

Section 1 Town Meeting & Election

The Annual Election of Town Officers shall be held on the Third Saturday in May of each year with officials being elected taking office as of July 1,(ATM 5/1/2006) and the Annual Town Meeting for the transaction of other business shall be held on the First Monday in June, commencing at 7:00 p.m. (ATM 5/5/2008).

Section 2 Nomination for Office

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

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

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

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

Section 2A Recall Elections:

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

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

The Town Clerk shall, forthwith following the day of such filing with the office of the

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

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

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

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

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

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

Immediately at the right of the each proposition there shall be a square in which the voter,

by making a cross mark (x) may vote for either of such propositions. Under the propositions shall appear the word “Candidates” and the directions for the voters required by law, and beneath the word “Candidates” shall be the names of the candidates nominated as hereinabove provided.

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

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

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

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

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

Section 3 Five Legal Posting Places

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

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

(Amended 05/11/1996)

Section 4 Destroy Notices/Postings

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

Section 5 Moderators Reference Book

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

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

Section 5A 2/3 Vote

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

Section 6 Quorum Requirements

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

Section 7 Finance Committee Appointments

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

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

(Amended 05/02/2000)

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

Section 8 Council on Aging

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

They shall be appointed as follows:

Three (3) Members for Three Years

Three (3) Members for Two Years

Three (3) Members for One Year

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

Section 9 Residence Requirement for Elected Positions

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

Section 9-A Appointed Positions/Statutory Boards

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

Section 10 Appointed/Elected Official Resignation

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

Section 10-A Capital Improvement Planning Committee

Section 1: Committee

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

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

Section 2: Duties

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

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

All department heads, boards and commissioners, including the selectmen, shall by December 1st of each year give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing six years. The Committee shall consider the relative need, impact, timing, cost, completeness of the plan, community support, availability of outside funding and other factors deemed appropriate to the individual expenditures and the effect each will have on the financial position of the town. (Adopted ATM5/2/2000)

Section 10-B Audit

Beginning with Fiscal Year 2015 and every two years thereafter, the Town shall have an independent mini-audit performed of the Town Collector and Town Treasurer, which shall begin no later than six months after the end of the Fiscal Year; and beginning with Fiscal Year 2017 and every two years thereafter, the Town shall have an independent full audit performed which shall include at minimum the Board of Assessors, Town Accountant, Town Collector, and Town Treasurer, which shall begin no later than six months after the end of the Fiscal Year. The Board of Selectmen may vote not to have this independent audit performed if an independent audit was done in the previous fiscal year, which satisfied the requirements of this bylaw.

(Adopted 5/14/2001) (Amended ATM 6/2/2014)

Section 11 Site Development Review (Repealed ATM 6/7/2010)

1. The purpose of the By-Law is to protect the health, safety, and welfare of the public, coordinate the activities of the various Town boards and officials, promote the

observance and enforcement of the laws and ordinances which regulate the use and development of land and structures in the Town of Huntington, inform property owners of their rights and duties under these laws and ordinances, and to educate applicants so as to assist them in their project.

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

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

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

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

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

(ATM 5/14/2001, Act, Legislature)

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

Section 12 Dogs

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

Section 12-1 License Fees

The annual fee for dog licenses will be as follows:

\$4.00 Male & Spayed Female Dog

\$6.00 Un-spayed Female Dog

Section 12-2 Kennel License Fees

The annual fee for a Kennel License Fee shall be:

\$25.00 Four to Ten Dogs

\$75.00 Ten or More Dogs

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

Section 12-3 Registration by Town Clerk

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

Section 12-4 License Money Deposited Town Treasury

All money received for or from the sale of dog licenses or kennel licenses or recovered fines or penalties by said Town of Huntington under the provisions of Chapter 140 relating to dogs, and shall not thereafter, be paid over by the Town Treasurer to Hampshire County.

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

Section 12-5 Licensing Period

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

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

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

Section 12-6 Dog Running Loose-Pick-Up

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

Penalties: (Adopted ATM 5/2/1994)

Maximum fine allowed: \$100.00

Enforcement Agent: Dog Officer

1st offense Warning

2nd offense \$25.00

3rd offense \$50.00

4th offense \$100.00 per day

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

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

Section 12-7A Dogs Running Unrestrained

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

Section 12-7B Nuisance-Public Safety

1. No person shall own or keep within the Town any dog which by biting, barking, or in any other manner disturbs the peace and quiet of any neighbor or endangers the safety of any person or domesticated farm animal.

2. Any person permitting a dog owned or kept by them to perform its natural body functions on public property or property of other than that of the dog's owner or keeper shall be responsible for immediate proper disposal thereof.
3. Violation of this section shall be subject to the fines outlined in Section 43 Policies and Penalties. (ATM 5/3/2004)

Section 12-8 Enforcement

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

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

Each day a violation exists shall be deemed to be a separate violation.
 (Amended ATM 5/3/2004)

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

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

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

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

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

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

Section 12-11 Owner Appeal Selectboard/District Court

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

The Court may assess additional court fees.

Section 13 Refuse

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

Section 13-A Definitions

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

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

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

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

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

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

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

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

Rubbish: Combustible or non-combustible solid waste material except garbage and sewage, including but not limited to such materials as paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, grass clippings, tin cans, metals,

mineral matter, glass crockery, dust, ashes, construction wastes, industrial wastes, commercial wastes, demolition wastes, agricultural wastes, abandoned vehicles, street sweepings, wood, coal, coke, or other combustible materials and any other unwanted or discarded materials.

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

Recyclables: Recyclables and their preparation shall be defined in a separate document issued by the Board of Health on the annual basis, as the types of recyclables items may change from time to time. The town Board of Health shall notify all users of the Town Transfer Station Facility in a proper and timely fashion when any changes in recyclables accepted at the Transfer Station Facility occur. The Town Board of Health shall, to the best of its ability, provide for the practical recycling of as many times as possible through the service of the Hilltown Resource management Cooperative, the Springfield Materials Recycling Facility and other means they become available. The Town Board of Health shall issue its list of recyclables annually with the purchase by a resident of the Town, with proper identification for the use of the Town Transfer Station Facility. The Town Board of Health will continually make the list of recyclables available to all residents at the Town Transfer Station Facility. (STM 8/11/1994 to define recyclables as above.)

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

Section 13-B Disposal Regulations

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

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

Section 13-C Huntington Recycling Program

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

1. Separation of Recyclables

a. All metal and glass recyclables ass defined in Section 13-A shall be placed together and separate from other rubbish or garbage. These recyclables shall be

cleaned of all residue or contents.

b. Recyclable newspapers and corrugated paper shall be placed together separate from rubbish or garbage.

b.1 Newspapers shall either be packed in standard grocery or paper shopping bags, placed in corrugated boxes, or securely tied in flat bundles, none of which shall weigh more than fifty (50) pounds.

1. Corrugated boxes and cardboard carton shall be collapsed and tied in bundles, not weighing more than fifty (50) pounds.

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

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

2. Ownership of Recyclables- Offences

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

3. Repealer

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

4. Severability

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

5. Effective Date

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

Section 13-D Management of the Huntington Transfer Station

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

Section 13-E Regulation of Types/Size Disposal Items

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

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

Section 13-F Salvaging

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

Section 13-G Proper Identification to Dispose

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

Section 13-H Management of Station-Board of Health

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

Penalties: (Adopted ATM 5/2/1994)

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

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

Section 14 Wood Waste Dumping

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

Penalties: (Adopted ATM 5/2/1994)

Maximum fine allowed:	\$100.00
Enforcement Agent:	Board of Health

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

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

Section 15 Percolation Testing & Deep Hole Observation

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

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

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

(Amended ATM 6/25/2002)

Section 16 Soliciting Permission

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

Penalties: (Adopted ATM 5/2/1994)

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

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

Section 17 Soliciting Permit

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

Penalties: (Adopted ATM 5/2/1994)

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

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

Section 18 Junk Dealing

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

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

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

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

Maximum Fine Allowed: \$100.00

Enforcement Agent: Board of Selectman

1st Offense Warning

2nd Offense \$25.00

3rd Offense \$50.00

4th Offense \$100.00 per day

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

Section 19 The Keeping of Unregistered Motor Vehicles

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

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

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

Section 19-A Definition “Enclosed Building”

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

Section 19-B Application to Farm Vehicles

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

Section 20 Drinking Law

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

Penalties: (Adopted ATM 5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offense Warning

2nd Offense \$25.00

3rd Offense \$50.00

4th Offense \$100.00 per day

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

Section 21 Street Parking

It shall be unlawful for any vehicle to park between the hours of 8:00 P.M. and 7:00 A.M. on any street in the Town from November 1st to April 15th of each year, except, parking shall be allowed in the parking area on Federal Street along the river side and the public parking lot on Prospect Street, on the side closest to Prospect Street. (Amended ATM 6/16/2003) The Police Department, and in the case of obstruction of snow removal, the Highway Superintendent, shall order all vehicles in violation towed at the owner's expense. Violators shall pay a fine for each violation as set in Chapter 90, Section 90-A1/2 of the General Laws to the Parking Clerk.

Section 21-A Unregistered Vehicles Municipal Lots

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

Section 22 Injury of Natural/Mechanical Water Supply

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

Penalties: (Adopted ATM 5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Water Commissioners
Board of Health

1st Offense Warning

2nd Offense \$25.00

3rd Offense \$50.00

4th Offense \$100.00 per day
Each day a violation exists shall be deemed to be a separate violation.

Section 22 A Water Use Restriction Bylaw

Section 1

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

Section 2: Purpose

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

Section 3: Definitions

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

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

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

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

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

Section 4: Declaration of a State of Water Supply Conservation

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

Section 5: Restrict Water Uses

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

- a. Voluntary Water Conservation: Water users are asked to use appropriate conservation measures.

- b. Odd/Even Outdoor Watering: Outdoor watering by water users with odd-numbered addresses is restricted to odd-numbered days. Outdoor watering with even-numbered addresses is restricted to even-numbered days. Filling of swimming pools is prohibited.
- c. Outdoor Watering Ban: Outdoor water usage is prohibited.

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

Section 7: Termination of a State of Water Supply Conservation Notice
A State of Water Supply Conservation may be terminated by a majority vote of the Water Commission, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by Section 6.

Section 8: State of Water Supply Emergency; Compliance with DEP Orders
Upon notification to the public, in accordance with provisions outlined in Section 6 of this bylaw, that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement or condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency, except as required for public safety, as determined by the Fire Chief of the Town of Huntington. A State of Water Supply Emergency shall remain in effect until such time as a declaration of termination is issued by the DEP.

Section 9: Penalties
Any person violating this bylaw shall be liable to the Water Commission in the amount of \$50.00 for the first violation and \$100 for each subsequent violation which shall inure to the Town of Huntington. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Bylaws. Each day of violation shall constitute a separate offense.

Section 10: Enforcement
The provisions of this bylaw shall be enforced by the Water Commission of the Town of Huntington or an enforcement officer appointed by that commission.

Section 11: Severability
The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

(Adopted ATM 05/06/2002)

Section 23 Animals on Public Property

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

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

Penalties: .(Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Animal Control officer

1st Offense Warning

2nd Offense \$25.00

3rd Offense \$50.00

4th Offense \$100.00 per day

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

Section 24 Nude Display

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

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offense Warning

2nd Offense \$25.00

3rd Offense \$50.00

4th Offense \$100.00 per day

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

Section 25 Skateboarding

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

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offense Warning

2nd Offense \$25.00

3rd Offense \$50.00

4th Offense \$100.00 per day

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

Section 26 Gate/Door on Public Property

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

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offense Warning

2nd Offense \$25.00

3rd Offense \$50.00

4th Offense \$100.00 per day

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

Section 2 Injury to Street Lighting

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

Penalties:

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offense Warning

2nd Offense \$25.00

3rd Offense \$50.00

4th Offense \$100.00 per day

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

(Adopted ATM 5/2/94)

Section 28 Graffiti

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

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offense Warning

2nd Offense \$25.00

3rd Offense \$50.00

4th Offense \$100.00 per day

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

Section 29 Obstruction of Town Sewer

No person shall throw, place, or suffer to fall into any common sewer in Town, or in any

inlet of the same, any dead animal, stone, stick or other substance likely to obstruct the flow of water in the same.

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offense Warning

2nd Offense \$25.00

3rd Offense \$50.00

4th Offense \$100.00 per day

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

Section 29-A Trees & Shrubbery

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

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offense Warning

2nd Offense \$25.00

3rd Offense \$50.00

4th Offense \$100.00 per day

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

Section 29-B Procedure upon Violation

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

Section 30 Moving Existing Building on Public Street

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

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offense Warning

2nd Offense \$25.00

3rd Offense \$50.00

4th Offense \$100.00 per day

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

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

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

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offence Warning

2nd Offence \$25.00

3rd Offence \$50.00

4th Offence \$100.00 per day

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

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

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

Penalties: (Adopted ATM 5/2/94)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

1st Offense Warning

2nd Offense \$25.00

3rd Offense \$50.00

4th Offense \$100.00 per day

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

Section 33 Anti-Litter By-Law Definitions

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

1. Definitions

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

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

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

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

or passive recreation.

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

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

Refuse: The word ‘refuse’ means all putrescible and non-putrescible solid wastes (except bodily wastes) including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

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

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

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

2. Unlawful Use of Public Litter Receptacles

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

Littering Streets & Other Public Places Generally

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

3. Littering Parks

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

4. Throwing Litter

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

5. Unlawful Deposits in Ponds, Etc.

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

6. Deposit of Litter on Open or Vacant Property

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

7. Duty to Maintain Private Property Free of Litter

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

8. Notice to Remove Litter From Open or Vacant Property

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

Penalties: (Adopted ATM 5/2/94)

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

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

Section 34 Indecent Exposure-Boisterous Behavior

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

Penalties: (Adopted ATM5/2/1994)

- Maximum Fine Allowed: \$100.00
- Enforcement Agent: Police
- 1st Offense Warning
- 2nd Offense \$25.00
- 3rd Offense \$50.00
- 4th Offense \$100.00 per day

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

Section 35 Deface Item to Profane or Obscene Item

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

Penalties: (Adopted ATM5/2/1994)

- Maximum Fine Allowed: \$100.00
- Enforcement Agent: Police
- 1st Offense Warning
- 2nd Offense \$25.00

- 3rd Offense \$50.00
- 4th Offense \$100.00 per day

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

Section 36 Obstruction Public Way

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

Penalties: (Adopted ATM5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

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

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

Section 37 Driving on Sidewalk

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

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

Penalties: (Adopted ATM5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

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

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

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

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

Penalties: (Adopted ATM5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Police

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

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

Section 39 Inspection Fees

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

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

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

Section 40 Streets and Ways

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

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

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

Penalties: (Adopted ATM5/2/1994)

Maximum Fine Allowed: \$100.00

Enforcement Agent: Highway Superintendent
 Building Inspector

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

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

Section 40-A Driveway

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

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

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

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

Section 40-B Closing of Town ways and Bridges:

Section 1

During any period which any town owned highway or bridge has been posted by the Huntington Highway Department as being unfit for travel because of prevailing road conditions, no vehicle weighing in excess of eight thousand (8000) pounds, with the exception of school busses, emergency vehicles, vehicles making delivery of materials essential to normal daily services to existing occupied dwellings or vehicles normally

used by residents for ingress or egress of their dwelling, shall be allowed use of such way. Any exceptions shall require written authorization of the Huntington Highway Superintendent. Any authorization granted by the Highway Superintendent shall include a clause holding the Town harmless for any and all liability or expense resulting from said use of Town highway or bridge and shall provide that the individual or business authorized to use such way shall be financially responsible for the expeditious repair, or reimbursement to the town for the cost to repair, of any and all damages incurred to such town ways during the course of these activities.

Section 2

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

Section 3

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

(ATM 5/08/2001)

Section 40-C Throwing Snow on Town Property

No person or entity, regardless of their ownership, tenancy, or other status or relationship to any property, nor any agent, employee, contractor or servant of any person or entity shall place, throw, plow or in any way move any snow or ice onto any portion of the Town's streets, and/or sidewalks, except with the approval of the Highway Superintendent or his designee. Notwithstanding the foregoing, this by-law shall not be construed to prohibit owners or occupants of residential premises from placing snow and ice on the sidewalk while leaving unobstructed room for pedestrian passage, and from placing snow or ice from pavement edge to no more than one foot (12 inches) out into the street, immediately adjacent to the driveway opening.

Anyone violating the provisions of this by-law shall be subject to a specific penalty in an amount up to one hundred fifty dollars (\$150) for each offense. The fine structure shall be as follows:

All first violations: Documented warning

Residential (Less than 6 dwelling units):

Manual snow shoveling:
Second violation: \$ 10.00
Third violation: \$ 25.00
Fourth or more violations: \$ 50.00

Residential mechanized snow moving:

Second violation: \$ 25.00
Third violation: \$ 50.00
Fourth or more violations: \$100.00

Commercial and 6 or more residential units:

Manual snow shoveling:
Second violation: \$ 50.00
Third or more violations: \$150.00

Commercial mechanized snow moving:

Second violation: \$ 75.00
Third or more violations: \$150.00

The Huntington Highway Superintendent, all Huntington Police Officers, Massachusetts State Police are empowered and authorized to enforce this by-law.

(ATM 6/1/2015)

Section 41 By-Laws to be Altered or Amended

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

Section 42 Enforcing Body-Selectboard

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

Section 43 Enforcement

A. Criminal Complaint

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

B. Non-Criminal Disposition

Whoever violates any provision of these By-Laws, the violation of which is subject to a

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

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

C. Administrative Processing

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

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

E. Zoning By-Laws

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

Warning for the first offense

\$100.00 for the second offense

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

F. Penalties Board of Health Regulations

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

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

shall be as follows:

Warning for the first offense

\$100.00 for the second offense

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

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

Section 44 Invalidity of One or Part of By-Law

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

Section 45 Headings are Informational

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

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

The Town of Huntington may deny any application for, or revoke or suspend any local license or permits including renewals and transfers issued by any board, officer, or department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charges.

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

(Adopted ATM 5/1991)

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

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

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

(Adopted ATM 5/1991)

Section 48 Library Materials

1. The purpose of this bylaw is to discourage the theft of library material (s) and property as defined in (1990 MGL 266-99, 99-A-100) from the Huntington Public Library which may occur through negligence or intent, and the destruction or vandalism of the building, property, or contents, as defined in (1990 MGL 266-99, 99A-100). It is the express intent of this bylaw to recover legal costs or replacement or repair of the stolen or damaged materials (s), or property plus penalty.
2. Definition of Library Material and Property as stated in (MGL 266-99): “Library Materials and Property”, any book, plate, picture, portrait, photograph, broadside, engraving, painting, drawing, map, specimen, print, lithograph, chart, musical

score, catalog card, catalog record, statue, coin, medal, computer software, film, periodical, newspaper, magazine, pamphlet, document, manuscript, letter, archival, material, public record, microfilm, sound recording, audio-visual material in any format, magnetic or other tape, pate recorded, film, projector or other machinery or equipment, electronic data-processing record, artifact or other documentary written or printed material regardless of the physical form or characteristics which is a constituent element of the library's collection or any part thereof, belonging to, on loan to or otherwise in the custody of the library. Library materials and property shall include the walls, wainscoting, or any part of the library, or any other building or room used for library business or the appurtenances thereof, including furnishings.

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

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

(ATM 5/05/1998)

Section 49 Personal water craft

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

Section 50 Right-to-farm

1: 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 there under including but not limited to MA 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 Huntington restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of Massachusetts Constitution (Home Rule).

This General By-Law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Huntington 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.

The intent of this by-law is to:

- ~ Protect and promote the pursuit of agricultural enterprises and the benefits to the community provided by local agriculture by allowing agricultural uses and activities to function with minimal conflict with abutters and town agencies.
- ~ Inform Huntington property owners and buyers of this by-law through a notification process.
- ~ Provide assistance with dispute resolution if a conflict should arise between a citizen or the town and owners and operators of land used for farming or agricultural purposes.
- ~ Not supercede any Zoning or General by-laws of the Town, or any State or Federal laws or regulations.

Section 2: Definitions

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

Farming in all its branches and the cultivation and tillage of the soil, including but not limited to the following:

- ~ Dairying and orchards;
- ~ Production, cultivation, growing, and harvesting of any agricultural, aqua cultural, floricultural, viticulture, 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, sheep, goats, fowl, 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.

For the purpose of this by-law “Farming” or “Agriculture” may include, but not be limited to the following activities:

- ~ Operation and transportation of slow-moving farm equipment over the roads within the town;
- ~ Control of pests, including insects but not limited to, weeds, predators, and disease organisms of plants and animals; application and storage of manure and fertilizers and pesticides;
- ~ Growing, harvesting, processing and selling of forest products;
- ~ Conducting agriculture-related educational and farm-based recreational activities including agri-tourism that are related to marketing the agricultural output or services of the farm;
- ~ Processing and packaging of the agricultural output of the farm;
- ~ Operation of a farm stand to sell products of the farm;
- ~ Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager and used expressly for the purpose of propagation, harvesting, managing, or marketing of the farm’s agricultural products;
- ~ On-farm relocation of earth and clearing of ground for farming operations;
- ~ Constructing and maintaining farm buildings used for shelter, feed and storage;
- ~ Revitalizing drainage or irrigation ditches; picking stone; constructing, repairing or maintaining fences; and clearing, rejuvenation and maintaining agricultural land.

Section 3: Right to Farm Declaration

The right to farm is hereby recognized to exist within the Town of Huntington. It is acknowledged by the Town that the benefits of farming such as the positive contribution of agriculture to the local economy; the availability of fresh food, fiber, and forest products; and the maintenance of the rural character and agricultural heritage of Huntington far outweigh incidental nuisances such as noise, lighting, odors, dust and fumes associated with all, but not limited to, the above described agricultural activities which may occur on holidays, weekdays, and weekends by day or night. The benefits and protections of the by-law are intended to apply exclusively to the actual activities of farming. **This by-law does not supersede any Zoning or General By-Laws of the Town, or any State or Federal laws or regulations.**

Section 4: Disclosure Notification

The Town Collector will send current landowners a copy of the following disclosure notification to be included in the mailing of the tax bill, in the Annual Town Report and with any request for a municipal lien certificate.

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 Huntington, 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 Selectboard or its designee prior to the sale, purchase, exchange or occupancy of such real property. Forms will be made available at the Town Clerk’s Office, P. O. Box 453, or call (413) 667-3509.

Section 5: Dispute Resolution

Any person who seeks to complain about the operation of a farm may file a grievance with the Selectboard, Zoning Enforcement Officer, or 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 Selectboard shall forward a copy of the grievance to the Agricultural Commission or its agent which shall review and facilitate a proposed resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health shall, except in cases of imminent danger or public health risk, forward a copy of the grievance to the Agricultural Commission or its agent, which shall facilitate a proposed resolution of the grievance, and report its recommendation to the Board of Health within sixty (60) days.

Section 6: Severability

The provisions of the by-law are severable. If any part of this by-law is for any reason held to be unconstitutional or invalid, that provision can be severed from the by-law without affecting the remaining provisions. (ATM 05/07/2007)

Section 51 Stretch Energy Code

1. Adoption

The Town of Huntington has adopted the provision of 780 CMR 115.AA, the so-called “Stretch Energy Code,” as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

2. Purpose

The purpose of the Stretch Energy Code shall be to provide the Town with a more

energy efficient alternative to the base energy code otherwise set forth under the State Building Code. (STM 05/09/2012)

Section 52 Town of Huntington Local Historic District (ATM 6/4/2012)

Local Historic District Bylaw

The Town of Huntington hereby establishes a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, as amended.

1. PURPOSE

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Huntington, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

2. DEFINITIONS

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

ALTERATION, TO ALTER

The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

BUILDING

A combination of materials forming a shelter for persons, animals or property.

CERTIFICATE

A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.

COMMISSION

The Historic District Commission as established in this Bylaw.

CONSTRUCTION, TO CONSTRUCT

The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

DISPLAY AREA

The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.

DISTRICT

The Local Historic District as established in this Bylaw consisting of one or more DISTRICT areas.

EXTERIOR ARCHITECTURAL FEATURE

Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public way or ways, public park, or public body of water including but not limited to

architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED

The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area; an owner of property within 100 feet of said DISTRICT area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.

SIGNS – Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE

A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway.

TEMPORARY STRUCTURE or BUILDING

A BUILDING not to be in existence for a period of more than two years. A STRUCTURE not to be in existence for a period of more than one year. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

3. DISTRICT

The DISTRICT shall consist of one DISTRICT area as listed in Section 13 (Appendix) of this Bylaw.

4. COMMISSION

4.1 The DISTRICT shall be overseen by a COMMISSION consisting of five (5) members, to be appointed by the Board of Selectmen, one (1) member initially to be appointed for one year, two (2) for two (2) years, two (2) for three (3) years, and each successive appointment to be made for three (3) years.

4.2 The COMMISSION shall include, if possible, one (1) member from two (2) nominees solicited from the Huntington Historical Society, one (1) member from two (2) nominees solicited from the chapter of the American Institute of Architects covering Huntington; one (1) member from two (2) nominees of the Board of Realtors covering Huntington; and two (2) property owners from within the Town of Huntington. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.

4.3 The Board of Selectmen may appoint up to two (2) alternate members to the COMMISSION. Each alternate member shall have the right to act and vote in the place of one regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for terms of three (3) years.

4.4 Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

4.5 Meetings of the COMMISSION shall be held at the call of the Chairman, at the request of two (2) members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.

4.6 More than one-half of the members of the COMMISSION must be present to

constitute a quorum.

5. COMMISSION POWERS AND DUTIES

5.1 The COMMISSION shall exercise its powers in administering and regulating the CONSTRUCTION and ALTERATION of any STRUCTURES or BUILDINGS within the DISTRICT as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE and DISTRICT area.

5.2 The COMMISSION may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Rules and Regulation with the office of the Town Clerk.

5.3 The COMMISSION, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which are, in general, suitable for the issuance of a CERTIFICATE. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

5.4 The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.

5.5 The COMMISSION shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.

5.6 The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.

6. ALTERATIONS AND CONSTRUCTION PROHIBITED WITHOUT A CERTIFICATE

6.1 Except as this Bylaw provides, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from a public way, public park or public body of water, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION.

6.2 No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this Bylaw has been issued by the COMMISSION.

7. PROCEDURES FOR REVIEW OF APPLICATIONS

7.1 Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the COMMISSION an application for a CERTIFICATE of Appropriateness, of Non-Applicability or of Hardship, as the case may be. The application shall be

accompanied by such plans, elevations, specification, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonable deemed necessary by the COMMISSION to enable it to make a determination on the application.

7.2 The COMMISSION shall determine within fourteen (14) days of the filing of an application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.

7.3 If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL FEATURE which is not subject to review by the COMMISSION under the provisions of this Bylaw, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.

7.4 If the COMMISSION determines that such application involves any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Huntington. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the COMMISSION to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the COMMISSION shall deem entitled to notice.

7.4.1 A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing. If the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.

7.5 Within sixty (60) days after the filing of an application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall issue a CERTIFICATE or a disapproval. In the case of a disapproval of an application for a CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval. The COMMISSION may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION.

7.6 The concurring vote of a majority of the members shall be required to issue a

CERTIFICATE.

7.7 In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitation, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw.

7.8 If the COMMISSION determines that the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the DISTRICT, the COMMISSION shall issue a CERTIFICATE of Appropriateness.

7.9 If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved, but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the COMMISSION determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the COMMISSION shall issue a CERTIFICATE of Hardship.

7.10 The COMMISSION shall send a copy of its CERTIFICATES and disapprovals to the applicant and shall file a copy of its CERTIFICATES and disapprovals with the office of the Town Clerk and the Building Inspector. The date of issuance of a CERTIFICATE or disapproval shall be the date of the filing of a copy of such CERTIFICATE or disapproval with the office of the Town Clerk.

7.11 If the COMMISSION should fail to issue a CERTIFICATE or a disapproval within sixty (60) days of the filing of the application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall thereupon issue a CERTIFICATE of Hardship Due to Failure to Act.

7.12 Each CERTIFICATE issued by the COMMISSION shall be dated and signed by its chairman or such other person designated by the COMMISSION to sign such CERTIFICATES on its behalf.

7.13 A PERSON AGGRIEVED by a determination of the COMMISSION may, within twenty (20) days of the issuance of a CERTIFICATE or disapproval, file an appeal in the Superior Court as provided in Chapter 40C, Section 12A.

8. CRITERIA FOR DETERMINATIONS

8.1 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.

8.2 In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the scale, shape and proportions of the BUILDING or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to

BUILDINGS and STRUCTURES in the vicinity. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

8.3 When ruling of applications for CERTIFICATES on solar energy systems as defined in Section IA of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

8.4 The COMMISSION shall not consider interior arrangements or architectural features not subject to public view from a public way, public park, or public body of water.

9. EXCLUSIONS

9.1 The COMMISSION shall exclude from its purview the following:

9.1.1 Temporary BUILDINGS, STRUCTURES or SIGNS subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the COMMISSION may reasonable specify.

9.1.2 Terraces, walks, driveways, sidewalks and similar STRUCTURES, provided that any such STRUCTURE is substantially at grade level.

9.1.3 Storm windows and doors, screen windows and doors, and window air conditioners.

9.1.4 Signs of not more that two (2) square feet in DISPLAY AREA in-connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign in connection with the non residential use of each BUILDING or STRUCTURE which is not more that six (6) square feet in DISPLAY AREA, consists of letters painted on weed without symbol or trademark and if illuminated is illuminated indirectly.

9.1.5 The reconstruction, substantially similar in exterior design, of a BUILDING, STRUCTURE or EXTERIOR ARCHITECTURAL FEATURE damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

9.2 Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

9.3 Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.

10. CATEGORICAL APPROVAL

The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Huntington, that certain categories of EXTERIOR ARCHITECTURAL FEATURES, STRUCTURES or

BUILDINGS under certain conditions may be CONSTRUCTED or ALTERED without review by the COMMISSION without causing substantial derogation from the intent and purpose of this Bylaw.

11. ENFORCEMENT AND PENALTIES

11.1 The COMMISSION shall determine whether a particular activity is in violation of this Bylaw or not, and the COMMISSION shall be charged with the enforcement of this Bylaw.

11.2 The COMMISSION, upon a written complaint of any resident of Huntington, or owner of property within Huntington, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Huntington to prevent, correct, restrain or abate violation of this Bylaw. In the case where the COMMISSION is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the COMMISSION declines to act, the COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty one (21) days of receipt of such request.

11.3 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to \$300.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

11.4 The COMMISSION may designate the Building Inspector of the Town of Huntington to act on its behalf and to enforce this Bylaw under the direction of the COMMISSION.

12. VALIDITY AND SEPARABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, section, subsection, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

13. APPENDIX

St. Thomas Church Local Historical District:

The St. Thomas Church Local Historical District shall be a single property DISTRICT area under this Bylaw.

The location and boundaries of the St. Thomas Church Local Historical District are defined as:

the land and the buildings, structures, and improvements thereon, located at 2 East Main Street, Huntington, MA. The site consists of a .35 acre (15,289 square foot) corner lot on the corner of East Main and Maple Streets, identified as Map H-2, Block 34 in the records of the Board of Assessors. The buildings and structures on the land within the district include the 3,000+ square foot building and all exterior improvements known as the St. Thomas Roman Catholic Church.

Section 53 The Preservation of Historically Significant Buildings (ATM 6/4/2012)

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 bylaw.

Definitions

APPLICANT-Any person or entity 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 Huntington 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 demotion of the interior of a building.

PREFERABLE 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 preferable preserved building is subject to the six month demolition delay period of this bylaw.

SIGNIFICANT BUILDING – any building within the Town which is in whole or in part one hundred 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 listed on, or is within an area listed on, the National Register of Historic Places; or
- The Building has been found eligible for the National Register of Historic Places; or
- 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.

Procedure

No demolition permit for a building which is in whole or in part one hundred years or more old 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.

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.

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.

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.

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.

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 or on Town Hall, the Post Office, Moltenbrey's Market, Knightville Package Store, and the Fire Station(s), as well as the Town's website, for 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.

The Commission shall decide within fourteen days after the public hearing whether the building should be preferable preserved. If agreed to in writing, signed and dated by the applicant the determination of the Commission may be postponed.

If the Commission determines that the building is not to be preferable preserved, the Commission shall so notify the Building Inspector and applicant in writing. The Building

Inspector may then issue the demolition permit.

If the Commission determines that the building is to be preferable preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may then be issued for a period of six 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.

Upon a determination by the Commission that any building, which is the subject of an application, is a preferably preserved building, no building permit for new construction, or alterations on the premises, shall be issued for a period of six months from the date of the determination, unless otherwise agreed to by the Commission.

No permit for demolition of a building determined to be a preferable 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 concluded, prior to the issuance of a demolition permit under this section.

The Building Inspector may issue a demolition permit or a building permit for a preferable preserved building within the six 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.

Following the six month delay period, the Building Inspector may issue the demolition permit.

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.

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

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 or structure, then the Building Inspector may issue an emergency demolition

permit to the owner of the building or structure. 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.

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 bylaw 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 per offense. 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.

Historic District Act

Following a determination that the building is significant and preferable 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 bylaw 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 bylaw do so conflict, that act shall prevail.

Severability

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

Section 54 **Selectboard**

Section 54-A **Authorization to Act in Matters of Interest to the Town**

The Selectboard is authorized on behalf of the Town to prosecute and defend matters in which the Town has an interest, or to appear in favor or opposed to matters involving the Town's interest and employ counsel.

Section 54-B **Authorization for Shared/Joint Legal Representation**

The purpose of this bylaw is to allow the Town from time to time to have its regular counsel or specially retained counsel also represent the Town, communities, public entities or others in matters in which the Town has a direct or substantial interest without violating G.L. c. 268A, Section 17(a) and (c) or any related successor law. Such dual or common representation allows the Town to pool resources for a common purpose,

develop mutual interests, and preserve scarce municipal funds. Pursuant to this bylaw, the official duties of the Town Counsel or Special Counsel include, but are not limited to, advising and representing the Town, communities, public entities, or others in: (i) administrative and judicial proceedings in which the Town is also a party or wishes to be a party; and (ii) other matters in which the Town has a direct or substantial interest, provided that in each instance, such dual or common representation would not cause a violation of rules governing attorney conduct. Counsel shall discharge such duties only when requested in writing by the Town. Prior to making such a request, the Selectboard shall determine whether the interests of the Town would be advanced by such dual or common representation and shall evaluate if actual or potential conflicts of interest exist. If any conflicts are identified, they shall be described in the written request. Counsel shall then make its own determination whether such dual or common representation would not cause a violation of rules governing attorney conduct. The Selectboard shall monitor such matters approved to ensure that the dual or common representation continues to advance the interests of the Town. This bylaw shall be administered by the appointing authority for legal counsel.

(ATM 6/1/2015)