



# TOWN OF DIGHTON

## GENERAL BY-LAWS



**REVISED: June 23, 2022**

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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.** [Repealed]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)

[Repealed]

(ATM 06/01/15)

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.

(ATM 06/13/16)

The Town Administrator shall serve for a term of up to three years. The incumbent may be reappointed by the Board as many times as the Board determines. The Town Administrator shall receive compensation as the Board of Selectmen shall from time to time determine.

The Town Administrator shall function as the Town's Chief Administrative Officer and shall perform the functions and duties as the Board of Selectmen requires. The primary duties of the Town Administrator shall be planning, coordinating, and administering the day to day activities of the general government. He or she shall be responsible for communicating and implementing the policies of the Board to all Town Departments. The Town Administrator shall not have the powers to appoint Department Heads or negotiate their compensation unless delegated to do so by the Board

(STM 10/15/2018)

## **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)

**Section 15.** The board of selectmen shall cause the chief of the fire department and the highway superintendent to investigate any complaint of two or more inhabitants of any privately owned way that their road is impassable due to snow, and if upon determining that such road is inaccessible to emergency response vehicles or apparatus, or to school busses, or affords no safe location for standing children awaiting their school bus, the chief of the fire department or the highway superintendent fail to secure the reasonably immediate cooperation of the owner or owners of said way to alleviate the impassability, the highway superintendent shall initiate removal of the snow from such street, at the expense of the owner or owners thereof. The board of selectmen may pursue issuance of the necessary civil process, enforceable by contempt of court, to compel the owner of a private way to undertake necessary snow removal in support of public safety, after the second instance of invocation of this by-law. Nothing in this section shall preclude the town permitting authorities from taking their own actions against violations of orders of conditions requiring developers of roads to remove snow therefrom.”

(ATM 06/01/15)

## 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.

(ATM 03/09/59)

## 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 unregistered 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 1<sup>st</sup> of each year to April 1<sup>st</sup> 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. [REPEALED ATM 06/01/2015] – PEARL STREET
- E. PROSPECT STREET, between Mt. Hope Street & Summer Street.

(Amended ATM 06/01/15)

Except in spaces on the east side of Pearl Street immediate to the west front of St. Nicholas of Myra Catholic Church, designated by a yellow painted curb, which the Chief of Police shall have authorized to be reserved during masses for parishioner parking by conspicuous placing of temporary “Church Parking Only” sign/safety cones, no person shall park a vehicle on Pearl Street between 6:00 a.m. and 6:00 p.m. There shall be no parking anywhere on Pearl Street if a parking ban is imposed for snow removal or any other public safety emergency” or act thereon.

(ATM 06/01/2015)

#### **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 1<sup>st</sup> of each year to April 1<sup>st</sup> 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 honorarium 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 is hereby established, and said Committee shall be governed by the provisions of this bylaw. The Committee shall perform the duties set forth in the following sections.

#### **Section 2.**

The Capital Outlay Committee shall study proposed capital projects and improvements involving major recurring and non-recurring tangible assets and projects which (1) are purchased or taken at intervals of not less than 5 years; or (2) have a useful life of at least 5 years, and; (3) cost over \$50,000. All officers, boards, departments, and committees, shall, by January 31 of each year, give to the Capital Outlay Committee, on forms furnished by the Capital Outlay Committee, information concerning all anticipated projects requiring Town Meeting appropriation during the ensuing 5 years. An appropriation shall not be voted for a capital improvement request by the department, board, or committee unless the proposed capital improvements is considered in the Committee's report or the Committee shall first have submitted a report to the town meeting explaining the omission. Said information and requests shall be submitted to the Committee by February 15 each year. The Committee shall meet in March of each year.

#### **Section 3.**

The Committee shall consider the relative need, timing, and costs of capital expenditures and the effect each will have on the financial position of the Town. The Committee will make recommendations on the scheduling of capital expenditures and shall report its findings in a Five-Year Capital Plan to the Board of Selectmen and the Finance Committee by April 10 each year.

#### **Section 4.**

The Capital Outlay Committee shall report and make recommendations to the voters at the Annual Town Meeting and any Special Town Meeting involving a Capital Expenditure.

**Section 5.**

The Committee membership shall consist of one member of the Finance Committee, the Treasurer, the Town Administrator, the Town Accountant, and one Dighton-elected member of the School Committee. Two at large members shall be appointed, one to be appointed by the Finance Committee and the other to be appointed by the Board of Selectmen. An at large member must reside in the Town, must not be employed by the Town, and must not hold an elected position. The Finance Committee and School Committee members shall each be appointed by and from those respective committees for a one-year term. Any vacancy shall be filled for the unexpired term by the original appointing body.

**Section 6.**

Appointments shall be made by September 1. A re-organizational meeting shall be held by September 30. Any vacancy shall be filled for the unexpired term by the original appointing body.

Amended (ATM 06/15/2020)

## **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 conducive 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 abrasives, 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 or any rule or regulation of any municipal officer, board or department 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 Town bylaws, rules and regulations are to be included within the scope of this Article. 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 respective Town bylaw, rule or regulation, if any, shall also be enforcing persons for such section(s). Each day on which any violation exists shall be deemed to be a separate offense.

Amended (ATM 06/04/18 & 06/13/2018)

## **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**

### **I. Purpose**

The purpose of this bylaw is to protect the wetlands, water resources, and adjoining land areas in the Town of Dighton by conditioning activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon the resource area values, including but not limited to the following: public or private water supply, ground water, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, water pollution control, fisheries, shellfish, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, and recreation values, deemed important to the community. This bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act (G.L.Ch.131~40) and Regulations hereunder (310 CMR10.00).

### **II. Jurisdiction**

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; beaches; dunes; estuaries; the ocean; land under water bodies; lands subject to flooding or inundation by groundwater or surface water; land subject to tidal action, coastal storm flowage, or flooding; and lands abutting any of the aforesaid areas. Said resource areas shall be protected whether or not they border surface waters.

### **III. Applications for Permits and Requests for Determination**

Written application shall be filed with this Commission to perform activities affecting resource areas protected by this bylaw. This application should be the standard form as set forth by the Massachusetts Department of Environmental Protection (DEP).

At the time of a permit application, the applicant shall pay a filing fee as set forth by the DEP. No local fee is required. However, the local portion set forth by the DEP is necessary.

At the time a permit application is received, or at any time during the hearing process, the Commission is authorized to require an applicant to pay the fee for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. The Commission will select the consultant in question. As provided by Massachusetts General Law Chapter 44, Section 53G, The Dighton Conservation Commission may employ reasonable fees for the employment of outside consultants engaged by the Commission, for specific outside expert services. Such services shall be deemed necessary by the Commission to come to a final decision on an application submitted to the Conservation Commission pursuant to the requirements of the Wetlands Protection Act (M.G.L. Ch. 131 Section 40), the Dighton Wetlands Protection Bylaw, the Conservation Commission Act (M.G.L. Ch. 40 Section 8C) or any other state or municipal statute, bylaw, or regulation as they may be amended from time to time. The Conservation

Commission may also impose fees for other consultant services, related to application review, or permit conditioning or monitoring, under any of the above referenced laws or regulations. Said fees for said services shall be set forth in a regulation to be adopted by vote of the Conservation Commission in accordance with applicable law, including but not limited to M.G.L. Chapter 44 Section 53G.

The Commission may waive the filing fee, consultant fee and costs and expenses for a permit application or request for determination by a government agency.

The Commission shall require the payment of the consultant fee prior to the initiation of consulting services. Failure by the applicant to pay the consultant fee specified by the Commission within ten (10) business days of the request for payment, or refusal of payment, shall be cause for the Commission to deny the application based on lack of sufficient information to evaluate whether the project meets applicable performance standards in 310 CMR 10.00 and the Dighton Wetlands Protection Bylaw or its regulations.

The applicant shall pay the fee to the Town of Dighton to fund the 53G consultant services account established by the Commission with the Town Treasurer's office, which may be drawn upon by the Commission for specific consultant services approved by the Commission at one of its public meetings.

The Commission shall return any unused portion of the consultant fee to the applicant upon the completion of the project along with any accrued interest.

#### **IV. Notices and Hearings**

Any person filing a permit application with this Commission at the same time shall give written notice thereof, by certified mail (return receipt) or hand delivered, to all abutters at their mailing address shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public street or way, and abutters to the abutters within 300 feet of the property line on which the applicant is proposing work, including any in another municipality or across a body of water.

The Commission may combine its hearing under this bylaw with the hearing conducted with the Wetlands Protection Act (G.L. Ch.131~40) and Regulations (310 CMR 10.00).

The Commission shall have the authority to continue the hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information from the applicant or other deemed necessary by the Commission.

#### **V. Coordination with Other Boards**

Any person filing a permit application with the Commission shall provide a copy at the same time, by certified mail or hand delivered, to the select board, planning board, board of health and building inspector.

#### **VI. Permits and Conditions**

If the Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses which will result there from are likely to have a significant individual or cumulative effect upon the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activity requested. If it issues a permit, the Commission shall impose conditions, which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, standards, and other requirements in regulations of the Commission; for failure to site the project in an alternative manner with less potential impact, where such siting is clearly possible; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this bylaw; and where no conditions are adequate to protect those values. Due consideration

shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

Lands within 200 feet of rivers, ponds and lakes and lands within 100 feet of other resource areas are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetlands or other resource. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within the 200-foot (or 100-foot) area, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by this bylaw.

To prevent wetlands loss, the Commission shall require applicants to avoid alteration where feasible; shall minimize wetlands alteration; and, where alteration is unavoidable, shall require full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation.

A permit shall expire three years from the date of issuance. Any permit may be renewed once for an additional one year provided that a request for renewal is received in writing by the Commission prior to expiration.

No work proposed in any permit application shall be undertaken until the permit issued by the Commission has been recorded in the registry of deeds and the permit holder certifies in writing to the Commission that the permit has been recorded.

## **VII. Setbacks**

A. No subsurface sewage disposal system will be permitted within the 100-foot buffer zone of any wetland or within 200 feet of any perennial stream as shown on the USGS map 1985 or later. This set back will not be required for the renovation or replacement (but is required for the substantial enlargement) of septic systems construction prior to the effective date of this bylaw.

B. No dwelling or structure shall be built less than 50 feet from the outer edge of any wetland.

C. A 25-foot minimum undisturbed vegetated buffer zone will be required to protect wetlands and wildlife.

D. Isolated wetlands and vernal pools will be considered wetlands and afforded the same minimum setback distances for septic systems, construction and undisturbed vegetative zones.

## **VIII. Regulations**

Additions, deletions and alterations to the above regulations may be made through public notice and public hearing. The Commission shall then promulgate rules and regulations to effectuate the purposes of the bylaw when voted and filed with the town clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

## **IX. Definitions**

The following definitions shall apply in the interpretation of this by law.

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term "vernal pool" shall include a confined basin depression which, at least in most years, holds water

for a minimum of two continuous months during the spring/summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife.

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animals and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

The term "person" shall include 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, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term "alter" shall include, without limitations, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- C. Drainage or other disturbance of water level or table
- D. Dumping, discharging, or filling with any material, which may degrade water quality
- E. Placing of fill, or removing of material, which would alter elevation
- F. Driving of piles, erection, or repair of buildings, or structures of any kind
- G. Placing of obstructions or objects in water
- H. Destruction of plant life including cutting of trees
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
- J. Any activities, changes, or work, which may cause or tend to contribute to pollution of any body of water or groundwater
- K. Incremental activities, which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

Except as otherwise provided in this bylaw or in regulations of the Commission, the definitions of terms in this bylaw shall be set forth in the Wetlands Protection Act (G.L. Ch. 131~40) and Regulations (310 CMR 10.00).

## **X. Enforcement**

No person shall remove, fill, dredge, build upon, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have the authority to enforce this bylaw, its regulations, and permits issued hereunder by violation notices, administrative orders (if Dighton should accept G.L. Ch. 40~21D), and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violation, or may be fined, or both.

Upon request of the Commission, the Select board and the town counsel shall take legal action for

enforcement under civil law. Upon request of the Commission, the chief of police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police power, shall have authority to assist the Commission in enforcement.

Any person, who violates any provision of this bylaw, or regulations, permits, or administrative orders issued hereunder, shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

## **XI. Burden of Proof**

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

## **XII. Appeals**

A decision of the Commission shall be reviewable in the Superior Court in accordance with G.L. Ch. 249~4

## **XIII. Relationship to the Wetlands Protection Act**

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131) and Regulations (310 CMR 10.00) hereunder.

## **XIV. Severability**

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

Amendments - Warrant article # 21 from 2002 meeting " To see if the Town will vote to approve the Dighton Conservation Commission proposal changes in the following paragraph of its bylaws from: Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders issued hereunder, shall be punished by a fine or not more than \$300. Each day or portions thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense. To read as follows: Any person, who violates any provision of this bylaw, or regulations, permits, or administrative orders issued hereunder, shall be punished by a fine of \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense. The purpose of this change is to comply with the recommendations made by the Office of the Attorney General, or act thereon.

(ATM 05/21/01)  
Amended (ATM 06/20/02)  
Amended (ATM 06/07/2021-effective 09/15/2021)

## **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 an 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.

## **ARTICLE XXIX**

### **DOMESTIC ANIMALS**

**SECTION 1.** The hearing authority for dog, kennel, and domestic animal cases arising in the Town of Dighton under Sections 136A thru 174 E, inclusive, of Chapter 140 of the Massachusetts General Laws, shall be the board of selectmen.

**SECTION 2.** No person owning or harboring a dog shall suffer or allow it to run at large in any of the streets or public places in the town or allow it upon the premises of anyone other than the owner or keeper of such dog without the permission of the owner or occupant of such premises. No dog shall be permitted in any street or public place within the town unless it is effectively restrained as above defined by a chain or leash not exceeding six (6) feet. With the exception of service dogs as defined by Title II and III of the ADA, (Americans with Disabilities Act) all dogs are prohibited in/on any public park, playground or school. If an animal is found running at large in violation of this bylaw, the owner or keeper of such animal, as appropriate, will be cited and fined in accordance with Section 173A of Chapter 140 of the General Laws.

Amended (ATM 06/04/2018 & 06/13/2018)

**Section 3.** Whoever, being the owner of keeper of a dog within the town, fails to remove and dispose of, at a place suitable and regularly reserved for the disposal of human feces, any feces left behind by such dog on any sidewalk, street, park, or other public area, or on any private property which is not owned or occupied by such person; or, whoever, being the operator of a motor

vehicle that strikes and injures or kills a dog or cat, fails to report the incident to the owner or keeper of such dog or cat or to a police officer of the Town; or, whoever, being bitten by any animal, domestic or wild, or being the owner or keeper of any domestic animal known to have bitten any person, willfully fails to report such biting to the board of health, shall be cited and fined in accordance with Section 173A of Chapter 140 of the General Laws.

**Section 4.** Dog license and kennel license fees shall be established by a town meeting vote in accordance with the provisions of Section 139, Chapter 140 of the General Laws. No fee shall be charged for a license for a service dog as defined by the Americans with Disabilities Act or regulations promulgated thereunder, or for a dog owned by a person aged 70 years or over. 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.

**Section 5.** All kennels shall be subject to inspection by the animal control officer prior to annual licensing, and to other inspections by the animal control officer, the chief of police, a designee of either, or the board of selectmen, as provided by Section 137C of Chapter 140 of the General Laws. Each kennel license issued in accordance with the provisions of Section 137A of Chapter 140 of the General Laws shall specify type of kennel for which it is issued, as defined by Section 136A of Chapter 140 of the General Laws, "commercial boarding or training kennel", "commercial breeder kennel", "domestic charitable corporation kennel", "personal kennel", "research institution", or "veterinary kennel", and each kennel operation shall conform to the terms of its license. Upon certification in writing by the animal control officer that a kennel has passed his or her inspection, the Town Clerk shall issue a license therefor, but no kennel license fee shall be charged to a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect, or abuse, or for the relief of suffering, in accordance with the provisions of Section 137A of Chapter 140 of the General Laws.

**Section 6.** All Town of Dighton General By-laws relative to domestic animals, except provisions of Article VII, Use of Ways, adopted prior to June 1, 2015, the date of acceptance by the Town of this General By-law, are hereby repealed. The General By-law "Domestic Animals" adopted by the Annual Town Meeting on June 1, 2015, supersedes, annuls, and replaces the former text of Article XXIX of the General By-laws of the Town of Dighton. or act thereon.

Amended (ATM 06/01/15)

## **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 Recreation 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)**

## ARTICLE XXXIV NO SECTION

## ARTICLE XXXV REGULATION OF DONATION COLLECTION BINS

The purpose of this Bylaw is to protect the public health, safety and welfare, to address the proliferation of donation collection bins within the Town of Dighton, and provide regulations to ensure that donation collection bins are located and maintained so as to promote public safety, health and welfare, in a clean and safe condition.

**Definitions** As used in this section, the following terms shall have the meaning indicated:

**Donation Collection Bin** – Any enclosed receptacle or container made of metal, steel, fiberglass, wood, or similar product designed or intended for the donation and the temporary storage of clothing, books or other goods and materials, which is accessible to and allows the public to deposit goods without assistance, and which is owned, operated or controlled by an entity other than the owner or lessee of the lot on which it is located.

**Operator** – Any person or legal entity that owns, operates or is otherwise in control of a donation collection bin in the Town of Dighton.

## **Prohibitions and Standards**

It shall be unlawful for any person to place a donation collection bin within the Town of Dighton without first obtaining an annual permit from the Building Commissioner. Each operator who seeks to place a donation collection bin in the Town shall complete a written application on a yearly basis on a form provided by the Building Commissioner.

A donation collection bin subject to the provisions of this chapter must have clearly identified, in writing on its face the name, address, and telephone number of the entity or organization that is maintaining the donation collection bin. No further advertising shall be permitted on the donation collection bin.

B. A permit for a donation collection bin may be granted only in accordance with and subject to the following provisions, conditions and restrictions:

(1) Donation collection bin permits may be granted only in Business or Industrial Zoning Districts for properties owned or leased and used for non-profit purposes, but excluding, churches and other houses of worship in any Zoning District. Only one donation collection bin is allowed per property, which includes all contiguous land in common ownership.

(2) The donation collection bin shall be appropriately located so as to not interfere with sight triangles, on site circulation, required setbacks, landscaping, parking or any other zoning requirements and shall be placed on a concrete or other paved surface. The donation collection bin shall not be placed at any location directly abutting a residential property and shall comply with all setbacks for accessory structures under the Zoning Bylaws. All donation collection bins shall be properly screened from view as approved by the Building Commissioner or his designee and shall not consume any available parking spaces required for the permitting or zoning requirements of the premises where sited. The donation collection bin shall be placed such that there is safe and convenient pedestrian and vehicular access to it.

(3) The donation collection bin shall be of the type that is enclosed by use of a receiving door and locked so that the contents of the bin may not be accessed by anyone other than those responsible for the retrieval of the contents.

(4) Each donation collection bin shall not cover a ground surface area in excess of five feet by five feet, nor be more than six feet in height.

(5) Each donation collection bin must be regularly emptied of its contents so that it does not overflow. Used clothing or other donated goods and materials may not be placed about the surrounding area. All donation collection bins must be maintained in a state of good repair and in a neat and clean condition, and free of trash, debris, refuse or like material.

(6) Each donation collection bin must have the applicant's name, business name, business address and telephone number as well as the name, address and telephone number of the person or persons responsible for maintaining each donation collection bin which shall be posted on each bin.

(7) The application fee for a permit for a donation collection bin shall be \$150.00 for each donation collection bin. The permit period for each donation collection bin shall be January 1 through December 31 of each year.

(8) The Building Commissioner or his designee shall deny a license application which does

not comply with the requirements of this Bylaw.

(9) The permit issued to the applicant shall be affixed to the donation collection bins used by the license holder prior to placement of the bin. The permit shall be clearly placed on the same side of the bin as the chute used to deposit donated items. Next to the permit there shall be placed in clear lettering the name and telephone number of the operator. Upon the sale or transfer of a bin, a new permit shall be sought and if granted to a subsequent owner, the permit must be affixed to the bin prior to placement in service.

### **Applicability**

A. The provisions of this Bylaw shall apply to both existing and future donation collection bins located within the Town of Dighton. Property owners with existing donation collection bins prior to the effective date of this Bylaw shall come into compliance as follows:

(1) Within sixty days of the effective date of this Bylaw, the operator shall file an application for a permit as required under this bylaw for each existing donation collection bin. The application shall demonstrate how the existing donation collection bin complies with this Bylaw or show the proposed changes that shall be completed to achieve compliance. Within ninety days after the effective date of this Bylaw, each existing donation bin shall be brought into compliance with this Bylaw or removed from the Town, except as provided below.

(2) For those existing donation collection bins that are located on properties in Business or Industrial District but which are not devoted to non-profit purposes as required by this bylaw, one existing donation collection bin may continue to be located and operated on the property, provided that it can be brought into compliance with all other requirements of this Bylaw. The operator of each such prior nonconforming donation collection bin must apply for and receive an annual permit as provided in this Bylaw. Upon sale of the property or the business located on the property on which such prior nonconforming donation collection bin is located, the prior nonconforming donation collection bin must be removed within ten days.

### **Violation**

A. Any person, entity, partnership, firm or corporation violating any of the provisions of this Bylaw shall be punished by a fine of not less than \$50.00, but not exceeding \$100.00 for each individual violation.

B. Each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

C. The owner, lessee, or other person or legal entity in control of the property where the donation collection bin is being maintained and the operator of said bin in violation of this Section shall be jointly and severally liable for each violation thereof.

D. The Building Commissioner or his designee may issue an enforcement order for any failure to comply with the provisions of this Bylaw.

E. The Building Commissioner or his designee shall enforce this Bylaw.

(ATM 06/13/2016)

## ARTICLE XXXVI DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards or committees in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, §53E½.
2. Expenditure Limitations. A department head, board or committee may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:
  - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
  - B. No liability shall be incurred in excess of the available balance of the fund.
  - C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the board of selectmen and finance committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.
4. Procedures and Reports. Except as provided in General Laws Chapter 44, §53E½, and this by-law, the laws, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board or committee on appropriations made for its use.
5. Authorized Revolving Funds. The table establishes:
  - A. Each revolving fund authorized for use by a town department, board or committee,
  - B. The department or agency head, board, committee or officer authorized to spend from each fund,
  - C. The fees, charges and other monies charged and received by the department, board or committee in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant,
  - D. The expenses of the program or activity for which each fund may be used.
  - E. Any restrictions or conditions on expenditures from each fund;
  - F. Any reporting or other requirements that apply to each fund, and
  - G. The fiscal years each fund shall operate under this by-law.

| A                          | B  | C   | D   | E  | F                          | G                                     |
|----------------------------|--|---|---|--|----------------------------|---------------------------------------|
| Revolving Fund             | Department, Board or Committee Authorized to Spend from Fund | Fees, Charges or Other Receipts Credited to Fund  | Program or Activity Expenses Payable from Fund  | Restrictions or Conditions on Expenses Payable from Fund   | Other Requirements/Reports | Fiscal Years                          |
| Copy, Fax & Print Services | Trustees of the Dighton Public Library                       | Fees charged and received by the Dighton Public Library for copying, faxing & printing services     | Expended for printing and copying supplies      |  |                            | Fiscal Year 2019 and subsequent years |
| Fines                      | Trustees of the Dighton Public Library                       | Fines and monies received by the Dighton Public Library for overdue, lost, and/or damaged materials | Replacement of Library materials                |  |                            | Fiscal Year 2019 and subsequent years |
| Prime Time                 | Council on Aging Board                                       | Fees charged and receipts of the Prime Time (Adult Day Supportive Care) program                     | Expended for the purpose of running the program | Wages of full-time employees shall be paid from the annual budget appropriation of the Prime Time Department and not from the Fund |                            | Fiscal Year 2019 and subsequent years |

(ATM 06/05/2017)

Amended (STM 03/28/2019)

Deleted Council Oak Land Management Revolving Fund (ATM 06/03/2019)

## ARTICLE XXXVII STRETCH ENERGY CODE

### **1. Definitions**

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

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

### **2. Purpose**

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

### **3. Applicability**

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

### **4. Stretch Code**

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

The Stretch Code is enforceable by the inspector of buildings or building commissioner and effective as of January 1, 2019, or take any other action relative thereto.

(ATM 06/04/2018 & 06/13/2018)

## **ARTICLE XXXVIII** **RIGHT TO FARM**

### **Section 1 Legislative Purpose and Intent**

The purpose and intent of this Bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including, but not limited to, Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; Chapter 128, Section IA; 330 CMR 31.00, and; 310 CMR 10.04. We the citizens of Dighton restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

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

### **Section 2 Definitions**

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

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

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forest or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and keeping and raising of poultry, no more than 3 swine, cattle, ratters (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

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

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals;
- application of manure, fertilizers and pesticides;

- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

### **Section 3      Right To Farm Declaration**

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

### **Section 4      Disclosure Notification**

Within 30 days after this Bylaw becomes effective, the Board of Selectmen shall prominently post in the Town Hall and make available for distribution the following disclosure:

"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 and 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 and 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."

In addition to the above, copies of this disclosure notification shall be available in a public area at the Town Hall.

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

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Board of Selectmen shall forward a copy of the grievance to the Agricultural Commission or its agent,

which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

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

## **Section 6     Severability Clause**

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

(ATM 06/04/2018 & 06/13/2018)

## **UNNUMBERED ARTICLE**

### **MUNICIPAL COMMISSION ON DISABILITY**

#### **CHAPTER 1: ESTABLISHMENT**

Commissions on Disability are established by vote of Town Meeting to promote the inclusion and integration of persons with disabilities in the activities, services and employment opportunities or in the community.

#### **Commissions:**

- a) Advise and assist municipal officials in ensuring compliance with federal and state disability laws;
- b) Review policies and activities of municipal departments and boards as they affect persons with disabilities;
- c) Provide information, referral, advocacy and technical assistance to individuals, businesses and organizations in all matters pertaining to disability;
- d) Coordinate the activities of other local groups organized to meet the needs of persons with disabilities.

Commissions consist of no less than five, no more than nine members (thirteen as of 7/16) chosen by the Board of Selectmen. The majority must be persons with disabilities and one may be a member of the immediate family of a person with a disability. One must be an elected or appointed municipal official.

#### **Applicable Laws:**

- MGL chapter 40 section 8J, gives municipalities the authority to establish commissions;
- Section 504 of the Rehabilitation Act of 1973 requires inclusion and integration of persons with disabilities in the programs, services and employment opportunities of organizations and agencies that receive federal money;

- Amendment Article 114 of the Massachusetts Constitution prohibits discrimination on the basis of disability under any service or program within the Commonwealth;
- The regulations of the Architectural Access Board require access in newly built and renovated buildings.

## **DIGHTON COMMISSION ON DISABILITY**

### **CHAPTER 2: TITLE AND PURPOSE**

The name of this commission is the Commission on Disability (hereafter referred to as The Dighton Commission on Disability).

The purpose of the Dighton Commission on Disability is to coordinate or carry out programs in coordination with programs of the Massachusetts Office on Disability in order to bring about full and equal participation in all aspects of life in the Town of Dighton Massachusetts - for people with disabilities.

The purpose of these by-laws is to establish principles and procedures for the governance of this Commission.

### **CHAPTER 3: POWERS AND DUTIES**

- a) Research local problems of people with disabilities.
- b) Coordinate the activities of other local groups organized to meet the needs of people with disabilities.
- c) Review and make recommendations about policies, procedures, services and activities of departments and agencies of the Town of Dighton - as they affect people with disabilities.
- d) Work in cooperation with the departments and agencies of the Town of Dighton to bring about maximum participation of people with disabilities.
- e) Initiate, monitor, and promote legislation at the city, state and federal level which advances the equal status of people with disabilities and ensure that appropriate regulations are adopted and enforced pursuant to such legislation.
- f) Encourage public awareness of disability issues.
- g) Provide information, referral, guidance and advice to individuals, businesses, organizations and public agencies in all matters pertaining to disability.
- h) Recruit and recommend prospective Commission members to the Board of Selectmen. At least one month prior to making recommendations, the Commission shall solicit nominations and ensure that said nominations reflect different disabilities.
- i) File an annual report, which shall be printed in the Town of Dighton report.
  - j) Take such action as the Commission considers appropriate to ensure the equal access status of persons with disabilities.

### **CHAPTER 4: MEMBERSHIP**

The Commission shall consist of seven members appointed by the Board of Selectmen. The majority of members shall consist of people with disabilities. One of the members may be a member of the immediate family of a person with a disability. One member shall be either an elected or appointed

official of the Town of Dighton.

The members shall initially serve the following terms:

- Two members shall serve one-year terms.
- Two members shall serve two-year terms.
- Three members shall serve three-year terms.

After the initial term, all members shall serve three-year terms.

Resignation shall be made by notifying the chairperson in writing.

If any member is absent from three regularly scheduled meetings in any one calendar year, a recommendation shall be made to the Board of Selectmen that he/she be removed from the Commission, unless any or all absences have been excused for good cause by the chairperson. Good cause shall include, but not limited to: illness, a death in the family, weather, and professional responsibilities.

The Board of Selectmen shall fill any vacancy for the remainder of the unexpired term in the same manner as an original appointment.

Any members of said Commission may, after a public hearing, if so requested, be removed for cause by the appointing authority.

Members shall get the approval of the Commission prior to making statements or joining activities on behalf of the Commission.

All members shall have full voting rights.

## **CHAPTER 5: OFFICERS**

- The officers shall include a chairperson, vice chairperson and a secretary.
- Officers shall be elected annually by the majority vote of the Commission.
- One member may hold more than one office.

### **DUTIES**

The chairperson shall:

- a) Develop the agenda in coordination with the other officers;
- b) Preside over all meetings;
- c) Appoint subcommittees as needed.
- d) Authorize expenditures as needed.

The vice chairperson shall perform all the functions of the chairperson in his/her absence.

The secretary shall:

- a) Keep records of all meetings attendance, minutes, and correspondence.
- b) Post notice of all meetings forty-eight (48) hours before each meeting at the

Town Clerk's office;

- c) Provide notice of meetings and minutes of the prior meeting to the members in compliance with the Open Meeting Law of the Commonwealth of Massachusetts.

The treasurer shall:

- a) Keep records of all financial matters.
- b) Develop a budget in coordination with the Commission;
- c) Prepare a financial statement for inclusion in the annual report.

## **CHAPTER 6: MEETINGS**

- a) Regular meetings shall be held at least six (6) times a year.
- b) A quorum shall consist of four (4) members.
- c) Meeting minutes will be amended and approved at the next meeting.
- d) Special meetings can be called by the chairperson or by any three (3) members.
- e) Decisions will be made by a majority of those members present, unless where otherwise noted in these by-laws.
- f) Notice of meetings will be sent to the members in compliance with the Open Meeting Law of the Commonwealth of Massachusetts.
- g) Meetings shall adhere to Robert's Rule of Order.

(Special Town Meeting November 01, 2021)

## **UNNUMBERED ARTICLE**

### **Flag Bylaw**

No person shall fly or display a Commemorative or Organizational Flag other than: a.) The United States flag; b.) The Massachusetts State flag; c.) The official Town of Dighton flag; d.) The official flags of all branches of the U.S. military and armed forces; and/or e.) The POW-MIA flag on a Town flagpole located at the Town Hall.

(Special Town Meeting November 01, 2021)