GENERAL BY-LAWS

OF THE

TOWN OF WILBRAHAM

Revised May 15, 2017

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GENERAL BY-LAWS OF THE TOWN OF WILBRAHAM
REVISED - MAY 15, 2017

ARTICLE I - GENERAL PROVISIONS

SECTION 100 INTRODUCTION

The By-Laws contained in this Article and in the Articles below shall be known as the "General By-Laws of the Town of Wilbraham."

SECTION 101 RULES OF CONSTRUCTION

The following rules of construction shall apply, unless observance of such rules would result in a construction inconsistent with the manifest intent of the voters, or be incompatible with the context of the By-Law.

a.) The repeal of a By-Law shall not revive any law in force when the By-Law repealed took effect.

b.) The repeal of a By-Law shall not affect any punishment, penalty incurred before the repeal takes effect, or any suit, prosecution of proceeding pending at the time of the repeal for any offense committed prior to said repeal.

c.) Whenever the violation of a By-Law results in a penalty, such penalty shall be for each such violation.

d.) Words and phrases specifying or naming any board, officer, department, committee, commission, authority or trustee of the Town shall be construed as including the lawful successor, or the persons having the powers and performing the duties of such board, officer, department, committee, commission, authority or trustee.

SECTION 102 DEFINITIONS

a.) Words in the singular form shall be construed to include the plural and vice versa, unless the context requires otherwise. Pronouns in masculine, feminine and neuter genders shall be construed to include any other gender.

b.) The word "person" shall include corporations, societies, associations, partnerships, and individual business proprietorships.

c.) In the context of real property, the word "owner" shall include all persons, whatever their estate therein, who have a rightful estate in possession in and to such real estate.

d.) The word "street" shall include highways, Town ways, public ways and all public streets, roads, bridges, alleys, courts, sidewalks and those portions of public squares, parking lots and places that form traveled parts of public ways.

e.) The words "public place" shall include all commons, parks, playgrounds and public lands belonging to or in the charge of the Town, or any of its departments, and those portions of public squares, parking lots and places that do not form traveled parts of public ways.

f.) The words "public building" shall include all buildings belonging to or under the control of the Town or any of its departments.

g.) The word "driver" shall mean the person having the charge or control of a vehicle upon a street, way, sidewalk or path.

h.) The word "voter" shall mean a duly registered voter of this Town.

i.) The words "Town officer" shall include any Town officers, elected or appointed, serving as a member of any committee, board, authority, or trusteeship. No individual member of a committee shall have the power to bind the Town or any committee to any official action unless duly authorized.

j.) Words prohibiting any acts without a license, permit or authority from a board or officer of the Town shall be construed as giving such board or officers power to license, permit or authorize such an act.

k.) Words prohibiting any act shall not be construed as prohibiting any board or officer of the Town from such actions as he or it may rightfully do in the execution of his or its powers.

l.) The word "sidewalk" shall be construed as meaning any sidewalk, footpath, bicycle path or other path commonly used by pedestrians, situated outside that portion of a street commonly used by vehicles for travel whether or not the sidewalk has been wrought and constructed by or under the authority of the Town.

m.) The words "motor vehicle" shall include any means of conveyance as defined in the Mass. Gen. Laws which is permitted and requires a valid registration legally issued by a governmental authority in order to be operated on a public way including, but not limited to, automobiles, trucks, truck-tractors, trailers, semi-trailers, buses, motor homes, motorized campers and motorcycles. (ATM, 5/14/07, Art. 35)

SECTION 103 FINES FOR VIOLATIONS (Amended, ATM, 5/15/17, Art. 55)

Whoever violates any of the provisions of these By-Laws shall be punished by a fine of twenty dollars ($20), unless otherwise provided by the Mass. Gen. Laws or these By-Laws.

SECTION 103 A NON-CRIMINAL DISPOSITION OF VIOLATIONS OF ANY BY-LAW (Amended, STM, 8/28/91, Art. 3)

Pursuant to the provisions of Mass. Gen. Laws, Chapter 40, Section 21D, the Town hereby adopts the following procedure for the non-criminal disposition of violations of any By-Law adopted by the Town or any rules or regulation of any board, commission or department

which contains therein a specific financial penalty. A copy of any such schedule of financial penalties to which this By-Law applies shall be retained on file with the Town Clerk.

The Board of Selectmen shall file with the Town Clerk a list of the Town's enforcing persons who shall be entitled to issue tickets under this By-Law. Any person taking cognizance of a violation of a specific ordinance, By-Law, rule or regulation which he 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 Palmer District Court at any time during office hours, not later than twenty-one days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific offense charged, and the time and place for his required appearance. Such notice shall be signed by the enforcing person, and shall be signed by the offender whenever practicable in acknowledgment that such notice has been received.

The enforcing person shall, if possible, deliver to the offender a copy of said notice at the time and place of the violation. If it is not possible to deliver a copy of said notice to the offender at the time and place of the violation, said copy shall be mailed or delivered by the enforcing person, or by his commanding officer or the head of his department or by any person authorized by such commanding officer, department or head to the offender's last known address, within fifteen days after said violation. Such notice as so mailed shall be deemed a sufficient notice, and a certificate of the person so mailing such notice that it has been mailed in accordance with this section shall be prima facie evidence thereof.

At or before the completion of each tour of duty, or at the beginning of the first subsequent tour of duty, the enforcing person shall give to his commanding officer or department head those copies of each notice of such violation he has taken cognizance of during such tour which have not already been delivered or mailed by him as aforesaid. Said commanding officer or department head shall retain and safely preserve one copy and shall, at a time not later than the next court day after such delivery or mailing, deliver the other copy to the clerk of the court before which the offender has been notified to appear. The clerk of court shall maintain separate docket of such notices to appear.

Any person notified to appear before the clerk of a district court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the Town Clerk together with the notice such sum of money not exceeding three hundred dollars as the Town shall fix as penalty for violation of the ordinance, By-Law, rule or regulation. Such payment shall if mailed be made only by postal note, money order or check. Upon receipt of such notice, Town Clerk shall forthwith notify the district court clerk of such payment and the receipt by the district court clerk of such notification shall operate as a final disposition of the case. An appearance under this paragraph shall not be deemed to be a criminal proceeding. No person so notified to appear before the clerk of district court shall be required to report to any probation officer, and no record of the case shall be entered in any probation records.

If any person so notified to appear desires to contest the violation alleged in the notice to appear and also to avail himself of the procedure established pursuant to this section, he may, within twenty-one days after the date of the notice, request a hearing in writing. Such hearing

shall be held before a district court judge, clerk, or assistant clerk, as the court shall direct, and if the judge, clerk, or assistant clerk shall, after hearing, find that the violation occurred and that it was committed by the person so notified to appear, the person so notified shall be permitted to dispose of the case by paying the specific sum of money fixed as a penalty as aforesaid, or such lesser amount as the judge, clerk or assistant clerk shall order, which payment shall operate as a final disposition of the case. If the judge, clerk, or assistant clerk shall, after hearing, find that violation alleged did not occur or was not committed by the person notified to appear, that finding shall be entered in the docket, which shall operate as a final disposition of the case. Proceedings held pursuant to this paragraph shall not be deemed to be criminal proceedings. No person disposing of a case by payments of such a penalty shall be required to report to any probation office as a result of such violation, nor shall any record of the case be entered in the probation records.

If any person so notified to appear before the clerk of a district court fails to pay the fine provided hereunder within the time specified or, having appeared, does not confess the offense before the clerk or pay the sum of money fixed as a penalty after a hearing and finding as provided in the preceding paragraph, the clerk shall notify the enforcing person who issued the original notice, who shall determine whether to apply for the issuance of a complaint for the violation of the appropriate ordinance, By-Law, rule or regulation.

The enforcing person may upon the commission of a first offense, inform the offender in writing that a violation has occurred and that if the violation recurs or is not rectified within a specific period of time, such financial penalty shall be imposed.

Each such day that a violation continues shall constitute a separate offense. The violation of any By-Law or regulation enforced under the provisions of this By-Law shall not exceed the sum of $300 per diem as specified in Mass. Gen. Laws, Chapter 40, Section 21D or as specified in amendments of the said Statute from time to time. If no specific fine has been designated by the By-Law section or rule or regulation to which the violation relates, the fine shall be the higher of $20 per diem or the minimum fine specified by the most recent amendment of Mass. Gen. Laws, Chapter 40, Section 21D. (Amended, ATM, 4/30/88, Art. 22) (Amended, STM, 8/28/91, Art. 3)

SECTION 104 FINES TO BE PAID TO TOWN

All fines and penalties for the violation of any By-Law shall be paid into the Town treasury.

SECTION 105 FEES

A copy of all fees subject to Town Meeting approval shall be kept on file with the Town Clerk. The schedule of fees shall be posted in a conspicuous place in the office of the Town Clerk. Mass. Gen. Laws, Chapter 40, Section 34.

SECTION 106 FEES TO REVERT TO TOWN

Whenever any Town official or committee is entitled to collect any fees, said fees shall

revert to the Town treasury unless otherwise provided by statute or this By-Law.

SECTION 107 APPOINTMENTS TO FILL VACANCIES

Any appointment to fill any vacancy in any appointed position shall be made for the balance of said term unless otherwise provided by state law or this By-Law. Any appointment to fill any vacancy in any elected position shall be made for the period expiring with the next Town election at which time said position shall be filled by election for the balance of said term unless otherwise provided by state law or this By-Law.

SECTION 108 ADOPTION OF CHANGES BY MAJORITY VOTE

New By-Laws may be adopted and amendments to existing By-Laws may be adopted by majority vote of the Town meeting unless any provision of these By-Laws or of any state statute requires a different plurality.

SECTION 109 AMBULANCE FEES & OPERATIONS (ATM, 4/25/92, Art. 12)

In accordance with Mass. Gen. Laws, Chapter 40, Section 5 (21A), the Town authorizes the establishment of fees for utilization of a Town-operated emergency ambulance service. The ambulance service shall be operated by the Fire Department. Said fees shall be in accordance with those fees set by insurance standards and Medicare. An abatement procedure shall be established for residents who are uninsurable or unable to pay said fee.

SECTION 110 GRANT OR RENEWAL OF LICENSES AS AFFECTED BY NON PAYMENT OF LOCAL TAXES, FEES, ETC. (ATM, 06/12/93, Art. 19) (ATM, 05/16/05, Art. 32)

In accordance with Mass. Gen. Laws, Chapter 40, Section 57, the Board of Selectmen, hereinafter referred to as the Board, may revoke or suspend any local license or permit including renewals and transfers issued by the Board for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, provided that:

a.) The Tax Collector shall annually furnish to the Board a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that 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 Board 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 Board from the Tax Collector; or any license or permit including renewals and transfers with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or other matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges; provided however that written notice is given to the party and the Tax Collector as required by applicable provisions of the law, and the party is given a hearing, to

be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the Board with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the Board 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 an opportunity to enter into a payment agreement, thereby allowing the Board 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 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 Mass. Gen. Laws, Chapter 268A, Section 1 in the business or activity conducted in or on said property.

SECTION 111 ESTABLISHMENT OF DUE DATES FOR PAYMENT OF SEWER CHARGES AND RATE OF INTEREST FOR UNPAID CHARGES

(Amended, ATM, 05/01/95, Art. 31)

Property owners who do not pay sewer charges within 30 days from the date the bill is mailed shall be assessed a late penalty fee of twenty-five dollars ($25) and an interest charge of fourteen percent (14%) per annum computed from the date the bill is mailed.

SECTION 112 DEPARMENTAL REVOLVING FUNDS (ATM, 05/15/17, Art. 49)

a. Purpose. This by-law establishes and authorizes revolving funds for use by certain Town departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by M.G.L. c. 44 § 53E½.

b. 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:
    1. 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.)
    2. No liability shall be incurred in excess of the available balance of the fund.

3. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting and the Board of Selectmen 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 Board of Selectmen and Finance Committee.

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

d. Procedures and Reports. Except as provided in M.G.L. c. 44 § 53E½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of the 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.

e. Authorized Revolving Funds, (the Table establishes:)
   1. Each revolving fund authorized for use by a town department, board, committee, agency or officer;
   2. The department or agency head, board, committee or officer authorized to spend from each fund;
   3. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;
   4. The expenses of the program or activity for which each fund may be used;
   5. Any restrictions or conditions on expenditures from each fund;
   6. Any reporting or other requirements that apply to each fund; and
   7. The fiscal years each fund shall operate under this by-law.

(Listing of Revolving Funds authorized is on the following page.)

The Town of Wilbraham shall authorize the following Revolving Funds:

Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from 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 or Reports	Fiscal Years
Council on Aging	Director of Elder Affairs	Revenue collected from donations from individuals, organizations and events; memorial donations; and fees for classes, trips and programs	Payment of costs connected with programs and events; repair and maintenance of equipment and furnishings; purchase of memorials and volunteer recognitions; and fees for instructors and classes.	Expenditures authorized by the Director of Elder Affairs, not exceeding a total of $20,000 in any fiscal year.	Transfer end of year balance to subsequent fiscal year. The balance in the revolving account shall not exceed $20,000	Fiscal year 2018 and subsequent years.
Compost Bins	Director of Public Works	Revenue collected from the sale of compost bins.	To purchase additional compost bins.	Expenditures authorized by the Director of Public Works, not exceeding a total of $5,000 in any fiscal year.	Transfer end of year balance to subsequent fiscal year. The balance in the revolving account shall not exceed $5,000	Fiscal year 2018 and subsequent years.
Cemeteries	Cemetery Commissioners	Revenue collected from the sale of boundary markers; foundations, winter access charges and for opening and closing graves	To purchase boundary markers, foundations, and opening and closing of graves.	Expenditures authorized by Cemetery Commissioners, not exceeding a total of $20,000 in any fiscal year.	Transfer end of year balance to subsequent fiscal year. The balance in the revolving account shall not exceed $20,000	Fiscal year 2018 and subsequent years.
Community Garden	Conservation Commission	Revenue collected from the Community Garden lot rentals fees and donations.	To purchase goods, tools and services, including water resources, for the use of the gardeners enrolled in the program.	Expenditures authorized by Conservation Commission, not exceeding a total of $6,000 in any fiscal year.	Transfer end of year balance to subsequent fiscal year. The balance in the revolving account shall not exceed $6,000	Fiscal year 2018 and subsequent years.

ARTICLE II - TOWN MEETING

SECTION 200 CALLING AND NOTICE

a.) All Town meetings shall be called in pursuance of a warrant under the hands of the selectmen, or by petition as provided by Mass. Gen. Laws.

b.) The warrants for all Town meetings shall be directed to a constable or some police officer of the Town at least seven days before the Annual Town Meeting and at least fourteen days before any Special Town Meeting. Copies of the warrants shall be mailed to each household approximately 10 days prior to each Annual and Special Town Meeting. Distribution may be accomplished, at the discretion of the Board of Selectmen, by publication of the warrant in a newspaper with local circulation within the Town or, if there is none, a newspaper with general circulation in Hampden County and which is delivered to all Wilbraham households by United States Postal Service. (ATM, 5/4/98, Art. 31) (ATM, 5/14/07, Art. 38) (ATM, 5/14/12, Art. 13)

c.) The warrant for Town meetings shall state the time and place of holding the meeting and the subjects to be acted upon thereat. A copy of the warrant shall be posted at the Town Office Building and the Town Library. (Amended, ATM, 5/17/10, Art. 32)

SECTION 201 SCHEDULING ANNUAL TOWN MEETING

a.) The Annual Town Meeting shall be held in either April, May or June of each year, the date to be determined by the Board of Selectmen. (Amended, ATM, 06/12/93, Art. 5) (Amended, ATM, 5/17/10, Art. 32)

b.) The meeting for the consideration of the articles of the warrant other than the election of officers shall commence no earlier than 9:00 a.m.

SECTION 202 CONDUCT OF TOWN MEETING

a.) The Town meetings shall be called to order and presided over by the Town Moderator. However, in the absence of the Moderator, the Town Clerk shall preside until the election of a temporary moderator by that meeting.

b.) Articles in the warrant shall be acted upon in the order in which they stand, except that the Moderator may, upon request and for reasons stated, entertain the motion to take up an article out of its regular order.

c.) At any Annual or Special Town Meeting the Moderator shall not receive a motion to cut off debate on any motion before the meeting until at least five voters have spoken for, and five voters have spoken against the pending motion, provided, however, at least such a number have asked to be and have been recognized for such purpose.

d.) No motion, the effect of which would be to dissolve a Town Meeting, shall be in order until every Article in the warrant has been duly considered and acted upon, but this shall

not prevent the postponement of action on, or the consideration of, any Article to an adjournment of the meeting to a stated time.

e.) On matters requiring a two-thirds vote by statute a count need not be taken unless the vote so declared is immediately questioned by seven or more voters as provided in Mass. Gen. Laws, Chapter 39, Section 15. (ATM, 04/28/97, Art. 5)

f.) In all matters not specifically provided for by law or by the By-laws of the Town, the Moderator shall be guided by the principles and rules of practice contained in the most recent edition of the work entitled "Town Meeting Time, A Handbook of Parliamentary Law" published by the Massachusetts Moderators Association. (ATM, 5/3/99, Art. 24) (ATM, 5/12/14, Art. 54)

SECTION 203 QUORUM FOR TOWN MEETING

The quorum for Town Meetings shall be fifty voters.

SECTION 204 THE ELECTION OF OFFICERS

a.) The Town election of officers shall be held the third Saturday in May. (Amended, ATM, 5/17/10, Art. 32)

b.) A warrant for the election of officers, designating the hours during which polls shall remain open, the place in each precinct where balloting shall take place, and the specific officers and terms, shall be posted. The polls for the election of officials shall be opened at 8:30 a.m. and close at an hour to be determined by the Board of Selectmen and specified in the warrant, but the polls shall be kept open at least ten hours. (ATM, 5/12/14, Art. 52)

ARTICLE III - ELECTED TOWN OFFICIALS

SECTION 300 BOARD OF SELECTMEN

a.) The Town shall elect a Board of Selectmen consisting of three members, one of whom shall be elected each year for a term of three (3) years.

b.) The Board of Selectmen shall direct and manage the property and affairs of the Town in all matters not otherwise provided by law, or by these By-Laws.

c.) Selectmen shall serve with financial compensation at a rate set by the Annual Town Meeting.

d.) The Board of Selectmen shall also serve as the Board of Health.

SECTION 301 TOWN CLERK

a.) The Town shall elect a Town Clerk who shall serve for a three (3) year term.

b.) The Town Clerk shall receive financial compensation at a rate set by the Annual Town Meeting.

SECTION 302 BOARD OF ASSESSORS

a.) The Town shall elect a Board of Assessors consisting of three members, one of whom shall be elected each year for a term of three (3) years.

b.) The Board of Assessors shall receive financial compensation at a rate set by the Annual Town Meeting.

SECTION 303 HAMPDEN-WILBRAHAM REGIONAL SCHOOL COMMITTEE

The organization and duties of the Hampden Wilbraham Regional School Committee shall be governed by the terms of an agreement between the Towns of Wilbraham and Hampden.

SECTION 304 TOWN CEMETERY COMMISSIONERS

The Town shall elect three cemetery commissioners, to care for and oversee the East Wilbraham Cemetery, the Glendale Cemetery, and the Adams Cemetery, one of whom shall be elected each year for a term of three (3) years.

SECTION 305 BOARD OF WATER COMMISSIONERS

a.) The Town shall elect a Board of Water Commissioners consisting of three members, one of whom shall be elected each year for a term of three (3) years.

b.) The Board of Water Commissioners shall have such authority over the general

direction and management of the property and affairs of the water system in the Town, as is provided by the Mass. Gen. Laws, Acts of 1926, Chapter 295, as modified by Acts of 1987, Chapter. 216, which established the Board of Public Works.

c.) The Board of Water Commissioners shall receive financial compensation at a rate set by the Annual Town Meeting.

SECTION 306 TOWN MODERATOR

a.) The Town shall elect a Moderator who shall serve for a term of three (3) years.

b.) Town meetings shall be called to order and presided over by the Town Moderator or Temporary Moderator.

c.) The Moderator shall receive financial compensation for each meeting as set by the Annual Town Meeting.

SECTION 307 BOARD OF LIBRARY TRUSTEES (Amended, STM, 12/15/88, Art. 4)

a.) The Town shall elect a Board of Library Trustees, consisting of six (6) members, all of whom shall be elected for staggered terms of three (3) years.

b.) The Board of Library Trustees shall direct and manage the property and affairs of the Town Library systems in all matters not otherwise provided by law or by these By-Laws.

c.) The Board of Library Trustees shall choose a director of the library for a term not to exceed three (3) years.

SECTION 308 WILBRAHAM PLANNING BOARD

a.) The Town shall elect a Planning Board consisting of five members, one of whom shall be elected each year for a term of five (5) years. The Planning Board may nominate one associate member who shall be appointed by the Board of Selectmen and the Planning Board for a three-year term and shall serve as an alternate voting member on special permit applications as necessary in accordance with the provisions of Section 15.4 of the Zoning By-Law. (Amended, STM, 8/28/91, Art. 4) (ATM, 5/17/10, Art. 40)

b.) The Planning Board shall administer the Zoning By-Laws and subdivision rules and regulations of the Town.

c.) All plans for laying out, extending, discontinuing or changing the limits of any way, street, playground, public park or square, and every purchase of land for the site of any public building and all plans for the location, erection or alteration of public buildings shall be submitted to said Planning Board for its opinion at least two weeks in advance of action by the Board of Selectmen or by the Town Meeting.

SECTION 309 WILBRAHAM HOUSING AUTHORITY

The Town shall have a Housing Authority, consisting of five members. Four members shall be elected by the Town for staggered terms of five (5) years. One member shall be appointed by the Governor for a term of five (5) years.

ARTICLE IV - INDIVIDUALS APPOINTED BY THE BOARD OF SELECTMEN

SECTION 400 TOWN ADMINISTRATOR (Amended, ATM, 04/28/90, Art. 15)

The Board of Selectmen may appoint a Town Administrator for a term not to exceed three (3) years, and may remove him for just cause. A Town Administrator appointed under the provisions of this section shall be sworn to the faithful performance of his duties. During the time that he holds office he shall hold no elective Town office, but he may be appointed by the selectmen or, with their approval, by any officer, board, committee or commission to any other Town office or position consistent with his office. He shall receive such aggregate compensation, not exceeding the amount appropriated therefore, as the selectmen may determine. He shall act by and for the selectmen in any matter which they may assign to him relating to the administration of the affairs of the Town or of any Town office or department under their supervision and control, or, with the approval of the selectmen, may perform such other duties as may be requested of him by any other Town officer, board, committee or commission.

SECTION 401 TOWN ACCOUNTANT

The Board of Selectmen shall appoint a Town Accountant for a term not to exceed three (3) years.

SECTION 402 POLICE CHIEF

The Board of Selectmen shall appoint a Police Chief for a term subject to the provisions of Mass. Gen. Laws, Chapter 41, Section 97(a) and Special Act of the legislature, Chapter 511 of the Acts of 1972.

SECTION 403 FIRE CHIEF

a.) The Board of Selectmen shall appoint a Fire Chief for a term not to exceed three (3) years.

b.) The Fire Chief shall also serve as the Emergency Manager.

SECTION 404 FOREST WARDEN

The Board of Selectmen shall appoint a Forest Warden for a term not to exceed one (1) year.

SECTION 405 TOWN COUNSEL

a.) The Board of Selectmen may appoint Town Counsel for a term not to exceed one (1) year.

b.) The Board of Selectmen is hereby authorized to employ legal counsel to represent the Town in any matter in which the Town may be involved and to pay compensation for such

services from appropriations made for legal services under the Selectmen's department, unless otherwise specifically provided for.

SECTION 406 ANIMAL INSPECTOR

The Board of Selectmen shall appoint an Animal Inspector for a term not to exceed (1) year.

SECTION 407 DOG OFFICER

a.) The Board of Selectmen shall appoint a Dog Officer for a term not to exceed one (1) year.

b.) The Dog Officer may be designated as the Town Pound Keeper.

SECTION 408 BUILDING INSPECTOR

a.) The Board of Selectmen shall appoint a Building Inspector for a term not to exceed three (3) years.

b.) The Building Inspector shall also serve as the Zoning Enforcement Person.

SECTION 409 CONSTABLES (ATM, 5/16/16, Art. 48)

The Board of Selectmen shall appoint two Constables for terms not to exceed three (3) years. The Constables shall serve as warrant posters acting in accordance with Mass. Gen. Laws.

SECTION 410 ELECTRICAL INSPECTOR

The Board of Selectmen shall appoint an Electrical Inspector for a term not to exceed three (3) years.

SECTION 411 PLUMBING INSPECTOR

The Board of Selectmen shall appoint a Plumbing Inspector for a term not to exceed three (3) years.

SECTION 413 PEST CONTROL OFFICER

The Board of Selectmen shall appoint a Pest Control Officer for a term not to exceed one (1) year.

SECTION 414 VETERANS GRAVES OFFICER

The Board of Selectmen shall appoint a Veterans Graves Officer for a term not to exceed one (1) year.

SECTION 415 DIRECTOR OF VETERAN'S SERVICES

The Board of Selectmen shall appoint a Director of Veteran's Services for a term not to exceed one (1) year.

SECTION 416 ADVISOR TO THE BOARD OF HEALTH

The Board of Selectmen may appoint an Advisor to the Board of Health for a term not to exceed one (1) year.

SECTION 417 SEALER OF WEIGHTS AND MEASURES

The Board of Selectmen shall appoint a Sealer of Weights and Measures for a term not to exceed one (1) year.

SECTION 418 HEALTH INSPECTOR

The Board of Selectmen shall appoint a Health Inspector for a term not to exceed three (3) years.

SECTION 419 FENCE VIEWERS

The Board of Selectmen shall appoint two Fence Viewers for a term not to exceed one (1) year.

SECTION 420 DIRECTOR OF PUBLIC WORKS

a.) The Board of Selectmen shall appoint a Director of Public Works to serve for a term not to exceed three (3) years in accordance with the special acts of the legislature, Chapter 216 of the Acts of 1987.

b.) The Director of Public Works shall have responsibility for appointing the Superintendent of Operations in accordance with the provisions of special acts of the legislature, Chapter 216 of the Acts of 1987.

SECTION 421 TOWN ARCHIVIST AND ASSISTANT (Amended, ATM, 4/30/88, Art. 19)

The Board of Selectmen shall appoint a Town Archivist and one Assistant Archivist, both of whom shall serve on a voluntary basis. The Archivist shall be concerned with the custody and use of archival and manuscript materials; develop a comprehensive Town wide documentary presentation plan; and prepare regulations to be approved by the Board of Selectmen, concerning the collection, cataloging, and preserving of archival and manuscript materials belonging to and relating to the Town. In accordance with Mass. Gen. Laws, Chapter 44, Section 53A, the Board of Selectmen may receive grants or gifts of funds from the federal or state government, charitable foundations or private corporations, or individuals, for furthering the purposes of the Town Archivist; and said grants or gifts of funds shall be kept in the Town treasury in a Town Archivist Fund which the Town Treasurer shall keep separate and apart from all other funds.

SECTION 422 **TREASURER/COLLECTOR** (Amended, 6/12/91, Art. 2) (ATM, 05/17/04, Art. 3)

The Board of Selectmen shall appoint a Treasurer/Collector for an indefinite period. (Special legislation was proposed at the Special Town Meeting of 2/27/91 to remove the positions of Town Collector and Town Treasurer from the election process and make it a combined Treasurer/Collector appointed position. (Acting Governor, Paul A. Cellucci on 4/16/91 approved it.)

a.) The Treasurer and the Town Accountant will cause to be printed every other year in the Annual Town Report the gross salary of each Town employee by department. Excluded from gross salary shall be wages earned from working assigned so-called "off duty details." Said printing shall commence with the 2004 Annual Town Report.

SECTION 423 **TREE WARDEN** - This By-Law change shall not be effective until passage of the ballot question changing the Town's elected Tree Warden to an appointed Tree Warden. This question is on the election ballot to be voted on May 16, 2015. (ATM, 5/11/15, Art. 50) (Passed at ATE 5/16/2015)

Effective May 16, 2018, the Board of Selectmen shall appoint a Tree Warden for a term of three years under the provisions of Section 106 of Chapter 41 of the General Laws.

ARTICLE V - APPOINTED COMMITTEES, COMMISSIONS, BOARDS, COUNCILS AND AUTHORITIES

SECTION 500 COMMITTEES, TERMS AND QUALIFICATIONS

a.) In addition to those committees appointed by the Board of Selectmen as required by Mass. Gen. Laws or by these By-Laws, the Board of Selectmen may from time to time appoint such other committees as they may believe prudential for the governance of the Town.

b.) Appointments shall be made by the Board of Selectmen for a specified term or until a successor is appointed unless otherwise provided by statute, these By-Laws or the appointing authority.

c.) Qualified candidates for appointment by the Board of Selectmen must be voters in Town, unless otherwise provided for by Mass. Gen. Laws or by these By-Laws.

SECTION 501 COUNCIL ON AGING

a.) The Board of Selectmen shall appoint a Council on Aging consisting of seven members each one of whom shall be appointed for a term of three (3) years. The term of no more than three members shall expire in any one (1) year.

b.) The Council shall annually elect its chairman and other officers it deems appropriate.

c.) The duties of the Council on Aging shall be to: (1) ascertain the needs of the community's elderly population; (2) educate the community and enlist the support and participation of all citizens concerning these needs; (3) design, promote or implement services to fill these needs, or coordinate present existing services in the community; and (4) promote and support other constructive programs in the community relative to its responsibilities.

d.) The Council on Aging shall give an annual report to the Board of Selectmen with a copy of that report to be directed to the Commonwealth of Massachusetts, Department of Elder Affairs. Mass. Gen. Laws, Chapter 40, Section 8B.

SECTION 502 CAPITAL PLANNING COMMITTEE (Amended, ATM, 4/29/89 Art. 19)

There shall be a Capital Planning Committee. The Committee shall be made up of five members, each appointed for three (3) year staggered terms. Three members shall be appointed by the Board of Selectmen, and initially, one member shall be appointed for one year, one member for two years, and one member for three years. The Finance Committee shall appoint two members, and initially one member shall be appointed for one year and one member for two years. These appointments shall run with the fiscal year. Any vacancy occurring shall be filled for the unexpired term in the same manner as the original appointment.
The Capital Planning Committee shall annually review the Town's capital improvement program, if any, and shall review proposals for the construction of municipal buildings, including schools, the acquisition of land or personal property, and they shall make recommendations to

the Board of Selectmen, the Finance Committee and the Town Meeting at times they deem necessary, but at least by the time of any annual departmental budget hearing, within the Annual Town Report, and at the Annual Town Meeting in conjunction with the Finance Committee report to the Town Meeting.

SECTION 503 CONSERVATION COMMISSION

a.) The Board of Selectmen shall appoint a Conservation Commission, consisting of seven members, each one of whom shall be appointed for a term of three (3) years. The terms of not more than three members shall expire in one (1) year.

b.) The Conservation Commission shall discharge such duties as are conferred upon it by state statute or by any Wilbraham Conservation By-Law.

SECTION 504 FINANCE COMMITTEE

a.) The Board of Selectmen shall appoint a Finance Committee consisting of nine members, no one of whom shall hold any elected Town office. Three persons shall be appointed each year following the conclusion of the fiscal year for a term of three (3) years.

b.) Said committee shall annually choose its own chairman. Vacancies occurring on said committee may be filled at any time by the Selectmen with the appointment being for the unexpired term. To this committee shall be referred all articles in the Town warrant calling for appropriations. The Committee shall consider all matters proposed to be acted upon at Town Meetings, but it shall not report on such matters as may have been referred to other committees by vote of the Town.

c.) No vote shall be passed at any Town Meeting involving the appropriation or expenditure of any sum of money, the subject matter of which has not first been considered and reported on by said committee.

d.) It shall be the duty of this committee to investigate the needs of the Town, particularly the financial requirements of the several departments, and to ascertain and recommend the amount required to carry out the work of the Town for the ensuring year.

e.) Five members of the committee shall constitute a quorum for the transaction of business.

SECTION 505 BOARD OF FIRE COMMISSIONERS

The Board of Selectmen may appoint a Board of Fire Commissioners to consist of three members, each of whom shall serve for a three (3) year term, one such member to be appointed each year.

SECTION 506 ADVISORY BOARD OF HEALTH

The Board of Selectmen may appoint an Advisory Board of Health to consist of not more

than seven members, for a term of one (1) year.

SECTION 507 HISTORICAL COMMISSION

The Board of Selectmen shall appoint a Historical Commission to consist of three to seven members, each one of whom shall be appointed for a staggered term not to exceed three (3) years.

SECTION 508 INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY

The Board of Selectmen shall appoint an Industrial Development Financing Authority of five persons in accordance with the provisions of the Acts of 1967, Chapter 772.

SECTION 509 PERSONNEL BOARD

a.) The Board of Selectmen shall appoint a Personnel Board of five members, the members to hold staggered terms of three (3) years.

b.) Said board shall advise the Board of Selectmen on all matters pertaining to personnel policy.

c.) The Board of Selectmen shall from time to time adopt personnel policies relating to all positions not otherwise covered by collective bargaining agreement, except with reference to positions filled by popular election. A copy of all personnel policies as adopted by the Board of Selectmen shall be filed with the Town Clerk.

d.) Wage and classification plans shall be adopted in the manner required by state law. (Amended, ATM, 4/30/88, Art. 17)

SECTION 510 PLAYGROUND AND RECREATION COMMISSION

a.)The Board of Selectmen shall appoint a Playground and Recreation Commission, consisting of seven members, each one of whom shall be appointed for a staggered term not to exceed three (3) years.

b.) The commission shall appoint a recreation director for a term not to exceed three years. (Amended, ATM 5/14/18, Art. 50)

SECTION 511 BOARD OF REGISTRARS

a.) The Town shall have a Board of Registrars, consisting of the Town Clerk and three other persons who shall be appointed for a staggered term of three (3) years by the Board of Selectmen. The members of the Board of Registrars shall represent the two leading political parties, and in no case shall an appointment be made which shall cause the Board of Registrars to have more than two members, including the Town Clerk, of the same political party.

b.) The Board of Registrars shall appoint such Deputy Registrars as shall be required by law.

SECTION 512 SEWER ADVISORY COMMITTEE

a.) The Board of Selectmen shall appoint a Sewer Advisory Committee, to consist of five members, each of whom shall be appointed for a staggered term not to exceed three (3) years.

b.) Said Sewer Advisory Committee shall have all the powers and authority usually conferred upon a Sewer Committee under the Mass. Gen. Laws relative to sewer commissions, as modified by Special Acts of 1987, Chapter 216, creating a Department of Public Works.

SECTION 513 CULTURAL COUNCIL

The Board of Selectmen shall appoint a local cultural council to be known as the "Wilbraham Cultural Council" consisting of seven members. Members shall be appointed for staggered terms of three (3) years and no member shall be appointed to more than two consecutive terms. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities or interpretive sciences.

SECTION 514 ZONING BOARD OF APPEALS

a.) The Board of Selectmen shall appoint a Zoning Board of Appeals as provided by Mass. Gen. Laws, and the Zoning Board of Appeals shall have all the powers and duties provided for by those laws.

b.) Said Board shall consist of three members, each of whom shall serve for a three (3) year term, one such member to be appointed each year. Two associate members shall also be appointed for a term of three (3) years, so that in the case of a vacancy, inability to act or interest on the part of a member of said board, his place may be taken temporarily by an associate member. No person holding an elective Town office shall be eligible to serve as a member or associate member of the Board of Appeals. Said Board shall elect annually a chairman from its own members.

c.) Appeals may be taken to the Zoning Board of Appeals by any person aggrieved by reason of his inability to obtain a permit from the building inspector and for any other reason permitted by the Zoning By-Laws of the Town or Mass. Gen. Laws. Any such appeal shall be taken within a reasonable time provided by rule of the Board of Appeals by filing with the Town Clerk a notice of appeal specifying the grounds thereof.

d.) The Zoning Board of Appeals shall have the power to authorize upon appeal, or upon petition, such permits and variances as it is empowered to act upon by general statute or Zoning By-Law of the Town.

SECTION 515 BY-LAW STUDY COMMITTEE (ATM, 4/29/89, Art. 20)

a.) The Board of Selectmen shall appoint, from time to time, but in no event less than every five (5) years, a By-Law Study Committee, consisting of five members, each of whom shall be appointed for a term of one (1) year. The Town Clerk shall be an ex-officio member of the Committee.

b.) The By-Law Study Committee shall assist the Town Clerk in updating the By-Laws ensuring their proper order and publication.

SECTION 516 AMBULANCE OVERSIGHT COMMITTEE (ATM, 4/24/92, Art. 13)

The Board of Selectmen shall appoint an Ambulance Oversight Committee, consisting of five members, whose duties shall include making recommendations to the Board of Selectmen regarding the operation of emergency ambulance service within the Fire Department, establishment of fee abatement guidelines and procedures, and review and acceptance or rejection of requests for abatements of fees. Members shall be appointed for staggered terms not exceeding three years.

SECTION 517 COMMISSION ON DISABILITY (ATM, 4/25/92, Art. 21)

a.) The Board of Selectmen shall appoint a Commission on Disability of nine members, a majority of whom must be persons with disabilities as defined by U.S. Public Law 103-336, the Americans with Disabilities Act. One member shall be of the immediate family of a person with a disability, and one member shall be an elected or appointed municipal official. The terms of the first members of said commission shall be for one, two or three years, and so arranged that the term of one-third of the members expires each year, and their successors shall be appointed for terms of three (3) years each.

b.) The Commission shall advise and assist municipal officials in ensuring compliance with federal and state disability laws; review policies and activities of municipal departments and boards as they affect persons with disabilities; provide information, referral, and technical assistance to individuals, businesses and organizations in all matters pertaining to disability; and coordinate the activities of other local groups organized to meet the needs of persons with disabilities.

SECTION 518 OPEN SPACE AND RECREATION COMMITTEE (ATM, 5/3/99, Art. 25)

a.) The Board of Selectmen shall appoint an Open Space and Recreation Committee of 12 members, each of whom shall be appointed for a staggered term not to exceed three (3) years.

b.) The purpose of the committee shall be to (1) develop and update an Open Space and Recreation Plan for the Town; and (2) coordinate the implementation of the Open Space and Recreation Plan approved by the Town.

SECTION 519 COMMUNITY PRESERVATION COMMITTEE (ATM, 5/6/02, Art.8) (Amended, ATM, 5/15/06, Art. 23)

a.) There shall be a Community Preservation Committee of nine members, including one member each from the following committees as designated by majority vote of those committees, and three at large members appointed by the Board of Selectmen: Conservation Commission, Historical Commission, Planning Board, Playground & Recreation Commission, Housing Authority and Open Space & Recreation Committee. The terms of the first members shall be as follows: appointees of the Board of Selectmen, Conservation Commission and Open Space & Recreation Committee shall be three (3) years; appointees if the Historical Commission and Playground & Recreation Commission shall be two (2) years; and appointees of the Planning Board and Housing Authority shall be one (1) year. Their successors shall be appointed for terms of three (3) years each. Other than the at-large members appointed by the Board of Selectmen, members of the Community Preservation Committee must remain voting members of the committee that appointed them. In those instances where members of the Community Preservation Committee cease to be voting members of the committee that appointed them, the appointing committee shall designate a voting member to fill the remainder of the unexpired term.

b.) The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The committee shall consult with other municipal boards. As part of its study, the committee shall hold one or more public informational hearings, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation.

c.) The committee shall make recommendations to 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 committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

d.) The committee may include in its recommendation to 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 purpose that are consistent with community preservation.

e.) After receiving such recommendations from the committee, Town Meeting shall then take such action and approve such appropriations from the Community Preservation Fund and such additional appropriations as it deems appropriate to carry out the recommendations of the committee.

f.) For the purposes of community preservation the committee may recommend to Town Meeting that the Town take and the Town may then take by eminent domain under Chapter 79, the fee or any lesser interest in real property or waters located in the Town if such taking has first been approved by a two-thirds vote of Town Meeting. Upon a like

recommendation and vote, the Town may expend monies in the Community Preservation Fund, if any, for the purpose of paying, in whole or in part, any damages for which the Town may be liable by reason of a taking for the purposes of community preservation.

g.) Applications for exemption from the Community Preservation Act surcharge must be filed with the Office of the Board of Assessors no later than three months after the actual (not preliminary) tax bills are mailed for the fiscal year.

The committee and the Town Meetings shall conduct business in accordance with Mass. Gen. Laws, Chapter 44B, Section 5.

SECTION 520: AGRICULTURAL COMMISSION (ATM, 5/15/06, Art. 4)

a.) The Board of Selectmen shall appoint an Agricultural Commission of five members, of which the majority of the membership shall be substantially engaged in the pursuit of agriculture. The members shall be appointed: two members for a term of three (3) years; two members for a term of two (2) years and three (3) years thereafter; and one member for a term of one (1) year and three (3) years thereafter. Appointments shall be filled by the Selectmen who shall consider recommendations of the Commission.

b.) The mission of the Commission shall be to: represent the farming community, encourage the pursuit of agriculture, promote agriculture-based economic activities and preserve, revitalize and sustain the Town's agricultural businesses and lands.

ARTICLE VI - REGULATION OF PUBLIC CONDUCT

SECTION 600 DISCHARGING OF FIREARMS (Amended, ATM, 04/30/88, Art. 20), (Amended, ATM, 06/12/93, Art. 22), (Amended, ATM, 5/7/01, Art. 21)

No person shall discharge a firearm on any land owned by the Town. Hunting of deer by means of archery, during seasons allowed by the Commonwealth of Massachusetts, Division of Fisheries and Wildlife, is permitted on Town-owned land designated suitable by the Wilbraham Conservation Commission. Hunters may obtain permission from the Wilbraham Conservation Commission, acting as the agent for Town-owned land, on forms provided for this purpose by the Town Clerk. No person shall hunt or discharge a firearm on any private property in the Town, other than said person's parent's, children's, grandchildren's or their respective spouse's, own property, without written permission of the owner of the land upon which hunting will take place. Permission forms shall be obtained from the Wilbraham Town Clerk's Office. The distribution of the permission form prior to hunting shall be as follows:

The Town Clerk shall receive and stamp all copies, one of which shall be retained by the Town Clerk, another shall be forwarded to the Police Department by the Town Clerk, and the original copy must be retained by the hunter and must be carried while hunting and be renewed on an annual basis.

Each offender shall receive a written notice to appear before the Town Clerk at any time during office hours, not later than twenty-one days after the date of such notice. Fine for first offense shall be one hundred dollars ($100). Second time offenders shall be fined a minimum of one hundred dollars ($100) up to three hundred dollars ($300). This By-Law shall be enforced by all State and local law enforcement officials and shall be administered under the provisions of Mass. Gen. Laws, Chapter 40, Section 21D on non-criminal dispositions and any Town By-Law implementing said statute, provided, however, that this By-Law shall not apply to the lawful defense of life or property, or to any discharge of firearms in accordance with law enforcement.

SECTION 601 REGULATIONS CONCERNING HORSES

No person shall allow a horse or vehicle under his control to be driven or parked on any sidewalk or cinder path in such a manner as to obstruct travel in the same. No person shall hitch or tie or allow his horse or other animal to be hitched or tied to any tree in any street. The penalty for violation of this By-Law shall be a fine of fifty dollars ($50).

SECTION 602 OBSTRUCTION OF PASSAGE

A person shall not assemble or stand upon any sideway or street so as to deliberately obstruct the free passage there over after having been requested by a police officer to provide such free passage. The penalty for violation of this By-Law shall be a fine of fifty dollars ($50).

SECTION 603 **CONSUMPTION OF INTOXICATING BEVERAGES ON STREETS AND ON CERTAIN PUBLIC PROPERTIES** (ATM, 5/11/15, Art. 53) (ATM, 5/16/16, Art. 54)

No person shall consume any alcoholic beverage, as defined in Chapter 138, Section 1 of the General Laws of the Commonwealth, nor possess or transport any open container containing any alcoholic beverage, while on, in, or upon any public way, upon any way to which the public has right of access, in any place to which members of the public have access as invitees or licensees, in any parking lot, school, park or playground, conservation area or recreation area, on private land or place without consent of the owner or person in control thereof.

The foregoing paragraph shall not apply to any activity duly licensed by the Board of Selectmen under the applicable provisions of the Mass. Gen. Laws.

The penalty for violation of this By-Law shall be a fine not exceeding one hundred dollars ($100) for each offense.

SECTION 604 **DOG LICENSING, TREATMENT OF NUISANCE DOGS, ETC, VACCINATIONS OF DOGS AND CATS** (Amended, ATM, 4/29/89, Art.26) (Revision, ATM, 05/16/05, Art. 31) (Revision, ATM, 05/15/06, Art. 5) (ATM, 5/12/14, Art. 53) (ATM, 5/16/16, Art. 47)

[All fines listed in Section 604 have been revised to comply with state law, Mass. Gen. Laws, Chapter 140, Section 141, as noted. (Effective Oct. 31, 2012).]

PURPOSE -- The purpose of this By-Law is protection of people, animals, and property from injury, disease, and damage by dogs, including dog-related nuisances.

604.1 Definitions.
As used in this section, unless the context otherwise indicates, the following terms shall have the meanings indicated:

Dog Officer - The person(s) appointed by the Board of Selectmen under Town By-Laws, Section 407, having responsibility for enforcement of Town By-Laws or state statutes relating to dogs. Wilbraham Police Officers shall also have the responsibility for enforcement of Town By-Laws relating to dogs.

Animal Control Officer - The Dog Officer is also an Animal Control Officer, when meeting the requirements of certification promulgated by the Animal Control Officers Association of Massachusetts or other comparable certification program of not less than 90 hours of instruction and training.

Owner or Keeper - Any person or persons, legal entity, firm, association or corporation owning or keeping, or who or which has in his or its possession, for seven consecutive days in any calendar year, a dog or any other animal, licensed or unlicensed, and cannot show to the satisfaction of the Dog Officer that such animal was sold, has died, or has been given away, or

otherwise disposed of. Further, if the owner or keeper of a dog is a minor, the parent or guardian of such minor shall be held liable for any violation of this By-Law, Section 604 and all subsections.

604.2 License requirements; fees; exceptions; penalty.

A. All dogs six months of age or older must be currently vaccinated against rabies as per Mass. Gen. Laws, Chapter 140, Section 145B. No license shall be issued unless the owner or keeper has recorded a valid certificate of rabies vaccination showing the vaccination date, the expiration date, and signed by a veterinarian.

B. Any owner or keeper of a dog six months of age or older in the Town shall cause that dog to be licensed each year. Licensing is issued annually for a 12-month period beginning January 1. (Amended, ATM, 5/17/10, Art. 33)

C. Licensing is available during January, February and March, or earlier at the discretion of the Town Clerk. Any owner or keeper who applies for a dog license after March 31 will be charged a late fee for the current year, as established by the Board of Selectmen. (Amended, ATM, 5/17/10, Art. 33)

D. The annual fee for every dog license shall be established by the Board of Selectmen.

E. The registering, numbering, describing, and licensing of animals shall be performed in the office of the Town Clerk on a form prescribed and supplied by the Town and shall be subject to the conditions expressed in these By-Laws.

F. The owner or keeper of a licensed animal shall cause it to wear around its neck or body a collar or harness to which shall be securely attached a license tag issued by the Town Clerk at the time of licensing and a tag proving a current rabies vaccination provided by a licensed veterinarian.

G. No license fee shall be refunded, in whole or in part, for any reason.

H. Exceptions: No license fee shall be required for *bona fide* assisting dogs (such as seeing eye or hearing ear dogs). Application shall be made to the Town Clerk and tags shall be issued and worn as otherwise provided in this section.

I. The Dog Officer shall investigate complaints of unlicensed dogs and shall, upon satisfactory evidence obtained or observed by the Dog Officer, issue warnings and fines to the owner or keeper of such dogs, subject to non-criminal disposition as provided in Mass. Gen. Laws, Chapter 140, Section 173A, according to as per State Law. Owners cited for failure to license a dog which otherwise must be licensed under this By-Law, shall obtain a license forthwith and pay any late licensing fee; unlicensed dogs may also be impounded by the Dog Officer and owners shall pay all the charges associated with impoundment as provided in Section 604.7C.

604.3 Vaccination against rabies; dogs and cats; proof; penalty.

A. Whoever is the owner or keeper of a dog or cat age six months of age or older or a ferret housed or sheltered in the Town shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Massachusetts Department of Public Health. Ferrets kept as household pets must also be vaccinated for rabies as provided in Mass. Gen. Laws, Chapter 131, Section 77.

B. Unvaccinated dogs or cats acquired or moved into the Town shall be vaccinated within 30 days after the acquisition or arrival into Wilbraham or upon reaching six months of age, whichever occurs last.

C. The owner or keeper of such dog or cat shall procure a veterinarian certificate demonstrating that such animal has been vaccinated, the date of the vaccination, and the duration of immunity, or a notarized letter from a veterinarian that a certificate was issued and vaccination given.

D. Any person who violates the provisions 604.2 A or cannot prove such vaccination as provided in 604.3C, shall be subject to a written warning with five days' notice to obtain the required vaccination and present such proof to the Dog Officer. Failure to obtain the required vaccination within five days will result in a citation with a penalty as per State Law, and the dog may be impounded and restrained by the Dog Officer until such compliance is demonstrated. All fees and charges accruing under 604. 7C shall be paid before release of the dog back to the owner.

604.4 Dogs required to be leashed; exceptions; penalties.

A. No owner or keeper of a dog shall allow such dog to roam at large upon the land of another, except on the premises of another person with the actual knowledge and permission of such other person. All dogs not on the premises of the owner or keeper or upon the premises of another person without the knowledge and permission of such person, shall be restrained by a chain or leash not exceeding six feet in length.

B. The Dog Officer shall investigate complaints of roaming dogs and shall, upon satisfactory evidence obtained or observed by the Dog Officer, issue fines to the owner or keeper of such dog(s), subject to non-criminal disposition citations, as provided in Mass. Gen. Laws, Chapter 140, Section 173A, according to the following schedule.

First offense: fifty dollars ($50)
Second offense by same dog: fifty dollars ($50)
Third and every subsequent offense by same dog seventy-five dollars ($75)

C. The Dog Officer has discretion to issue a warning in lieu of a fine for a first offense of this section.

604.5 Dog waste removal; penalty.

A. No owner or keeper of a dog, having the care, custody, or control of any dog, shall permit such dog to soil or defile or commit any nuisance upon any sidewalk, street or public way, beach, or wetland, in or upon any public property, or in or upon the property of persons other than the owner or keeper of the dog, unless said owner or keeper or custodian of the dog picks up such waste and disposes of same in a sanitary manner.

B. Any person found in violation of 604.5A by the Dog Officer, a police officer, or upon investigation by the Dog Officer of a complaint made to the Dog Officer, shall be subject to a fine of fifty dollars ($50) for each offence, with each day of complaint for the same dog being considered an offense against the owner or keeper or custodian, subject to the proscribed penalty.

C. The Dog Officer has discretion to issue a warning in lieu of a fine for a first offense of this subsection.

604.6 Vicious and nuisance dogs; complaints; enforcement.

A. The Dog Officer shall investigate complaints of dangerous, nuisance and dogs otherwise categorized by Mass. Gen. Laws, Chapter 140, Section 157, and shall, upon satisfactory evidence obtained or observed by the Dog Officer, issue warnings and fines to the owner or keeper of such dogs, subject to non-criminal disposition, as provided in Mass. Gen. Laws, Chapter 140, Section 173A, according to the schedule outlined below in Sections 604.6C, D, and E.

B. All persons complaining to the Dog Officer shall be treated confidentially, unless and until a formal complaint is made to the Board of Selectmen as provided in Section 604.8.

C. VICIOUS OR AGGRESSIVE BEHAVIOR -- Demonstration of vicious or aggressive behavior, attacks, or unprovoked biting of people, pets, or farm livestock, one hundred dollars ($100) for each offense by the same dog.

D. BARKING AND HOWLING -- Disturbing the reasonable quiet of the neighborhood by barking, howling or other dog noises for more than 10 minutes in any half hour overnight between the hours of 10:00 PM and 7:00 AM or for more than 15 minutes in any hour during the day between the hours of 7:01 AM and 9:59 PM:

First offense: fifty dollars ($50)
Second offense by the same dog: fifty dollars ($50)
Third and every subsequent offense by the same dog: Seventy-five ($75)

D-1 When such noise is plainly audible and in excess of the time constraints listed above it shall be *prima facie* evidence of a violation.

D-2 Each segment of time, as itemized above, that a violation is observed or documented is considered an offense.

D-3 The Dog Officer has discretion to issue a warning in lieu of a fine for a first offense of this subsection.

E. OTHER NUISANCE -- Chasing cars or bicycles, running in packs, breaking or damaging shrubbery or gardens:

First offense: fifty dollars ($50)
Second offense by the same dog: fifty dollars ($50)
Third and every subsequent offense by the same dog: seventy-five dollars ($75)

E-1 The Dog Officer has discretion to issue a warning in lieu of a fine for a first offense of this subsection.

604.7 Impoundment; release; disposition of dogs.

A. The Dog Officer or, in his/her absence, police officers, may cause a dog to be impounded for any of the following causes:

- If found without a license when a license is required (Section 604.2);
- If found unrestrained (Section 604.3)
- For violation of any order of the Board of Selectmen issued pursuant to a public hearing (Section 604.8D)
- For having bitten, injured or physically molested any person;
- For having physically injured any domesticated animal;
- To restore peace when the owner or keeper of a dog is otherwise unavailable, unwilling, or physically unable to restrain his/her dog from causing a nuisance by continuous barking or howling; or
- To ensure the safety and wellbeing of the particular dog.

B. If, by license tag or other means, the owner or keeper of an impounded dog can be identified, the Dog Officer shall give prompt notice to said owner or keeper and return the dog to the owner or keeper and issue a citation for any violation that preceded the impoundment.

C. The owner or keeper shall be entitled to resume possession of an impounded dog, excepting those restrained by order of the Board of Selectmen, upon payment of all fines and fees, which may include:

- Board shall be charged for each day the dog is impounded, at a rate to be set by the Board of Selectmen, and
- Rabies vaccination (if not demonstrated to satisfaction of dog officer), and
- Dog license and late fee if applicable, and
- Veterinary care provided during impoundment, including immunizations against disease, and time and travel of the Dog Officer when providing such care, and
- Citation penalties for violations of Sections 604.2, 604.3, 604.4, 604.5 or 604.6 preceding impoundment.

D. Impounded dogs whose owners cannot be identified or who refuse to take responsibility for the release of the dog, shall be kept for not less than ten days. At the end of ten days the Dog Officer may

- Cause the dog to be humanely euthanized by a licensed veterinarian, or
- Have its title transferred to a designated shelter operating in the Commonwealth of Massachusetts, or
- Placed in the custody of a person deemed to be a responsible and suitable owner, who will agree to pay the costs of licensing and of keeping and caring for the dog incurred by the Town during the required impoundment period.

604.8 Formal complaints; hearings; action by Board of Selectmen; criminal complaint

A. The Dog Officer or any resident may file a written complaint and request an adjudicatory hearing with the Board of Selectmen if aggrieved by any unresolved complaint of vicious or nuisance behavior, which cannot be otherwise resolved by the action of the Dog Officer acting alone. All parties shall be served with written notice at least ten days prior to the scheduled hearing. In the case of an emergency, determined by the chairman of the Board of Selectmen, the hearing may be held as soon as one hour after the notice is delivered.

B. The complainant shall testify. The dog owner or keeper may testify. Any party may be represented by private legal counsel. The Board of Selectmen may call such other witnesses to present evidence or testimony which the chairman shall determine to be relevant.

C. The Board of Selectmen may issue a statement of facts and findings at the hearing and shall cause to be delivered to all the parties within seven days of the close of the hearing a written statement of facts and findings, together with any enforcement orders determined by the board.

D. The board may order any of the following resolutions:

- restraint of the dog exclusively to the property of the owner or keeper;
- removal and restraint of the dog into the Town impound facility;
- muzzling of the dog at specific times or places;
- evidence of completion of a dog obedience or behavior program for the dog and the owner or keeper;
- construction of a new, or inspection of an existing, fenced enclosure for the dog on the property of the owner or keeper, deemed suitable, safe and secure by the Dog Officer;
- removal of the dog from the Town;
- transfer of the dog into the care of a *bona fide* rescue or adoption shelter program; and/or
- cause the dog to be humanely euthanized by a licensed veterinarian.

E. The board may also order the Dog Officer to issue additional citations based on the facts and findings of the hearing, in accordance with the violation schedule in Sections 604.2, 604.3, 604.4, 604.5 or 604.6.

F. The Board of Selectmen may appoint a hearing officer or panel to exercise their adjudicatory powers under this section.

G. The dog owner or keeper may appeal the orders of the Board of Selectmen to the District Court in accordance with Mass. Gen. Laws, Chapter 140, Section 157. An appeal will not stay the execution of an order to restrain said dog during the time of the appeal proceedings.

H. The Board of Selectmen may enforce these By-Laws by filing a criminal complaint in the District Court if a dog owner fails to comply with a citation or with any orders issued pursuant to a hearing under this section, and fails to appeal in accordance with the Section 604.8G.

604. 9 Disposition of fines and penalties.

All licensing fees, boarding charges, fines and penalties shall be paid into the general fund of the Town.

SECTION 605 **REGULATIONS CONCERNING CHICKENS ON FEWER THAN FIVE (5) ACRES** (ATM, 5/15/17, Art. 54)

a.) For purposes of this By-Law, the term "**chickens**" shall refer to female chickens. No roosters allowed.

b.) This By-Law sets forth the regulations for the keeping of chickens within the limits of the Town on any property smaller than five acres in size by a person who is the owner, lessee, tenant or occupant, with the exception of properties exempt from such regulation under Mass. Gen. Laws, Chapter 40A, Section 3. Chickens shall not be kept on any property that does not contain an occupied residence.

c.) The chicken coop may not be located less than ten (10) feet from any lot line and not less than twenty-five (25) feet from any abutter's dwelling. Odor cannot be perceptible at the property boundaries. Notwithstanding the provisions of Section 630 2.g., all persons keeping chickens shall comply with Section 630 1.c. Unreasonable Noise, of the General By-Laws of the Town of Wilbraham, as amended from time to time.

d.) The raising and keeping of chickens on fewer than five (5) acres is limited to:

6 chickens for properties up to 15,000 sq. ft. (.34 acres)
12 chickens for properties from 15,000 sq. ft. to 1 acre
18 chickens for properties over 1 acre and up to 2 acres
24 chickens for properties over 2 acres and up to 3 acres
30 chickens for properties over 3 acres and up to 5 acres
A minimum of 3 chickens shall be maintained

e.) Feed must be stored in a rodent-proof container and all waste materials must be properly composted on site or disposed of to be composted.

f.) Chickens must be provided with fresh water, clean feed, one nesting box per six (6) chickens, a roost bar and security from predators. Chickens must be physically contained within the property of the chicken owner.

g.) Violations:

1st offense: Warning
2nd offense: $25
3rd and every subsequent offense: $50
Enforcement Agent: Zoning Enforcement Officer

SECTION 606 IMPURE WATER ON TOWN PROPERTY

No person shall allow any sink water or other impure water to run from any structure or lot occupied by him or under his control onto any street or other public property of this Town. The penalty for violation of this By-Law shall be a fine of fifty dollars ($50).

SECTION 607 VENDORS, HAWKERS AND PEDDLERS

No transient vendor, hawker or peddler as defined in Mass. Gen. Laws, Chapter 101, shall sell or barter, or carry for sale or barter, any good, wares, or merchandise in the Town on any day of special Town celebration so proclaimed by the Board of Selectmen unless a permit has been issued by said Board or its delegate thereof when deemed to be for the good of said celebration and under such terms and conditions and for such a fee as said Board or its delegate shall determine.

SECTION 608 ZONES OF QUIET

a.) The Board of Selectmen may temporarily establish a Zone of Quiet upon any street where a person is seriously ill if requested to so by the written statement of at least one registered physician certifying to its necessity. Said temporary Zone of Quiet shall embrace all territory within a radius of two hundred (200) feet of the building occupied by the person named in the request of said physician. Said temporary Zones of Quiet shall be designated by the police by placing, in a conspicuous place in the street, a sign or marker bearing the words "Zone of Quiet."

b.) No person operating a motor vehicle within any designated and signed Zone of Quiet shall sound the horn or other warning device of said vehicle except in an emergency. The penalty for violation of this By-Law shall be a fine of fifty dollars ($50).

SECTION 609 HOURS OF BUSINESS (Amended, ATM, 4/25/92, Art. 20)

It shall be unlawful for any place of public amusement, public or private establishment holding a liquor license, drive-in theater or other similar public facility to provide such public amusement, serve meals or liquor, provide entertainment or otherwise conduct business between the hours of 2:00 a.m. and 5:00 a.m. The Board of Selectmen may, upon receipt of a written request from the business owner or operator, and after a duly noticed public hearing, grant permission by a majority vote of the board's total membership for one or more 24-hour licenses to conduct the ordinary and usual business activity of the business owner between the hours of 2:00 a.m. and 5:00 a.m. Said written request shall include the specific date(s) and business

activities to be conducted. The Board of Selectmen in granting its permission shall have the right to impose any reasonable conditions or requirements as they deem necessary and appropriate to protect the public safety, health and welfare interests of the community. In no event will such a license be granted where, in the opinion of the Board after a public hearing, the activity requested would be detrimental to the specific part of the community in which the business is located. Whoever shall violate any provision of this By-Law shall upon conviction thereof be fined not more than one hundred dollars ($100) for each offense. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town from taking such other lawful action as it deems necessary to prevent or remedy any violations.

SECTION 610 PAWNBROKERS, JUNK AND SECONDHAND DEALERS (ATM, 5/15/17, Art. 53) (Amended, ATM, 5/13/19, Art. 45)

a.) Pawnbroker's License - The Board of Selectmen may license suitable persons to carry on the business of pawnbrokers in the Town, pursuant to the provisions of Mass. Gen. Laws, Chapter 140. The application fee for such license shall be fifty dollars ($50).

b.) Junk and Secondhand Dealer's License - The Board of Selectmen may license suitable persons to be collectors of, dealers in, or keepers of shops for the purchase, sale or barter of junk, old metal, or secondhand articles, in the town, pursuant to the provisions of Mass. Gen. Laws, Chapter 140. The application fee for such license shall be fifty dollars ($50). Dealers of second hand clothing only, thrift shops operated by charitable or religious organizations which accept donated property, or to the property sold by such thrift shops, and persons conducting Tag Sales pursuant to Section 626 of the General By-Laws of the Town shall not be subject to the requirements of obtaining a junk and second hand dealer's license and shall not be subject to the requirements of this By-Law.

c.) General Licensing Provisions - Pawnbrokers and dealers of junk and secondhand articles shall not be authorized to engage in business in the Town until obtaining a respective Pawnbroker's License, a Junk and Secondhand Dealer's License, or both. The license certificates are issued by the Board of Selectmen. The license year begins May 1 annually. All licenses shall expire April 30 following the date of issuance regardless of the date of issuance. The fee to renew a license shall be fifty dollars ($50). The license certificate(s) shall be posted in a conspicuous place in the office of the licensee so that it will be in full view of the public at all times. If a licensee operates more than one place of business, additional licenses may be obtained by filing a separate application for each additional place of business and type of license. Such license(s) may not be transferred or assigned. Nothing in this By-Law shall be construed to change any provision of the Wilbraham Zoning By-Law. The fine for persons operating without a license as required by this By-Law shall be three hundred dollars ($300).

d.) Suitable Persons Defined - For the purposes of this By-Law, a suitable person shall be an individual or the principals of partnerships or other corporate entities who by reputation and business experience are deemed to be trustworthy and will be compliant with the requirements of this By-Law. The licensing authority shall consider, in making such determination, any criminal history, including pending cases, compliance with state and local regulations, complaints filed with the consumer protection agencies, and any history of violations

of the consumer protection laws. The Town shall not make an adverse determination based on criminal history without first notifying the applicant of the potential adverse determination. The Town shall provide the applicant with information regarding the source of the criminal history. The Town shall identify the part of the criminal history which appears to make the applicant unsuitable. The Town shall afford the applicant the opportunity to dispute the accuracy of the criminal history or otherwise present to the town any mitigating or other circumstances bearing on the criminal history.

e.) Identification of Customer - The holder of any license under this By-Law shall require positive photo identification from any and all persons who sell, barter, pawn, pledge or otherwise deposit any item with the license holder. The license holder shall identify the type of identification provided and record the name, address, date of birth, and photo identification document number (e.g. Driver's License Number) on a form to be approved by the Wilbraham Police Department. Positive identification shall mean any picture identification card issued by a governmental entity. The fine for persons violating the "Identification of Customer" section of this By-Law shall be one hundred dollars ($100).

f.) False Information - No person offering any article for sale or pawn shall give a wrong name or address or fictitious information pertaining to his identity. No person holding a license pursuant to this By-Law shall knowingly write a false name or address or fictitious information pertaining to the identity of a person offering an article for sale or pawn, or knowingly permit the entry of such wrong or false information. The fine for persons violating the "False Information" section of this By-Law shall be one hundred dollars ($100).

g.) Identification of Items - The holder of a pawnbroker's license or a junk and secondhand dealer's license shall maintain a written record which accurately describes all items pawned, sold, pledged, or otherwise deposited with the license holder. The record shall include the date and time each transaction is made. This description shall include, but shall not be limited to, all distinguishing marks, etchings, engravings, model names, model numbers and serial numbers. Any jewelry with an affiliation to any institution or organization shall include the name of said institution or organization, year and inscribed initials, if any. All descriptions of items of jewelry shall include the material, weight, length (if applicable), shape and color. In any case in which more than five pieces of jewelry are deposited with a second hand dealer in the same transaction and no single item is estimated by the licensee to be worth more than twenty dollars ($20), the licensee may enter the total number of items as one entry into the record and shall not be required to record the material, weight, length, shape or color of each item. In such cases where one batch transaction of jewelry is recorded, the licensee shall take a photo of the entire group of items. Included in this photo shall be the name of the customer and the date of the transaction. In such batch transactions, the licensee shall record the total number of items, a description of the batch of items, and the total price paid by the licensee. Descriptions of collectible cards, autographed items, figurines or other collectibles of any description shall include any identifying features such as the name of the item, date, denomination, color, size, brand name, vintage and image represented. Any license holder under this By-Law shall maintain the records for a minimum of three years. Such records shall at all times be open to the inspection of officers of the police department and of any person authorized to make such inspection. The fine for persons violating the "Identification of Items" section of this By-Law shall be one hundred dollars ($100).

h.) Item Restrictions - No licensee under this By-Law shall take in any item if it appears that such item has had any serial number or identifying marks removed or apparently removed. For the purpose of this section, identifying marks shall include but not be limited to engravings, initials or similar inscriptions on rings, watches or other jewelry or similar inscriptions on other items. The fine for persons violating the "Item Restrictions" section of this By-Law shall be one hundred dollars ($100).

i.) Time Period for Holding Articles Prior to Resale - No article purchased or received by a junk and second hand dealer shall be sold until at least 30 days from the date of its purchase or receipt have elapsed. The article shall be kept in an unaltered condition for the required time period. For the purposes of this section, "unaltered condition" means that the item or article shall be kept in the same condition it was in at the time it was brought into the shop by the seller. Keepers of a shop who buy or sell no secondhand articles except books or furniture shall be exempt from the provisions of this requirement. The fine for persons violating the "Time Period for Holding Articles Prior to Resale" section of this By-Law shall be one hundred dollars ($100). Articles deposited in pawn with a licensed pawnbroker shall be retained in accordance with the provisions of Mass. Gen. Laws, Chapter 140, Section 71.

j.) Reporting of Stolen Items and Suspicious Activity - Any license holder under this By-Law shall immediately report to the Wilbraham Police Department all incidents where a person claims that articles stolen or wrongfully taken from him are in the possession of the license holder or located within his place of business. In the event that a person makes such a claim, the license holder shall ask the complaining party to remain in the licensed premises and immediately contact the Wilbraham Police Department and request that a police report be taken. The item(s) in question shall be tendered to the Wilbraham Police Department or stored in a safe place in the licensed premises until such time as otherwise directed by the Wilbraham Police Department. If the complaining party does not wish to wait for the arrival of the police department, the license holder shall secure as much information as possible from the complaining party and immediately provide the same to the police department. All unusual or suspicious activity which becomes the knowledge of a licensee under this By-Law, which may involve criminal behavior that occurs in or near the licensed premises, shall immediately be reported to the Wilbraham Police Department. The fine for persons violating the "Reporting of Stolen Items and Suspicious Activity" section of this By-Law shall be one hundred dollars ($100).

k.) Minors - No person licensed under this By-Law shall knowingly purchase or receive any articles under his license from any person who is a minor. For the purposes of this By-Law, a minor shall be defined as a person who is under eighteen years of age. The fine for persons violating the "Minors" section of this By-Law shall be one hundred dollars ($100).

l.) Enforcement - Persons or entities violating the provisions of this By-Law are subject to the suspension or revocation of the license(s) by the Board of Selectmen after a hearing. The Town may in addition to or in lieu of a suspension or revocation, impose a fine for each violation as indicated within this By-Law. A written warning may be issued for a first offense of this By-Law. This By-Law shall be enforced by the Board of Selectmen, the Town Administrator, Zoning Enforcement Officer, and the Wilbraham Police Department.

SECTION 611 SIDEWALK SNOW

Within twenty-four (24) hours after a snowfall, snow shall be removed from sidewalk(s) abutting street(s) by the tenant or occupant, and if no tenant or occupant, by the owner. The penalty for violation of this By-Law shall be a fine of fifty dollars ($50).

SECTION 612 TREE BELTS IN RIGHT OF WAY

No person shall dig up, plow up, cut up or despoil any portion of any street, except that any owner whose land abuts upon any street may grade or otherwise beautify the same street immediately in front of his own parcel in such a manner as will not interfere with public travel in the spaces in said street reserved or generally used for travel. The penalty for violation of this By-Law shall be a fine of fifty dollars ($50).

SECTION 613 CUTTING TREES

No person other than a Town officer or his agent duly authorized shall cut down, remove, mutilate or otherwise injure any tree now growing or which may hereafter be growing on any Town property including any park, tree belt, common ground or cemetery. The penalty for violation of this By-Law shall be a fine of fifty dollars ($50).

SECTION 614 VEHICLES ON CONSERVATION LAND

No person shall operate a motorized vehicle on conservation lands with the exception of designated parking areas, or with the specific permission of the Conservation Commission. Violators shall pay a fine of fifty dollars ($50) per violation.

SECTION 615 FIRE LANES

a.) The Board of Selectmen may designate fire lanes within the limit of any private way, parking area, or driveway for the access of fire apparatus, ambulances or other emergency vehicles to multiple-family dwellings, stores, schools and places of public assembly.

b.) Any area so designated by the Board of Selectmen shall be appropriately posted with a sign stating, in whole or in part, "Fire Lane-No Parking."

c.) It shall be unlawful to obstruct or block any area designated as a Fire Lane with a vehicle or by any other means.

d.) The registered owner of any vehicle parked or left unattended within the limits designated as a Fire Lane shall be punished by a fine not to exceed fifteen dollars ($15) for each offense.

SECTION 616 REPAIR OR CONSTRUCTION OF HIGHWAYS

No person other than those officials or boards having authority to repair or construct highways, or a person acting under the authority of any of them, shall dig up, open or excavate any street without first obtaining permission in writing so to do from the Board of Selectmen

and, if the Board of Selectmen so require, executing and delivering to the Town an agreement under seal to indemnify the Town and save it harmless from all loss, cost or damage caused to it thereby and to replace the material and substances so dug up or removed to the satisfaction of the Selectmen. . The penalty for violation of this By-Law shall be a fine of fifty dollars ($50).

SECTION 617 FIRE HYDRANTS

No person, except a fireman in legitimate discharge of his duties as a fireman of the Town, shall open a hydrant without consent of the Board of Water Commissioners, and no person shall place any building material or other article or rubbish of any kind so as to hinder the free access to the use of any hydrant. The penalty for violation of this By-Law shall be a fine of fifty dollars ($50).

SECTION 618 WATER EMERGENCY DECLARATION (Amended, ATM, 4/29/89, Art. 18)

The Board of Water Commissioners, or its designee, is authorized and empowered to declare a state of water emergency as may be necessary from time to time, in order to conserve water resources of the Town, and ban or restrict the use of water on certain uses. Any person who, upon approval of the foregoing restrictions for a state of water emergency, by the Department of Environmental Protection of the Commonwealth of Massachusetts, shall violate the ban or restrictions, shall be subject to a fine in an amount not to exceed the sum of one hundred dollars ($100) for each violation, and each day in which a violation occurs will be considered a separate violation. This section shall be subject to the provisions of Mass. Gen. Laws Chapter 21G, and the regulations adopted thereunder.

SECTION 619 BURGLAR ALARM OPERATIONS/REGULATIONS/FINES (Amended, ATM, 4/29/89, Art. 24) (Amended, ATM, 5/7/01, Art. 34)

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

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

c.) The Board of Selectmen shall establish an abatement procedure for false alarm fees.

SECTION 620 REGULATING THE NUMBERING OF BUILDINGS (ATM, 04/28/90, Art. 24) (Mass. Gen. Laws, Chapter 40, Sec. 21)

1. The Board of Selectmen or its designee including but not limited to the Town Building Inspector may order a building to be numbered or renumbered by the owner thereof, on or near the line of public or private ways; and shall keep or cause to be kept and shall file with the office of the Town Clerk a suitable record of all such numbering and renumbering.

2. The owner of every building shall comply with any such order within thirty (30) days after notice by the Board of Selectmen or its said designee, to number or renumber a building on or near the line of the public or private way on which the building is situated. The numbers shall be not less than three (3) inches in height.

3. If the owner of any building fails to number the same timely in accordance with an order issued under the provisions of this By-Law, said owner shall pay a penalty in the amount of twenty-five dollars ($25) for each offense, which shall inure to the Town or to such usages as it may direct; said fine to be recovered on complaint before a District Court or by non-criminal disposition in accordance with Mass. Gen. Laws, Chapter 40, Section 21D. Each day the owner fails to comply with an order issued under the provisions of this By-Law shall constitute a separate offense.

SECTION 621 MANDATORY RECYCLING (STM, 6/25/90, Art. 1)

All residents of the Town shall be required to separate their solid waste into various categories for the purpose of recycling in the manner set forth by any rules or regulations promulgated by the Board of Health.

SECTION 622 FEE FOR UNDERGROUND STORAGE TANK REMOVAL (STM, 6/22/92, Art. 6)

There is hereby established a fee for removal or relocation of underground flammable or combustible fluid tanks at seventy-five dollars ($75) per tank for tanks with a capacity between 550 and 10,000 gallons, as provided in Mass. Gen. Laws, Chapter 148, Section 38(A).

SECTION 623 WATER CROSS CONNECTION REGULATIONS (ATM, 06/12/93, Art. 21)

The Board of Water Commissioners is authorized to implement and enforce regulations on file with the Town Clerk providing for the elimination or control of water cross connections, actual or potential, between the in-plant potable water system and non-potable systems.

SECTION 625 SNOW REMOVAL (ATM, 5/14/94, Art. 25)

No driver of a vehicle used to remove snow and no person operating snow removal equipment shall place snow in any constructed, traveled roadway within the Town. The penalty for violation of this By-Law shall be a fine of fifty dollars ($50).

SECTION 626 TAG SALES (ATM, 5/4/98, Art. 30)

No person shall conduct a tag sale, attic sale, garage sale, lawn sale, rummage sale, yard sale or

their equivalent in the Town except in accordance with the following requirements:

1. The Tag Sale shall be restricted to the sale of personal property belonging to the resident family, which is being sold on their own premises; or in the case of a neighborhood tag sale, shall be restricted to personal property belonging to the participating resident families, which is being sold from premises located in the neighborhood.

2. The Tag Sale shall be limited to not more than two (2) consecutive days and the hours of operation shall not begin before 8 AM and shall not extend beyond sunset.

3. Tag Sales by a resident family on more than two (2) occasions in any given calendar year and sales of property belonging to other persons shall not be permitted without the issuance of a Junk License from the Board of Selectmen. In such instances, Zoning By-Law requirements must be complied with.

4. Temporary signs advertising the Tag Sale may be erected on the day (s) of the sale in accordance with Zoning By-Law requirements, and shall be promptly removed at the conclusion of the sale. Signs that create a nuisance or threat to public safety are prohibited and shall be removed at the request of the zoning enforcement official or police officer.

5. The Tag Sale holder shall be responsible for orderly parking and traffic flow. If parking or traffic flow conditions create a threat to the safety of the public, the tag sale event shall be terminated at the request of a police officer.

6. No Tag Sale event shall be held at a time or place so that it negatively impacts or interferes with any other public event in the community.

Occasional sales by churches and other charitable organizations shall be exempted from these regulations.

Violations of the provisions of Section 626

Fine allowed:	one hundred dollars ($100)
Fine scheduled:	Each offense
Enforcement Agent:	Zoning Enforcement Officer and the Police Department.

SECTION 627 **REGULATION OF AUTOMATIC AMUSEMENT DEVICES** (ATM, 5/7/01, Art. 36) (ATM, 5/6/02, Art. 36) (ATM, 5/13/03, Art. 2) (ATM, 5/17/04, Art.23)

a.) In accordance with Mass. Gen. Laws, Chapter 140, Section 177A, as amended from time to time, any individual or business desiring to keep and operate an automatic amusement device for hire, gain or reward shall secure an annual license from the Board of Selectmen. The term automatic amusement devices as used in this By-law shall refer to mechanical, digital, electronic and electrical devices. No license shall be granted for any automatic amusement device, which presents a risk of misuse as a gaming device. No person shall operate or allow the operation of an automatic amusement device, which presents a risk of

misuse as a gaming device. Automatic amusement devices which simulate actual gaming or actual gaming devices and games which involve matching of random numbers, patterns or color combinations and games which simulate or represent casino type games, poker and blackjack.

b.) The maximum number of automatic amusement devices allowed on any single business premises shall be six, with no such device able to accept a bill larger than five dollars ($5). Any change of automatic amusement devices shall be subject to inspection.

c.) All premises designated on a license for automatic gaming devices granted by the Board of Selectmen shall be subject to inspection by the Wilbraham Police Department to ensure conformance with submitted application information and local By-law requirements.

d.) Any unlicensed automatic amusement device or automatic amusement device, which presents a risk of misuse as gaming device, shall be subject to immediate seizure by the Wilbraham Police Department. Any expense incurred by the Wilbraham Police related to the seizure of such devices shall become the responsibility of the person that controls the premises where the devices were located.

e.) Any individual or business not in compliance with this By-law shall receive a written notice of such non-compliance. The first notice shall result in a fine of one hundred dollars ($100) A second or subsequent notice of non-compliance shall result in a fine of three hundred dollars ($300) and the revocation of all licenses issued in accordance with this By-law and Mass. Gen. Laws, Chapter 140, Section 177A.

f) Notwithstanding anything contained herein to the contrary, the limitation upon the maximum number of automatic amusement devices allowed on any single business premises of six set forth in Subparagraph (b) above shall not be applicable to the operation of a business that constitutes public recreation operated as a business, including facilities for assembly, billiards, bowling, soccer, roller skating and similar activities, provided that the following conditions are satisfied as determined by the Planning Board:

1. The operation of automatic amusement devices shall be accessory to the principal use of public recreation operated as a business; and

2. More than six amusement devices shall only be operated within the business premises that have as their principal use public recreation operated as a business in conjunction with and as accessory to the public recreation activities carried out within any such business premises.

Upon receipt by the Board of Selectmen of a certification from the Planning Board that an establishment satisfies both of the foregoing conditions and constitutes public recreation operated as a business where the operation of automatic amusement device is accessory to such principal use, the Board of Selectmen shall be entitled to issue a license permitting the operation of more than six automatic amusement devices at the business premises where public recreation operated as a business constitutes the principal use, with no limitation imposed upon the number of automatic amusement devices that may be permitted by the Board of Selectmen pursuant to any such license. Nothing contained in this Subparagraph (f) shall modify or otherwise affect the

prohibition set forth in Subparagraph (a) that no license shall be granted for any automatic amusement device which presents a risk of misuse as a gaming device and no person shall operate or allow the operation of an automatic amusement device which presents a risk of misuse as a gaming device.

g.) This By-law shall be enforced by all state and local law enforcement officials and shall be administered under the provisions of Mass. Gen. Laws, Chapter 40, Section 21D and any Mass. Gen. Law or Town By-law implementing enforcement of such By-laws. Nothing in this By-law shall be construed to change any provision of the Wilbraham Zoning By-law.

SECTION 628 INSTALLATION OF KEY BOXES ON PROPERTY PROTECTED BY AUTOMATIC FIRE ALARM SYSTEMS OR AUTOMATIC SPRINKLER SYSTEMS (ATM, 5/13/03, Art. 32)

1. Whenever an automatic fire alarm system or automatic sprinkler system protects a structure or area within the Town, a secure key box rapid entry systems approved by the Fire Chief shall be installed on the property in a location approved by the Fire Chief or his designee. It shall be the responsibility of the owner, lessee, tenant, or other party in control of the structure 1) to assume all costs associated in the installation of the key box, 2) to ensure that all keys contained therein are those most currently in use in the structure or area, and 3) to keep the key box in good repair.

1.1 Exemptions. The following are exempt:

1.1.1. Structures or area that are occupied 24 hours a day, seven days a week, where personnel on site have keys and access to aforementioned areas;
1.1.2. Buildings containing five or less dwelling units;
1.1.3. Buildings containing six or more dwelling units that do not utilize common corridors to access living units.

2. Contents and Information to be Provided. Such key boxes shall contain current keys and information for the following:

2.1. Locked points of ingress or egress whether on the interior or exterior of the building.
2.2. Fire alarm panel room.
2.3. Fire alarm panel.
2.4. Elevator controls and firefighter switch, if applicable.
2.5. Any area with hazardous conditions or materials.
2.6. Mechanical rooms.
2.7. Fire Protection systems control rooms.
2.8. Alarm enunciator instructions.
2.9. Emergency response notification list.
2.10. Other areas as directed by the Fire Chief or his designee.

3. Compliance. All structures or areas required to install a key box have 18 months from the effective date of this By-Law to comply. Failure to comply with any portion of this By-Law

will result in notification to the Board of Selectmen, Planning Board, Building Department, and the Zoning Board of Appeals, requesting no permits, licenses, or occupancies within the structure be issued or renewed until this By-Law is complied with.

SECTION 630 **UNREASONABLE NOISE** (ATM, 5/6/02, Art. 35) (ATM, 5/11/15, Art. 54)

1. Unreasonable Noise Prohibited. It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any excessive, unnecessary, or unusually loud noise which either annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose, or the health or safety of others within the Town. The following acts are declared to be loud, disturbing, injurious, unnecessary and unreasonable noises in violation of this section, but this enumeration shall not be exclusive, namely:

a.) Radio, Phonograph, Musical Instruments and Television. The playing of any radio, phonograph, television set, amplified or musical instruments, loudspeakers, tape recorder, or other electronic sound producing devices, in such a manner or with volume at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office, school, church, or of any persons in the vicinity.

b.) Shouting and Whistling. Yelling, shouting, hooting, whistling, singing, or the making of any other loud noises on the public streets, between the hours of 9:00 p.m. and 7:00 a.m., or the making of any such noise at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office, school, church, or of any persons in the vicinity.

c.) Animal Noises. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the reasonable comfort or repose of any person.

d.) Devices to Attract Attention. The use of any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise. This section shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise authorized to engage in such activity.

e.) Construction Noise. The operation of vehicles, equipment, tools or machines used as a means of construction, maintenance, repair or demolition of a building site, building, bridge, tower or road between the hours of 9:00 p.m. and 7:00 a.m., or the making of any such noise between the hours of 9:00 p.m. and 7:00 a.m., so as to annoy or disturb the reasonable comfort or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office, school, church or of any persons in the vicinity.

f.) Engine noise during or incident to the repair of motor vehicles between 9:00 p.m. and 7:00 a.m. on commercial premises and any time on residential premises.

2. Exemptions. None of the terms or prohibitions of the previous section shall apply or be enforced against:

a.) Trains

b.) Emergency Vehicles. Any police or fire vehicles or any ambulance while engaged in necessary emergency business.

c.) Highway and Utility Maintenance and Construction. Necessary excavation in or repairs of bridges, streets, or highways, or any public utility installation by or on behalf of the Town, or any public utility or any agency of the State of Massachusetts.

d.) Public Address. The reasonable use of amplifiers or loud speakers for public addresses, which are non-commercial in nature.

e.) Noise caused by agricultural, farm-related activities as defined by Mass. Gen. Laws, Chapter 128, Section 1A, as amended from time to time, including but not limited to the operation of farm equipment, sawmills, harvesting equipment, noises from farm animals, and the like.

f.) Noise caused by lawful hunting or other lawful discharge of firearms.

g.) Noise from activities which have been duly licensed, permitted or otherwise allowed by a governmental body having jurisdiction to license, permit or allow the activity that generates the noise.

h.) Organized Sports

3. Penalties. The first violation of this By-law shall be punished by a fine of not less than one hundred dollars ($100). The second violation of this By-law within 12 months after the first violation shall be punished by a fine of not less than two hundred dollars ($200). Further violations within 12 months after the last violation shall be punished by a fine of three hundred dollars ($300). Each such act, which either continues or is repeated more than one-half (½) hour after issuance of a written notice of violation of this By-law shall be a separate offense and shall be prosecuted as a separate offense. If the violation occurs on the premises of rental property, which is a non-resident owner, then the owner must also be notified in writing that the violation has occurred.

4. Other Remedies.

a.) If a person or persons responsible for any activity which violates paragraph 1 cannot be determined, the person in lawful custody and/or control of the premises, including but not limited to the owner, lessee or occupant of the property on which the activity is located, shall be deemed responsible for the violation.

b.) If any person shall make complaint in writing to the Board of Selectmen or their designee that a person has acted in violation of this By-law by being responsible for unreasonable noise, the Selectmen shall investigate or cause to be investigated such complaint, including examinations on oath of the complainant and all other persons called to testify or who wish to testify and may make a finding of violation of this By-law after a hearing on the merits of the complaint conducted

by the Board of Selectmen. The complainant and the person complained of will be afforded the opportunity to be heard, to call witnesses on their behalf to cross-examine witnesses and to be represented by counsel at the hearing.

5. Enforcement. This By-law shall be administered under the provisions of Mass. Gen. Laws, Chapter 40, Section 21D and any statute, regulation or Town By-law implementing enforcement of such By-laws.

6. Severability. If any provision of this By-law is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the By-law shall not be invalidated.

SECTION 631 **PRIVATE WAYS**
(ATM, 5/14/07, Art. 28) (Amended, ATM, 5/13/19, Art. 47)

1.01 The Town may, subject to appropriation therefore in advance at the previous annual Town meeting, make temporary repairs to a private way on which there is more than one owner abutting the private way, subject to limitations expressed in the following sections of this By-Law, which shall not constitute a rebuilding of the road by replacing the gravel base, binder course and top coat, but which would be limited to patching degraded portions of the asphalt or regrading gravel roads or minimal snow plowing to allow for emergency access by public emergency vehicles and practical access to accommodate public necessity. See Section 1.03 below.

1.02 Drainage improvements shall not be made at the time of the making of such temporary repairs unless necessary to provide access by emergency vehicles to more than one home abutting the private way and then only to the extent to which the temporary repairs are necessary to provide such emergency access by public emergency vehicles and practical access to accommodate public necessity.

1.03 Temporary repairs will not be made unless there is a public necessity for the repairs, and not merely an inconvenience to a property owner on a private way who is either the sole owner abutting the private way or an owner of property adjacent to the private way at the end of the private way, but not abutting the private way. The private ways eligible for temporary repairs under this By-Law shall have been in existence prior to August 9, 1946 when the subdivision control law became effective in Wilbraham or shall have been constructed (or in the process of construction) in accordance with a plan approved and endorsed under the subdivision control law. The term "public necessity" shall mean a need by public emergency vehicles including fire, police, and ambulance; or Town snow removal vehicles, school buses, and other vehicles customarily used by delivery services and utility and home appliance service vehicles to access the homes abutting the private way.

1.04 In order for the Town to make temporary repairs on a private way, in addition to the rest of the requirements set forth herein, there must first be a petition for such temporary repairs presented in writing to the Town and signed by 51% of the owners abutting the private way.

1.05 Neither betterment assessments nor any other fee shall be assessed to owners abutting the private way when temporary repairs are made. However, notwithstanding the petition of 51% of the owners abutting the private way, said owners shall pay to the Town a sum of money equal to the amount estimated by the Director of Public Works to be the cost of materials to be used in the temporary repairs including, but not limited to, oil, stone, bituminous asphalt and pipes, said sum of money to be apportioned among said owners as they deem appropriate.

1.06 Notwithstanding the petition of 51% of the owners abutting a private way, the Town shall not make temporary repairs unless those owners who have title to and abut the private way itself shall first execute a document presented by the Town which establishes a one hundred ($100.00) dollar limit of liability for the Town on account of damages caused by or during such repairs to that private way.

1.07 The Town may also offer the owners abutting the private way the opportunity to hire the Town's paving contractor if and when the Town's paving contractor is performing other work for the Town in the vicinity of the particular private way(s), when such an opportunity would represent the likelihood of a substantial savings to the owners abutting the private way in an instance where more extensive repairs or a complete reconstruction of the road is preferred by the owners abutting the private way. Nothing herein shall be construed to impose a requirement that the Town take any such action or create or offer such an opportunity to the owners abutting the private way.

1.08 Notwithstanding anything in the foregoing to the contrary, no temporary repairs or other repairs or services, including but not limited to snowplowing as referenced in Section 1.01 above, shall be construed to constitute the acceptance by the Town of a private way as a public way or to otherwise convert a private way to a public way.

SECTION 632 UNREGISTERED OR INOPERABLE MOTOR VEHICLES

(ATM, 5/14/07, Art. 35)

1. No person in charge or control of any property within the Town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any motor vehicle or trailer which is partially dismantled, wrecked, junked, inoperable or unregistered to be stored, parked or otherwise placed on such property for more than thirty (30) days during any one year period except that this Section shall not apply to:

A. A motor vehicle stored or parked within a lawfully permitted and totally enclosed building with sidewalls and roof:

B. An un-garaged motor vehicle stored or parked in a location out of sight from abutting properties and public ways, except that the open air storage of more than two (2) unregistered or inoperable vehicles is prohibited on any lot where the principal use of such lot is residential in nature. For purposes of this section all contiguous parcels of land in common ownership shall be considered one lot.

C. A motor vehicle on the premises of a legally established business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise including, but not limited to, motor vehicles sales, motor vehicle towing operations and motor vehicle repair shops;

D. Motor vehicles which are used for bona-fide agricultural purposes; and
E. A motor vehicle stored or parked in an appropriate storage place or depository maintained in a lawful place and manner with the consent of the Town.

2. Any person who continues to violate any provision of this Section 631 of the Town By-Laws after seven (7) days following receipt of written notice of such violation from the Zoning Enforcement Officer shall be liable for a penalty not exceeding one hundred dollars ($100) for each offense. Each day that any violation continues after said seven (7) day period shall constitute a separate offense. Any violation that is corrected and then recurs within one year following the written notice of the original violation shall be considered a repeat violation subject to an immediate penalty not exceeding two hundred dollars ($200) for each offense and each day that the repeat violation continues shall constitute a separate offense.

3. The violation of any provision of this section may be addressed by the procedure for non-criminal disposition as provided in Mass. Gen. Laws, Chapter 40 Section 21D, as incorporated in Section 103A of the By-laws of the Town.

Citation to By-Laws:	Wilbraham Town By-laws Section 632
Subject of By-Laws:	Unregistered motor vehicles
Enforcing Persons:	Police Department and Zoning Enforcement Officer
Penalty:	one hundred dollars ($100) for each offense, each day being a separate offense; two hundred dollars ($200) for each repeat offense, each day being a separate offense.

SECTION 633 **RIGHT TO FARM** (ATM, 5/14/07, Art. 41)

The Town hereby adopts a Right to Farm Bylaw, administered by an Agricultural Commission, to promote and preserve farming and farmland within the Town. The Agricultural Commission shall perform its duties in cooperation with other relevant Town boards, commissions and departments.

Section 1: Purpose and Intent

In the Town, where farming is an essential part of the Town's history, farming continues to be a necessary and desirable activity that provides food, clean air, economic diversity, local employment, and open space to all citizens of our community.

This By-Law is intended to encourage the pursuit of agriculture, promote farm-based economic and employment opportunities, farm-based recreational and leisure activities, and protect farmland within the Town.

The purpose and intent of this By-Law is to foster agricultural uses of land, and to encourage the initiation and expansion of agriculture and related activities to function in harmony with the citizens of Wilbraham.

The right to farm is accorded to all citizens of the Commonwealth under Article 97 of its Constitution and all state statutes and regulations there under, including but not limited to: Mass.

Gen. Laws, Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A. We, the citizens of Wilbraham, 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").

Section 2: Definitions

"Farm" shall include any parcel or contiguous parcels of land or bodies of water, used for agriculture.

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

- farming in all its branches which involve the cultivation and the tillage of the soil
- establishing and maintaining orchards
- dairying
- production, cultivation, growing and harvesting of any agricultural, aqua-cultural, floricultural, viti-cultural or horticultural commodities
- growing and harvesting of forest products including the production of maple syrup, Christmas trees and any other related forestry or lumbering operations
- raising and keeping of domestic livestock
- keeping of horses and other livestock as a commercial enterprise
- establishing community gardens and maintaining other agricultural endeavors

Section 3: Right to Farm Declaration

In this By-Law, the word "farming" encompasses activities including, but not limited to, the following:

- agricultural operation and transportation of slow-moving farm equipment over roads within the Town
- agricultural activities that may occur on holidays, weekdays, weekends, by day or by night, and shall include the attendant activities associated with accepted farming practices
- conducting agricultural-related educational and farm-based recreational activities, including agri-tourism
- the operation and maintenance of a farmers' market and farm stands
- the sale of farm-related products with approved signage
- maintenance, repair or storage of farm-related equipment or apparatus owned or leased by the farm owner or manager
- the construction and maintenance of farm buildings used for shelter, feed, storage, maintenance and farm stands

Nothing in this Right to Farm Bylaw shall be deemed as acquiring an interest in any land, nor as imposing any land use regulation which is properly within the purview of state statute or regulation, or local zoning law.

Section 4: Policy Statement

"It is the policy of the Town, a Right to Farm 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, recreational and ecological value."

The Agricultural Commission shall submit this policy statement as part of its Annual Report to the Town, and shall cause copies of said policy to be posted in various Town offices dealing with land use, including, but not limited to the Board of Assessors, Zoning Board of Appeals, Planning Board, and Conservation Commission.

Section 5: Procedure for Mediation

Any person having a complaint about a farm or farming activity or practice is encouraged to seek an amicable solution, including talking directly with the involved participant. Such person may, pursuit of other available remedies notwithstanding, request assistance from the Board of Selectmen. The Board of Selectmen may appoint a panel of at least three individuals, including a farmer and a member of the Agricultural Commission, to review and facilitate the resolution of the grievance, and to report its recommendations to the Board of Selectmen within an agreed-upon time frame.

Section 6: Severability Clause

If any part of this By-Law is for any reason found to be invalid, such decision shall not affect the remainder of this By-Law.

SECTION 634 STORMWATER PHASE II COMPREHENSIVE BY-LAW

(ATM, 5/14/07, Art. 43)

PART I LOCAL STORMWATER MANAGEMENT

SECTION A. PURPOSE AND AUTHORITY

1. Purpose

a. The purpose of this By-Law is to better manage land alteration and development in order to protect, maintain, and enhance the public health, safety, and general welfare of the citizens of Wilbraham by establishing minimum requirements and procedures to control the **adverse impacts** associated with **stormwater runoff**. (Bolded words and phrases are defined under the definition section B).

b. The proper management of stormwater runoff will meet the following objectives:

   1. Reduce the adverse water quality impacts of stormwater discharges to rivers, lakes, reservoirs and streams in order to meet federal water quality standards;
   2. Prevent the discharge of pollutants, including hazardous chemicals, into stormwater runoff;

3. Minimize the volume and rate of storm water, which is discharged to rivers, streams, reservoirs, lakes and storm sewers, that flows from any site during and following development;
4. Prevent erosion and sedimentation from land development, and reduce stream channel erosion caused by increased runoff;
5. Provide for the non-polluted recharge of groundwater aquifers and maintain the base flow of streams;
6. Provide storm water facilities that are attractive, maintain the natural integrity of the environment, and are designed to protect public safety;
7. Maintain or reduce pre-development runoff characteristics after development to the extent feasible;
8. Minimize damage to public and private property from flooding;
9. Ensure that these management controls are properly maintained; and
10. Comply with state and federal statutes and regulations relating to storm water discharges.

2. Authority

This By-Law is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and the regulations of the federal Clean Water Act found at Title 33 U.S.C. §§ 1252 1387 and 40 CFR 122.34.

3. Responsibility for Administration

The Town Department of Public Works (Wilbraham DPW) shall be the Permitting Authority/**Authorized Enforcement Agency** and shall administer, implement and enforce this By-Law. Any powers granted to or duties imposed upon the Wilbraham DPW to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-Law.

SECTION B. DEFINITIONS

1. Definitions

Unless otherwise expressly stated, the following definitions describe the meaning of the terms used in this By-Law:

Applicant - a person with the duty to apply for a permit hereunder

Authorized Enforcement Agency - The Town Department of Public Works (Wilbraham DPW), and its employees or agents designated to enforce this By-Law. Also see permitting authority below.

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

Best Management Practices (BMP) - An activity, procedure, restraint, or structural improvement that helps reduces the quantity or improve quality of stormwater runoff. Some examples of BMPs are described in a stormwater design manual, Stormwater Management, Volume Two: Stormwater Technical Handbook (March, 1997, MA Department of Environmental Protection and MA Office of Coastal Zone Management, as updated or amended). Best Management Practices may include:

- Detention basins
- Deep sump catch basins
- Water quality swales
- Oil/sediment separators
- Vortex separators

Certificate of Completion - A written determination by the Wilbraham DPW that work has been completed in accordance with a Local Stormwater Management Permit. For major projects, a Certificate of Completion will be issued only after a Notice of Termination has been submitted to United States Environmental Protection Agency for termination of coverage under **NPDES**.

Construction Activity - The disturbance of the ground by removal of vegetative surface cover or topsoil, grading, excavation, clearing or filling.

Design Storm - A rainfall event of specified size and return frequency that is used to calculate the runoff volume and peak discharge rate.

Detention - The temporary storage of storm runoff which is used to control the Peak Discharge rates, and which provides gravity settling of pollutants.

Disturbance - Any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the clearing, grading, digging, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural man-made watercourse.

Drainage Area - That area contributing runoff to a consolidated flow of water as measured in a horizontal plane.

Easement - A grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

Impervious Surfaces – Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious surfaces include roads, pavement, building rooftops, sidewalks, and driveways.

Infiltration - The process of percolating water from the surface into the subsoil.

Local Stormwater Management Permit - A document issued by the Wilbraham DPW, including conditions, which regulates stormwater controls associated with land disturbance.

Operation and Maintenance Plan – A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

Nonpoint Source Pollution - The Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, mining, construction, subsurface disposal and urban runoff sources.

National Pollutant Discharge Elimination System (NPDES) - As authorized by the Clean Water Act, is a permit program governed by the U.S. Environmental Protection Agency (EPA) that controls water pollution by regulating point sources that discharge pollutants into waters of the United States. A Notice of Intent is the mechanism used to "register" for coverage under a general permit. A Notice of Termination is the mechanism used to close out coverage under a general permit after construction completion.

NRCS - The United States Department of Agriculture Natural Resources Conservation Service.

Owners - The person owning the subject property at the time the application for the permit is made and the also subsequent owners and assignees.

Outfall - The terminus of a storm drain or other stormwater structure where the contents are released.

Peak Discharge - The maximum instantaneous rate of flow during a storm, usually in reference to a specific design storm event.

Permeable Soils - Soil materials with a sufficiently rapid infiltration rate so as to greatly reduce or eliminate surface and stormwater runoff. These soils are generally classified as NRCS hydrologic soil types A and B.

Permit - A **Local Stormwater Management** permit (see above)

Permitting Authority - The Wilbraham DPW, to which a person must apply for a permit under this By-Law.

Person - Any individual, group of individuals, association, partnership, corporation, company, business, organization, trust, estate, administrative agency, public or quasi-public corporation or body, the Commonwealth or political subdivision thereof.

Phasing - The disturbance of a parcel of land in distinct phases, with the stabilization of each phase completed before the disturbance of the next.

Recharge - The replenishment of underground water reserves.

Responsible Party - Transferees and assignees of this original owner/applicant

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

Stormwater Management Permit - See **Local Stormwater Management Permit**

Stormwater Runoff - The flow on the surface of the ground, resulting from precipitation.

Stormwater Pollution Prevention Plan (SWPPP) – Plan including minimum information as required for coverage under the EPA NPDES General Permit and with additional information as required by this By-Law.

Swale - A natural depression or wide shallow ditch used to temporarily store, route, or filter runoff.

2. Reference Documents

Stormwater Management Policy (March, 1997, Massachusetts Department of Environmental Protection).

Stormwater Management, Volume One: Stormwater Policy Handbook (March, 1997, Massachusetts Department of Environmental Protection and Massachusetts Office of Coastal Zone Management).

Stormwater Management, Volume Two: Stormwater Technical Handbook (March, 1997, Massachusetts Department of Environmental Protection and Office of Coastal Zone Management).

SECTION C. APPLICABILITY

1. Prior to the issuance of any Special Permit, Site Plan Approval, Building Permit for any proposed development listed below, a **Local Stormwater Management Permit**, must be approved by the Wilbraham DPW. No **person** shall, on or after the effective date of the By-Law, initiate any vegetation clearing, land grading, earth moving or development activities without first complying with this By-Law. The following uses and activities shall be regulated under this By-Law:

a. Minor Projects: any proposed development **disturbing** an area of less than 43,560 square feet (1 Acre)

b. Major Projects:

(1) Subdivisions and construction activities of any kind **disturbing** an area equal to or greater than 43,560 square feet (1 Acre); and

(2) Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs an area equal to or greater than 43,560 square feet (1Acre).

SECTION D. EXEMPTIONS

1. To prevent the adverse impacts of stormwater runoff, the Wilbraham DPW has adopted the MA DEP Stormwater Management Policy as the set of performance standards that must be met at new development sites. These standards apply to construction activities as described under Section C. The following activities are exempt from these stormwater performance standards:

a. Any agricultural activity which is consistent with an approved soil conservation plan prepared or approved by the **NRCS**;
b. Any logging which is consistent with a timber management plan already approved under the Forest Cutting Practices Act by the Massachusetts Department of Conservation and Recreation;
c. Additions or modifications to existing single family structures where there is no proposed change in impervious area;
d. Any emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Wilbraham DPW; and
e. Work undertaken by the Wilbraham DPW.

SECTION E. PERMIT PROCEDURES AND REQUIREMENTS

1. Approval of Local Stormwater Management Permit Required

No landowner shall receive a building, grading, or other land development permits required, or commence land **disturbance** activities, without approval of the Local Stormwater Management Permit and meeting the requirements of this By-Law. Approval by the Wilbraham DPW under this By-Law does not exempt the applicant from meeting the requirements of the federal **National Pollutant Discharge Elimination System (NPDES)** program, which requires a Notice of Intent be filed with the EPA and a **Stormwater Pollution Prevention Plan (SWPPP)** be prepared and maintained on site nor does it supersede compliance with the requirements of the Wilbraham Conservation Commission and the Massachusetts Department of Environmental Protection.

2. Application and SWPPP Requirements

a. Minor Projects

Applicants for a Local Stormwater Management Permit for Minor Projects are required to submit the non-refundable permit review fee with the Local Stormwater Management Permit Application and a site plan depicting the following information.

1. Name, address and telephone number of owner, professional engineer (if applicable) and contractor (if applicable)
2. Property lines
3. Existing zoning and land use at the site
4. Proposed land use
5. Location(s) of existing and proposed **easements**
6. Location of existing and proposed buildings and **impervious surfaces**
7. Location of existing and proposed Stormwater utilities, including dry wells, rain gardens or **swales** within 100' of the property line
8. Proposed driveway location and slope (not to exceed 2% within the first 20 feet measured from the paved road)
9. Septic system or sewer location
10. Well or water location
11. Limits of tree clearing
12. Limits of grading
13. Proposed erosion controls
14. Average slope of disturbed area as a percentage (%)
15. Delineation of 100 year flood plain if applicable

Every person disturbing a site with an average slope equal to or greater than 5% must post a bond or other approved means of security in an amount agreeable to Wilbraham DPW until the project is completed. The Wilbraham DPW may promulgate regulations setting forth the elements comprising the amount of and terms and conditions of the bond or other financial security required by this or other sections of this By-Law. Wilbraham DPW may require a SWPPP.

If a project is shown on a plan as part of a larger plan of development that is covered under an existing NPDES (NOI), but is, in actual fact, considered a separate development on a unique lot, as determined by the Wilbraham DPW, then Local Stormwater Management Permit coverage is required for both activities. This may apply to a residential or commercial subdivision, where one person is responsible for roadway construction and a separate person is responsible for building construction on subdivided lots.

b. Major Projects

Applicants for a Local Stormwater Management Permit for Major Projects are required to submit the non-refundable permit review fee along with the Local Stormwater Management Application, a copy of the following information that was sent to EPA:

1. NPDES Notice of Intent
2. SWPPP, including additional information as described in section E.(3)
3. An Operation and Maintenance Plan and Agreement.

All major projects must post a five hundred dollars ($500) per acre of disturbed area bond.

3. Contents of the SWPPP for Major Projects - Every person applying for a Local Stormwater Management Permit for a major project shall submit a copy of the NPDES (NOI) and the SWPPP that was sent to the EPA. The SWPPP shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The SWPPP shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in the DEP/CZM Stormwater Management Handbook Volumes I and II. The applicant shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in accordance with the SWPPP.

The SWPPP shall be designed and stamped by a professional engineer. Prior to submission to the Town the SWPPP shall include the following minimum information:

a. Name, address and telephone number of owner, professional engineer and **person** responsible for implementation of the plan
b. Locus map
c. Property lines
d. Existing zoning and land use at the site
e. Proposed land use
f. Location(s) of existing and proposed easements
g. Location of existing and proposed utilities
h. Location of all existing and proposed buildings and impervious surfaces
i. Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sediment transport, including provisions to preserve topsoil and limit disturbance
j. Design details for adequate access (i.e. easement, gravel roads, gates) for operation and maintenance of the **best management practices (BMPs)**
k. Site's existing and proposed topography with contours at 2 foot intervals on the MA State Plane Coordinate System
l. Existing and proposed vegetation and ground surfaces
m. Clear and definite delineation of any areas of vegetation or trees. Specify vegetation that is to be removed and vegetation that is to be saved.
n. Description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which storm water flows or impacts
o. Delineation of 100-year flood plains, if applicable
p. Estimated seasonal high groundwater elevation in areas to be used for storm water **retention**, **detention**, or **infiltration**
q. **Drainage area** map showing pre- and post-construction watershed boundaries and stormwater conveyances.
    1. Subcatchment areas for specific design points must include pre- and post-design drawings, report, and a summary table for 2, 10, 50, 100 year **design storms** based on accepted engineering standards.
r. A description and drawings of the proposed drainage system including:

1. locations, cross sections, and profiles of drainage swales and their method of stabilization
2. measures for the detention, retention or infiltration of water
3. measures for the protection of water quality
4. the structural details for the components of the proposed drainage systems and stormwater management facilities
5. notes on drawings specifying materials to be used and construction specifications
6. expected hydrology with supporting calculations
7. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable

s. A description of construction and waste materials expected to be stored on-site, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to storm water, and spill prevention and response consistent with those allowed in zoning district
t. Timing, schedules, **phasing**, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization
u. An inspection and maintenance schedule, including but not limited to replacement of compromised hay bales or silt fence, catch basin cleaning, or cleaning of sedimentation basins, for the period of construction, routine updates to the Wilbraham DPW may be required.
v. Description of how project meets the Standards of the Massachusetts DEP Stormwater Management Policy as updated or amended, including back-up materials such as hydraulic calculations and detailed plans
w. An **operation and maintenance plan and agreement** for continued operation and maintenance of each component of the stormwater management system, refer to Section H.

4. Additional Information for the SWPPP

The Wilbraham DPW may require any additional information or data deemed appropriate and may impose such conditions as may be deemed necessary to ensure compliance with the provisions of this By-Law, or to protect public health and safety.

5. Application Review Fees

The fee for review of any Local Stormwater Management Permit application shall be based on the amount of land to be disturbed at the site and the fee structure established by the Wilbraham DPW.

SECTION F. STORMWATER MANAGEMENT PERFORMANCE STANDARDS

In addition to other criteria used by the Wilbraham DPW in making permit decisions, for the uses specified in this By-Law, the Wilbraham DPW must also find that the Stormwater Pollution Prevention Plan submitted with the permit application meets the following criteria:

1. Minimum Control Standards

Projects must meet the Standards of the Massachusetts Stormwater Management Policy as updated or amended. These Standards are:

a. No new stormwater conveyances (e.g. **outfalls**) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth.
b. Stormwater management systems must be designed so that post-development **peak discharge** rates do not exceed pre-development peak discharge rates.
c. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
d. For new development, stormwater management systems must be designed to remove 80% of the average annual load (post-development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
   (1) suitable nonstructural practices for source control and pollution prevention are implemented;
   (2) stormwater management BMPs are sized to capture the prescribed runoff volume; and
   (3) stormwater management BMPs are maintained as designed.
e. Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (Stormwater Management Volume I: Stormwater Policy Handbook, as updated or amended). The use of infiltration practices without pretreatment is prohibited.
f. Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (Stormwater Management Volume I: Stormwater Policy Handbook, as updated or amended). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
g. Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
h. Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
i. All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.

When the proposed discharge may have an impact upon a sensitive receptor, including streams, storm sewers, and/or combined sewers, the Wilbraham DPW may require an increase in these minimum requirements, based on existing stormwater system capacity.

2. Erosion Control Performance Standards

Projects must address the following design requirements for erosion and sediment control.

a. Minimize total area of disturbance;
b. Sequence activities to minimize simultaneous areas of disturbance;
c. Minimize peak rate of runoff in accordance with the MA Stormwater Management Policy;
d. Minimize soil erosion and control sedimentation during construction; prevention of erosion is preferred over sedimentation control;
e. Divert uncontaminated water around disturbed areas;
f. Maximize groundwater recharge;
g. Install, and maintain all erosion and sediment control measures in accordance with the manufacturer's specifications and good engineering practices;
h. Prevent off-site transport of sediment;
i. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
j. Comply with all applicable Federal, State and local laws and regulations, including but not limited to, waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
k. Prevent adverse impact from the proposed activities to habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species;
l. Institute interim and permanent stabilization measures. The stabilization measures shall be instituted on a disturbed area as soon as practicable but no more than 14 days after **construction activity** has temporarily or permanently ceased on that portion of the site;
m. Properly manage on-site construction and waste materials; and
n. Prevent off-site vehicle tracking of sediments.

3. Criteria for Review of Local Stormwater Management Permit Applications

The Wilbraham DPW shall review each application to determine its conformance with the provisions of this section. The Wilbraham DPW shall review the permit application and issue a decision within 21 municipal business days after receiving an application. This timeframe may be extended at the sole discretion of the Wilbraham DPW if it requires additional information. Upon completion of the review, the Wilbraham DPW shall issue, in writing:

1) The Local Stormwater Management Permit based upon determination that the proposed plan meets the purposes in Section A and the standards in Section F and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this By-Law;
2) Approval of the Local Stormwater Management Permit subject to any conditions, modifications or restrictions required by the Wilbraham DPW to meet the purposes in Section A and the standards in Section F to adequately protect water resources, set forth in this By-Law; and
3) Disapproval of the Local Stormwater Management Permit based upon a determination that the proposed plan, as submitted, does not meet the purposes in Section A and the standards in Section F or adequately protect water resources, as set forth in this By-Law.

SECTION G. INSPECTIONS

When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system or sanitary sewer, the filing of an application shall be deemed as the property owner's permission to the Wilbraham DPW, or their agents for the right to enter the property at reasonable times and in a reasonable manner for the purpose of the inspection. This includes the right to enter a property when the Wilbraham DPW has a reasonable basis to believe that a violation of this By-Law is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this By-Law.

The applicant shall notify the Wilbraham DPW within 48 hours prior to the following activities. At its discretion, the Wilbraham DPW may enter the property to observe these activities:

a) Installation of erosion and sediment control measures;
b) Site clearing;
c) Installation of permanent stormwater structures prior to backfilling of any underground drainage
d) or stormwater conveyance structures; and
e) Construction completion: Contractor shall notify Wilbraham DPW in writing when all work, including construction of stormwater management facilities and landscaping, has been completed and the site is stabilized. For all major projects, the NPDES Notice of Termination must also be filed with EPA and a copy provided to the Wilbraham DPW prior to final inspection or issuance of **Certificate of Completion.**

The applicant shall submit an "as-built" plan for the stormwater controls after the final construction is completed. The plan must show the final design specifications of all stormwater management controls and Wilbraham DPW may require the plan be prepared by a professional engineer. The as-built plan shall be submitted digitally in accordance with Wilbraham Engineering Department standards, or a conversion fee shall be required. Wilbraham DPW shall issue a Certificate of Completion once all requirements have been met.

The person responsible for implementation of the plan shall make regular inspections of all control measures in accordance with the inspection schedule outlined in the approved SWPPP. The purpose of such inspections shall be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form, maintained on site, and made available at the Wilbraham DPW's request. Such records shall be maintained by the applicant for at least 3 years from the day of final inspection.

SECTION H. MAINTENANCE REQUIREMENTS

1. Operation, Maintenance and Inspection Agreement

a. binding on all subsequent owners of land served by the private stormwater management facility. The agreement shall be designed to ensure that water quality standards are met in all seasons and throughout the life of the system. Such agreement shall provide for access to the facility at reasonable times for regular inspections by the Wilbraham DPW, or its designated representative, and for regular or special assessments to property owners after costs of operation, maintenance and inspection to ensure that the facility is maintained in proper working condition to meet design standards and any conditions set forth in the permit. The agreement shall include:

1. The name(s) of the owner(s) for all components of the system
2. Maintenance agreements that specify
    a. the names and addresses of the person(s) responsible for operation and maintenance;
    b. the person(s) responsible for financing maintenance and emergency repairs;
    c. a maintenance schedule for all drainage structures, including swales and ponds;
    d. a list of easements with the purpose and location of each; and
    e. the signature(s) of the owner(s).
3. Stormwater management easements as necessary for:
    a. access for facility inspections and maintenance;
    b. preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and
    c. direct maintenance access by heavy equipment to structures requiring regular cleanout.
4. Stormwater management easement requirements
    a. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
    b. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Town.
    c. Easements shall be recorded with the Registry of Deeds prior to issuance of a Certificate of Completion.
5. Changes to Operation and Maintenance Plans
    a. The owner(s) of the stormwater management system must notify the Wilbraham DPW of changes in ownership or assignment of financial responsibility.

b. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this By-Law by mutual agreement of the Wilbraham DPW and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties must include owner(s), persons with financial responsibility, and persons with operational responsibility.

b. The agreement shall also provide that, if satisfactory corrections are not made by the owner(s) within thirty days of notice by the Wilbraham DPW, or designated representative, to correct a violation requiring maintenance work, the Town may perform or contract all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties. If the costs are not paid, the Town may place a lien on the property or use available secured funds from bond provided.

2. Maintenance Responsibility

a) The owner of the property on which work has been done pursuant to this By-Law for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.
b) A maintenance schedule shall be developed for any stormwater management facility and shall state the maintenance to be completed, the time period for completion, and who shall be legally responsible to perform the maintenance. This maintenance schedule shall be printed on the stormwater management plan.
c) Records of installation and maintenance shall be maintained by the property owner and shall be made available to Town officials by request. These records shall be stored by the property owner for a minimum of three years.
d) Failure to maintain any stormwater management facility shall be subject to the enforcement and penalties identified in Section J herein.

SECTION I. PERFORMANCE BOND

The Town or its agents may require from the developer a surety or cash bond or other means of security acceptable to the Town prior to the issuance of any building permit for the construction of a development requiring a stormwater management facility. The bond so required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all of the provisions of this By-law and other applicable laws and regulations, and any time limitations. The company providing the performance bond to the developer shall submit a bond of the highest grade as rated by Moody's or Standard and Poor's.

A Certificate of Completion signed by the Town, submission of "as-built" plans, and the Town's final inspection is required prior to full release of the bond.

SECTION J. ENFORCEMENT AND PENALTIES

1. Violations

Any development activity that has commenced or is conducted contrary to this By-Law may be restrained by injunction or otherwise abated in a manner provided by law.

2. Notice of Violation

When the Town determines that an activity is not being carried out in accordance with the requirements of this By-Law, it shall issue a written notice of violation to the owner of the property. Failure to maintain proper maintenance and installation records shall constitute a violation of this By-Law.

The notice of violation shall contain:

a. the name and address of the owner applicant;
b. the address when available or the description of the building, structure, or land upon which the violation is occurring;
c. a statement specifying the nature of the violation;
d. a description of the remedial measures necessary to bring the development activity into compliance with this By-law and a time schedule for the completion of such remedial action; and
e. a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.

3. Stop Work Orders

Persons receiving a notice of violations will be required to halt all construction activities. This "stop work order" will be in effect until the Town confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this By-Law.

4. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in the non-criminal disposition procedure in Mass. Gen. Laws, Chapter 40, Section 21D or in the Town General By-laws § 103A. The Wilbraham DPW shall be the enforcing entity. The penalty shall be three hundred ($300.00) dollars per day. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. If action is not taken by the property owner within seven days, this shall become a civil or criminal penalty.

5. Criminal and Civil Penalties

Notwithstanding anything to the contrary in the foregoing sections of this By-Law any person who violates any provision of this By-Law, valid regulation, or the terms or conditions in any permit or order prescribed or issued thereunder, *shall be subject to a fine for each day* such violation occurs or continues or subject to a civil penalty which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.

6. Restoration of Lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town will take necessary corrective action, the cost of which shall become a lien upon the property until paid.

7. 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.

STORMWATER PHASE II COMPREHENSIVE BY-LAW
PART II ILLICIT DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM

SECTION A. PURPOSE AND AUTHORITY

1. Purpose

The purpose of this By-Law is to eliminate non-stormwater discharges to the Town's Municipal Storm Drain System (storm drain). Non-stormwater discharges contain contaminants and supply additional flows to the Town's Storm Drain System. Non-stormwater discharges are major causes of:

a. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, and groundwater;
b. contamination of drinking water supplies;
c. alteration or destruction of aquatic and wildlife habitat; and
d. flooding.

Regulation of illicit connections and discharges to the storm drain system is necessary for the protection of the Town's natural resources, municipal facilities, general health, safety, welfare, and the environment.

The objectives of this section are:

a. to prevent pollutants from entering the storm drain;
b. to prohibit illicit connections and unauthorized discharges to the storm drain;
c. to remove all such illicit connections;
d. to comply with state and federal statutes and regulations relating to stormwater discharges; and

e. to establish the legal authority to ensure compliance with the provisions of this section through inspection, monitoring, and enforcement.

2. Authority

This By-Law is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and the regulations of the federal Clean Water Act found at 40 CFR 122.34.

3. Responsibility for Administration

The Town Department of Public Works (DPW) shall administer, implement and enforce this By-Law. Any powers granted to or duties imposed upon the DPW to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-Law.

SECTION B. DEFINITIONS

1. Definitions

Authorized Enforcement Agency – The Town Department of Public Works (DPW), its employees and agents designated to enforce this By-Law.

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

Clean Water Act – The Federal Water Pollution Control Act (33 U.S.C. section 1251 *et seq.*) and as it is amended from time to time.

Discharge of Pollutants - The addition from any source of any pollutant or combination of pollutants into the storm drain or into waters of the United States of America (United States) or the Commonwealth of Massachusetts (Commonwealth) from any source.

Groundwater - Water beneath the surface of the ground, except where the water under the ground is the result of a perched water table.

Illicit Connection - A surface or subsurface drain or conveyance, which allows an illicit discharge into the storm drain, including without limitation sewage, process wastewater, or gray 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.

Illicit Discharge - Direct or indirect discharge to the storm drain that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or resulting from firefighting activities.

Impervious Surface - Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

Municipal Storm Drain System (storm drain) or **Municipal Separate Storm Sewer System (MS4) -** 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.

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

Non-Stormwater Discharge - Discharge to the storm drain not comprised entirely of stormwater.

Person - An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the United States or Commonwealth or, to the extent permitted by law, and any officer, employee, or agent of such person.

Pollutant - Any element or property of sewage, residential, agricultural, industrial, or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non-point source, that is or may be introduced into any storm drain system, waters of the United States, and/or Commonwealth. Pollutants shall include without limitation:

a. paints, varnishes, solvents:
b. oil, grease, antifreeze, other automotive fluids and/or products;
c. non-hazardous liquid and solid wastes;
d. refuse, garbage, litter, rubbish, yard wastes, or other discarded or abandoned objects, ordnances, accumulations and floatables;
e. pesticides, herbicides, and fertilizers;
f. hazardous materials and wastes;
g. sewage;
h. dissolved and particulate metals;
i. metal objects or materials;
j. animal wastes;
k. rock, sand, salt, soils, or other products/materials that mobilize in surface water runoff; and
l. construction wastes and/or residues.

Process Wastewater - 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 snowmelt.

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 material includes without limitation:

a. any synthetic organic chemical;
b. petroleum products;
c. heavy metals;
d. radioactive or infectious waste;
e. acid and alkali substances;
f. any substance defined as Toxic or Hazardous under Mass. Gen. Laws, Chapter 21C and Chapter 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000; and
g. any substance listed as hazardous under 40 CFR 261.

Watercourse - 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, coastal 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.

SECTION C. APPLICABILITY

1. Applicability

This section shall apply to flows entering the municipally owner storm and/or operated storm drain system, a watercourse, or into waters of the United States and/or Commonwealth.

2. Regulations

The DPW may promulgate rules and regulations to effectuate the purpose of this By-Law. Failure by the DPW to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-Law.

3. Prohibited Activities

Illicit Discharges – No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the storm drain system, into a watercourse, or into waters of the United States and/or Commonwealth.

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.

Obstruction of the 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 DPW.

SECTION D. EXEMPTIONS

1. Exemptions

Discharge or flow resulting from firefighting activities and DPW ice and snow control operations shall not constitute illicit discharge within the meaning of this By-Law or pertinent federal, state, or local laws.

The following non-stormwater discharges or flows are considered exempt provided that the source is not a significant contributor of pollution to the municipal storm drain system:

a. waterline flushing;
b. flow from potable water sources;
c. springs;
d. natural flow from riparian habitats and wetlands;
e. diverted stream flow;
f. rising groundwater;
g. uncontaminated groundwater infiltrating as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
h. water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
i. discharge from landscape irrigation or lawn watering;
j. water from individual residential car washing;
k. discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
l. discharge from street sweeping;
m. discharge or flow resulting DPW ice and snow control operations
n. dye testing, provided verbal notification is given to the DPW prior to the time of the test;
o. discharge or flow resulting from firefighting activities

p. non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
q. discharge for which advanced written approval is received from the DPW as necessary to protect public health, safety, welfare, and the environment.

SECTION F. ENFORCEMENT AND PENALTIES

1. Emergency Suspension of Storm Drainage System Access

The DPW 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 discharge of pollutants that presents imminent risk of harm to public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare, or the environment.

2. Notification of Spills

Any spills or releases that require notification under local, state or federal law will be the responsibility of the person responsible for a facility or operation, or for an emergency response for a facility or operation (e.g., construction). In the event of a spill or release which may result in a discharge of pollutants or non-stormwater discharge to the municipal storm drain system, waters of the United States, and/or waters of the Commonwealth, the responsible parties, potentially responsible parties, or any person or persons managing a site or facility shall take all necessary steps to ensure containment, and remediate any municipal storm drains that have been impacted. However, if in the opinion of DPW, there is an excessive amount of pollutants in the stormdrain system, the DPW can require remediation by the responsible party regardless of other state or federal regulations. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall take all necessary steps to ensure containment, clean-up of the release, 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.

3. Enforcement

Non-Criminal Disposition

A. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in the non-criminal disposition procedure in Mass. Gen. Laws, Chapter 40, Section 21D or in the Town General By-laws 103A. The Wilbraham DPW shall be the enforcing entity. The penalty will be three hundred dollars ($300) per day each day or part thereof that such violation occurs or continues shall constitute a separate offense. If action is not taken by the property owner within seven days, this shall become a civil or criminal penalty.

Criminal and Civil Penalties

B. Notwithstanding anything to the contrary in the foregoing sections of this By-Law any person who violates any provision of this By-Law, valid regulation, or the terms or conditions in any permit or order prescribed or issued thereunder, shall be subject to a fine for each day such violation occurs or continues or subject to a civil penalty which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.

C. The DPW or an authorized agent of the DPW shall enforce this By-Law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

   a. **Civil Relief** – If a person violates the provisions of this By-Law, regulations, permit, notice, or order issued thereunder, the DPW may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

   b. **Orders** – The DPW or an authorized agent of the DPW may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include:

D. elimination of illicit connections or discharges to the MS4;

E. performance of monitoring, analyses, and reporting;

F. cessation of unlawful discharges, practices, or operations;

G. remediation of contamination in connection therewith.

H. If the authorized enforcement agency determines that abatement or remediation of contamination is required and is the responsibility of the property owner, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses, trebled, shall be charged to the violator.

I. 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, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the DPW 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 DPW 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 Mass. Gen. Laws, Chapter 59, Section 57 after the thirty-first day at which the costs first become due.

a. **Entry to Perform Duties under this By-Law** – To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Wilbraham DPW, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this By-Law and may make or cause to be made such examinations, surveys or sampling as the DPW deems reasonably necessary.

b. **Appeals** – The decision or orders of the Wilbraham DPW shall be final. Further relief shall be to a court of competent jurisdiction.

c. **Remedies not Exclusive** – The remedies listed in this By-Law are not exclusive of any other remedies available under any applicable federal, state or local law.

4. 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.

SECTION 635 LITTER (ATM, 5/16/16, Art. 50)

For the purposes of this section, the following definitions shall be applicable:

Garbage – includes, but is not limited to putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

Litter – includes, but is not limited to 'garbage', 'refuse' and 'rubbish' as defined herein and all other waste materials which, if thrown or deposited as prohibited in this article, tends to create a danger to public health, safety, and welfare.

Refuse – includes but is not limited to all putrescible and non-putrescible solid wastes (except bodily wastes) including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

Rubbish – includes but is not limited to a non-putrescible solid waste consisting of both combustible wastes such as paper wrappers; paper bags; paper towels or napkins; paper or plastic cups; cup lids; plastic bags; plastic or glass bottles; beverage cans; cardboard; tin cans, glass, bedding, crockery, yard waste, sticks, bushes, construction material, and similar materials including but not limited to cigarette butts, cigarette packs, gum packs, tissues, and any other items that would be considered garbage or refuse.

Public Place - the term "public place" includes any and all streets, sidewalks, boulevards, alleys or other public ways, any and all public parks, playgrounds, squares, spaces, grounds, buildings or vacant lots that are publicly owned and any other place where the public has a right of access as invitees or licensees.

a.) No person shall throw or otherwise deposit litter in or upon any public place within the Town, except in proper receptacles for that purpose or in an official Town disposal area.

b.) No person shall throw or otherwise deposit litter in any waterway or storm water collection system within the Town.

c.) No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or any public place within the Town.

Violations of provisions of Section 635

Fine Allowed	Fifty dollars ($50)
Fine Schedule	Each Offense
Enforcement Agents	Police Department, Health Agent, and Zoning Enforcement Officer

SECTION 637 PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL (ATM, 5/16/16, Art. 53)

a.) No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in Mass. Gen. Laws, Chapter 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

b.) This section may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to Mass. Gen. Laws, Chapter 40, Section 21, or by noncriminal disposition pursuant to Mass. Gen. Laws, Chapter 40, Section 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this section shall be one hundred dollars ($100) for each offense. Any penalty imposed under this section shall be in addition to any civil penalty imposed under Mass. Gen. Laws, Chapter 94C, Section 32L.

SECTION 638 MARIJUANA NOT MEDICALLY PRESCRIBED
(ATM, 5/15/17, Art. 57)

Consistent with MGL Ch. 94G, Section 3(a)(2), all types of marijuana establishments as defined in MGL Ch. 94G, Section 1(j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited in the Town of Wilbraham.

SECTION 639 DROUGHT MANAGEMENT PLAN (ATM, 05/14/18, Art. 51)

The Town of Wilbraham has developed a Drought Management Plan to serve as the guide for response to droughts and extended periods of dry weather. The Plan defines action levels, with appropriate levels of response, given the severity of the situation. The Town of Wilbraham's Drought Management Plan is based on the MWRA's (Massachusetts Water Resources Authority) recommended levels, since Wilbraham is a fully supplied MWRA community.

The MWRA'S Drought Management Stages are based on the levels of the Quabbin Reservoir, shown as a percentage of a completely full reservoir. The Town of Wilbraham's drought responses are divided into six phases described below, based on the respective level of the Quabbin Reservoir, shown in Table 1. Reservoir level and drought condition status information is provided on the MWRA website and upon request from the MWRA.

Table 1: Drought Status Control Trigger Levels based on Quabbin Reservoir – Percent (%) Full

Drought Status	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
I. Normal Operation	100% to 85.1/%	100% to 85.1/%	100% to 85.1/%	100% to 90.1%	100% to 90.1%	100% to 90.1%	100% to 87.6%	100% to 85.1%	100% to 82.6%	100% to 80.1%	100% to 80.1%	100% to 80.1%
II. Below Normal	85.0% to 70.1%	85.0% to 70.1%	85.0% to 70.1%	90.0% to 75.1%	90.0% to 75.1%	90.0% to 75.1%	87.5% to 72.6%	85.0% to 70.1%	82.5% to 67.6%	80.0% to 65.1%	80.0% to 65.1%	80.0% to 65.1%
III. Drought Warning	70.0% to 55.1%	70.0% to 55.1%	70.0% to 55.1%	75.0% to 60.1%	75.0% to 60.1%	75.0% to 60.1%	72.5% to 57.6%	70.0% to 55.1%	67.5% to 52.6%	65.0% to 50.1%	65.0% to 50.1%	65.0% to 50.1%
IV. DROUGHT EMERGENCY STAGE 1	55.0% to 38.1%	55.0% to 38.1%	55.0% to 38.1%	60.0% to 38.1%	60.0% to 38.1%	60.0% to 38.1%	57.5% To 38.1%	55.0% To 38.1%	52.5% to 38.1%	50.0% to 38.1%	50.0% to 38.1%	50.0% to 38.1%
V. Drought Emergency Stage 2	38.0% to 25.1%	38.0% to 25.1%	38.0% to 25.1%	38.0% to 25.1%	38.0% to 25.1%	38.0% to 25.1%	38.0% to 25.1%	38.0% to 25.1%	38.0% to 25.1%	38.0% to 25.1%	38.0% to 25.1%	38.0% to 25.1%
VI. Drought Emergency Stage 3	25.0% to 0%	25.0% to 0%	25.0% to 0%	25.0% to 0%	25.0% to 0%	25.0% to 0%	25.0% to 0%	25.0% to 0%	25.0% to 0%	25.0% to 0%	25.0% to 0%	

Wilbraham's specific management steps for each drought status are outlined below:

Normal Operation

During times of Normal Operation, there are no water use reductions and no response measures are needed.
Perform preventative maintenance by repairing leaks, and monitor water system infrastructure by rehabilitating water meters;

Below Normal (Voluntary)
No watering on Sundays;
Municipal athletic fields watered every other day;
Lawn watering schedule via sprinklers from 6:00-9:00 a.m. and 6:00-9:00 p.m.;
Odd-numbered houses water Monday-Wednesday-Friday
Even-numbered houses water Tuesday-Thursday-Saturday
Advise local officials and use various media sources to urge water conservation;
Distribute informational materials regarding water conservation;
Keep water use to a minimum

Drought Warning (Voluntary)
Includes all actions described above in Phase II plus the following:
Request voluntary cuts from large and visible users (car wash, athletic fields, golf course, etc.).
Drought Emergency Stage 1 (Mandatory)
Implementation of lawn watering schedule described above; Fines.
No watering on Sundays;
Ban non-essential outdoor municipal water use;
Distribute informational materials regarding water conservation;
Watering of municipal athletic fields to be restricted to the absolute minimum;
Non non-essential flushing of fire hydrants.
Drought Emergency Stage 2 (Mandatory)
All non-essential water use to be restricted;
No Municipal athletic field watering;
No lawn watering, car washing or swimming pool filling from Town water supply.
Drought Emergency Stage 3 (Mandatory)
Includes all actions described in Phase V above, in addition to the following:
Implement emergency sources or interconnections;
Other water conservation measures may be directed by the Selectmen, Water Commissioners and Director of Public Works, with approval, as necessary.

All levels of water use restrictions will remain in place for the Town of Wilbraham until MWRA issues a statement that the Drought Stage has changed.
Enforcement shall be in accordance applicable state and federal regulations.

Fines:	1st Offense	$50.00
	2nd Offense	$100.00
	3rd Offense	water shut off

SECTION 640 DOOR TO DOOR SOLICITORS AND PEDDLERS

(ATM, 5/13/19, Art. 46)

a.) Purpose - It is the purpose of this by-law to regulate persons or organizations engaged in soliciting or peddling in the Town of Wilbraham through the issuance of licenses and imposition of other limitations on such conduct for the purpose of protecting the Town's residents from disruption of the peaceful enjoyment of their residences and from crime and fraud, and further, to allow reasonable access to residents in their homes by persons or organizations who wish to engage in commercial solicitation.

b.) Definitions - Solicitor or peddler is defined as any individual, whether a resident of the Town of Wilbraham or not, traveling either by foot, motor vehicle, or any other type of conveyance from place to place, house to house, taking or attempting to take orders for sale of goods, wares, merchandise, personal property of any nature for immediate or future delivery or for services to be furnished or performed immediately or in the future whether or not he or she collects advance payments on such sales.

c.) License Required - It shall be unlawful for any solicitor or peddler as defined in this by-law to engage in such business in the Town of Wilbraham without first obtaining a license in compliance with the provisions of this by-law. Any person who is not properly licensed under this by-law shall be ordered to immediately cease and desist all solicitation in the town until they attain a proper license.

d.) License Exemption - Nothing in this by-law shall be construed to impose any license requirement or otherwise restrict or in any way regulate any activity for non-commercial purposes, including but not limited to any activity for religious, charitable, civic or political purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting.

e.) Application and Fee - Each individual applicant for a license under this by-law shall submit in person to the Chief of Police or his/her designee an application along with a fee of $25.00 (per individual applicant) payable to the Town of Wilbraham which will be used to cover the cost of investigating the facts stated in the application. Each applicant must complete a sworn application in writing at least ten (10) working days prior to the requested starting date for solicitation, on a form provided by the Police Department. Said form shall include the following information:

1. Name and physical description;
2. Date of birth;
3. Permanent home address as well as full local address of the applicant;
4. A brief description of the nature of the business and/or goods to be sold;
5. If employed, name and address of employer, including credentials which establish the exact relationship;
6. The length of time for which the license is desired (not to exceed one year);
7. Names of manufacturer, of source of merchandise, proposed method of delivery;
8. Two photographs of the applicant, taken within the past sixty (60) days prior to filing of the application, showing only the head and shoulders of the applicant in a clear and distinguishing

manner; The police department may require that applicants have a digital photo taken of them by the police department at the time the application is filed.
9. A statement as to whether or not the applicant has been convicted of any crime listed in the "Investigation and Issuance" section of this by-law or is a Level 2 or Level 3 Sex Offender required to register with the Massachusetts Sex Offenders Registry Board.

f.) Investigation and Issuance - If after an investigation into the facts contained in the license application the Police Chief is satisfied the applicant is of suitable character consistent with this by-law, the Police Chief, or his designee shall grant the required license. The Police Chief or his designee shall refuse to issue a license to any organization or individual whose license have been revoked for violation to this by-law within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, or any larceny offense that is a felony, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to grant a license to a person who is a sex offender required to register with the Massachusetts Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes. The Town shall not make an adverse determination based on criminal history or sex offender status without first notifying the applicant of the potential adverse determination. The Town shall provide the applicant with information regarding the source of the criminal history or sex offender status. The Town shall identify the part of the history which appears to make the applicant unsuitable. The Town shall afford the applicant the opportunity to dispute the accuracy of the criminal history or sex offender status or otherwise present to the town any mitigating or other circumstances bearing on the history.

g.) Identification Card - The Police Department, after a review of the information contained in the license application, but in no event more than ten (10) working days after receipt of a fully-completed application, shall issue to each successful applicant an identification card which shall contain the words "Licensed Solicitor", identification and expiration date of the license. Persons engaged in solicitation or peddling as defined in this By-law must display the registration card while soliciting or peddling and present the card to any police officer, authorized enforcing agent, or person solicited upon request.

h.) Duty of Police to Enforce - It shall be the duty of any police officer of the Town to require any person seen soliciting or peddling and who is not known by such officer to be duly licensed, to produce his or her solicitor's license and to enforce the provisions of this by-law against any person found to be violating the same.

i.) Records - The Chief of Police shall maintain all pertinent records of licenses issued and violations recorded.

j.) Enforcement and Penalties - The provisions of this by-law may be enforced by the Board of Selectmen, Zoning Enforcement Officer, or any Police Officer of the Town of Wilbraham by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to Section 21D of Chapter 40 of the General Laws and

appropriate articles of the General By-laws. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for each violation shall be $300.00.

Whoever continues to solicit in the town in willful violation of this by-law, by continuing to solicit after being informed by an authorized enforcing agent to cease and desist shall be subject to a penalty of $300.00.

Notwithstanding the above licensing procedures, no licensee may enter private property after being forbidden to do so either directly by the person in charge of the property or by a conspicuously posted notice of "No Trespassing" or "No Soliciting".

After investigation by a police officer, licenses issued under the provisions of this by-law may be revoked by the Chief of Police or his designee after notice and hearing, provided however, that a license may be suspended immediately, without notice and a hearing, if the public safety or welfare so requires for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the license application,
2. Fraud, misrepresentation or false statements made in the course of carrying on the business of solicitation;
3. Any violation of this by-law;
4. Conviction of any crime listed in "Investigation and Issuance" section of this By-law or classification as a Level 2 or Level 3 Sex Offender;
5. Conducting the business of soliciting or peddling in a unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to health, safety, or the general welfare of the public, and
6. High-pressure tactics, harassment, or a refusal to accept a refusal as an answer, when verified in writing.

If a license is suspended or revoked under the provisions of this section, notice of a hearing with regard to the same shall be given forthwith in accordance with the following subsection.

k.) Appeals and Hearings

1. Denials: Any person or organization who is denied a license may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within five (5) days after receipt of the notice of denial. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal. If the notice of appeal is received by the selectmen less than 72 hours before their next meeting, the appeal may be scheduled for the following meeting. Saturdays, Sundays, and legal holidays shall not count towards this 72 hour period. If the Board of Selectmen fails to make a determination regarding a denial of a license within thirty (30) days after receiving the notice of appeal, the license shall be deemed granted.
2. Suspension or Revocation: Notice of hearing for revocation or suspension of a license shall be given forthwith in writing, setting forth specifically the grounds of the complaint and a time and place of the hearing. Such notice shall be hand delivered to the licensee or forwarded by certified mail to the licensee at his or her last known address at least five days prior to the hearing date. If the Board of Selectmen fails to make a determination regarding a suspension or revocation of a license within thirty (30) days after the licensee receives a notice, the license shall be deemed reinstated.

l.) Expiration of License - All licenses for soliciting in the town are valid only for the particular dates specified thereon, and in no case for longer than one year.

m.) Severance Clause - The provisions of this by-law are declared to be severable, and if any section, sentence, clause or phrase of this by-law shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses and phrases of this by-law and they shall remain in effect, it being the legislative intent that this by-law shall stand, notwithstanding the invalidity of any part.

ARTICLE VII - TRAFFIC BY-LAWS

The following By-Laws shall regulate traffic upon the streets of the Town to the extent not in conflict with or superseded by state law or regulations.

SECTION 700 MEANING OF WORDS

For the purpose of these By-Laws, the words and phrases used herein shall have the following meanings except in those instances where the context indicates a different meaning.

a.) "Street or Highway" — The entire width between property lines of every way open to the use of the public for purposes of travel.

b.) "Roadway" — That portion of a street or highway between the regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

c.) "Lane" — A lengthwise division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.

d.) "Vehicle" — Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway except devices moved by human power or used exclusively upon stationary rails or tracks.

e.) "Emergency Vehicle" — Vehicles of the Fire Department, Fire Patrol and Police Department, ambulances and emergency vehicles of federal, state and municipal departments or public service corporations when the latter are responding to an emergency in relation to the police or fire departments.

f.) "Parking" — The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to an officer or traffic signs or signals, or while making emergency repairs or if disabled while arrangements are being made to move such vehicle.

g.) "Pedestrian" — Any person afoot or riding on a device moved by human power except bicycles or tricycles.

h.) "Sidewalk" — That portion of a street or highway set aside for pedestrian travel.

i.) "Crosswalk" — That portion of a roadway ordinarily included within the prolongation or connection of curb lines and property lines at intersections, or at any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.

j.) "Railroad Crossing" — Any intersection of ways with a railroad right-of-way.

k.) "Traffic" — Pedestrians, horses, vehicles or other conveyance devices either

single or together, while using any street or highway for the purpose of travel.

l.) "Official Traffic Signs" — All signs, markings and devices, other than signals, not inconsistent with these rules and orders and which conform to the standards prescribed by the Department of Public Works of the Commonwealth of Massachusetts and placed or erected by authority of a public body or official having jurisdiction for the purpose of guiding, directing, warning or regulating traffic.

m.) "Officer" — For the purposes of this By-Law, an officer shall be construed to mean any police officer, any investigator, examiner or inspector of the Registry of Motor Vehicles, any constable or special officer, provided he/she has his/her badge of office displayed over his/her left breast and upon his/her outer garment.

n.) "Official Curb Marking" — That portion of a curbing, the painting of which has been authorized by the Board of Selectmen and which has the written approval of the Department of Public Works, Commonwealth of Massachusetts.

o.) "Official Street Marking" — Any painted line, legend, marking or marker of any description painted or placed upon any way to direct or regulate traffic which has been authorized by the Board of Selectmen and has the written approval of the Department of Public Works, Commonwealth of Massachusetts.

SECTION 701 TEMPORARY CLOSING OF STREETS

a.) The Board of Selectmen is hereby authorized to close temporarily any street or highway in an impending or existing emergency, or for any lawful assemblage, demonstration or procession provided there is a reasonable justification for the closing of such street.

b.) The Board of Selectmen is hereby authorized to prohibit, temporarily, parking on any street or highway or part thereof in an impending or existing emergency, or for a lawful assemblage, demonstration or procession provided there is a reasonable justification for such prohibition. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.

c.) The provisions of this By-Law shall not apply to persons actually engaged in work upon a street closed to travel, under construction or repair, to officers when engaged in the performance of public duties, nor to drivers of emergency vehicles acting in the performance of their public duties when the nature of the work of any of these persons necessitates a departure from any part of these By-Laws. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

SECTION 702 SIGNS ON STREETS

a.) The Director of Public Works is hereby authorized and as to those signs and signals required hereunder, it shall be his duty to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the Department of Public Works of the Commonwealth of Massachusetts.

b.) Sections relating to parking shall be effective only during such time as a sufficient number of official signs are erected and maintained in each block designating the provisions of such sections and located so as to be easily visible to approaching drivers.

SECTION 703 UNAUTHORIZED SIGNS

It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic sign, signal, marking or device, or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The Chief of Police is hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed without notice. The penalty for violation of this By-Law shall be a fine of fifty dollars ($50)

SECTION 704 DESTRUCTION OF SIGNS (Amended, ATM, 5/15/17, Art. 56)

Any person who willfully defaces, injures, moves, obstructs or interferes with any official traffic sign, street sign, signal or marking shall be penalized a sum not to exceed fifty ($50) dollars for each and every offense.

SECTION 705 MOVEMENT OF VEHICLES (ATM, 5/16/16, Art. 51)

a.) Obedience to Traffic Instructions. No driver of any vehicle shall disobey the instructions of any official traffic control signal, sign, marking, marker or legend, unless otherwise directed by a police officer.

b.) Following too closely. The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the street or highway.

c.) Care in starting, stopping, turning or backing. The driver of any vehicle, before starting, stopping, turning from a direct line or backing, shall first see that such movement can be made in safety. If such movement cannot be made in safety or if it interferes unduly with the normal movement of other traffic, such driver shall wait for a more favorable opportunity to make such movement. If the operation of another vehicle should be affected by a stopping or turning movement, the driver of such other vehicle shall be given a plainly visible signal, as required by statute law.

d.) Emerging from alleys or private driveways. The operator of a vehicle emerging from an alley, driveway or garage shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway.

e.) One Way Traffic. Upon those streets or highways designated by the Town for one-way traffic, and sign-posted for the same, no driver shall proceed except in the direction indicated by such signs.

f.) Clinging to moving vehicles. It shall be unlawful for any person traveling upon any bicycle, coaster, sled, roller skates or any toy vehicle to cling to or attach himself or such conveyance to any other moving vehicle upon any roadway.

g.) Driving on Sidewalk. The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway. The provisions of this section shall not apply to persons actually engaged in work upon a sidewalk closed to travel, under construction, under repair, snow removal, to drivers of United States Postal Service vehicles, to officers engaged in the performance of public duties, nor to drivers of emergency vehicles acting in the performance of their public duties when the nature of the work of any of these persons necessitates a departure from any part of this section.

Violations of provisions of Section 705

Fine Allowed	Twenty Dollars ($20)
Fine Schedule	Each Offense
Enforcement Agent	Police Department

SECTION 706 PARKING PROHIBITED (ATM, 5/17/04, Art. 24) (ATM, 5/16/16, Art. 52)

a) **Violations** -no person shall park a vehicle and/or trailer (hereinafter "vehicle") or be the registered or unregistered owner of vehicle parked upon a street or highway or way as defined in Mass. Gen. Laws, Chapter 90, Section 1, as defined in section 700 of this general By-law, or in any of the following places or in a manner in violation of the provisions of this section. Enforcement shall be pursuant to Mass. Gen. Laws, Chapter 90, Section 20A1/2, accepted by the Town, Annual Town Meeting, 1988.

1) Within a designated no parking zone
2) Within a designated no passing zone
3) So as to obstruct snow or ice removal
4) So as to obstruct a sidewalk
5) So as to obstruct a driveway or private way
6) So as to obstruct a crosswalk
7) Over one (1) foot from the curb or edge of the way
8) Within an intersection
9) Within twenty (20) feet of an intersecting way
10) With the left wheels to the curb or edge of the way
11) Within fifteen (15) feet of a bus stop sign
12) So as to leave less than ten (10) feet wide unobstructed lane to the curb, edge or solid center line(s) of a street, highway or way

13) Which is unregistered on a street, highway or way
14) Within a restricted area during a winter parking ban
15) Within a restricted area during an emergency parking ban
16) Within any grassed, lawn, landscaped or maintained area on the grounds of any municipal or school building, park or playground, or other tree belt or landscaped buffer area
17) While displaying a temporary sign advertising the sale of the vehicle or any other service or product
18) An unattended or unattached trailer as defined by Mass. Gen. Laws, Chapter 90, Section 1
19) Within a fire lane
20) On any street, highway or way for a period of time longer than one (1)hour between the hours of 1:00am and 7:00 am of any day
21) On Town property, except as a business or social invitee
22) On school district property without a current parking sticker or except as a business or social invitee
23) Impeding traffic within a school zone
24) Impeding traffic within a designated parade route
25) Within ten (10) feet of a fire hydrant
26) So as to obstruct or occupy a designated disabled veterans or handicap ramp, cross hatch area (as defined by Mass. Gen. Laws, Chapter 40, Section 22a and/or 521 CMR, as amended from time to time) or parking area without proper plate or permit

b) **Exemptions.**

1) Official Town, State, Federal, Diplomatic or Consular vehicles are exempt from the application of Sec. (e 1), (e 2), (f 2), (f 3), (g 2) and (g 3) of this By-law while on official business or otherwise within applicable immunities. See Mass. Gen. Laws, Chapter 40, Section 22d.

2) The Chief Of Police, his designee, or the board of selectmen may waive enforcement of this section on any street, highway, or way, place or violation as appropriate for cause, including without limitation, a bona fide emergency.

c) **Fines**. The following shall be the established schedule of fines for the above vehicle referenced parking offenses:

1) Pursuant to Mass. Gen. Laws, Chapter 90, Section 20 A1/2, the penalty for offenses in Subsections (a. 1 through 24) shall be a fine in the amount of **fifteen dollars ($15)** if paid within twenty one (21) days; the fine shall increase to twenty five **($25) dollars** if paid thereafter. If not paid within sixty days (60) Registry of Motor Vehicles is notified and additional penalties will be added as prescribed by law.
2) Pursuant to Mass. Gen. Laws, Chapter 90, Section 20 A ½, the penalty for offense in Subsection (a. 25)(Fire Hydrant) shall be a fine in the amount of

fifty dollars ($50) if paid within twenty one (21) days, the fine shall increase to sixty **dollars ($60)** if paid thereafter. If not paid within sixty days (60) Registry of Motor Vehicles is notified and additional penalties will be added as prescribed by law.

3) Pursuant to Mass. Gen. Laws, Chapter 40, Section 22A the penalty for the offenses in Subsection (a. 26) (Disabled Veterans/Handicap Persons, etc.) shall be a fine in the amount of two hundred dollars ($200) if paid within twenty-one (21) days; the fine shall increase to two hundred fifty dollars ($250) if paid thereafter. If not paid within sixty days (60) the Registry of Motor Vehicles is notified and additional penalties will be added as prescribed by law.

d) **Hearing**. A hearing, with the parking clerk, may be obtained upon written request of the registered owner of the vehicle within twenty-one days (21) of the issue date of the violation(s), pursuant to Mass. Gen. Laws, Chapter 90, Section 20 A1/2.

e) **Removal of vehicle parked in violation; fine**

1) The Chief of Police or his designee may remove or cause to be removed any vehicle parked in violation of this section.
2) Any person whose vehicle is removed shall be subject to additional charge of twenty-five dollars ($25) and is fully responsible for all charges and expenses incurred for removal and storage of such vehicle.

f) **Winter parking ban; fine**

1) The Superintendent of the Department of Public Works, or his designee may declare a limited parking ban on any street, highway or way within the Town during the period beginning November 1 through April 30 for the purposes of snow and ice removal. The superintendent or his designee shall announce all such limited parking bans to the press prior to their enforcement.
2) The Superintendent of Public Works or his designee may remove or cause to be removed any vehicle parked in violation of the winter ban.
3) Any person whose vehicle is removed shall be subject to additional charge of twenty-five dollars ($25) and is fully responsible for all charges and expenses incurred for removal and storage of such vehicle.

g) **Emergency parking ban; fines**

1) The Chief of Police or his designee may declare an emergency limited parking ban on any street, highway or way within the Town during the period of any emergency. The Chief or his designee shall announce all such limited parking bans to the press if their duration shall exceed twenty-four (24) hours.
2) The Chief of Police or his designee may remove or cause to be removed any vehicle parked in violation of the emergency parking ban.

3) Any person whose vehicle is removed shall be subject to additional charge of twenty-five dollars ($25) and is fully responsible for all charges and expenses incurred for removal and storage of such vehicle.

SECTION 707 RIGHT TURN ON RED SIGNAL

The Board of Selectmen is authorized to designate those intersections in the Town where right turns on red traffic signals are prohibited.

SECTION 708 REGULATIONS GOVERNING FEDERAL AID PROJECT AT BOSTON ROAD AND STONY HILL ROAD INTERSECTION

(ATM, 5/4/98, Art. 29)

In compliance with the Federal Aid project for the reconstruction of the intersection of the Boston Road and Stony Hill Road intersection, it shall be mandatory for the left lane to turn left on:

Stony Hill Road northbound to Boston Road (Route 20) westbound; and

Stony Hill Road southbound to Boston Road (route 20) eastbound.

SECTION 709 REGULATIONS GOVERNING FEDERAL AID PROJECT ON SPRINGFIELD AND FACULTY STREETS (ATM, 5/7/01, Art. 37)

In compliance with the Federal Aid project for the reconstruction of Faculty Street and Springfield Street from Main Street to Stony Hill Road, including safety improvements at various intersections, the following provisions shall be mandatory on the reconstructed roadways:

a.) There shall be no parking on the south side of Faculty Street from Main Street for a distance of 325 meters westerly.

b.) Left lanes with mandatory left turns shall be maintained in the following three locations: Springfield Street eastbound to Faculty Street northbound; Springfield Street eastbound to Stony Hill Road northbound; and Stony Hill Road southbound to Springfield Street eastbound.

c.) Stop signs shall be maintained at the following locations: Faculty Street at Springfield Street; Springfield Street at Main Street; and Faculty Street at Main Street.

TOWN OF WILBRAHAM
GENERAL LAWS & ACTS ACCEPTED BY TOWN MEETING & ELECTIONS

TOWN MEETING OR ELECTION		ARTICLE #	GEN. LAW	REFERENCE	TN.REPORT	PG.#
ATM	03/05/55	32	CHAP.143 SEC. 3	BUILDING CODES	1955	37
ATM	03/10/56	25	CHAP.670 ACTS OF '55	PENSION INCREASE RETIRED EMPLOYEES	1956	33
STM	10/22/56	1	CHAP.71 SEC. 16 I	ESTABLISH REG'AL SCHOOL DISTRICT	1956	39
ATM	03/16/57	29	CHAP.401 ACTS OF '56	CIVIL DEFENSE INDEMINIFICATION	1957	110
ATM	03/15/58	29	CHAP. 54 SEC. 7	PRECINCT CHANGES	1958	56
ATM	03/14/59	26	CHAP. 40 SEC. 42G,42H & 42I	42G-WATER DISTRIBUTION 42H-UNIFORM RATE OF ASSESSMENT 42I-RECORDING TO ESTABLISH LIENS ON PROPERTY	1959	53
ATM	03/12/60	29	CHAP. 136, SEC.4B CHAP.207, SEC.3	LICENSE TO OPERATE OPERATE BOWLING ALLEY ON SUNDAYS	1960	70
ATM	03/11/61	34	PUBLIC LAW 560 83RD CONGRESS (FEDERAL)	OBTAIN FEDERAL FUNDS FOR SEWAGE DRAINAGE & WATER STUDY	1961	75
STM	06/19/61	4	CHAP.139 SEC.1,2,3	SELECTMEN DETER-MINE TO CONDEMN OR FIX BLDGS.	1961	79
ATM	03/10/62	12	CHAP.118B	PUBLIC WELFARE W/E. LONGMEADOW	1962	75
STM	06/18/62	1	CHAP.118B	RECINDED	1962	84
ATM	03/16/63	38	CHAP.41, SEC. 55	TOWN ACCOUNTANT APPOINTMENT AUTHORIZATION	1963	103

TOWN MEETING OR ELECTION		ARTICLE #	GEN. LAW	REFERENCE	TN.REPORT	PG.#
STM	06/18/63	4	CHAP. 40 SEC.8C CHAP. 40 SEC.5 CLS.51	8C-CONSERVATION COMMISSION 5-51-OPERATION & MAINTENANCE	1963	110
ATM	03/14/64	32	CHAP.40 SEC. 6B	PURCHASE OF POLICE & FIRE UNIFORMS	1964	89
ATM	03/14/64	41	CONSTITU-TIONAL GRANT-LOCAL SELF GOVN'T	HOME RULE	1964	93
ATM	03/14/64	46	CHAP.32B TO BE PUT ON TOWN ELECTION BALLOT 3/20/65	GROUP INS. FOR TOWN EMPLOYEES	1964	94
ATM	03/14/64	47	CHAP.39, SEC. 23	ELECTION OF TOWN OFFICERS REPEALED BY ST.1974 C.8, SEC.4 REPLACED BY C.39, SEC.9A, 1974	1964	95
STM	10/21/64	2	CHAPT.40 SEC.42A-42F	COLLECTION OF WATER RATES, CHARGES, INTEREST	1964	103
ATM	03/13/65	38	CHAP.403 ACTS 1936	WORKMAN'S COMP.	1965	88
TOWN ELECTION (3/20/65)			CHAPT. 32B	GROUP INS. FOR TOWN EMPLOYEES (YES-1578, NO-588)		
ATM	03/18/67	38	CHAP.41, SEC. 23A (Amended ATM 4/28/90) Art. 15 to change title to - TOWN ADMINISTRATOR	APPOINT EXEC. SECRETARY	1967	89
ATM	03/18/67	16	CHAP. 41, SEC.108I	POLICE PAY FOR PHOTO-GRAPHIC WORK	1967	83
ATM	03/20/71	36	CHAP.41, SEC. 97A	ESTABLISH POLICE DEPT. UNDER SUPERVISION OF A CHIEF	1971	63
PR. EL	11/07/72		ACT – TENURE	TENURE FOR POLICE FORCE	(Y-3149, N-1613	
ATM	03/31/73	25	CHAP. 40 SEC. 8D	ESTABLISH HISTORICAL COMMISSION	1973	48

TOWN MEETING OR ELECTION		ARTICLE #	GEN. LAW	REFERENCE	TN.REPORT	PG.#
ATM	03/23/74	36	CHAP. 40 SEC. 15C	DESIGNATION OF SCENIC ROADS	1974	51
STM	04/26/75	4	CHAP. 40 SEC. 6J	STORMY WEATHER CLOTHES - HIGHWAY DEPT. (PURCHASE)	1975	51
STM	04/26/75	5	CHAP. 40 SEC. 6L	APPROPRIATE FUNDS FOR LEASE OR RENTAL OF STORMY WEATHER CLOTHES	1975	51
STM	04/26/75	6	ACT OF 1968	NATIONAL FLOOD INS.	1975	51
ATM	04/26/75	17	CHAP. 90 SEC. 20C	ISSUING OF PARKING TICKETS	1975	53
ATM	04/29/78	5	CHAP. 32B SEC. 8A	REFUND OF GROUP HEALTH INS. REBATES	1978	15
ATM	04/29/78	21	CHAP. 749 ACTS OF '77 AMEND CHAP.80 G.L.	PROVIDE DEFERRAL OF PAYMENT ON BETTERMENT ASSESSMENTS	1978	16
ATM	04/29/78	23	CHAP. 83 SEC. 17	SEWER COMMISSION RULES & REGS FLAT FEE FOR THOSE NOT CONNECTED	1978	16
ATM	04/28/79	16	CHAP. 258, SEC.9 INSERTED BY CHAP. 512, ACTS OF 1978	PURCHASE INSURANCE TO PROTECT TOWN AND EACH OFFICER OR EMPLOYEE OF THE TOWN FROM LIABILITY CLAIMS	1979	20
ATM	04/28/79	20	CHAP. 40 SEC. 8G	MUTUAL POLICE AID PROGRAM AGREEMENT	1979	21
ATM	04/28/79	21	CHAP. 44 SEC. 53D	TOWN RECREATION DEPT. ESTABLISH REVOLVING FUND	1979	21
ATM	04/26/80	18	CHAP. 148, SEC. 26C,26D, 26F	SMOKE DETECTORS IN CERTAIN BLDGS.	1980	34
TOWN ELECTION 05/03/80			CHAP. 258, SEC. 13	INDEMNIFY & SAVE HARMLESS MUNICIPAL OFFICERS, ELECTED OR APPOINTED, FROM PERSONAL FINANCIAL LOSS	1980	13

TOWN MEETING OR ELECTION		ARTICLE #	GEN. LAW	REFERENCE	TN.REPORT	PG.#
STM	11/25/80	22	CHAP. 217, ACTS OF '80	AUTHORIZING AN INCREASED AMOUNT FOR WHICH CONTRACTS WITH CITIES & TOWNS MAY BE INVITED	1980	41
STM	09/09/81	5	CHAP. 90, SEC. 20A	PROVIDING FOR THE RETURN OF 100% OF BOTH MOVING & PARKING VIOLATION REVENUES TO CITIES & TOWNS MUNICIPALITIES RESPONSIBLE FOR COLLECTING PARKING FEES.	1981	37
(RESCINDED - ATM, 4/30/88, ART. 29)						
ATM	05/21/83	12	SPECIAL LEG. CHAP. 463, ACTS OF '83	LICENSING OF DOGS IN THE TOWN OF WILBRAHAM	1983	23
ATM	05/21/83	23	CHAP. 59, SEC. 5 CLAUSE 17C	EXEMPTION FOR SURVIVING SPOUSE, MINOR WITH PARENT DECEASED, OVER 70	1983	27
(REPLACED BY CLAUSE 17D AT STM 12/15/88, ART 5)						
ATM	05/21/83	24	CHAP. 59, SEC. 5 CLAUSE 37A	OPTIONAL EXEMPTION FOR THE BLIND PERSON	1983	27
ATM	05/21/83	25	CHAP. 59, SEC. 5 CLAUSE 41B	OPTIONAL EXEMPTION FOR THE ELDERLY	1983	27
ATM	04/28/84	19	ST.1982 CHAP. 597	FORMER PRISONERS OF WAR EXEMPT FROM MOTOR VEHICLE EX. TAX	1984	66
STM	02/06/86	1,2,3	CHAP. 188 SEC. 13 ACTS OF '85	ESTABLISH A PROFESSIONAL DEVELOPMENT GRANT PROGRAM FOR SUPPLEMENTING TEACHER COMPENSATION	1986	21
(Applies to Hampden - Minnechaug Regional, Wilb. Public Schools Lower Pioneer Valley Collaborative)						
ATM	04/27/87	9	CHAP. 306 ACTS OF '86 SEC. 39K	ESTABLISH ENTERPRISE FUNDS	1987	18
ATM	04/28/87	16	SPECIAL ACT	AUTHORIZING THE CREATION OF A DEPT. OF PUBLIC WORKS FOR THE TOWN OF WILB.	1987	22
(APPROVED BY GOVERNOR ON 7/9/87)						

TOWN MEETING OR ELECTION		ARTICLE #	GEN. LAW	REFERENCE	TN.REPORT	PG.#
ATM	04/28/87	29	CHAP. 114, SEC.24,25,26	CEMETERIES & BURIALS 24:CONVEYANCE OF LOTS, RECORD, FEES 25:GIFTS FOR CEMETERIES 26:LIMIT OF DEBTS INCURRED ANNUAL REPORT	1987	34
ATM	04/30/88	22	CHAP. 40 SEC. 21D	NON-CRIMINAL DISPOSITION OF VIOLATIONS OF TOWN BY-LAWS AND REGULATIONS	1988	25
ATM	04/30/88	26	CHAP. 499 ACTS OF '87 CHAP. 59, SEC.5 CLAUSE 5B	EXEMPT REAL ESTATE AND PERSONAL PROPERTY OF INCORPORATED ORGANIZATIONS OF VETERANS TO THE SUM OF $700,000.	1988	27
ATM	04/30/88	27	CHAP. 64G SEC.3A	LOCAL OPTION HOTEL-MOTEL TAX RATE ESTABLISHED AT 4%	1988	28
ATM	04/30/88	28	CHAP. 40, SEC. 21 PARA. 23	ALLOWS TOWN TO ESTABLISH HANDICAPPED PARKING AREAS & ASSURE THEIR PROPER USE		
ATM	04/30/88	29	CHAP. 90, SEC. 20A 1/2	SELECTMEN DESIGNATE OR APPOINT A PARKING CLERK	1988	28
ATM	04/30/88	30	CHAP. 40, SEC. 57	ALLOWS TOWN RIGHT TO DENY GRANTING LICENSES & PERMITS TO INDIVIDUALS IF THEY REFUSE TO PAY LOCAL TAXES, FEES, ASSESSEMENTS, BETTERMENTS OR OTHER MUNICIPAL CHARGES FOR NOT LESS THAN 12 MONTH PERIOD.	1988	28
STM	12/15/88	5	CHAP. 59, SEC. 5 CLAUSE 17D	REAL ESTATE EXEMPTIONS FOR SURVIVING SPOUSES, MINORS WHOSE PARENT IS DECEASED, & OVER 70	1988	33
(Replaces clause 17c accepted ATM 5/21/83, Art. 23)						
ATM	04/29/89	17	CHAP. 245 ACTS OF '88	AMENDMENT TO SUB-DIVISION CONTROL LAW (CHAP.41, SEC.81U) PERMISSION TO SPEND PREVIOUSLY SECURED PERFORMANCE BONDS	1989	16

TOWN MEETING OR ELECTION		ARTICLE #	GEN. LAW	REFERENCE	TN.REPORT	PG.#
ATM	04/29/89	25	CHAP. 148, SEC. 26G	INSTALLATION OF ADEQUATE AUTOMATIC SPRINKLER SYSTEMS FOR NONRESIDENTIAL BLDGS OR ADDITIONS	1989	18
STM	02/27/91	4	CHAP. 83, SEC. 16A - 16F	COLLECTION OF SEWER RATES, CHARGES, & INT.	1991	16
STM	02/27/91	5	CHAP. 44 SEC. 28C (f)	COLLECTION OF MUNICIPAL CHARGES & LIENS	1991	16
STM	02/27/91	5	CHAP. 40, SEC. 58	SOLID WASTE USER FEES INCLUDING BUT NOT LIMITED TO LANDFILL STICKER FEES	1991	16
ATM	04/27/91	10	CHAP. 291, ACTS OF '90	ENHANCED 911 TELEPHONE SERVICE	1991	20
ATM	04/27/91	12	CHAP. 59, SEC. 57A	ONE PROPERTY TAX BILL WHEN TAX DOES NOT EXCEED $25.00	1991	20
ATM	04/27/91	13	CHAP. 281 ACTS OF '90	REQUIRES COLLECTIONS TO REQUEST ASSESSORS ABATE TAX BILLS LESS THAN $10.00	1991	20
ATM	04/27/91	14	CHAP. 336 ACTS OF '90	EXEMPTION FROM MOTOR VEHICLE EXCISE TO SURVIVING SPOUSES OF FORMER PRISONERS OF WAR	1991	20
ATM	04/25/92	21	CHAP. 40, SEC. 8J	ESTABLISH A COMMISSION ON DISABILITY	1992	22
ATM	06/12/93	23	CHAP. 40, SEC. 22F	EMPOWERING MUNICIPAL BOARDS OR OFFICERS TO FIX REASONALBLE FEES.	1993	23
ATM	06/12/93	24	CHAP. 41, SEC. 19J	ADDITIONAL COMPENSA-REGISTRARS	1993	24
ATM	05/14/94	17	CHAP. 59, SEC. 57C	QUARTERLY BILLING REAL ESTATE / P. PROPERTY	1994	27

TOWN MEETING OR ELECTION		ARTICLE #	GEN. LAW	REFERENCE	TN.REPORT	PG.#
ATM	05/14/94	26	CHAP. 481, ACTS OF '93	TO PERMIT COMMON VICTUALERS LIC.	1994	28
ATM	05/01/95	27	CHAP. 44, SEC. 53F 1/2	TO ENABLE BUT NOT REQUIRE ESTABLISH-MENT OF A WATER ENTERPRISE FUND	1995	25
ATM	04/28/97	5	CHAP. 39 SEC. 15	PROCEDURE USED FOR COUNTING A 2/3RD VOTE	1997	12
ATM	04/28/97	25	CHAP. 59 SEC. 5 CL. 41C	TAX EXEMPTIONS FOR ELDERLY TAXPAYERS	1997	16
STM	10/06/97	2	CHAP. 41 SEC. 108L	POLICE CAREER INCENTIVE PAY PROGRAM	1997	22
ATM	05/01/00	6	CHAP. 41 SEC. 19K	ADDITIONAL COMENSATION FOR TOWN CLERK (CMMC)	2000	19
ATM	05/01/00	7	CHAP. 41 SEC. 108P	ADDITIONAL COMPENSATION FOR TREASURER/COLLECTOR (CMMC)	2000	19
ATM	05/07/01	31	CHAP. 59 SEC. 5(54)	SMALL PERSONAL PROPERTY ACCOUNT EXEMPTION	2001	27
ATM	05/06/02	10	CHAP. 59 SEC. 2A(a)	DETERMINE REAL PROPERTY FOR PURPOSE OF TAXATION	2002	20
ATM	05/13/03	31	CHAP. 59	SENIOR CITIZEN PROPERTY TAX WORK-OFF ABATEMENT PROGRAM	2003	24
ATM	05/16/05	3	CHAP.59 SEC.5(41C)	TAX EXEMPTIONS – ELDERLY AS AMENDED BY C.184,S.51, ACTS 0F 2002	2005	24
ATM	05/16/05	29	C.53, S.9A	NOMINATION OF CANDIDATES	2005	31
ATM	05/16/05	30	C.54, S.16A	POLL WORKER VACANCIES	2005	31
ATM	05/16/05	32	C.40, S.57	GRANT OR RENEWAL OF LICENSES (NON-PAYMENT OF LOCAL TAXES)	2005	31
ATM	05/14/07	39	C.40, S.4A	MUTUAL AID AGREEMENT	2007	27
ATM	05/14/07	40	C.40, S.4A	JOINT OPERATIONS AGREE.	2007	27

TOWN MEETING OR ELECTION		ARTICLE #	GEN. LAW	REFERENCE	TN.REPORT	PG.#
ATM	05/14/07	42	C.41, S.110A	SATURDAY OPENINGS CLERK'S OFFICE	2007	28
Selectmen vote	06/01/09		C.32B, S.16	HEALTH INS. COVERAGE FOR EMPLOYEES & RETIREES THROUGH HMO	2009	31
ATM	05/11/09	41	C.39, S.23D	COMMITTEE MEMBER VOTING WITH REGUARD TO ABSENCE FROM ONE HEARING SESSION	2009	25
ATM	05/17/10	16	C.32B, S.18A	MEDICARE EXTENSION PLANS	2010	19
ATM	05/17/10	17	C.32B, S.20	ESTABLISH OTHER POST EMPLOYMENT BEN. LIAB. TRUST	2010	19
ATM	05/16/11	20	C40, S. 13	MUNICIPAL BUILDING INS FUND	2011	21
ATM	05/16/11	37	C. 138, S. 33B	SUNDAY MORNING ALCOHOLIC BEVERAGE SALES	2011	24
STM	10/18/11	2	C. 272, S73A	NOT PROHIBIT REMOVAL OF GRAVESTONES		26
ATM	05/15/17	18	C. 44, S53F ¾	PEG ACCESS AND CABLE RELATED FUND		14
ATM	05/14/18	22	C. 203c	PRUDENT INVESTMENT ACT		17
ATM	05/14/18	22	C. 32B, S. 20	OTHER POST-EMPLOY BENEFITS LIABILITY TRUST FUND – RE-VOTE		17
STM	10/15/18	1	C. 143, S.6-12	NUISANCE COMMERCIAL PROPERTIES		22
ATM	06/15/20	44	SPECIAL LEG. SPECIAL ACT	AUTHORIZING THE BOARD OF SELECTMEN APPOINTMENT AND REMOVAL AUTHORITY IN THE TOWN OF WILBRAHAM FOR OFFICERS AND EMPLOYEES IN THE TOWN OF WILBRAHAM OTHER THAN THOSE EMPLOYED BY THE WILBRAHAM POLICE DEPT., WILBRAHAM FIRE DEPT., AND WILBRAHAM DEPT. OF PUBLIC WORKS		