed to be a separate offense.

BY-LAWS:	PENALTY
Regulations:	
Board of Health Tobacco Control	As stated in the Regulations

XXXIII

Community Preservation By-law.

There is hereby established a Community Preservation Committee. Consisting of nine (9) voting members pursuant to the provisions of G.L. C. 44B. The composition of the Committee. The Appointing authority and the term of office for the committee members shall be as Follows:

- (1) One member of the Conservation Commission as designated by the Commission;
- (2) One member of the Historical Commission as designated by the commission;
- (3) One member of the Planning Board as designated by the Board;
- (4) The Highway Superintendent, whose responsibilities include the duties of the board of Park Commissioner established under G.L. c. 45, §2, or his designee;
- (5) One member of the Housing Authority as designated by the Authority;
- (6) One member of the Finance Committee as designated by the Committee; and

- (7) One member of the Board of Selectman, as designated by the Board of Selectman.
- (8) Two members at Large, to be appointed initially by the Board of Selectmen and, starting with the 2002 Annual Town Election, to be thereafter elected for a term of three years.

Each member of the committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier.

Should any of the officers and commissions, boards, or committees who have appointing authority under this by-law be no longer in existence for whatever reason, the Board of Selectman shall appoint a suitable person to serve in their place?

Any member of the committee may be removed for cause by their respective appointing authority after hearing.

Section 2: Duties

- (1) The Community Preservation committee shall study the needs, possibilities and resources of the town regarding Community Preservation. The committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board the Department of Public Works, and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies, as part of its study, the committee shall hold one annual public informational hearing, or more at its discretion, on the needs, possibilities and resources of the town regarding Community Preservation possibilities and resources, notice of which shall be posted public and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.
- (2) The Community Preservation committee shall make recommendations to the Town meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section,. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new building on previously developed sites.
- (3) The Community Preservation committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with Community Preservation but for which sufficient revenues are not then available in the community preservation fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with Community Preservation.

- (4) In every fiscal year, the Community Preservation committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation fund for (a) open space (not including land for recreational use), (b) historic resources; and (c) community housing.

Section 3: Requirement for a quorum and cost estimates

The Community Preservation committee shall comply with the provisions of the Open Meeting Law, G.L. c.39,§23B. The committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation. The Community Preservation committee shall approve its actions by majority vote.

Recommendations to the Town Meeting shall include the committee's anticipated costs.

Section 4: Amendments

This by-law may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of G.L., C.44B.

Section 5: 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 or part shall continue in full force and effect.

Section 6: Effective Date

Provided that the Community Preservation act is accepted at the 2001 Annual Town Election, this by-law shall take effect upon approval by the Attorney of the commonwealth, and after all requirements of G.L. C40,§32 have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.

XXXIV

Agricultural Commission

Agricultural Commission to represent the Southampton commercial farming and agricultural community, as well as other farming and forestry activities.

Purpose:

The purpose of the Agricultural Commission will be to support commercial agriculture and other farming activities in the Town of Southampton. The Commission's duties shall include, but are not limited to, the following, serve as facilitators for encouraging the pursuits of agriculture in Southampton; promote agricultural based economic opportunities in Town; act as mediators, advocates, educators, and/ or negotiators on farming issues; work for the preservation of prime agricultural lands; advise the Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Historical Commission, Board of Assessors and the Open Space Committee, or any other appropriate Town boards, on issues involving agriculture;

and shall pursue all initiatives appropriate to creating a sustainable agricultural community.

The Commission shall consist of five member appointed by the Board of Selectmen, of which the majority of the membership shall be primarily engaged in the pursuit of agriculture. All member of the commission must either be residents of the Town, or owners and farmers of agriculture property within the Town, with first consideration going to individuals engaging in farming.

There may be up to three alternates appointed to the Commission by the Board of Selectmen and will fill any vacancies at a meeting of the Commission.

In making its appointments, the board of Selectmen is asked specifically to consider the intent of the Commission to represent the agricultural interests of the Town.

The terms will be as follows: Two members for a term of three years; two members for a term of two years and three thereafter; and one member for a term of one year and three years thereafter.

The Board of Selectmen shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based upon the recommendations of the Commission.

ARTICLE XXXV

Illicit Connections and Discharges to Municipal Storm Drain System By-law

Sec. 1 Purpose

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Southampton's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff are major causes of:

- (1) impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
- (2) contamination of drinking water supplies;
- (3) alteration or destruction of aquatic and wildlife habitat; and
- (4) flooding.

The objectives of this by-law are:

- (1) To prevent pollutants from entering the Town of Southampton's municipal separate storm sewer system (MS4);
- (2) To prohibit illicit connections and unauthorized discharges to the MS4;
- (3) To require the removal of all such illicit connections;
- (4) To comply with state and federal statutes and regulations

relating to stormwater discharges; and,
(5) To establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

Sec. 2 Definitions

For the purposes of this by-law, the following shall mean:

Authorized Enforcement Agency: The Highway Department, its employees or agents designated to enforce this by-law.

Best Management Practice (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended

Discharge of Pollutants: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

Groundwater: All water beneath the surface of the ground.

Illegal Discharge: Any direct or indirect non-stormwater discharge to the municipal storm drain system, except as specifically exempted in Section 7 or permitted pursuant to Section 8 of this by-law. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or resulting from fire fighting activities exempted pursuant to Section 7, subsection 4, of this by-law.

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

Impervious Surface: Any material or structure on or above the ground that prevents water [from infiltrating the underlying soil

Municipal separate storm sewer system (MS4) or municipal storm drain system: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or

detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Southampton.

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

Non-Stormwater Discharge: Any discharge to the municipal storm drain system not composed entirely of stormwater.

Person: Any individual, partnership, association, firm, company, trust, corporation, and, any agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Pollutant: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock; sand; salt, soils;
- (10) construction wastes and residues;
- (11) and noxious or offensive matter of any kind.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Recharge: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Stormwater: Runoff from precipitation or snow melt.

Toxic or Hazardous Material or Waste: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under M.G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Watercourses: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

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

Wastewater: any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Sec. 3 Applicability

This by-law shall apply to flows entering the municipally owned storm drainage system.

Sec. 4 Responsibility for Administration

The Highway Department shall administer, implement and enforce this by-law. Any powers granted to or duties imposed upon the Highway Department may be delegated in writing by the Highway Department to employees or agents of the Highway Department.

Sec. 5 Regulations

The Highway Department may promulgate rules and regulations to effectuate the purposes of this by-Law. Failure by the Highway Department to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

Sec. 6 Prohibited Activities

1. Illegal Discharges

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drain

system, watercourse, or into the waters of the Commonwealth. Emergency pumping performed by the Fire Department must utilize appropriate best management practices (BMPs) and follow hazardous materials disposal guidelines to prevent contamination of the municipal storm drainage system with hazardous materials. If hazardous materials are observed within the flooded area, or are suspected to be contained within the flooded area, a qualified hazmat technician must be consulted before pumping. If hazardous materials are observed at any point during pumping, cessation of pumping is required until a qualified hazmat technician can be consulted and BMPs put in place to prevent the contamination of nearby water ways and the municipal storm drainage system.

2. Illicit Connections

No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

3. Obstruction of Municipal Storm Drain System

No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior approval from the Highway Department.

4. Exemptions

This section shall not apply to any of the following non-stormwater discharges or flows provided that the source is not a significant contributor of a pollutant to the municipal storm drain system.

- (1) Waterline flushing;
- (2) Flows from potable water sources;
- (3) Springs;
- (4) Flows from riparian habitats and wetlands;
- (5) Diverted stream flows;
- (6) Rising groundwaters;
- (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
- (9) Discharges from landscape irrigation or lawn watering;
- (10) Water from individual residential car washing;
- (11) Discharges from dechlorinated swimming pool water (less than one ppm chlorine) provided it is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (12) Discharges from street sweeping;

- (13) Discharges or flows resulting from fire fighting activities;
- (14) Dye testing, provided written notification is given to the Highway Department prior to the time of the test;
- (15) Non-stormwater discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (16) Discharges for which advanced written approval is received from the Highway Department if necessary to protect public health, safety, welfare or the environment.

Sec. 7 Emergency Suspension of Storm Drainage System Access

The Highway Department may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illegal discharge that presents or may present imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Highway Department may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Sec. 8 Notification of Spills

Notwithstanding any other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials at that facility operation which is resulting or may result in illegal discharge of pollutants that person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and the Highway Department. In the event of a release of non-hazardous material, said person shall notify the Highway Department no later than the next business day. Written confirmation of all telephone, facsimile or in person notifications shall be provided to the Highway Department within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 9 Enforcement

- (1) 1. Enforcement Agent
- (2) The Highway Department or an authorized agent of the Highway Department shall enforce this by-law, and the regulations promulgated

thereunder, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.

(3) 2. Orders

The Highway Department may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the storm drainage system; (b) termination of access to the storm drainage system; (c) performance of monitoring, analyses, and reporting; (d) cessation of unlawful discharges, practices, or operations; and (e) remediation of contamination in connection therewith. If the Highway Department determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Southampton may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Southampton, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Highway Department within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Highway Department affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.

3. Equitable Remedy

If anyone violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Highway Department may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or compelling the person to abate or remediate the violation.

4. Non-Criminal Disposition

1. As an alternative to criminal prosecution or civil action, the Town of Southampton may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D. The Highway Department

shall be the enforcing person. The penalty for the 1st violation shall be \$50. The penalty for the 2nd violation shall be \$100. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

5. Right-of-Entry

2. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Highway Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Highway Department deems reasonably necessary

6. Remedies Not Exclusive

3. The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

Sec. 10 Severability

If any provision, paragraph, sentence, or clause, of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Sec. 11 Transitional Provisions

Residential property owners shall have 120 days from the effective date of the by-law to comply with its provisions provided good cause is shown for the failure to comply with the by-law during that period.