

Division 1: Bylaws

Part I: Administrative Legislation

Chapter 1

GENERAL PROVISIONS

ARTICLE I
Renumbering of Bylaws
[Adopted 3-25-1985 ATM, Art. 21]

§ 1-1. Acceptance.

At the Annual Town Meeting held March 25, 1985, the renumbering of the bylaws as they appear in this volume was ratified by unanimous vote as follows: Article 21 voted that the Town "accept the renumbering of the various bylaws of the town from their original numbering to the numbering or codification, arrangement, sequence and captions as set forth in the Code of the Town of Deerfield, dated 1984 and published by General Code Publishers Corp. of Rochester, New York; said codification having been done under the direction of the Board of Selectmen, Town Counsel and Town Clerk, and said Code being a compilation of the present bylaws for the town and having no substantive changes in the text thereof."

Chapter 3

AGING, COUNCIL ON

§ 3-1. Establishment.

The Town establishes a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with programs of the Department of Elder Affairs, all in accord with the Annotated Laws of Massachusetts c. 40, § 8B.

§ 3-2. Annual report.

The Council shall submit an annual report to the Town and shall send a copy thereof to the Department of Elder Affairs of the Commonwealth.

§ 3-3. Membership.

Said Council shall consist of not less than three (3), nor more than fifteen (15) members, appointed by the Board of Selectmen from the residents of the Town.

§ 3-4. Chairman.

The Chairman of the Council shall be designated from time to time by the Board of Selectmen.

§ 3-5. Term of office.

Appointees shall hold office until successors are designated.

Chapter 4

AGRICULTURAL COMMISSION

§ 4-1. Establishment; activities.

An Agricultural Commission is established to represent the Deerfield farming community. Said Commission once appointed shall develop a work plan to guide its activities. Such activities include, but are not limited, to the following: to serve as facilitators for encouraging the pursuit of agriculture in Deerfield; promote agricultural-based economic opportunities in Town; act as mediators, advocates, educators, and/or negotiators on farming issues; work for preservation of prime agricultural lands; and pursue all initiatives appropriate to creating a sustainable agricultural community.

§ 4-2. Membership; terms; alternate members.

The Commission shall consist of five members appointed by the Board of Selectmen. The Commission will consist of a minimum of three members

whose prime source of income is derived from farming or agricultural-based enterprises in Deerfield and another two who are interested in farming. Initial appointment shall be two members for a term of three years; two members for a term of two years and three thereafter; and one member for a one year term, and three years thereafter. The Board shall appoint two alternate members, one for a term of two years and three thereafter and one for a term of one year and three thereafter. Alternate members, as designated by the Commission chairperson, may substitute for a regular member when a quorum is needed for any reason.

§ 4-3. Vacancies.

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

§ 4-4. Guiding principles for Commission appointment.

Members should: represent Town geographically, represent the diversity and scale of agricultural businesses, represent the diversity of the Town's population, encourage next generation farmers. The overall intent is to be inclusive not exclusive.

§ 4-5. Mission.

The mission will be to: promote agricultural-based economic opportunities; preserve, revitalize and sustain the Deerfield agricultural industry, and encourage the pursuit of agriculture as a career opportunity and lifestyle.

Chapter 6

BOARD OF SELECTMEN

GENERAL REFERENCES

**Board of Selectmen regulations – See
Division 2 chapters of the Code.**

§ 6-1. General powers and duties.

The Selectmen shall have the general direction and management of the property of the Town and in all matters affecting the interest or welfare of the Town, except as otherwise provided by law or by this chapter.

§ 6-2. Appearances.

The Selectmen may appear, either personally or by counsel, before any committee of the General Court, any court or board or commission, to

protect the interests of the Town, but are not authorized by this chapter to commit the Town to any course of action.

§ 6-3. Authority to appoint Town Counsel.

The Selectmen shall act as Town agents, and have authority as agents and officers of the Town to appoint and employ a Town Counsel, who shall act as attorney and counsel for the Town and the various officers and boards thereof, and to fix his compensation.

§ 6-4. Charge and management of suits.

The Selectmen shall have the charge and management of all suits and all actions for and against the Town, except such suits as are within the scope of the duties of the Tax Collector, and may prosecute, defend or settle the same as they see fit, unless otherwise directed by vote of the Town.

§ 6-5. Highway obstruction and excavation permits.

- A. The Selectmen may grant licenses in writing for the obstruction of any part of the highways or streets of the Town, or for such excavations of the same as may be needful for the purpose of erecting, repairing, altering or removing any building, or for the laying of drains, waste or gas pipes, or for any other purpose which to them may seem reasonable.
- B. Every person receiving such license shall execute a written agreement to indemnify and save harmless the Town against all damage or cost by reason of any claim for damages, or by reason of any process, civil or criminal, on account of the existence of such obstruction or excavation, and the Selectmen may impose such conditions and limitations as they shall see fit in respect to erecting barricades, maintaining lights and taking other precautions for the safety of travellers.

§ 6-6. Conveyances of land.

All conveyances of land or interests in land shall be signed by a majority of the Board of Selectmen, unless otherwise provided by law or by vote of the Town, and shall be sealed with the Town Seal.

§ 6-7. Licensing of junk dealers.

The Selectmen may license suitable persons to be dealers and keepers of shops for the purchase, sale, or barter of junk, old metals or second-hand articles in the Town. They also may license suitable persons as junk collectors, to collect by purchase or otherwise, junk, old metals and second-hand articles from place to place in the Town. The aforesaid licenses may be revoked at pleasure.

Chapter 10

COMMITTEES

ARTICLE I

Finance Committee**[Adopted as Article V of the 7-10-1964 Compilation of Bylaws]****§ 10-1. Establishment; membership.**

A Finance Committee is hereby established to consist of seven members.

§ 10-2. Terms.

The terms of the members shall be for three years, but at the Annual Town Meeting to be held in the month of March 1936, the Moderator shall appoint three members to serve for three years, three members to serve two years and one member to serve one year, and thereafter the Moderator shall appoint members of the Committee to serve for a period of three years.

§ 10-3. Filling of vacancy.

Any member appointed to fill a vacancy shall serve for the unexpired term.

§ 10-4. Officers.

Said Committee shall choose its Chairman and Secretary.

§ 10-5. Duties of committee.

All articles of the Warrant calling for appropriations at any meeting shall be referred to this Committee. The Committee shall examine and study the budget submitted by various Town departments. This section is enlarged by Chapter 56 of the Acts of 1950, amending MGL c. 39, § 16, in that the Finance Committee shall now consider any or all municipal questions for the purpose of making reports and recommendations to the Town.

§ 10-6. Access of committee to information.

The Committee shall have access to all facts, figures, records and other information relating to all Town departments, boards committees or officers, and the same shall be furnished forthwith by any department, board, committee, officer or employee whenever so requested by the Committee.

§ 10-7. Report to Town Meetings.

The Committee shall report in print or otherwise at all Town Meetings. For the information of the voters, the report to the Annual Town Meeting shall be in print.

ARTICLE II
Energy Conservation Committee
[Adopted 3-5-1979 ATM, Art. 41]

§ 10-8. Establishment; purpose.

The Town of Deerfield establishes an Energy Conservation Committee for the purpose of studying and recommending energy conservation policies to the Town and its citizens.

§ 10-9. Appointment of members.

The Selectmen shall appoint a Committee of no fewer than five citizens and not more than nine citizens.

§ 10-10. Report to be made.

Said Committee shall prepare a report and present the same at the next Annual Town Meeting.

ARTICLE III

School Building Committee

**[Adopted 6-30-1986 STM, Art. 1; amended in its entirety 4-30-1990
ATM, Art. 49]**

§ 10-11. Establishment; membership.

The Town establishes a School Building Committee consisting of one member of the Board of Selectmen, two members of the Deerfield School Committee designated by that Committee, a member of the Planning Board designated by that Board, a member of the Finance Committee designated by that Committee, a member of the Board of Assessors designated by that Board and six citizens who will be appointed by the Town Moderator and who are not serving on the Board of Selectmen, Deerfield School Committee, Planning Board, Finance Committee or Board of Assessors.

ARTICLE IV

Regional Refuse Disposal Planning Committee
[Adopted 4-25-1988 ATM, Art. 44]

§ 10-12. Establishment; membership.

The Town creates a special unpaid Committee to be known as the "Regional Refuse Disposal Planning Committee" consisting of three persons appointed by the Moderator.

ARTICLE V

**Community Cable Program Committee
[Adopted 4-27-1998 ATM, Art. 41]****§ 10-13. Establishment; powers and duties; space; funding.**

The Town establishes a Community Cable Program Committee. This Committee shall set policy, establish programming, broadcast and/or record public meetings in the Town and region, purchase equipment, establish an annual budget and approve any and all expenditures and otherwise operate and utilize at its discretion the public access channel. This Committee shall be provided suitable space within the Town Hall for operational purposes. The Town shall raise and appropriate \$840 for this Committee, the same as the moneys received the previous fiscal year by the Town from the cable franchise fees.

§ 10-14. Membership; terms.

The Town Moderator shall appoint a seven-member committee; each member shall serve a three-year term, except that on the first year two members will be appointed for one year and two members for two years and three members for three years. No member shall be either an appointed or elected person currently holding a position in the Town government.

ARTICLE VI
Capital Improvement Plan Committee
[Adopted 4-26-2004 ATM, Art. 9]

§ 10-15. Establishment; membership; terms; vacancies. [Amended 4-24-2017 ATM, Art. 30]

The Board of Selectmen shall establish a seven member committee to be known as the "Capital Improvement Planning Committee." The Board of Selectmen shall appoint one member of the Board of Selectmen, one member of the Finance Committee, one member of the Planning Board, one member of the Assessors, the Treasurer (non-voting, ex-officio), the Town Administrator (non-voting, ex-officio), and one School Committee member. The Moderator shall appoint two members of the community. The Committee shall choose its own officers. If a vacancy occurs, the appointing authority shall fill it. Appointments shall be for one year, except in the case of a vacancy.

§ 10-16. Powers and duties; submission of information. [Amended 4-24-2017 ATM, Art. 30]

- A. The committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which involve:
- (1) Acquisition of land for a public purpose;
 - (2) Any construction of a new facility or an addition to, or extension of, an existing facility;
 - (3) Any infrequent rehabilitation or major repair of a building, its grounds, or related equipment provided that the cost is \$25,000 or more and the improvement will have a useful life of 10 years or more;
 - (4) Any purchase of any fixed asset provided that the cost is \$10,000 or more; and
 - (5) Any planning, feasibility, engineering, or design study related to any of the above capital projects.
- B. All purchases of capital equipment or fixed assets must be presented for study by the Capital Improvement Planning Committee regardless of the source of funding.
- C. All officers, boards and committees shall, by December 1 of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing five years. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the Town.

§ 10-17. Capital improvement recommendations. [Amended 4-24-2017 ATM, Art. 30]

The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following four fiscal years. The report shall be submitted to the Board of Selectmen for its consideration and approval no later than the closure of a Special or Annual Town Meeting Warrant.

§ 10-18. Capital program. [Amended 4-24-2017 ATM, Art. 30]

The Board of Selectmen shall publish in a newspaper of general circulation, the Town Website, and on the Deerfield Cable Access Channel a notice stating a) the times and places where copies of the capital improvements program are available for inspection; and b) the date, time, and place, not less than seven days following such publication, when the Board of Selectmen and Committee shall conduct a public hearing on said program. After said public hearing, the Board of Selectmen shall submit its approved Capital Budget to the Annual or Special Town Meeting for adoption by the Town. The Committee's report as amended by the Selectmen shall be published and made available in a manner consistent with the distribution of the Finance Committee report. The Committee shall deposit its original report and any amendments with the Town Clerk.

§ 10-19. Expenditures for capital improvements. [Amended 4-24-2017 ATM, Art. 30]

No expenditure shall be made for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the Committee's report, or until the Committee has provided its recommendation thereon.

§ 10-20. Expenditures.

Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals.

§ 10-21. Rules and regulations.

The Committee shall make reasonable rules and regulations for the administration of this by-law.

ARTICLE VII
Community Preservation Committee
[Adopted 10-1-2007 STM, Art. 1]

§ 10-22. Membership of the Committee.

- A. There is hereby established a Community Preservation Committee, consisting of nine voting members pursuant to the provisions of G.L., c. 44B, Section 5. The composition of the committee, the appointing authority and the term of office for the committee members shall be as follows:
- (1) One member of the Conservation Commission as designated by said Commission;
 - (2) One member of the Historical Commission as designated by said Commission;
 - (3) One member of the Planning Board as designated by said Board;
 - (4) One member of the Recreation Committee as designated by the Committee;
 - (5) One member of the Regional Housing Authority, who is a resident of Deerfield, as designated by said Authority;
 - (6) One member of the Open Space Committee as designated by said Committee; and
 - (7) One member of the Board of Assessors as designated by said Board;
 - (8) One resident to be appointed by the Moderator; and
 - (9) One resident to be appointed by the Board of Selectmen.
- B. The term for the first appointed and designated Community Preservation Committee members shall begin on January 1, 2008, or the effective date of this bylaw, whichever is later, and shall end on June 30, 2008. Thereafter, each member of the committee shall serve for a term of one year or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. Should any of the officers and commissions, boards, or committees who have appointing authority under this bylaw be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

§ 10-23. Duties.

The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board,

the Board of Park Commissioners and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city or town.

§ 10-24. Recommendations to the Town.

The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

§ 10-25. Set aside recommendations.

The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

§ 10-26. Annual revenues; open space, historic resources and community housing.

In every fiscal year, the Community Preservation Committee must recommend either that the Town Meeting spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for open space (not including land for recreational use), not less than 10% of the annual revenues in the Community Preservation Fund for historic resources; and not less than 10% of the annual revenues in the Community Preservation Fund for community housing.

§ 10-27. Requirement for a quorum and cost estimates.

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority

vote. Recommendations to the Town Meeting shall include their anticipated costs.

§ 10-28. Amendments.

- A. The Community Preservation Committee shall, from time to time, review the administration of this bylaw, making recommendations, as needed, for changes in the bylaw and in administrative practice to improve the operations of the Community Preservation Committee. The first review shall be completed no later than January 1, 2011, and subsequent reviews shall be completed in no more than five-year intervals.
- B. This bylaw may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of G.L. c.44B.

§ 10-29. Severability.

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

§ 10-30. Effective date.

This bylaw shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of MGL c. 40, section 32 have been met. Each appointing authority shall have 30 days after the effective date to make its appointments.

ARTICLE VIII
Open Space Committee
[Adopted 3-20-2007 STM, Art. 1]

§ 10-31. Committee established; powers and duties.

Voted that the Town establish an Open Space Committee to coordinate the implementation of and the timely revision of the Open Space and Recreation Plan of 2006, the Conservation Vision Statement of 2007, and the conservation tools contained therein, specifically including the following powers and duties:

- A. To make recommendations to the Board of Selectmen and to Town Meeting, including sponsorship of warrant articles, regarding the acquisition and use of lands for conservation, recreation and open space;
- B. To determine and review priority target parcels for protection with the Board of Selectmen, and other committees and boards as warranted;
- C. To work with funding organizations, other Town committees, and private land trusts for the common interest of acquiring or preserving open space; and
- D. To participate as a member of the Community Preservation Committee under the provision of the Community Preservation Act,¹ at such time as said act is accepted by the Town.

§ 10-32. Membership.

There shall be five (5) members of the committee who shall be residents of the Town who shall serve for three (3) year terms. The Board of Selectmen shall appoint three of said five members and the Moderator shall appoint two of said five members. Said members may be reappointed by said appointing authority for one or more additional three year terms, without limitation.

1. Editor's Note: See MGL c. 44B, § 1 et seq.

Chapter 20**FINANCES****§ 20-1. Disposition of fees received.**

All fees received by the Treasurer, Town Clerk and Town Collector of Taxes for the Town of Deerfield shall be paid by such officer, upon its receipt, into the Town treasury.

§ 20-2. Use of fees.

Any sums so paid into said treasury shall not later be used by such officer or department without specific appropriation thereof.

§ 20-3. Departmental Revolving Funds. [Added 4-24-2017 ATM, Art. 5]**F. Purpose.**

- (1) This by-law establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E1/2.

G. Expenditure Limitations.

- (1) 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 further appropriation subject to the following limitations:
 - (a) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
 - (b) No liability shall be incurred in excess of the available balance of the fund.
 - (c) The total amount spent during a fiscal year shall not exceed the amount authorized by Town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the select board and finance committee.

H. Interest.

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

I. Procedures and Reports.

- (1) Except as provided in General Laws Chapter 44, § 53E1/2 and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.
- J. Authorized Revolving Funds. (Refer to Tables included here within) The Table establishes:
- h. Each revolving fund authorized for use by a town department, board, committee, agency, or officer.
 - i. The department or agency head, board, committee, or officer authorized to spend from each fund.
 - j. 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.
 - k. The expenses of the program or activity for which each fund may be used.
 - l. Any restrictions or conditions on expenditures from each fund.
 - m. Any reporting or other requirements that apply to each fund.
 - n. The fiscal years each fund shall operate under this by-law.

TABLE 1.

FUND	AUTHORITY TO SPEND FUNDS	REVENUE SOURCE	USE OF FUNDS	FISCAL YEARS
Public Health and Safety	Selectboard	Receipts for public health and safety purposes.	Services, activities, and expenses related to providing public health and safety services.	Fiscal Year 2018 and subsequent years.
Recycling	Selectboard	Receipts related to the recycling program.	Operation of solid waste and recycling programs, membership and services with Franklin County Solid Waste Management District, purchase of recycled content and environmentally preferable products.	Fiscal Year 2018 and subsequent years.
Parks and Recreation	Recreation Department	Fees and receipts related to Recreation Department programs and services.	Activities and expenses related to providing recreational activities.	Fiscal Year 2018 and subsequent years.
Planning	Planning Board	Fees charged for applications and filings.	Activities and expenses related to proposal and permit reviews.	Fiscal Year 2018 and subsequent years.

Chapter 25

INSPECTOR OF WIRES**§ 25-1. Establishment; general powers and duties.**

The Town establishes the position of Inspector of Wires of the Town, which position and appointee shall have control of the supervision and inspection of electrical wiring, and shall enforce all laws, ordinances and regulations that relate thereto.

§ 25-2. Specific powers and duties.

The Inspector shall examine all buildings during the erection of the same and construction or repair of such buildings; and shall see that the statutes of the commonwealth relating to electrical wires and wiring are fully complied with.

§ 25-3. Job description to be provided.

Such position shall be more completely described by a job description provided by the Personnel Board of the Town.

Chapter 35**PERSONNEL**

ARTICLE I
Personnel Board

§ 35-1. Establishment; number of members.

The Personnel Board consisting of five (5) members, one (1) of whom shall be a member of the Finance Committee, is hereby established.

§ 35-2. Terms of members.

Initially, one (1) member will be appointed for a term of four (4) years, one (1) member for a term of three (3) years, one (1) member for a term of two (2) years and one (1) member for a term of one (1) year. Subsequently, one (1) member of said Board shall be appointed annually for a four-year term by the Selectmen in the month of March. The Finance Committee shall appoint one (1) of its members to the Board annually.

§ 35-3. Residency requirement; compensation.

All members of said Board shall be residents of the Town and shall serve without compensation.

§ 35-4. Ineligibility of Town officers and employees.

No officer or employee of the Town shall be eligible to serve on this Board.

§ 35-5. Vacancies.

Any vacancy in the membership of said Board shall be filled by the Selectmen for the remainder of the unexpired term.

§ 35-6. Duty of Board.

It shall be the duty of the Board to make a study from time to time of the work and compensation of all employees of the Town subject to the provisions of this chapter.

§ 35-7. Presentation of amendments.

The Board shall present to the Town Meeting such amendments to the Classification-Compensation Plan as it deems desirable.

§ 35-8. Board to report to Town Meeting.

The Board shall report to the Town Meeting its recommendations as to all articles in the warrant pertaining to the Classification-Compensation Plan.²

2. Editor's Note: Said plan is included as an attachment to this chapter.

§ 35-9. Filing of annual report.

The Board shall file a copy of its annual report with the Selectmen and the Finance Committee on or before the date required for inclusion in the annual report.

§ 35-10. Hearing for amendments.

The Board shall hold a hearing upon all proposed amendments to this chapter and the Classification-Compensation Plan³ and shall give due notice thereof to all persons interested.

§ 35-11. Keeping of records.

The Board shall keep such records of all employees of the Town subject to this chapter as it deems desirable.

§ 35-12. Setting of higher entrance rates.

Upon the recommendation of a board or a head of a department supported by evidence in writing of special reasons and exceptional circumstances, the Board may authorize an entrance rate higher than the minimum rate set forth in the Classification-Compensation Plan.⁴

§ 35-13. Employment of clerical assistance and making of expenditures.

The Board may employ such clerical and other assistance and make such expenditures as it deems necessary, subject to appropriation thereof.

§ 35-14. Acting as Personnel Relations Review Board.

The Board of the Town shall constitute the Personnel Relations Review Board of the Town, and in that connection, shall have the powers and duties, and perform the functions, assigned to such Personnel Relations Review Boards by MGL c. 40, § 21B; and said Board shall, in the performance of its duties as Personnel Relations Review Board, be subject to the limitations imposed by MGL c. 40, § 21B, and by the bylaws of the Town.

§ 35-15. Personnel Relations Review Board to keep separate records.

When sitting as a Personnel Relations Review Board, the Board shall keep a separate record of its proceedings, which shall not be open to the public inspection as may otherwise be required by state law.

3. Editor's Note: Said plan is included as an attachment to this chapter.

4. Editor's Note: Said plan is included as an attachment to this chapter.

ARTICLE II
Personnel Policies

§ 35-16. Applicability.

The following personnel policy shall be applicable to all permanent full-time, part-time and temporary employees of the Town with the exception of those working under the supervision or direction of separate boards or committees which have provided separate personnel policies for such employees.

§ 35-17. Statutory employment provisions.

Employment by the Town shall be generally governed by the laws and statutes of the Commonwealth of Massachusetts.

§ 35-18. Engagement of employees.

Employees shall be engaged according to the following procedure:

- A. Public advertisement or notice.
- B. Submission of a written application or on the form provided by the Board of Selectmen.
- C. A certificate of physical fitness from a physician shall be required.
- D. A personal interview may be held by the Board of Selectmen and the department head.

§ 35-19. Probationary period.

- A. Each new employee shall work a probationary period of six (6) months, during which time he or she may be dismissed at the discretion of the Board of Selectmen or upon recommendation of the department head concerned.
- B. Following the completion of said probationary period, an employee shall be considered a regular employee who may be dismissed only for cause and after a hearing.

§ 35-20. Rates of pay.

- A. Rates of pay for such employment by the Town shall be established by the Classification-Compensation Plan.⁵
- B. Part-time and temporary employees [those employed for three (3) months or fewer] shall not be paid at such rates as set by the Personnel Board in the Classification-Compensation Plan. **[Amended 3-5-1979 ATM, Art. 15]**

5. Editor's Note: Said plan is included as an attachment to this chapter.

§ 35-21. Hours.

The normal workday shall be eight (8) hours, exclusive of lunch periods. The normal workweek shall be forty (40) hours.

§ 35-22. Overtime pay.

Regular Town employees shall receive overtime pay for all hours worked in excess of forty (40) hours in one (1) workweek consistent with the acceptance of the Annual Town Meeting of MGL c. 149, § 33C. Overtime pay is computed at one and one-half (1 1/2) times the straight-time hourly base rate of the employee. Vacation days, sick days and holidays are counted as time worked in the computation of overtime. Department heads (highway, sewer, police, Town Clerk) are considered exempt employees and are not eligible for overtime pay.

§ 35-23. Shift differential. [Amended 4-6-1982 ATM, Art. 29; 4-25-1988 ATM, Art. 16; 4-27-1992 ATM, Art. 36; 4-26-1993 ATM, Art. 34; 4-25-1994 ATM, Art. 32; 4-25-2016 ATM, Art. 5]

Town Departments that regularly schedule work shifts during the period of 3:00 p.m. to 11:00 p.m. shall pay a shift differential of one dollar (\$1.00) for each hour worked; Town Departments that regularly schedule work shifts during the period of 11:00 p.m. to 7:00 a.m. shall pay a shift differential of one dollar fifty cents (\$1.50) per hour for each hour worked. In this case, "Regularly" shall mean no less than four times weekly, and no less than 36 weeks per fiscal year.

§ 35-24. Responsibility to report absence.

Each employee must notify his or her department promptly of any absence.

§ 35-25. Holidays.

A. Regular employees shall be compensated at their regular rates for the following legal holidays:

New Year's Day
Martin Luther King Day
Washington's Birthday
Patriot's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day

Day after Thanksgiving **[Added 4-6-1983 ATM, Art. 15B]**
 Christmas

- B. When a holiday occurs on a weekend or during an employee's vacation, the employee may have a compensatory day off.
- C. (Reserved)⁶
- D. All employees will be expected to render emergency service whenever necessary.

§ 35-26. Vacation leave. [Amended 3-5-1979 ATM, Art. 14; 4-6-1983 ATM, Art. 15B; 4-24-2000 ATM, Art. 33; 4-27-2015 ATM, Art. 34]

- A. Eligible employees: all full-time and benefit eligible permanent part-time employees.
- B. Collective bargaining agreements and statutory employment agreements. If there is a conflict between this bylaw and an applicable collective bargaining agreement or the terms of any applicable statutory employment agreement, including an employment agreement under MGL c. 41, § 108N (applying to Town administrators, Town accountants, and/or persons performing such duties having a different title), MGL c. 41, § 108O (applying to police chiefs and fire chiefs), and MGL c. 78, § 34 (applying to head librarians), the terms of the collective bargaining agreement or statutory employment agreement, as the case may be, shall prevail over the bylaw.
- C. Computation of vacation time. Subject to Subsection D below, all eligible employees shall accrue vacation time beginning the first day of duty, as follows:

First Day of Duty, up to 5 years of actual service	80 hours annually, accrual rate 3.08 hrs bi-weekly
5 years, up to 10 years of actual service	120 hours annually, accrual rate 4.62 hrs bi-weekly
10 years or more of actual service	160 hours annually, accrual rate 6.16 hrs bi-weekly

- D. Eligible part-time employee calculation of vacation time. Eligible part-time employees accrue vacation leave on a pro-rated basis, based on the amount of hours worked in the previous fifty-two (52) weeks. New hires' first year pro-rated calculation is based on hours worked.
- E. Vacation limits.
 - (1) Eligible employees may accrue and carry vacation time balances equal to two (2) years' worth of vacation time. Once an employee

6. Editor's Note: Former Subsection C, which required that employees must work the days preceding and following a holiday in order to receive holiday pay, unless granted a leave of absence, was deleted by 4-27-1992 ATM, Art. 35.

accrues two (2) years of vacation time, the employee will no longer continue to accrue any more vacation time until such time as the employee uses some portion of the accrued, unused vacation time. Once the employee uses vacation time bringing the amount of vacation time being carried to fall below the 2-year accrual limit, accrual will resume on a bi-weekly basis.

- (2) The employee will not be compensated for non-accrued time under this policy.
 - (3) Eligible part-time employees' 2-year vacation limit will be calculated on a pro-rated basis using the same calculation method used to calculate the vacation time.
- F. Transition from prior vacation leave system to current system set forth in this bylaw.
- (1) The amendments to this bylaw shall take effect on July 1, 2015.
 - (2) For the purpose of implementing the transition from the prior vacation leave system to the accrual and computation system contained in this amended bylaw, each current Town employee who is covered by this bylaw as of the effective date on which the amendments take effect shall be permitted a one-year period to use any accrued, unused vacation that such employee may have that is beyond the computation provision and accrual limits set forth Subsections C and E above. During this transition period, any employee who has accrued vacation leave that is greater than the amount of vacation leave that may be accrued at any given time (i.e., two-years of vacation leave), as determined by the schedule set forth in Subsection C above, shall not continue to accrue any more vacation time until such time as the employee has used that amount of accrued, unused vacation time to bring the employee within the accrual limits of this bylaw.
- G. Using vacation time. Employees may use vacation time with the approval of their department head (or in the case of a department head, the department head's appointing authority) in increments up to fifteen (15) consecutive work days.
- H. Vacation requests and scheduling.
- (1) Employees shall request vacation time from their respective department head (or in the case of a department head requesting vacation, from the department head's appointing authority). The department head (or the appointing authority, as the case may be) shall schedule such vacation leave based on the operational needs of the Department.
 - (2) Requests for vacation time in excess of employees' available accrued time may be granted as leave without pay at the discretion of the department head.

- (3) Subject to operational needs, department heads are responsible for the scheduling of their employees' vacation time throughout the year so that the Town's mission and employees' needs are met, and so that employees do not have a significant amount of vacation time that must be used or forfeited.
- I. Employment termination. Upon the termination of employment or retirement an employee will be compensated for the balance of their accrued but unused vacation time to the date of termination or the last pay check. Accrued but unused vacation time will be paid to the estate of an employee in the event of an employee's death.

§ 35-27. Sick time. [Amended 3-5-1979 ATM, Art. 16; 3-25-1985 ATM, Art. 18; 4-24-1995 ATM, Art. 33; 4-27-2015 ATM, Art. 34]

- A. Eligible employees. All full-time and benefit eligible permanent part-time employees.
- B. Collective bargaining agreements and statutory employment agreements. If there is a conflict between this bylaw and an applicable collective bargaining agreement or the terms of any applicable statutory employment agreement, including an employment agreement under MGL c. 41, § 108N (applying to Town administrators, Town accountants, and/or persons performing such duties having a different title), MGL c. 41, § 108O (applying to police chiefs and fire chiefs), and MGL c. 78, § 34 (applying to head librarians), the terms of the collective bargaining agreement or statutory employment agreement, as the case may be, shall prevail over the Bylaw.
- C. "Immediate family" defined. For the purposes of this bylaw, the term "immediate family" is defined as a spouse (or significant other that lives in the same household as the employee), son, daughter, mother, father, brother, sister, stepmother, stepfather, stepson, stepdaughter, stepbrother, stepsister, mother-in-law or father-in-law.
- D. Sick time purpose. Sick time is a contingent benefit limited to absences caused by an eligible employee's illness (including illness or disability arising out of or caused by pregnancy or childbirth), injury, or exposure to contagious disease, or the illness of a member of an eligible employee's immediate family, including illness or disability arising out of or caused by pregnancy or childbirth or for medical appointments. Sick leave used for purposes other than legitimate reasons or in an excessive manner may result in disciplinary action up to and including termination of employment at the discretion of the Town.
- E. Doctor's note. The Town, at its exclusive discretion, reserves the right to request a written certificate from a Town-selected physician, at the cost to the Town, or from the employee's physician, relative to the employee's ability to perform the essential functions of the job or in cases of absence under this bylaw.

F. Sick time accrual.

- (1) Eligible employees with less than ten (10) years of service to the Town may accumulate up to a maximum of sixty (60) days* of sick time for use by the employee. Each day of accrued sick time shall equal eight (8) hours. Therefore, eligible employees with less than ten (10) years of service may accumulate up to a maximum of 480 hours of sick time. Eligible employees with less than 10 years of service, will accrue sick time at a rate of 0.833 sick time days per month for each month of actual service not to exceed 10 sick days per year, up to a maximum of sixty (60) days*.
- (2) Eligible employees with ten (10) years or more of service to the Town may accumulate up to a maximum of ninety (90) days* of sick time for use by the employee. Each day of accrued sick time shall equal eight (8) hours. Therefore, eligible employees with 10 or more years of service may accumulate up to a maximum of 720 hours of sick time. Eligible employees with ten (10) or more years of service, will accrue sick time at a rate of 0.833 sick time days per month for each month of actual service not to exceed 10 sick days per year, up to a maximum of ninety (90) days*.

*Eligible part-time employees shall accrue sick time on a pro-rated basis.

- G. Sick time limits. Once an employee's sick time limit is reached, the employee will no longer continue to accrue any more sick leave until such time as the employee uses some portion of the accrued, unused sick time. Once the employee uses sick time causing the amount of sick time being carried to fall below the sick time limit, accrual will resume on a bi-weekly basis. The employee will not be compensated for non-accrued sick time under this policy.
- H. Transition from prior sick time system to current system set forth in this bylaw.
 - (1) The amendments to this bylaw shall take effect on July 1, 2015.
 - (2) For the purpose of implementing the transition from the prior sick time system to the accrual and computation system contained in this amended bylaw, any Town employee who is covered by this bylaw who has accrued sick time that is greater than the amount of sick time that may be accrued at any given time, as set forth in Subsection F above, as of the effective date on which the amendments to this bylaw take effect, shall not continue to accrue any more sick time until such time as the employee has used that amount of accrued, unused sick time to bring the employee within the accrual limits of this bylaw.
- I. Employment retirement or death. When an employee retires or upon the death of an employee, the Town will pay the employee or the employee's estate unused sick time at a rate of one (1) day per year of

service or the employee's sick time balance, whichever is less, up to a maximum of \$4,000.00.

§ 35-28. Fringe benefits.

Regular employees working for the Town one thousand forty (1,040) hours or more during the year are eligible to participate on a prorated basis in the following fringe benefits programs offered by the Town unless otherwise indicated:

- A. Health insurance. As provided for under Chapter 32B of the General Laws, thirty-five percent (35%) of the premium for this insurance is paid for by the employee. **[Amended 3-31-1986 ATM, Art. 19; 4-24-1989 ATM, Art. 14]**
- B. Life insurance.
 - (1) Types of insurance available include group life, group total permanent disability and accidental death.
 - (2) As provided for under Chapter 32B of the General Laws, thirty-five percent (35%) of the premium for this insurance is payable by the employee. **[Amended 3-31-1986 ATM, Art. 19; 4-24-1989 ATM, Art. 14]**
- C. Pension plan.
 - (1) As provided for under Chapter 32B of the General Laws, full-time employees of the Town must participate in the approved county pension plan.
 - (2) Part-time employees may participate if yearly hours of Town employment exceed one thousand forty (1,040) or annual earnings from the Town exceed seven hundred twenty dollars (\$720.).
 - (3) Contribution made to the plan shall be as follows:
 - (a) Employees hired prior to November 1, 1975: five percent (5%) of gross wages.
 - (b) Employees hired after November 1, 1975: seven percent (7%) of gross wages.
 - (c) Employees hired after January 1, 1984: eight percent (8%) of gross wages. **[Added 3-25-1985 ATM, Art. 18]**
- D. Personal day. One (1) day for personal use shall be granted by the Town, each year on the anniversary date of employment. An unused personal day will revert to the Town and the employee shall receive no compensation. **[Added 4-27-1987 ATM, Art. 17]**

§ 35-29. Military leave.

- A. Any employee having at least one (1) year of continuous service for the Town and being required to perform military duty in the armed forces under the provisions of MGL c. 33, § 54, or being required to serve an annual tour of duty as a member of a reserve component of the Armed Forces of the United States, shall be granted a military leave of absence and shall also be entitled to compensation for any difference between his military pay and his regular pay for not more than ten (10) workdays during such military leave of absence and, in addition thereto, shall be granted the same leaves of absence or vacation with compensation given to other like employees.
- B. A military leave of absence without compensation shall be granted to any such employee called to active duty with the armed forces for purposes other than military duty referred to in the preceding subsection.
- C. Seniority shall accumulate during service in the Armed Forces of the United States.
- D. A military leave of absence with compensation shall be granted to any such employee for the purpose of appearing before any board under the Selective Service Law or for any physical examinations under said law, but no such leave of absence shall be granted for a period of more than one (1) day without the approval of the Board of Selectmen.

§ 35-30. Jury duty leave.

An employee of the Town who serves as a grand or traverse juror in a federal court or in the courts of the commonwealth shall receive from said Town the difference between his pay and the compensation he receives for such jury service, exclusive of any travel or other allowance.

**§ 35-31. Emergency leave; Family and Medical Leave Act of 1993.
[Amended 4-25-1994 ATM, Art. 31]**

- A. Twelve (12) weeks emergency leave under the Family and Medical Leave Act of 1993 will be granted without compensation, excepting that accumulated vacation and personal day benefits must first be used during any extended leave period.
- B. Emergency leave up to a maximum of seven (7) days per year may be allowed for serious illness in the immediate family (defined in § 35-32B below) of the employee and shall be charged against sick leave allowance of the employee. This is exclusive of leave associated with the Family and Medical Leave Act of 1993.

§ 35-32. Bereavement leave.

- A. Leave, up to a maximum of three (3) days, shall be allowed for death in the immediate family of the employee and shall not be charged against the sick leave allowance of the employee.

- B. "Immediate family," as defined in this section, shall mean wife, husband, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law and grandparents.
- C. One (1) day of leave for death not in the immediate family, at the discretion of the department head, shall be allowed and not charged against sick leave, vacation or personal days of the employee. **[Added 4-26-1993 ATM, Art. 33]**

§ 35-33. Other leaves of absence.

Leaves of absence for causes other than set forth in this article shall be without compensation.

§ 35-34. Grievance procedure.

- A. There shall be a grievance procedure available to those employees of the Town whose rights, in their opinion, have been prejudiced in any way and covering all other grievances except those that would properly be under the jurisdiction of the Civil Service Commission or other duly established appeal board.
- B. As used in this section, the word "grievance" shall be construed to mean dispute between an employee and his supervisor(s) arising out of an exercise of administrative discretion by such supervisor(s).
- C. It is further understood that any employee may handle his grievance directly with his supervisor.
- D. Should any difference relative to wages, hours and working conditions arise between the Town and any employee or employees, an earnest effort shall be made to settle such difference immediately as follows:
 - (1) Step 1. An employee with a grievance shall speak to the head of his department regarding the problem. The department head shall make an effort, orally and within three days to resolve the problem to the satisfaction of all parties. If, however, the employee is not satisfied, he shall present his grievance in writing to the head of the department.
 - (2) Step 2. The department head will investigate the grievance and present his conclusions in writing to the employee within two weeks. If the employee is not satisfied then, he shall present all pertinent data in writing, including the grievance and written answers from the department head to the Personnel Board acting in its capacity as Personnel Relations Review Board (see § 35-14 of Article I, Personnel Board).
 - (3) Step 3. The Personnel Relations Review Board shall conduct a hearing within 30 days. Within two weeks from the date of the hearing, the Board shall forward its decision, in writing, to the

department head and a copy to the employee. This decision shall be final and binding.

§ 35-34.1. Drug and alcohol testing. [Added 4-29-1996 ATM, Art. 31]

- A. Any Town employee who, during the course of his (her) employment, might be required to use a municipal vehicle may be subject to random drug and alcohol testing.
- B. Such testing can be mandated by a local drug and alcohol coordinator if just cause is given.
- C. Any employee who fails to submit to testing may be subject to a hearing by the Board of Selectmen, Personnel Board and/or department head, with the possibility of suspension, dismissal or other appropriate action.

§ 35-34.2. Sexual harassment policy. [Added 4-29-1996 ATM, Art. 32; amended 9-27-2006 STM, Art. 5]

The Board of Selectmen shall develop and maintain a policy regarding harassment and sexual harassment in keeping with the laws and regulations of the United States and the Commonwealth of Massachusetts.

ARTICLE III
Classification-Compensation Plan⁷

§ 35-35. Statutory authority.

The Classification-Compensation Plan Bylaw is hereby adopted pursuant to the provisions of MGL c. 41, § 108A.

**§ 35-36. Establishment of Classification-Compensation Plan.
[Amended 4-12-1980 ATM, Art. 31]**

A plan classifying certain positions in the service of the Town, into groups and classes doing substantially similar work or having substantially equal responsibilities, is hereby established, said plan to be known as the Classification-Compensation Plan, annexed hereto and being hereby made a part hereof.⁸

§ 35-37. Form of plan.

The Classification-Compensation Plan, when established by vote of the Town, shall consist of the minimum and maximum salaries and wages to be paid to all employees of the Town in any position subject to the Classification-Compensation Plan and may be amended from time to time by vote of the Town.

§ 35-38. Allocation of positions.

All boards and heads of departments shall, as soon as may be, after the effective date of this chapter, allocate all employees to the appropriate positions in the Classification-Compensation Plan, in accordance with allocations presently approved by the department heads and the Finance Committee, and shall in like manner allocate any new employees.

§ 35-39. Change of allocation.

Said boards and heads of departments may, with prior approval of the Personnel Board, change such allocation of any employee.

§ 35-40. Filing of allocations.

A report of any such allocations and reallocations shall be filed in the office of the Town Accountant and with the Personnel Board.

§ 35-41. Construal of definitions. [Amended 4-12-1980 ATM, Art. 31]

The definition for any classification shall be construed solely as a means of identifying positions properly pertaining to the class and not as prescribing

7. Editor's Note: Said plan is included as an attachment to this chapter.

8. Editor's Note: Said plan is included as an attachment to this chapter.

the particular duties or responsibilities of any position in the class or as modifying or in any way affecting the authority of any board or head of a department as otherwise existing to appoint, to assign duties to, to promote, to demote, to change the duties of or to direct or control the work of any employee under the jurisdiction of such board or head of a department.

§ 35-42. Pay to be appropriate to position.

No person shall be appointed, employed or paid as an employee of the Town in any position subject to the provisions of this chapter under any title other than that of the appropriate position in the Classification-Compensation Plan.

§ 35-42.1. Longevity pay. [Added 4-24-2017 ATM, Art. 8]

A. Definitions for purposes of longevity compensation.

1. Continuous service shall mean uninterrupted continuous employment by the Town of Deerfield from the last date of hire.
2. Employees who work regularly at least 40 hours per week shall receive longevity at the schedule established below.
3. Full time status is based on an employee's current work status. Prior part-time service will be used to compute longevity years, provided the years are continuous.
4. Part-time employees, who are on the classification-compensation schedule, shall receive pro-rated longevity pay, according to the schedule below.

B. Calculations of longevity for non-elected, full-time employees.

1. Upon completion of TEN years of continuous Town service, a sum of \$200 shall be added to that employee's pay once a year, and once each year thereafter through the fourteenth year of continuous Town service, that employee shall receive a lump sum longevity payment of \$200.00.
2. Upon completion of FIFTEEN years of continuous Town service, a sum of three hundred dollars (\$300.00) shall be added to that employee's pay once a year, and once each year thereafter through the nineteenth year of continuous Town service, that employee shall receive a lump sum longevity payment of \$300.00.
3. Upon completion of TWENTY years of continuous Town service, a sum of four hundred dollars (\$400.00) shall be added to that employee's pay once a year, and once each year thereafter through the twenty-fourth year of continuous Town service, that employee shall receive a lump sum longevity payment of \$400.00.
4. Upon completion of TWENTY-FIVE years of continuous Town service, a sum of five hundred dollars (\$500.00) shall be added to

that employee's pay once a year, and once each year thereafter of continuous Town service, that employee shall receive a lump sum longevity payment of \$500.00.

C. Payment of longevity benefit.

1. Payment of longevity compensation shall be made on an annual basis and shall be paid on the last fiscal year payroll.
2. Longevity compensation shall be construed as regular compensation for the purpose of retirement benefits.

§ 35-43. Official titles. [Amended 4-12-1980 ATM, Art. 31]

The title of each class as set forth in the Classification-Compensation Plan shall be the official title of every position allocated to the position for all purposes having to do with the position as such and shall be used to designate the position in all payrolls, budget estimates and official records and reports relating thereto.

§ 35-44. Rates exceeding applicable salary. [Amended 4-30-1990 ATM, Art. 27]

In any case where any employees subject to this chapter, upon the effective date thereof, shall have a rate or rates of compensation exceeding the applicable salary and wage limitations set forth, such employee may continue to be so paid, but this section shall not apply to any new employee. In instances where accommodations of compensatory time, monetary support, resources support or other changes in normal working schedule for professional enhancement, extended professional travel and meeting expenses or other so called job-related professional interest are to be considered as job duties, such arrangements must be agreed to in writing by the Selectmen. Such agreements are normally limited to managerial and department head personnel and addressed at time of employment.

§ 35-45. Conflict with statute.

Nothing contained in this chapter shall be construed to conflict with Chapter 31 of the General Laws.

§ 35-46. Validity of provisions.

If any provisions of this chapter or the application of such provision to any persons or circumstances shall be held invalid, the validity of the remainder of the chapter and the applicability of such provision to other persons or circumstances shall not be affected thereby.

§ 35-47. Applicability of plan.

This chapter shall be operative only as to employees whose positions are subject to the Classification-Compensation Plan.

§ 35-48. Minimum salary scales to be entrance scale.

The aforesaid minimum salary and wage scales shall be the entrance scales of all employees except as provided herein.

§ 35-49. Consideration for employment by Personnel Board; exception.

Persons may be hired to a job at levels indicated when qualifications have been presented to the Personnel Board and justified according to job evaluation requirements. Persons may be hired at the minimum without the Personnel Board's consideration.

§ 35-50. Annual review of salaries and wages. [Added 4-12-1980 ATM, Art. 32]

Salaries and wages shall be reviewed by the Personnel Board and Board of Selectmen annually.

§ 35-51. Determination of wages. [Added 4-12-1980 ATM, Art. 32; amended 9-23-1981 STM, Art. 1; 4-27-1987 ATM, Art. 18; 4-25-1988 ATM, Art. 17; 4-24-1989 ATM, Art. 15; 4-30-1990 ATM, Art. 26; 4-29-1991 ATM, Art. 32; 4-27-1992 ATM, Art. 34; 4-26-1993 ATM, Art. 32]

The Board of Selectmen shall determine the wages of the Highway Superintendent and the Police Chief, provided that such wages are within the rate ranges set forth in the Classification-Compensation Plan. New hires shall be paid at the lowest wage in the rate range; Personnel Board approval required for paying new hires more than the minimum set forth in the rate range.

Chapter 37**PLANNING BOARD****GENERAL REFERENCES**

Zoning — See Ch. 179.

Subdivision of land — See Ch. 264.

§ 37-1. Establishment. [Amended 6-30-1986 STM, Art. 19]

A Board of seven (7) members is hereby established, to be known as the "Planning Board."

§ 37-2. Terms of membership.

- A. The terms of members shall be for three (3) years, but at the Annual Town Meeting to be held in the month of March 1936, there shall be elected two (2) members to serve for one (1) year, two (2) members to serve for two (2) years and one (1) member to serve for three (3) years, and thereafter there shall be elected at the Annual Town Meeting in each year such members as are necessary to fill vacancies.
- B. At the next annual election the remaining members will be elected as follows: one (1) for a one-year term, the other for a two-year term.
[Added 6-30-1986 STM, Art. 19]

§ 37-3. Vacancies.

Vacancies otherwise occurring in the Board shall be filled as provided in MGL c. 41, § 11.

§ 37-4. Duties.

The duties of such Board shall be such as are stated in MGL c. 41, §§ 70 to 81X, and further:

- A. To consider and advise upon municipal improvements either at the request of other officials of the Town or upon its own initiative.
- B. It shall consider and develop a Town Plan, with special attention to main ways, land developments, zoning, playground and parks and sites for permanent school plants.
- C. It shall meet at regular intervals.
- D. It may hold public meetings.
- E. It shall have access to public documents or information in the possession of any Town official or department.

- F. It shall examine the plans for the exterior of any public building, monument or similar feature, and for the development and treatment of the grounds about the same before the adoption thereof, and may make such recommendations thereon as it may deem needful.
- G. It may provide for public lectures and other educational work in connection with its recommendations.
- H. It may incur expenses necessary to the carrying on of its work within the amount of its annual or special appropriations.

§ 37-5. Submission of plans.

All plans for laying out, extending, discontinuing or changing of the limits of any playground or public park, 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 Board for its opinion at least two (2) weeks in advance of action by the Board of Selectmen or the Town.

§ 37-6. Annual report.

The Board shall make a report to the Town annually, giving information regarding the condition of the Town and plans or proposals for the development of the Town and estimates of the cost thereof. Such report shall be sent to the Selectmen not later than such time in February in each year as the Selectmen may prescribe or as may be prescribed by law in for relative to reports.

Chapter 39

(RESERVED)

Chapter 43

REGIONAL AND INTERMUNICIPAL SERVICES

ARTICLE I
Regional Municipal Services

**[By
4-28-1997
ATM,
Art.
15,
the
Town
voted
to
accept
the
Charter
establishing
the
Franklin
County
Regional
Council
of
Governments
as
proposed
by
the
Franklin
Regional
Charter
Commission
for
the
purpose
of
providing
regional
municipal
services
pursuant
to
Chapter
151
of
the
Acts
of
1996,
§ 567,
as
amended.]**

ARTICLE II
Intermunicipal Agreements

**[By
4-30-2007
ATM,
Art.
24,
the
Town
voted
to
authorize
the
Board
of
Selectmen
to
enter
into
an
intermunicipal
aid
agreement
with
one
or
more
other
municipal
governmental
units
to
provide
public
health,
public
works,
and
all
other
governmental
services
which
the
Board
of
Health,
Department
of
Public
Works,**

**and
all
other
Town
boards,
departments,
commissions,
or
positions
are
authorized
to
perform,
in
accordance
with
an
intermunicipal
aid
agreement
to
be
entered
into
between
the
Town
and
governmental
units.]**

Chapter 46
TOWN CLERK

GENERAL REFERENCES

Board of Selectmen fees — See Ch. 186.

Board of Health fees — See Ch. 215.

ARTICLE I

**Tax Collector/Town Clerk/Treasurer
[Adopted 4-24-2000 ATM, Art. 21]****§ 46-1. Change from elected to appointed position.**

Voted that the Town shall change the currently elected and combined position of Tax Collector/Town Clerk/Treasurer into a Board of Selectmen appointed position of Tax Collector/Town Clerk/Treasurer as per the provisions of MGL c. 41, § 1B, and place on the official ballot of the Annual Elections 2001 the following question for acceptance by the voters: "Shall the Town vote to have its elected Tax Collector/Town Clerk/Treasurer become an appointed Tax Collector/Town Clerk/Treasurer of the Town?"⁹

ARTICLE II

Fees**[Adopted 9-15-2003 STM, Art. 10]****§ 46-2. Schedule.**

The following fees shall be paid to the Town Clerk:

Service	Fee
For entering amendment of a record of the birth of an illegitimate child subsequently legitimized	\$10
For correcting errors in a record of birth	\$10
For furnishing certificate of birth	\$10
For furnishing an abstract copy of a record of birth	\$5
For entering delayed record of birth	\$10
For filing certificate of a person conducting business under any title other than his or her real name	\$20
For filing by a person conducting business under any title other than his or her real name of statement of change of his or her residence, or of his or her discontinuance, retirement or withdrawal from, or of a change of location of such business	\$10
For furnishing certified copy or certificate of person conducting business under any title other than his or her real name or a statement by such person of his or her discontinuance, retirement, or withdrawal from such business	\$10
Recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the commonwealth	\$20
For correcting errors in a record of death	\$10
For furnishing a certificate of death	\$10
For furnishing an abstract copy of a record of death	\$5
For entering notice of intention of marriage and issuing certificates thereof	\$20
For entering certificate of marriage filed by persons married out of the commonwealth	\$10
For issuing certificate of marriage	\$10
For issuing an abstract copy of a record of marriage	\$5
For correcting errors in a record of marriage	\$10
For recording power of attorney	\$10

Service	Fee
For recording certificate of registration granted to a person engaged in the practice of optometry, or issuing a certified copy thereof	\$10
For recording the name of the owner of a certificate of registration as a physician or osteopath in the commonwealth	\$20
For examining records or papers relating to birth, marriage, or deaths upon the application of any person	The actual expense thereof, but not less than \$10
For copying any manuscript or record pertaining to a birth, marriage or death	\$5
For receiving and filing of a complete inventory of all items to be included in a "closing out sale," etc.	\$5
For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by MGL c. 182, § 2	\$20
For recording deed of lot or plot in a public burial place or cemetery	\$10
Recording any other documents	\$10 per first page, \$4 each additional page
Voter's card	\$5

Chapter 48**TOWN MEETING****§ 48-1. Time and date of meeting. [Amended 3-5-1974 STM, Art. 4; 3-5-1979 ATM, Art. 32; 4-12-1980 ATM, Art. 34; 10-26-1983 STM, Art. 13; 3-31-1986 ATM, Art. 44]**

The Annual Town Meeting shall be held on the last Monday of April in each year. The Meeting will be at 7:00 p.m. for the consideration of all lawful business and Town affairs that may properly come before the Meeting. The Meeting will then adjourn to the first Monday in May at 10:00 a.m. with the polls to close at 8:00 p.m. for the election of such officers and the determination of such matters as by law are required to be elected or determined by ballot.

§ 48-2. Posting of warrant. [Amended 4-26-2004 ATM, Art. 29]

Every warrant for every Town Meeting, whether annual, special or otherwise, shall be served by posting attested copies thereof in five (5) public places in the Town; and in the case of any special or other meetings, except the Annual Meeting, by printing a summary copy in one (1) newspaper published in Franklin County. Said posting shall be at least fourteen (14) days and said publication at least fourteen (14) days before the time set for holding said meeting; provided, however, that such publication in a newspaper shall not apply to primaries, caucuses or to state elections.

§ 48-3. Closing of warrant.

The warrant for the Annual Town Meeting shall close at least thirty (30) days before the time of holding said meeting.

§ 48-4. Persons to be seated.

All persons present at any Town Meeting shall, while the Meeting is open, be seated when requested by the Moderator.

§ 48-5. Speaking twice on the same question prohibited.

No one shall speak on the same question more than twice, without leave of the Meeting, or to explain or call to order.

§ 48-6. Speakers to stand.

When anyone addresses the Moderator, he shall rise and stand during his speaking.

§ 48-7. Appeals.

An appeal to the Meeting shall lie from the decision of the Moderator on a question of order upon the demand of ten (10) voters present. The question on appeal shall be submitted before any other. Debate shall be limited to three (3) minutes on each side, but the Moderator may make such statements as to the reasons for his ruling as he deems proper.

§ 48-8. Amendments relating to sums or numbers.

When several amendments are made to a motion in regard to the same subject, relating to sums of money, numbers or time, the question shall be first put upon the largest sum or number or the longest time.

§ 48-9. New motions while others pending.

In all cases, no new motions shall be made while one is pending, except to amend or substitute, commit or recommit, lay upon the table or postpone to a time certain, close debate at a specified time, or the previous question or to adjourn.

§ 48-10. Interruption of speakers.

No one shall interrupt another while he is speaking, except to call him to order.

§ 48-11. Motions to be put in writing upon request.

Every person making a motion in Town Meeting, shall reduce it to writing when required by the Moderator.

§ 48-12. Manner of deciding questions.

The previous question shall be put in the following form: "Shall the main question be now put?", and until this question is decided, all debate on the main question shall be suspended, except as provided in § 48-13. Immediately after taking and adopting the previous question, the sense of the Meeting shall be taken upon any pending amendments, in the order inverse to that in which they were moved and finally upon the main question.

§ 48-13. Speaking after closing of debate.

When a debate is closed by ordering the previous question, or by a vote to close debate at a specified time, the person who shall have introduced the matter under consideration shall be allowed to speak seven (7) minutes, and may grant to any other person any portion of his time.

§ 48-14. Notice of intent to make motion.

Any person proposing to move, at the Meeting at which the vote was passed, for the reconsideration of a vote, shall give notice of his intention in open Town Meeting, and shall announce the time when he will make said motion, which shall not be within less than one (1) hour after which notice is given.

§ 48-15. Reconsideration vote prohibited.

A second motion for the reconsideration of the same vote shall not be received.

§ 48-16. Suspension of rules and regulations.

Any one (1) of the foregoing sections, except § 48-1, may be suspended, by a vote of two-thirds (2/3) of the voters present, at any legal Town Meeting, for a length of time to be specified in the motion made for that purpose not exceeding the continuance of the meeting at which such vote may be passed.

§ 48-17. Official rules and regulations established. [Amended 4-12-1980 ATM, Art. 35]

The duties of the Moderator and the government of the Town Meeting not specially provided for by law or by the foregoing rules shall be determined by the rules of practice in "Town Meeting Time, A Handbook of Parliamentary Procedure," copyright 1962.

§ 48-18. Quorum required. [Added 3-5-1979 ATM, Art. 33]

No Special Town Meeting may transact any business until the Moderator determines that a quorum is present of thirty-five (35) persons eligible to vote at the meeting. Such quorum should be maintained if a motion is made to challenge the quorum and supported by five (5) voters, the moderator must count to establish the quorum. Section 48-16 shall not apply to this section.

§ 48-19. Two-thirds vote. [Added 4-28-2003 ATM, Art. 9]

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 MGL c. 39, § 15.

Chapter 49**TOWN OFFICE BUILDING**

ARTICLE I

Office Hours**[Adopted 4-27-1987 ATM, Art. 19]****§ 49-1. Daily hours established; exceptions.**

All offices in the Town Office Building will be open to the public daily, Monday through Friday (legal holidays excluded), between the hours of 9:00 a.m. and 4:00 p.m. At the discretion of the department head, office hours may be extended. In any office staffed by one (1) clerk, the office may be closed to allow for lunch break, sick leave or vacation. Offices staffed by part-time personnel only will not be subject to this article.

Chapter 50

TOWN PROPERTY, DISPOSITION OF

§ 50-1. Authorization of Selectmen to dispose.

The Selectmen of the Town may sell or exchange any personal property of the Town which has become obsolete, or which is not required for further use, and which does not, in the opinion of the Selectmen, exceed five hundred dollars (\$500.) in value.

Part II: General Legislation

Chapter 55

ALARMS

ARTICLE I

**User Fees for False Alarms
[Adopted 4-30-1990 ATM, Art. 57]****§ 55-1. Record to be kept; fees imposed.**

The Chief of Police shall cause an investigation to be made and keep a record of false alarms. For such false alarms, the following user fee shall be imposed:

- A. For the first and second false alarms in any given calendar year, a warning shall be issued.
- B. For the third false alarm in the same calendar year, a fee of \$25.00 shall be paid to the Town of Deerfield.
- C. For the fourth and subsequent false alarms in the same calendar year, a fee of \$50.00 for each occurrence shall be paid to the Town of Deerfield.

Chapter 57

ALCOHOLIC BEVERAGES

GENERAL REFERENCES

Board of Selectmen regulations on alcoholic beverages – See Ch. 182. **Alcoholic beverage establishments – See Ch. 247.**

ARTICLE I

Consumption in Public**[Adopted 4-8-1981 ATM, Art. 36, Section A]****§ 57-1. Consumption in ways and highways prohibited.**

Whoever shall, within the Town, whether that public way be a Town way, county highway, state highway or a private way open to the public, or in any other place where the public shall have access, consume intoxicating beverages shall be punished by a fine not exceeding fifty dollars (\$50.). This section shall also be construed so as to prohibit the consumption of intoxicating beverages by any person standing, sitting, walking, running or otherwise present within such way or public place as hereinabove defined, or within any vehicle, whether parked or moving, which is within the limits of such public way or place as herein defined.

§ 57-2. Consumption in public buildings, private ways and parking areas prohibited.

Whoever shall consume any intoxicating beverages in any public building or in any private way or parking area, including parks, cemeteries, schoolhouses and schoolgrounds, public squares or in any private way or parking area regulated under the provisions of MGL c. 90, § 18, shall be punished by a fine not exceeding fifty dollars (\$50.).

§ 57-3. Exceptions.

The foregoing §§ 57-1 and 57-2 shall not apply to any activity duly licensed by the Board of Selectmen under the applicable provisions of the General Laws. A violation of this chapter shall be deemed a breach of peace.

§ 57-4. Duties of police officers.

It shall be the duty of any police officer of the Town to arrest any person who violates the provisions of §§ 57-1 and 57-2, and to cause such persons to be detained until he can be taken before a court having jurisdiction of the offense.

Chapter 60

ANIMALS

GENERAL REFERENCES

Dog fees — See Ch. 186, Art. I.

ARTICLE I

General Provisions**[Adopted as Sections 1 and 22 of Article VI of the 7-10-1964
Compilation of Bylaws]****§ 60-1. Standing or grazing in public places prohibited.**

No owner or person having the care of any sheep, swine, horses, oxen, cows or other grazing animals, shall permit or suffer any such animal or animals to go at large unattended or to graze on any street, lane, common, square or other public place within this Town, nor permit any such animal to go or stand upon any sidewalk therein.

§ 60-2. Horses in public places restricted.

No person shall ride, drive or lead, or cause to be ridden, driven or led, any horse, saddled, harnessed or otherwise, in, upon or over any footway or sidewalk of any public street or way in this Town, except while entering or while leaving a public or private driveway; and no person shall ride, drive or lead or cause to be ridden, driven or led, any horse, saddled, harnessed or otherwise, or permit any horse to stand in or to remain, within the limits of any public cemetery or burying ground in this Town, except in the performance of some lawful duty; and no person shall tie any horse to any shade tree bordering upon any street or highway in this Town. Any person violating any provision of this section shall be amendable to the penalty of a fine, not exceeding \$20 for each offense.

ARTICLE II

Dogs**[Adopted 4-29-1996 ATM, Art. 34¹⁰]****§ 60-3. Purpose.**

The Town requires that all dog owners keep their dogs under control at all times for the purpose of:

- A. Protecting people and animals from injury;
- B. Protecting property from damage; and
- C. Preventing dog-related nuisances.

§ 60-4. Hearing Authority; Animal Control Officer. [Added 4-28-2014 ATM, Art. 29¹¹]

- A. The Board of Selectmen shall act as Hearing Authority on all matters pertaining to the enforcement of this bylaw.
- B. The Board of Selectmen shall appoint annually an Animal Control Officer under the provisions of MGL c. 140, §§ 151 and 151A to carry out the provisions of this bylaw, and perform such other duties and responsibilities as the Board may determine.

§ 60-5. License requirements; fees. [Added 4-28-2014 ATM, Art. 29¹²]

- A. All dogs kept, harbored, or maintained by their owner or keepers in the Town of Deerfield shall be licensed and registered if over six months of age. Dog licenses shall be issued by the Town Clerk upon the payment of a license fee of \$5 for a spayed or neutered dog or upon the payment of a license fee of \$10 for an intact dog. The owner or keeper shall state at the time application is made for such license and upon printed forms provided for such purpose his or her name and address, and the name, breed, color and sex of each dog owned or kept by the applicant. For a spayed or neutered dog, a veterinarian's certificate shall be provided to the Town Clerk upon application for a license as proof that the dog is spayed or neutered; provided, however, that the Town Clerk, in his or her discretion, may accept such alternative forms of proof as are specified in MGL c. 140, § 139, if a veterinarian's certificate cannot be obtained.
- B. No dog license shall be issued unless the Town Clerk is presented with a veterinarian's certification that the dog has been vaccinated against

10. Editor's Note: This bylaw superseded former Art. II, Dogs, adopted as Section 23 of Article VI of the 7-10-1964 Compilation of Bylaws.

11. Editor's Note: This article superseded former § 60-4, License requirements; fees, as amended. See now § 60-5.

12. Editor's Note: This article superseded former § 60-5, Nonconforming dogs, as amended.

rabies in accordance with MGL c. 140, § 145B. The Town Clerk may grant an exemption from this § 60-5B upon proof of certain enumerated conditions provided in said MGL c. 140, § 145B.

- C. Notwithstanding the foregoing, a license shall be issued for any dog transferred from another municipality within the Commonwealth upon presentation to the Town Clerk of the original license and tag of such dog and payment of the license fee required by this bylaw.
- D. Upon the payment of the license fee, the Clerk shall issue to the applicant a license certificate and tag for each dog so licensed. The tag shall have stamped thereon the name of the Town, the year for which it was issued and the number corresponding with the number on the certificate. Every owner or keeper shall be required to provide each dog with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the Town before the expiration of the license period.
- E. The licensing period shall be from March 15 to April 30 of each calendar year.
- F. Whosoever fails to license their dog(s) in violation of this § 60-5 shall be punished by a fine of \$50.
- G. Notwithstanding the provisions of this bylaw, all other provisions of MGL Chapter 140, §§ 136A through 174E not inconsistent with this chapter shall be applicable.
- H. The fees collected shall be deposited into the general fund.

§ 60-6. Running at large. [Added 4-28-2014 ATM, Art. 29¹³]

- A. No person who owns, keeps, or controls a dog within the Town of Deerfield shall permit such dog to be at large in the Town of Deerfield at any time, elsewhere than on the premises of the owner except: (1) it be on the premises of another person with the knowledge and assent of such person, or (2) it be in a dog park established by the Town for the specific purpose to allow dogs to run; and otherwise the dog shall be controlled and restrained by a leash of appropriate length. Whoever violates the provisions of this section shall pay a fine in accordance with the following schedule:
 - (1) First offense within calendar year: \$15.
 - (2) Second or subsequent offense within calendar year: \$30.

§ 60-7. Seizure and confinement of dogs running at large. [Added 4-28-2014 ATM, Art. 29¹⁴]

13. Editor's Note: This article superseded former § 60-6, Violations; confinement and release.

- A. If any dog is at large in the Town of Deerfield in violation of § 60-6 of this chapter, the Animal Control Officer, or his duly appointed assistants, may seek out, catch and confine any such dog. The Dog Officer shall confine any such dog until claimed by the owner. If by license or other means the owner of the dog can be identified, the Animal Control Officer may return the dog to the owner and issue a citation in accordance with § 60-6. During any period of confinement the dog shall be confined in a place suitable for such detention as provided in MGL c. 140, § 151A. Nothing herein shall be construed to authorize the Animal Control Officer, or his assistants, to enter upon private property to seek out or catch any dog, except with the consent of the owner of such private property.
- B. No dog confined under the provisions of § 60-7A shall be released to its owner until said dog is licensed and all kennel fees and penalties are paid.
- C. If the dog has not been claimed by the owner within 10 days following the commencement of such confinement, the Animal Control Officer may dispose of any such dog in a manner consistent with the provisions in MGL c. 140, § 151A.

§ 60-8. Disturbing the peace. [Added 4-28-2014 ATM, Art. 29¹⁵]

- A. No person who owns, keeps, or controls a dog within the Town of Deerfield shall permit the following on the part of the dog:
 - (1) Excessive barking, howling, or any other behavior on the part of the dog which disturbs the peace or quiet of any neighborhood.
 - (2) Worrying, maiming, or otherwise injuring another's fowl, livestock, or domestic animals;
 - (3) Chasing vehicles, persons, or bicycles on any way open to public travel.
- B. Whoever violates any provision of this bylaw shall pay a fine in accordance with the following schedule:
 - (1) First offense within calendar year: \$15.
 - (2) Second or subsequent offense within calendar year: \$30.

§ 60-9. Waste removal. [Added 4-28-2014 ATM, Art. 29]

- A. Each person who owns, keeps, or controls a dog within the Town of Deerfield shall remove and dispose of any feces left by such dog on any sidewalk, street, park, or other public area, or on any private property which is not owned or occupied by such person.

14. Editor's Note: This article superseded former § 60-7, Violations and penalties.

15. Editor's Note: This article superseded former § 60-8, Liability for damage to person or property. See now § 60-12.

- B. No person who owns, keeps, or controls a dog within the Town shall permit such dog to be on any sidewalk, street, park, or other public area unless such dog is accompanied by a person equipped with the means to pick up and contain feces, unexposed to such person and the general public.
- C. Dog feces may only be disposed of at a place suitable and regularly reserved for the disposal of human feces, or otherwise designated as appropriate by the Board of Health.
- D. The provisions of this § 60-9A through C, inclusive, shall not apply to a dog accompanying any handicapped person, who, by reason of a handicap, is physically unable to comply with these requirements.
- E. Whoever violates any provision of this bylaw shall pay a fine in accordance with the following schedule:
 - (1) First offense within calendar year: \$15.
 - (2) Second or subsequent offense within calendar year: \$30.

§ 60-10. Complaint of nuisance. [Added 4-28-2014 ATM, Art. 29]

- A. If any person shall make a complaint in writing to the Board of Selectmen that any dog owned or harbored within the Town is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Board of Selectmen shall investigate or cause an investigation by the Animal Control Officer of such complaint, which may include an examination under oath of the complainant. If such investigation is carried out by the Animal Control Officer, such Officer shall submit a written report to the Board (with a copy to the Town Administrator) of his/her findings and recommendations, together with the written complaint. Upon completion of its investigation or receipt of such report, examination of the complainant under oath and public hearing, the Board shall make a determination of whether such dog is a nuisance or a dangerous dog. If the Board determines that such dog is a nuisance, it may order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior. If the Board determines that such dog is a dangerous dog, it shall order one or more of the punishments and/or controls as more fully set forth in MGL c. 140 § 157.
- B. The owner or keeper of any dog subject to an order of the Board of Selectmen shall have the right to appeal such order in accordance with MGL c. 140, § 157.
- C. Failure to comply with an order issued under this § 60-10 shall result in a fine of not more than \$300 for each offense. Each day of said violation shall constitute a separate offense.

§ 60-11. Restraining. [Added 4-28-2014 ATM, Art. 29]

- A. The Animal Control Officer may restrain or muzzle, or issue an interim order to restrain or muzzle, for a period not to exceed fourteen days, any dog for any of the following reasons:
- (1) If found at-large or unmuzzled, as the case may be, while an order for the restraint of such dog is in effect;
 - (2) For having bitten any person;
 - (3) If found at-large in a school, school yard, or public recreational area;
 - (4) For having killed or maimed or otherwise damaged any other domesticated animal, including livestock and fowl;
 - (5) For chasing any vehicle upon a public way or ways open to public travel in the Town; or
 - (6) For any violation of §§ 60-6, 60-8, 60-10 above.
- B. Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Board (with a copy to the Town Administrator) a report of his/her action and the reason therefor. Upon receipt of such report the Board may take action in accordance with § 60-10. If the Board fails to act upon report during the period the dog is restrained or muzzled, upon expiration of the period, the interim order automatically is vacated.

§ 60-12. Liability for damage to person or property. [Added 4-28-2014 ATM, Art. 29]

- A. The owner or keeper or, if the owner or keeper be a minor, the parent or guardian of such minor, of a dog who shall cause damage to either the body or property of any person shall be liable for such damage, unless such damage shall have been occasioned to the body or property of a person who at the time such damage was sustained was committing trespassing or was teasing, tormenting or abusing such dog.
- B. If a minor is under seven years at the time the damage was done, it shall be presumed that such minor was not committing trespass or teasing, tormenting or abusing such dog, and the burden of proof thereof shall be upon the defendant in such action.

Chapter 67

BRIDGES

GENERAL REFERENCES

Peace and good order — See Ch. 130.

Water — See Ch. 174.

ARTICLE I

Jumping or Diving Prohibited
[Adopted 4-29-1996 ATM, Art. 35]**§ 67-1. Prohibited acts; exemption; violations and penalties.**

It shall be unlawful for any reason to dive or jump from any bridge located within a public right-of-way into a stream or waterway within the Town of Deerfield. This law shall not prohibit any person from entering the water from any bridge for the purpose of emergency rescue. Any person violating the provisions of this article is subject to arrest and prosecution with a minimum fine of \$50 to a maximum fine of \$100 for first offense. Repeat violators will be fined \$150 for each separate offense.

Chapter 69

BUILDING CONSTRUCTION

GENERAL REFERENCES

Numbering of buildings — See Ch. 74.

Board of Selectmen fees — See Ch. 186.

Property maintenance — See Ch. 138.

ARTICLE I
(Reserved)¹⁶

16. Editor's Note: Former Art. I, Incombustible Roofing, adopted as Section 24 of Article VI of the 7-10-1964 Compilation of Bylaws, as amended, was repealed by 4-24-2017 ATM, Art. 29.

ARTICLE II
(Reserved)¹⁷

17. Editor's Note: Former Art. II, Building Code Board of Appeals, adopted by 12-4-1974 STM, Art. 2, was repealed by 4-24-2017 ATM, Art. 29.

ARTICLE III

Building Permits

**[Adopted 3-31-1986 ATM, Art. 37¹⁸; amended in its entirety
4-24-2017 ATM, Art 29]**

§ 69-1. Building permit requirements.

An application for a building permit shall comply with the current version of the Massachusetts State Building Code.

§ 69-2. Building permit fees.

The Selectboard shall set all building, wiring, plumbing and heating, ventilation and cooling ("HVAC") permit fees.

§ 69-3. Inspections requiring notification of building inspector.

The following are inspections requiring notification of the Building Inspector:

- A. Inspection of footing and foundation walls before backfilling.
- B. Inspection of framing before drywalling.
- C. Inspection of occupancy before entry.

§ 69-4. Additional permits.

Other permits required for construction are as follows:

- A. Wiring permits.
- B. Plumbing permits.
- C. Furnace installation permits.

18. Editor's Note: This bylaw also superseded former Art. III, Building Permits, adopted 12-4-1974 STM, Art. 3

ARTICLE IV
(Reserved)¹⁹

19. Editor's Note: Former Art. IV, Permit Fees, adopted 3-7-1983 ATM, Art. 24, was superseded 3-31-1986 ATM, Art. 37.

ARTICLE V

**Stretch Energy Code
[Adopted 4-25-2011 ATM, Art. 10]****§ 69-5. Definitions. [Amended 4-24-2017 ATM, Art. 29]**

INTERNATIONAL ENERGY CONSERVATION CODE (IECC) — The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. Since July 1, 2010, the baseline energy conservation requirements of the Massachusetts State Building Code defaulted to the latest published edition, the IECC 2009, with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

STRETCH ENERGY CODE — Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§ 69-6. through § 69-10. (Reserved)**§ 69-11. Purpose.**

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

§ 69-12. Applicability.

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, or 51 as applicable.

§ 69-13. Authority.

The Town of Deerfield, seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR, mandate adherence to this appendix.

§ 69-14. Stretch Code incorporated by reference.

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, and is herein incorporated by reference into the Town of Deerfield's bylaws.

§ 69-15. Enforcement.

This bylaw shall be enforced by the Building Commissioner in accordance with 780 CMR.

Chapter 71

BUILDINGS, NUMBERING OF

§ 71-1. Assignment and display of street numbers.

Street numbers shall be assigned and attached to each dwelling, business, shop, industry and other building which are not accessory in nature in the Town of Deerfield.

- A. The number shall be made of permanent, weatherproof materials, shall be at least three (3) inches in height in a contrasting color, and shall be clearly visible from the public way upon which the structure fronts.
- B. Any structure which is not visible from the street roadway shall have the assigned number posted on a suitable support, separate from any mailbox support, at the entrance to the driveway that services such structure.
- C. The numbers posted shall be those assigned to each structure by the Board of Selectmen. They shall advise the owners of the property of the assigned or reassigned number in writing at the property's tax address.
- D. It shall be the responsibility of each property owner in the Town to obtain and display the assigned street number on or before July 1, 1993, and thereafter to maintain the assigned number in a sightly and readable fashion.
- E. This chapter shall be enforced by the Police Department. Failure to comply with this chapter shall subject the property owner(s) to a fine of not more than twenty-five dollars (\$25.) for each offense [an offense being defined as a period of noncompliance of thirty (30) days subsequent to the initial July 1, 1993, date following the adoption of this chapter]. Compliance within a thirty-day period will result in cancellation of such assessed fine.

Chapter 74

CANVASSERS AND SOLICITORS

GENERAL REFERENCES

Sale of produce — See Ch. 136.

Special sales — See Ch. 153.

§ 74-1. Registration required.

It shall be unlawful for any person to engage in business as a canvasser or solicitor calling at residences without the previous consent of the occupants for the purpose of soliciting orders, sales, subscriptions or business of

any kind, or soliciting alms or contributions for any person, cause or organization, without first having registered in the office of the Chief of Police.

§ 74-2. Information to be registered.

The registrant shall give his complete identification, his signature, the name of his employer, the nature of the products or services in which he is interested, the names of the manufacturers of such products or of the organization which he is representing, and the proposed method of operation in the Town, and such other information as may be required of him.

§ 74-3. Issuance of permit.

The Chief of Police shall thereupon, if satisfied with the honesty and good character of the registrant, issue a written permit for a period not exceeding twelve (12) months.

§ 74-4. Permit to be carried.

Each person shall at all times while soliciting or canvassing in the Town carry upon his person the permit and the same shall be exhibited by such registrant whenever he is required to do so by any police officer or by any person solicited.

§ 74-5. Exceptions.

- A. The Chief of Police may, however, authorize the directors of any veterans group, hospital, Community Chest, Red Cross, YMCA, or other organization, engaged in social, charitable or educational services, to solicit contributions without having each solicitor under their direction register.
- B. The provisions of this chapter shall not apply to officers or employees of the Town, county, state or federal government or any subdivision thereof when the official business, nor shall it apply to religious organizations.

§ 74-6. Revocation of permit.

Any such registration may be revoked by the Selectmen or the Chief of Police because of any violation by the registrant of this chapter or of any other chapter of the Town or of any state or federal law, or whenever the registrant shall cease to possess the qualifications and character required by this chapter for the original registration.

§ 74-7. Violations and penalties.

Anyone failing to register under this chapter or anyone who solicits after his registration has been revoked as herein provided shall be required to pay a forfeit of twenty dollars (\$20.) for each offense.

Chapter 81

CONSERVATION PLAN

Chapter 91

EXCAVATIONS

GENERAL REFERENCES

Streets and Sidewalks Bylaws — See Ch. 156. Subdivision of land — See Ch. 264.

Board of Selectmen street excavations safety stipulations — See Ch. 200.

ARTICLE I

Permit**[Adopted as Section 27 of Article VI of the 7-10-1964 Compilation of Bylaws]****§ 91-1. Requirement.**

No person, firm or corporation shall strip, sever, remove or convey away any soil, loam, sand or gravel from any land in the Town, not in public use, unless and until such stripping, severance, removal or conveyance away, is first authorized by a permit issued by the Selectmen of Deerfield, except in conjunction with construction of a building on the parcel, and except for the continued operation of an existing sand and gravel pit; no such permit shall be issued, unless and until an application therefor has been filed with the Board.

§ 91-2. Hearing on application.

Said Board shall then hold a public hearing on the application, and notice of the filing of the application and the date and the time of the holding of the public hearing thereon, shall be advertised, forthwith, at the expense of the applicant, in a newspaper, published in the county, seven (7) days, at least, before the meeting.

§ 91-3. Violations and penalties.

The penalty for the violation of this article shall be as follows: for the first offense, not more than fifty dollars (\$50.); for the second offense, not more than one hundred dollars (\$100.); for the third offense, not more than two hundred dollars (\$200.). Recourse may also be had by suit in Superior Court for injunctive and other equitable relief to compel compliance with this article.

ARTICLE II

Safety Precautions

[Adopted as Section 28 of Article VI of the 7-10-1964 Compilation of Bylaws]

§ 91-4. Responsibility to erect barriers.

It shall be the legal duty of every person, firm or corporation owning land in Deerfield, which has been excavated, to erect barriers around the same or take other suitable measures to protect and guard the public therefrom, within five (5) days after such owners have been notified in writing by the Selectmen of Deerfield that, in their opinion, such excavations constitute a hazard and menace to the public safety.

§ 91-5. Violations and penalties.

The penalty for the violation of this article shall be the imposition of a fine not to exceed the amount of two hundred dollars (\$200.).

Chapter 93

FARMING

GENERAL REFERENCES

Agricultural Commission — See Ch. 4.

Zoning — See Ch. 179.

Stormwater — See Ch. 155.

Subdivision of land — See Ch. 264.

ARTICLE I

Right to Farm**[Adopted 4-27-2009 ATM, Art. 25]****§ 93-1. Legislative purpose and intent.**

- A. The purpose and intent of this bylaw is to reaffirm the Right to Farm accorded to all citizens of the commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder, including but not limited to Massachusetts General Laws, Chapter 40A, Section 3, Paragraph I; Chapter 90, Section 9, Chapter 111, Section 125A; and Chapter 128, Section 1A. We, the citizens of Deerfield, restate and republish this right pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").
- B. This general bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects and conserves farmlands within the Town of Deerfield by allowing agricultural uses and related activities to function with minimal conflict with abutters and local agencies. This bylaw shall apply to all jurisdictional areas within the Town of Deerfield.

§ 93-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL AGRICULTURE — Shall include aquaculture, silviculture, horticulture, floriculture or viticulture conducted as the primary use on a parcel of five acres or more in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as one parcel.

FARM — Shall include any parcel or contiguous parcels of land or water bodies used for the primary purpose of commercial agriculture, or accessory thereto. The operator of a farm must be able to demonstrate commercial intent, such as with a farm business plan, Schedule FIRS form, sales tax I.D. number, or other means. Farming or agriculture, or their derivatives, shall include, but not be limited to, the following:

- A. Farming in all its branches and the cultivation and tillage of the soil;
- B. Dairying;
- C. Production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- D. Growing and harvesting of Christmas trees;
- E. Cultivation of sugar maple trees for the production of maple products;

- F. Growing and harvesting of forest products and any other forestry or lumbering operations;
- G. Raising of livestock, including horses;
- H. Keeping horses as a commercial enterprise;
- I. Keeping and raising poultry, cattle, sheep, rabbits, ratites, camelids and other domesticated animals for food and other agricultural purposes, including fiber- and fur-bearing animals;
- J. Keeping of honey bees.

FARMING — Shall encompass activities including, but not limited to, the following:

- A. On-farm relocation of earth and the clearing of ground for farming operations;
- B. Construction and use of farm structures and fences;
- C. Operation and transportation of slow-moving farm equipment over Town roads within the Town;
- D. Control of pests, including, but not limited to, insects, weeds, predators, and disease organisms of plants and animals;
- E. Application of manure, fertilizers, and pesticides;
- F. Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that activities are related to marketing the agricultural output of the farm;
- G. Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager, used for the purpose of propagation, processing, management or sale of agricultural products;
- H. Processing and packaging the agricultural output of the farm;
- I. Operation of a farmer's market or farm stand, including signage thereto;
- J. Composting of loam or mulch, provided that at least 1/2 of the composted loam produced in any calendar year shall be used on the farm, or, in the alternative, 1/2 of the composted loam produced in any calendar year shall be composed of materials originating on the farm.

§ 93-3. Right to farm declaration.

The right to farm by all its citizens is hereby recognized to exist within the Town of Deerfield. Agricultural activities may occur on holidays, weekdays and weekends by day and night, at anytime when necessary, and shall include the attendant incidental noise, odors, dust and fumes associated with normal generally acceptable agricultural practices. The benefits and

protections of this bylaw are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with normal, generally accepted agricultural practices. Nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation or local zoning law.

§ 93-4. Disclosure notification.

- A. In order to ensure that prospective owners and prospective tenants are aware of the policy of the Town of Deerfield expressed in this bylaw regarding agricultural uses, the following notification of this policy shall be prominently posted in the Deerfield Town Hall within 30 days of this bylaw becoming effective. In addition, the notification language required by this section shall appear each year in the Town's Annual Report. Copies of this bylaw will be made available for discussion.
- B. Therefore, it is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a community where farming activities occur and are encouraged. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers and occupants are informed that any property located within the Town of Deerfield may be impacted by commercial agricultural and farming activities.
- C. Property owners should make efforts to inform prospective tenants and buyers that Deerfield is a Right to Farm Community. Notice shall be provided by the Town to all landowners by mail once each fiscal year with the tax bill that Deerfield is a Right to Farm Community and that there is a Right to Farm Bylaw in effect.

§ 93-5. Resolution of disputes.

Any person who seeks to complain about the operation of any farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board or with the Board of Health under M.G.L. Chapter 111. The filing of the grievance does not suspend the time within which to pursue any other remedies that the aggrieved person may have. The Board of Selectman may forward a copy of the grievance to the Deerfield Agricultural Commission or its agent, which shall review the grievance and report its recommendations to the Board of Selectmen within 60 days. The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Deerfield Agricultural Commission or its agent, which shall review the grievance and report its recommendations to the Board of Health within 60 days.

§ 93-6. Severability.

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

Chapter 95

FIREARMS

§ 95-1. Use by minors restricted.

No minor, being under the age of sixteen (16) years, shall discharge any firearms, air gun, air rifle, BB gun or other dangerous weapon in the Town of Deerfield, except and unless and only when such minor is, at the time and place, accompanied by and under the control and supervision of an adult.

Chapter 102

GARBAGE, RUBBISH AND REFUSE

GENERAL REFERENCES

Property maintenance — See Ch. 138.

Board of Health regulations on garbage and waste disposal — See Ch. 219.

ARTICLE I

Deposit of Refuse and Litter**[Adopted as Sections 3 through 5 of Article VI of the 7-10-1964
Compilation of Bylaws]****§ 102-1. Deposit of refuse on Town lands restricted.**

No person shall, without the license of the Board of Health, throw into or leave in or upon any street, lane, public square, pond or body of water, within the Town, where it would be offensive and injurious to health, any dead animal, rubbish or filth of any kind or any refuse, animal or vegetable matter whatsoever.

§ 102-2. Refuse in streams and brooks prohibited.

No person shall throw or suffer to fall any refuse, animal or vegetable matter, rubbish or filth into the streams or brooks of the Town vault or housedrain or the refuse of manufacturing or slaughtering process to drain into such streams or brooks.

§ 102-3. Litter prohibited.

No person shall deposit papers, circulars or advertising matter of any kind in the public ways of the Town or in or upon vehicles standing in such public ways, nor distribute the same in any part of the Town in such manner as to create a disturbance or litter.

ARTICLE II
Separation of Materials
[Adopted 4-24-1989 ATM, Art. 38]

§ 102-4. Separation required.

The Town requires residents to separate waste materials in the following categories: glass and metal containers; paper and other waste.

§ 102-5. Violations and penalties.

If no separation takes place, waste material shall not be accepted at the Town landfill. Repeat offenders shall be fined fifty dollars (\$50.) for each violation and may lose landfill access privileges.

§ 102-6. Method of recycling; recyclable materials defined.

The Board of Health shall determine the method of recycling and may from time to time redefine recyclable materials.

§ 102-7. When effective.

This article shall become effective within four (4) weeks after such time as the Regional Materials Recycling Facility begins accepting recyclables.

Chapter 119
LICENSES

ARTICLE I

**Denial, Revocation and Suspension for Failure To Pay Taxes
[Adopted 4-26-1993 ATM, Art. 50]****§ 119-1. Annual listing.**

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Tax Collector," shall annually furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve-month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

§ 119-2. Denial; revocation; suspension.

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority 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.

§ 119-3. Payment agreements.

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

§ 119-4. Waiver.

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section 1 of Chapter 268²⁰ in the business or activity conducted in or on said property.

§ 119-5. Applicability.

This chapter shall not apply to the following licenses and permits:²¹ open burning, Section 13 of Chapter 48; bicycle permits; Section 11A of Chapter 85; sales of articles for charitable purposes, Section 33 of Chapter 101; children work permits, Section 69 of Chapter 149; clubs, associations dispensing food or beverage licenses, Section 21E of Chapter 140; dog licenses, Section 137 of Chapter 140; fishing, hunting, trapping license, Section 12 of Chapter 131; marriage licenses, Section 28 of Chapter 207; and theatrical events, public exhibition permits, Section 181 of Chapter 140.

20. Editor's Note: See MGL c. 268, § 1.

21. Editor's Note: References are to the Massachusetts General Laws.

Chapter 123

NONCRIMINAL DISPOSITION

§ 123-1. Enforcement authorized; applicability.

- A. Whoever violates any provision of these bylaws, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.
- B. Without intending to limit the generality of the foregoing, it is the intention of this provision that the zoning and regular bylaws, and sections of bylaws, are to be included within the scope of this section, 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 a separate offense.

§ 123-2. Violations and penalties. [Amended 6-25-2007 STM, Art. 5]

Regulation	Enforcing Person	First Offense	Second Offense	Each Subsequent Offense
Nonconforming signs as per Chapter 179 of Town Code	Building Inspector	\$25.00	\$50.00	\$100.00
Building/altering/remodeling without permit as per Chapter 179 of Town Code	Building Inspector	\$25.00	\$50.00	\$100.00
Nonconforming structure to district or code as per Chapter 179 of Town Code	Building Inspector	\$25.00	\$50.00	\$100.00
Nonconforming to site plan or subdivision plan as per Chapter 179 of Town Code	Building Inspector	\$25.00	\$50.00	\$100.00

Regulation	Enforcing Person	First Offense	Second Offense	Each Subsequent Offense
Dumping refuse on private or public property without permission or permit as per Chapter 219 of Town Code	Board of Health Agent	\$25.00	\$50.00	\$100.00
Subsurface sewage regulations as per Chapter 239 of Town Code	Board of Health Agent	\$25.00	\$50.00	\$100.00
Sewer bylaws and regulations as per Chapter 236 of Town Code	Sewer Superintendent	\$25.00	\$50.00	\$100.00
Violations of dog bylaws as per Chapter 60 of Town Code	Canine Control Officer	\$25.00	\$50.00	\$100.00
Excavation violations as per Chapter 91 of Town Code	Board of Selectmen, Building Inspector	\$25.00	\$50.00	\$100.00
Violation of transfer station regulations as per Chapter 102 and Chapter 219 of Town Code	Board of Selectmen, Highway Superintendent, and Transfer Station attendant	\$25.00	\$50.00	\$100.00
Violations of tobacco bylaw as per Chapter 162 of Town Code	Board of Health, Board of Selectmen	\$25.00	\$50.00	\$100.00
Public consumption of alcohol as per Chapter 57 of Town Code	Police	\$25.00	\$50.00	\$100.00

Regulation	Enforcing Person	First Offense	Second Offense	Each Subsequent Offense
Restriction of horses in public places as per Chapter 60 of Town Code	Police, Animal Control Officer	\$25.00	\$50.00	\$100.00
Violation of canvassing and solicitation as per Chapter 74 of Town Code	Police	\$25.00	\$50.00	\$100.00
Open, unrestricted wells as per Chapter 138 of Town Code	Building Inspector	\$25.00	\$50.00	\$100.00
Failure to number buildings as per Chapter 71 of Town Code	Police	\$25.00	\$50.00	\$100.00
Bridge jumping as per Chapter 67 of Town Code	Police	\$25.00	\$50.00	\$100.00
Obstruction of streets and sidewalks as per Ch 156 of Town Code	Highway Superintendent	\$25.00	\$50.00	\$100.00
Unregistered vehicles as per Chapter 168 of Town Code	Board of Selectmen	\$25.00	\$50.00	\$100.00
False fire and security alarms as per Chapter 55 of Town Code	Police	\$25.00	\$50.00	\$100.00
Violations of the Board of Health Regulations for the Location and Operation of Piggeries in the Town of Deerfield	Board of Health	\$50.00	\$100.00	\$300.00

Chapter 130

PEACE AND GOOD ORDER

GENERAL REFERENCES

Public consumption of alcoholic beverages — See Ch. 57. **Use of firearms by minor — See Ch. 95.**

ARTICLE I

Miscellaneous Provisions**[Adopted as Sections 6 through 11 and 13 of Article VI of the
7-10-1964 Compilation of Bylaws]****§ 130-1. Making of indecent marks prohibited.**

No person shall make any indecent figures or write any obscene words upon or deface by marks in any manner any fence, building, sidewalk, crosswalk or ledge in the Town.

§ 130-2. Tampering with public property.

No person shall willfully deface or injure any public playground, planting space, flower bed, grass border, guidepost or guide-board, official sign, post or signalling device for the direction of traffic, lamppost or lamp or lantern or any building, fence or monument or other thing situated, erected or made for the use or ornament of the Town.

§ 130-3. Throwing or flying objects.

No person shall throw stones, snowballs, sticks or other missiles, kick a football, play ball or play at any game at which a ball of any kind is used or fly kites on any public way within the Town.

§ 130-4. Disorderly conduct.

No person shall behave in a rude, disorderly, insolent or insulting manner or make any indecent noise, sound, or gesture in any public way or near any dwelling house in the Town.

§ 130-5. Improper language.

No person shall use any indecent, profane, insolent, or insulting language, make any threats, or use any other language tending to create a breach of the peace in any public way or other public place in the Town or within audible distance of any dwelling house or other building therein.

§ 130-6. Loitering.

No person shall be or remain upon any sidewalk or upon any doorstep, portico or other projection of any house or building not owned by such person, to the annoyance or disturbance of any person, nor shall persons congregate and loaf upon any such sidewalk or in any public way or other place in the Town.

§ 130-7. Hitchhiking.

No person shall stand within the limits of any public way in the Town for the purpose of soliciting a ride from the operator of any vehicle.

ARTICLE II

**Obstruction of Free Passage
[Adopted 4-8-1981 ATM, Art. 36, Section B]****§ 130-8. Prohibited behavior.**

No person shall in violation of MGL c. 272, § 59, or any amendments thereto, linger, continue to sit, stand or occupy any part of the public street, public place, public building or any property not his own or under his control, so as to obstruct or impede the free passage of any other person, after being instructed or directed by a police officer to move on.

§ 130-9. Refusal to comply.

Any person refusing to comply with this article, after he shall be requested to do so by a police officer, shall be subject to arrest.

§ 130-10. Arrest without warrant.

If the identity of such person is unknown to the police officer, such person may be arrested without a warrant and detained until his identity is ascertained, unless a warrant has been issued against him, or he may be further detained until he can be taken before a court having jurisdiction of the offense.

§ 130-11. Violations and penalties.

The penalty for any violation of the foregoing sections of this article shall be a fine of not more than twenty-five dollars (\$25.).

Chapter 136
PRODUCE, SALE OF

GENERAL REFERENCES

Canvassers and solicitors — See Ch. 74.

§ 136-1. License required; exception.

No person shall go from place to place, selling or bartering or carrying or exposing for sale or barter any fruits, vegetables or fish in or from any cart, wagon or other vehicle or in any other manner, without a license therefor from the Board of Selectmen; provided, however, that this section shall not apply to any person who sells only fruits or vegetables raised or produced by himself or his family or fish which is obtained by his own labor or the labor of his family.

Chapter 138
PROPERTY MAINTENANCE

ARTICLE I

Wells

[Adopted as Section 26 of Article VI of the 7-10-1964 Compilation of Bylaws]

§ 138-1. Wells to be covered or filled in.

Every owner of land within the limits of the Town, upon which is located an abandoned well or well in use, shall forthwith either provide a covering for such well capable of sustaining a weight of three hundred (300) pounds or shall fill the same to the level of the ground.

§ 138-2. Violations and penalties.

The penalty for violation of this article shall be a fine of not less than one hundred dollars (\$100.) nor more than five hundred dollars (\$500.).

Chapter 150

SEWERS

GENERAL REFERENCES

Master Water Plan — See Ch. 174.

**Board of Health subsurface sewage disposal
system regulations — See Ch. 239.**

**Board of Health sewer regulations — See Ch.
236.**

ARTICLE I
Master Plan for Sewerage Systems

**[The
official
Master
Plan
for
sewerage
systems
servicing
the
Town
of
Deerfield,
entitled
the
"Master
Sewerage
Plan,
Long-
Range
Planning
1970-1990,
Deerfield,
Massachusetts,"
was
adopted
3-2-1971
ATM,
Art.
31.
A
copy
of
said
plan
is
on
file
in
the
office
of
the
Town
Clerk.]**

ARTICLE II

**Sanitary Sewer System Cost Policy
[Adopted 4-29-2002 ATM, Art. 27]**

§ 150-1. Costs to be charged to users.

It shall be the policy of the Town of Deerfield that all costs of the sanitary sewer system, including in particular capital costs such as repairs and improvements, shall be charged entirely to the users of that system; and all revenues derived from the sanitary sewer system, including in particular hookup and betterment fees, shall be employed solely for the purposes of that system.

Chapter 153

SPECIAL SALES

§ 153-1. Annual limit.

No individual real estate owner, or tenant thereof, shall conduct, within or without said premises, more than two (2) casual sales of any personal property displayed to the general public, exclusive of farm animals and farm equipment, which may be sold in the normal course of business, within any year beginning from the date of the first such sale.

§ 153-2. Merchandise restrictions.

Such sales must not include any merchandise purchased for the purpose of said sale or obtained from any source whatsoever, which were not originally the personal property of the applicant.

§ 153-3. Permit required; fee.

The applicant shall apply for a permit to conduct such sale from the Board of Selectmen of the Town of Deerfield, and said application shall be accompanied by the fee established for the same.

Chapter 155

STORMWATER

GENERAL REFERENCES

Conservation Plan — See Ch. 81.

Streets and sidewalks — See Ch. 200.

Farming — See Ch. 93.

Garbage and waste disposal — See Ch. 219.

Garbage, rubbish and refuse — See Ch. 102.

Sewers — See Ch. 236.

Wells — See Ch. 138, Art. I.

Subsurface sewage disposal systems — See Ch. 239.

Water — See Ch. 174.

Subdivision of land — See Ch. 264.

Zoning — See Ch. 179.

§ 155-1. Purposes.

- A. The purpose of this bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing requirements and procedures to manage stormwater runoff, promote groundwater recharge and to prevent water pollution from new development and redevelopment. This bylaw seeks to meet that purpose through the following objectives:

- (1) Establish regulations for land development activities that preserve the health of water resources;
 - (2) In new development, require that the amount of stormwater runoff is equal to or less than predevelopment conditions and that the quality of stormwater runoff is equal to or better than predevelopment conditions in order to reduce flooding, stream erosion, pollution, property damage and harm to terrestrial and aquatic life;
 - (3) Establish stormwater management standards and design criteria to control the quantity and quality of stormwater runoff;
 - (4) Encourage the use of "low impact development practices," such as reducing impervious cover and preserving greenspace and other natural areas to reduce stormwater runoff and maintain hydrologic function;
 - (5) Establish maintenance provisions to ensure that stormwater treatment practices will continue to function as designed and pose no threat to public safety;
 - (6) Establish procedures for the Town's review of stormwater management plans and for the Town's inspection of approved stormwater treatment practices.
- B. Nothing in this bylaw is intended to replace the requirements of either the Town of Deerfield Environmental Regulations,²² Watershed Protection Districts,²³ Flood Plain District,²⁴ or any other Bylaw that has been or may be adopted by the Town of Deerfield. Any activity subject to the provisions of the above-cited bylaws must comply with the specifications of each.

§ 155-2. Authority.

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, and pursuant to the regulations of the federal Clean Water Act.²⁵

§ 155-3. Scope and applicability; permit required; exemptions.

- A. This bylaw shall be applicable to all new development and redevelopment, including site plan applications, subdivision applications and applications for earth removal permits. The bylaw shall apply to any land disturbance activities that will result in an increased amount of stormwater runoff or pollutants from a parcel or contiguous parcels of land, or that will alter the drainage

22. Editor's Note: See Ch. 179, Zoning. § 3700.

23. Editor's Note: See Ch. 179, Zoning. § 4200.

24. Editor's Note: See Ch. 179, Zoning. § 4300.

25. Editor's Note: See 33 U.S.C. § 1251 et seq.

characteristics of a parcel of land, unless exempt under § 155-3D of this bylaw. All new development and redevelopment, under the jurisdiction of this bylaw, shall be required to obtain a Stormwater Permit. The Stormwater Permit process shall be coordinated with existing permitting, where applicable.

- B. An alteration, redevelopment, or conversion of land use or activities to those with higher potential pollutant loadings such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots, road salt storage areas, outdoor storage and loading areas of hazardous substances, railroad yards and vehicle wash bays shall require a Stormwater Permit.
- C. This bylaw is not retroactive and does not affect current or approved land development or redevelopment applications.
- D. Exemptions. No person shall alter land within the Town of Deerfield without having obtained a Stormwater Permit for the property with the following exceptions:
 - (1) Any activity for proposed residential use that will disturb an area less than 1 (one) acre;
 - (2) Any activity for proposed commercial, industrial or institutional use that will disturb less than 12,500 square feet;
 - (3) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Bylaw 310 CMR 10.04. This definition of agriculture shall apply to agriculture practiced in any location in the Town;
 - (4) Conversion of land to agricultural use for crops and/or pasture;
 - (5) Timber harvesting;
 - (6) Maintenance of existing landscaping, gardens or lawn areas associated with residential dwellings;
 - (7) Construction of a single-family dwelling where approval is not required, as defined under the Subdivision Control Law and where total land disturbance is less than 1 (one) acre. Prior to land disturbing activities, persons constructing a single-family dwelling are required to notify the Town Building Commissioner about actions to reduce stormwater impacts during and after construction. Persons constructing single-family dwellings are strongly encouraged to use stormwater control and site planning methods described in the Town of Deerfield Best Development Practices Guidebook;
 - (8) Repair or replacement of a septic system;
 - (9) Construction of a deck, patio, retaining wall, driveway or other impervious surface expansion, shed, accessory building, swimming

pool, tennis and basketball court associated with a residential dwelling;

- (10) Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not permanently alter terrain, ground cover, or drainage patterns;
- (11) Emergency repairs to any Stormwater Management device or practice that poses a threat to public health or safety, or as deemed necessary by the Stormwater Authority;
- (12) Stormwater discharges resulting from the activities subject to this bylaw that are wholly subject to jurisdiction under the Wetlands Protection Act²⁶ and that demonstrate compliance with the Massachusetts Stormwater Management Standards as reflected in an Order of Conditions issued by the Conservation Commission.

§ 155-4. Definitions.

The definitions set forth below shall apply in the interpretation and implementation of the bylaw. Terms not defined in this Appendix shall be understood according to their customary and usual meaning. The Stormwater Authority may by its regulations adopt additional definitions in furtherance hereof.

ACCESSORY BUILDING — A subordinate or secondary building situated on the same lot or parcel with a principal building, the use of which is customarily incidental to that of the main building or land use.

APPLICANT — A property owner or agent of a property owner who has filed an application for a Stormwater Permit.

AUTO FUELING FACILITY — A facility dedicated to the transfer of fuels from a stationary pumping station to mobile vehicles or equipment. It includes above- or under-ground fuel storage facilities. In addition to general service gas stations, an auto fueling facility includes pumping stations at twenty-four-hour convenience stores, construction sites, warehouses, car washes, manufacturing establishments, port facilities, and businesses with fleet vehicles. Stormwater contamination at fueling facilities is caused by leaks/spills of fuels, tube oils, radiator coolants, and vehicle washwater.

AUTO SALVAGE YARD — A facility for the dismantling, storage and/or sale of vehicles for reusable parts and fluids. Fluids associated with auto salvage yards may include, but are not limited to: drained motor oil, window cleaner, antifreeze, battery acid, hydraulic oil/fluid, transmission fluid, brake fluid and oil and water recovered from steam cleaning. These fluids may enter stormwater runoff from storage areas.

BEST MANAGEMENT PRACTICE (BMP) — Structural, nonstructural and managerial techniques that are recognized to be the most effective and

26. Editor's Note: See MGL c. 131, § 40 et seq.

practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN — Site design approaches and techniques that can reduce a site's impact on the watershed through the use of nonstructural Low Impact Development (LID) Management practices. Better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for LID Management.

BUILDING ENCLOSURE — The building assemblies comprising the outer structure of a building that enclose living and storage spaces including walls, windows, doors, roof, floors and foundation; also, building envelope, building shell.

CONTIGUOUS PARCELS — Adjoining lands of common ownership, even if divided by a public road, easement, rivers or streams.

DEVELOPMENT — The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISTURBANCE OF LAND — Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

FLEET STORAGE YARD — A facility for the storage and maintenance of vehicles owned or operated as a unit, including, but not limited to, automobiles, trucks, buses and motorcycles.

FOREST CUTTING PLAN — A plan for the cutting of trees on forest land, which is prepared and submitted in accordance with MGL c. 132, §§ 40-46A. The forest cutting plan requires approval by a Service Forester of the Massachusetts Department of Conservation and Recreation, as provided under 304 CMR 11.04.

IMPERVIOUS SURFACE — Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved parking lots, sidewalks, rooftops, driveways, patios, and paved, gravel and compacted dirt surfaced roads.

LANDSCAPING — Landscaping includes a range of maintenance and construction activities aimed at shaping, defining, and enhancing outdoor spaces and environments inhabited by people. It is practiced as both a science and an art. Landscaping involves working with functional site conditions of water, soil, seasonality, wind, and light conditions, requires a thorough knowledge of plant materials, and strives to shape our living environments to achieve aesthetic effects.

LOW IMPACT DEVELOPMENT — Low Impact Development (LID) is an approach to land development that uses land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. LID seeks to design the built environment to remain a functioning part of an ecosystem rather than exist apart from it. LID tools are used to plan and engineer urban and rural sites to maintain or restore the hydrologic and ecological functions of their watersheds.

LOW IMPACT DEVELOPMENT (LID) CREDIT SYSTEM — A form of incentive for developers to promote conservation of natural and open space areas. Projects that comply with prescribed requirements are allowed reductions in stormwater management requirements when they use techniques to reduce stormwater runoff at the site.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS AND HANDBOOK — The policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and Massachusetts Clean Waters Act, MGL c. 21, §§ 23-56. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

NEW DEVELOPMENT — Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

NONPOINT SOURCE POLLUTION — Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

OUTDOOR STORAGE AND LOADING AREAS OF HAZARDOUS SUBSTANCES — Facilities that perform the loading/unloading and outside storage of liquid and solid materials at industrial and commercial locations. These areas include, but are not limited to, shipping and receiving, outside above- and below-ground storage, and fueling areas. Materials transferred may include, but are not limited to, products, raw materials, intermediate products, waste materials, fuels, and scrap metals. Leaks and spills of fuels, oils, powders, organic chemicals, heavy metals, salts, acids, and alkalis during transfer are potential causes of stormwater contamination. Spills from hydraulic line breaks are a common problem at loading docks.

OWNER — A person with a legal or equitable interest in a property.

OWNERSHIP — The state or fact of being an owner.

PERSON — Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the commonwealth or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, the Town of Deerfield, and any other legal entity, its legal representatives, agents, or assigns.

POST-DEVELOPMENT — The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

PRE-DEVELOPMENT — The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Stormwater Authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

RAILROAD YARD — A facility for the storage, maintenance, repair and movement of locomotives and rail cars. Railroad yards include terminals, switching yards, maintenance yards and all associated equipment, structures and storage areas. Pollutant sources from railroad yards can include drips/leaks of vehicle fluids onto the railroad bed, human waste disposal, litter, locomotive/railcar/equipment cleaning areas, fueling areas, outside material storage areas, the erosion and loss of soil particles from the railroad bed, maintenance and repair activities at railroad terminals, switching yards, and maintenance yards, and herbicides used for vegetation management. Waste materials can include waste oil, solvents, degreasers, antifreeze solutions, radiator flush, acids, brake fluids, soiled rags, oil filters, sulfuric acid and battery sludges, and machine chips with residual machining oil and toxic fluids/solids lost during transit. Potential pollutants include oil and grease, sediment, organic chemicals, pesticides, and metals.

RECHARGE — The replenishment of underground water reserves.

REDEVELOPMENT — Any construction, alteration, transportation or improvement exceeding land disturbance of 12,500 square feet, where the existing land use is commercial, industrial or institutional.

ROAD SALT STORAGE AREA — A facility for the storage of deicing materials, most commonly salts such as sodium chloride, gravel, sand and other materials that are applied to highways and roads to reduce the amount of ice during winter storm events.

STORMWATER AUTHORITY — The Planning Board shall be the Stormwater Authority which shall have the authority to administer, implement, and enforce these Stormwater Bylaws. The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this bylaw. Other boards and/or departments participate in the review process as defined in § 155-5 of these Stormwater Bylaws.

STORMWATER PERMIT — A permit issued by the Stormwater Authority for projects in the categories and meeting the standards defined in this bylaw, after review of an application, plans, calculations, and other supporting documents. Projects in these categories that meet these generic standards and are properly implemented are assumed to meet the requirements and intent of this bylaw which is designed to protect the environment of the Town of Deerfield from the deleterious effects of uncontrolled and untreated stormwater runoff.

TIMBER HARVESTING — Operations associated with felling and moving trees and logs from the stump to the point of delivery, such as, but not limited to, marking danger trees and trees/logs to be cut to length, felling, limbing, bucking, debarking, chipping, yarding, loading, unloading, storing, and transporting machines, equipment and personnel to, from and between logging sites.

VEHICLE WASH BAY — Facilities include automatic systems found at individual businesses or at gas stations and twenty-four-hour convenience stores, as well as self-service car washes. Types of vehicle wash bays include tunnels, rollovers and hand-held wands. The tunnel washes are housed in a long building through which the vehicle is pulled. At a rollover wash, the vehicle remains stationary while the equipment passes over. Wands are used at self-serve car washes. Wash wastewater may contain detergents and waxes that contribute to polluted stormwater runoff. Other potential pollutants from vehicle wash bays include oil, grease and sediment.

§ 155-5. Administration.

- A. The Planning Board is hereby designated as the Stormwater Authority. The Stormwater Authority shall administer, implement and shall enforce this bylaw. Any powers granted or duties imposed upon the Stormwater Authority may be delegated in writing by the Stormwater Authority to its employees or agents.
- B. Stormwater Regulations. The Stormwater Authority shall adopt, implement and may periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Stormwater Bylaw by majority vote of the Stormwater Authority, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least 14 days prior to the hearing date. After public notice and public hearing, the Stormwater Authority may issue rules and regulations to fulfill the purposes of this bylaw. Failure by the Stormwater Authority to issue such rules and regulations or a legal declaration of their invalidity by a court shall not suspend or invalidate the effect of this bylaw.
- C. The Stormwater Authority may designate another Town Board, including, but not limited to, the Conservation Commission for the purpose of reviewing stormwater submittals and providing recommendations to the Stormwater Authority as requested from time to time by the Stormwater Authority as its authorized agent for the purposes of reviewing all stormwater submittals and approving Stormwater Permits for any project within that particular Board's jurisdiction.
- D. Stormwater Management Standards and Handbook. The Stormwater Authority will use the policy, criteria and information, including

specifications and standards, of the latest edition of the Massachusetts Stormwater Management Standards and Handbook to execute the provisions of this bylaw. This policy and criteria shall apply to land disturbance activities in any location of the Town that require a Stormwater Permit. The Handbook includes a list of acceptable stormwater treatment practices, including specific design criteria for each. The Standards and Handbook may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically revised in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards. Where the Town of Deerfield's Stormwater Bylaw and Regulations apply standards or requirements that are stricter than those of the MA DEP Stormwater Management Standards and Handbook, the standards and requirements of the Town of Deerfield's Stormwater Bylaw and Regulations shall apply.

- E. Actions by the Stormwater Authority. The Stormwater Authority may take any of the following actions as a result of an application for a Stormwater Permit: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.
- F. Appeals of Action by the Stormwater Authority. A decision of the Stormwater Authority shall be final. Further relief of a decision by the Stormwater Authority made under this bylaw shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with MGL c. 249, § 4.
- G. Low Impact Development (LID) Credit System. The Stormwater Authority may adopt a LID Credit System through the Regulations authorized by this Stormwater Bylaw. This credit system will allow applicants the option, if approved by the Stormwater Authority, to take credit for the use of better site design practices for stormwater and may reduce some of the requirements specified in the criteria section of the Regulations. Failure by the Stormwater Authority to issue such a credit system through its Regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.

§ 155-6. Permit procedures.

Permit Procedures and Requirements shall be defined and included as part of any rules and regulations issued as permitted under § 155-5 of this bylaw.

§ 155-7. Enforcement.

The Stormwater Authority or an authorized agent of the Stormwater Authority shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such

violations. Enforcement shall be further defined and included as part of any Stormwater Regulations issued as permitted under § 155-5 of this bylaw.

§ 155-8. Severability.

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

Chapter 156

STREETS AND SIDEWALKS

GENERAL REFERENCES

Excavations – See Ch. 91.

Obstruction of free passage – See Ch. 130, Art. II.

Board of Selectmen regulations for public roads – See Ch. 197.

Board of Selectmen street excavations safety stipulations – See Ch. 200, Art. I.

ARTICLE I

Obstructions and Vehicular Access

**[Adopted as Sections 2, 14, 15, 16, 20 and 25 of Article VI of the
7-10-1964 Compilation of Bylaws]**

§ 156-1. Placing of objects in public ways and on sidewalks.

No person shall place or cause to be placed upon any public way or sidewalk any lumber, wood, bale, box, crate, barrel, can, package or other thing and allow the same to remain for more than one hour after being notified to remove the same by a constable, police officer or Selectman.

§ 156-2. Vehicles upon sidewalks.

No person shall ride, drive, draw or push any motorcycle, automobile, wagon or sled (except invalid's or children's hand carriages) over or upon any public footpath or sidewalk, unless in the performance of a public duty or in entering a public or private way.

§ 156-3. Vehicles upon public ways.

No person having charge of a vehicle, whether motor- or horse-driven, in any public way shall neglect to stop the same or to place the same when stopped as directed by a police officer of the Town, nor shall neglect or refuse to go upon that part of said way to which such person is directed by a police officer of the Town.

§ 156-4. Obstruction of vehicular passage.

No person having charge of any vehicle, whether motor- or horse-driven, shall stop the same so as to obstruct any crossing, public or private way or to interfere with the passage of pedestrians at any crossing, nor shall any person stop any such vehicle nor allow the same to remain in any public way in such a manner as to obstruct the free passage of other vehicles or pedestrians thereon.

§ 156-5. Certain accumulations upon public ways prohibited; removal; violations and penalties.

- A. Any person, being the owner, tenant, sharecropper or occupant of any land, abutting upon any Town way, county road or other public highway, except only a state highway, in the Town of Deerfield, which has been improved by the application thereto of tar, oil, asphalt, tarvia, bitumen or similar substances or combinations or preparations thereof, who shall so plow, harrow, cultivate or otherwise so farm, work or use said abutting land by himself, his agent or servant or under his direction or in the course of said husbandry; or otherwise shall so use such adjoining improved way, road or highway as, thereby, to cause to be deposited or to accumulate upon the improved surface of any such way, road or highway gravel, sand, sod, earth, manure compost, debris,

detritus or wash of any kind whatsoever shall incur for violation of this article a penalty, by fine, not exceeding the amount of \$20 for each offense, to be recovered upon complaint before the District Court of Franklin.

- B. Upon such violation or neglect, the Superintendent of Streets of the Town of Deerfield may cause such deposit or accumulation to be removed from the tarred or oiled surface of such way or road at the expense of the person liable thereof, and such expense, to an amount not exceeding the penalty, may be recovered in an action of contract by the Town of Deerfield.

§ 156-6. Deposit of snow and ice upon ways and sidewalks prohibited.

No person shall deposit, throw or place or cause to be deposited, thrown or placed any ice or snow upon that part of any public way or sidewalk in the Town which has been cleared or plowed for travel.

§ 156-7. Violations and penalties; enforcement. [Added 9-15-2003 STM, Art. 8²⁷]

Whoever violates any provision of this Chapter 156 shall be subject to a penalty as follows: first offense \$50; second offense \$100; third and subsequent offense \$200. Each day that said violation continues shall constitute a separate offense. These penalties shall be enforced by the Highway Superintendent.

27. Editor's Note: This bylaw also provided for the renumbering of subsequent sections of this chapter.

ARTICLE II

Curb Cuts**[Adopted 4-27-1998 ATM, Art. 47]****§ 156-8. Permit required; inspection; denial.**

Any person intending to construct, reconstruct or alter the connection of any private driveway or road with any public way shall apply to the Board of Selectmen for a curb cut permit. The Selectmen shall cause an inspection to be made of the location of the connection by the Highway Superintendent. If, in the judgment of the Board of Selectmen, the proposed work may reduce the safety of pedestrian or vehicular traffic on the public way, alter the drainage of the public way in an undesirable manner or affect the integrity of the pavement or shoulders it may require that said person present plans showing the proposed connection in sufficient detail to permit the Selectmen to determine the adequacy of the proposed connection from the point of view of safety, drainage and construction. An application for a permit for a connection that the Board of Selectmen deems unsafe may be denied.

§ 156-9. Construction; inspection; correction of defects.

No driveway shall be constructed in such a way as to interfere with the normal flow of traffic or the drainage on any public way. Upon completion of such work affecting entry onto a public way, the Selectmen may cause an inspection to be made. In the event that said connection has been so constructed that there exists an unsafe condition or a condition which, if not corrected, might cause or permit damage to the pavement or the drainage system of the public road, the Selectmen shall give written notice to the owner of the property, stating a reasonable time within which said defect shall be corrected. In the event that the owner does not comply with said notice, the Town may take reasonable steps to correct the defect at the expense of the owner.

§ 156-10. Administration.

The Board of Selectmen may adopt reasonable rules and regulations for the administration of this article.

ARTICLE III

Trenches

[Adopted 4-28-2008 ATM, Art. 36]

§ 156-11. Permit-issuing authority; regulations.

The Board of Selectmen shall be designated under G.L.c82A to be the Board to issue permits for the purpose of creating a trench as that term is defined by G.L. c. 82A § 4 and 520 CMR 14.00 (collectively the "Trench Safety Law") and that the Board of Selectmen may adopt reasonable regulations for the carrying out of said Trench Safety Law.

Chapter 162

TOBACCO

ARTICLE I

**Smoking Prohibited in Public Places and Workplaces
[Adopted 4-29-1996 ATM, Art. 41]****§ 162-1. Public places; violations and penalties.**

A. Statement of purpose. Whereas conclusive evidence exists that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat; and the harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers; and whereas environmental tobacco smoke (ETS), which includes both exhaled smoke and the sidestream smoke from burning cigarettes, causes the death of 53,000 Americans each year; and whereas the Environmental Protection Agency (1993) has designated environmental tobacco smoke to be a Class A carcinogen similar to radon and asbestos with no known safe levels of exposure; now, therefore, the Town of Deerfield recognizes the right of those who wish to breathe smoke-free air and establishes this article to protect and improve the public health and welfare by prohibiting smoking in public places and workplaces.

B. Definitions. For the purposes of this § 162-1 of this article, the following words shall have the meanings respectively ascribed to them by this subsection:

BAR — An establishment whose business is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages.

BAR AREA OF RESTAURANT — An area of a restaurant that is devoted to the serving of alcoholic beverages for consumption by guests or restaurant patrons on the premises and in which the serving of food is only incidental to the consumption of such beverages.

BOARD — The Board of Health of the Town of Deerfield.

HEALTH-CARE FACILITY — Any office or institution providing individual care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions, including but not limited to rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, offices of any surgeon, chiropractor, physical therapist, physician, dentist and all specialists within these professions.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind, including but not limited to an owner, operator, manager, proprietor or person in charge of any building, establishment, business or restaurant or retail store, or the agents or designees of any of the foregoing.

PUBLIC PLACE — Any building or facility owned or operated by the Town, including school buildings or grounds; and areas open to the general public, including but not limited to libraries, museums, theaters, auditoriums, indoor sports arenas and/or recreational facilities, inns, hotel and motel lobbies, educational facilities, shopping malls, public rest rooms, lobbies, staircases, halls, exits, entranceways, elevators accessible to the public and licensed child-care locations.

PUBLIC TRANSPORTATION VEHICLE — Buses, taxis and other means of transportation available to the general public while such means of transportation is operating within the boundaries of the Town, including indoor platforms by which such means of transportation may be accessed.

RESTAURANT — Any coffee shop, cafeteria, sandwich stand or private establishment which gives or offers food for sale to the public, guests or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

RETAIL STORE — Any establishment whose primary purpose is to sell or offer for sale to consumers, but not for resale, any goods, wares, merchandise, articles or other things, including supermarkets and grocery stores. "Retail store" shall not include restaurants as defined herein.

SMOKING — Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, weeds, plants or other combustible substance in any manner or in any form.

TOWN — The Town of Deerfield.

VENTILATION SYSTEM — A mechanical system to remove tobacco smoke and exchange inside air by bringing in fresh air. Particulate air cleaners or filtration systems are not considered a ventilation system.

- C. Smoking prohibited. No person shall smoke nor shall any person be permitted to smoke in any of the following places as defined herein: restaurants, retail stores, supermarkets, grocery stores, health-care facilities, public places or public transportation vehicles, except as otherwise provided in Subsection G of this § 162-1 of this article.
- D. Election for coverage by private facilities. The owner, manager or other person in charge of a building or facility not covered by Subsection C of § 162-1 of this article may elect to have the provisions of this § 162-1 of this article apply by so notifying the Board, in writing, and by sending a copy of said notice to the Town Clerk and the Board of Selectmen and by posting signs prohibiting smoking as provided in Subsection E of this § 162-1 of this article.
- E. Posting notice of prohibition. Every person having control of premises upon which smoking is prohibited by and under the authority of this § 162-1 of this article shall conspicuously display upon the premises "No Smoking" signs or the international "No Smoking" symbol

(consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it).

- F. No person shall smoke in any place in which a sign conforming to the requirements of Subsection E of this § 162-1 of this article is posted. No person shall remove a sign posted under the authority of Subsection E of this § 162-1 of this article.
- G. Exceptions. Notwithstanding the provisions of Subsections C and D of this § 162-1 of this article, smoking shall be permitted in the following places and/or circumstances: private residences, except when used as a licensed child-care facility or health-care facility; hotel and motel rooms that are rented to guests that are designated as smoking rooms; hotel and motel conference/meeting rooms and private and public assembly rooms while these places are being used for private functions; private or semiprivate rooms of nursing homes and long-term-care facilities, occupied by one or more patients, all of whom are smokers who have requested, in writing, to be placed in rooms where smoking is permitted; and the bar area of a restaurant, provided that it is separated from the nonsmoking area of the restaurant by location in a separate room or by means of physical barriers that completely enclose the bar area of the restaurant and is served by a ventilation system that is separate from the ventilation system that serves the nonsmoking portion of the restaurant so as not to interfere with the smoke-free air of the nonsmoking area of the restaurant.
- H. Bars that permit smoking must conspicuously post signage approved and supplied by the Board at the entrance prohibiting persons under 18 and advising patrons of the health hazards of environmental tobacco smoke.
- I. Conflict with other laws or regulations. Notwithstanding the provisions of the foregoing Subsection G of this § 162-1 of this article, nothing in this § 162-1 of this article shall be deemed to amend or repeal applicable fire, health or other regulations so as to permit smoking in areas where it is prohibited by such fire, health or other regulations.
- J. Violations. Any person who violates this § 162-1 of this article shall be subject to a fine in an amount of \$50 for a first offense, \$100 for a second offense and \$200 for a third or subsequent offense.
- K. Enforcement.
 - (1) As an alternative to initiating criminal proceedings, violations of this § 162-1 of this article may be enforced in the manner provided in MGL c. 40, § 21D, by the Board or its designees. Any fines imposed under the provisions of this § 162-1 of this article shall enure to the Town of Deerfield for such use as the Town may direct.
 - (2) Any citizen who desires to register a complaint under this § 162-1 of this article may initiate enforcement with the Board of Health.

- L. If any subsection or provision of this § 162-1 of this article is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining section being in force.

§ 162-2. Workplaces; violations and penalties.

- A. Nothing in the foregoing § 162-1 of this article shall apply to the following § 162-2 of this article. Nothing in this § 162-2 of this article shall apply to the foregoing § 162-1 of this article.
- B. Statement of purpose. Whereas conclusive evidence exists that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat; and the harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers; and whereas environmental tobacco smoke (ETS), which includes both exhaled smoke and the sidestream smoke from burning cigarettes, causes the death of 53,000 Americans each year; and whereas the Environmental Protection Agency (1993) has designated environmental tobacco smoke to be a Class A carcinogen similar to radon and asbestos with no known safe levels of exposure; now, therefore, the Town of Deerfield recognizes the right of those who wish to breathe smoke-free air and establishes this article to protect and improve the public health and welfare by prohibiting smoking in public places and workplaces.
- C. Definitions. For the purposes of this § 162-2 of this article, the following words shall have the meanings respectively ascribed to them by this subsection:

BOARD — The Board of Health of the Town of Deerfield.

EMPLOYEE — Any individual person who performs services for an employer.

EMPLOYER — An individual person, partnership, association, corporation, trust or other organized group of individuals, including the Town of Deerfield or any agency thereof, which utilizes the services of two or more individual employees.

SMOKING — Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, weeds, plants or other combustible substance in any manner or in any form.

TOWN — The Town of Deerfield.

VENTILATION SYSTEM — A mechanical system to remove tobacco smoke and exchange inside air by bringing in fresh air. Particulate air cleaners or filtration systems are not considered a ventilation system.

WORKPLACE — Any enclosed area of a structure or portion thereof at which two or more employees perform services for their employer but not including lobbies of buildings open to the public, areas where smoking is regulated under the provisions of § 162-1 of this article or within the personal residence of the employer.

- D. It shall be unlawful for any person to smoke in any workplace in the Town of Deerfield except in smoking areas designated in a written policy governing smoking in such workplace. Each employer who operates a workplace in the Town shall establish and post such a written policy governing smoking in such workplace and file a copy of said policy with the Board. Such policy shall be readily available for viewing by said employer's employees, and the employer shall provide a copy of such policy to any such employees upon request. Smoking shall be prohibited in all areas of the workplace, except as provided for in Subsection E of this § 162-2 of this article.
- E. The policy may allow the employer to designate specific enclosed areas in which employees may smoke; provided, however, that nonsmoking areas of comparable size and capacity and with comparable amenities are available and provided that physical barriers and/or ventilation systems are used which prevent the infiltration of environmental tobacco smoke into nonsmoking areas. Areas designated smoking and nonsmoking must be conspicuously marked. The policy must protect the rights of all employees to clean, breathable air free of environmental tobacco smoke. No individual shall be refused employment in the Town because he or she does not want to breathe environmental tobacco smoke in the workplace.
- F. In drafting the policy governing smoking in the workplace, each employer shall make a reasonable effort to determine the needs of his employees located in such workplace relative to the required policy. An employer may satisfy this requirement of this § 162-2 of this article by utilizing one or more of the following procedures in establishing a policy: a joint committee of labor and management; interviews with employees; written questionnaires completed by employees; any other appropriate method which allows for broad employee participation.
- G. Each employer shall within six months of the effective date of this § 162-2 of this article adopt and implement a policy governing smoking in the workplace or workplaces operated by such employer in the Town. Employers not in existence or not covered by this § 162-2 of this article at the date of its adoption shall have 90 days from date this § 162-2 of this article does apply to them in which to adopt and implement the required policy.
- H. Each employer shall review and revise if necessary its policy governing smoking in its workplace or workplaces in the Town not later than 12 months after the original implementation of the policy, and not less than every two years thereafter.
- I. Each employer or other person having control of premises upon which smoking is prohibited by this § 162-2 of this article, or the agent or designee of such person, shall conspicuously display upon the premises an appropriate number of "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it).

- J. It shall be unlawful for any employer or other person having control of premises upon which smoking is prohibited by this § 162-2 of this article, or the agent or designee of such person, to permit a violation of this § 162-2 of this article.
- K. Nothing in this § 162-2 of this article shall be construed to require smoking areas. A policy which prohibits smoking throughout a workplace shall always satisfy the requirement that a smoking policy be established, but shall not exempt the employer from the other provisions of this § 162-2 of this article.
- L. Employers found not to be in compliance with the provisions of this § 162-2 of this article shall be subject to a fine of \$50 for each seven-day period of noncompliance.
- M. As an alternative to initiating criminal proceedings, violations of this § 162-2 of this article may be enforced in the manner provided in MGL c. 40, § 21D, by the Board or its designees. Any fines imposed under the provisions of this § 162-2 of this article shall enure to the Town of Deerfield for such use as the Town may direct. Any citizen who desires to register a complaint under this § 162-2 of this article may initiate enforcement with the Board of Health.
- N. Severability. If any subsection or provision of this § 162-2 of this article is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining subsection or provisions being in force.

ARTICLE II
Sale of Tobacco Products
[Adopted 4-29-1996 ATM, Art. 42]

§ 162-3. Declarations of findings and policy.

Whereas there exists conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat; and whereas at least 1/2 of all smokers begin smoking before the age of 18; and whereas an estimated 3,000 minors begin smoking every day in the United States; and whereas nicotine in tobacco has been found by the Surgeon General to be a powerfully addictive drug; and whereas despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products is a major problem; and whereas a Town article requiring proof of age in order to purchase tobacco products is necessary in order to restrict the access of minors to tobacco products in the interest of public health; now, therefore, it is the policy of the Town of Deerfield to discourage minors from experimenting with tobacco and to make tobacco products less accessible to minors.

§ 162-4. Definitions.

For the purposes of this article, the following words shall have the meanings respectively ascribed to them by this section:

BOARD — The Board of Health of the Town of Deerfield.

FREESTANDING DISPLAY — Any display of tobacco products which is so located such that said products are accessible to customers without assistance from an employee or store personnel.

MINOR — Any individual who is under the age of 18.

PERSON — A person, employer, employee, retail store manager or owner or the owner or operator of any establishment engaged in the sale of tobacco products.

TOBACCO PRODUCT — Cigarettes, cigars, chewing tobacco, pipe tobacco, snuff or tobacco in any of its forms.

TOWN — The Town of Deerfield.

VENDING MACHINE — Any automated, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses cigarettes or any other tobacco product.

§ 162-5. Sales to minors prohibited.

- A. No person shall sell tobacco products or permit the same to be sold to a minor.
- B. Notice of state law. No person shall sell or permit the sale of tobacco products unless the location at which the tobacco products are

available for purchase is posted with a notice which is clearly visible to anyone purchasing such products and which states: "Massachusetts state law prohibits the sale of tobacco products to any person under the age of 18 years of age. See MGL c. 270, § 6." Said notice shall be that notice provided by the Massachusetts Department of Public Health and available from the Board.

- C. Identification. A person selling tobacco products shall request and examine identification from any purchaser suspected of being a minor and shall positively establish the purchaser's age as 18 years or older before allowing the purchase. The following shall constitute positive identification: a valid Massachusetts driver's license, or a certified birth certificate along with a picture identification card, or two other similar forms of identification, one of which shall be a picture identification card.

§ 162-6. Tobacco sales permit.

- A. No person shall sell or otherwise distribute tobacco within the Town without first obtaining a tobacco sales permit issued by the Board. The sale or free distribution of individual or loose cigarettes is prohibited. The sale of tobacco products by means of a freestanding display is prohibited.
- B. An application for a tobacco sales permit shall be filed by each person required to comply with this section no later than 60 days following the effective date of this article.
- C. The fee for an initial tobacco sales permit shall be determined by the Board based on the cost of administering the permit process. All such permits shall be renewed annually on the anniversary of the effective date of this article. The annual renewal fee shall be determined by the Board based on the actual cost of administering the permit renewal process.
- D. Each tobacco sales permit shall be displayed on the premises in a conspicuous place.

§ 162-7. Distribution to minors or free of charge prohibited.

No person in the business of selling or otherwise distributing cigarettes or other tobacco or smoking products for commercial purposes, or any agent or employee of such person, shall distribute a cigarette or other tobacco or smoking product free to any person. Furthermore, no person shall sell or otherwise distribute a cigarette or other tobacco product to a minor.

§ 162-8. Tobacco products vending machines.

No person shall distribute or sell tobacco products by the use of a vending machine.

§ 162-9. Violations and penalties.

- A. A person who violates the provisions of § 162-6A of this article shall be subject to a fine of \$100 for each violation. Every day or part thereof in which a person engages in conduct prohibited by § 162-6A of this article shall constitute a single and separate violation.
- B. A violation of any provision of this article other than § 162-6A shall be subject to a fine of \$50 for the first offense, \$100 for the second offense and \$200 for the third and subsequent offense. The tobacco permit holder shall be assessed a fine according to the schedule stated in this subsection for each violation of any provision of this article, other than § 162-6A, occurring on the premises governed by the permit. In the event of a sale or free distribution of tobacco product to a minor made by an employee of the permit holder, such employee shall also be subject to a fine in accordance with the schedule stated in this subsection. In addition, three violations of this article within three years, calculated from the date of the first offense, by the same permit holder shall be cause for revocation or suspension of the tobacco sales permit, pursuant to § 162-9C of this article.
- C. The Board shall revoke a tobacco sales permit granted pursuant to this article upon determination that a permit holder has committed three violations within three years, calculated from the date of the first offense. The Board shall provide notice to the permit holder of the intent to suspend or revoke a tobacco sales permit, which notice shall contain the reasons therefor and establish a time and date for a hearing, which date shall be no earlier than seven days after the date of said notice. The permit holder shall have an opportunity to be heard at such hearing and shall be notified of the Board's decision, and the reasons therefor, in writing. All tobacco products shall be removed from the premises upon suspension or revocation of the tobacco sales permit. Failure to remove all tobacco products shall constitute a separate violation of this article. A permit holder whose permit has been revoked may not apply for a new permit prior to the expiration of one calendar year following the date of revocation.
- D. As an alternative to initiating criminal proceedings, violations of this article may be enforced in the manner provided in MGL c. 40, § 21D, by the Board or its designees. Any fines imposed under the provisions of this article shall enure to the Town of Deerfield for such use as the Town may direct.

§ 162-10. Severability.

If any paragraph or provision of this article is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining section being in force.

Chapter 168
VEHICLES, UNREGISTERED

GENERAL REFERENCES

Property maintenance — See Ch. 138.

§ 168-1. Keeping of unlicensed vehicles restricted.

The keeping of more than one (1) unregistered motor vehicle, assembled or disassembled, except by a person licensed under MGL c. 140, § 59, on any premises shall not be permitted unless said motor vehicle is stored within an enclosed building.

§ 168-2. Conditions for special permit.

A special permit to keep more than one (1) unregistered motor vehicle on any premises not within an enclosed building, after a duly called public hearing to which all abutters to the premises have received notice, may be granted by the Board of Selectmen if it finds that such keeping is in harmony with the general purposes and intent of this chapter, will not adversely affect the neighborhood and will not be a nuisance.

§ 168-3. Permit limits.

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

§ 168-4. Exceptions.

This chapter shall not apply to motor vehicles which are designed and used for farming purposes, nor shall this chapter apply to landowners or tenants who store motor vehicles out of sight of abutters and public ways.

§ 168-5. Violations and penalties.

Whoever violates any provisions of this chapter shall be liable to a penalty of five dollars (\$5.) per day for each day of violation, commencing ten (10) days following date of receipt of written notice from the Board of Selectmen.

Chapter 174

WATER

GENERAL REFERENCES

Wells — See Ch. 138, Art. I.

Master Sewerage Plan — See Ch. 150.

Chapter 179

ZONING

Division 2: Board of Selectmen

Chapter 182

ALCOHOLIC BEVERAGES

GENERAL REFERENCES

Public consumption of alcoholic beverages — See Ch. 57. **Licensing of alcoholic beverage establishments — See Ch. 247.**

§ 182-1. Closing-time requirements.

All tables, counters and bars in the respective places of business of said licensees, shall be cleared of all glasses, bottles and containers of alcoholic beverages being served to customers, within 15 minutes after legal closing time on each respective day of business, excluding New Year's Eve and New Year's Night.

Chapter 186

FEES

GENERAL REFERENCES

Town Clerk fees — See Ch. 46. **Board of Health fees — See Ch. 215.**
Dog Bylaw — See Ch. 60, Art. II. **Licensing of alcoholic beverage establishments — See Ch. 247.**
Building construction fees — See Ch. 69.

ARTICLE I
Dogs
[Adopted 4-28-1982]

§ 186-1. Fees established.

The following charges are hereby adopted:

- A. Dog pickup: \$9.
- B. Call, no dog: \$5.
- C. Daily keep: \$2 (cost of dog food shared with Sunderland).
- D. A fine would also be levied as follows: **[Amended 4-29-1996 ATM, Art. 34]**
 - (1) \$15, first offense.
 - (2) \$30, each subsequent offense.
- E. Licenses. **[Added 4-29-1996 ATM, Art. 34]**
 - (1) Male: \$10.
 - (2) Female: \$10.
 - (3) Neutered male: \$5.
 - (4) Spayed female: \$5.
 - (5) Transferred license: \$1.
 - (6) Substitute tag: \$1.
 - (7) Kennel licenses.
 - (a) One to four dogs: \$30.
 - (b) Five to 10 dogs: \$40.
 - (c) 11 or more dogs: \$50.
 - (8) Failure to license: penalty of \$10.

ARTICLE II
General
[Last amended 9-15-2003 STM, Art. 11]

§ 186-2. Schedule.

- A. Liquor licenses.
 - (1) Section 12, all alcoholic beverages.
 - (a) Hotel and restaurant: \$2,100.
 - (b) Club: \$1,000.
 - (2) Section 12, malt and wine beverages.
 - (a) Hotel and restaurant: \$750.
 - (3) Section 15, all alcoholic beverages.
 - (a) Package goods store: \$1,500.
 - (4) Section 15, wine and malt beverages.
 - (a) Package goods store: \$750.
 - (5) Nonprofit organizations, special one-day license.
 - (a) All alcoholic: \$50.
 - (b) Wine and malt beverages: \$25.
- B. Motel license: \$50.
- C. Inn/hotel license: \$50.
- D. Funeral director's license: \$50.
- E. Auctioneer.
 - (1) Resident: \$100.
 - (2) Nonresident: \$30 per day.
- F. Class I: \$150.
- G. Class II: \$90.
- H. Class III: \$60.
- I. Disposal works permit: \$50.
- J. Offal: \$50.
- K. Camp license: \$100.
- L. Food service: \$100.

- (1) Reinspection fee: \$35.
- M. Mobile/temporary food service: \$25 per day.
- N. Home business permit: \$50; annual renewal \$25.
- O. Percolation test: \$150.
- P. Title V inspection fee: \$150.
- Q. Tag sale: \$5 per day.
- R. Transient vendor's license: \$25 per day.
- S. Landfill fees:
 - (1) Annual residential permit: \$50.
- T. Zoning Board of Appeals hearing fee: \$100.
- U. Reinstatement of lapsed license: fee doubled.

Chapter 197**PUBLIC ROADS****GENERAL REFERENCES**

Streets and sidewalks — See Chs. 156 and 200.

§ 197-1. Purpose.

The following rules and regulations governing the Proposed Layout of Public Roads in the Town of Deerfield have been adopted for the purpose of protecting the safety, convenience and welfare of the inhabitants of Deerfield by providing for the laying out and constructing of roads with due regard for safe and convenient travel to all areas to be served by the ways, for lessening congestion in such ways and in adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for securing adequate provisions for water, sewerage, drainage and other requirements where necessary; and for coordinating the proposed roads in an area with each other and with other public ways in the Town.

§ 197-2. Adoption of rules and regulations.

Under the authority in the Board of Selectmen of the Town of Deerfield said Board hereby adopts these rules and regulations governing the proposed layout of public roads in the Town of Deerfield. Such rules and regulations shall be effective on and after the 13th of May 1964.

§ 197-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AASHO — American Association of State Highway Officials.

ASTM — American Society for Testing and Materials.

BOARD — The Board of Selectmen of the Town of Deerfield, Massachusetts.

ENGINEER — The registered professional engineer or registered land surveyor employed by the proprietor of a development or the Board of Selectmen to prepare plans and supervise construction of roads.

LABORATORY — Any materials testing laboratory which is approved by the Board of Selectmen.

MDPW — The Massachusetts Department of Public Works.

SUPERINTENDENT OF STREETS — The Town official or his designated representative responsible for the construction, repair and maintenance of the Town's roads.

§ 197-4. Street classifications; required minimum rights-of-way.

- A. New primary and/or arterial roads: one-hundred-foot width. The layout of roads in this classification shall be applicable only to and reserved exclusively for the Board of Selectmen and/or the MDPW for the roads connecting major areas of the Town of Deerfield separated by more than one mile distance or the Town of Deerfield with other adjacent towns. In the event that a road of lower classification is proposed which approximates the route of a higher classification, in the opinion of the Board, the Board may, at its discretion, allow the construction of a road of lower classification within the required right of way width for a primary layout.
- B. Secondary roads: widths of 50 feet minimum to 80 feet maximum. The layout of roads in this classification shall have included within the layout, design provisions for a five-foot sidewalk, a five-foot to ten-foot width reserved for public utilities, public sewerage, public water supply and fire protection, public drainage systems for surface and subsurface waters within and adjacent to the layout, and a suitable reserved width for a tree belt if it is to be located within the layout.
- C. Private roads.
- (1) Any road, path, trail or suchlike which exists or is built over an easement, right-of-way or otherwise, and is used for the purpose of motor vehicle travel to and from two or more individual parcels of land, which was not an accepted public way January 1, 1964 shall be considered as a private way.
 - (2) Anyone who causes the reconstruction of an existing way, or constructs a new way, not in conformance with these rules and regulations or as prescribed otherwise by the Board, shall be considered as reconstructing or constructing a private way.
 - (3) Existing or new private ways which are not equal to or better than road layouts as specified herein, or as specified otherwise by the Board, shall not be laid out by said Board for acceptance as public ways.
 - (4) Anyone desiring to construct a private way connecting to a public way shall secure a permit for said entrance to the public way from the party having jurisdiction, and the portion of the road entrance within a Town right-of-way shall be built to design standards as specified by the Board.
- D. Proposed secondary roads to become public ways servicing commercial and/or industrial sites primarily, shall be built in accordance with the requirements of the agreements between the developer and the Board of Selectmen, which shall be agreed to mutually and separately for each layout.

§ 197-5. Submission and approval of plans.

A. Preliminary Plans.

- (1) General. A preliminary plan of the area to be developed shall be prepared by a registered professional engineer for discussion and tentative approval by the Board. The submission of such a preliminary plan will enable the developer, Board, other municipal agencies and abutting property owners to discuss and clarify the problems of the proposed layouts. **[Amended 9-22-1982]**
- (2) It shall be the exclusive responsibility of developers to design a layout including all the necessary design details, specifications and construction controls to construct the road in terms of accepted construction practices; and to secure the necessary written approval and agreements with the Board to qualify the layout for acceptance.
- (3) Contents.
 - (a) The preliminary plan may be drawn on tracing paper with pencil at a suitable scale (one inch equals 100 feet being the suggested scale) and two prints shall be filed at the office of the Board. Said preliminary plan shall show sufficient information about the area to be developed to form a clear basis for discussion of its problems and for the preparation of the definitive plan.
 - (b) Such information will include major site features such as existing stone walls, fences, buildings, large trees, rock ridges and outcroppings, swamps and water bodies and existing topography as required, together with the information required by Subsection B(2)(a) to (d), of the contents of definitive plan. During discussion of the preliminary plan, the complete information required for the definitive plan and the financial arrangements will be developed.
- (4) Tentative approval. The Planning Board may give such preliminary plan its tentative approval, with or without modification. Such tentative approval does not constitute approval of a proposed layout but does facilitate the procedure in securing final approval of the definitive plan.

B. Definitive plan.

- (1) General. Any person who submits a definitive plan of an area to be developed to the Board for approval shall file with the Board an original drawing of the definitive plan and three contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
- (2) Contents. The definitive plan shall be prepared by an engineer or surveyor and shall be clearly and legibly drawn in black India ink upon tracing cloth. The plan shall be at a scale of one inch

equals four feet or such other scale as the Board may accept to show details clearly and adequately. Sheet sizes shall preferably not exceed 24 by 36 inches. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire area to be developed. The definitive plan shall contain the following information:

- (a) Development name, boundaries, North point, date and scales.
 - (b) Name and address of record owner, developer and engineer or surveyor.
 - (c) Names of all abutters as they appear in the most recent tax list.
 - (d) Existing and proposed lines of streets, ways, lots, easements and public or common areas within the area to be developed. The proposed streets shall be shown in pencil until they have been approved by the Board.
 - (e) Sufficient data to determine the location, direction and length of every street and way line, and to establish these lines on the ground.
 - (f) Location of all permanent monuments properly identified as to whether existing or proposed.
 - (g) Location, names and present widths of streets bounding, approaching or within reasonable proximity of the area to be developed.
 - (h) Suitable space to record the action of the Board and the signatures of the members of the Board (or officially authorized person).
 - (i) Existing and proposed topography at a suitable contour interval as required by the Board. (May be submitted on the same sheet as the definitive plan or on separate sheets.)
 - (j) Profiles on the exterior lines of proposed streets at a horizontal scale of one inch equals four feet and vertical scale of one inch equals four feet, or such other scales acceptable to the Board. All elevations shall refer to the Town datum. (May be submitted on the same sheet as the definitive plan or on separate sheets.)
 - (k) Proposed layout of storm drainage, water supply and sewage disposal systems. (May be submitted on the same sheet as the definitive plan or on separate sheets.)
- (3) Performance guaranty.
- (a) Before approval of a definitive plan of an area to be developed, the developer shall either file a performance bond or deposit money or negotiable securities in an amount determined by the

Board to be sufficient to cover the cost of all or any part of the improvements specified in § 197-8. Such bond or security if filed or deposited shall be approved as to form and manner of execution by the Town Council and as to sureties by the Selectmen or Town Manager and shall be contingent on the completion of such improvements within two years of the date of the bond.

- (b) There shall be a second performance bond, deposit of money or negotiable securities filed with the Board as the additional security. The method of security and amount to be determined by the Board to cover the developer's four-year resurfacing responsibility, meeting all the provisions of Subsection B(3)(a) and filed with the Board prior to approval of the definitive plan. **[Added 9-22-1982]**
- (4) Review by Board of Health as to suitability of the land. If the Board of Health is in doubt as to whether any of the land in the area to be developed can be used as building sites without injury to the public health, any approval of the plan by the Board shall then only be given on condition that the lots or land as to which such doubt exists shall not be built upon without prior consent of the Board of Health, and shall endorse on the plan such condition, specifying the lots or land to which said condition applies. Any lot so located that it cannot be served by a connection to the municipal sewer system shall be provided with a cesspool or septic tank and drain field satisfactory to the Board of Health.
- (5) Certificate of approval.
 - (a) The action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicants. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Board. After the definitive plan has been approved and endorsed, the applicant shall furnish the Board with three prints thereof.
 - (b) Final approval of the definitive plan does not constitute the laying out or acceptance by the Town of streets within an area to be developed. However, it is the intent of the Board to lay out the road and present said layout to the Town for acceptance after construction has been completed to the Board's satisfaction and in accord with the agreement.

§ 197-5.1. Consideration of layout. [Added 6-3-1987]

The Board of Selectmen voted not to consider the layout of a public way until two years after the completed construction of said way(s).

§ 197-6. Design standards.**A. Secondary roads.**

- (1) All streets in the proposed area to be developed shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel at a design speed of 30 miles per hour.
- (2) Street jogs with center-line offsets of less than 125 feet are to be avoided.
- (3) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60°.
- (4) Property lines at street intersections shall be rounded or cut back to provide for a curb radius or not less than 20 feet.
- (5) Reserve strips prohibiting access to streets adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- (6) The minimum width of street right-of-ways shall be 50 feet. Greater widths shall be required when deemed necessary for present or future vehicular travel.
- (7) Grades of streets shall not be less than 0.5% nor more than 6% for secondary streets.
- (8) The Board may specify a higher design speed and greater road way width when the length of any layout is in excess of 1,500 feet.
- (9) All dead end streets shall be provided with culs-de-sac of center-line radius of 60 feet minimum and travel surface widths equal to the total travel width and shoulders of the road leading into the cul-de-sac. The property line shall have a minimum diameter of 20 feet greater than the outside edge of the roadway diameter.
- (10) A minimum safe stopping sight distance of 200 feet shall be provided horizontally and vertically. This requirement shall also be applied to that portion of driveways within the layout.
- (11) All residential streets shall be designed for H-10 loadings minimum and all streets serving commercial or industrial plots shall be designed for H-20 loading minimum.

§ 197-7. Easements.

- A. Easements for utilities across lots, or centered on rear or side lots shall be provided and recorded in favor of the Town of Deerfield where necessary and shall be at least 30 feet wide.
- B. Drainage easements for a watercourse, drainageway, channel or stream shall be provided and recorded in favor of the Town of Deerfield and

shall be at least 30 feet wide, and conform substantially to the lines of such watercourse, drainageway, channel or stream and to provide construction or other necessary purposes.

§ 197-8. Required improvements.

- A. The complete construction of the proposed road with surface and subsurface drainage shall be the complete responsibility of the developer and all work and materials shall conform to the latest specification of the Massachusetts Department of Public Works, and shall include but not be limited to the following minimums:
- (1) Clearing and grubbing of the entire layout width.
 - (2) Removal and stockpiling of topsoil and loam within the construction limits.
 - (3) Construction of subgrade to the line, grade and cross section of the approved design.
 - (4) Construction of twenty-four-inch gravel subbase to the line, grade and cross section of the approved design. **[Amended 12-2-1981]**
 - (5) The gravel subbase shall be primed with one application of asphalt or tar, as specified by the Board, over its full width, roadway and shoulders inclusive, at the rate of one gallon per square yard and allowed to cure for 24 hours before any covering is applied.
 - (6) The minimum roadway width of 24 feet shall receive a single surface treatment of asphalt or tar as specified by the Board, with peastone cover coat, in accordance with the approved design.
 - (7) Grading, loam replacement and seeding, with the appropriate mix for either grass plot or for slopes, of all areas within the layout not occupied by roadway, sidewalks and drives.
 - (8) Driveways constructed within the layout shall be constructed to the same requirements as the road it is connected to, having a ten-foot surface width with ten-foot radius rounding to the edge of pavements.
 - (9) The layout shall include the design provisions of a five-foot wide sidewalk where required and the sidewalk subgrade shall be prepared along the roadway. If not required to be constructed, the sidewalk subgrade shall be graded, loamed and seeded.
 - (10) A complete surface drainage system and subsurface drainage system when required, shall be designed by the rational method to provide for stormwater runoff on a two-year storm basis and in accordance with accepted engineering practices and shall be installed prior to subbase construction. Continuous grades shall be drained on both sides at intervals not in excess of 400 feet at all low points, sags in the roadway and near the corners of the roadway

at intersections. Roadway cross culverts shall be of the required length to cross the full layout width and the entire crossing width shall be graded substantially to the center-line grade.

(11) Curbing and guardrails, side slopes.

- (a) Where curbing is installed for design purposes, the shoulder shall receive the same surface treatment as the roadway.
- (b) Guardrail with curbing shall be installed for all slope heights in excess of five feet when side slopes are two feet horizontal to one foot vertical or steeper (when allowed by the Board). The curbing and guardrail shall be installed in a four-foot section outside of the shoulder. When a sidewalk is required, the guardrail shall be two feet inside of the top of slope and one foot outside of the sidewalk, with the curbing installed at the outside edge of the shoulder.
- (c) Side slopes shall be minimum four feet horizontal to one foot vertical in fill sections except where guardrail and curbing is provided. In cuts sections, a two-foot bottom swale at subgrade level with 4H:IV side slopes or its equivalent shall be provided for snow storage before 2H:IV cut slopes begin.

(12) Municipal utilities.

- (a) General: All municipal utilities designed to be constructed under areas required to be surfaced treated for acceptance shall be constructed prior to construction of the subbase.
- (b) Sanitation: Designs for proposed roadways shall include provisions for municipal sanitary sewers and house connections, all within the layout; said design to be in accordance with the specification and rules of the Deerfield Sewer Commissioners and standard engineering practices. Individually owned and operated sanitation systems will not be acceptable.
- (c) Public water and fire protection: The design of proposed roads shall include within the proposed layout provisions for supplying all areas served by the road with municipal water for consumption and fire fighting in accordance with specifications of the water district in which it is located. Water pipes shall be sized and hydrants located to provide the minimum requirements of New England Fire Insurance Rating Association in new layouts regardless of the adequacy of the water to which it may be connected.

(13) Tree planting. All plans submitted for approval shall have trees the number, variety and location to be approved and planted under the supervision of the Tree Warden. **[Added 3-31-1982]**

- (14) Developer's four-year resurfacing responsibility. Four years from the completion of the original road surface or a sooner time to be determined by the Selectmen, the developer will resurface the road or a portion thereof. If the Selectmen determine the road or a portion thereof should be resurfaced prior to the end of the four-year period, they will notify the developer of their determination and the developer will forthwith present a resurfacing schedule that will be approved by the Selectmen and followed by the developer. The resurfacing required by this subsection is the application of cutback or emulsified asphalt to be applied at the rate of 1/3 gallon per square yard with 3/8 trap rock stone binder; the same to be rolled immediately upon being applied. **[Added 9-22-1982]**
- B. A performance bond will be supplied to the Town of Deerfield or its equivalent according to the specifications as outlined on this sheet or sheets.

Chapter 200

STREETS AND SIDEWALKS

GENERAL REFERENCES

Excavation Safety Precautions Bylaw — See Streets and Sidewalks Bylaws — See Ch. 156. Ch. 91, Art. II.

ARTICLE I
Street Excavations Safety Stipulations
[Adopted 1-11-1989]

§ 200-1. Adherence required.

Any work on or about Town streets or ways by private firms and public utilities where the restricting of the normal flow of vehicular and pedestrian traffic may be interrupted due to the type of work being performed must adhere to the following stipulations:

- A. Proper safety warning signs, cones and/or lights (flashing) must be placed in or around barricaded excavations. Signs are to be placed at either end of the project at a distance in accordance with width of road and allowed speed of street (subject to Federal Guidelines Manual On Uniform Traffic Control Devices).
- B. Whenever a road or way is reduced to one-lane traffic, a uniformed traffic officer shall be used, subject to approval of the Chief of Police and/or the Superintendent of the Town Department of Public Works. The use of flag person(s) may be substituted; all flag persons must be outfitted with day-glo orange vests or straps and day-glo orange flags; at night reflectorized vests or straps must be worn.
- C. All proposed excavation or other road work setups must be approved by the Chief of Police or his designee and/or the Superintendent of the Town Department of Public Works.
- D. At no time shall any firm or public utility reroute, detour or close any Town street, road or way unless approved by the Chief of Police or his designee and the Superintendent of the Town Department of Public Works.
- E. All proposed street work shall be approved five days prior to the start of the project. Exceptions: Emergency work will be the exception to the five-day stipulation, but will be subject to all of the above safety requirements.

§ 200-2. Inspection and approval fees.

There is no fee for inspection and/or approval of projects.

Chapter 202
SWIMMING POOLS

GENERAL REFERENCES

Zoning — See Ch. 179.

ARTICLE I
Fences
[Adopted 8-18-1976]

§ 202-1. Fence required.

Every outdoor swimming pool shall be considered to be a structure, with the exception of children's wading pools, but including all plastic pools or other synthetically manufactured pool constructed above ground, which constitute a hazard whether or not filled with water, and shall be completely surrounded at all times by a fence or wall not less than four feet in height above grade, which may be the pool wall itself.

§ 202-2. Standards.

Every such fence or wall shall be constructed as to not have opening, holes or gaps larger than four inches in any dimension except for doors, gates and picket fences; in the latter case, however, the gaps between pickets shall not exceed four inches.

§ 202-3. Gates or doors.

All gates or doors opening through such enclosure shall be of not less than four feet in height and shall be equipped with a self-closing and self-latching device located at least four feet above the underlying ground and inaccessible from the outside to small children. Every such gate or door shall be kept locked at all times when the swimming pool is not in use, and any ladders removed.

§ 202-4. Alternate protective devices.

A natural barrier, hedge, pool cover or other protective device approved by the Building Inspector may be used in lieu of a fence or wall so long as the degree of protection afforded by the substitute device or structure is not less than the protection afforded by the enclosure, gate and latch described herein.

Chapter 207

VEHICLES AND TRAFFIC

GENERAL REFERENCES

Unregistered vehicles — See Ch. 168.

Public roads — See Ch. 197.

ARTICLE I

General Provisions; Definitions**§ 207-1. Authority; purpose; title.**

The Board of Selectmen of the Town of Deerfield, acting by virtue of the power given to it by and under MGL c. 40, § 22, and by virtue of any and every other power it hereto enabling, hereby adopts and makes the rules, regulations and orders for the regulation of carriages and vehicles used in said Town and for the regulations and ordering of traffic and travel upon the streets, roads and highways of said Town of Deerfield, which are hereby annexed, the same to be known as the "Traffic Rules, Regulations and Orders of the Town of Deerfield."

§ 207-2. Terms defined.

For the purpose of these rules, regulations and orders, the words and phrases used herein shall have the following meanings, except in those instances where the context clearly indicates a different meaning:

BUS STOP — An area in the roadway, set aside for the boarding of or alighting from and the parking of busses.

CROSSWALK — That part of a roadway, ordinarily included within the prolongation or connection of curblines and property lines at intersections, or, at any part of a roadway, clearly indicated for pedestrian crossing by lines on the road surface or by markings or by signs.

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

FUNERAL — Any processions of mourners, properly identified as such, accompanying the remains of a human body.

INTERSECTING STREET, ROAD OR HIGHWAY — Any street, highway or road, which joins another at an angle, whether or not it crosses the other.

LANE — A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.

OFFICER — Any officer, investigator, examiner or inspector of the Registry of Motor Vehicles, any constable or special officer, provided that he has his badge of office displayed over his left breast and upon his outer garment.

OFFICIAL CURB MARKING — That part 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 of the Commonwealth of Massachusetts.

OFFICIAL STREET MARKING — Any painted line, legend, marking or marker of any description, painted or placed upon any way, which purports to direct or to regulate traffic and which has been authorized by the Board

of Selectmen and which has the written approval of the Department of Public Works of the Commonwealth of Massachusetts.

OFFICIAL TRAFFIC SIGNALS — All signals, conforming with the standards as prescribed by the Department of Public Works of the Commonwealth of Massachusetts, not inconsistent with these rules, regulations and orders, placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing or warning traffic.

OFFICIAL TRAFFIC SIGNS — All signs, markings and devices, other than signals, not inconsistent with these rules, regulations 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 warning, guiding, directing or regulating traffic and travel.

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

PEDESTRIAN — Any person, afoot or riding in or on a conveyance, moved by human power, except bicycles or tricycles.

RAILROAD CROSSING — Any intersection of ways with a railroad right-of-way.

ROADWAY — That part of a street or highway between the regularly established curblines, or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

ROTARY TRAFFIC — The counterclockwise operation of a vehicle around an object or structure.

SIDEWALK — That part of a street, road or highway, set apart for pedestrian travel.

STREET and HIGHWAY — The entire width between property lines of every way open to the use of the public for purposes of travel.

TAXICAB STANDS — An area in the roadway in which certain taxicabs are required to park while waiting to be engaged.

TRAFFIC CONTROL AREA — Any area along any way, at which drivers are to be controlled by traffic control signals, other than an intersecting way.

TRAFFIC CONTROL SIGNAL — Any device, using colored lights which conforms to the standards as prescribed by said Department of Public Works of the Commonwealth of Massachusetts, whether manually, electrically or mechanically operated, by which traffic may be alternately directed to stop and to proceed.

U-TURN — The turning of a vehicle by means of a continuous left turn whereby the direction of said vehicle is reversed.

VEHICLE — Every device and mode of conveyance in, upon or by which, any person or property is or may be transported or drawn upon a street or highway, including bicycles, as defined in MGL c. 85, § 2A, which section has been accepted by the Town of Deerfield, March 1, 1954, excepting other devices moved by human power or used exclusively upon stationary rails and tracks. **[Amended 4-10-1957]**

WAY — Any public highway, private way laid out under the authority statute, or way dedicated to public use.

ARTICLE II
Authority and Duty of Police

§ 207-3. Duty to enforce.

It shall be the duty of all police officers of the Town of Deerfield, and in particular, officers designated by the Chief of Police, for the time being, to enforce the provisions of these rules, regulations and orders. Such officers are authorized to direct all traffic, either in person, or, by means of visible or audible signal in conformance with the provisions of these rules, regulations and orders, provided that, in the event of a fire or other emergency, to expedite traffic or to safeguard pedestrians, the members of the Fire Department may direct traffic, as conditions may require, notwithstanding the provisions of these rules, regulations and orders.

§ 207-4. Obedience to police.

No person shall willfully fail or refuse to comply with any lawful order or direction of an officer, defined in § 207-2, relating to the direction, control, regulation of traffic. Any person acting in conformity with any such order, direction, control or regulation of traffic shall be relieved from the observance of any provision of these rules and orders with which it conflicts.

§ 207-5. Temporary closing of streets and highways.

The police may close temporarily any street or highway in an impending or existing emergency, or for any lawful assemblage, demonstration or proceeding or procession, provided that there is reasonable justification for the closing of such street or highway.

§ 207-6. Traffic accident file to be kept.

- A. The police shall maintain a suitable system of filing traffic accident reports. Accident reports, or cards referring to them, shall be filed alphabetically, by location.
- B. The police shall annually submit a traffic report to the Selectmen, covering the pertinent traffic accident data.

ARTICLE III
Traffic Signs, Signals and Markings

§ 207-7. Authority to erect signs.

The Highway Supervisor of the Town of Deerfield is hereby authorized, and as to those signs and signers required hereunder, it shall be his duty, to place and to maintain, or to cause to be placed and to be maintained, all official signs, signals, markings and safety zones, if any.

§ 207-8. Conformance to standards.

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.

§ 207-9. Effectiveness of provisions.

Sections 207-4 and 207-5 of Article II, and §§ 207-21 and 207-22 of Article VI, relating to parking, shall be effective only during such time as official signs are erected and maintained, designating the provisions and so located, as to be easily visible to approaching drivers. Section 207-56 of Article X, relating to coasting, shall also fall within the purview and operation of this section. Section 207-53 of Article IX, relating to one-way streets, shall be effective only during such time as a sufficient number of official signs are erected and maintained at each of the exits of each one-way street, so that at least one sign shall be clearly visible for a distance of at least 75 feet to drivers approaching the exit.

§ 207-10. Unauthorized signs prohibited; removal.

It shall be unlawful for any person to place or to maintain or to display upon or in view of any street, any unofficial sign, signal or markings, which purports to be or is in 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 or marking, or cause to be removed, without notice.

§ 207-11. Interference with signs and markings prohibited.

It shall be unlawful for any person willfully to deface, injure, move, obstruct or to interfere with any official traffic sign, signal or marking or device.

ARTICLE IV

Bus Stops and Taxicab Stands**§ 207-12. Establishment of bus stops and taxicab stands.**

The location of all bus stops shall be specified by the Chief of Police, with the approval of the Board of Selectmen; and in case of taxicab stands, if any, the Chief of Police shall designate who may use them as such, with the approval of the Board of Selectmen.

§ 207-13. Obedience to signs and markings.

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

§ 207-14. Locations of specific bus stops. [Amended 7-10-1964]

Corner of Sugarloaf Street and Graves Street, east side.

§ 207-15. Parking in bus stop restricted.

No person shall park any vehicle, other than a bus, in a bus stop.

§ 207-16. Bus parking in business district restricted.

No person shall park a bus upon any street within the business district, at any place other than at a bus stop, when a nearby bus stop is available for parking.

ARTICLE V
Zones of Quiet

§ 207-17. Authority to establish.

The Supervisor of Highways, at the request and direction of the Chief of Police, may temporarily establish a zone of quiet upon any street where a person is seriously ill.

§ 207-18. Limits of zones.

Said temporary zone shall embrace all the area within a radius of 200 feet of the building, occupied by the sick person.

§ 207-19. Signs or markers.

Said temporary zone or zones of quiet shall be designated by the Chief of Police, by placing at a conspicuous place in the street a sign or marker bearing the legend or phrase: "Zone of Quiet."

ARTICLE VI
Stopping, Standing and Parking

§ 207-20. General provisions.

No person shall allow or permit any vehicle to stand or to be parked in any street, way, highway or roadway under the control of the Town of Deerfield, and no person shall allow or permit any vehicle, registered in his name to stand or to be parked in any street, way, highway, road or parkway under the control of the Town of Deerfield, in violation of any of the traffic rules, regulations and orders, adopted by the Board of Selectmen of the Town of Deerfield, and in particular, in any following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic signal or sign. Vehicles found to be violating any of the provisions of this section, may be moved by or under the direction of a police officer, and at the expense of the owner, to a place where parking is allowed, provided that signs are erected and maintained, informing operators of the restriction:

- A. Within an intersection.
- B. Upon any sidewalk.
- C. Upon any crosswalk.
- D. Upon a roadway where parking is permitted, unless both wheels on the right side of the vehicle are within 12 inches of the curb or the edge of the roadway, except upon those streets that are designated one-way streets, if any such are so designated; or where angle-parking is permitted and so marked.
- E. Upon any roadway, where the parking of a vehicle will not leave a clear and unobstructed lane at least 10 feet in width for passing traffic.
- F. Upon any street or highway within 10 feet of a fire hydrant.
- G. In front of any private road or private driveway.
- H. Upon any street or highway, within 20 feet of an intersecting way, except alleys.
- I. Within 15 feet of a fire station, or directly across the street from such fire station, provided that signs are erected and maintained, informing the public of such restricted area.
- J. Alongside of any street excavation, or opposite any such street excavation or obstruction, when such stopping, standing or parking would obstruct traffic.
- K. Within 25 feet of the nearest rail of a railroad crossing when there are no gates at such crossing or, otherwise, within five feet of the gate; provided that signs are erected and maintained, informing drivers of such restricted area.

- L. Upon any bridge, or the approaches thereto, provided that suitable signs are erected and maintained, informing operators of such restriction.

§ 207-21. Parking prohibited.

In said Deerfield, upon the following streets and highways, or parts thereof, parking thereon is hereby prohibited as is herein specified, provided that signs are erected and maintained informing the public of such restrictions:

A. Old Deerfield.

Street	Side	Limits
Albany Street	South	Entire length
Main Street (Permit No. 3180)	East	Between Wells Street and Memorial Street, and between Memorial Street and Albany Road
Memorial Street	South	Entire length
Wells Avenue	South	Entire length

B. South Deerfield.

Street	Side	Limits
Brae Burn Road	Both	Entire length
Captain Lathrop Drive [Added 5-3-1978]	Both	Between North Main Street and a point approximately 160 feet easterly
Coates Avenue [Added 1-18-1984 by Permit No. 2-1853]	Both	Entire length
Graves Street	Both	Entire length
North Main Street	East	At designated places along the west side of the common, at the monument, so called, there measuring about 200 feet
North Main Street	West	At designated places extending from the driveway to the house numbered 289 North Main Street, northerly in said west line, and around a gentle curve, somewhat to the west, but still in said west line, to the south entrance of the entrance driveway of the Frontier Regional District School, measuring about 300 feet

Street	Side	Limits
Thayer Street (Permit No. 3327)	North	Entire length

§ 207-22. Angle parking.

- A. The Board of Selectmen of the Town of Deerfield shall determine upon what streets angle parking may be permitted, and shall so mark and delimit such streets, or cause the same to be so marked and so delimited.
- B. Upon the following streets or parts of streets, when so marked and signed for angle parking, vehicles shall be parked with one wheel within 12 inches of the curb or edge of the roadway, and at the angle to the curb as indicated by marks or by signs. The vehicle shall be wholly parked within the painted, provided lines:

(1) South Deerfield.

Street	Side	Limits
Elm Street [Amended 5-30-1984]	North	Beginning at the northwesterly corner of the Main Street/Elm Street intersection, thence reserving a space of 20 feet westerly of said corner (no parking), thence continuing westerly reserving a space of 82 feet for parallel parking, thence permitting angle parking for the space remaining easterly of the railroad crossing, parallel parking on the south side of the street

§ 207-23. Parking of vehicles for sale.

It shall be unlawful for any person to park upon a street or highway any vehicle displayed for sale.

§ 207-24. All-night parking restricted. [Amended 4-29-1996 ATM, Art. 36]

No person shall allow or permit any vehicle registered in his/her name, or under his/her control, other than a person acting in an emergency, to be parked upon any street between the hours of 1:00 a.m. and 6:00 a.m. of any day between November 1 and May 1 of any year.

§ 207-25. Limited time parking.

- A. No person shall park a vehicle on any of the following described streets or parts thereof for a period of time longer than as is herein specified, as follows:

Name of Street	Side	Time Limit	Hours	Location
Elm Street	Both	1 hour	8:00 a.m. to 6:00 p.m., except Sundays and legal holidays	Between Main Street and the Boston and Maine Railroad right-of-way

- B. Official traffic signs shall be erected and maintained within the affected area to notify operators and drivers of vehicles of this restriction.

ARTICLE VII
Tow-Away Zones

§ 207-26. Statutory authority.

In accordance with the provisions of MGL c. 40, § 22D, as most recently added by Chapter 322 of the Acts of 1961, accepted August 2, 1961, the Board of Selectmen of the Town of Deerfield hereby enact the following regulations authorizing the removal to a convenient place of vehicles parked or standing in such a manner, or in such areas as are hereinafter described on any way under the control of the Town of Deerfield. Vehicles specifically exempt by Chapter 322 of the Acts of 1961 shall not, however, be subject to such removal.

§ 207-27. Authorization of police.

The moving or towing of any vehicle under the provisions of this article shall be by and at the direction of the Chief of Police or such other officer(s) of the rank of Sergeant or higher as he may from time to time designate.

§ 207-28. Fees.

The Board of Selectmen hereby imposes upon the owner of any vehicle moved or towed to a convenient place, under the provisions of this article, the following fees:

- A. Removal or towing fee: not to exceed \$25. **[Amended 6-9-1982]**
- B. Storage fees. **[Amended 6-9-1982; 1-18-1984]**
 - (1) Not to exceed \$10 for any twenty-four-hour period.
 - (2) Not to exceed \$5 for any period less than 24 hours.

§ 207-29. Liability for damage.

The contractor shall be liable to the owner for any damage arising out of negligence caused to a vehicle in the course of removal and storage.

§ 207-30. Removal and storage procedure.

Vehicles found in violation of the provisions of this article except those specifically exempt by law, shall be removed to a convenient place under the direction of an officer of the Police Department and the owner of the vehicle so removed or towed away shall be liable to the cost of such removal and storage, if any, as set forth in § 207-28 of this article. The owner of any vehicle removed or towed away under the provisions of this article shall also be subject to the penalties provided in MGL c. 90, § 20A.

§ 207-31. General towing zones.

No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park in any of the following places:

- A. Upon any way in such a manner as to impede the removal of plowing of snow or ice except vehicles parked in accordance with approved regulations governing all night parking.
- B. Upon any sidewalk.
- C. Upon any crosswalk.
- D. Upon any way within 20 feet of an intersecting way except alleys.
- E. Upon a way within 10 feet of a fire hydrant.
- F. On the roadway side of any vehicle stopped or parked at the edge or curb of the way.
- G. In front of a public or private driveway.
- H. Upon any way where the parking of a vehicle will not leave a clear and unobstructed lane at least 10 feet wide for passing traffic.

§ 207-32. Erection of signs.

The provisions of §§ 207-30 and 207-31 shall be effective only during such time as a sufficient number of official traffic signs bearing the legend "Tow-Away Zone" are installed, erected, maintained and located so as to be visible to the approaching drivers, said signs to be appended above and incorporated into the legend of parking prohibition signs.

§ 207-33. Record of towed vehicles to be kept.

The Police Department shall keep a record of all vehicles towed or removed under the provisions of this article. Such record shall be retained for one year and shall contain the following information.

- A. The registration of the vehicle.
- B. The location from which it was towed, and time and date of tow order.
- C. The location to which it was moved.
- D. The fee charged for towing.
- E. Name of towing contractor, if any.
- F. Name and rank of officer who authorized towing.

ARTICLE VIII
Operation of Vehicles

§ 207-34. Driving within single lane.

When any roadway has been divided into lanes, a driver of a vehicle shall so drive as to be entirely within a single lane and shall not move from the lane in which he is operating or driving, until he has first ascertained that such movement may be safely made.

§ 207-35. Use of right lane.

Upon all roadways, the driver of a vehicle shall drive in the lane nearest the right side of the roadway, when the said lane is available for travel, except when overtaking another vehicle or when preparing for a left turn.

§ 207-36. Passing of other vehicles.

The driver of a vehicle shall not overtake and pass a vehicle, proceeding in the same direction, unless and until there is sufficient space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any vehicle ahead.

§ 207-37. Giving way to passing vehicle.

The driver of a vehicle, when about to be overtaken and passed by another vehicle, approaching from the rear, shall give way to the right in favor of the overtaking vehicle, upon suitable and audible signal being given by the driver of the overtaking vehicle; and shall not increase the speed of his vehicle unless and until completely passed by the overtaking vehicle.

§ 207-38. Obstruction of normal traffic flow; authorization.

No person shall drive in such a manner as unnecessarily to obstruct the normal movement of the traffic upon any street or highway. Police officers are hereby authorized to require the driver who fails to comply with this section to drive to the side of the roadway and to wait until such traffic, as has been delayed, has passed.

§ 207-39. Obstruction of crosswalks.

No driver shall enter an intersection of a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway, to accommodate the vehicle which he is operating, without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

§ 207-40. 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 the condition of the street or the highway.

§ 207-41. Distance between slow-moving vehicles.

Upon roadways less than 27 feet in width, and upon which vehicular traffic is permitted to move in both directions, the driver of a slow moving vehicle, when driving outside the business or residential district, shall not follow another slow moving vehicle within 200 feet, but this shall not be construed to prevent slow-moving vehicles from overtaking and passing other slow-moving vehicles. This section shall not apply to funerals and to other lawful processions.

§ 207-42. Starting, stopping, turning and backing up.

The driver of any vehicle, before starting, stopping, turning from a direct line or backing, shall first see that such movement can be made with safety. If such movement cannot be made with safety, or if it interferes unduly with the normal movement of other traffic, said 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 by a turning movement, the driver of such other vehicle shall be given a plainly visible signal. The driver of a vehicle shall not back the vehicle around a corner, or into an intersecting way or street or intersection; and shall not, in any event, or in any place, back a vehicle, unless and until such backing movement can be made with reasonable safety.

§ 207-43. U-turns prohibited.

No operator shall back or turn a vehicle so as to proceed in a direction opposite to that in which said vehicle is headed or traveling, in the one-way laterals described in § 207-53.

§ 207-44. Emerging from alley, driveway or garage.

The driver of a vehicle, emerging from an alley or driveway or garage, shall stop such vehicle, immediately prior to driving on to a sidewalk or on to the sidewalk area, extending across the alley way or driveway.

§ 207-45. Keeping to right of parkways.

Upon such roadways as are divided by a parkway, grass plot, reservation or by any structure or area, drivers shall keep to the right of such division, except when directed by a police officer, signs, signals or markings.

§ 207-46. Driving upon new or repaired road surfaces.

No operator shall enter upon the road surface of any street or highway or section thereof, when, by reason of construction, surface treatment, maintenance or the like or because of some unprotected hazard, such road surface is closed to travel, and one or more signs, lights, signals have been erected and maintained to indicate that all or part of the road surface is closed to travel, or that the highway is not to be used, or when so advised by an officer, a watchman, member of a street highway gang or crew or employee of the Town, either audibly or by signs and signals.

§ 207-47. Driving upon sidewalks prohibited.

The driver of a vehicle shall not drive upon any sidewalk, except with the express permission of an officer or otherwise than at a temporary or permanent driveway.

§ 207-48. Passing of vehicle stopped to permit pedestrian crossing.

Whenever any vehicle is stopped to permit a pedestrian to cross the roadway, the driver of another vehicle, approaching from the rear, shall not overtake and pass such stopped vehicle, notwithstanding the provisions of any other section.

§ 207-49. Identification of funerals.

A funeral procession, composed partly or entirely of a procession of vehicles, shall be identified as such by means of black pennants, bearing a purple cross, or by other suitable insignia, attached to the first and to the last vehicles of such procession.

§ 207-50. Rights and duties of funeral drivers.

It shall be the duty of each driver in a funeral procession or other processions, to keep as near to the right edge of the roadway, as is feasible and to follow the vehicle ahead as closely as is practicable and safe so to do. At an intersection where a stop sign is indicated, that is, located, the operator of the first vehicle in a funeral procession or other procession shall be the only one governed by the stop sign.

§ 207-51. Construction and loading of vehicles.

- A. No person shall operate a vehicle in such condition, or so constructed or so loaded, as to be likely to cause delay in traffic or accident or injury to man, beast or property.
- B. No person shall operate any vehicle loaded with material extending more than four feet beyond the rear or front of such vehicle, unless there is attached thereto a red flag of sufficient size, during the hours of daylight, and a red light, during the hours of darkness, both of which shall be plainly visible.

§ 207-52. Emerging from private ways.

The driver of a vehicle emerging from a private road, driveway or garage shall stop such vehicle immediately prior to driving upon the sidewalk area extending across such driveway or garage, and where no such sidewalk exists, the stop shall be made at the building or property line, as the case may be, and upon entering the roadway shall yield the right of way to vehicles approaching on the roadway.

§ 207-52.1. Winter restrictions. [Added 12-10-1980]

All vehicles are prohibited from driving on so-called Keith Cross Road from November 15 to April 15 in each year.

§ 207-52.2. Restrictions in Old Deerfield. [Added 6-24-1981]

Vehicular traffic is restricted to vehicles authorized by the Selectmen on the portion of Old Albany Road and Boyden Lane in the Village of Old Deerfield.

ARTICLE IX

One-Way Streets; Stop Intersections**§ 207-53. One-way streets.**

- A. The connecting laterals between the main road running from Greenfield in Franklin County to Stillwater Bridge and the Old Albany Road, so-called, in Deerfield, at the Clarkdale Farms, so-called, in West Deerfield, section of said Deerfield, forming two concave curves, respectively to each other, shall be one-way streets; and upon said two laterals, vehicular traffic will move only northward and northerly on the first said curved lateral, that is to say, the west curve, and southward and southerly, on the second of said two laterals, that is to say, on the east curve; and at the respective entrances of said two short laterals, appropriate and suitable signs, shall be erected and maintained, approved by the Board of Selectmen of the Town of Deerfield, and having also the written approval of the Department of Public Works of the Commonwealth of Massachusetts, and conforming to the standards of the Department, facing the approaching drivers and operators of vehicles, indicating to them that such streets are one-way streets, at the entrances thereof; and at the corresponding ends of said laterals, appropriate and suitable signs, and so approved, by the Selectmen and the Department, as aforesaid, bearing warnings not to enter, so that approaching drivers and operators may be reasonably apprised of the restriction.
- B. Park Street in South Deerfield is hereby declared to be and hereafter shall be designated as a one-way street, and all vehicular traffic therein and thereon shall be limited to moving and proceeding only in a northward and northerly direction; and there shall be no parking on the westerly side of said Park Street.
- C. Saw Mill Plain Road in the Village of South Deerfield is hereby declared to be and hereafter shall be designated as a one-way street from Route 116 to Wequamps Drive, and all vehicular traffic therein and thereon shall be limited to moving and proceeding only in a northerly direction.
[Added 9-29-1976]

§ 207-54. Obedience to stop signs.

Every driver of a vehicle, or other conveyance, approaching an intersection of ways, where there exists facing him an official sign, bearing the word: "stop," and authorized by said Department and by this section, said sign, apart from this regulation, having the written approval of the Department of Public Works of the Commonwealth of Massachusetts, and such approval being in full force and effect, shall, before proceeding through the intersection, bring such vehicle or other conveyance to a complete stop at such point as may be clearly marked by a sign or line, or, if a point is not so marked, then at a place between said stop sign and the nearer line of the intersection. In the case of a line of two or more vehicles approaching

such stop sign, the operators of the second and the third vehicles in line in any group, shall not be required to stop more than once, before proceeding through the intersection. This section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or device, or as provided in § 207-50.

§ 207-55. Stop intersections.

The intersections described below are hereby designated as "stop intersections," and stop signs or stop signals shall be erected as indicated:

A. Specific locations.

Stop Sign on	Direction of Travel	At Intersection of
Baker Lane [Added 5-30-1984]		Lee Road
Captain Lathrop Drive [Added 5-30-1984]	West	North Main Street
Conway Road (Route No. 116) (Permit No. 4725)		Lee Road
Conway Road (Route No. 116) (Permit No. 338)		Main Street (Route Nos. 5 and 10)
Conway Road (Route No. 116) (Permit No. 4724)		Stillwater Bridge Road
Conway Street [Added 5-30-1984]		North Street
Deerfield Academy Road (Permit No. 4033)	East	Main Street
Elm Street (Permit No. 436)		Sugarloaf Street
Graves Street (Permit No. 3612)		Sugarloaf Street
Lee Road [Added 5-30-1984]		Mill Village Road
Lee Road (Permit No. 4033)	East	Stillwater Road
Lee Road (Permit No. 4033)	West	Stillwater Road
Main Street (Permit No. 4764)		Elm Street and Sugarloaf Street

Stop Sign on	Direction of Travel	At Intersection of
Main Street (Permit No. 8232)		Pleasant Street
MCClelland Farm Road [Added 5-30-1984]		River Road
Memorial Street (Permit No. 4033)	West	Main Street
Route No. 10 (Permit No. 1146)		
Route Nos. 5 and 10 (Permit No. 1146)		Memorial Street
Route Nos. 5 and 10 (Permit No. 1146)		River Road
Saw Mill Plain Road [Added 5-30-1984]		Lee Road
Saw Mill River Road (Permit No. 9667)		Saw Mill Road
Sugarloaf Street (Permit No. 8472)		Eastern Avenue
Sugarloaf Street (Permit No. 4933)		Great River Road
Sugarloaf Street (Permit No. 8472)		Jewett Avenue
Thayer Street [Added 5-30-1984]		Main Street
Whately Road (Permit No. 4765)		Elm Street and Sugarloaf Street
Whately Street (Permit No. 3611)		Sugarloaf Street

B. General locations.

Permit No.	Regulation
43	Portable school signs (figurine) on Town streets
165	Street surface markings wherever such markings are needed
596	Traffic signs, wherever such signs are needed
597	Provides for erection of all traffic signs consistent with the standards prescribed by the Department of Public Works, when covered by an existing and approved traffic regulation

ARTICLE X
Miscellaneous Provisions

§ 207-56. Coasting prohibited.

- A. Coasting is hereby prohibited upon all streets and ways within the Town of Deerfield, except upon those as may be expressly set aside by the Board of Selectmen.
- B. On those days when conditions are suitable for coasting, vehicular traffic is hereby prohibited from using those streets, or parts of streets which are expressly set aside for coasting by the Board of Selectmen.
- C. The foregoing provision shall not apply to drivers of vehicles whose residences are within such reserved areas, or, who have legitimate business therein.

§ 207-57. Unlawful riding.

No person shall ride upon any part of a vehicle not designed or intended for use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of his duty, or to a person riding within truck bodies in space intended for merchandise.

§ 207-58. Clinging to moving vehicles.

No person riding upon any bicycle, motorcycle, sled, roller skates or any toy vehicle shall attach the same or himself to any moving vehicle upon any roadway.

§ 207-59. Experimental regulations.

For the purpose of trial, the Board of Selectmen may make temporary rules, regulations and orders regulating traffic, or test under actual conditions, traffic signs, signals, markings, or other devices. No such experimental regulation, rule or order relating to traffic, shall remain in effect for a period longer than 60 days.

§ 207-60. Construction of private roads or driveways.

- A. No owner or occupant of land, abutting upon a townway of Deerfield or any public way which, by statute, said Town is obligated to repair and maintain, shall construct any private road or driveway thereon, so as to extend into such public way, without first having obtained a written permit therefor from the Board of Selectmen, and approved by the Superintendent of Highways having charge of the maintenance and repair of such public way.
- B. Whoever by himself, being such owner or occupant, or by his agents or servants, violates this regulation, shall be punished by a fine not to exceed \$20, and be liable in tort to the Town of Deerfield for all damages caused thereby, and for the cost and expense of removing the

obstructing material and of restoring the said public way to its former condition.

§ 207-61. Accident reports.

- A. The driver of every vehicle involved in an accident, resulting in the injury or the death of any person or to damage to property, which damage to property shall amount apparently to at least \$25 shall within 24 hours of such accident, report in detail and in writing such accident, to the Police Department. A driver who has been incapacitated as a result of such accident, and to such an extent as to make reporting impossible or unfavorable to his recovery, shall not be required to report such accident until he has recovered sufficiently so to do. The report shall be made upon a form furnished by the Police Department, copies of which shall be made available at the Police Station. Compliance with this section, however, shall not relieve such driver from the additional responsibility of reporting to the Registrar of Motor Vehicles, any accident in which a person is injured or killed.
- B. The Police Department of Deerfield may require any driver of a vehicle involved in an accident, which must be reported under this section, to file a supplemental report, or supplemental reports, whenever the original report is deemed, in the opinion of the Police Department, to be insufficient.

§ 207-62. Prima facie responsibility for violations.

If any vehicle is found upon any street in violation of these provisions, rules, regulations or orders, and the identity of the driver cannot be had or determined, the owner or the registrant of such vehicle, shall be prima facie responsible for such violation.

§ 207-63. Exemptions to regulations.

- A. The provisions of these rules, orders and regulations shall not apply to drivers actually engaged in work upon a street or highway closed to travel or under construction or repair or to officers when engaged in the performance of their public duties, or to drivers of emergency vehicles while operating in an emergency, and in the performance of public duties, whenever and wherever the nature of the work of these necessitates departure from any part of these rules, orders and regulations.
- B. When snow, sleet or ice accumulates alongside of any street or roadway, preventing compliance with the rules herein as to parking within 12 inches of the curbing, and in reference to angle parking, compliance with the rule would unduly congest the flow of traffic, then parallel parking may be allowed, and as near the curbing as is practicable, but only so long as such conditions exist.

- C. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

ARTICLE XI

Penalties; Previous Provisions**§ 207-64. Violations and penalties.**

- A. Any person violating any rule, regulation or order, regulating the parking of motor vehicles in Deerfield, adopted by any body competent to adopt and to pass the same, shall be dealt with as is provided in MGL c. 90, § 20A, as amended; and any person violating any of the rules, orders and regulations, applicable to state highways, made by the Department of Public Works of the Commonwealth of Massachusetts, under the authority of MGL c. 85, § 2, aforesaid, shall be subject to the penalty, as in said rules, regulations and orders, is made, and provided.
- B. Any person convicted of a violation of any other rule, regulation or order, made or adopted herein or hereby or hereunder, or hereafter, except as is otherwise made and provided for, shall be punished by a fine not exceeding \$20 for each offense.

§ 207-65. Continuation of provisions.

The provisions of these rules, so far as they are the same in effect as those of any existing rules, orders or regulations, hereto made and adopted or promulgated by the Board of Selectmen of the Town of Deerfield, relative to or in connection with official signs, lights, markings, signal systems or devices, if any such rules, etc., were ever adopted, shall be construed as a continuation thereof, but all other existing rules, orders and regulations, so made for the regulation of vehicles, are hereby expressly repealed. This repeal shall not, however, affect any punishment or penalty, imposed, or any complaint or prosecution pending at the time of the enactment and adoption hereof for any offense committed under any of said rules, orders or regulations hereby repealed.

Division 3: Board of Health

Chapter 215

FEES

GENERAL REFERENCES

Town Clerk fees — See Ch. 46.

Board of Selectmen fees — See Ch. 186.

Building construction fees — See Ch. 69.

§ 215-1. Establishment of fees.

The following schedule of fees is hereby established:

- A. Disposal works construction permits: \$80. **[Amended 9-18-2000 STM, Art. 3]**
- B. Permit to remove, transport and dispose of garbage or other offensive substances: \$25.
- C. Percolation test inspections: \$80. **[Amended 7-6-1988; 9-18-2000 STM, Art. 3]**

Chapter 219

GARBAGE AND WASTE DISPOSAL

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 102.

ARTICLE I
Dumping
[Adopted 3-15-1961]

§ 219-1. Definitions.

- A. As used in this article, the following terms shall have the meanings indicated:

GARBAGE — Includes waste food, dead bodies, dead animals or parts thereof and all wastepapers, all waste or discarded wood, lumber, vegetable matter of any kind or any other matter which shall be inflammable or capable of fermentation.

PERSON — Includes an individual, society, club, association, corporation, firm or partnership.

RUBBISH and REFUSE — Includes waste material, tin cans, tinware, ashes, cinders, glass, pottery and all discarded substances of a solid and incombustible nature and papers.

- B. Word usage. The singular shall include the plural.

§ 219-2. Designation of public dumping ground.

The area abutting the west side of Lee Road, in Deerfield, belonging to the Town of Deerfield, marked by a sunken or depressed railroad bed, including the same and extending northerly from said Lee Road and westerly from said railroad bed, and now being used as a public dump, and so marked and signed by a large sign, entitled: PUBLIC DUMP OF DEERFIELD, which area contains six acres; see taking by the Town of Deerfield, recorded in book 945, page 490, Registry of Deeds of Franklin County, 5, April, 1950, from the New York, New Haven and Hartford Railroad, which was the then owner of said land, so taken; and heretofore set aside and maintained as a dumping area for the use of the residents of Deerfield, is hereby designated as a public dumping ground and public dumping area for the residents of the Town of Deerfield.

§ 219-3. Unlawful dumping.

From and after the effective date of this article, it shall be unlawful to dump or to dispose or to accumulate any refuse, rubbish, debris, detritus, garbage, ashes, offal, decaying animal or vegetable substances or other spoiled matter or other waste materials, or gravel, sand, earth sod, manure, offal compost, trees, stumps, logs, boulders, concrete, brush or other material as a discarded or spoiled or used as abandoned nature or kind, whatsoever in any section, sections, area or areas of the Town of Deerfield, other than in the area above hereby designated, or in areas, hereafter designated as public dumping areas or grounds of the residents of the Town of Deerfield; and the dumping or the depositing or the accumulating of any refuse, rubbish, garbage, ashes, offal, decaying animals or vegetable substances or other spoiled matter or other waste and discarded materials,

other than in the above designated area or in areas hereafter so designated, as public dumping grounds or areas is hereby prohibited. No person, corporation or agent or servant thereof shall hereafter establish, maintain or permit any other dump or dumping area for decaying animal and vegetable substances or other spoiled matter, debris, detritus or other waste or discarded material of any nature whatsoever, or dump or dispose of or accumulate any refuse, rubbish, garbage, ashes, offal, decaying animal or vegetable substances or other spoiled matter, debris, detritus or other waste or discarded materials, in any section or area of this Town, other than in the area above designated as a public, municipal dumping area for the residents of the Town of Deerfield, or hereafter so designated as public dumping areas for the residents of the Town of Deerfield.

§ 219-4. Dumping restrictions.

No person being a nonresident of Deerfield shall throw, dump or deposit, or cause or permit to be thrown, dumped or deposited in any part of the Town of Deerfield, garbage, rubbish, offal, debris, waste or discarded material and substances, refuse, ashes, debris, detritus, logs, trees, stumps, boulders, concrete, brush, sod, gravel, earth and compost, or any other kind of waste or discarded material of any kind or nature whatsoever, including tin cans, tin ware or abandoned vehicles or their parts, from any source whatsoever, originating outside the Town of Deerfield; and no person shall permit such dumping, throwing or accumulating or depositing thereof upon property owned, leased or controlled by such person.

§ 219-5. Manner of dumping.

All said debris and waste materials mentioned in § 219-3 above shall be dumped or deposited or pushed over the edge or rim of the sunken or depressed bed of the public dumping ground above designated if it is practicable so to do; or, in any event, such articles and waste material shall be deposited or dumped at or as near the edge or rim of said sunken or depressed bed of said public dump as is feasible, and not strewn or scattered along the driving or level area or surface of the said dumping grounds. The Board of Health may cause any strewn or scattered litter, so deposited or dumped by any person, to be removed from said driving area or surface of said dumping place, at the expense of the person liable for such litter, and such expense, not exceeding the penalty, may be recovered from such person, in an action of contract by the Town of Deerfield.

§ 219-6. Constitution of public nuisance.

The use or the maintenance of any area for the dumping or for the disposing or for the accumulating of refuse, rubbish, garbage, ashes, offal, decaying or other discarded vegetable, animal or mineral matters or other spoiled matter or substances, debris, detritus or other waste materials, other than as designated and permitted as above, is hereby deemed and declared to be and to constitute a public nuisance, detrimental and deleterious to the public health and property and interest.

§ 219-7. Violations and penalties.

Any violation of any provision of this article shall be punishable by the imposition of a penalty not to exceed the sum and amount of \$20, in the discretion of the court before whom any person, corporation, association, agent or servant thereof may be convicted of said violation, and, in addition, the Town of Deerfield may constitute and may maintain a suit in equity or other proceeding in a court of competent jurisdiction to enforce compliance with or to restrain by injunctive process, any violation, or threatened violation, of this article, pursuant to Chapter 3 of the General Laws, or in equity, otherwise.

§ 219-8. Tampering with dump contents.

It shall be unlawful to constitute a public nuisance for any person, firm or corporation, or servant or agent of the same, without being specially authorized, in writing, by the Board of Health, or of one of its members in behalf of the Board, to pick over, to appropriate or to carry away any of the contents of said dump. A violation of this provision shall be subject to the penalty of a fine not to exceed \$20, as provided by law.

ARTICLE II
Prohibited Wastes
[Adopted 8-22-1981]

§ 219-9. Types of waste prohibited.

In order to protect the public health, safety and welfare, no land within this municipality may be used for disposal, burial or incineration of nuclear wastes, including but not limited to the following specific types of wastes:

- A. Low-level radioactive waste.
- B. Transuranic wastes.
- C. High-level radioactive wastes.

§ 219-10. Demolition, building and remodeling materials. [Added 6-7-1988]

All demolition, building and remodeling materials and pallets will no longer be allowed in the Deerfield landfill.

Chapter 227**MILK****§ 227-1. Products to be certified.**

No person, firm or corporation shall sell, offer for sale or hold in possession with intent to sell, to exchange or to deliver, any milk or cream within the limits of the Town of Deerfield, unless, until and only when such milk or cream is certified according to the provisions of law as described in MGL c. 180, §§ 20 to 25, inclusive, with referral to MGL c. 94, § 13E, or pasteurized, as defined in MGL c. 94, § 1.

§ 227-2. Exception.

This order, rule or regulation shall not apply to milk or cream, intended to be delivered for the purpose of pasteurization.

§ 227-3. Violations and penalties.

Violation of this health regulation shall be punished by the imposition of a fine, not to exceed \$20 for each offense.

§ 227-4. Invocation of statutory provisions.

MGL c. 111, § 187, may be invoked by said Board of Health of Deerfield by application to the Superior Court of the Commonwealth for injunctive and other pertinent relief.

Chapter 236**SEWERS****GENERAL REFERENCES**

Sewers — See Ch. 150.

Subsurface sewage disposal systems — See Ch. 239.

Water — See Ch. 174.

Part 1
[Adopted January 1977 By Ord. No. 1]
Use Rules And Regulations

ARTICLE I
Definitions

§ 236-1. Definitions; word usage.

- A. Unless the context specifically indicates otherwise, the meanings of terms used in this regulation shall be as follows:

BOD (denoting "biochemical oxygen demand") — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

COMMISSIONERS — The Commissioners of Sewage Works and/or of Water Pollution Control of the Town of Deerfield, or their authorized deputy, agent or representative.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES — The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

PERSON — Any individual, firm, company, association, society, corporation or group.

pH — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER — A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

SANITARY SEWER — A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground-, surface, and stormwaters as may be present.

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS — All facilities for collecting, pumping, treating and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

SLUG — Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration or flows during normal operation.

STORM DRAIN (sometimes termed "storm sewer") — A sewer which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

- B. "Shall" is mandatory; "may" is permissive.

ARTICLE II
Building Sewers and Connections

§ 236-2. Permit required; notice of change in discharge.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Commissioners.
- B. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Board of Sewer Commissioners at least 45 days prior to the proposed change or connection.

§ 236-3. Classes of permits.

There shall two classes of building sewer permits: for residential and commercial service and for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Commissioners.

§ 236-4. Costs of installation.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss of damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 236-5. Independent sewers to be provided.

A separate and independent building sewer shall be provided for every building.

§ 236-6. Use of old sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Commissioners, to meet all requirements of this regulation. Changes, additions and alterations to existing sewer connections, for whatever purposes, shall require a permit.

§ 236-7. Installation requirements.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations

of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and WPCF Manual of Practice No. 9 shall apply.

§ 236-8. Elevation of sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 236-9. Collection of surface runoff or groundwater.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§ 236-10. Connection with public sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the American Society for Testing Materials and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Commissioners before installation.

§ 236-11. Notification for inspection and connection.

The applicant for the building sewer permit shall notify the Commissioners when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Commissioners or their representative.

§ 236-12. Guarding of excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

ARTICLE III
Use of Public Sewers

§ 236-13. Discharge of uncontaminated waters.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Commissioners. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Commissioners, to a storm sewer, combined sewer or natural outlet.

§ 236-14. Prohibited discharges.

- A. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process or constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.
 - (3) Any waters or wastes having pH lower than 6.2 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- B. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Commissioners, that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Commissioners will give

consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150° F. (65° C.).
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the Commissioners.
- (4) Any water or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage treatment works exceeds the limits established by the Commissioners for such materials.
- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Commissioners as necessary, after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commissioners in compliance with applicable state or federal regulations.
- (8) Any waters or wastes having a pH in excess of 9.5.
- (9) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

- (c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§ 236-15. Action by commissioners on proposed discharges.

- A. If any water or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 236-14B of this article and which, in the judgment of the Commissioners, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Commissioners may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 236-20 of this article.
- B. If the Commissioners permit the pretreatment of equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Commissioners and subject to the requirements of all applicable codes, regulations and laws.

§ 236-16. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Commissioners, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Commissioners, and shall be located as to be readily and easily accessible for cleaning and inspection.

§ 236-17. Maintenance of pretreatment facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§ 236-18. Control manholes.

When required by the Commissioners, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Commissioners. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

§ 236-19. Monitoring of discharges.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this regulation shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples.) All industries discharging into a public sewer shall perform such monitoring of their discharges as the Board of Sewer Commissioners and/or other duly authorized employees of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board of Sewer Commissioners. Such records shall be made available upon request by the Board of Sewer Commissioners to other agencies having jurisdiction over discharges to the receiving waters.

§ 236-20. Special arrangements and agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may

be accepted by the Town for treatment, subject to payment therefor, by the industrial concern.

§ 236-21. Contents of septic tanks. [Added 11-2-1977]

- A. No septic tank contents shall be discharged into the public sewer system, except at the sewage treatment plant location within the Town of Deerfield so designated by the Board of Sewer Commissioners. The Board of Sewer Commissioners reserves the right to cancel, suspend or place a limit on any permit issued for the above purpose if the hauler violates any provisions of this regulation or if strict control measures are required at the treatment plant.
- B. Septic system haulers shall obtain permits to remove, transport and dispose of garbage, offal or other offensive substances of septic systems and tanks of Deerfield residents. Said permit may be obtained at the office of the Board of Selectmen. A fee of \$10 per year will be charged for each permit issued. Each permit shall be valid for one year, at which time it must be renewed by the applicant.
- C. A fee for each dumping of septic system waste disposal discharged at the treatment plant will be established from time to time by the Board of Sewer Commissioners, said fee at the current time to be \$40 per dump. **[Amended 5-5-1986]**

ARTICLE IV
Protection from Damage

§ 236-22. Tampering prohibited.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE V

Powers and Authority of Inspectors**§ 236-23. Entrance onto property.**

The Commissioners and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this regulation. The Commissioners or their representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§ 236-24. Indemnification of company.

While performing the necessary work on private properties referred to in Article V, § 236-23, above, the Commissioners or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article III, § 236-18.

§ 236-25. Work on easements.

The Commissioners and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VI
Violations and Penalties

§ 236-26. Violations and penalties.

- A. Any person found to be violating any provisions of this regulation except Article VI shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Article II, § 236-2, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$20 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this regulation shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

ARTICLE VII
Repealer; Severability

§ 236-27. Repealer.

All regulations or parts of regulations in conflict herewith are hereby repealed.

§ 236-28. Severability.

The invalidity of any section, clause, sentence or provision of this regulation shall not affect the validity of any other part of this regulation which can be given effect without such invalid part or parts.

Part 2
Contributors To Wastewater Collection And Treatment System
 [Adopted 12-5-1984 By Ord. No. 281]

ARTICLE VIII
General Provisions

§ 236-29. Purpose; objectives.

- A. This Part 2 sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Deerfield and enables the Town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR 403).
- B. The objectives of this Part 2 are to:
- (1) Prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.
 - (2) Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.
 - (3) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
 - (4) Provide for equitable distribution of the cost of the municipal wastewater system.
- C. This Part 2 provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

§ 236-30. Applicability.

This Part 2 shall apply to the Town of Deerfield and to persons outside the Town who are, by contract or agreement with the Town, users of the Town POTW.

28. Editor's Note: The Industrial Sewer Discharge Application And The Wastewater Discharge Permit Which Were Included At The End Of This Ordinance Are On File In The Office Of The Town Clerk And May Be Examined There During Regular Office Hours.

§ 236-31. Administration and enforcement.

Except as otherwise provided herein, the Superintendent shall administer, implement and enforce the provisions of this Part 2.

§ 236-32. Definitions; word usage.

- A. Unless the context specifically indicates otherwise, the meaning of terms used in this Part 2 shall be as follows:

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY — The Director in an NPDES state with an approved state pretreatment program and the Administrator of the EPA in a non-NPDES state or NPDES state without an approved pretreatment program.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER — May be:

- (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation.
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship respectively.
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C., expressed in milligrams per liter.

BUILDING SEWER — A sewer conveying wastewater from the premises of a user to a public sewer.

CATEGORICAL STANDARDS — National Categorical Pretreatment Standards or pretreatment standard.

CITY — The Town of Deerfield.

COMMONWEALTH — The Commonwealth of Massachusetts.

CONTROL AUTHORITY — Refers to the approval authority, defined hereinabove; or the Superintendent if the District has an approved pretreatment program under the provisions of 40 CFR 403.11.

COOLING WATER — The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DIRECT DISCHARGE — The discharge of treated or untreated wastewater directly into the waters of the Commonwealth of Massachusetts.

DISTRICT — The Town of Deerfield.

ENVIRONMENTAL PROTECTION AGENCY or EPA — The United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said Agency.

GRAB SAMPLE — A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

HOLDING TANK WASTE — Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INDIRECT DISCHARGE — The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. § 1317), into the POTW, including holding tank waste discharged in the system.

INDUSTRIAL USER — A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act. (33 U.S.C. § 1342).

INTERFERENCE — The inhibition or distribution of the POTW treatment processes or operations which contributes to a violation of any requirement of the Town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria, including those contained in state sludge management plan prepared pursuant to Title IV of SWDA, applicable to the method of disposal or use employed by the POTW.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or NPDES PERMIT — A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD — Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

NEW SOURCE — Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable

to such source if such standards are thereafter promulgated in accordance with that section.

PERSON — Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

pH — The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW TREATMENT PLANT — That portion of the POTW designed to provide treatment to wastewater.

PRETREATMENT or TREATMENT — The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means, except as prohibited by 40 CFR 403.6(d).

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned in this instance by the District. This definition includes any sewers (whether or not owned or controlled by the District) that convey wastewater to the publicly owned treatment plant, but does not include pipes, sewers or other conveyances not connected to a publicly owned treatment plant providing treatment.

SIGNIFICANT INDUSTRIAL USER — Any industrial user of the District's wastewater disposal system who:

- (1) Has a discharge flow of 25,000 gallons or more per average work day;
- (2) Has a flow greater than 5% of the flow in the District's wastewater treatment system;

- (3) Has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or (state) statutes and rules; or
- (4) Is found by the District (Department of Environmental Quality Engineering) or the United States Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

STORMWATER — Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUPERINTENDENT — The person designated by the District to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this Part 2.

SUSPENDED SOLIDS — The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids and which is removable by laboratory filtering.

TOWN — The Town of Deerfield.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

USER — Any person who contributes, causes or permits the contribution of wastewater into the District's POTW.

WASTEWATER — The liquid and water-carried industrial or domestic wastes, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WASTEWATER DISCHARGE PERMIT — As set forth in § 236-41 of this Part 2.

WATERS OF THE COMMONWEALTH — All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the commonwealth or any portion thereof.

- B. Abbreviations. The following abbreviations shall have the designated meanings:

Abbreviation	Meaning
BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
SIC	Standard industrial classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. § 6901
U.S.C.	United States Code
TSS	Total suspended solids

C. Shall is mandatory; may is permissive.

ARTICLE IX
Discharge Regulations

§ 236-33. General prohibitions.

A. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation of or performance of the POTW. These general prohibitions apply to all such users of POTW whether or not the user is subject to National Categorical Pretreatment Standards or Requirements. A user may not contribute the following substances to any POTW:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the District, the commonwealth or EPA has notified the user is a fire hazard or a hazard to the system.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (3) Any wastewater having a pH less than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the Town. Any wastewater having a pH in excess of 9.5.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

- (5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged into the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.
- (7) Any substance which will cause the POTW to violate either its NPDES or state disposal system permit or the receiving water quality standards.
- (8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW treatment plant which exceed 40° C. (104° F.) or into a POTW sewer with a temperature at the introduction thereto which exceeds 150° F. (65° C.).
- (10) Any pollutants, including oxygen demanding pollutants released at a flow rate or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average twenty-four-hour concentration, quantities or flow during normal operation.
- (11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- (12) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or uncontaminated industrial process waters.
- (13) Any wastewater which causes a hazard to human life or creates a public nuisance.

- B. When the Superintendent determines that a user(s) is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Superintendent shall: advise the user(s) of the impact of the contribution on the POTW and develop effluent limitations(s) for such user to correct the interference with the POTW.

§ 236-34. More stringent requirements to prevail.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Part 2 for sources in that subcategory, shall immediately supersede the limitations imposed under this Part 2. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

§ 236-35. Modification of federal standards.

Where the District's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Town may apply to the approval authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of 40 CFR 403, General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained.

§ 236-36. Dilution of discharges.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant-specific limitation developed by the Town or commonwealth unless specifically approved by the Town.

§ 236-37. Accidental discharges.

- A. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Part 2. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review and shall be approved by the District before construction of the facility. All existing

users shall complete such a plan by January 1, 1985. No user who commences contribution to the POTW after the effective date of this Part 2 shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Part 2.

- B. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.
- C. Written notice. Within five days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.
- D. Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

ARTICLE X

Fees**§ 236-38. Purpose.**

It is the purpose of this article to provide for the recovery of costs from users of the Town wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Town Schedule of Charges and Fees.²⁹

§ 236-39. Charges and fees.

- A. The District may adopt charges and fees which may include:
- (1) Fees for reimbursement of costs of setting up and operating the Town's pretreatment program.
 - (2) Fees for monitoring, inspections and surveillance procedures.
 - (3) Fees for reviewing accidental discharge procedures and construction.
 - (4) Fees for permit applications.
 - (5) Fees for filing appeals.
 - (6) Fees for consistent removal (by the Town) of pollutants otherwise subject to Federal Pretreatment Standards.
 - (7) Other fees as the Town may deem necessary to carry out the requirements contained herein.
- B. These fees relate solely to the matters covered by those regulations and are separate from all other fees chargeable by the Town.

29. Editor's Note: Said Schedule is on file in the office of the Town Clerk and may be examined there during regular office hours.

ARTICLE XI
Administration

§ 236-40. Permit required.

It shall be unlawful to discharge without a permit to any natural outlet or in any area under the jurisdiction of the Town or to the POTW any wastewater except as authorized by the Superintendent in accordance with the provisions of this Part 2.

§ 236-41. Wastewater contribution permits.

- A. General permits. Any person who may become a significant user and who proposes to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within 180 days after the effective date of this Part 2.
- B. Permit application.
- (1) Persons and users required to obtain a wastewater permit, shall complete and file with the Town an application in the form prescribed by the Town, and accompanied by a fee of \$25. Existing users shall apply for a wastewater discharge permit within 180 days after the effective date of this Part 2. In support of the application, the applicant shall submit, in units and terms appropriate for evaluation, the following information:
- (a) The name, address and location, if different from the address.
 - (b) The SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
 - (c) Wastewater constituents and characteristics, including but not limited to those mentioned in Article IX of this Part 2 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended.
 - (d) Time and duration of contribution.
 - (e) Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
 - (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation.

- (g) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Town, state or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) or additional pretreatment, or both, are required for the user to meet applicable pretreatment standards.
- (i) If either additional pretreatment or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
 - [1] The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - [2] No increment referred to in Subsection B(9)(a) shall exceed nine months.
 - [3] Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Superintendent.
- (j) Each product produced by type, amount, process or processes and rate of production.
- (k) Type and amount of raw materials processed (average and maximum per day).
- (l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

- (m) Any other information as may be deemed by the Town to be necessary to evaluate the permit application.
 - (2) The Town will evaluate the data furnished by the applicant and may require additional information. After evaluation and acceptance of the data furnished, the Town may issue a wastewater discharge permit subject to terms and conditions provided herein.
- C. Permit modifications. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required by § 236-41B, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater discharge permit shall submit to the Superintendent within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by § 236-41B(1)(h) and (i).
- D. Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this Part 2 and all other applicable regulations, user charges and fees established by the Town. Permits may contain the following:
- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
 - (2) Limits on the average and maximum wastewater constituents and characteristics.
 - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
 - (4) Requirements for installation and maintenance of inspection and sampling facilities.
 - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
 - (6) Compliance schedules.
 - (7) Requirements for submission of technical reports or discharge reports. (See § 236-42.)
 - (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the District, and affording District access thereto.

- (9) Requirements for notification of the District or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
 - (10) Requirements for notification of slug discharges as per § 236-37.
 - (11) Other conditions as deemed appropriate by the District to ensure compliance with these regulations.
- E. Permits duration. Permits shall be issued for a specified time period. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Town during the term of the permit as limitations or requirements as identified in Article IX are modified or other just cause exists. The user shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- F. Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the Town.

§ 236-42. Reporting requirements for permittee.

- A. Compliance date report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user, and certified to by a qualified professional.
- B. Periodic compliance reports.
- (1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December,

unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flow which during the reporting period exceeded the average daily flow reported in Subsection A of this section. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.

- (2) The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Subsection B(1) of this section shall indicate the mass of pollutants regulated by the pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Superintendent pursuant to Section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the Superintendent. Sampling shall be performed in accordance with the techniques approved by the Superintendent.

§ 236-43. Monitoring facilities.

- A. The Town shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and internal drainage systems. The monitoring facility shall be constructed at a location or in accordance with plans approved by the Town.
- B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

§ 236-44. Inspection and sampling.

The Town shall inspect the facilities of any user to ascertain whether the purpose of those regulations is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Town or their representative ready

access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or copying in the performance of any of their duties. The Town approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance, monitoring or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Town approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

§ 236-45. Pretreatment; records.

- A. Users shall provide necessary wastewater treatment as required to comply with these regulations and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review, and shall be acceptable to the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under the provisions of these regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District prior to the user's initiation of the changes.
- B. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

§ 236-46. Confidential information.

- A. Information and data on a user, obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Part 2, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit or the

pretreatment programs; provided, however, that such portions of a report shall be available for use by the commonwealth or any commonwealth agency in judicial review or enforcement proceedings involving the person furnishing the report.

- C. Wastewater constituents and characteristics will not be recognized as confidential information.
- D. Information accepted by the Town as confidential shall not be transmitted to any governmental agency or to the general public by the Town until and unless a ten-day notification is given to the user.

§ 236-47. Installation.

- A. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town of Deerfield from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- B. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town in the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and WPCF Manual of Practice No. 9 shall apply.
- C. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- D. No person shall make or permit connection of roof downspouts, exterior foundation drains, areaway drains or other sources or surface runoff or groundwater directly or indirectly to a public sanitary sewer or interceptor sewer.
- E. The connection of the building sewer into the interceptor shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the American Society for Testing Materials and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Commission before installation.
- F. The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of said Town or its representative.

ARTICLE XII
Enforcement

§ 236-48. Suspension of permit.

- A. The Town may suspend the wastewater treatment service or a wastewater discharge permit when such suspension is necessary, in the opinion of the Town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the Town to violate any condition of its NPDES permit.
- B. Any person notified of a suspension of the wastewater treatment service or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Town shall reinstate the wastewater discharge permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.

§ 236-49. Revocation of permit.

Any user who violates the following conditions of this Part 2 or applicable commonwealth and federal regulations is subject to having his permit revoked in accordance with the procedures of Article XII of this Part 2:

- A. Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- B. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- D. Violation of conditions of the permit.

§ 236-50. Notification of violation.

Whenever the Town finds that any user has violated or is violating these regulations, wastewater contribution permit or any prohibition, limitation of requirements contained herein, the Town may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Town by the user.

§ 236-51. Hearing.

- A. The Town may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Town Board of Selectmen why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Board of Selectmen regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Board of Selectmen why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by certified mail, return receipt requested, at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.
- B. The Board of Selectmen may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the Town to;
- (1) Issue in the name of the Board of Selectmen notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - (2) Take the evidence.
 - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of Selectmen for action thereon.
- C. At any hearing held pursuant to these regulations, testimony taken must be under oath and recorded. A transcript or tape will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- D. After the Board of Selectmen has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

§ 236-52. Legal action.

If any person discharges sewage, industrial wastes or other wastes into the Town POTW contrary to the provisions of these regulations, Federal or Commonwealth Pretreatment Requirements or any order of the Town, the District may commence an action for appropriate legal and equitable relief.

ARTICLE XIII
Violations and Penalties

§ 236-53. Violations and penalties.

A. Any user who is found to have violated an order of the Town Commissioners or who willfully or negligently failed to comply with any provision of this Part 2 and the orders, rules, regulations and permits issued hereunder shall be fined for each offense in accord with the following schedule: **[Amended 4-27-1988]**

(1) Violation of discharge limitations:

(a) \$1,000 per day.

(b) In addition, an additional fine to cover all penalties and/or fines and costs incurred by the Town as a result of the violation, up to \$5,000 per day of said violation.

(2) Failure to comply with implementation schedule:

(a) \$100 per day past schedule.

(b) In addition, all costs incurred by the Town as a result of said failure, up to \$5,000 per day.

(3) Reporting requirements:

(a) Failure to submit written schedules: \$50 per day.

(b) Failure to submit written report: \$50 per week.

(c) Failure to notify of discharge of prohibited materials: \$50 per day in addition to the fines listed under Subsection A(1) above.

(4) All other offenses: \$1,000 per day.

B. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

C. In addition to the penalties provided herein, the District may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Part 2 or the orders, rules, regulations and permits issued hereunder to the extent authorized by law.

§ 236-54. Falsifying information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part 2 or wastewater contribution permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under these

regulations shall, upon conviction, be subject to the penalties prescribed by law.

ARTICLE XIV

Severability; Conflicts; When Effective**§ 236-55. Severability.**

If any provision, paragraph, word, section or article of this Part 2 is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in force and effect.

§ 236-56. Conflicts.

These regulations shall control to the extent they are valid and do not conflict with any prior regulations.

§ 236-57. User agreements.

Nothing contained in this Part 2 shall be construed as preventing or restricting agreements between a town and any user which permits wastewater of unusual strength or character to be accepted by the Town on terms and conditions different from those contemplated by this Part 2, provided that the user makes payment for such agreement to either the Town or the municipality in which the user is situated. The agreement cannot allow waiver of National Categorical Pretreatment Standards or National Prohibited Discharge Standards.

§ 236-58. When effective.

This Part 2 shall be effective on passage and publication.

Chapter 239

SUBSURFACE SEWAGE DISPOSAL SYSTEMS

GENERAL REFERENCES

Sewers — See Chs. 150 and 236.

Water — See Ch. 174.

ARTICLE I
Use Regulations
[Adopted 3-15-1986]

§ 239-1. Statutory authority.

Pursuant to its authority under MGL c. 111, § 31, the Deerfield Board of Health has adopted the following additions to its regulations governing the use of subsurface sewage disposal systems.

§ 239-2. Location of system.

- A. An individual sewage disposal system must be located a minimum of 100 feet from:
- (1) A stream or brook.
 - (2) A watercourse that has water in it at the time of the percolation test or during the percolation season.
 - (3) A watercourse which could be expected to carry water as a result of snowmelt, sudden heavy rainstorm and/or extended heavy rainfall.
 - (4) A swamp.
 - (5) An area which could be expected to be inundated during heavy rainfall by virtue of its geography or location.
- B. An individual septic disposal system must be located a minimum of:
- (1) 20 feet from any lot line.
 - (2) 150 feet from any well or surface water supply.
 - (3) A distance of 200 times the slope of any downhill incline (expressed as y/x).

§ 239-3. Raised leach fields.

The use of raised leach fields shall not be permitted in new construction.

§ 239-4. Percolation requirements.

- A. A percolation test shall be deemed to have failed if:
- (1) Ledge rock or other impervious material is found at a depth closer to the surface than will permit at least six feet of naturally occurring soil suitable for disposal of the liquid effluent of a sewage disposal system.
 - (2) Water or the evidence of the continued presence of water is found at a level of depth closer to the surface than will permit at least six

feet of naturally occurring soil which is suitable for disposal of the liquid effluent of a sanitary disposal system.

- B. The minimum percolation rate shall be 20 minutes per inch.
- C. Percolation tests may not be conducted in any location where the frost line has extended below a level of 15 inches.
- D. Percolation test sites must be marked in an enduring manner, such as with a metal pin or wooden stake or so that they may be located accurately in the future.
- E. Any location which has failed a percolation test may not be retested for a period of 12 months. The area within a radius of 25 feet from the test site shall be included in the area which may not be retested.

§ 239-5. Information for permit.

In addition to the requirements of 314 CMR 15.00, Title 5, Section 2.5, an application for disposal works construction permit shall contain the following information: the street address of the lot to be served, the Assessor's map and lot number for the property and the names of abutting property owners.

§ 239-6. Size of leaching area.

The minimum leaching area for any sewage disposal system shall be 1 1/2 times the requirement of Title 5, Section 3.4 or 1,000 square feet, whichever is greater.

§ 239-7. Requirements for duplex housing structures.

Any duplex housing structure shall have a minimum one-thousand-five-hundred-gallon capacity septic tank and a minimum one-thousand-five-hundred-square-foot leaching area.

§ 239-8. Effective date; exceptions.

These regulations shall be effective March 15, 1986, with the following exceptions:

- A. Any percolation test approved by the Board of Health or its agents prior to the effective date of these regulations shall not be affected by these regulations for a period of two years from the date of approval, at which time such approved tests shall become fully subject to these regulations.
- B. Similarly, any disposal works construction permit issued prior to the adoption of these regulations shall be exempt for a period of two years from the date of issuance of the permit, at which time it shall become fully subject to these regulations.

ARTICLE II
Condominium Associations
[Adopted 1-26-1987]

§ 239-9. Statutory authority.

The regulations have been adopted by the Deerfield Board of Health pursuant to its authority under MGL c. 111, § 31, 310 CMR 15.00, and related state regulations.

§ 239-10. Applicability.

These regulations shall apply to all development, construction or conversion intended to create a condominium association, and, in addition to 310 CMR 15.00 and existing local health regulations shall govern the construction, operation and maintenance of any subsurface sewage disposal system to be used thereby. Any septic system expected to receive 15,000 gallons per day must be reviewed and approved by the Department of Environmental Quality Engineering.

§ 239-11. Submission of master deed required for permit.

Prior to the issuance of any disposal works construction permit for a project involving a condominium association, a copy of the proposed association's Master Deed must be submitted to the Board of Health for approval. Copies of the Master Deed shall be submitted to the local Building Inspector and Board of Health along with a written request for review. The Board shall have 21 days to accept or reject the proposed Master Deed and shall notify the applicant in writing of its decision. Failure of the Board to act upon the request for review shall be deemed approval for the purposes of issuing disposal works construction permits.

§ 239-12. Contents of master deed.

In addition to the requirements of MGL c. 183A, the Condominium Law, the proposed Master Deed shall contain the following provisions:

- A. That an escrow account, bond or other form of security acceptable to the Board of Health shall be established and permanently maintained by the association, in sufficient amount to fully cover the cost of repair or replacement of the subsurface sewage disposal system. Such an escrow account or bond shall name the Town of Deerfield as a party and will empower the Board of Health to utilize the available funds to effect any necessary repairs or replacement of a malfunctioning septic system, should the association fail to make such repairs in a timely fashion.
- B. That prior to the dissolution of the condominium association, the Board of Health shall be notified in writing and that measures acceptable to the Board to ensure the proper operation of the septic system in the future shall be taken.

§ 239-13. Requirements to be met prior to issuance of certificate of occupancy.

No certificate of occupancy shall be issued for any portion of a condominium association until the Master Deed, as approved by the Board of Health and/or the Department of Environmental Engineering, has been duly recorded at the Registry of Deeds for Franklin County and a final copy of the deed has been filed with the Board. Further, no certificate of occupancy shall be issued until such time as the escrow account or bond for the repair of the septic system has been established and the proper documents submitted to the Board of Health.

§ 239-14. Cleaning of system.

The Master Deed for any condominium association utilizing a subsurface disposal system to be owned jointly shall include the provision that such a system shall be emptied and cleaned at least once every three years by a duly certified or licensed septage hauler. (Because the disposal of septage at a wastewater treatment facility effects the functioning of such facility, the Board encourages routine, nonemergency cleaning to take place during the warmer months between April and October.)

§ 239-15. Leaching area; percolation tests.

For any septic system intended to utilize a leaching area in excess of 1,500 square feet, one additional deep hole test for each 2,500 square feet of additional leaching area shall be conducted, unless this requirement is waived in writing by the Board of Health or authorized Board of Health agent. Further, one additional percolation test shall be performed for each additional 4,000 square feet of leaching area, unless this requirement is waived in writing by the Board of Health or authorized Board of Health agent. These tests shall be located within the proposed leaching area and shall be located in such a manner as to provide, in the opinion of the Board of Health or its agent, an accurate profile of the existing soil and groundwater conditions within the proposed leaching area.

§ 239-16. Restrictions or constraints upon systems.

Any restriction or constraint placed upon the use or operation of a septic system to be utilized by a condominium association, either by the system designer or by the Board of Health, shall be written directly into the Master Deed for the association. (An example of such a restriction would be an indication by the system designer that the proposed subsurface sewage disposal system is not intended to accommodate garbage grinders.)

§ 239-17. Violations and penalties.

Violation of these or any regulation established or enforced by the Deerfield Board of Health shall be punishable by a fine of not more than one hundred dollars (\$100.) per violation. Each day that a violation continues shall be deemed a separate violation.

§ 239-18. When effective.

These regulations shall become effective immediately upon their publication in a newspaper of general circulation in the Town of Deerfield.

§ 239-19. Escrow fund fee schedule. [Added 1-31-1987]

The Board of Health voted to establish an escrow fund fee schedule for jointly owned septic systems, e.g., condominiums. The amount required will be \$3 per square foot of leaching area or, in the case where a leaching field is not used, it will be an amount equal to the replacement cost of the system in an amount to be determined by the Board.

ARTICLE III
Installation
[Adopted 1-8-1988]

§ 239-20. Building permit and foundation required.

No subsurface sewage disposal unit shall be installed on any property in Deerfield until a building permit has been granted and a foundation for the proposed building has been completed. If said foundation is for future construction purposes (more than 30 days) the foundation must be sealed as to be weathertight.

Chapter 242

TOBACCO PRODUCTS

GENERAL REFERENCES

Tobacco bylaws — See Ch. 162.

§ A. Statement of purpose.

Whereas there exists conclusive evidence that tobacco smoking causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat.³⁰

Whereas the United States Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin³¹ and the Surgeon General found that nicotine exposure during adolescence, a critical window for brain development, may have lasting adverse consequences for brain development,³² and that it is addiction to nicotine that keeps youth smoking past adolescence.³³

Whereas a Federal District Court found that Phillip Morris, RJ Reynolds and other leading cigarette manufacturers "spent billions of dollars every year on their marketing activities in order to encourage young people to try and then continue purchasing their cigarette products in order to provide the replacement smokers they need to survive" and that these companies were likely to continue targeting underage smokers.³⁴

Whereas more than 80% of all adult smokers begin smoking before the age of 18, more than 90% do so before leaving their teens, and more than 3.5 million middle and high school students smoke.³⁵

Whereas 18.1% of current smokers aged less than 18 years reported that they usually directly purchased their cigarettes from stores (i.e.,

30. Center for Disease Control and Prevention, (CDC) (2012), Health Effects of Cigarette Smoking Fact Sheet. Retrieved from: http://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm.

31. CDC (2010), How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease. Retrieved from: http://www.cdc.gov/tobacco/data_statistics/sgf/2010/.

32. U.S. Department of Health and Human Services. 2014. The Health Consequences of Smoking - 50 Years of Progress: A Report of the Surgeon General. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 122. Retrieved from: <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

33. Id, at Executive Summary p. 13. Retrieved from: <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf>

34. United States v. Phillip Morris, Inc., RJ Reynolds Tobacco Co., et al., 449 F. Supp.2d 1 (D.D.C. 2006) at Par. 3301 and Pp. 1605-07.

35. SAMHSA, Calculated based on data in 2011 National Survey on Drug Use and Health and U.S. Department of Health and Human Services (HHA).

convenience store, supermarket, or discount store) or gas stations, and among 11th grade males this rate was nearly 30%.³⁶

Whereas the Institute of Medicine (IOM) concludes that raising the minimum age of legal access to tobacco products to 21 will likely reduce tobacco initiation, particularly among adolescents 15 to 17, which would improve health across the lifespan and save lives.³⁷

Whereas cigars and cigarillos, can be sold in a single "dose;" enjoy a relatively low tax as compared to cigarettes; are available in fruit, candy and alcohol flavors; and are popular among youth.³⁸

Whereas research shows that increased cigar prices significantly decreased the probability of male adolescent cigar use and a 10% increase in cigar prices would reduce use by 3.4%.³⁹

Whereas 59% of high school smokers in Massachusetts have tried flavored cigarettes or flavored cigars and 25.6% of them are current flavored tobacco product users; 95.1% of 12 to 17 year olds who smoked cigars reported smoking cigar brands that were flavored.⁴⁰

Whereas the Surgeon General found that exposure to tobacco marketing in stores and price discounting increase youth smoking.⁴¹

Whereas the federal Family Smoking Prevention and Tobacco Control Act (FSPTCA), enacted in 2009, prohibited candy- and fruit-flavored cigarettes,⁴² largely because these flavored products were marketed to youth and young adults,⁴³ and younger smokers were more likely to have

36. CDC (2013) Youth Risk Behavior, Surveillance Summaries (MMWR 2014: 63 (No SS-04)). Retrieved from: www.cdc.gov.

37. IOM (Institute of Medicine) 2015. Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products. Washington DC: The National Academies Press, 2015.

38. CDC (2009), Youth Risk Behavior, Surveillance Summaries (MMWR 2010: 59, 12, note 5). Retrieved from: <http://www.cdc.gov/mmwr/pdf/ss/ss5905.pdf>.

39. Ringel, J., Wasserman, J., & Andreyeva, T. (2005) Effects of Public Policy on Adolescents' Cigar Use: Evidence from the National Youth Tobacco Survey. *American Journal of Public Health*, 95(6), 995-998, doi: 10.2105/AJPH.2003.030411 and cited in Cigar, Cigarillo and Little Cigar Use among Canadian Youth: Are We Underestimating the Magnitude of this Problem?, *J. Prim. P.* 2011, Aug: 32(3-4): 161-70. Retrieved from: www.ncbi.nlm.gov/pubmed/21809109.

40. Massachusetts Department of Public Health, 2015 Massachusetts Youth Health Survey (MYHS); Delneve CD et al., *Tob Control*, March 2014: Preference for flavored cigar brands among youth, young adults and adults in the USA.

41. U.S. Department of Health and Human Services. 2012. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 508-530, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

42. 21 U.S.C. § 387g.

43. Carpenter CM, Wayne GF, Pauly JL, et al. 2005. "New Cigarette Brands with Flavors that Appeal to Youth: Tobacco Marketing Strategies." *Health Affairs*. 24(6): 1601-1610; Lewis M and Wackowski O. 2006. "Dealing with an Innovative Industry: A Look at Flavored Cigarettes Promoted by Mainstream Brands." *American Journal of Public Health*. 96(2): 244-251; Connolly GN. 2004. "Sweet and Spicy Flavours: New Brands for Minorities and Youth." *Tobacco Control*. 13(3): 211-212; U.S. Department of Health and Human Services. 2012. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon

tried these products than older smokers⁴⁴, neither federal nor Massachusetts laws restrict sales of flavored non-cigarette tobacco products, such as cigars, cigarillos, smokeless tobacco, hookah tobacco, and electronic devices and the nicotine solutions used in these devices.

Whereas the United States Food and Drug Administration and the United States Surgeon General have stated that flavored tobacco products are considered to be "starter" products that help establish smoking habits that can lead to long-term addiction.⁴⁵

Whereas the United States Surgeon General recognized in his 2014 report that a complementary strategy to assist in eradicating tobacco related death and disease is for local governments to ban categories of products from retail sale.⁴⁶

Whereas the United States Centers for Disease Control and Prevention has reported that the current use of electronic cigarettes, a product sold in dozens of flavors that appeal to youth, among middle and high school students tripled from 2013 to 2014.⁴⁷

Whereas 5.8% of Massachusetts youth currently use e-cigarettes and 15.9% have tried them.⁴⁸

Whereas the Massachusetts Department of Environmental Protection has classified liquid nicotine in any amount as an "acutely hazardous waste."⁴⁹

Whereas in a lab analysis conducted by the FDA, electronic cigarette cartridges that were labeled as containing no nicotine actually had low levels of nicotine present in all cartridges tested, except for one.⁵⁰

General. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 537, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

44. U.S. Department of Health and Human Services, 2012. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 539, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

45. Food and Drug Administration, 2011. Fact Sheet: Flavored Tobacco Products, www.fda.gov/downloads/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/UCMI83214.pdf; U.S. Department of Health and Human Services, 2012. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 539, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

46. See fn. 3 at p. 85.

47. Centers for Disease Control & Prevention, 2015. "Tobacco Use Among Middle and High School Students – United States, 2011-2014," Morbidity and Mortality Weekly Report (MMWR) 64(14): 381-385;

48. Massachusetts Department of Public Health, 2015 Massachusetts Youth Health Survey (MYHS)

49. 310 CMR 30.136

50. Food and Drug Administration, Summary of Results: Laboratory Analysis of Electronic Cigarettes Conducted by FDA, available at: <http://www.fda.gov/newsevents/publichealthfocus/ucm173146.htm>.

Whereas according to the CDC's youth risk behavior surveillance system, the percentage of high school students in Massachusetts who reported the use of cigars within the past 30 days is 10.8% in 2013.⁵¹

Whereas data from the National Youth Tobacco Survey indicate that more than two-fifths of United States middle and high school smokers report using flavored little cigars or flavored cigarettes.⁵²

Whereas the sale of tobacco products is incompatible with the mission of health care institutions because these products are detrimental to the public health and their presence in health care institutions undermines efforts to educate patients on the safe and effective use of medication, including cessation medication.

Whereas educational institutions sell tobacco products to a younger population, which is particularly at risk for becoming smokers and such sale of tobacco products is incompatible with the mission of educational institutions that educate a younger population about social, environmental and health risks and harms.

Whereas the Massachusetts Supreme Judicial Court has held that ". . . [t]he right to engage in business must yield to the paramount right of government to protect the public health by any rational means."⁵³

Now, therefore, it is the intention of the Deerfield Board of Health to regulate the sale of tobacco products.

§ B. Authority.

This regulation is promulgated pursuant to the authority granted to the Deerfield Board of Health by MGL c. 111, § 31, which states "Boards of health may make reasonable health regulations."

§ C. Definitions.

For the purpose of this regulation, the following words shall have the following meanings:

ADULT-ONLY RETAIL TOBACCO STORE — An establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale, but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Deerfield Board of Health.

51. See fn. 7.

52. King BA, Tynan MA, Dube SR, et al. 2013. "Flavored-Little-Cigar and Flavored-Cigarette Use Among U.S. Middle and High School Students." *Journal of Adolescent Health*. [Article in press], www.jahonline.org/article/S1054-139X%2813%2900415-1/abstract.

53. Druzik et al v. Board of Health of Haverhill, 324 Mass. 129 (1949).

BLUNT WRAP — Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers regardless of any content.

BUSINESS AGENT — An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

CHARACTERIZING FLAVOR — A distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen, imparted or detectable either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the provision of ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

CIGAR — Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under MGL c. 64C, § 1, Paragraph 1.

COMPONENT PART — Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

CONSTITUENT — Any ingredient, substance, chemical or compound, other than tobacco, water or a reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacturing or packaging of the tobacco product. Such term shall include a smoke constituent.

COUPON — Any card, paper, note, form, statement, ticket or other issue distributed for commercial or promotional purposes to be later surrendered by the bearer so as to receive an article, service or accommodation without charge or at a discount price.

DISTINGUISHABLE — Perceivable by either the sense of smell or taste.

EDUCATIONAL INSTITUTION — Any public or private college, school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

EMPLOYEE — Any individual who performs services for an employer.

EMPLOYER — Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one or more employees.

FLAVORED TOBACCO PRODUCT — Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor. A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public

statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

HEALTH CARE INSTITUTION — An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Public Health under MGL c. 112 or a retail establishment that provides pharmaceutical goods and services and is subject to the provisions of 247 CMR 6.00. Health care institutions include, but are not limited to, hospitals, clinics, health centers, pharmacies, drug stores, doctor offices, optician/optometrist offices and dentist offices.

LIQUID NICOTINE CONTAINER — A bottle or other vessel which contains nicotine in liquid or gel form, whether or not combined with another substance or substances, for use in a tobacco product, as defined herein. The term does not include a container containing nicotine in a cartridge that is sold, marketed, or intended for use in a tobacco product, as defined herein, if the cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer or retailer.

LISTED OR NON-DISCOUNTED PRICE — The higher of the price listed for a tobacco product on its package or the price listed on any related shelving, posting, advertising or display at the place where the tobacco product is sold or offered for sale plus all applicable taxes if such taxes are not included in the state price, and before the application of any discounts or coupons.

MINIMUM LEGAL SALES AGE (MLSA) — The age an individual must be before that individual can be sold a tobacco product in the municipality.

NON-RESIDENTIAL ROLL-YOUR-OWN (RYO) MACHINE — A mechanical device made available for use (including to an individual who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the individual's own personal consumption or use) that is capable of making cigarettes, cigars or other tobacco products. RYO machines located in private homes used for solely personal consumption are not non-residential RYO machines.

PERMIT HOLDER — Any person engaged in the sale or distribution of tobacco products who applies for and receives a tobacco product sales permit or any person who is required to apply for a tobacco product sales permit pursuant to these regulations, or his or her business agent.

PERSON — Any individual, firm, partnership, association, corporation, company or organization of any kind, including, but not limited to, an owner, operator, manager, proprietor or person in charge of any establishment, business or retail store.

SCHOOLS — Public or private elementary or secondary schools.

SELF-SERVICE DISPLAY — Any display from which customers may select a tobacco product, as defined herein, without assistance from an employee or store personnel.

SMOKE CONSTITUENT — Any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product.

SMOKING BAR — An establishment that primarily is engaged in the retail sale of tobacco products for consumption by customers on the premises and is required by MGL c. 270, § 22 to maintain a valid permit to operate a smoking bar issued by the Massachusetts Department of Revenue. "Smoking bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars" and "hookah bars."

TOBACCO PRODUCT — Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; or electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, liquid nicotine, "e-liquids" or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. "Tobacco product" includes any component or part of a tobacco product. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

VENDING MACHINE — Any automated or mechanical self-service device which, upon insertion of money, tokens or any other form of payment, dispenses or makes cigarettes or any other tobacco products, as defined herein.

§ D. Tobacco sales to persons under minimum legal sales age prohibited.

- A. No person shall sell tobacco products or permit tobacco products, as defined herein, to be sold to a person under the minimum legal sales age; or not being the individual's parent or legal guardian, give tobacco products, as defined herein, to a person under the minimum legal sales age. The minimum legal sales age in Deerfield is 21.
- B. Required signage.
 - (1) In conformance with and in addition to MGL c. 270, § 7, a copy of MGL c. 270, § 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available

from the Deerfield Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four feet or greater than nine feet from the floor. The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post any additional signs required by the Massachusetts Department of Public Health. The owner or other person in charge of a shop or other place used to sell hand-rolled cigars must display a warning about cigar consumption in a sign at least 50 square inches pursuant to 940 CMR 22.06(2)(e).

- (2) The owner or other person in charge of a shop or other place used to sell tobacco products, as defined herein, at retail shall conspicuously post signage provided by the Deerfield Board of Health that discloses current referral information about smoking cessation.
 - (3) The owner or other person in charge of a shop or other place used to sell tobacco products that rely on vaporization or aerosolization, as defined herein as "tobacco products," at retail shall conspicuously post a sign stating that "The sale of tobacco products, including e-cigarettes, to someone under the minimum legal sales age of 21 years is prohibited." The notice shall be no smaller than 8.5 inches by 11 inches and shall be posted conspicuously in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four feet or greater than nine feet from the floor.
- C. Identification. Each person selling or distributing tobacco products, as defined herein, shall verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser is 21 years old or older. Verification is required for any person under the age of 27.
- D. All retail sales of tobacco products, as defined herein, must be face-to-face between the seller and the buyer and occur at the permitted location.

§ E. Tobacco product sales permit.

- A. No person shall sell or otherwise distribute tobacco products, as defined herein, within the Town of Deerfield without first obtaining a tobacco product sales permit issued annually by the Deerfield Board of Health. Only owners of establishments with a permanent, non-mobile

location in Deerfield are eligible to apply for a permit and sell tobacco products, as defined herein, at the specified location in Deerfield.

- B. As part of the tobacco product sales permit application process, the applicant will be provided with the Deerfield regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco product sales regarding federal, state and local laws regarding the sale of tobacco and this regulation.
- C. Each applicant who sells tobacco products is required to provide proof of a current tobacco retailer license issued by the Massachusetts Department of Revenue, when required by state law, before a tobacco product sales permit can be issued.
- D. A separate permit, displayed conspicuously, is required for each retail establishment selling tobacco products, as defined herein, the fee for which shall be determined by the Deerfield Board of Health annually.
- E. A tobacco product sales permit is nontransferable. A new owner of an establishment that sells tobacco products, as defined herein, must apply for a new permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.
- F. Issuance of a tobacco product sales permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.
- G. A tobacco product sales permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or the permit holder has not satisfied any outstanding permit suspensions.
- H. A tobacco product sales permit will not be renewed if the permit holder has sold a tobacco product to a person under the MLSA (§ 242-4A) three times within the previous permit year and the time period to appeal has expired. The violator may request a hearing in accordance with § 242-17, Violations, Subsection D.
- I. Maximum number of tobacco product sales permits.
 - (1) At any given time, there shall be no more than eight tobacco product sales permits issued in Deerfield [reduced by the number of permits not renewed pursuant to Subsection I(2) below]. No permit renewal will be denied based on the requirements of this subsection, except any permit holder who has failed to renew his or her permit within 30 days of expiration will be treated as a first-time permit applicant. New applicants for permits who are applying at a time when the maximum number of permits have been issued will be placed on a waiting list and will be eligible to

apply for a permit on a "first-come, first-served" basis as issued permits are either not renewed, revoked, or are returned to the Board of Health.

- (2) As of January 1, 2017, any permit not renewed either because a retailer no longer sells tobacco products, as defined herein, or because a retailer closes the retail business, shall be returned to the Deerfield Board of Health and shall be permanently retired by the Board of Health and the total allowable number of tobacco product sales permits under Subsection I(1) shall be reduced by the number of the retired permits.
- (3) A tobacco product sales permit shall not be issued to any new applicant for a retail location within 500 feet of a public or private elementary or secondary school as measured by a straight line from the nearest point of the property line of the school to the nearest point of the property line of the site of the applicant's business premises.
- (4) Applicants who purchase an existing business that holds a current tobacco product sales permit at the time of the sale of said business must apply within 60 days of such sale for the permit held by the seller if the buyer intends to sell tobacco products, as defined herein.

§ F. Cigar sales regulated.

- A. No person shall sell or distribute or cause to be sold or distributed a single cigar.
- B. No person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at \$5 or more.
- C. This section shall not apply to:
 - (1) The sale or distribution of any single cigar having a retail price of \$2.50 or more.
 - (2) A person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Deerfield.
- D. The Deerfield Board of Health may adjust from time to time the amounts specified in this section to reflect changes in the applicable Consumer Price Index by amendment of this regulation.

§ G. Sale of flavored tobacco products prohibited.

No person shall sell or distribute or cause to be sold or distributed any flavored tobacco product, except in smoking bars and adult-only retail tobacco stores.

§ H. Prohibition of sale of blunt wraps.

No person or entity shall sell or distribute blunt wraps in Deerfield.

§ I. Free distribution and coupon redemption.

A. No person shall:

- (1) Distribute, or cause to be distributed, any free samples of tobacco products, as defined herein;
- (2) Accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any tobacco product, as defined herein, without charge or for less than the listed or non-discounted price; or
- (3) Sell a tobacco product, as defined herein, to consumers through any multi-pack discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any tobacco product, as defined herein, without charge or for less than the listed or non-discounted price in exchange for the purchase of any other tobacco product.

B. Subsection A(2) and (3) shall not apply to products, such as cigarettes, for which there is a state law prohibiting them from being sold as loss leaders and for which a minimum retail price is required by state law.

§ J. Out-of-package sales.

- A. The sale or distribution of tobacco products, as defined herein, in any form other than an original factory-wrapped package is prohibited, including the repackaging or dispensing of any tobacco product, as defined herein, for retail sale. No person may sell or cause to be sold or distribute or cause to be distributed any cigarette package that contains fewer than 20 cigarettes, including single cigarettes.
- B. A retailer of liquid nicotine containers must comply with the provisions of 310 CMR 30.000, and must provide the Deerfield Board of Health with a written plan for disposal of said product, including disposal plans for any breakage, spillage or expiration of the product.
- C. All retailers must comply with 940 CMR 21.05 which reads: "It shall be an unfair or deceptive act or practice for any person to sell or distribute nicotine in a liquid or gel substance in Massachusetts after March 15, 2016 unless the liquid or gel product is contained in a child-resistant

package that, at a minimum, meets the standard for special packaging as set forth in 15 U.S.C. §§ 1471 through 1476 and 16 CFR § 1700 et. seq."

§ K. Self-service displays.

All self-service displays of tobacco products, as defined herein, are prohibited. All humidors, including, but not limited to, walk-in humidors, must be locked.

§ L. Vending machines.

All vending machines containing tobacco products, as defined herein, are prohibited.

§ M. Non-residential roll-your-own machines.

All non-residential roll-your-own machines are prohibited.

§ N. Prohibition of sale of tobacco products by health care institutions.

No health care institution located in Deerfield shall sell or cause to be sold tobacco products, as defined herein. No retail establishment that operates or has a health care institution within it, such as a pharmacy, optician/optometrist or drug store, shall sell or cause to be sold tobacco products, as defined herein.

§ O. Prohibition of sale of tobacco products by educational institutions.

No educational institution located in Deerfield shall sell or cause to be sold tobacco products, as defined herein. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

§ P. Incorporation of Attorney General Regulation 940 CMR 21.00.

The sale or distribution of tobacco products, as defined herein, must comply with those provisions found at 940 CMR 21.00 ("Sale and Distribution of Cigarettes, Smokeless Tobacco Products, and Electronic Smoking Devices in Massachusetts").

§ Q. Violations.

A. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation. The violator shall receive:

(1) In the case of a first violation, a fine of \$100.

- (2) In the case of a second violation within 24 months of the date of the current violation, a fine of \$200 and the tobacco product sales permit may be suspended for seven consecutive business days.
 - (3) In the case of three or more violations within a twenty-four-month period, a fine of \$300 and the tobacco product sales permit shall be suspended for 30 consecutive business days.
 - (4) In the case of four violations or repeated, egregious violations of this regulation within a twenty-four-month period, the Board of Health shall hold a hearing in accordance with Subsection D of this section and may permanently revoke a tobacco product sales permit.
- B. Refusal to cooperate with inspections pursuant, to this regulation shall result in the suspension of the Tobacco Product Sales Permit for 30 consecutive business days.
- C. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products while his or her permit is suspended shall be subject to the suspension of all Board of Health issued permits for 30 consecutive business days.
- D. The Deerfield Board of Health shall provide notice of the intent to suspend or revoke a tobacco product sales permit, which notice shall contain the reasons therefor and establish a time and date for a hearing, which date shall be no earlier than seven days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons therefor in writing. After a hearing, the Deerfield Board of Health may suspend or revoke the tobacco product sales permit if the Board of Health finds that a violation of this regulation occurred. For purposes of such suspensions or revocations, the Board shall make the determination notwithstanding any separate criminal or noncriminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All tobacco products, as defined herein, shall be removed from the retail establishment upon suspension or revocation of the tobacco product sales permit. Failure to remove all tobacco products, as defined herein, shall constitute a separate violation of this regulation.

§ R. Noncriminal disposition.

Whoever violates any provision of this regulation may be penalized by the noncriminal method of disposition as provided in MGL c. 40, § 21D or by filing a criminal complaint at the appropriate venue.

§ S. Separate violations.

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

§ T. Enforcement.

- A. Enforcement of this regulation shall be by the Deerfield Board of Health or its designated agent(s).
- B. Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the Deerfield Board of Health or its designated agent(s) and the Board shall investigate.

§ U. Severability.

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

§ V. Effective date.

This regulation shall take effect on January 1, 2017.

Division 4: Miscellaneous**Chapter 247****ALCOHOLIC BEVERAGE ESTABLISHMENTS****GENERAL REFERENCES**

Public consumption of alcoholic beverages – See Ch. 57. **Board of Selectmen alcoholic beverages regulations – See Ch. 182.**

§ 247-1. Authority.

The following rules and regulations are adopted by the Deerfield Board of Selectmen, acting as the Licensing Board under authority of MGL c. 138, §§ 1, 12 and 23, and effective this first day of January 1982.

§ 247-2. Regulations to be minimum standards.

These rules and regulations are minimum regulations, many of which are existing conditions of outstanding licenses. The adoption of the following regulations are intended to be Townwide minimum standards attaching as conditions of all MGL c. 138, § 12, licenses presently outstanding and from hereafter issued. These rules and regulations supersede any understanding, verbal or written, made before this date.

§ 247-3. Licenses to conform to statute.

All licenses shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended.

§ 247-4. Premises to be open to inspection.

The premises shall, during licensed hours, be open to inspection by any police officer of the Town of Deerfield, by a state police officer, Alcoholic Beverage Control Commission inspector, Board of Health, Selectmen, Building Commission Inspector and all other municipal inspectors.

§ 247-5. On-premises consumption.

All alcoholic beverages sold must be opened and consumed on the premises.

§ 247-6. Storage and sale in specified locations only.

No licensee shall keep for sale, store or sell alcoholic beverages in any part of the premises not specified on their license.

§ 247-7. Restricted hours.

No alcoholic beverages will be sold on the premises during any hours other than those specifically listed on the license.

§ 247-8. Conformance with other standards.

Every establishment wherein a license is exercised must be in full compliance with the zoning, health and building codes and bylaws of the Town of Deerfield and the Commonwealth of Massachusetts.

§ 247-9. Licenses and certificates to be kept on premises.

All licenses and building certificates shall be kept on the premises and shall be available at all times to the proper authorities.

§ 247-10. Presence of police at entertainment on premises.

When any entertainment is scheduled at a premise with a liquor license, one or more police officers shall be present if deemed necessary by the Board of Selectmen.

§ 247-11. Excessive noise prohibited.

All entertainment presented at licensed premises shall be so conducted that no excessive noise shall be audible, under any circumstances, upon the street adjoining the licensed premises or upon any abutting premises. All speakers shall face the licensed premises and not the street.

§ 247-12. Entertainers to be separate from drink areas.

All areas where entertainers and/or dancers perform shall be separated by an area of at least three feet in width between any stage or platform and areas where drinks are served and consumed.

§ 247-13. Entertainers to remain within their area.

No licensee shall allow any entertainers and/or dancers to leave the area described in § 247-12 during the course of their performances.

§ 247-14. Conduct of employees, entertainers and other persons.

- A. No employee and/or entertainer shall solicit, induce or request a patron to purchase any alcoholic beverage for them or any other person. Nothing shall prohibit the above activity in connection with any contact which such person may have with a patron to whom they are related by blood or marriage.
- B. No licensee shall employ, use the services of, or permit upon his licensed premises any employee, entertainer, or other person who by his or her attire or conduct violates any general laws or special acts of the commonwealth or any bylaw of the Town of Deerfield.

§ 247-15. Permit of illegality prohibited.

The licensee shall not permit any illegality of any nature to take place on the licensed premises.

§ 247-16. Request for opinion.

In the event of any owner, performer, grantee of a MGL c. 138, § 12, license, or other affected person is interested in an interpretation whether any of the rules and regulations are promulgated under MGL c. 138 above or otherwise are intended to apply to a certain act or set of facts, that person may request an opinion from the Licensing Board and the Licensing Board shall issue an opinion.

§ 247-17. Variance procedure.

- A. A variance from the specific rules and regulations may be granted any owner, performer, grantee of a MGL c. 138, § 12, license or other affected person at the discretion of the Deerfield Board of Selectmen acting as the Licensing Board.
- B. A variance must have been granted prior to the performance or act at issue.
- C. The applicant must show that the public safety and order will be maintained and that the police protection of the Town of Deerfield will be preserved in the event that such a variance is granted.

§ 247-18. Suspension or revocation of license.

The license will be suspended or revoked for noncompliance with any of the laws of the commonwealth or regulations of the License Board relating to this particular establishment.

§ 247-19. Right to amend.

The Licensing Board reserves the right to change or add to any of the above terms and conditions after notice to the licensees.

Chapter 263**SITE PLAN REVIEW APPLICATION PACKET****GENERAL REFERENCES**

Planning Board — See Ch. 37.

Subdivision of land — See Ch. 264.

Zoning — See Ch. 179.

§ 263-1. Introduction.

Site Plan Review establishes criteria for the layout, scale, appearance, safety, and environmental impacts of proposed development projects, in an attempt to "fit" larger projects into the community. Site plan review usually focuses on parking, traffic, drainage, roadway construction, signage, utilities, screening, lighting, and other aspects of the proposal to arrive at the best possible design for the location. **Site plan review can only be used to shape a project;** a project under site plan review can only be denied in rare circumstances, such as when an application is incomplete or inconsistent with the Deerfield Zoning Bylaws.

According to Section 5410 of the Deerfield Zoning Bylaws, the following types of activities and uses require Site Plan Review by the Planning Board:

5411. For a municipal, institutional, commercial, industrial, or multi-family structure: 1) a change of use; or 2) construction, exterior alteration, or exterior expansion that will cumulatively add more than 600 square feet over a three-year period;
5412. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure which results in a cumulative total of 10 or more parking spaces or 2,000 square feet of parking area;
5413. Grading, clearing, or other land development activity EXCEPT for the following: landscaping on a lot with an existing dwelling, clearing necessary for percolation and other site tests, work incidental to agricultural activity, or work in conjunction with an approved subdivision plan or earth removal permit;
5414. Outdoor storage, sales or display associated with any retail use;
5415. Construction or expansion of a Large-Scale Ground-Mounted Solar Electric Installation or an Extra-Large-Scale Ground-Mounted Solar Electric Installation;
5416. Flexible Developments as authorized in Section 3500;

5417. Planned Unit Developments as authorized in Section 4800;
5418. Any use listed in Section 2230, Use Regulation Schedule, or in other sections of this bylaw as requiring Site Plan Review.

In some cases, a proposed project may require only Site Plan Review by the Planning Board prior to receiving a Building Permit from the Building Commissioner (additional permits may also be required from other Town Boards, such as the Conservation Commission or Board of Health). However, it is likely that a proposed project may also require a Special Permit from either the Zoning Board of Appeals or from the Planning Board. Where the Planning Board serves as the Special Permit Granting Authority (i.e., Special Permit applications for Solar Electric Installations, for common driveways, for the Water Shed Protection District, and for Planned Unit Developments), it shall consolidate Site Plan Review into the Special Permit process, applying the Special Permit procedures and timetable for decision. Where the Zoning Board of Appeals serves as the Special Permit Granting Authority (i.e., all other uses requiring a Special Permit under Section 2230, Use Regulation Schedule), the two Boards may coordinate their reviews of the application or each may proceed separately.

It is important to note that no Building Permit shall be issued by the Building Commissioner and/or no Special Permit or variance shall be issued by the Zoning Board of Appeals without the written approval of the Site Plan by the Planning Board (or the passage of 60 days without the Planning Board taking action on the application). Conditions imposed by the Planning Board shall be incorporated into any Special Permit or variance.

Public Hearings are required for all Site Plans filed. The applicant shall obtain a list of abutters, being all "parties in interest" as defined in G.L. c. 40A, s. 11, from the Deerfield Assessor's Office, and shall attach the list to the application when filed. At least fourteen (14) days prior to the day of the Public Hearing, written notices shall be sent by the administrative staff by certified mail at the applicant's expense to the parties in interest. Legal notice of the public hearing shall be published at the applicant's expense in a newspaper of general circulation in the town in each of two (2) successive weeks, the first publication to appear not less than fourteen (14) days prior to the day of the Public Hearing. Notice of the Public Hearing shall also be posted in a conspicuous place in Town Hall for a period of not less than fourteen (14) days before the day of such hearing.

The Planning Board may require narrative assessments of the on-site and off-site impacts of the proposed project, including traffic, drainage, noise, and other environmental factors. The Planning Board may require that such narrative assessments be prepared by qualified experts at the applicant's expense. The Planning Board may, upon written request of the applicant, waive any of the technical requirements of Section 5430 or 5440 where the project involves relatively simple development plans.

§ 263-2. Attachments.⁵⁴

1. Site Plan Review Flow Chart
2. Site Plan Review Application Form
3. Site Plan Review Application Checklist
4. Chapter 179 of Deerfield's Bylaws, Zoning, Section 5400, Site Plan Review
5. Chapter 179 of Deerfield's Bylaws, Zoning, Section 2100, Districts, and Section 2200, Use Regulations
6. Deerfield Planning Board Fee Schedule

§ 263-3. Additional Resources.

1. MassGIS Standard for Digital Plan Submittals to Municipalities (Version 2.0—October 2007)
2. Town Website: www.deerfieldma.us

Chapter 264

SUBDIVISION OF LAND

Appendix

Chapter A269

GENERAL LAWS AND SPECIAL ACTS

§ A269-1. Acceptances.

The following is a listing of General Laws and Special Acts accepted by the Town of Deerfield:

Date Accepted	Statutory Reference	Subject
8-2-1961 STM, Art. 4	MGL c. 40, § 22D	Authority to tow certain vehicles
3-2-1965 ATM, Art. 24	MGL c. 40, § 8C	Establishment of Conservation Commission
4-26-1965 STM, Art. 11	MGL c. 71, §§ 16-161	Establishment of regional school district
3-7-1978 ATM, Art. 31	Ch. 586, Acts of 1977	Overdue sewer charges to be a lien
3-5-1979 ATM, Art. 39	MGL c. 161B, § 3	Joining Franklin Regional Transit Authority

54. Editor's Note: The attachments are included at the end of this chapter.

Date Accepted	Statutory Reference	Subject
4-6-1981 ATM, Art. 1	MGL c. 258, § 13	Indemnification of elected and appointed officers
4-6-1981 ATM, Art. 16	MGL c. 40, § 8G	Police mutual aid agreement authorization
1-11-1982 STM, Art. 2	MGL c. 138, § 12B	Inappropriate attire for liquor establishment entertainment
4-7-1982 ATM, Art. 22	MGL c. 59, § 5, Clause 17C	Real estate exemption expansion for widows
10-12-1982 STM, Art. 2	MGL c. 71, § 71F	School revolving fund
3-26-1984 ATM, Art. 23	MGL c. 41, §§ 81-K through 81-GG	Planning Board to have authority over land subdivision
3-25-1985 ATM, Art. 49	MGL c. 148, § 26C	Smoke detectors in dwellings
3-25-1985 ATM, Art. 50	MGL c. 148, § 26E	Smoke and heat detectors in dwellings
3-25-1985 ATM, Art. 53	MGL c. 60, § 106	Single payment for certain taxes
3-25-1985 ATM, Art. 53	MGL c. 60, § 106	Single payment for certain taxes
6-30-1986 STM, Art. 5	MGL c. 40, § 71	Increase of teachers' salaries
6-30-1986 STM, Art. 25	Ch. 598, Acts of 1985	Interest on unpaid taxes
10-15-1986 STM, Art. 2	Ch. 640, Acts of 1985	Granting and renewal of licenses and permits
10-15-1986 STM, Art. 14	MGL c. 40, § 71	Increase of teachers' salaries
4-25-1988 ATM, Art. 18	Ch. 705, Acts of 1986	Increase amount of life insurance for employees and retirees
4-25-1988 ATM, Art. 27	MGL c. 44, § 53A	Establish revolving fund for education
4-24-1989 ATM, Art. 36	MGL c. 40, §§ 44A to 44L, inclusive	Establish regional refuse district
4-24-1989 ATM, Art. 43	MGL c. 64G, § 3A	Local room occupancy excise
4-30-1990 ATM, Art. 55	MGL c. 59, § 5, Clause 17D	Real estate tax exemption
4-30-1990 ATM, Art. 56	MGL c. 59, § 5, Clause 41C	Senior citizens tax exemption

Date Accepted	Statutory Reference	Subject
4-29-1991 ATM, Art. 31	Ch. 291, Acts of 1990	Enhanced 911 service
4-27-1992 ATM, Art. 24	MGL c. 59, § 57B	Allowing issuance of single property tax bill when amount of bill is \$50 or less
4-26-1993 ATM, Art. 50	MGL c. 40, § 57	Denial, revocation and suspension of local licenses for failure to pay municipal taxes
4-25-1994 ATM, Art. 28	Ch. 653, § 40, Acts of 1989	Assessment date changes for new growth
4-29-1996 ATM, Art. 34	MGL c. 140, § 147A	Regulation of dogs
4-28-1998 ATM, Art. 36	MGL c. 40, § 5F	Establishment of revolving fund for ambulance services
4-26-1999 ATM, Art. 32	MGL c. 44, § 53D	Allowing recreational program fees to be spent without further appropriation
4-26-1999 ATM, Art. 34	MGL c. 90, § 20A	Authorizing the Police Department to issue parking tickets in accord with MGL c. 40, § 21D
4-24-2000 ATM, Art. 30	MGL c. 44, § 53D	Allowing recreational program fees received in Fiscal Year 2001 to be spent without further appropriation
4-24-2000 ATM, Art. 44	MGL c. 44, § 53E 1/2	Authorizing use of a revolving fund for administering and conducting public health inspections (Fiscal Year 2001)
4-24-2000 ATM, Art. 45	MGL c. 44, § 53E 1/2	Authorizing use of a revolving fund for administering and inspecting Title V as per 310 CMR 15.000 (septic) applications and installations (Fiscal Year 2001)
4-30-2001 ATM, Art. 27	MGL c. 90, § 20A 1/2	Noncriminal disposition relative to parking fines

Date Accepted	Statutory Reference	Subject
4-30-2001 ATM, Art. 33	MGL c. 44, § 53D	Allowing recreational program fees received in Fiscal Year 2002 to be spent without further appropriation
4-30-2001 ATM, Art. 34	MGL c. 44, § 53E 1/2	Authorizing use of a revolving fund for administering and conducting public health inspections (Fiscal Year 2002)
4-30-2001 ATM, Art. 35	MGL c. 44, § 53E 1/2	Authorizing use of a revolving fund for administering and inspecting Title V as per 310 CMR 15.000 (septic) applications and installations (Fiscal Year 2002)
4-30-2001 ATM, Art. 38	MGL c. 59, § 5, Clauses 17E and 41D	Increase income and asset limits which apply to surviving spouses, surviving minors or elderly persons seeking real estate tax exemption
4-29-2002 ATM, Art. 25	MGL c. 44, § 53E 1/2	Authorizing use of a revolving fund for administering and conducting public health inspections (Fiscal Year 2003)
4-29-2002 ATM, Art. 26	MGL c. 44, § 53E 1/2	Authorizing use of a revolving fund for administering and inspecting Title V as per 310 CMR 15.000 (septic) applications and installations (Fiscal Year 2003)

Date Accepted	Statutory Reference	Subject
4-28-2003 ATM, Art. 32	Ch. 184, § 51, Acts of 2002	To adjust the gross receipts limits to \$20,000 for single taxpayers and \$30,000 for married taxpayers that the community may grant eligible seniors to qualify for the exemption under MGL c. 59, § 4, Clause 41C, effective in Fiscal Year 2004
4-28-2003 ATM, Art. 33	MGL c. 44, § 53E 1/2	Authorizing use of a revolving fund for administering and conducting public health inspections (Fiscal Year 2004)
4-28-2003 ATM, Art. 34	MGL c. 44, § 53E 1/2	Authorizing use of a revolving fund for administering and inspecting Title V as per 310 CMR 15.000 (septic) applications and installations (Fiscal Year 2004)
4-24-2006 ATM, Art. 22	MGL c. 41, § 108P	Providing additional compensation to the Town Collector as a certified Massachusetts Municipal Collector and raising and appropriating \$1,000 for that purpose
3-20-2007 STM, Art. 2	MGL c. 44, §§ 3 through 7	Approving a surcharge on real property for the purposes permitted by the Community Preservation Act
4-30-2007 ATM, Art. 25	MGL c. 39, § 23D	Allowing board members to vote in an adjudicatory proceeding if absent from one session of the proceeding
4-30-2007 ATM, Art. 26	MGL c. 41, § 110A	Allowing any Town office to remain closed on any or all Saturdays

Date Accepted	Statutory Reference	Subject
4-30-2007 ATM, Art. 27	MGL c. 40, § 8D	Establishment of an Historical Commission
6-25-2007 STM, Art. 3	MGL c. 43D	Approving the filing of an application with the Interagency Permitting Board of the Executive Office of Economic Development for designation of land on Coates Avenue, Sugarloaf Street, Rear Jewett Avenue and South Main Street as a Priority Development Site
8-26-2009 STM, Art. 2	MGL c. 64L, § 2(a)	Local meals excise
8-26-2009 STM, Art. 3	MGL c. 64G, § 3A	Local room occupancy excise (6%)
5-10-2010 ATM, Art. 12	MGL c. 40, § 22F	Authority of license- and permit-granting bodies to set fees
5-10-2010 ATM, Art. 13	MGL c. 272, § 73A	Removal and repair of gravestones and memorials
1-11-2011 STM, Art. 3	MGL c. 143, § 3Z	Part-time inspector of buildings, building commissioner, local inspector or alternate inspector practicing for hire or engaging in the business for which he/she is certified, licensed or registered while serving as such inspector for the Town
1-11-2011 STM, Art. 4	MGL c. 166, § 32A	Inspector of wires practicing for hire or engaging in the business for which he/she is licensed while serving as such inspector for the Town
4-25-2011 ATM, Art. 11	MGL c. 164, § 134	Authorization to aggregate electrical load (pursuant to)

Date Accepted	Statutory Reference	Subject
4-25-2011 ATM, Art. 12	MGL c. 32B, § 18	Mandatory transfer of retirees to Medicare extension plan
4-28-2014 ATM, Art. 15	MGL c. 44, § 53F 1/2	Establishing the South County Emergency Medical Service as an enterprise fund, effective Fiscal Year 2015
4-27-2015 ATM, Art. 23	MGL c. 32B, § 20	Establishing Other Post-Employment Benefits Liability Trust Fund for the purpose of funding future financial obligations of the Town for health and other post-employment benefits of retirees
4-24-2017 ATM, Art. 27	MGL c. 59, § 57A	Allowing a single request for payment for any real or personal property tax bill of \$100 or less
4-30-2018 ATM, Art. 9	MGL c. 44, § 53F 1/2	Establishing the Sewer Enterprise Fund, effective 7-1-2018, and transferring the balance of funds in the Sewer Special Revenue Fund as of 6-30-2018 into this account
4-30-2018 ATM, Art. 21	MGL c. 200A, § 9A	Allowing for a simplified process of managing abandoned funds
4-30-2018 ATM, Art. 22	MGL c. 40, §§ 6J and 6L	Allowing for an appropriation for Town employee work clothes and attire
4-30-2018 ATM, Art. 25	MGL c. 64N, § 3	Imposing a 3% sales tax on the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town

Disposition List**Chapter DL****DISPOSITION LIST****§ DL-1. Disposition of legislation.**

Enactment	Adoption Date	Subject	Disposition
STM, Art. 2	9-12-2005	Zoning amendment	Ch. 179
ATM, Art. 22	4-24-2006	General Law acceptance	Ch. A269
ATM, Art. 23	4-24-2006	Zoning amendment	Ch. 179
STM, Art. 5	9-27-2006	Personnel amendment	Ch. 35
STM, Art. 1	3-20-2007	Open Space Committee	Ch. 10, Art. VIII
STM, Art. 3	3-20-2007	General Law acceptance	Ch. A269
ATM, Art. 24	4-30-2007	Authority to enter into intermunicipal agreements	See Ch. 43, Art. II
ATM, Art. 25	4-30-2007	General Law acceptance	Ch. A269
ATM, Art. 26	4-30-2007	General Law acceptance	Ch. A269
ATM, Art. 27	4-30-2007	General Law acceptance	Ch. A269
STM, Art. 3	6-25-2007	General Law acceptance	Ch. A269
STM, Art. 5	6-25-2007	Noncriminal disposition amendment	Ch. 123
Planning Board	9-17-2007	Site plan review rules, instructions and application form	Ch. 263
ATM, Art. 1	10-1-2007	Community Preservation Committee	Ch. 10, Art. VII
ATM, Art. 2	4-28-2008	Zoning amendment	Ch. 179
ATM, Art. 3	4-28-2008	Zoning amendment	Ch. 179
ATM, Art. 35	4-28-2008	Agricultural Commission	Ch. 4
ATM, Art. 36	4-28-2008	Streets and sidewalks: trenches	Ch. 156, Art. III
ATM, Art. 25	4-27-2009	Farming: right to farm	Ch. 93, Art. I
STM, Art. 2	8-26-2009	General Law acceptance	Ch. A269
STM, Art. 3	8-26-2009	General Law acceptance amendment	Ch. A269
ATM, Art. 1	4-26-2010	Zoning amendment	Ch. 179
ATM, Art. 2	4-26-2010	Stormwater	Ch. 155

Enactment	Adoption Date	Subject	Disposition
ATM, Art. 12	5-10-2010	General Law acceptance	Ch. A269
ATM, Art. 13	5-10-2010	General Law acceptance	Ch. A269
STM, Art. 3	1-11-2011	General Law acceptance	Ch. A269
STM, Art. 4	1-11-2011	General Law acceptance	Ch. A269
ATM, Art. 7	4-25-2011	Zoning amendment	Ch. 179
ATM, Art. 8	4-25-2011	Zoning amendment	Ch. 179
ATM, Art. 9	4-25-2011	Zoning amendment	Ch. 179
ATM, Art. 10	4-25-2011	Building construction: Stretch Energy Code	Ch. 69, Art. V
ATM, Art. 11	4-25-2011	General Law acceptance	Ch. A269
ATM, Art. 12	4-25-2011	General Law acceptance	Ch. A269
ATM, Art. 7	4-30-2012	Zoning amendment	Ch. 179
Planning Board	11-5-2012	Site plan review application packet	Ch. 263
STM, Art. 1	4-29-2013	Zoning Map amendment	NCM
STM, Art. 20	10-28-2013	Zoning Map amendment	NCM
STM, Art. 21	10-28-2013	Zoning amendment	Ch. 179
ATM, Art. 15	4-28-2014	General Law acceptance	Ch. A269
ATM, Art. 29	4-28-2014	Dogs amendment	Ch. 60, Art. II
ATM, Art. 23	4-27-2015	General Law acceptance	Ch. A269
ATM, Art. 29	4-27-2015	Zoning amendment	Ch. 179
ATM, Art. 34	4-27-2015	Personnel amendment	Ch. 35
ATM, Art. 5	4-25-2016	Personnel amendment	Ch. 35
STM, Art. 7	4-25-2016	Zoning amendment	Ch. 179
Board of Health	12-14-2016	Tobacco products	Ch. 242
ATM, Art. 5	4-24-2017	Finances amendment	Ch. 20
ATM, Art. 7	4-24-2017	Personnel amendment	Ch. 35
ATM, Art. 8	4-24-2017	Personnel amendment	Ch. 35
ATM, Art. 27	4-24-2017	General Law acceptance	Ch. A269
ATM, Art. 28	4-24-2017	Purchasing repealer	Ch. 39, reference only
ATM, Art. 29	4-24-2017	Building construction amendment	Ch. 69, Arts. I, II, III, V
ATM, Art. 30	4-24-2017	Capital Improvement Plan Committee amendment	Ch. 10, Art. VI

Enactment	Adoption Date	Subject	Disposition
ATM, Art. 7	4-30-2018	Personnel Amendment	Ch. 35
ATM, Art. 9	4-30-2018	General Law Acceptance	Ch. A269
ATM, Art. 21	4-30-2018	General Law Acceptance	Ch. A269
ATM, Art. 22	4-30-2018	General Law Acceptance	Ch. A269
ATM, Art. 25	4-30-2018	General Law Acceptance	Ch. A269
ATM, Art. 27	4-30-2018	Zoning Amendment	Ch. 179