

## **BY-LAWS FOR TOWN OF SOUTHAMPTON**

### ARTICLE I

#### 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 10:00 A.M. and not continuing past 4:00 P.M., which may require continuance on successive evenings from 7:30 P.M. until 10:00 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.

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

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

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

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

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

### ARTICLE II

#### Finance Committee

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

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

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

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

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

### ARTICLE III

#### Selectmen

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

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

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

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

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

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

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

#### ARTICLE IV

##### Town Clerk

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

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

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

#### ARTICLE V

##### Town Treasurer

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

#### ARTICLE VI

##### General Government

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

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

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

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

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

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

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

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

## ARTICLE VII

### Building Permits

Sec. 1. No building, structure or part thereof, more than eight (8) feet in length or breadth and seven (7) feet in height, shall hereafter be constructed and no building or structure, now or hereafter erected shall hereafter be constructed and no building or structure, now or hereafter erected shall be razed, altered, moved or built within the limits of this Town without first giving description of same to the Board of Selectmen and receiving a permit therefor.

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

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

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

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

Each application form, when submitted for a building permit hereunder, shall be accompanied by three copies of the proposed site plan. The Board of Selectmen shall within ten (10) days after receipt of any site plan, transmit one copy thereof to the Planning Board. The Planning Board may in its discretion investigate the case and report in writing its recommendations to the Board of Selectmen. The Board of Selectmen shall not take final action on said plan units it has received a report from the Planning Board or until said Planning Board

has allowed fifteen (15) days to elapse after receipt of such plan without submission of a report thereon. Any alteration or amendment to said site plan shall be resubmitted and approved in writing by the Board of Selectmen.

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

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

## ARTICLE VIII

### Dog Kennels

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

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

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

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

## ARTICLE IX

### Swimming Pools

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

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

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

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

## ARTICLE X

### The Keeping of Unregistered Motor Vehicles

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

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

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

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

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

Sec. 5. Whoever violates any provisions of the article of the by-law shall be liable to a penalty of ten (\$10.00) dollars per day of violation; commencing ten (10) days following the date of receipt of written notice from the Board of Selectmen.

## ARTICLE XI

### Matter on Public Ways or Places

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

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

## ARTICLE XII

### Overnight Parking

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

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

ARTICLE XIII

Conflict of Interest - Town Attorney

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

ARTICLE XIV

Soliciting Prohibited

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

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

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

ARTICLE XV

Dogs

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

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

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

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

Sec. 5. Any Owner of a dog who fails to pay the required licensing fees as set forth in the Massachusetts General Laws, Chapter 140, on or before June 1 of any year, shall, prior to the issuance of any license, pay a penalty fee of fifteen (\$15.00) dollars or a fee established by the

Board of Selectmen, in addition to all other licensing fees due. This penalty shall not apply to any person who during the licensing period became the owner or keeper of a dog that becomes three (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.

## 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 (\$50.00) dollars for each violation.

## ARTICLE XVII

### Council on Aging

Sec. 1. There is hereby established a Council on Aging consisting of five (5) persons appointed by the Board of Selectmen from the voters and residents of the Town.

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

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

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

Sec. 5. It shall be the duty of the Council on Aging to carry out programs designed to meet problems of the aging in co-ordination with programs of the Department of Elder Affairs established under Section 1 of Chapter 19A of the General Laws.

## ARTICLE XVIII

### Sidewalk Clearing

Property owners whose property abuts sidewalks in Southampton shall be required to clear such sidewalks of ice and snow during the winter months hereafter. Such clearing of ice and snow to be completed within twenty-four (24) hours after a storm. The penalty for failure to comply with this by-law to be a fine of not more that ten (\$10.00) dollars in accordance with Chapter 85, Section 5 of the General Laws.

ARTICLE XIX

Littering

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

ARTICLE XX

Public Assembly

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

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

ARTICLE XXI

Personnel Policies and Procedures

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

ARTICLE XXII

Numbering of Buildings

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

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

ARTICLE XXIII

Fees to the Town Treasury

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

ARTICLE XXIV

Temporary Repairs on Private Ways

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

ARTICLE XXV

Curb Cuts

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

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

ARTICLE XXVI

Solid Waste/Landfill

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

ARTICLE XXVII

Commercial I.D. Stickers/Landfill

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

ARTICLE XXVIII

Recycling

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

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

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

ARTICLE XXVIII

Conservation Commission Fees

Sec. 1. Permit fees 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.

Fees:

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

ARTICLE XXX

Public Buildings

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

ARTICLE XXXI

Capital Improvement Committee

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

Sec. 2. The Committee shall study proposed capital projects and improvements involving major tangible assets or projects which are purchased 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 Board of Selectmen explaining the omission.

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

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