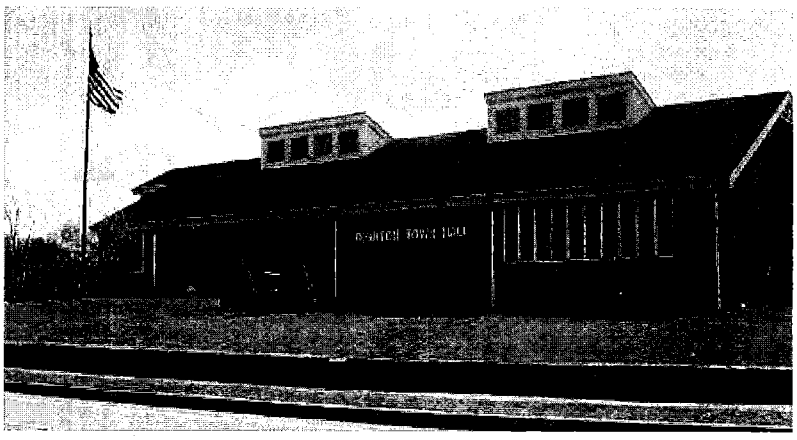
TOWN OF DIGHTON

GENERAL BY-LAWS



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ARTICLE I
TOWN MEETING

Section 1. The annual meeting of the Town for the election of Town officers shall be held on the Saturday following the first Monday in April each year.

(ATM 06/01/09)

Section 1A.

The annual meeting of the Town for all business, except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot, shall be held on the first Monday of May of each year. The Annual Town Meeting may be delayed by the Board of Selectmen to a date which would still allow completion of the Town Meeting prior to June 30.

(ATM 06/07/04)

Section 2. All Warrants for Town Meeting shall be served by posting an attested copy thereof at each of the post offices, at the Town Hall and at the main Fire Station at least seven days before the annual meeting and at least fourteen days before any special meeting. Notice of the Town meetings shall be published in one local newspaper and on the home page of the official website of the Town of Dighton, at least seven days prior to the holding of said meeting.

(STM 06/02/97)
Amended (ATM 06/07/11)

Section 3. All articles in the warrant shall be taken in the order of their arrangement unless otherwise decided by a two-thirds vote.

(STM 08/24/20)

Section 4. When a report of a committee is placed in the hands of the moderator, it shall be deemed to be properly before the meeting for its action thereon, and a vote to accept the same shall discharge the committee, unless otherwise stipulated in the vote, but shall not be equivalent to a vote to carry out its recommendations without a special vote to adopt it.

(STM 08/24/20)

Section 5. No final reports of committees shall be in order unless made under an article in the warrant which indicates the subject to be reported upon, but a committee may make an informal report whenever called upon.

(STM 08/24/20)

Section 6. If an article of the warrant has once been acted upon and disposed of, it shall not be again considered at that meeting except by a two-thirds vote.

(STM 08/24/20)

Section 7. The conduct of all Town meetings not prescribed by law or by these by-laws shall be determined by the rules of practice contained in Cushing's Manual, so far as they are adapted to Town meetings.

(STM 08/24/20)

ARTICLE II
FINANCE

Section 1. At the annual meeting and before the final adjournment thereof, there shall be appointed by the moderator a finance committee consisting of seven members to serve until the final adjournment of the next annual meeting, and until their successors have been appointed, none of whom shall be an officer of or member of any board of the Town. Vacancies shall be filled by the remaining members of the committee.

(STM 08/24/20)

Section 2. The Chairman of the Board of Selectmen shall call the Finance Committee together for organization within thirty days from the date of their appointment. The committee shall annually at its first meeting elect a chairman and a clerk.

(STM 08/24/20)

Section 3. Every proposed article for the warrant of either the annual or any special town meeting calling for the appropriation or borrowing of money (over $300.00), the creation of debt or disposal of property of the town shall be referred to this Committee by the Selectmen, and the Committee shall either approve or disapprove every such article. The Finance Committee's position on the article shall be published with said article when it appears in the newspaper. The Finance Committee's failure to take action within ten (10) days prior to posting meeting shall be deemed approval.

(ATM 05/01/00)

Section 4. The Selectmen are authorized to accept gifts or grants of money for the improvement or maintenance of a town department.

(STM 10/29/34)

Section 5. Effective July 1, 1990, all Town officers shall pay into the Town treasury, all fees received by them by virtue of their office unless otherwise provided by law.

(STM 11/01/90)

ARTICLE III
LEGAL AFFAIRS

Section 1. The Board of Selectmen shall have authority to prosecute, defend and compromise all litigation to which the Town is a party, and to employ competent counsel whenever in the judgment of the Board necessity therefore arises.

(STM 08/24/20)

Section 2. Whenever it shall be necessary to execute any deed conveying land, or any other instrument required to carry into effect any vote of the Town, the same shall be executed by the Treasurer in behalf of the Town, unless the Town shall otherwise vote. The Board of Selectmen is authorized to sign contracts on behalf of the Town of Dighton.

(ATM 06/06/05)

ARTICLE IV
TOWN CONTRACTS

Section 1. No officer or board of the Town shall make any contract on behalf of the Town in which such officer or any member of such board is directly or indirectly financially interested, except competitive contracts.

(STM 08/24/20)

Section 2. No Town Officer or Board of Town Officers having the power or authority to appoint any Town Officer or Agent shall appoint himself or any member of such Board to any salaried office or position; except as it applies to the Board of Health, but this shall not prohibit any Town Officer from being Chairman or Clerk of the Board of which he may be a member.

(ATM 05/05/75)

Section 3. The Board of Selectmen shall have the power to appoint, in accordance with the provisions of Chapter 41, Section 23A of the General Laws, a Town Administrator.

(STM 10/28/14)

ARTICLE V
JUNK DEALERS AND SECOND HAND DEALERS

No person shall be a collector or a dealer in junk, old metals, or second hand articles, or a keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles, unless licensed therefore by the Selectmen.

(STM 08/24/20)

ARTICLE VI
HAWKERS AND PEDDLERS

Section 1. No person shall hawk or peddle fish, fruit or vegetables within the limits of the Town, except as authorized by law, without first obtaining a license therefor from the Selectmen upon payment of a fee of $1.00.

Section 2. Commercial agents, selling agents, solicitors and canvassers, transient vendors and itinerant merchants approaching private residences of the Town for the purpose of soliciting orders for services or for sale of goods, wares, and merchandise by means of sample, lists, catalogues, or otherwise, without having been requested or invited to do so by the owners or occupants of said private residences, shall register with the Chief of Police prior to undertaking such solicitation.

(STM 08/24/20)
Amended (STM 10/29/13)

ARTICLE VII
USE OF WAYS

Section 1. No person except officers of the Town in the lawful performance of their duties and those acting under their orders shall obstruct any sidewalk or street or any part thereof, or break or dig the ground of the same without first obtaining a written license from the Selectmen therefore.

(STM 08/24/20)

Section 2. No person shall allow or cause to be allowed a horse or other animal or vehicle not hand propelled, to stand upon any of the public sidewalks or crosswalks in the Town.

(STM 08/24/20)

Section 3. No person shall pasture cattle or other animals, either with or without a keeper, upon any streets or ways in Town.

(STM 08/24/20)

Section 4. No person shall coast with a sled or runners on any street within the Town except such as may be designated by the Board of Selectmen, nor shall any person kick football or play any game in which a ball is used, or throw stones, missiles or snowballs in any of the streets of the Town.

(STM 08/24/20)

Section 5. No person shall without written permit from the Selectmen, or those having authority over streets, place, or cause to be placed, or suffer to remain within the limits of a street, or upon any sidewalk, any vehicle, wood, coal, manure, dirt, gravel, stones, building material, barrels, boxes, merchandise, or any rubbish or obstruction whatever. Whenever a street or sidewalk becomes obstructed under a permit, the person doing the work or causing the same to be done shall place a suitable temporary walk around such obstructions when ordered to do so by the Board of Selectmen.

At the completion of any work done under a permit granted either under Section 1 or under Section 5 of this article, the street or way occupied or dug up shall be restored to its former condition. Before issuing permits as specified in this article, the person applying for the same may be required by the Board of Selectmen to execute a written agreement to indemnify and save harmless the Town against and from all damages by reason of cost or expense it may suffer or be put to by reason of any claim for damages or by reason of any proceeding, criminal or civil, on account of the existence of such obstruction or excavation.

(STM 08/24/20)

Section 6. No person shall throw or place upon any sidewalk or street crossing any banana skin, orange skin or other slippery substance.

(STM 08/24/20)

Section 7. No person shall tie a horse or other animal to any tree, nor to any structure protecting such tree, in the public streets of the Town.

(STM 08/24/20)

Section 8. No person shall fire or discharge any gun, fowling piece, pistol or other firearm within any street, public way, place or square in this Town, except with the permission of the Board of Selectmen, provided, however, that this section shall not apply to any firing in accordance with law, nor to any firing permitted by the Board of Selectmen.

(STM 08/24/20)

Section 9. No person shall allow any gate or door on premises under his control, and adjoining any public way, to swing on, over or into said public way.

(STM 08/24/20)

Section 10. No person or persons shall use any part of a highway or public place owned by the Town for the purpose of playing on musical instruments, singing, parading, holding public meetings, making speeches or public addresses, marching or congregating, except in connection with a funeral parade, without a written permit from the Board of Selectmen.

(STM 08/24/20)

Section 11. No person or persons shall distribute or deposit advertising circulars or other printed matter, except newspapers, on the highways or public places owned by the Town without a written permit from the Board of Selectmen.

(STM 08/24/20)

Section 12. No person shall stand or remain on any sidewalk or highway or in any public place owned by the Town in such manner as to obstruct a free passage for foot passengers, or if in a highway,

free passage for vehicles after a request to move on made by a Constable, Police Officer, or Selectmen.

(STM 08/24/20)

Section 13. The Selectmen may order numbers to be affixed to, or painted on, the buildings of any street, in their discretion.

(STM 08/24/20)

Section 14. No person or corporation shall cause or allow snow or ice removed from its property, or from any portion of a way, to be left within the limits of a way or sidewalk, so that public travel on said way or sidewalk shall be unsafe or dangerous.

(STM 08/24/20)

ARTICLE VIII
PENALTIES

Section 1. Any person who violates any of the provisions of Articles 5, 6, 7 of these bylaws, except in the case of littering/illegal dumping, shall be punished by a fine of not more than $50.00 for each offense. Each day of non compliance shall constitute a separate offense.

(STM 08/24/20)
Amended (ATM 06/07/11)
Amended (STM 11/29/12)

Section 1A. **Littering/Illegal Dumping**

No person shall place or cause to be placed any waste, refuse, boxes, or any other matter in or on any street, park or common of this Town. Whoever violates this section shall pay a fine as follows:
First Offense $100.00 – $500.00
Second Offense $500.00 – $1,000.00
Fines of up to $10,000.00 may be imposed for littering/dumping in a Conservation area.

Whosoever violates any of the above provisions shall also be responsible for any costs associated with clean-up.

This section may be enforced pursuant to the non-criminal disposition method as contained in MGL Chapter 270, Section 16. Enforcing persons shall be police officers.

ARTICLE IX
BUILDING PERMITS

Section 1. No structure shall hereafter be erected, structurally or externally altered, changed in use, moved or demolished without a permit from the Board of Selectmen.

Section 2. The Board of Selectmen shall issue such permits providing said work meets with the following requirements:

A. Certification by the Planning Board that such erection is in compliance with the provisions of the Sub-Division of Land Control By-Law.
B. Certification by the Sanitation inspector that the location of the work conforms with the Rules and Regulations as required by the Board of Health.
C. That such work is in accordance with all existing Town By-Laws and provisions of the General Laws of the Commonwealth of Massachusetts.

Section 3. Any person who violates any provision of this By-Law shall be punished by a fine of not more than Twenty Dollars ($20.00) for each offense.

ARTICLE X
REMOVAL OF SOIL, LOAM, SAND AND GRAVEL

The removal of sand, gravel, loam or soil from land in Dighton is prohibited until a permit authorizing such removal is issued by the appropriate authority.

No permit shall be issued until a public hearing has been held.

Notice of the hearing is to be published in at least one local newspaper 7 (seven) days prior to the hearing.
Amended (ATM 06/06/05)

All abutters are to be notified by registered or certified mail 7 (seven) days before the hearing.

This by-law is to be administered and managed by a committee called the Soil Conservation Board, consisting of the three Selectmen and four appointees to be appointed by the Selectmen on a yearly basis.

The Soil Conservation Board shall have the authority to establish general rules and regulations and set fees for the mining and removal of sand, gravel, soil, or loam in the Town of Dighton and shall have the authority to place specific conditions on all removal permits that it issues.

(STM 10/07/86)

ARTICLE XI
PLUMBING

The Town voted to adopt a by-law of Plumbing Rules and Regulations formulated by the State Examiner of Plumbers under Section 8 and 9, Chapter 142, General Laws.

(ATM 03/16/64)

ARTICLE XII
SPEED FOR RIVER TRAFFIC

The rate of speed for river traffic in the Taunton River is set at four miles per hour in the area from Peter's Point, Berkley, to a point opposite the foot of Hart St., Dighton, and there shall be installed at each end a sign properly marked to indicate this speed limit, as provided in Section 15 of Chapter 90B, General laws.

(ATM 03/08/65)

ARTICLE XIII
MOBILE HOME PARKS

No Trailer Coach or Mobile Home Parks be allowed within the bounds of the Town of Dighton. The definition of "Trailer Coach Park" shall be as defined in General Laws, Chapter 140, Section 32F.

(ATM 03/14/66)

ARTICLE XIV
JUNK MOTOR VEHICLES

It shall be unlawful for the owner or occupant of any premises to have or permit thereon more than one un-registered motor vehicle unless the same is kept in a fully enclosed structure. This shall not apply to premises where there is a valid license under General Laws, Chapter 140, Section 58, not to vehicles used on the premises in

agriculture or any work where registration is not required. Violation of the foregoing shall be punishable by a fine of not more than twenty $20.00 dollars. Each day of non-compliance shall constitute a separate offense.

(ATM 03/13/67)

ARTICLE XV
PARKING REGULATIONS

The Town voted to adopt the following attached By-Law governing parking regulations as set down by the Board of Selectmen and to adopt a schedule of fines as provided for under Chapter 90, Section 20A, General Laws.

(ATM 03/13/67)

The Town voted to accept the provisions of Chapter 90, Section 20C as set forth by a By-Law confirming parking regulations by the Board of Selectmen and to adopt the schedule of fines as provided by Chapter 90, Section 20C of the General Laws.

(ATM 03/09/70)

PARKING BY LAW

Section 1. DEFINITIONS

CROSSWALK:	That portion of a roadway ordinarily included within the prolongation or connection of curb lines and property lines at intersections, or any portion of roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.
INTERSECTION:	The area embraced within the extension of the lateral curb lines, or if none, then the lateral boundary lines of intersecting ways as defined in Section 1 of Chapter 90 of the General Laws, including divided ways.
PARKING:	The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading, or in obedience to a police officer or traffic signs or signals, or while making emergency repairs, or, if disabled, while arrangements are being made to move such vehicle.
POLICE OFFICER:	Any constable or other officer authorized to make arrest or serve process, provided he is in uniform or displays his badge of office conspicuously on his outer coat or garment.
STREET OR HIGHWAY:	The entire width between property lines of every way open to the use of the public for purposes of travel.
VEHICLE:	Every device in, upon or by which any person or property is or may be transported or drawn upon a street, including bicycles when the provisions of these rules are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks and devices which derive their power for operation from stationary overhead wires.

Section 2. GENERAL PARKING PROHIBITIONS: (Removal of Illegally Parked Vehicles)

No person shall park a vehicle in any of the following places and any vehicle parked in violation of the provisions of this section may be moved by, or under the direction of, a police officer at the expense of the owner to a place where parking is permitted.

A. Within an intersection.
B. Upon any sidewalk.
C. Upon any crosswalk.

D. Upon a street where parking is permitted unless both wheels on the right side of the vehicle are within twelve inches off the curb or edge of the street.
E. Upon any street within ten feet of a fire hydrant.
F. Upon or in front of any private road or driveway
G. Upon any street within twenty feet of an intersecting way, except alleys.

Section 3. PROHIBITED PARKING

No person shall park a motor vehicle on any street between the hours of 12 Midnight and 6:00 a.m., on any street from November 1st of each year to April 1st of the following year.

No person shall park a vehicle on any of the following streets at any time.

A. SPRING STREET, both sides, from Summer Street to Lincoln Ave.
B. PARK STREET, on south side between Spring Street and Mt. Hope Street.
C. WILLIAMS STREET, both sides, from Taunton City Line to Wheeler Street.

(STM 07/30/84)

No person shall park a vehicle on any of the following street, between 6:00 a.m. and 6:00 p.m.

A. ANDREWS STREET
B. BEDFORD STREET
C. MT. HOPE STREET
D. PEARL STREET
E. PROSPECT STREET, between Mt. Hope Street & Summer Street.

Section 4. THREE HOUR PARKING

No person shall park a vehicle for more than three hours on the north side of Park Street from Spring Street to Mt. Hope Street

Section 5. VEHICLES DISPLAYED FOR SALE

No person shall park a vehicle displayed for sale upon any street.

Section 6. SNOW REMOVAL

No person shall allow any vehicle to remain in any street so as to obstruct snow removal of street clearing from November 1st of each year to April 1st of the following year.

The Chief of Police or any of his subordinates entrusted with such duty, or the Superintendent of Streets, or other officer having charge of streets, is hereby authorized, for the purpose of removing of plowing snow, or removing ice from any street, to remove or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work, and for imposing liability for the cost of such removal, upon the owner of such vehicle, who shall be notified as soon as possible, by the Chief of Police, of the action taken under the provisions of this section and stating where the vehicle may be recovered.

(ATM 03/13/67)

ARTICLE XVI
PRUDENTIAL AFFAIRS AND INTERNAL POLICE

1. No gathering, meeting, dance or event to which the public is invited for a consideration, at which alcoholic beverages will be sold, and at which attendance exceeds four hundred (400) persons, shall be held in the Town of Dighton after six o'clock, post meridian time, unless the sponsor of such gathering, meeting, dance or event request the Chief of Police to assign one Dighton police officer in uniform for every four hundred (400) persons in attendance.

2. Said sponsor shall base each such request upon the previous year's attendance and, if none, upon advance ticket sales and reservations.

3. Such police officers assigned shall be paid by said sponsor at the prevailing extra duty rate.

(STM 01/16/74)

ARTICLE XVII
ARTIFICIAL POOLS

No owner, lessee, tenant, mortgagee in possession or other occupant of, real estate shall permit thereon any artificial pool, having a depth of twenty-four (24) inches or more at any point (whether or not in existence upon the effective date of this By-Law) unless the same shall be enclosed by a protective fence at least four (4) feet high whose design, materials and construction shall have been approved by the Inspector of Buildings, or by such other artificial or natural barrier as shall have been so approved. No such fence or barrier shall be approved unless every gate therein shall be of a self-closing and self-latching design, with the latch located at least four (4) feet above the ground.

(ATM 03/11/74)

ARTICLE XVIII
SEWERS

(1.) ESTABLISHMENT OF SEWER COMMITTEE

The Town voted to authorize the Board of Selectmen to appoint a Sewer Committee for the Town of Dighton, Mass. Said Committee to consist of 3 members. Each member shall be appointed for a term to extend to the regular Town election to be held in March, 1980. At that election the voters shall elect three sewer commissioners for terms of 3 years, 2 years and 1 year respectively, the term to be determined by the distribution of votes. Thereafter, each year the term of one member of the Board shall expire and elections for a 3-year term in that post shall be held. In the event of a vacancy occurring by reason of the death, resignation, removal from the Town or otherwise of a member, the Board of Selectmen and the remaining Sewer Commissioners shall appoint a new member for the balance of the unexpired term. No person shall be eligible for appointment as a member unless he is a registered and qualified voter of the Town of Dighton, Massachusetts, nor shall any person be eligible to serve as a member if he removes his residence from the Town of Dighton, Massachusetts. The members of the Board shall annually elect by majority vote a Chairman of the Board and a Clerk of the Board.

(2.) COMPENSATION OF BOARD MEMBERS

Each member of the Board shall receive an honoraria not to exceed two hundred (200.00) dollars and the Chairman of the Board shall receive an honoraria not to exceed three hundred (300.00) dollars in the first year, subsequent rates to be set by vote of the Town on an annual basis.

(3.) GENERAL GRANT OF POWERS

The Board is hereby authorized and empowered to exercise all the powers vested with the Board of Selectmen under General Laws of the Commonwealth of Massachusetts to plan, construct, extend, enlarge, reconstruct, maintain, equip, repair and operate the Town of Dighton's system of sewers, and in general, to have all powers and authority usually conferred upon a Board of Sewer Commissioners by law. The Board may adopt rules for the regulation of its affairs which may include establishing or amending rules and regulations and conditions under which sewer service shall be supplied, establishing and altering such rates of assessment and annual charges or rents for construction, entering, maintenance, and operation of the system of sewers as it deems just and proper, in conformity with the general and special laws of the Commonwealth. The Board may acquire land and obtain easements and rights of way as it deems necessary in connection with the layout design, construction, extension, enlargement, reconstruction, maintenance, repair and operation of the Town's system of sewers, and it may enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers.

(4.) **SEWER FUNDS**

The Board of Sewer Commissioners, or a duly appointed authority shall establish sewer assessments and sewer user charges. The Tax Assessor shall issue bills and the Tax Collector shall make collections for all charges and fees, and receipts as a result of operation of the sewage works in accordance with this by-law, existing agreements, and established charges and fees. The Town Treasurer shall maintain in a separate account all receipts and disbursements as a result of operation of the sewer system.

(STM 01/22/79)
(STM 06/17/80)

(5) **SEWER BY-LAWS**

(Revised) Sewer By-Laws – Requirements, Procedures and Fees for the Planning, Design and Construction of Sewerage Facilities and Systems. (See copy of text under separate cover.)

(ATM 05/03/99)
Amended (STM 11/02/09)

Annual User Charges and Industrial Cost By-Law (See copy of text under separate cover.)

(STM 06/17/80)
Amended (ATM 06/08/81)

ARTICLE XIX
CAPITAL OUTLAY COMMITTEE

Section 1. A committee to be known as the Capital Outlay Committee, referred to as C.O.C., is hereby established, and said Committee shall perform the duties set forth in the following sections of this By-Law and shall be governed by the provisions thereof. The committee shall consist of five residents of the Town and shall be appointed as provided in the following sections.

Section 2. The Committee membership shall consist of one member of the Finance Committee and four (4) members at large. The Finance Committee member shall be appointed by and from that Committee for a one-year term. The four at-large members shall be appointed by the Board of Selectmen for four years, such that one membership will expire each year. Tenure of original membership will be for terms of one, two, three and four years, in order that one membership expires each year.

Section 3. The appointments by the Board of Selectmen shall not include any elected official or Town employees. Appointments shall be made by June first each year. A re-organizational meeting shall be held within thirty days of appointment by the Board of Selectmen. The Town Accountant shall be an ex-official member without voting power. The Committee shall elect its own officers.

Section 4. A member who ceases to reside in the Town, accepts Town employment or assumes an elected position shall resign. Any vacancy shall be filled for the unexpired term by the original appointing body.

Section 5. The Committee shall project annually the capital expenditures required by the Town during the next six years. In making this determination, it shall consult with the Board of Selectmen, all Department Heads, both elected and appointed, and Committees of the Town. All Department Heads, members of the Board and Committees will cooperate with the C.O.C. and respond to its

requests for information. Said information and requests shall be submitted to the Committee by Sept. 30, each year.

Section 6. The Committee shall consider the relative need, timing and cost of capital expenditures and the effect each will have on the financial position of the Town. The Committee will make recommendation on the scheduling of capital expenditures and shall report its findings in a budget to the Board of Selectmen by March 30, each year.

Section 7. The C.O.C. shall report and make recommendations to the voters at the Annual Town Meeting and any Special Town Meeting involving a capital expenditure.

(ATM 05/06/80)

ARTICLE XX
COUNCIL ON AGING

A. The Town shall have a Council on Aging consisting of five (5) voters of the Town appointed by the Selectmen. The first five (5) members of the Council on Aging following the effective date of this provision shall be appointed by the Selectmen for staggered terms of from one (1) to (5) years.

B. The Selectmen shall thereafter appoint one (1) member of the Council on Aging annually for a term of five (5) years. "

(STM 09/29/81)
Amended (ATM 06/02/14)

C. The Council on Aging shall have all the powers and duties now or at any time vested in it by the General Laws, (Ter. Ed.) Chapter 40, Section 8B, as they may be amended, or by any special act and such other powers and duties as may be given to it by the Town.

D. The Council on Aging shall, subject to the provisions of the law, choose its own officers and establish such rules as it deems necessary for the conduct of its business and shall keep records of all actions taken by it and shall make an Annual Town Report.

(ATM 05/30/79)

ARTICLE XXI
REGULATIONS FOR UP TO FOUR AUTOMATIC AMUSEMENT DEVICES

1. The term "automatic amusement device" shall relate to any machine whereby "upon the deposit of a coin or token, any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player."

2. Said licenses are granted under the provisions of Chapter 140, Section 177A and Chapter 94, Section 283.

3. All machines will be approved by the Director of Standards/Department of Public Safety prior to any license being issued by the Board of Selectmen.

4. Amusement Devices will be utilized for amusement purposes only.

5. A separate license will be issued for each machine.

6. Machine(s) will be in open view at all times and available for inspection.

7. Sunday License will be obtained from the State Department of Public Safety or the Town.

8. Premises will be subject to inspection by the Fire Department to insure that machines are not blocking fire exits.

9. Premises will be subject to inspection by the Building Inspector to insure that premise size is conductive to location of machines.

10. All licenses of this nature may be revoked by the licensing authority for violation of the above or if it is found that the license(s) does not serve the general good and order of the community.

11. License fee shall be twenty dollars per machine. License to be renewed each year during the month of November.

(STM 09/27/82)

ARTICLE XXII
PROHIBITION OF AUTOMATIC AMUSEMENT DEVICE ARCADES

1. The term automatic amusement device shall apply to any machine whereby: "Upon the deposit of a coin or token, any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player."

2. An arcade for the purpose of this By-law shall be defined as a premise containing more than four (4) automatic amusement devices.

3. There shall be no automatic amusement device arcades allowed in the Town of Dighton.

(STM 09/27/82)

ARTICLE XXIII
SANDBLASTING OF PAINT

A Building permit shall be required for any type of abrasive blasting in the Town of Dighton. The fee shall be $15.00.

Regulation A. If proof is presented by the applicant of said permit that the particular structure or project does not contain a lead base paint, the following regulations will be followed.

A-1. Abrasive blasting shall never be done when winds exceed 20 mph.
A-2. Respirators shall always be worn when removing paint.
A-3. Thorough cleanup shall occur each day, using an industrial vacuum cleaner.
A-4. Shrouds shall be used to protect neighbors' yards, swimming pools, etc.
A-5. All windows and doors shall be thoroughly sealed.

Regulation B. If the project contains a lead base paint, the equipment used by said applicant shall be inspected and approved by the Building Inspector. Said unit or equipment shall have the ability to reclaim spent abrasent, dust and debris from the blast area immediately.

B-1. Abrasive blasting shall never be done when winds exceed 20 mph.
B-2. All windows and doors shall be thoroughly sealed.
B-3. All reclaimed debris (paint) shall be shipped to a hazardous waste site (proof of such action shall be required).
B-4. Respirators shall always be worn when removing paint.
B-5. Shrouds shall be used to protect neighbors' yards, swimming pools, etc.

(STM 01/18/84)

ARTICLE XXIV
PEEPING TOMS

Whomever knowingly enters or remains on property of another without right and with intent to subject any person to any form of visual surveillance in a place in which such person may reasonably expect to be safe from such surveillance, and to which neither the public nor a substantial group thereof has access, shall be punished by a fine not to exceed fifty ($50.00) dollars.

(STM 11/18/74)

ARTICLE XXV
MUNICIPAL CHARGES

The Town voted to accept, as a by-law, the provisions of Chapter 40, Section 21E, MGL, as amended by Chapter 42 of the Acts of 1988 establishing a due date of thirty days after mailing for the payment of municipal charges and bills, and to charge interest if such charges or bills remain unpaid after due date at the same interest rate as is charged on tax bills under the provisions of section fifty-seven of Chapter fifty-nine.

(ATM 05/07/90)

ARTICLE XXVI
APPOINTED BOARD MEMBERS ATTENDANCE REQUIREMENTS

Any member of an appointed town committee not attending at least sixty percent of that committee's regular meetings in any six month period shall be deemed to have vacated that office, and may be replaced by the appointing authority by appointment of a replacement member. Accepted exclusion: valid medical, military and circumstances beyond a member's control subject to the appointing authority's review.

(ATM 05/01/00)

ARTICLE XXVII
NON-CRIMINAL DISPOSITION

Section 1. Whoever violates any provision of these bylaws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in M.G.L.c. 40, sec 21D.

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

BASIC FINE SCHEDULE:

First Violation in 12-month period	Written Warning
Second Violation in 12-month period	Fine of $100
Third Violation in 12-month period	Fine of $200 and suspension of Tobacco Sales Permit for 7 days
Fourth and additional Violation in 12-month period	Fine of $300 and suspension of Tobacco Sales Permit for 30 days

Four violations or more in a 12-month period may, after a public hearing, result in revocation of Tobacco Sales Permit.

(ATM 06/20/02)

FIRE ALARM SYSTEM KEY BOX

Any building other than a residential building of less than six (6) units which has a fire alarm system or other fire protection system shall provide a secure key box installed in a location accessible to the fire department in case of emergency. This box shall contain keys to the fire alarm control panel and other keys necessary to operate or service the fire protection system. The key box shall be of a type approved by the Chief of the Dighton Fire Department and shall be located and installed as approved by the Fire Chief.

(ATM 05/17/93)

SPOTLIGHT & FLOODLIGHT

To prohibit a residence's spotlight or floodlight from shining directly onto a neighbor's home or property and to restrict the direct beam of light to the owner's own property so as to avoid being a nuisance.

(STM 06/21/93)

LICENSES & PERMITS OF DELINQUENT TAXPAYERS

Any city and town which accepts the provisions of this section, may by by-law or ordinance deny any application for, or revoke or suspend any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges. Such by-law or ordinances shall provide that:

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

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

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

(D.) The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

A city or town may exclude any local license or permit from this section by by-law or ordinance.

(STM 10/14/93)

NUMBER OF USED CAR LOTS

The number of Class 2 Motor Vehicle Licenses to be allowed in the Town of Dighton shall be limited to ten (10).

(ATM 05/03/82)

CONSERVATION BY-LAW

Dighton Conservation Commission By-Law. (See copy of text under separate cover.)

(ATM 05/21/01)
Amended (ATM 06/20/02)

ARTICLE XXVIII
STORMWATER

INTRODUCTION

It is hereby determined that:

Land development projects and other land use conversions, and their associated changes to land cover, permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion, and sediment transport and deposition, and decrease groundwater recharge;
Land development projects and other land use conversions also contribute to increased nonpoint source pollution and degradation of receiving waters;

The impacts of post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, surface water drinking water supplies, groundwater resources, drinking water supplies, recreation, aquatic habitats, fish and other aquatic life, property values and other uses of lands and waters;

These adverse impacts can be controlled and minimized through the regulation of stormwater runoff quantity and quality from new development and redevelopment, by the use of both structural and nonstructural Best Management Practices;

Localities in the Commonwealth of Massachusetts are required to comply with a number of both State and Federal laws, regulations and permits which require a locality to address the impacts of post-development stormwater runoff quality and nonpoint source pollution.

Therefore, the Town of Dighton has established this stormwater management bylaw to provide reasonable guidance for the regulation of post-development stormwater runoff for the purpose of protecting local water resources from degradation. This bylaw regulates the post-construction stormwater controls for both new and re-development projects.

It has been determined that it is in the public interest to regulate post-development stormwater runoff discharges in order to control and minimize increases in stormwater runoff rates and volumes, post-construction soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with post-development stormwater runoff.

1.0 PURPOSE

A) The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, and promote groundwater recharge to protect surface and groundwater drinking supplies. This Bylaw seeks to meet that purpose through the following objectives:

1. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;

2. Require that new development, redevelopment and all land conversion activities maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;

3. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; Establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of storm water runoff; Establish minimum design criteria for measures to minimize nonpoint source pollution from stormwater runoff which would otherwise degrade water quality;

4. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;

5. Encourage the use of nonstructural stormwater management, stormwater better site design practices or "low-impact development practices", such as reducing impervious cover and the preservation of greenspace and other natural areas, to the maximum extent practicable; Coordinate site design plans, which include greenspace, with the Town's greenspace protection plan;

6. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;

7. Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Bylaw;

8. Establish administrative procedures for the submission, review, approval or disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up; Establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, and the inspection of approved projects.

B) Nothing in this Bylaw is intended to replace the requirements of the Town of Dighton Zoning Bylaws, the Town of Dighton General Wetlands Protection Bylaw, or any other Bylaw that may be adopted by the Town of Dighton. Any activity subject to the provisions of the above-cited Bylaws must comply with the specifications of each.

2.0 DEFINITIONS

The following definitions shall apply in the interpretation and implementation of this Bylaw. Additional definitions may be adopted by separate regulation:

ALTER: Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alter may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN: Site design approaches and techniques that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for stormwater management.

DETENTION BASIN: A detention basin is a stormwater management facility installed on, or adjacent to, tributaries of rivers, streams, lakes or bays that is designed to protect against flooding and, in some cases, downstream erosion by storing water for a limited period of a time. These basins are also called "dry ponds", "holding ponds" or "dry detention basins" if no permanent pool of water exists. Some detention ponds are also "wet ponds" in that they are designed to permanently retain some volume of water at all times. In its basic form a detention basin is used to manage water quantity while having a limited effectiveness in protecting water quality, unless it includes a permanent pool feature.

Amended (ATM 06/08/10)

GENERAL STORMWATER MANAGEMENT PERMIT (GSMP): A permit issued for an application that meets a set of pre-determined standards outlined in the Regulations to be adopted by the Board of Health under Section 4 of this Bylaw. By meeting these pre-determined standards, the proposed project will be presumed to meet the requirements and intent of this Bylaw.

HOTSPOT: Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

INFILTRATION BASIN: An infiltration basin is a stormwater management facility designed to direct all or part of the stormwater into the soil. Infiltration is the process by which runoff percolates through the unsaturated over-burdened and fractured bedrock to the water table. Infiltration does not include incidental wetting of soil in ditches, detention basins or the equivalent; wetting of under drained basins, dry swales, or similar filtration systems; or wetting of buffers meeting the town's requirements for use as stormwater control.

Discharge of runoff to areas of the site where the water will collect and percolate into the ground is considered infiltration if the volume, rate, or quality of the discharge exceeds the runoff capacity of the area. Under drained swales, under drained ponds, and similar practices that discharge to surface waters or to buffer strips meeting the town's requirements for stormwater buffers are not considered infiltration systems, although these may be used to treat runoff prior to discharge to an infiltration area.

Amended (ATM 06-08-10)

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

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

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

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

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

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

RECHARGE: The replenishment of underground water reserves.

REDEVELOPMENT: Any construction, alteration, or improvement exceeding land disturbance of 35,000 square feet, where the existing land use is commercial, industrial, institutional, or multi-family residential.

Amended (STM 11/02/09)

BOARD OF HEALTH: The Board of Health for the town of Dighton or its authorized agent(s) is responsible for coordinating the review, approval and permit process as defined in this Bylaw. Other Boards and/or departments participate in the review process as defined in the Stormwater Regulations adopted by the town of Dighton..

RETENTION BASIN: A retention basin is a type of best management practice (BMP) that is used to manage stormwater runoff to prevent flooding and downstream erosion, and improve water quality in an adjacent river, stream, lake or bay. Sometimes called a wet pond or wet detention basin, it is essentially an artificial lake with vegetation around the perimeter, and includes a permanent pool of water in its design.

It is distinguished from a detention basin, sometimes called a dry pond, which temporarily stores water after a storm, but eventually empties out at a controlled rate to a downstream water body. It also differs from an infiltration basin which is designed to direct stormwater to groundwater through permeable soils.

Wet ponds are frequently used for water quality improvement, groundwater recharge, flood protection, aesthetic improvement or any combination of these. Sometimes they act as a replacement for the natural absorption of a forest or other natural process that was lost when an area is developed. As such, these structures are designed to blend into neighborhoods and viewed as an amenity.

Silviculture: The cultivation and care of trees in a forest; forestry.

Amended (ATM 06/08/10)

STORMWATER CREDITS: A form of incentive for developers to promote conservation of natural and open space areas. Projects that comply with prescribed requirements are allowed reductions in stormwater management requirements when they use techniques to reduce stormwater runoff at the site.

STORMWATER MANAGEMENT PERMIT (SMP): A permit issued by the Board of Health, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious affects of uncontrolled and untreated stormwater runoff.

3.0 AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the residents of the Town of Dighton at Town Meeting, dated March 10, 2008.

4.0 ADMINISTRATION

A) The Board of Health shall administer, implement and enforce this Bylaw. The Board of Health may delegate any powers granted to or duties imposed upon the Board of Health in writing to its employees or agents.

B) **Stormwater Regulations**. The Board of Health may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Stormwater Management Bylaw by majority vote of the Board of Health, after conducting a public meeting to receive comments on any proposed revisions. Public notice of the meeting date will meet the requirements of the Massachusetts General Laws and any relevant town bylaws. After public notice and a public meeting, the Board of Health may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Board of Health to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

C) **Stormwater Management Manual**. The Board of Health will utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy, or approved local equivalent, for execution of the provisions of this Bylaw. This Policy includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these designs and sizing criteria will be presumed to be protective of Massachusetts' water quality standards.

D) **General Permit.** The Board of Health shall have the authority to develop a General Stormwater Management Permit (GSMP) for specific types of projects, such as, without limitation Construction of a Deck, Patio, Retaining Wall, Existing Driveway Expansion, Shed, Swimming Pool, Tennis or Basketball Court. Any such General Stormwater Management Permit Requirements shall be defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw.

E) **Actions by the Board of Health**. The Board of Health may take any of the following actions as a result of an application for a Stormwater Management Permit as more specifically defined as part of Stormwater Regulations promulgated as a result of this Bylaw: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.

F) **Appeals of Action by the Board of Health**. A decision of the Board of Health shall be final. Further relief of a decision by the Board of Health made under this Bylaw shall be reviewable in the Superior Court in and action filed within 60 days thereof.

G) **Stormwater Credit System**. The Board of Health may adopt, through the Regulations authorized by this Stormwater Management Bylaw, a Stormwater Credit System. This credit system will allow applicants the option, if approved by the Board of Health, to take credit for the use of stormwater better site design practices to reduce some of the requirements specified in the criteria section of the Regulations. Failure by the Board of Health to promulgate such a credit system through its Regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

5.0 APPLICABILITY

A) This Bylaw shall be applicable to all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, grading applications, land use conversion applications, any activity that will result in an increased amount of stormwater runoff or pollutants flowing from the a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to Section 5.B) of this Bylaw. All new development and redevelopment under the jurisdiction of this Bylaw as prescribed in this Bylaw shall be required to obtain a Stormwater Management Permit.

B) Exemptions

Discharge or flow resulting from fire fighting activities.

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

1. Waterline flushing;
2. Flow from potable water sources;
3. Springs;
4. Natural flow from riparian habitats and wetlands;
5. Diverted stream flow;
6. Rising groundwater;
7. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
8. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;

9. Discharge from landscape irrigation or lawn watering;

10. Water from individual residential car washing;

11. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;

12. Discharge from street sweeping;

13. Non-toxic dye testing, provided verbal notification is given to the Board of Health prior to the time of the test;

14. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations, and

15. Discharge for which advanced written approval is received from the Board of Health as necessary to protect public health, safety, welfare or the environment.

6.0 PROCEDURES

Permit Procedures and Requirements shall be defined and included as part of any rules and regulations promulgated as permitted under Section 4 of this Bylaw.

7.0 ENFORCEMENT

The Board of Health or an authorized agent of the Board of Health shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any Stormwater regulations promulgated as permitted under Section 4 of this Bylaw.

8.0 NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the stormwater, the storm drainage system, or waters of the Commonwealth and United States, said person shall take all necessary steps to ensure containment and cleanup of such release. In the event of such a release of oil or hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall immediately notify the Board of Health, as the authorized enforcement agency, in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Board of Health within three (3) business days of the in person or telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

9.0 SEVERABILITY

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

(STM 03/10/08)
Amended (ATM 06/08/10)

ARTICLE XXIX
DOMESTIC ANIMAL ENFORCEMENT

Section #1 The Animal Control Officer or any other law enforcement officer, upon investigation if it is found that a dog, or other animal is of a vicious nature or disposition and/or habitually chases, attacks motorists, cyclists, or persons, may order the owner or keeper of said animal to restrain said animal from running at large outside the premises of its owner or keeper, for a period of up to 60 days.

Section #1A Each person who owns, keeps or controls a dog within the town shall remove and dispose of any feces left behind by such dog or other animal on any sidewalk, street, park or other public area, or on any private property which is not owned or occupied by such person. Feces may only be disposed of at a place suitable and regularly reserved for the disposal of human feces.

Section #2 Said violations of sections #1 and #1A shall be in writing and delivered in hand or by certified mail to said owner or keeper. Said order may be appealed by the owner or keeper to the Board of Selectmen/Health, for a hearing and review, by filing a request for appeal in writing within ten (10) days of receipt of said order.

Section #3 The Boards of Selectmen/Health may after hearing, affirm, reduce or rescind said order. Failure to comply with said order shall result in a fine of $25 dollars. Each day of said failure to comply shall constitute a separate offense.

Section #4 Upon a second and subsequent order involving the same animal, the board may order, in lieu of a fine, that the animal be permanently confined or removed from the Town of Dighton.

Section #5 All bites by dogs, cats or other domestic animals or wild or exotic animals shall be reported to the Board of Health as soon as possible by the person bitten or by the owner or keeper of the animals, or both.

Section #6 The operator of a motor vehicle that strikes and injures or kills a dog, or cat within the Town shall report such incident to the owner or keeper of such dog or cat or to a police officer of the Town.

Section #7 The annual fee for every dog license and kennel license shall be set by January 1st of each year by the Board of Selectmen. No fee shall be charged for a license for a dog especially trained to lead or serve a blind person; provided, that the Division of the Blind certifies that such dog is so trained and actually in the services of a blind person. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying, or removal from the Commonwealth, or other disposal of the dog. No dog shall be licensed unless a valid rabies vaccination certificate is presented to the Town Clerk at the time of licensing. All kennels shall be subject to routine inspections by the Board of Health and Animal Control Officer as deemed necessary.

Kennel License:
A. Four dogs or less shall be issued by the Town Clerk
B. Ten dogs or less for non-commercial and commercial use shall have the facility approved by the Animal Control Officer before issuance.
C. Ten dogs or more for either commercial or non-commercial purposes shall have the facility approved by the Animal Control Officer before issuance.

Fines:
After April 1st – Five ($5.00) Dollars
After June 1st – Fifteen ($15.00) Dollars

Amended (ATM 06/07/11)

Section #8 Violations of this Bylaw shall be punishable by such fines as described in the NON-CRIMINAL COMPLAINT FORM (CH. 40 SEC. 21D) or by CRIMINAL COMPLAINT, at the discretion of the Board of Selectmen/Health, Animal Control Officer or Police.

Section #9 The Board of Selectmen/Health, Animal Control Officer or Police shall be empowered to enforce provisions of this Bylaw. Fines assessed under this Bylaw shall be paid to the Town Clerk within twenty-one (21) days of issuance of a citation by the Animal Control Officer or Police. Failure to pay such fine shall be in violation as described in the NON-CRIMINAL COMPLAINT FORM (CH. 40 SEC. 21D)

(ATM 06/01/09)
Amended (ATM 06/08/10)

ARTICLE XXX
COMMUNITY PRESERVATION COMMITTEE

Chapter 1: Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

a. One member of the Planning Board as designated by the Board for a term of three years.

b. One member of the Conservation Commission as designated by the Commission for an initial term of two years and thereafter for a term of three years.

c. One member of the Historical Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.

d. One member of the Parks and Recreation who shall act as the representative of the Park Commissioners as designated by the Board for a term of three years.

e. One member of the Dighton Housing Authority Board as designated by its Board of Directors for an initial term of one year and thereafter for a term of three years.

f. Two members to be appointed by the Board of Selectmen, for an initial term of two years and thereafter for a term of three years.

g. One member to be appointed by the Board of Selectmen, for an initial term of one year and thereafter for a term of three years.

h. One member to be appointed by the Board of Selectmen, for a term of three years.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Chapter be no longer in existence for what ever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen.

Chapter 2: Duties

1. The community preservation committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the Board of Selectmen, the Conservation Commission, the Historical Commission, the Planning Board, the Parks and Recreaction and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. The committee may, after proper appropriation, incur expenses as permitted by state law using funds from the community preservation fund to pay such expenses.

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

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

Chapter 3: Requirement for a quorum and cost estimates

The community preservation committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

Chapter 4: Amendments

This Chapter may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with MGL, Chapter 44B.

Chapter 5: Severability

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

Chapter 6: Effective Date

Each appointing authority shall have thirty days after approval to make their initial appointments.

The term for the first-appointed Community Preservation Committee shall begin upon appointment in accordance with the preceding paragraph. The one-year appointments shall end on June 30, 2011, the two-year appointments shall end on June 30, 2012, and the three-year appointments shall end on June 30, 2013. Subsequent terms will begin on July 1 of each year and will be for a period of three years. Any vacancy on the Community Preservation Committee shall be filled by the commission, authority or board that designated the member who creates the vacancy by designating another member in accordance with Section (1) above for the unexpired term.

(STM 11/23/2010)

ARTICLE XXXI
DEMOLITION DELAY

TITLE OF BY-LAW

The Preservation of Historically Significant Buildings.

INTENT AND PURPOSE

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

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 COMMISSIONER

The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.

COMMISSION

The Dighton Historical Commission or its designee.

DEMOLITION

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

DEMOLITION PERMIT

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

PREFERABLY PRESERVED

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

SIGNIFICANT BUILDING

Any building within the town (city) 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 Commissioner 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 Commissioner 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 Commissioner and applicant in writing. The Building Commissioner may then issue the demolition permit.

Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Commissioner and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Commissioner within fifteen days of receipt of the application, the Building Commissioner 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 Commissioner. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in town hall for a period of not less than seven days prior to the date of said hearing and the applicant and the building inspector shall be notified in writing of the meeting time and place.

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

If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then issue the demolition permit.

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Commissioner 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 Commissioner in writing within twenty one days of the public hearing, the Building Commissioner 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 preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner and have 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 or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

The Building Commissioner may issue a demolition permit or a building permit for a preferably preserved building within the applicable delay period if the Commission notifies the Building Commissioner 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 Commissioner 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 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 Commissioner 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 Commissioner may issue an emergency demolition permit to the owner of the building or structure. The Building Commissioner 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 Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this by-law or to prevent a threatened violation thereof.

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

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

HISTORIC DISTRICT ACT

Following a determination that the building is significant and preferably preserved, the Commission may recommend to town meeting that the building be protected through the provisions of Massachusetts General Law, Chapter 40C, and the Historic Districts Act. The steps required under M.G.L. Chapter 40C shall be followed prior to the establishment of a local historic district. Nothing in this by-law shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this by-law do so conflict, that act shall prevail.

SEVERABILITY

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

(ATM 06/07/2011)

ARTICLE XXXII
FALSE ALARM

Any residence, school, municipal building or place of business which has an alarm system connected directly to the Police and/or Fire Departments or connected indirectly to said Department through a private alarm company (each of which will be hereinafter referred to as a "monitored system"), shall be charged a fine for all responses by the Department to such buildings when the response is caused by: (1) the activation of the monitored system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or his employees or agents; or (2) the activation of the monitored system requesting, requiring or resulting in a response on the part of the Police Department when, in fact, there has been no unauthorized intrusion, robbery or burglary, or attempted threat. For the purposes of this bylaw, activation of a monitored system for the purposes of testing with prior approval by the Police Department, or by an act of God, including, but not limited to, power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances shall not be deemed to be a false alarm. A fine for violation of this bylaw may be assessed against the owner or tenant of the residence or place of business. Penalties for violation of this bylaw shall be as follows, successive responses to be counted within any twelve month period:

First Three Responses	Warning

Fourth – Sixth Responses	$ 50.00
Seventh and Subsequent Responses	$100.00

This section may be enforced pursuant to the non-criminal disposition method as contained in MGL Chapter 40, Section 21D. Enforcing persons shall be police officers.

(STM 11/29/2012)

ARTICLE XXXIII
SOLICITING

Regarding Commercial Agents, Selling Agents, Solicitors and Canvassers who do business door-to-door in Dighton

Section 1. The practice of going in and upon private residences of the Town by commercial agents, selling agents, solicitors and canvassers, transient vendors and itinerant merchants for the purpose of soliciting orders for services or for sale of goods, wares, and merchandise by means of samples, lists, catalogues or otherwise, without having been requested or invited to do so by the owners or occupants of said private residences, is prohibited and hereby declared a nuisance.

Section 2. The provisions of this bylaw shall not apply to officers or employees of the town, county, state or federal governments; hawkers and peddlers registered by the state and the Town under appropriate laws and regulations; candidates for public office or political parties recognized by the Commonwealth; religious organizations for the purpose of spreading the teachings of their religious beliefs, but not for the purpose of selling or soliciting; and non-profit, charitable organizations upon registration by the President or Treasurer with the Chief of Police. Such registrations must be renewed yearly

Section 3. Violations of this bylaw shall be punishable by a fine for each offense as specified under MGL c. 40, sec 21D and in the Town's Bylaws Article XXVII Non- Criminal Disposition adopted at Annual Town Meeting on June 20, 2002.

(STM 11/29/2012)

(Article XXXIII was repealed by vote of the Town Meeting of June 2, 2014, Article 31)