

TOWN OF SAVOY

TOWN BY-LAWS

I. TOWN MEETINGS:

Sec.1. The Annual Town meeting shall be held on the first Monday, in February of each year. (Amended 1954, 1959, 1974 and 2006)

Sec.2. The polls shall be opened at 6 A.M. and shall remain open until 2:30P.M. (Amended 1975)

Sec.3. All warrants for town meetings, whether annual or special, shall be served by posting up attested copies of the same in at least two public places in the town not less than seven days before such meeting.

Sec.4. At Annual Meeting, twenty-five legal voters shall be necessary to constitute a quorum, provided that a number less than a quorum may from time to time adjourn the same. At special meetings, ten legal voters shall be necessary to constitute a quorum, provided that a number less than a quorum may from time to time adjourn the same.

Sec.5. When articles requiring an appropriation of money are presented in the warrant for a town meeting, said article must contain the request for the appropriation.

(The above by-laws were adopted at the Annual Town Meeting on February 7, 1949 and approved by Attorney General Francis E. Kelly on June 3, 1949)

II. SELECTMEN:

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

Sec.2. The Selectmen may appear either personally or by counsel before any committee of the General Court, any court or board or commission to protect the interests of the town but are not authorized by this by-law to commit the town to any course of actions.

Sec.3. The selectmen shall act as town agents and shall have authority as agents and authorities of the town to employ a town counsel for the town and the various offices and boards thereof.

Sec.4. The selectmen shall have charge and management of suits and actions for and against the town, except such suits as are within the scope and duties of the Tax Collector, and may prosecute, defend, or settle the same as they see fit, unless otherwise directed by vote of the town.

(The above by-laws were adopted at the Annual Town Meeting on February 7, 1949 and approved by Attorney General Francis E. Kelly on June 3, 1949)

III. GENERAL GOVERNMENT:

***Sec.1.** The Selectmen may license suitable persons to be collectors of, dealers in or keepers of shop for the purchase, sale or barter of junk, old metal or second hand articles, and no such person shall be a dealer in or keeper of a shop as foresaid without such license.

***Sec.2.** No person shall, within the Town of Savoy, deal in or keep for sale or barter, junk or old metals unless licensed by the Selectmen and only after a public hearing has been held.

***Sec.3.** No person shall allow to accumulate on any property owned or controlled by his, old metals, all types of unused machinery, or assorted items in a state of disrepair, otherwise known as junk which may be hazardous, injurious, obnoxious to the neighborhood, except vehicles or machines used for legitimate purposes.

***Sec.4.** No person shall deposit, or cause to be deposited, refuse of any kind on any of the town ways or town property, except in the public dump especially provided for that purpose.

***Sec.5.** "Whoever violates any by-law of the town shall, unless other provisions is expressly made, pay a fine not exceeding the maximum permissible by law for violation of by-law, and each continuing day such violation may be considered a separate offense."

(The by-laws were adopted by the Town of Savoy at a Special Town Meeting held on May 27, 1971 and approved by the Attorney General on July 12, 1971)

*The Town of Savoy adopted Zoning By-Laws at a Special Town Meeting held on September 3, 1974 and approved by the Attorney General Robert H. Quinn on September 17, 1974. These by-laws will take the place of the Sections 1 thru 4 of the General Government Town By-laws.

Sec.6. With the exception of fire fighting equipment; no town owned machinery and/or equipment shall be operated by a person under 18 years of age.

Sec.7. There shall be established a Road Machinery Earnings Account, which account shall be credited with earnings received according to law for the use of town-owned machinery and/or equipment from which account no appropriation shall be voted or authorized except for the purchase of new machinery/or equipment. (Amended 1989)

(The above two sections were adopted by the Town of Savoy at the Annual Town Meeting held on March 8, 1965 and approved by the Attorney General Edward W. Brooke on March 22, 1965)

AMENDMENTS TO THE TOWN OF SAVOY BY-LAWS:

I. TOWN MEETINGS:

Section 1.

Amendment 1. The Annual Town Meeting shall be held on the first Monday in March.

(Amended at Special Town Meeting held in the Town of Savoy on Monday, March 15, 1954 and approved by the Attorney General George Fingold on May 3, 1954)

Amendment 2. The Annual Town Meeting shall be held on the second Monday in March, beginning at 7:30 P.M. in the evening, one week after the annual town election of officers held on the first Monday in March.

(Amended at the Annual Town Meeting held in Savoy on March 4, 1959 and approved by the Attorney General Edward J. McCormack, Jr. on July 29, 1959)

Amendment 3. The Annual Town Meeting shall be held on the first Tuesday in May and the Annual Town Election on the second Tuesday in May.

(Amended at a Special Town Meeting held in Savoy on December 26, 1973 and approved by the Attorney General Robert H. Quinn on August 16, 1974)

I. TOWN MEETINGS:

Section 2.

Amendment 1. The polls shall be opened at 12 noon and shall remain opened until 8:00 P.M. in the evening.

(Amended at a Special Town Meeting held on July 23, 1975 and approved by the Attorney General Francis X. Ballotti in August 1975)

III. GENERAL GOVERNMENT:

Section 7.

Amendment 1. There shall be established a Road Machinery Earning Account which account shall be credited with earnings received according to law for use of town owed machinery and/or equipment from which account no appropriation shall be voted or authorized except for the purchase, maintenance and repair of new and used equipment for the Highway Department or for any Highway Department use.

(Amended at a Special Town Meeting held on August 22, 1989 and approved by the Attorney General)

IV. ENFORCEMENT:

Section 1.

A). Criminal Complaint

Whoever violates any provision of the town by-laws may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as district court may see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be three hundred dollars.

B). Non-criminal Disposition

Whoever violates any provision of these town by-laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in general laws, Chapter 40,

Section 21D. The non-criminal method of disposition may also be used for violations of any rules or regulations of any municipal officer, board or department which is subject to a specific penalty.

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

GENERAL BY-LAW

ARTICLE III

Section 1 License	\$25.00
Section 2 Sale of Junk	\$25.00
Section 3 Accumulation of Junk	\$25.00
Section 4 Littering	\$25.00
Section 6 Recycling	\$25.00

V. LICENSE APPLICATION:

Sec.1 Any application will be automatically denied 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.

VI. LICENSES AND PERMITS:

Local Licenses and Permits; Denial, Revocation or Suspension for Failure to pay Municipal Taxes or Charges

1). Definitions

a). Tax Collector – The tax collector of the Town of Savoy elected pursuant to section one chapter forty-one of the Massachusetts general Law.

b). Licensing Authority – each board, commission, department, division or official of the Town of Savoy that issues licenses or permits including renewals and transfers.

2). Annual Notification of Licensing Authority by Tax Collector: The tax collector shall annually furnish to each licensing authority 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.

3). Action by Licensing Authority: 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 provision 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 purpose of such proceedings and shall not be relevant to or introduced in any other proceedings 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.

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

5). Power of Board of Selectmen to Waive Action Under Certain Conditions: 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 of Massachusetts General Law in the business or activity conducted in or on said property.

6). By-Law Not Applicable to Certain licenses and permits: This by-law shall not apply to the following licenses and permits: open burning; Section 13 of Chapter 48; bicycle permits; Section 11A of Chapter 85; sales of articles for charitable purposes, Section 33 of Chapter 101; children work permits, Section 69 of Chapter 149; clubs, associations dispensing food and beverage licenses, Section 21E of Chapter 140; fishing, hunting, trapping license, Section 12 of Chapter 131; marriage licenses, Section 28 of Chapter 207 and theatrical events, public exhibition permits, Section 181 of Chapter 140 of Massachusetts General Laws. The above by-law shall take effect if enacted by the town meeting, and if approved by the Attorney General of Massachusetts under Section 32 of Chapter 4 of the Massachusetts General Laws, or if ninety days shall elapse without action by the Attorney General as provided in said Section 32.

VII. REIMBURSEMENT: “Any person or persons or any legal entities presenting any matter to the Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Building Inspector or any other Board of the Town, which requires the Town to incur expenses for compliance with the Zoning By-Laws, Town By-Laws, State Statutes, and Federal Statutes, shall reimburse the Town for each expense.”

(The above by-laws were adopted at a Special Town Meeting held on March 22, 1990 and approved by the Attorney General on June 27, 1990)

VIII. RADIOACTIVE MATERIAL: “To require that radioactive waste be stored or disposed in facilities licensed for radioactive materials.”

(The above by-law was adopted at the Annual Town Meeting held on June 14, 1990 and approved by Attorney General on)

I. TOWN MEETINGS:

“The Town shall print an Annual Town Report at the end of each fiscal year in accordance with General Laws, Chapter 40, Section 49.”

(The above by-law was adopted at the Annual Town Meeting held on May 6, 1980 and approved by Attorney General Francis X. Bellotti on August 11, 1980)

“To prohibit snow plowing across all highways and byways, but will be allowed to plow to the right of driveways.”

-AMENDED TO READ-

“To prohibit snow plowing, shoveling and snow blowing across all highways and byways, but will be allowed to plow to the right of driveways.”

(The above by-law was adopted at the Annual Town Meeting held on June 9, 1993 and approved by Attorney General Anthony E. Penski on August 18, 1993)

Section 1. There shall be established a Capital Improvement Program for the Town’s purchase of major capital items, including land and buildings, construction of new buildings, renovation of existing buildings, large equipment items, machinery, road paving/reconstruction, and vehicles. This program shall be administered by a Capital Improvement Committee (“the Committee”) to be appointed by the Board of Selectmen and consisting of seven (7) members – one from each of the following groups:

- Board of Selectmen
- Finance Committee
- School Committee
- Highway Superintendent
- Fire Chief
- Planning Board
- Parks/Recreation

Section 2. The Committee shall have the responsibility of carrying out the following duties:

- Compile and maintain an inventory of all Capital Item (as defined in Section 3. below) which are owned by the Town
- Develop and continually update a list of Capital Item needs/requests of all Town Departments, Prioritize each request and establish a timetable for funding over an ongoing five (5) year period, which said list and funding schedule shall constitute the Town’s Five Year Capital Improvement Plan (“the Five Year CIP”)
- Present each updated Five Year CIP to the Annual Town Meeting with a detailed funding request for Capital Items to be included in the upcoming fiscal year’s Annual Budget, said Capital Items to be contained in a separate Article on the Warrant

Section 3. The Committee shall determine what constitutes a Capital Item and advise all departments of the adopted definition. Said definition may need to be amended from time to time and such amendment may be accomplished by a majority vote of the Committee. The Committee shall work closely with the Board of Selectmen, Board of Assessors, and Finance Committee in determining each year what amount of funding may be dedicated for the purchase of Capital Items.

(The above by-law was adopted at a Special Town Meeting held on June 30, 2000 and approved by Attorney General Thomas F. Reilly on September 18, 2000)

By-Law Numbering Building:

Section 1: It shall be the duty of the Fire Chief or his designee to assign numbers to all dwelling houses or other buildings now standing or hereafter to be erected fronting on any street, lane, alley or highway within the town. When any such structures shall thereafter be erected, the Building Inspector shall forthwith notify the Fire Chief thereof, who shall thereupon notify in writing the owner occupant thereof of the number assigned thereto.

Section 2: The numbers referred to in Section 1 shall, each cover a distance of 50 feet and measurement for assignment of numbers shall be made continuously from end to end of the street, lane, alley or highway. The odd numbers shall be on the left-hand side of the street as one goes from the principal street from which it opens, and the even numbers similarly on the right-hand side of the street. The Fire Chief may order any street already numbered to be renumbered when he deems it necessary.

Section 3: Every owner or occupant of any dwelling, house or other building or part of a building, situated as set out in section 2, shall place and maintain, in contrasting color, on the mailbox or on a comparable post at the driveway facing the street such number or numbers as may be assigned thereto by the Fire Chief under any provision of this by-law, and such numbers shall be at least three (3) inches in height and shall be placed so as to be easily observed from the street in front of the premises.

Section 4: Any owner or occupant of a dwelling, house or other building who, after expiration of ten (10) days from the time when the notice in writing is delivered to such owner or occupant who have reference to the placing of maintenance of the number or numbers assigned to such dwelling, house or building by the Fire Chief, refuses, fails or neglects to comply with the provisions of Sections 1, 2, and 3, of this by-law, shall for each offense forfeit and pay a non-criminal penalty of \$2.00.

Article # 15 on the same warrant and voted on YES 28 – NO 10:

The Board of Selectmen shall annually appoint for term of one year a Tree Warden. The position of Tree Warden elected at the 1991 municipal election shall expire effective 7 days after the municipal election held in 1992, and thereafter said petition shall be appointed.

Article # 17 on the same warrant and voted on unanimously:

SOLID WASTE DISPOSAL FEES

Section 1. All persons disposing of solid waste at the transfer station shall pay a disposal fee. The disposal fee shall be established from time to time by the Board of Health, by adoption of regulations pursuant to General Law, Chapter 111, Section 31.

Section 2. Any person who shall knowingly violate any provision of this by-law or any rule or regulation established pursuant to it shall be subject to a non-criminal fine of not more than \$25.00.

(The above by-laws was adopted at the Annual Town Meeting held on May 21, 1991 and approved by Assistant Attorney General Anthony E. Penski on October 10, 1991)

SAVOY MODEL RIGHT TO FARM BY-LAW

Section 1 Legislative Purpose and Intent

The purpose and intent of this by-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Savoy restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment"). This general By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Savoy by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

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

2.2 Commercial Agriculture shall be defined as the conduct of agricultural activities on a farm for the purpose of making a profit and realizing an income of at least \$500.00 annually from such activity.

2.3 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, aqua-cultural, floricultural, or horticultural commodities;
- * growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- * raising of livestock including horses;
- * keeping of horses as a commercial enterprise; and
- * keeping and raising of poultry, swine, sheep, goats, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.
- * operation and transportation of slow-moving farm equipment over roads within the Town;
- * control of pests, including, but not limited to, insects weeds, predators and disease organism of plants and animals;
- * application of manure, fertilizers and pesticides;
- * conducting agriculture-related educational and farm-based recreational activities, including agritourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- * slaughtering, processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto, in accordance with existing zoning;
- * 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 Applicability

This By-law shall be applicable to all commercial farming practices and activities conducted within the jurisdictional areas of the town. The provisions of the By-law shall not apply whenever an adverse impact results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility or any of its appurtenances.

Section 4 Right To Farm Declaration

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

Section 5 Precedence

In the event of conflict between this By-law and all other town regulations this By-law shall take precedence. In the event of conflict between this By-law and federal or state law, federal or state law shall take precedence respectfully.

Section 6 Disclosure Notification

Within 30 days after this By-law becomes effective, the select board shall prominently post within the town limits 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 or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations.”

Section 7 Resolution of Disputes

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

Section 8 Severability Clause

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

(The above By-law was adopted at the Annual Town Meeting held on June 8, 2005 and approved by Attorney General on September 21, 2005)

HANDICAP PARKING VIOLATIONS

Section I. “No person shall park in a designated parking area without a proper handicap license plate and/or handicap identification card.”

Section II. “Any and all persons in violation will be fined \$ 100.00 for violation.”

Section III. “Enforcing Authority – Any authorized Police Officer.”

MAILBOXES

“It shall be the responsibility of all residents to place their mailbox in a safe and appropriate location so that snow can be cleared without obstruction. Any expense incurred as a result of the damage to the mailbox should be born by the owner.”

AMENDMENT TO BY-LAW SECTION IV, ARTICLE III, SECTION 4:

LITTERING	Deleted: \$25.00
LITTERING	Amended to read:
	\$100.00 for first offense
	\$200.00 for second offense
	\$300.00 for third and subsequent offenses

NUMBERING BUILDINGS

By-law numbering buildings/Section 4:

In addition, place the sentence:

“Each day such violation continues shall constitute a separate offense.”

Amended By-law to read:

“Any owner or occupant of a dwelling, house, or other building, who, after expiration of ten (10) days from the time when the notice in writing is delivered to such owner or occupant who have reference to the placing or maintenance of the number or numbers assigned to such dwelling, house, or building by the fire chief, refuses, fails or neglects to comply with the provisions of Section 1, 2, and 3, of this by-law, shall for each offense forfeit and pay a non-criminal penalty of \$2.00. Each day such violation continues shall constitute a separate offense.”

(The June 30, 2005 Special Town Meeting and approved by the Attorney General of Mass on September 16, 2005)

ARTICLE # 23: To see if the town will vote to amend a Town By-law:
Town Meetings: Section 1, Amendment 3.

FROM: “The Annual Town Meeting shall be held on the first Tuesday in May and the Annual Town Elections on the second Tuesday in May.”

TO: The Annual Town Meeting shall be held on the second Wednesday in May and the Annual Town Election on the third Wednesday in May:

(Annual Town Meeting May 2, 2006 and approved by the Attorney General Thomas F. Reilly on May 25, 2006)

ARTICLE # 11: To see if the town will vote the following as a Town By-law or take any other action in relation thereto:

“No public or private utility and/or construction company shall work on any public way within the town without notifying the Police Chief or his/her appointed designee. All road details shall be assigned by the Police Chief or his/her designee.”

(Special Town Meeting December 19, 2007 and approved by the Attorney General Martha Coakley on June 19, 2008)
