

# TOWN OF SOUTHAMPTON GENERAL BY-LAWS

## ARTICLE 1 Town Meeting

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

*Amended Oct. 30, 2007*

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

*Amended STM 1-16-18 to read:*

Sec.1.The Annual Election of Town Officers shall be held on the third Tuesday in May of each year. The Annual Meeting of the Town shall be held on the first Tuesday in May, commencing at 7:00 p.m. in the evening, and if not completed in a reasonable time, prescribed by the Moderator, shall continue on successive evenings beginning at 7:00 p.m. until its conclusion, excluding Sundays and Holidays.

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

*Amended May 19, 2009*

Warrants for all Town meetings shall be served by posting attested copies of the same in six (6) places in the Town (to include the Town's website); at least seven (7) days before the time of holding an Annual Town Meeting, and at least fourteen (14) days before the time of holding a Special Town Meeting.

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

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

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

*Amended 5/1/18 - quorum changed to 50  
AG's approval 8/3/18*

Sec. 6. At all Town Meetings, except meetings that are devoted exclusively to the election of officers, fifty (50) legal voters shall be necessary to constitute a quorum; provided that a number less than a quorum may from time to time adjourn the same.

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

*Amended 5/16/17 to include Sec. 8  
AG's approval 9/26/17*

Sec. 8.

(a.) All speakers at Town Meeting shall be recognized by and address the moderator, and shall face and speak directly to the voters in attendance in the meeting hall; and

(b.) All public officials located at tables in the front of the hall shall face toward the voters and shall also stand and be recognized by and first address the moderator, and shall then also face and speak directly to the voters; and

(c.) Speakers shall not address specific individuals within the hall nor engage in any rude behavior toward any individuals.

*Amended 5/1/18 to include Sec. 9  
AG's approval 8/3/18 – see comment below*

Sec. 9. The formal Rules of evidence, including those relating to hearsay evidence, that apply at formal proceedings such as court trials, shall not be applied to Town Meetings, inasmuch as their complexity makes it difficult, if not impossible, to apply consistently. Accordingly, duly recognized speakers, whose statements comport with requirements for decorum, shall not be prevented from speaking by the Moderator when the speakers are acting in good faith, with the reasonable belief their statements are true and that their statements are material and pertinent to matters legitimately before the Town meeting.

**AG's comment:** *“The new Section 9 cannot be applied in a manner that interferes with the Moderator's authority to preside over and regulate Town Meeting, including the Moderator's authority to request a person to “be silent.” See G.L. c. 39, §§ 15-17.”*

## ARTICLE II Finance Committee

*Sec. 1 was amended at STM 1-16-18 to read:*

Sec. 1, There shall be a Finance Committee for the Town consisting of five (5) voters of the Town, who shall perform the duties set forth in the following sections of this article and be governed by the provisions thereof. The committee shall be elected as provided in Section II of this article. Finance Committee members may serve as liaisons to other committees, boards, commissions, and/or *ad hoc* committees, as needed, to maintain communication and coordination between those bodies and the Finance Committee. Finance Committee members may serve on appointed committees, commissions, boards, or *ad hoc* committees, with voting rights, unless otherwise stipulated in the Town's By-laws.

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

*Approved Annual Town Meeting of May 17, 2011*

If after such election, there are one or more vacancies on the Finance Committee, the Select Board shall in writing appoint a person or persons to fill such vacancy (ies). Any person so appointed shall be a registered voter of the Town and shall perform the duties of the office until the next annual election or until another is qualified.

*Sec. 3 was amended at STM 1-16-28 to read:*

Sec. 3. The Finance Committee shall consider all articles in any warrant thereafter issued for any Town meeting, Annual or Special, calling for the expenditures and/or transfer of money shall consider such articles and report in writing or otherwise to the Town meeting its recommendations as deemed to be in the best interest of the Town.

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

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

### ARTICLE III SELECTBOARD

*Amended & Approved 5/7/19 - Approved by A/G /17/19*

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

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

*Amended May 19, 2009*

Sec. 3. The Select Board shall appoint a Town Administrator for a period of time to be determined within contractual terms, but not more than three years per contract. The Town Administrator shall not hold an elective office in Southampton Town government.

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

Sec. 5. The Select Board is authorized to sell and otherwise dispose of any equipment or material in the hands of any department, which is deemed, by said department to be obsolete and/or of no further use by the Town. The Select Board shall determine if the equipment or material is of sufficient value to sell, by competitive bid or auction. Notices shall be posted in five (5) public places and at least once in a daily

Newspaper of general circulation with the time and place of such sale with a descriptive listing of articles involved, at least two (2) weeks prior thereto. The Select Board may reject and all bids which they deem inadequate and/or not in the best interest of the Town thereto.

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

*Sec 7 Amended and approved May 7, 2019 to read*

Sec. 7. There shall be a Select Board of five members elected for three-year overlapping terms. Such Select Board shall have all the powers and duties of a Select Board for purposes of any and all federal, state and local laws referring to Selectboard or Selectmen, including but not limited to the Massachusetts General Laws, Code of Massachusetts Regulations and any bylaws and special acts applicable to the Town of Southampton

#### ARTICLE IV

##### Town Clerk

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

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

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

#### ARTICLE V

##### Town Treasurer

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

ARTICLE VI  
General Government

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

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

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

*Sec. 3 Amended May 20, 2014 to read:*

Sec. 3. The Town shall, each fiscal year, fund through taxation and hire an independent third party accounting firm to perform an annual audit of the financial records of the Town and to report its findings to the Town; such report to be made public within thirty (30) days of its completion.”

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

*Amended to Delete Section 4 May 19, 2009*

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

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

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

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

## ARTICLE VII

Amended to delete Article VII Building Permits in its entirety.

May 19, 2009

## ARTICLE VII

### Restriction on Issuances of Local Licenses or Permits

M.G.L. Chapter 40, Section 57

*(Amended to add section 1 (e) 10-20-15; AG's approval 1-22-16)*

Sec. 1 The Town of Southampton may deny any application for, or revoke or suspend a building permit or any local license or permit including renewals and transfer issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of section twenty-one D or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges. Such by-law or shall provide that:

(a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfer, 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.

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfer of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector provide, however, that written notice is given to the party and tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such 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, fee, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

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

(d) The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in M.G.L. Chapter 268A, §1 in the business or activity conducted in or on said property.

(e) No demolition permit for a building which is in whole or in part 100 years or more old and/or listed on the Massachusetts Cultural Resource Inventory System for Southampton shall be issued without following the provisions of ARTICLE XXXVII - THE PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS. If a building is of unknown age, it shall be assumed that the building is over 100 years old for the purposes of this bylaw.

Sec. 2. This bylaw shall not apply to the following licenses and permits: open burning; bicycle permits; sales of articles for charitable purposes; children work permits; clubs, association dispensing food or beverage licenses; dog licenses; fishing, hunting, trapping licenses; marriage licenses; and theatrical events or public exhibition permits.

## ARTICLE VIII

### Dog Kennels

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

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

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

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

ARTICLE IX  
Swimming Pools

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

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

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

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

ARTICLE X  
The Keeping of Unregistered Motor Vehicles

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

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

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

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

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

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



ARTICLE XI  
Matter on Public Ways or Places

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

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

ARTICLE XII  
Overnight Parking

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

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

ARTICLE XIII  
Conflict of Interest-Town Attorney

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

ARTICLE XIV  
Soliciting Prohibited

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

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

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

## ARTICLE XV

### Dogs

*Amended 10/21/14 to add first sentence to Section 5, increasing fees;*

*AG approved 12/29/14*

*Amended on 5/16/17 to include Sections 6 & 7;*

*AG approved 8/30/17*

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

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

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

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

Sec. 5. \*\* (The fee for dog licenses shall be (\$10) for neutered males and spayed females and (\$15) for unneutered males and unspayed females). Any Owner of a dog who fails to pay the required licensing fees as set forth in the Massachusetts General Laws, Chapter 140, on or before June 1 of any year, shall, prior to the issuance of any license, pay a penalty fee of fifteen (\$15.00) dollars or a fee established by the Select Board, in addition to all other licensing fees due. This penalty shall not apply to any person who during the licensing period became the owner or keeper of a dog that becomes three (3) months old or older, or the owner or keeper of a dog that becomes three (3) months old during the licensing period, provided the licensing fee is paid within thirty (30) days of such event.

Sec. 6: No dog held in the custody of the Southampton Animal Control Officer shall be released until the owner or keeper has reimbursed the Town for any costs incurred in caring for said dog during the period of confinement, in an amount to be determined by the Animal Control Officer.

Sec. 7: No dog held in the custody of the Southampton Animal Control Officer shall be released unless and until it is properly licensed by the Town Clerk.

## ARTICLE XVI

### Fire Lanes

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

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

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

## ARTICLE XVII

### Council on Aging

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

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

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

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

Amended STM 1-16-18 to read:

Sec. 4. The COA Director is hired by and ultimately responsible to the appointing authority, the Select Board. The Select Board has the power to hire, evaluate and/or terminate the Director, and may delegate some or all of these functions to the Town Administrator. The Director has the responsibility for the hiring and supervision of paid staff and unpaid volunteers.

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

Amended at STM 1-16-18 to add:

Sec. 6. The COA Board serves as an advisory board.

ARTICLE XVIII  
Sidewalk Clearing

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

ARTICLE XIX  
Littering

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

ARTICLE XX  
Public Assembly

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

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

ARTICLE XXI  
Personnel Policies and Procedures

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

ARTICLE XXII  
Numbering of Buildings

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

Sec. 2. Place the building number on the front side of the front door; if the building is not visible from the highway, it will be placed on the mailbox or a post or structure to the right of the driveway. Numbers to be a minimum of six inches (6") or larger. Failing to do so after thirty (30) days of notification will be fined twenty (\$20.00) dollars.

ARTICLE XXIII  
Fees to the Town Treasury

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

ARTICLE XXIV  
Temporary Repairs on Private Ways

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

ARTICLE XXV  
Curb Cuts

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

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

## ARTICLE XXVI

### Solid Waste/Landfill

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

## ARTICLE XXVII

### Commercial I.D. Stickers/Landfill

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

## ARTICLE XXVIII

### Recycling

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

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

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

ARTICLE XXIX  
Conservation Commission Fees

*Fee schedule as amended 5-21-13 ATM; AG's approval 9-10-13)*

- Sec. 1. Permit fee are payable at the time of application and are non-refundable.
- Sec. 2. Permit fees shall be calculated by the Commission per the schedule below.
- Sec. 3. Town, County, State and Federal projects are exempt from fees.
- Sec. 4. There shall be no fees for activities involving improvements for the agricultural use of land or for conversion to agricultural use.
- Sec. 5 No fee is charged for Requests for Determination under the law or extensions of Orders of Conditions.(removed)

**Conservation Commission Fees**

**Fee schedule (separate from State Filing Fees, Newspaper Public Notice and Potential Use of Consultants):**

1. Notice of intent (NOI)  
\$100.00- work on single family lot' addition, pool, or other minor work; site work without a house; control vegetation; resource improvement; work on septic system separate from house.  
\$250- construction of single family house; parking lot; electric generating facility activities; control vegetation in development.  
\$1,000- site preparation (for development) beyond Notice of Intent scope; each building (for development) including site; hazardous cleanup.
2. Abbreviate Notice of Resource Area Delineation (ANRAD)  
\$1.00 per square foot/\$100 min \$1000 max
3. Request for Determination of Applicability (RDA) - \$75.00
4. Certificate of Compliance-\$50.00
5. Site visit (separate from NOI/RDA/ANRAD/ Certificate of Compliance)-\$50.00

The Conservation Commission Fees can be modified periodically with the approval of the Select Board.

ARTICLE XXX  
Public Buildings

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

ARTICLE XXXI  
Capital Improvement Committee

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

Sec. 2. The Committee shall study proposed capital projects and improvements involving major tangible assets or projects which are purchases or undertaken at intervals of not less than one year, have a useful life of at least one year or cost five thousand (\$5,000.00) dollars or more. Such a Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals.

All Department Heads, Boards and Committees, shall by October 1st of each year, give to the Committee on forms prepared by it, information concerning all anticipated projects requiring Town meeting action during the ensuing five (5) years.

The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the Town. No appropriation shall be voted for a capital expenditure requested by a department, Board or Commission, unless the proposed Capital Improvement is considered in the Committee’s report or the Committee shall first have submitted a report to the Select Board explaining the omission.

Sec. 3. The Committee shall prepare an annual report recommending a Capital improvement budget for the next fiscal year and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. (Continued on next page) The Board shall submit its’ capital budget to the Annual Town meeting for adoption by the Town after joint review with Finance Committee of funding available for capital budgets.

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



ARTICLE XXXII  
Non-Criminal Disposition

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

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

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

BY-LAWS:	PENALTY
Regulations:	
• Board of Health Tobacco Control	As stated in the Regulations
• Board of Health Trash Hauler and Recycling Operational Regulations	As stated in the Regulations
• Board of Health Title V Septic System Inspection Regulations	As stated in the Regulations

Or take any other action relative thereto.

### XXXIII

#### Community Preservation By-law

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

- (1) One member of the Conservation Commission as designated by the Commission;
- (2) One member of the Historical Commission as designated by the commission;
- (3) One member of the Planning Board as designated by the Board;
- (4) The Highway Superintendent, whose responsibilities include the duties of the board of Park Commissioner established under G.L. c. 45, §2, or his designee;
- (5) One member of the Housing Authority as designated by the Authority;
- (6) One member of the Finance Committee as designated by the Committee; and
- (7) One member of the Board of Selectman, as designated by the Board of Selectman.
- (8) Two members at Large, to be appointed initially by the Board of Selectmen and, starting with the 2002 Annual Town Election, to be thereafter elected for a term of three years.

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

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

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

#### Section 2: Duties

- (1) The Community Preservation committee shall study the needs, possibilities and resources of the town regarding Community Preservation. The committed shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board the Department of Public Works, and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies, as part of its study, the committee shall hold one annual public informational hearing, or more at its discretion, on the needs, possibilities and resources of the town regarding Community Preservation possibilities and resources, notice of which shall be posted public and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

- (2) The Community Preservation committee shall make recommendations to the Town meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section,. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new building on previously developed sites.
- (3) The Community Preservation committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with Community Preservation but for which sufficient revenues are not then available in the community preservation fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with Community Preservation.
- (4) In every fiscal year, the Community Preservation committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation fund for (a) open space (not including land for recreational use), (b) historic resources; and (c) community housing.

#### Section 3: Requirement for a quorum and cost estimates

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

#### Section 4: Amendments

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

#### Section 5: Severability

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

#### Section 6: Effective Date

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

XXXIV  
Agricultural Commission

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

**Purpose:**

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

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

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

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

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

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

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

**Sec. 1 Purpose**

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

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

The objectives of this by-law are:

- (1) To prevent pollutants from entering the Town of Southampton's municipal separate storm sewer system (MS4);
- (2) To prohibit illicit connections and unauthorized discharges to the MS4;
- (3) To require the removal of all such illicit connections;
- (4) To comply with state and federal statutes and regulations relating to stormwater discharges; and,
- (5) To establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

**Sec. 2 Definitions**

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

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

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

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

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

Groundwater: All water beneath the surface of the ground.

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

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

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

Municipal separate storm sewer system (MS4) or municipal storm drain system: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Southampton.

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

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

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

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

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) liquid and solid wastes and yard wastes;

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

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

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

Stormwater: Runoff from precipitation or snow melt.

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

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

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

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

### **Sec. 3 Applicability**

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

### **Sec. 4 Responsibility for Administration**

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

## **Sec. 5 Regulations**

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

## **Sec. 6 Prohibited Activities**

### **1. Illegal Discharges**

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drain system, watercourse, or into the waters of the Commonwealth. Emergency pumping performed by the Fire Department must utilize appropriate best management practices (BMPs) and follow hazardous materials disposal guidelines to prevent contamination of the municipal storm drainage system with hazardous materials. If hazardous materials are observed within the flooded area, or are suspected to be contained within the flooded area, a qualified hazmat technician must be consulted before pumping. If hazardous materials are observed at any point during pumping, cessation of pumping is required until a qualified hazmat technician can be consulted and BMPs put in place to prevent the contamination of nearby water ways and the municipal storm drainage system.

### **2. Illicit Connections**

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

### **3. Obstruction of Municipal Storm Drain System**

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

### **4. Exemptions**

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

- (1) Waterline flushing;
- (2) Flows from potable water sources;
- (3) Springs;
- (4) Flows from riparian habitats and wetlands;
- (5) Diverted stream flows;
- (6) Rising groundwaters;
- (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
- (9) Discharges from landscape irrigation or lawn watering;
- (10) Water from individual residential car washing;



- (11) Discharges from dechlorinated swimming pool water (less than one ppm chlorine) provided it is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (12) Discharges from street sweeping;
- (13) Discharges or flows resulting from fire fighting activities;
- (14) Dye testing, provided written notification is given to the Highway Department prior to the time of the test;
- (15) Non-stormwater discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (16) Discharges for which advanced written approval is received from the Highway Department if necessary to protect public health, safety, welfare or the environment.

### **Sec. 7 Emergency Suspension of Storm Drainage System Access**

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

### **Sec. 8 Notification of Spills**

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

### **Sec. 9 Enforcement**

- (4) 1. Enforcement Agent
- (5) The Highway Department or an authorized agent of the Highway Department shall enforce this by-law, and the regulations promulgated thereunder, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.
- (6) 2. Orders

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

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

### 3. Equitable Remedy

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

### 4. Non-Criminal Disposition

**3.** As an alternative to criminal prosecution or civil action, the Town of Southampton may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D. The Highway Department shall be the enforcing person. The penalty for the 1st violation shall be \$50. The penalty for the 2nd violation shall be \$100. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

### 5. Right-of-Entry

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

6. Remedies Not Exclusive

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

**Sec. 10 Severability**

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

**Sec. 11 Transitional Provisions**

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

ARTICLE XXXVI

SOUTHAMPTON WATER USE BY-LAW

***Section 1. Authority***

This By-law is adopted by the Town of Southampton under its police powers to protect public health and welfare and its powers under M.G.L. c.40, §§21 et seq. And implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, §69B. This by-law also implements the Town's authority under M.G.L. c. 40 §41A, conditioned Upon a declaration of water supply emergency issued by the Department of Environmental Protection.

***Section 2 Purpose***

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

***Section 3. Definitions***

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

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

**State of Water Supply Conservation** shall mean a State of Water Supply Conservation declared by the Town pursuant to section 4 of this by-law.

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

#### ***Section 4. Declaration of a State of Water Supply Conservation***

The Town of Southampton, acting through its Board of Water Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water conservation shall be given under section 6 of this by-law before it may be enforced.

#### ***Section 5. Restricted Water Uses***

A declaration of a State of Water Supply Conservation shall include one or more of the following restriction, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

- a) Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.
- b) Outdoor Water Ban: Outdoor watering is prohibited.
- c) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- d) Filling Swimming Pools; Filling of swimming pools is prohibited.
- e) Automatic Sprinkler Use: The use of automatic lawn sprinkler system is prohibited.

#### ***Section 6 Public Notification of a State of Water Supply Conservation:***

Notification of DEP

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

#### ***Section 7. Termination of a State of Water Supply Conservation; Notice***

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

#### ***Section 8. State of Water Supply Emergency; Compliance with DEP Orders***

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

### ***Section 9. Penalties***

Any person violating this by-law shall be liable to the Town in the amount of \$25.00 for the second violation and \$50.00 for each subsequent violation which shall inure to the Southampton Water Department Enterprise Fund for such uses as the Board of Water Commissioners may direct. A warning shall be given for the first violation. Fines shall be recovered by non-criminal deposition in accordance with section 21D of chapter 40 of the general laws. Each day of violation shall constitute a separate offense. On the fourth violation the Water Department may throttle the offending water service to reduce flow of water to the water consumer until accommodation is reached.

### ***Section 10. Severability***

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

## **ARTICLE XXXVII**

### **THE PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS**

*(Added 10-20-15 STM; AG's approval 1-22-16)*

#### **Sec. 1. Intent and Purpose**

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

#### **Sec. 2. Definitions**

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

**Application**: An application for the demolition of a building.

**Building**: Any combination of materials forming a shelter for persons, animals, or property.

**Building inspector**: The person occupying the office of Building inspector or otherwise

authorized to issue demolition permits.

Commission: The Southampton Historical Commission or its designee.

Demolition: Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

Demolition Permit: The building permit issued by the Building Inspector for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

Massachusetts Cultural Resource Inventory System: a database maintained by the Massachusetts Historical Commission containing information on historic properties.

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

Significant Building: Any building within the town of Southampton which is in whole or in part 100 years or more old and which has been determined by the Commission or its designee to be significant based on any of the following criteria:

- The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or
- The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

### Sec. 3. Procedure

No demolition permit for a building which is in whole or in part 100 years or more old and/or listed on the Massachusetts Cultural Resource Inventory System for Southampton shall be issued without following the provisions of this bylaw. If a building is of unknown age, it shall be assumed that the building is over 100 years old for the purposes of this bylaw.

1. An applicant proposing to demolish a building subject to this bylaw shall file with the Building Inspector an application containing the following information:
  - The address of the building to be demolished.
  - The owner's name, address and telephone number.
  - A description of the building.
  - The reason for requesting a demolition permit.
  - A brief description of the proposed reuse, reconstruction or replacement.
  - A photograph or photograph(s) of the building.
2. The Building Inspector shall within seven days forward a copy of the application to the Commission. The Commission shall within fifteen days after receipt of the application, make a written determination of whether the building is significant.
3. Upon determination by the Commission that the building is not significant, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.
4. Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Inspector and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Inspector

- within fifteen days of receipt of the application, the Building Inspector may proceed to issue the demolition permit.
5. If the Commission finds that the building is significant, it shall hold a public hearing within thirty days of the written notification to the Building Inspector. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in town hall for a period of not less than seven days prior to the date of said hearing and the applicant and the building inspector shall be notified in writing of the meeting time and place.
  6. The Commission shall decide at the public hearing or within fourteen days after the public hearing whether the building should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.
  7. If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Inspector and applicant in writing. The Building inspector may then issue the demolition permit.
  8. If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may then be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Inspector in writing within twenty one days of the public hearing, the Building Inspector may issue the demolition permit.
  9. Upon a determination by the Commission that a building is preferably preserved, no building permit for new construction or alterations to the subject building shall be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission.
  10. No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Inspector and have been found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances, permits or approvals must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.
  11. The Building Inspector may issue a demolition permit or a building permit for a preferably preserved building within the twelve months if the Commission notifies the Building Inspector in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit.
  12. Following the twelve month delay period, the Building Inspector may issue the demolition permit, a copy of which shall be provided to the Historical Commission.

#### Sec. 4. Administration

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

The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw payable by the applicant. All fees must be approved by the Select Board.

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

The Commission may pro-actively develop a list of significant buildings that will be subject to this bylaw. Buildings proposed for the significant building list shall be added following a public hearing.

#### Sec. 5. Emergency Demolition

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

#### Sec. 6. Enforcement and Remedies

The Commission and/or the Building Inspector are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this by-law or to prevent a threatened violation thereof.

Any owner of a building subject to this bylaw that demolished the building without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than Three Hundred Dollars. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission.

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

#### Sec. 7. Historic District Act

Following a determination that the building is significant and preferably preserved, the Commission may recommend to town meeting that the building be protected through the provisions of Massachusetts General Law, Chapter 40C, the Historic Districts Act. The steps required under M.G.L. Chapter 40C shall be followed prior to the establishment of a local historic district. Nothing in this by-law shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this by-law do so conflict, that act shall prevail. Buildings included within the boundaries of a local historic district established under M.G.L Chapter 40C shall not be subject to this bylaw so long as the proposed demolition is regulated by the local historic district bylaw.

#### Sec. 8. Severability

In case any section, paragraph or part of this by-law be for any reason declared invalid or



unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

## ARTICLE XXXVIII Stretch Energy Code

*Adopted 5/17/16 ATM; AG approved 8/18/1)  
Effective 1/1/2017*

### **Section 1- Definitions**

**International Energy Conservation Code (IECC)** - The 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. The baseline energy conservation requirements of the Massachusetts State Building Code are the IECC 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 9<sup>th</sup> edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the (IECC) to improve the energy efficiency of buildings built to this code.

### **Section 2- 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.

### **Section 3 - Applicability**

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

### **Section 4- Stretch Code**

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, is herein incorporated by reference into the Town of Southampton General Bylaws, Chapter XXXVIII.

The Stretch Code is enforceable by the inspector of buildings or building commissioner.

## ARTICLE XXXIX

### Fire Hydrant Use

*Approved 10/18/16 STM; AG approved 1/27/17*

No person(s) shall willfully open or tamper with any fire hydrant to cause damage and/or to allow water to flow on any public or private property in the Town of Southampton unless previously authorized to do so by the Water Department or Fire Chief. Each unauthorized opening/tampering of a hydrant shall constitute a separate offense; penalty shall not exceed \$200 per offense.

## ARTICLE XL

### NON-CRIMINAL DISPOSITION OF VIOLATIONS OF BY-LAWS, RULES, AND REGULATIONS –

*Approved 10/18/16 STM; AG approved 1/27/17  
Amended 5/16/17 ATM; AG approved 8/30/17*

#### ***Section 1.***

There is hereby established in the Town of Southampton, pursuant to the provisions of MGL Ch. 40, §21D, a system of non-criminal disposition of violations of the Town By-laws, and/or the rules and regulations of its departments, boards, commissions, committees, and officials, the violation of which is subject to a specific penalty.

#### ***Section 2.***

Any person taking cognizance of a violation of any by-law, rule, or regulation which that person is empowered to enforce, may give to the offender written notice to appear before the Clerk of the District Court having jurisdiction thereof at any time during office hours, but not later than twenty-one (21) days after the date of said notice. The form, content, timing, manner of delivery, and processing of such notice shall comply with the provisions of said MGL Ch. 40, §21D.

#### ***Section 3.***

Any person notified to appear before the Clerk of the District Court as hereinbefore provided, may, either personally or through a duly authorized agent, appear and make payment of the stipulated fine to the Southampton Town Clerk, or mail to the Southampton Town Clerk, together with the notice, such sum of money not exceeding three hundred dollars as the Town may fix for the penalty for violation of the by-law, rule, or regulation. While payment in person may be made in cash, any payment mailed to the Town Clerk must be in the form of postal note, money order, or check. Payment to the Town Clerk shall operate as a final disposition of the case, and shall not be deemed to be a criminal proceeding.

#### ***Section 4.***

Any person so notified to appear who desires to contest the violation alleged in the notice may, within twenty-one (21) days of the date of said notice, submit a request for hearing, in writing, to the Clerk of the District Court. Any such hearing shall not be deemed to be a criminal proceeding.

## **Section 5.**

Any person so notified who fails to confess the offense charged by paying the fine within the time specified, or who fails to pay the sum fixed as a penalty after hearing and finding, shall be subject to an application for, and the issuance of a criminal complaint for the violation of the said By-law, rule, or regulation.

## **Section 6.**

Non-criminal disposition may be applied to the following by-laws, rules, and regulations, enforced by the authorized personnel indicated (with the Police Department to be considered an enforcement authority in all cases, even if not specifically noted), and with penalties as noted:

<b><u>Violation</u></b>	<b><u>Enforcement</u></b>	<b><u>Fine</u></b>
Alcohol on Public Grounds (Gen. Bylaw Art. XX)	Police Department	\$50 per Offense
Dog Kennels (Gen. Bylaw Art. IIIX)	Animal Control Officer(s) Animal Inspector	\$20 per Offense
Dogs At Large (Gen. Bylaw Art. XV)	Animal Control Officer Police Department	\$20 per Offense
Fire Lanes (Gen. Bylaw Art. XVI)	Fire Chief or authorized Designee Police Department	\$50 per Offense
Illicit Connections Discharge (Gen. Bylaw Art. XXXV)	Highway Superintendent or authorized designee	\$50 1 <sup>st</sup> Offense \$100 2 <sup>nd</sup> Offense \$300 3 <sup>rd</sup> + Offense
Littering (Gen. Bylaw Art. XIX)	Police Department	\$300 per Offense
Matter on Public Way (Gen. Bylaw Art. XI)	Police Department Building Commissioner Highway Superintendent or authorized designee	\$20 per day
Overnight Parking (Gen. Bylaw Art. XII)	Police Department Highway Superintendent or authorized designee	\$20 per day
Preservation Historical Buildings (Gen. Bylaw Art. XXXVII)	Building Commissioner	\$300 per day
Sidewalk Clearing (Gen. Bylaw Art. XVIII)	Police Department	\$10 per Day
Soliciting Prohibited (Gen. Bylaw Art. XIV)	Police Department	\$20 per Offense
Swimming Pools (Gen. Bylaw Art. IX)	Building Commissioner	\$5 per day

Unauthorized taking of water from a hydrant (Gen. Bylaw Art. XXXIX)	Water Superintendent of Authorized Designee	\$200 per Offense
Unregistered Motor Vehicle (Gen. Bylaw Art. (X))	Building Commissioner Board of Selectmen	\$10 per day
Water Use (Gen. Bylaw Art. XXXVI)	Water Superintendent	\$0 1 <sup>st</sup> Offense \$25 2 <sup>nd</sup> Offense \$50 3 <sup>rd</sup> + Offense
Right to Farm Disclosure Notification (Gen. Bylaw Art. XLI, Sec 4)	Board of Selectmen or its designee	\$100 1 <sup>st</sup> Offense \$200 2 <sup>nd</sup> Second Offense \$300 3 <sup>rd</sup> & Subsequent Offenses

**ARTICLE XLI**  
**Right To Farm By-Law**

*Approved 5/16/17 ATM;  
AG approved 8/30/17*

**Section 1 Legislative Purpose and Intent**

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

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

**Section 2 Definitions**

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

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

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

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

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

### **Section 3 Right to Farm Declaration**

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

### **Section 4 Disclosure Notification**

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Southampton, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Select Board or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

A violation of Section 4 shall be subject to a fine of \$300 and shall be enforced by the Select Board or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provision of G.L. c. 40, § 21D and Article XXXII of the Town By-laws in the amounts set forth below:

First Offense \$100.00

Second Offense \$200.00

Third and Subsequent Offenses \$300.00

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Select Board or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

### **Section 5 Resolution of Disputes**

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

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

### **Section 6 Severability Clause**

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

## XLII Revolving Funds

*Approved 5/16/17 ATM;  
AG approved 8/30/17*

*Conservation added 5/1/18 ATM;  
AG approved 8/3/18*

*Amended and Approved ATM 5/7/19  
AG approved 5/17/19*

Section 1: Revolving funds as set forth in Article 24 of the Warrant for the Annual Town Meeting of May 16, 2017 be hereby established; and further, that the limitation on expenditures for each revolving fund be established according to Article 24 of the May 16, 2017 Annual Town Meeting (see chart on next page).

*Amendment from May 7, 2019 Annual Town Meeting –approved by AG 5/17/19  
Amend Article XLII of the Town General by Bylaws, pursuant to the provisions of Section 53E1/2 of Chapter 44 of the Massachusetts General Laws, as most recently amended, by inserting two new categories to the revolving funds, “Conservation Commission and Fire Chief “ and specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, with the new language noted in italics, as per Article 31 of the Warrant for the May 7, 2019 Annual Town Meeting and to set the FY spending limits as specified in Article 31*

Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in

<b>Program or Purpose</b>	<b>Representative or Board Authorized to Spend Fund</b>	<b>Department Receipts</b>
<b>Conservation</b>	Conservation Commission	Receipts from Fees and filings
<b>Council on Aging Van</b>	Council on Aging Director	Receipts from Operation of Van
<b>Dog Licensing and Control</b>	Town Clerk and Dog Officer	Dog License Fees and Other Related Charges
<b>Electrical Inspections</b>	Electrical Inspector	Electrical Inspection Receipts
<b>Park Commission</b>	Park Commission	Field Usage Fees
<b>Planning Board</b>	Planning Board	Filing Fees
<b>Planning Board</b>	Planning Board	Consultant Charges
<b>Plumbing Inspections</b>	Plumbing Inspector	Plumbing Inspection Receipts
<b>Conservation Commission and Fire Chief</b>	Fire Chief	Receipts from department
<b>Tax Title</b>	Treasurer/ Collector	Receipts from Tax Title
<b>Weights &amp; Measures</b>	Weights & Measures	Receipts from fees
<b>Zoning Board of Appeals</b>	Zoning Board of Appeals	Receipts from Fees

Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with G.L. c.44, §53E½.

XLIII  
Town Budget Process

*Approved 1-16-18 STM*

1. Purpose: To provide voters with ample time to review all budget-related items prior to consideration at Town Meeting, to mandate early, timely budget deliberations, to reinforce collaboration and communication, and to discourage budget-related items being introduced at Town Meeting without ample opportunity for all stakeholders to consider the implications, this bylaw sets forth a process for development of the annual budget presented to Town Meeting.
2. Annual Operating Budget and Select Board Budget Priorities. The Select Board shall prepare the annual operating budget for submission to Town Meeting. Annually, the Select Board shall determine budget priorities for the upcoming Fiscal Year, after consultation with the Finance Team (Town Administrator, Finance Committee Member(s), Town Accountant, Treasurer, and Principal Assessor) as the Select Board deems necessary and appropriate.
3. Budget Schedule. On or about December 1, the Town Administrator shall forward to all Departments and Committees a budget schedule, which schedule shall include time frames and deadlines for actions necessary to prepare the annual budget, together with the Select Board's budget priorities and guidelines for budget preparation. This schedule shall include a date, no later than April 1 (or at least two weeks after the Select Board's Budget is submitted to the Finance Committee as provided for in the budget schedule, whichever is later), for the Finance Committee to provide its budget recommendations to the Select Board.
4. Availability of Final Budget and Final Budget Recommendations. The Select Board's Final Budget, and the Finance Committee's Final Budget Recommendations for each line item of the Select Board's Final Budget, shall, at least one week prior to the Annual Town Meeting, be posted on the Town's website and be made available at Town Hall.



XLIV  
MARIJUANA

*Approved 2-5-19 STM /AG Approved 3-20-19*

Section 1. Limitation on Adult Use retail Establishments

The number of adult use “marijuana retailer” establishments, as defined in G.L. c.94G, §1 - permitted to be located within the Town of Southampton shall not exceed 50% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under chapter 138 of the General Laws. For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number where sold under chapter 138 of the General laws. For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number.

Section 2. Prohibition on Public Consumption of Marijuana or Tetrahydrocannabinols

No person shall inhale, ingest, or otherwise use or consume marijuana or THC with the exception of prescribed medical marijuana or tetrahydrocannabinols (THC) in all forms (as defined in G.L. c. 94C, § 1, as amended) while in or upon any public place, including but not limited to any public or private street to which the public has a right of access, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place which members of the public have access as invitees or licensees, or in or upon any other place accessible to the public. Whoever is found in violation of this bylaw shall, when requested by an official authorized to enforce this bylaw, state their true name and address to such official.

This Bylaw may be enforced by any police officer of the Town through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c.40, § 21, or by noncriminal disposition pursuant to G.L. c. 40, § 21D. The fine for violation of this Bylaw shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this Bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

“This Bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c.40, §21, or by noncriminal disposition pursuant to G.L. c. 40, §21D, or any police officer. The fine for violation of this Bylaw shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this Bylaw shall be in addition to any civil penalty imposed under G.L. c. 94c, §32L.”

This Bylaw shall not alter or affect the jurisdiction of the Board of Health under the provisions of G.L c.111, §31 or any other applicable law, including but not limited to the regulation of combustion and inhalation of tobacco and non-tobacco products in workplaces and public spaces in the Town.

