

General By-Laws & Acts

Updated
September 2006
Pamela G. Donovan-Hall
Town Clerk

Section 1 Town Meeting & Election

The Annual Election of Town Officers shall be held on the Third Saturday in May of each year with officials being elected taking office as of July 1 (ATM 5/1/2006), and the Annual Town Meeting for the transaction of other business shall be held on the First Monday in May, commencing at 7:30 p.m. (Adopted ATM 5/10/97)

Section 2 Nomination for Office

Section 1: Any person who is qualified to vote in the Town of Huntington may be a candidate for a elective town office and shall be entitled to have his/her name printed in the official ballot to be used at a town election; provided, however, that such person shall file nomination papers provided by the Town Clerk containing no less than twenty (20) signatures certified as voters of said town. There shall be a non-partisan Caucus held under the Provisions of Chapter 53 of the General Laws and any amendments thereto and official ballots shall be used.

Section 2: Notwithstanding, the provision of any general or special law to the contrary, no primary or caucus for the nomination of town officers shall be held in the Town of Huntington.

Section 3: No ballot used at a regular or special town election shall have printed thereon a political party or political designation may not appear on the ballot.

(Adopted ATM 5/07/2001, Act, Legislature) (Caucus eliminated ATM 5/7/2001)

Section 2A Recall Elections:

Section 1: Any holder of elective office may be recalled therefrom by the registered voters of the town as herein provided.

Section 2: One hundred or more qualified voters may make and file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for the recall. The Town Clerk shall thereupon deliver to the ten persons first named on such affidavit a sufficient number of petition blanks demanding such recall, copies of which printed forms he shall keep available. Said petition blanks may be completed by printing or typewriter and they shall contain the names of the ten persons to whom they are issued, the name of the person sought to be recalled, the officer from which recall is sought, and the grounds for recall as stated in the affidavit. They shall demand the election of a successor to the to office and they shall be dated, signed and sealed by the Town Clerk. Said recall petition shall be returned to the office of the Town Clerk not later than five o'clock in the afternoon on or before the first work day following twenty days after the date they are issued, signed by at least twenty-five percent of the total number of qualified persons registered to vote in the town as of the date such affidavit was filed with the Town Clerk. To every signature shall be added the place of residence of the signed, giving the street and number, if any. One of the ten persons to whom the recall petition forms is issued shall make an affidavit on each page that

statements therein contained are true, and that each signature appended to the petition is the genuine signature of the person whose name it purports to be.

The Town Clerk shall, forthwith following the day of such filing with the office of the Town Clerk, submit the recall petition forms to the Board of Registrars of Voters which shall, within five work days after the day of receipt, certify in writing thereon the number of signatures which are those of qualified persons registered to vote in the town as of the date such affidavit was filed with the Town Clerk. The Board of Registrars of Voters, upon the completion of their certification, shall return the recall petition forms to the Town Clerk.

Section 3: If said recall petition forms shall be certified by the Board of Registrars of Voters to contain at least twenty-five percent of the qualified persons registered to vote, and if the petition shall be found and certified by the Town Clerk to be sufficient, the Town Clerk shall give notice without delay, in writing, to the elected officer whose recall is sought by sending to said officer a copy of the affidavit and the recall petition form together with notice of the number of qualified voters certified by the Board of Registrars of Voters who signed the recall petition forms and the total number of qualified voters in the town as of the most recent town election.

If the officer to whom notice is directed by the Town Clerk does not resign the office within five days following receipt of the aforesaid notice from the Town Clerk, the Town Clerk shall give notice in writing to the Board of Selectmen not later than one work day following the expiration of the foregoing five days. The Board of Selectmen shall order a special election to be held not more than ninety days after receipt of the notice from the Town Clerk as aforesaid, and not less than sixty-four days from the date of the order. If, however, any other town election is to be held within one hundred days of receipt by the Board of Selectmen of notice from the Town Clerk, the recall election shall be postponed and shall be held at such time in conjunction with such other election. If a vacancy occurs in the office for any reason after a recall election has been ordered by the Board of Selectmen, the recall election shall nevertheless proceed as provided for herein.

Section 4: Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the Town Clerk shall place his name on the ballot without nomination. The number of signatures of qualified voters required to place the name of a candidate on the official ballot for use at a recall election shall not be less than twenty-five. The publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with the General Laws regulating elections, unless otherwise provided in this act.

Section 5: The incumbent shall continue to perform the duties of this office until the recall election. If then reelected, he shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in this section. If not reelected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

Section 6: The ballots used at the recall election shall submit the following proposition in the order indicated: For the recall of (name of officer) []

Against the recall of (name of officer) []

Immediately at the right of the each proposition there shall be a square in which the voter, by making a cross mark (x) may vote for either of such propositions. Under the propositions shall appear the word “Candidates” and the directions for the voters required by law, and beneath the word “Candidates” shall be the names of the candidates nominated as hereinabove provided.

If a majority of the votes cast is against the recall, the votes for the candidates need not be counted. If a majority of the votes cast is in favor of the recall, the officer shall be deemed to be recalled and the ballots for candidates shall then be counted. The candidate receiving the highest number of votes shall be declared elected. If the officer is recalled he shall be deemed removed upon certification of the elections results by the Town Clerk. The candidate receiving the highest vote and therefore elected, shall serve for the balance of the unexpired term of the officer removed.

Section 7: No recall petition shall be filed against an officer within six months after he takes office, nor, in the case of an officer elected in a recall election, until six months after that election. No recall shall be filed against an officer subjected to a recall election, and not recalled thereby, until at least six months after the election at

Section 9: This act shall take effect upon its passage which his recall was submitted to the voters.

Section 8: No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within one year after such recall or such resignation.

Section 9: This act shall take effect upon its passage which his recall was submitted to the voters. (ATM 5/14/2001, Act, Legislature)

Section 3 Five Legal Posting Places

The Five Legal Posting Places for all warrants for Elections, Special Town Meetings and Annual Town Meetings shall be as follows:

1. Town Hall
2. Post Office
3. Moltenbrey’s Market
4. Knightville Package Store
5. Norwich Hill Fire Station

(Amended 05/11/1996)

Section 4 Destroy Notices/Postings

No person shall deface, remove or destroy any notice of advertisement posted for lawful purposes.

Section 5 Moderators Reference Book

The moderator shall use as a reference the book entitled Town Meeting Time, A Handbook of Parliamentary Law, by Richard B. Johnson, Benjamin A. Trustman and Charles Y. Wadsworth.

Any motion to reconsider shall require a 2/3 vote. No article may be reconsidered more than once. (Added ATM 5/01/2000)

Section 5A 2/3 Vote

Whenever a 2/3 vote is required by statute, such vote may be declared as such by the Moderator without a count and be recorded as such by the Clerk upon such declaration, provided, however, that if seven (7) or more members doubt the vote, a counted vote shall be taken. (ATM 9/15/2004)

Section 6 Quorum Requirements

At all Town Meetings, except such parts of the meeting as are devoted exclusively to the Election of Officers, and/or referendum questions, twenty-five (25) legal voters shall be necessary to constitute a quorum; provided that a number less than a quorum may from time to time adjourn the same.

Section 7 Finance Committee Appointments

There shall be a Finance Committee to consist of seven (7) members who shall reside in the Town and be registered voters therein.

Within thirty (30) days after the Annual Town Election, the Moderator shall appoint seven (7) members who serve as a Finance Committee for the ensuing year.

(Amended 05/02/2000)

No member of the School Committee or the Board of Selectman shall be eligible to serve on this committee. (Adopted ATM 1991)

Section 8 Council on Aging

There shall be a Council on Aging formed under the provisions of the General Laws Chapter 40, Section 8-B, consisting of nine (9) members appointed by the Board of Selectman who shall be residents of the Town.

They shall be appointed as follows:

Three (3) Members for Three Years

Three (3) Members for Two Years

Three (3) Members for One Year

The Council shall annually elect it is Chairman and other officers as it deems appropriate.

Section 9 Residence Requirement for Elected Positions

No person shall be elected or appointed to an Elected position in Town government unless their name is on the registered voters' list at least nine (9) months as of January 1st of the year of the election.

Section 9-A Appointed Positions/Statutory Boards

Any appointed officials appointed to serve on a statutory board must be a town resident and a Registered Voter.

Section 10 Appointed/Elected Official Resignation

Any elected or appointed official, except those related to building inspection services and those employed by Town Council, must submit written resignation to the Town Clerk and Selectman within thirty (30) days of establishing an out-of-town residence.

Section 10-A Capital Improvement Planning Committee

Section 1: *Committee*

The Huntington Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Planning Committee, composed of five members who shall be residents of the Town of Huntington and appointed annually as follows:

The Planning Board, Finance Committee and Board of Selectmen shall select one of their members for appointment. The Town Accountant shall be an ex-officio Committee staff member without the right to vote. Any vacancy shall be filled by the Board of Selectmen or the appropriate board for the remainder of the term. The Committee shall choose its own officers.

Section 2: *Duties*

The committee shall develop a list of town assets and study proposed capital projects and improvements involving major non-recurring tangible assets and projects which:

- 1) Have a useful life of at least five years, and
- 2) Cost over \$10,000.

All department heads, boards and commissioners, including the selectmen, shall by December 1st of each year give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing six years. The Committee shall consider the relative need, impact, timing, cost, completeness of the plan, community support, availability of outside funding and other factors deemed appropriate to the individual expenditures and the effect each will have

on the financial position of the town. (Adopted ATM5/2/2000)

Section 10-B Audit

Beginning with fiscal year 2003 and every three years thereafter, the town shall have a independent audit performed, which shall begin no later than six months after the end of the fiscal year, shall include, at a minimum, the following departments:

Board of Assessors, Town Accountant, Town Collector, Town Treasurer. The Board of Selectmen may vote to include additional departments in the audit. The Board of Selectmen may vote not to have this independent audit performed if an independent audit was done in the previous fiscal year, which satisfied the requirements of this bylaw.

(Adopted 5/14/2001)

Section 11 Site Development Review

1. The purpose of the By-Law is to protect the health, safety, and welfare of the public, coordinate the activities of the various Town boards and officials, promote the observance and enforcement of the laws and ordinances which regulate the use and development of land and structures in the Town of Huntington, inform property owners of their rights and duties under these laws and ordinances, and to educate applicants so as to assist them in their project.

2. Requirements for application and procedures for the site plan review shall be established and revised as deemed needed by the Site Development Review Committee, subject to approval by the Selectboard. The Site Development Review Committee shall be appointed annually by the Selectboard, and consist of the Zoning Enforcement Officer, Site Development Review Officer (for a term which expires on July 1st of each year), one member each fro the Zoning Board of Appeals, the Conservation Commission, the Planning Board, and the Board of Health and such other members as the Selectboard my designate.

3. All work which requires a special permit shall be subject to a review conducted by the Site Development Review Committee. Upon application for a building permit, the Building Inspector shall determine if it is of a scope deemed appropriate to be subject to an application for site development review. Such SDRC application will then be presented to the applicant by the Building Inspector, which, upon completion, will the n be passed on to the Site Development Review Officer.

4. Upon receipt of an application, the Site Development Review Officer shall submit copies to appropriate Town boards and/or officials. A copy of said application shall also be posted in a conspicuous location within Town offices. Town boards and officials so notified shall review the application pursuant to laws and regulations under their jurisdiction. Said Town boards and officials shall report their findings in writing to the Site Development Review Officer within fourteen (14) days of receipt. Copies of said ports shall be forwarded to the applicant by the Site Development Review Officer.

5. No building permit or special permit applied for under Site Development Review shall be issued until the applicant has received Site Development reports from the Site Development Review Officer within twenty-one (21) days of receipt of application by the Town Boards. Furthermore, all special permits must be reviewed by the Zoning Enforcement Officer, Planning, Zoning, Conservation Commission, Board of Health and the Selectboard prior to issuance, allowing seven (7) days for their review and recommendations.

6. Site Development Review Committee members shall inspect sites operating under town special permits periodically, or upon receipt of a written complaint, with advance notification, to insure compliance to all permit conditions. All site inspections must have at least the Enforcement Officer and one or more SDRC or other Town board members.
(ATM 5/14/2001, Act, Legislature)

11A Soil Erosion & Sediment Control (Repealed 9/15/2004)

Section 12 Dogs

A penalty as provided in Section 43 of these By-Laws shall be assessed against any owner or keeper of a dog who violates this By-Law. In addition, any such owner or keeper shall pay the Dog Officer's Cost incurred in enforcing this By-Law.

Section 12-1 License Fees

The annual fee for dog licenses will be as follows:

- \$4.00 Male & Spayed Female Dog
- \$6.00 Un-spayed Female Dog

Section 12-2 Kennel License Fees

The annual fee for a Kennel License Fee shall be:

- \$25.00 Four to Ten Dogs
- \$75.00 Ten or More Dogs

For the purpose of determining the amount of such fee for any kennel, dogs under the age of six months shall not be counted in the number of dogs kept therein.

Section 12-3 Registration by Town Clerk

The registering, numbering, describing, and licensing of dogs in the Town of Huntington, if kept in said Town, shall be conducted in the Office of the Town Clerk.

Section 12-4 License Money Deposited Town Treasury

All money received for or from the sale of dog licenses or kennel licenses or recovered fines or penalties by said Town of Huntington under the provisions of Chapter 140

relating to dogs, and shall not thereafter, be paid over by the Town Treasurer to Hampshire County.

The Town Clerk shall be responsible for collecting, pick-up, confinement, and other offences will be assessed and collected by the Dog Officer and turned over to the Town for deposit in the Town Treasury within two (2) weeks notice of violation given to the owner by hand or through mail.

Section 12-5 Licensing Period

All dogs must be licensed by July 1st of each year. Licenses are valid from July 1st until June 30th annually.

A late fee of up to \$20.00 per dog may be assessed for each dog not licensed as aforesaid. All dogs three months or older must be licensed. These dogs may be licensed without the immunization until six months of age at which time the owner will have fifteen (15) days to obtain the immunization without the imposition of additional fines and relicensing fees. All dogs six months or older must be immunized against rabies prior to the issuance of a license.

Should a dog's rabies immunization expire after July 1st but prior to June 30th next, the license is no longer valid until proof of new immunization is received by the Town Clerk. Failure to revaccinate your dog within fifteen days of the immunization expiration date will result in the assessment of twenty-five dollar fine and relicensing costs. The fines and relicensing fees will be assessed and collected by the Town Clerk.

Section 12-6 Dog Running Loose-Pick-Up

Any dog found running loose and not under the direct control of the owner shall be picked up and confined at the dog officer's quarters or another substitute establishment. A fee for pick-up and confining the animal will be charged, (Rates to be established by the Selectboard and Dog Officer on July 1st of each year). Valid license shall be presented upon owner's claiming of the animal.

Penalties: (Adopted ATM 5/2/1994)

Maximum fine allowed: \$100.00

Enforcement Agent: Dog Officer

1st offence Warning

2nd offence \$25.00

3rd offence \$50.00

4th offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 12-7 Dogs Running Loose-Not Caught (Replaced with 12-7A, ATM 5/3/04)

Section 12-7A Dogs Running Unrestrained

1. No person owning, keeping, or having possession, custody, or control of any dog in the Town shall allow such dog to stray run or roam at large upon public property or the land of another, except if it be on the premises of another person with the knowledge and permission of such other person, nor allow such dog to roam at large on any portion of any public highway. Such owner or keeper of a dog in the Town which is not on the premises of the owner or upon the premises of another with the knowledge and permission of such person, shall restrain such dog by a chain or leash. Nothing in this section shall be construed to limit or prohibit the use of hunting dogs during the open season or training of hunting dogs or the holding of field trials for hunting dogs or the use of service dogs.
2. The unauthorized presence of any dog on the land of any person other than the owner or keeper of such dog, or on the premises of any school, or public way, or other public property, when such dog is not restrained as mentioned above shall be prima facie evidence of a violation of this section and shall be subject to the fines outlined in Section 43. Policies and Penalties.(ATM 5/3/2004)

Section 12-7B Nuisance-Public Safety

1. No person shall own or keep within the Town any dog which by biting, barking, or in any other manner disturbs the peace and quiet of any neighbor or endangers the safety of any person or domesticated farm animal.
2. Any person permitting a dog owned or kept by them to perform its natural body functions on public property or property of other than that of the dog's owner or keeper shall be responsible for immediate proper disposal thereof.
3. Violation of this section shall be subject to the fines outlined in Section 43 Policies and Penalties. (ATM 5/3/2004)

Section 12-8 Enforcement

Section 5, 6, and 7 shall be enforced by the Dog Officer and Police Officers of the Town of Huntington only. A signed statement by said officer shall be considered sufficient proof that a violation has been committed.

Maximum Fine Allowed	\$100.00 / day
Enforcement Agent:	Dog Officer
1 st Offense	Warning (Unless injuries are caused, in which case the penalty is not limited to a warning.)
2 nd Offense	\$25.00
3 rd Offense	\$50.00
4 th Offense	\$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 12-9 Town Clerk Fees- (repealed 1994)

Section 12-10 Issue Restraint Order/\$200.00 Bond

Persons who own dogs who have been issued a restraint order by the Board of Health, or the Board of Selectman, of the Town of Huntington, shall be required to post a Two Hundred Dollar (\$200.00) bond to be held by the Town of Huntington for a period equal to the restraint confinement order.

The person has the option of installing a chain-link enclosure for this animal. If this is done, the bond of Two Hundred Dollars (\$200.00) will be returned.

Failure to comply with the order will compel the Town, through its Dog Officer, to impound same animal, until a decision is made to return to owner, sell, put up for adoption, or destroy said animal.

The owner shall be responsible for charges due to impoundment and any bills for services for said animal(s).

Section 12-11 Owner Appeal Selectboard/District Court

The owner of any animal violating Sections 5 through 10 have the right to appeal the violation, first to the full Board of Selectman and then, if not satisfied, the Northampton District Court. The Court's decision shall be final.

The Court may assess additional court fees.

Section 13 Refuse

The purpose of this By-Law is to protect the health of the Town Residents, reduce damage to the environment, promote recycling and better manage the solid waste stream generated by the population.

Section 13-A Definitions

Board of Health: The appropriate and legally designated health authority of the city, town, or other legally constituted governmental unit within the Commonwealth having the usual powers and duties of the Board of Health of a City or Town, or its authorized agent or representative.

Equipment: Any item of machinery or implement used in the operation of a refuse transfer station facility to perform such functions as sight preparation, maintenance, receipt, storage, trucking, hauling, transporting, handling, processing, or compacting or refuse.

Garbage: The animals, vegetable or other organic waste resulting from the handling, preparation, cooking, serving, or consumption of food.

Incoming Vehicle: Any vehicle that transports refuse to the refuse transfer station- including but not limited to- public and private garbage and rubbish collection vehicles, industrial, agricultural, or commercial transport vehicles and passenger vehicles.

Operator: Any person who has care, charge, or control of a refuse transfer station facility subject to these regulations as agent or lessee of the owner or as an independent contractor.

Person: Any individual, partnership, association, firm, company, corporation, department, agency, group (including a city, town, country, state, or other governmental unit) or any other entity responsible in any way for an activity subject to the regulations.

Refuse: Putrescible or non-putrescible solid waste materials consisting of all combustible and non-combustible solid wastes including garbage and rubbish but not including sewage.

Refuse Transfer Station Facility: A solid waste handling facility used for the loading of solid waste (refuse) from one container or vehicle to another prior to transporting to the location of further processing or treating or ultimate disposal. Refuse or dumpster type containers physically located on the premises they serve and used by the occupants of the premises shall not be considered a transfer station under these conditions.

Rubbish: Combustible or non-combustible solid waste material except garbage and sewage, including but not limited to such materials as paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, grass clippings, tin cans, metals, mineral matter, glass crockery, dust, ashes, construction wastes, industrial wastes, commercial wastes, demolition wastes, agricultural wastes, abandoned vehicles, street sweepings, wood, coal, coke, or other combustible materials and any other unwanted or discarded materials.

Solid Wastes: Any unwanted or discarded solid material. Solid wastes are classified as refuse (see Refuse above)

Recyclables: Recyclables and their preparation shall be defined in a separate document issued by the Board of Health on the annual basis, as the types of recyclables items may change from time to time. The town Board of Health shall notify all users of the Town Transfer Station Facility in a proper and timely fashion when any changes in recyclables accepted at the Transfer Station Facility occur. The Town Board of Health shall, to the best of its ability, provide for the practical recycling of as many times as possible through the service of the Hilltown Resource management Cooperative, the Springfield Materials Recycling Facility and other means they become available. The Town Board of Health shall issue its list of recyclables annually with the purchase by a resident of the Town,

with proper identification for the use of the Town Transfer Station Facility. The Town Board of Health will continually make the list of recyclables available to all residents at the Town Transfer Station Facility. (STM 8/11/1994 to define recyclables as above.)

Wastes: Useless, unwanted, or discarded solid, liquid, or gaseous materials resulting from community, domestic, commercial, agricultural, and industrial activities.

Section 13-B Disposal Regulations

1. In accordance with Massachusetts General Law, all garbage, rubbish, hazardous waste, recyclables, and all other waste material shall be properly managed on all public and private property at all times. The Town Board of Health is hereby empowered to direct those responsible for illegal disposal of any type of material and to properly dispose of said material. Illegal dumping of any materials shall be subject to penalties and legal action which can be imposed by the Town Board of Health

2. In accordance with Massachusetts General Law, no person shall improperly dispose of garbage, rubbish, recyclables, hazardous waste, or waste material of any tope. All material must be disposed of properly of placed in proper containers on all public and private property. All material shall be disposed of in a proper legal fashion through a private contractor or it shall be placed in the properly designated container(s) at the Town Transfer Station Facility. (Adopted STM 8/11/1994)

Section 13-C Huntington Recycling Program

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

1. Separation of Recyclables

- a. All metal and glass recyclables ass defined in Section 13-A shall be placed together and separate from other rubbish or garbage. These recyclables shall be cleaned of all residue or contents.
- b. Recyclable newspapers and corrugated paper shall be placed together separate from rubbish or garbage.
 - b.1 Newspapers shall either be packed in standard grocery or paper shopping bags, placed in corrugated boxes, or securely tied in flat bundles, none of which shall weigh more tan fifty (50) pounds.
 1. Corrugated boxes and cardboard carton shall be collapsed and tied in bundles, not weighing more than fifty (50) pounds.

c. Recyclables shall not be placed in plastic garbage bags for collection, removal, or disposal. Recyclables shall not be placed in the same refuse container and/or otherwise mixed with other forms of solid waste for collection, removal, or disposal.

d. If no separation of recyclables takes place, NONE of the household rubbish or garbage shall be accepted for disposal at the Huntington Transfer Station or by licensed solid waste removal companies engaged in curbside collection.

2. Ownership of Recyclables- Offences

a. Any recyclables placed at curbside or in a central collection point in the Town shall be transported to and disposed of at the designated materials Recovery Facility, except as may be otherwise authorized by the Board of Health.

3. Repealer

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

4. Severability

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

5. Effective Date

This By-Law shall take effect after the Material Recovery Facility commences commercial operation and shall be enforced when the Board of Health requires same. Notice of the commencement date shall be published once in a daily newspaper having a circulation in the Town of Huntington and notice shall also be posted at the five legal posting places.

Section 13-D Management of the Huntington Transfer Station

1. The operator shall limit access to the facility to such periods of time as an attendant is on duty and to those persons authorized to use the facility for the disposal of refuse.
2. The operator shall provide for the gate to be open only when an attendant or equipment operator is on duty. The gate shall be closed and locked at all other times.

Section 13-E Regulation of Types/Size Disposal Items

The Board of Health may, by regulation, specify the maximum size of large, heavy or bulky items to be disposed of at the Transfer Station and may prohibit, altogether, the depositing of certain items.

The Board of Health shall be required to keep the Town informed as to how prohibit articles may be disposed of legally.

Section 13-F Salvaging

1. The salvaging of materials from a refuse transfer station facility shall not be allowed except by special permit from the Board of Health. Said permit may be subject to revocation by either the Department or the assigning agency.
2. The operator may make provisions for the limited salvaging of materials provided that such operations are conducted under provisions of a special permit for this purpose issued by the Board of Health and provided that a definite plan of procedure is implemented and followed to enable said to be carried out in an organized, sanitary, orderly, and dependable manner with minimal interference to the routine transfer station operations.
3. Refuse of a nature or in quantities that cause or pose a threat to the Public health or are detrimental to the environment or the surrounding area shall not be accumulated at the Transfer Station.

Section 13-G Proper Identification to Dispose

No person shall cast, place or deposit any refuse on the transfer Station without proper identification by the Board of Health.

Section 13-H Management of Station-Board of Health

The care, custody, and management of the Refuse Transfer Station shall be with the Board of Health.

Penalties: (Adopted ATM 5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Board of Health

- | | |
|-------------------------|------------------|
| 1 st Offence | Warning |
| 2 nd Offence | \$25.00 |
| 3 rd Offence | \$50.00 |
| 4 th Offence | \$100.00 per day |

Each day a violation exists shall be deemed to be a separate violation.

Section 14 Wood Waste Dumping

No person shall dump anything other than wood waste and brush in the Wood Waste and Brush Disposal Area.

Penalties: (Adopted ATM 5/2/1994)

Maximum fine allowed: \$100.00

Enforcement Agent: Board of Health

- | | |
|-------------------------|------------------|
| 1 st Offence | Warning |
| 2 nd Offence | \$25.00 |
| 3 rd Offence | \$50.00 |
| 4 th Offence | \$100.00 per day |

Each day a violation exists shall be deemed to be a separate violation.

Section 15 Percolation Testing & Deep Hole Observation

Perc Tests shall be performed by a Massachusetts Registered Professional Engineer, or a Massachusetts Registered Sanitarian, or Soil Evaluator, and may be performed at any time of the year provided the soil to be tested is below the frozen soil layer.

New construction perc tests may be only performed between the period of January 15th through September 15th.

The Board of Health reserves the right to close perc testing season depending upon weather environmental factors.

(Amended ATM 6/25/2002)

Section 16 Soliciting Permission

No person or group of persons shall engage in house to house selling or soliciting without first obtaining a written permit from the Selectman, except those organizations whose income is exempt from taxation under the Laws of the Commonwealth or of the United States of America and such persons as may be licensed to do so under applicable provisions of the General Laws.

Penalties: (Adopted ATM 5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Board of Selectman

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 17 Soliciting Permit

No person shall sell or offer for sale, except in accordance with a permit from the Selectman, any goods or articles from any statutory vehicle or temporary stand in the street, and for food, a food service permit from the Board of Health.

Penalties: (Adopted ATM 5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Board of Health

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 18 **Junk Dealing**

No person shall deal in junk with the Town, or go from house-to-house purchasing or endeavoring to purchase junk, metals, paper, clothes, rage, second-hand articles, bottles, bones or grease- without first having obtained therefore a license from the Selectmen, upon such terms, conditions and provisions as they may prescribe:

For every license so granted there shall be paid to the Town Clerk the sum of Five Dollars (\$5.00) for the use of the Town.

All licenses granted shall expire on the first day of May next after the date thereof. Any license may be revoked by the Selectman for cause.

Penalties: (ATM 5/2/1994, Section 18)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Board of Selectman

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 19 **The Keeping of Unregistered Motor Vehicles**

No person shall keep, or allow to stand exposed to open view from public ways or neighboring property, on any premises, unlicensed under Chapter 140:Section 59 of the Massachusetts General Laws, any abandoned, wrecked, junked or dilapidated motor vehicle which is detrimental to the general appearance of the neighborhood except by permit issued by the police chief in compliance with the Town of Huntington Zoning By-Laws. The fee for the permit will be ten dollars per vehicle per year. Failure to comply with this bylaw within thirty days either by with total concealment or by removal of the vehicle(s) for each day of this violation. Violators will be subject to prosecution in Northampton District Court.

Penalty for violation: Written warning will be issued and the vehicles are to be removed with 30 consecutive days from issue date on written warning notice. If the vehicles are not removed after thirty consecutive days of \$10.00 per day, per vehicle fine will be imposed on the property owner. Violations will be subject to prosecution in Northampton District Court.

Enforcing Authority: Police Department
(ATM 5/3/2004)

Section 19-A **Definition “Enclosed Building”**

An enclosed building shall be defined as one constructed in compliance with existing building codes and requires a building permit.

Section 19-B Application to Farm Vehicles

This By-Law shall not apply to motor vehicles which are used for farming.

Section 20 Drinking Law

No person or persons shall drink any alcoholic or malt beverages upon any school, park, playground, or street, or property of the Town of Huntington, without a specific license issued by the Selectman acting as the Local Commission

Penalties: (Adopted ATM 5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 21 Street Parking

It shall be unlawful for any vehicle to park between the hours of 12:01 A.M. and 7:00 A.M. on any street in the Town from November 1st to April 1st of each year, except, parking shall be allowed in the parking area on Federal Street and along the river side of Federal Street.. (Amended ATM 6/16/2003)

The Police Department, and in the case of obstruction of snow removal, the Highway Superintendent, shall order all vehicles in violation towed at the owner’s expense.

Violators shall pay a fine for each violation as set in Chapter 90, Section 90-A1/2 of the General Laws to the Parking Clerk.

Section 21-A Unregistered Vehicles Municipal Lots

No unregistered vehicle will be allowed to park in any municipal parking lot and any vehicle found in violation of this By-Law may be towed at the owners expense.

Section 22 Injury of Natural/Mechanical Water Supply

No person shall, in any manner, injure any of the drinking fountains, or springs in or near any street or public place of the Town, or throw or place any substance in the same.

Penalties: (Adopted ATM 5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Water Commissioners
Board of Health

1 st Offence	Warning
2 nd Offence	\$25.00
3 rd Offence	\$50.00
4 th Offence	\$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 22 A Water Use Restriction Bylaw

Section 1

This bylaw is adopted by the Town of Huntington under its police powers to protect public health and welfare and its powers under MGL c.40,S21 et seq, and implements the authority of the Water and Sewer Commission of the Town of Huntington (hereafter referred to as “Water Commission” to regulate water use in the Public Water Supply Overlay District pursuant to MGL.c41,S69B. This bylaw also implements the Water Commission’s authority under MGL.c.40, S41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

Section 2: Purpose

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

Section 3: Definitions

Public Water Supply Overlay District shall mean that part of the Town served by the Water and Sewer Commission of the Town of Huntington.

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

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under MGL. C.21G, S15-17.

Sate of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Water Commission pursuant to Section 4 of this bylaw.

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

Section 4: Declaration of a State of Water Supply Conservation

The Water Commission may declare a State of Water Supply Conservation upon a determination by a majority vote of the Commission that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of the State of Water Conservation shall be given under Section 6 of the bylaw before it may be enforced.

Section 5: Restrict Water Uses

A declaration of the State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall

be included in the public notice required under Section 6:

- a. Voluntary Water Conservation: Water users are asked to use appropriate conservation measures.
- b. Odd/Even Outdoor Watering: Outdoor watering by water users with odd-numbered addresses is restricted to odd-numbered days. Outdoor watering with even-numbered addresses is restricted to even-numbered days. Filling of swimming pools is prohibited.
- c. Outdoor Watering Ban: Outdoor water usage is prohibited.

Section 6: Public Notification of a State of Water Conservation; Notification of DEP
Notification of any provision, restriction, requirement or condition imposed by the Water Commission as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town of Huntington, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under Section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 7: Termination of a State of Water Supply Conservation Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Water Commission, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by Section 6.

Section 8: State of Water Supply Emergency; Compliance with DEP Orders

Upon notification to the public, in accordance with provisions outlined in Section 6 of this bylaw, that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement or condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency, except as required for public safety, as determined by the Fire Chief of the Town of Huntington. A State of Water Supply Emergency shall remain in effect until such time as a declaration of termination is issued by the DEP.

Section 9: Penalties

Any person violating this bylaw shall be liable to the Water Commission in the amount of \$50.00 for the first violation and \$100 for each subsequent violation which shall inure to the Town of Huntington. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Bylaws. Each day of violation shall constitute a separate offense.

Section 10: Enforcement

The provisions of this bylaw shall be enforced by the Water Commission of the Town of Huntington or an enforcement officer appointed by that commission.

Section 11: Severability

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

(Adopted ATM 05/06/2002)

Section 23 Animals on Public Property

No person shall pasture or suffer to run at large any house or grazing animal upon any street in the Town except that a person may pasture an animal upon the portion of such street or way adjoining his premises or contiguous thereto.

No person shall pasture or tether any animal in such a manner as to obstruct a street, sidewalk, or crosswalk.

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Animal Control officer

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 24 Nude Display

No person shall display themselves nude in any public area within the town.

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 25 Skateboarding

Skateboarding is prohibited on Route #112, Route #20, Basket Street and, County Road & in the Business, and Central Business Zoning Districts during daylight hours and is prohibited throughout the town between sunset and sunrise.

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 26 Gate/Door on Public Property

No person shall allow any gate or door belonging to premises under his legal control and adjoining any street, to swing on, over or into said street.

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 2 Injury to Street Lighting

No person, except on having the authority to do so, shall extinguish or injure any streetlight or extinguish, injure or remove any light placed to denote an obstruction or a defect in any street.

Penalties:

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

(Adopted ATM 5/2/94)

Section 28 Graffiti

No person shall make any marks, letter, or figures of any kind or mark, paint, place, or affix any notice, sign, advertisement or placard upon or against any stone, fence, ledge, tree, or natural object in the Town, or upon any wall, building, or land in the Town, unless it is done by authority of the law or is some matter concerning the affairs of business of the owner or occupant thereof and by his permission.

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 29 Obstruction of Town Sewer

No person shall throw, place, or suffer to fall into any common sewer in Town, or in any inlet of the same, any dead animal, stone, stick or other substance likely to obstruct the flow of water in the same.

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 29-A Trees & Shrubbery

No person without authority to do so, shall climb any tree or injure any tree or shrubbery standing in any street or public place, and no person shall permit or suffer any animal under its care in any way to injure trees or shrubbery.

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

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Section 29-B Procedure upon Violation

It shall be deemed a breach of the peace, and it shall be the duty of any police officer of the town to order any person so acting as to trespass in or upon a municipal building, or to obstruct or cause the obstruction of free passage of travelers or vehicles to move on or disperse, and if the person so ordered does not forthwith obey, to remove such person or to arrest and cause such person to be brought before the Trial Court of the Commonwealth upon complaint made for a violation of the provisions of the preceding By-Laws.

Section 30 Moving Existing Building on Public Street

No person shall move, or assist in moving any building more than ten (10) feet high, over any street in the Town which the town is obligated to keep in repair, without the written permit of the Selectman being first obtained; not having obtained such permit, without complying with the restrictions and provisions thereof.

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 31 Glass/Nails/Etc. Thrown on Streets/Walks

No person shall put, place, or cause to be put, placed or thrown in any street, land or alley, or other public place in said Town, any nails, tacks, glass, or other articles or substances which may in any way impede or obstruct the passage of any vehicle over said street, land, alley, or place.

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 32 Shooting/Throwing Stones, Arrows, Missiles, Etc.

No person shall, without the written consent of the Selectman on any street of the Town used for purposes of business or residence, throw or shoot a stone, arrow, snowball, ice stick, brick, or other hard substance or other missile, or be concerned if act interferes with the safe and convenient use thereof, or where such act disturbs the safety of persons of property or the peace of any person.

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 33 **Anti-Litter By-Law Definitions**

This By-Law shall be known and may be cited as Huntington's Anti-Litter By-Law

1. Definitions

For the purpose of the By-Law, the following terms, phrases, words, and their derivations shall have the meaning given herein.

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

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

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

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

Public Place: The term 'public place' includes any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, paces, ground, and buildings.

Refuse: The word 'refuse' means 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: 'Rubbish' is a non-putrescible solid waste consisting of both combustible wastes such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

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

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

2. *Unlawful Use of Public Litter Receptacles*

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

Littering Streets & Other Public Places Generally

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

3. *Littering Parks*

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

4. Throwing Litter

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

5. Unlawful Deposits in Ponds, Etc.

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

6. Deposit of Litter on Open or Vacant Property

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

7. Duty to Maintain Private Property Free of Litter

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

8. Notice to Remove Litter From Open or Vacant Property

The Board of Health is hereby authorized and empowered to direct the owner of any private property within the Town, or the agent of such owner, to properly dispose of litter located on such owner's property which is dangerous to the public health, safety, and welfare. Such request shall be by registered or certificate mail, addressed to the owner at his or her last know address.

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed:	\$100.00
Enforcement Agent:	Board of Health
1 st Offence	Warning
2 nd Offence	\$25.00
3 rd Offence	\$50.00
4 th Offence	\$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 34 **Indecent Exposure -Boisterous Behavior**

No person shall behave in a boisterous, indecent, or disorderly manner, or use any indecent, profane, insulting, or abusive language or hinder passage of pedestrians or vehicles in any street within the Town.

Penalties: (Adopted ATM5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 35 **Deface Item to Profane or Obscene Item**

No person shall make or affix an indecent figure or write, print, paint, or cut any obscene word or words upon, or deface, break, or injure in any manner, any fence post, pole, sign, street lantern, electric street lamp, sidewalk; building or structure or mark or mutilate a poster so as to render it profane or obscene.

Penalties: (Adopted ATM5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 36 **Obstruction Public Way**

No person shall place or cause to be placed upon any sidewalk-coal, truck, bail, box, barrel, or package so as to obstruct the same for more than ten (10) minutes after being notified by a Constable, Police Officer, or the Selectman to remove it.

Penalties: (Adopted ATM5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 37 Driving on Sidewalk

No person shall drive, wheel, or draw upon sidewalk any wagon, cart, or any carriage of burden or pleasure, except children’s carriages propelled by hand, wheelchairs, or necessary carriages for invalids or persons unable to walk.

No person shall lead or drive any horse, goat, swine, or meat-animal upon any sidewalk or upon land of another without its permission.

Penalties: (Adopted ATM5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 38 Polluting of Streams/Waterways/Land with Carcass of Dead Animal

No person shall throw the carcass of any dead animal into any pond or stream within limits of the Town and no person shall leave any carcass of any such animal to decay on the surface of the ground or insufficiently buried therein, near any building, or any street.

Penalties: (Adopted ATM5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 39 Inspection Fees

The Selectboard shall establish and may from time to time, amend such inspection fees as it deems reasonable and appropriate. These shall include building, plumbing, gas fitting, and electrical inspection fees.

The Selectboard will set rates for inspection fees and building permits to reflect actual costs for services rendered to the Town.

The fee for a building permit shall be doubled if the Building Inspector or Selectman find that work which requires such a building permit as begun before the permit has been issued.

Section 40 Streets and Ways

No person without first receiving a written license from the Selectmen shall cut any curbs or cross a sidewalk, for the purpose of forming a driveway.

If said license is granted, all costs (materials and labor) from the property line to the center of the street, shall be borne by the property owner.

Said work shall conform in all respects to standards set by the Board of Selectmen and Planning Board.

Penalties: (Adopted ATM5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Highway Superintendent
Building Inspector

1 st Offence	Warning
2 nd Offence	\$25.00
3 rd Offence	\$50.00
4 th Offence	\$100.00 per day

Each day a violation exists shall be deemed to be a separate violation.

Section 40-A Driveway

No driveway may be formed or constructed or allow adjacent to a public way without a license by the Selectmen.

If said license is granted, all costs (materials and labor) including culverts, bridges, etc., from the property line to the center of the street, shall be borne by the property owner.

Said construction or formation shall conform in all respects to standards set by the Board of Selectmen and Planning Board.

Said work shall be performed within one year of the date of the issuance of said license.

Section 40-B Closing of Town ways and Bridges:

Section 1

During any period which any town owned highway or bridge has been posted by the Huntington Highway Department as being unfit for travel because of prevailing road conditions, no vehicle weighing in excess of eight thousand (8000) pounds, with the exception of school busses, emergency vehicles, vehicles making delivery of materials essential to normal daily services to existing occupied dwellings or vehicles normally used by residents for ingress or egress of their dwelling, shall be allowed use of such way. Any exceptions shall require written authorization of the Huntington Highway Superintendent. Any authorization granted by the Highway Superintendent shall include a clause holding the Town harmless for any and all liability or expense resulting from said use of Town highway or bridge and shall provide that the individual or business authorized to use such way shall be financially responsible for the expeditious repair, or reimbursement to the town for the cost to repair, of any and all damages incurred to such town ways during the course of these activities.

Section 2

Damage caused by overweight vehicles: Individuals or business firms engaged in, but not limited to forest management, logging, land clearing, well drilling, construction, delivery of materials for septic systems, pavement or surface construction, modular home delivery, delivery of cement products, delivery of materials other than those essential to the normal daily operation of a household, such as but not limited to home heating fuel and utility services, using any type of vehicles, registered or unregistered, which exceeds state or local weight limits on town owned highways or bridges, shall be financially responsible for the expeditious repair, or reimbursement to the town for the cost to repair, of any and all damages incurred to such town ways during the course of these activities.

Section 3

Determination of requirements for repair, or reimbursement to the Town for cost of repair shall be made by the Town of Huntington Highway Superintendent, and shall include a time limit within which repairs must be completed or reimbursement for costs of such repairs received by the Town of Huntington. Any appeal of said determination of the Highway Superintendent must be made to the Town of Huntington Board of Selectmen within ten (10) days of the date of issue of the determination by the Highway Superintendent.

(ATM 5/08/2001)

Section 41 By-Laws to be Altered or Amended

These By-Laws may be altered or amended at an Annual or Special Town Meeting, an article or articles for such purpose having been inserted in the Warrant for such meeting specifying the alteration or amendment proposed.

Section 42 Enforcing Body-Selectboard

The enforcing body shall be the Board of Selectmen unless otherwise provided by law or by these By-Laws.

Section 43 Enforcement

A. Criminal Complaint

Whoever violates any provision of these By-Laws may be penalized by indictment or on complaint brought in the district court. Except as otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offence brought in this manner, shall be three hundred dollars (\$300.00).

B. Non-Criminal Disposition

Whoever violates any provision of these By-Laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in General Laws, Chapter 40, Section 21-D. The non-criminal method of disposition may also be used for isolation of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following By-Laws and sectioning of By-Laws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision,, the municipal personnel listed for each section, if any shall also be enforcing persons for such sections. Each day on which any violation exists shall be deemed to be separate offence.

C. Administrative Processing

The Administrative Assistant shall be responsible for the administrative processing of all violation payments made to the Town Clerk and shall prepare for signature of the Town Clerk, the required notification of payment to be sent to the Clerk of The District Court pursuant to G.G. Chapter 40, Section 21-D. In the absence of the Administrative Assistant, the Town Clerk shall be directly responsible for the processing of all payments and require notice to the Court.

D. General By-Laws (Penalties are listed under each topic)

E. Zoning By-Laws

Non-criminal disposition-in addition to the procedures for enforcement as described above, the provisions of this zoning By-Law may also be enforced, by the Zoning Enforcement Officer, Building Inspector, by non-criminal complaint pursuant to the provisions of MGL CH.40, Sec. 21-D. Each day on which a violation exists shall be deemed to be a separate offence. The penalty for violation of any provision of this By-Law shall be:

Warning for the first offence

\$100.00 for the second offence

\$200.00 for the third offence and each subsequent offence. Each day on which a violation exists shall be deemed to be a separate offence.

F. Penalties Board of Health Regulations

a. Criminal Complaint: Whoever violated any provision of these rules and regulations may be penalized by indictment or on complaint brought in the District Court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be \$300.00 for each offence.

b. Non-Criminal Disposition- Whoever violated any provision of these rules and regulations may, in the discretion of the Health Agent (members of the Board of Health), be penalized by a non-criminal complaint pursuant to the provisions of MGL CH 40, Sec. 21-D. For the purpose of this provision the penalty to apply in the event of a violation shall be as follows:

Warning for the first offence

\$100.00 for the second offence

\$200.00 for the third offence and each subsequent offence. Each day that a violation exists shall be deemed to be a separate offence.

And, further vote to amend the following sections of General By-Laws to be consistent with the foregoing new Section 43.

Section 44 Invalidity of One or Part of By-Law

The invalidity of one or any part of a By-Law shall not affect the validity of any other By-Law or the remainder thereof.

Section 45 Headings are Informational

Headings are informational and are not a part of any By-Law

Section 46 Deny Permits/Licenses for Non-Payment of Taxes

The Town of Huntington may deny any application for, or revoke or suspend any local license or permits including renewals and transfers issued by any board, officer, or department 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.

This By-Law shall be in accordance with the provisions of Mass General Laws, Chapter 40, Section 57, the terms of which are expressly included as if fully set out herein.

(Adopted ATM 5/1991)

Section 47 Tax Payments \$25.00 or Less Made in One Payment

Any property tax not in excess of \$25.00 shall be due and payable in a single payment in order to avoid payment of interest.

This By-Law shall be in accordance with provisions of Mass General Law, Chapter 59, Section 57-A, the terms of which are expressly included as if fully set out herein.

(Adopted ATM 5/1991)

Section 48 Library Materials

1. The purpose of this bylaw is to discourage the theft of library material (s) and property as defined in (1990 MGL 266-99, 99-A-100) from the Huntington Public Library which may occur through negligence or intent, and the destruction or vandalism of the building, property, or contents, as defined in (1990 MGL 266-99, 99A-100). It is the express intent of this bylaw to recover legal costs or replacement or repair of the stolen or damaged materials (s), or property plus penalty.
2. Definition of Library Material and Property as stated in (MGL 266-99): “Library Materials and Property”, any book, plate, picture, portrait, photograph, broadside, engraving, painting, drawing, map, specimen, print, lithograph, chart, musical score, catalog card, catalog record, statue, coin, medal, computer software, film, periodical, newspaper, magazine, pamphlet, document, manuscript, letter, archival, material, public record, microfilm, sound recording, audio-visual

material in any format, magnetic or other tape, pate recorded, film, projector or other machinery or equipment, electronic data-processing record, artifact or other documentary written or printed material regardless of the physical form or characteristics which is a constituent element of the library's collection or any part thereof, belonging to, on loan to or otherwise in the custody of the library. Library materials and property shall include the walls, wainscoting, or any part of the library, or any other building or room used for library business or the appurtenances thereof, including furnishings.

3. 3. Any person or persons found to be in violation of the Standard Library Return Policy shall be in violation of this bylaw and shall be liable for a penalty of \$250.00 per item plus the replacement value of each item under these conditions:
 - a). The Huntington Public Library clearly displays its return policy at all times.
 - b). The items to be lent or charged be clearly marked as to the return dates and
 - c). This bylaw is inclusive of equipment and materials not meant for public loan or charge.
4. Any person or persons convicted of vandalizing material(s) or property (MGL 266-100) belonging to, or part of, the Huntington Public Library shall be liable for the repair and/or replacement and any other costs incurred and a penalty of \$250.00 per vandalized item.
- 4A. Vandalism of premises interior and exterior and definition:

Library Premises interior and exterior are such as but not limited to, grounds, structures or equipment. Any person or persons convicted of vandalizing the premises interior and/or exterior of the Huntington Public Library shall be in violation of this bylaw and shall be liable for the repair and/or replacement and any other costs incurred and a penalty of \$250.00 per vandalized item.
5. The Library Board of Trustees have the authority to proceed with any legal action deemed necessary beyond the bylaw as stated in (1990 MGL 266-99, 99A-100).
6. Should any one part of this bylaw be judged as not legal the rest shall remain.

(ATM 5/05/1998)

Section 49 Personal water craft

Pursuant to Massachusetts General Laws Chapter 131, Section 45, the operation of jet skis, surf skis, wet bikes, and other so-called 'personal water craft' in or on Norwich Lake, which is completely situated in the Town of Huntington, is prohibited. Whoever violates this bylaw shall pay a fine of one hundred (100) dollars for each offense. This bylaw shall be enforced by Environmental Police, State Police, and Town Police. This bylaw also shall be enforced through non-criminal disposition process as defined by Massachusetts General Laws Chapter 40, Section 21D. (ATM 6/17/2003) (Approved by AG 2003) (Approved by Mass. Environmental Police May 2004)