

***TOWN OF WEST BROOKFIELD***

***BY-LAWS***

***&***

***TRAFFIC RULES & REGULATIONS***

As of August 4, 2016.

**TOWN OF WEST BROOKFIELD  
WORCESTER COUNTY  
COMMONWEALTH OF MASSACHUSETTS**

Established:	1665 (Quaboag Plantation)
Incorporated:	March 3, 1848
Land Area:	20.67 Square Miles
Population:	3141
Location:	Central Massachusetts, Western Worcester County; bordered on the North by New Braintree; on the Northeast by Brookfield; on the Southeast by Warren and on the West by Ware.
Topographical Features:	Generally hilly terrain, with elevation ranging from 598' above sea level, to 1,206' above sea level. A relatively wide valley crosses the Southern portion of the Town where the Quaboag River flows. Wickaboag Pond is the only major body of water.
Elevation at Town Hall:	633' above sea level.
School System:	Quaboag (K-12) Regional school system (Warren – West Brookfield)
Congressional District:	1 <sup>st</sup> Massachusetts
State Senatorial District:	Franklin, Hampden, Hampshire, Worcester
State Representative District:	5 <sup>th</sup> Worcester
Type of Local Government:	Three (3) Member Board of Selectmen Town Meeting

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### **Amendments**

Chapter I:	
Section 1	Amended 11/12/2014 _as written
Section 5	Amended 9/15/81 – as written
Section 6	Amended 9/11/84 – as written
	Amended 5/12/92 – as written
	Amended 5/13/03 _ as written
Chapter II:	
Section 17	Amended 5/15/78 – as written
Section 19	Amended 6/15/78 – as written
Section 13	Amended 9/15/93 – as written
Section 14	Amended 9/15/93 – as written
Chapter III:	
Section 3	Added 5/11/93 – as written
Chapter IV:	
Section 2	Amended 5/13/03 _as written
Section 2	Amended 5/13/2014 _as written
Chapter V:	
Section 1	Amended 10/11/83 – as written
Section 6	Adopted 5/8/84 – as written
Chapter VI:	

Section 5	Amended 5/8/90 – as written
Section 6	Amended 5/8/90 – as written (paragraph one) Amended 10/11/83 (paragraph one) Amended 6/12/79 – as written (paragraph two)
Chapter VII-A	
Entire Chapter	Adopted 5/12/87 – as written
Section 6	Amended 11/10/03 _ as written
Chapter VIII	
Section 5	Amended 5/10/83 – as written
Chapter IX:	
Section 2	Amended 5/12/81 – as written
#16	Amended 5/12/81 – as written
#21	Adopted 5/12/81 – as follows:
“At no time will an automobile, truck, snowmobile or motorcycle exceed 10 miles per hour on the ice”.	
Section 2	Adopted 2/18/92 – as written
Chapter X	
Section 13	Adopted 10/25/94 by Selectmen – as written
Section 14	Adopted 5/14/13-as written
Chapter XI:	
Section 6	Amended 5/12/81 – as written Amended 11/10/03 _ as written
Section 7	Amended 5/13/97 _ as written
Section 8	Adopted 11/10/03 _ as written
Section 9	Adopted 5/13/97 _ as written
Chapter XII:	
Section 1	Amended 5/12/92 – as written, amended 5/10/2011
Section 2	This section originally adopted 3/8/65 & amended 1/21/75.
Entire section	amended 5/10/83 – as written.
Section 3	Amended 10/26/82 – as written
Section 6	Amended 9/15/82 – as written
Section 8	Added 5/11/93 – as written
Section 9	Added 9/15/93 – as written
Section 10	Added 5/10/94 – attached, <b>Deleted</b> entire section 5/10/2011
Section 11	Added 5/10/94 – as written
Chapter XII: deleted	– Signs are now covered by the Zoning By-Laws.
Personnel By-Law deleted,	Article #7 May 8, 1990.
Section 12	Adopted 05/10/2005

Automatic Sprinkler By-Law:

Entire section adopted 11/24/86 – as written.

Traffic Rules and Orders:

Article 1 Fines schedule amended to set fines to \$10.00 for violations  
01 thru 18.

Chapter XIV

Traffic Rules & Orders Amended 5/14/2013

Chapter XVII Adopted 5/10/2011

Chapter XVIII Adopted 5/13/2012

The By-Laws listed in this book were adopted by the Town of West Brookfield, Massachusetts at the adjourned Annual Town Meeting on February 24, 1948 and were approved by Attorney General Clarence A. Barnes on June 1, 1948 except where later adoptions or amendments are noted in parentheses. All those adopted or amended on 5/15/78 were by recommendation of the By-Law Committee.

**CHAPTER I General Provisions**

**SECTION 1.**

The following provisions shall constitute the General Bylaws of the Town of West Brookfield, Massachusetts, which shall be in lieu of all Bylaws heretofore in force.

**SECTION 2.**

The repeal of a Bylaw shall not thereby have the effect of reviving any Bylaw theretofore repealed.

**SECTION 3.**

Words and phrases specifying or naming any officer, board or committee of the Town, shall be construed as including the lawful successor, or the person or persons having the powers and performing the duties of such officer, board or committee.

**SECTION 4.**

Any or all of these Bylaws may be repealed or amended or other Bylaws may be adopted at any Town Meeting, and article or articles for that purpose having been inserted in the warrant for such meeting by the Selectmen.

**SECTION 5.**

Whoever violates any of the provisions of these Bylaws whereby any act or thing is enjoined or prohibited, shall, unless other provision is expressly made, forfeit and pay a fine not exceeding three hundred dollars (\$300.00) for each offense. (Amended 9/15/81).

**SECTION 6.**

Any person taking cognizance of a violation of any specific ordinance, Bylaw, Zoning Bylaw, rule or regulation which he or she is empowered to enforce, as an alternative to initiating criminal proceedings may give to the offender written notice to appear before the Clerk of the Western Worcester District Court at a time during office hours, not later than twenty-one (21) days after the date of such notice. The form of such notice and the procedure for such non-criminal disposition of such violation shall be in accordance with, and as enumerated in, Massachusetts General Laws Chapter 40, Section 21D, as in effect on the date of the adoption of this section.. (Adopted 9/11/84) (Amended 10/20/98)(Amended 5/13/03)

The following shall be the schedule of fines for the method of enforcement authorized in paragraph 1.

- Zoning By-Laws \$50.00 Advertising Devices and Billboards
- Zoning By-Laws \$50.00 Zoning
- Zoning By-Laws \$50.00 Building Procedures
- Chapter 12 \$10.00/Cubic Yard Removal of Soil Sand Pits,
- Town By-Law Scenic Road Violation (Adopted May 12, 1992)
- Lake Wickaboag Public Beach Swimming Rules \$300.00. (Adopted 10/16/2007).
- Lake Wickaboag Winter Rules \$300.00. (Adopted 10/16/2007).

Lake Wickaboag Boating Rules \$300.00. Adopted 10/16/2007).

## **CHAPTER II Town Meetings**

### **SECTION 1.**

The Annual Town Meeting shall be held on the first Tuesday of May of each year. The polls shall be open during such hours as the Selectmen shall determine subject to the provisions of State Law, for the purpose of election of Town Officers and for voting upon such other matters as may be voted for on the official ballot. The annual adjourned meeting for consideration of all other business shall be held on the first Tuesday in June at 7:00 o'clock in the evening. (Amended 12/20/73). (Amended 10/16/2007). (Amended 11/12/2014).

### **SECTION 2.**

Notice of every Town Meeting shall be given by posting an attested copy of the warrant therefore in at least one public place in the Town, not less than (14) days before the day fixed for such meeting. (Amended 5/15/78).

### **SECTION 3.**

At least five (5) days before the day fixed in the warrant for the annual town meeting the town reports shall be available at such place as the Selectmen shall designate.

### **SECTION 4.**

Notice of every special town meeting shall be given by posting an attested copy of the warrant as specified in Section 2, and further notice shall be given, at least one day prior to said special town meeting, by printing on a board in front of the Town Hall the date and time of holding said special town meeting.

### **SECTION 5.**

Twenty (20) voters shall constitute a quorum for the transaction of business at any town meeting, except that at the annual town meeting for the election of officers, the polls may be declared open without a quorum being present. (Amended 5/13/75).

### **SECTION 6.**

At all town meetings, the moderator shall designate a part of the hall which shall be reserved for qualified voters and other persons having official business with the meeting only, and no vote, other than by ballot, shall be received by the meeting from any qualified voter in any other part of the hall. (Amended 5/15/78).

### **SECTION 7.**

No person, not a voter of the town, shall address a town meeting without consent of the meeting.

### **SECTION 8.**

Articles of the warrant shall be acted upon in the order on which they appear unless otherwise determined by vote of the meeting.

**SECTION 9.**

Any motion, or amendment, if requested by the moderator or town clerk, shall be presented in writing. (Amended 5/15/78).

**SECTION 10.**

If a motion is susceptible of division, it shall be divided and the question shall be put separately upon each part thereof, if seven voters so request.

**SECTION 11.**

When a question is before the meeting, the following motions, namely; to adjourn or recess to a fixed time; to lay on the table; for the previous question; to postpone to a time certain; to commit; recommit or refer; to amend; to postpone indefinitely; shall be received and shall have precedence in the foregoing order; and the first four shall be decided without debate. (Amended 5/15/78).

**SECTION 12.**

There shall be no more than one amendment to a motion pending at one time. (Amended 5/15/78).

**SECTION 13.**

When a question is put, the sense of the meeting shall be determined by the voices of the voters and the moderator shall declare the vote as it appears to him. If the moderator is unable to decide the vote by the sound of the voices, or if his decision is immediately questioned, he shall determine the vote by ordering a standing vote or show of hands and he may appoint tellers to make and return the count. (Amended 5/15/78). If a two thirds, four fifths or nine tenths vote of a town meeting is required by statute, the count shall be taken, and the vote shall be recorded in the records by the clerk; but if the vote is unanimous, a count need not be taken, and the clerk shall record the vote as unanimous, in accordance with M.G.L. Chapter 39, Section 15 (Added 9/15/93).

**SECTION 14.**

All articles requiring a two-thirds vote must be by secret ballot, unless a two-thirds vote of the meeting suspends the secret ballot. If the meeting suspends the secret ballot, the Moderator may take all votes requiring a two-thirds majority in the same manner in which he or she conducts the taking of a vote when a majority vote is required. (Amended 9/15/93) (Amended 10/20/98).

**SECTION 15.**

When a motion for a reconsideration is decided, that decision shall not be reconsidered more than once; nor shall any vote be reconsidered on a motion to adjourn, to lay on the table or for the previous question.



**SECTION 16.**

No motion shall be received at an adjourned meeting for the reconsideration of any vote passed at a prior meeting unless notice of such reconsideration shall have been given at the meeting at which the vote was passed; provided however that this Bylaw may be suspended in any particular case by a vote of three-fourth of those present and voting.

**SECTION 17.**

All committees shall report as directed by the Town. No action shall be taken on any committee report unless there is an article in the warrant expressly covering the action. If no report is made within a year after its appointment, a committee shall be discharged unless, in the meantime, the Town shall have granted an extension of time. (Amended 5/15/78).

**SECTION 18.**

No motion the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant therefore has be duly considered and acted upon, but this shall not preclude the postponement of consideration of any article to an adjournment of the meeting at a stated time and place.

**SECTION 19.**

All articles requiring two-thirds vote must be by secret ballot, unless unanimous consent of the meeting suspends the secret ballot. (Adopted 4/4/50, Amended 5/15/78).

**SECTION 20.**

At the beginning of each Town Meeting the Board of Selectmen shall cause to be made available to the voter a written report summarizing the Town's current financial position. This report shall include funds available within the levy limit as well as current balances in the Stabilization Account, Free Cash, and savings accounts established in anticipation of specific future needs. This report shall also include projected balances in these accounts should monetary articles include in the warrant for that meeting be approved. Anticipated amount and year of expenditure shall be footnoted for all savings accounts. Time shall be made at the beginning of each Town Meeting to answer questions specifically pertaining to this report. (Adopted 10/20/98).

**CHAPTER III  
Town Officers**

**SECTION 1.**

The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided by law or these Bylaws.

**SECTION 2.**

The Selectmen shall cause each town officer and department head having custody of town property to keep a true inventory thereof on file, and each officer and department head shall deliver a copy of said inventory to the Town Accountant at least annually.

### **SECTION 3.**

All town officials either appointed or elected shall pay all fees received by them by virtue of their office into the Town treasury in accordance with M.G.L. Chapter 40 section 21 (13).

## **CHAPTER IV Advisory Committee**

### **SECTION 1.**

There shall be an advisory committee for the town to which shall be referred all article in any warrant hereafter issued for a town meeting. The Selectmen, after drawing a warrant for a town meeting, shall immediately forward a copy thereof to each member of said committee, which shall consider all articles in the warrant and make such report, in print or otherwise to the town meeting as it deems for the best interest of the town. The said committee shall consist of seven legal voters of the town to be appointed as provided in Section 2. No elective or appointive town officer or town employee shall be eligible to serve on said committee. If any member is absent from five (5) consecutive meetings of said committee except in case of illness, his position shall be deemed to be vacant and shall be filled as provided in Section 3.

### **SECTION 2.**

The Selectmen in office when this Bylaw is adopted shall, within thirty (30) days after such Bylaw becomes effective, appoint from the citizens of the town three person whose term of office shall expire at the adjournment of the first annual meeting following the time when this Bylaw becomes effective; two whose term of office shall expire at the adjournment of the second annual meeting following the time when this Bylaw becomes effective; and two whose term of office shall expire at the adjournment of the third annual meeting following the time when this Bylaw becomes effective. Annually, thereafter, the selectmen in office at the close of an annual town meeting shall, within thirty (30) days, appoint two or in some cases three members whose term of office shall expire at the close of the third annual meeting after their appointment. Said committee shall choose its own officers and shall, with the exception of its secretary, serve without pay. (Amended 5/13/03). (Amended 5/13/2014).

### **SECTION 3.**

Whenever a vacancy occurs in said committee, said vacancy shall be filled by said committee by the appointment of a person to serve until the close of the next annual meeting, when the selectmen in office shall appoint, in the same manner as the original appointment, a successor to fill out the unexpired term of the person whose office has been vacated.

### **SECTION 4.**

In the discharge of its duty, said committee shall have free access to all books of record and accounts, bills and vouchers on which money has been or may be paid from the town treasury.

## **CHAPTER V**

### **Financial Affairs**

#### **SECTION 1.**

An audit of the accounts of the town shall be made at least once every three years, in accordance with Federal Revenue Sharing Regulations. (Amended 10/11/83).

#### **SECTION 2.**

Each officer, board or committee authorized to spend money shall, on or before July seventh (7) of each year, transmit to the Town Account all unpaid bills outstanding as of that date. Such officer, board or committee shall submit three (3) copies of its budget to the selectmen for review on or before February 1. The selectmen shall make two (2) copies of these budget requests available to the Advisory Committee on or before February 7. (Amended 12/20/73).

#### **SECTION 3.**

Except as otherwise provided by law, the Treasurer shall have custody of trust fund bonds and tax possession deeds; the Town Accountant of all contracts; the Town Clerk of all other deeds, insurance policies and other similar documents owned by the town; and the Selectmen of the bonds given by the Treasurer, Tax Collector, and Town Clerk.

#### **SECTION 4.**

Every officer shall pay into the treasury of the town all amounts received by him on behalf of the town, except as otherwise provided by law, and shall make a true return thereof to the Town Accountant, stating the accounts upon which such amounts were received.

#### **SECTION 5.**

A printed copy of the Advisory Committee Report, including the Omnibus Budget, will be mailed or otherwise distributed to every household at least five (5) days before the Annual Town Meeting (Adopted 5/15/78)(Amended 10/27/2009)..

#### **SECTION 6.**

Notwithstanding the provisions of Section 2 of this chapter or of the provisions of Massachusetts General Laws, Chapter 44, Section 56, no Town Board, Committee or Officer in charge of a departmental budget shall place, prior to the last day of the fiscal year, any orders, purchase orders, or make any contract or otherwise incur any financial obligations for the payment of materials or services, the payment of which is intended to be made from that fiscal year's departmental operating budget, if the actual receipt of such materials or services will not occur prior to the first day of October of the following fiscal year. (Adopted on 5/8/84)

**CHAPTER VI**  
**Contracts by Town Officers**

**SECTION 1.**

No officer of the town shall in his official capacity make or pass upon or participate in making or passing upon, any sale, contract or agreement or the terms or amount of any payment in which the town is interested and in which such officer has any personal financial interest, direct or indirect.

**SECTION 2.**

No town officer and non-salaried employee of the town, or any agent of any such officer or employee, shall receive any compensation or commission for work done by him for the town, except his official salary and fees allowed by law, without permission of the Selectmen expressed in a vote which shall appear on their records with the reasons therefor.

**SECTION 3.**

No contract involving an obligation of the town in excess of one hundred dollars shall be binding upon the town unless it is in writing and is signed by at least a majority of the board or committee duly authorized or having control of the appropriation against which such obligation is incurred; and such board or committee shall make a record of every such contract in a book which shall be the property of the town, said book to be in the custody of the Town Accountant.

**SECTION 4.**

Every contract exceeding one thousand dollars shall be accompanied by a suitable bond for the performance of the same, if so requested by the officer or board authorized to make the contract.

**SECTION 5.**

Unless otherwise provided by a vote of the Town Meeting; the Board of Selectmen or procurement officer designated pursuant to Massachusetts General Laws; Chapter 30B is authorized to enter into any contract for the exercise of the Town's corporate powers; on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing; the Board of Selectmen or procurement officer shall not contract for any purpose; on any terms; or under any conditions inconsistent with any applicable provision of any general or special law. (Amended May 8, 1990).

## **CHAPTER VII**

### **Legal Affairs**

#### **SECTION 1.**

The Selectmen shall be agents of the town to institute, prosecute and defend claims, actions and proceedings to which the town is a party or in which the interests of the town are or may be involved.

#### **SECTION 2.**

The Selectmen may at their discretion compromise or settle any claim or suit to which the town is a party, which does not require the payment by the town of an amount in excess of one hundred dollars. No settlement of a claim or suit obligating the town in an amount in excess of one hundred dollars shall be made, except as authorized by law, without the consent of the town meeting.

#### **SECTION 3.**

The Selectmen in their annual report shall state what actions have been brought against and on behalf of the town, what cases have been brought against and on behalf of the town, what cases have been compromised or settled, and the current standing of all suits at law involving the town or any of its interests.

#### **SECTION 4.**

The selectmen shall annually in May, after final adjournment of the annual town meeting, appoint a person who is a member of the bar in good standing, to serve as Town Counsel for the term of one year from the first day of June following and until his successor is appointed and enters upon the performance of his duties. They shall likewise fill any vacancy in said office for the unexpired term, and may employ special counsel to assist the said Town Counsel whenever, in their judgment, necessity therefore arises. (Amended 12/20/73).

#### **SECTION 5.**

It shall be the duty of the Town Counsel to conduct the prosecution, defense or compromise of claims, action and proceedings to which the town is a party, and the prosecution of actions of proceedings by or on behalf of any Town Officer board or committee as such; to conduct the defense of any action or proceedings brought against any town officer, board or committee as such when the Selectmen, having determined that any right or interests of the town are or may be involved therein, shall so request; to conduct proceedings brought by or against the Assessors before the Board of Tax Appeals; to assist in the prosecution of complaints for violation of any Bylaw of the town, when requested to do so by the board or officer enforcing the same; to examine and report upon titles to all land to be acquired by the town; to prepare or approve contracts, bonds, deeds and other legal instruments in which the town is a party or in which any right or interest of the town is involved; to appear at any and all hearings on behalf of the town whenever his services may be required; and generally to advise and act for the town officers, boards and committees upon and in legal matters touching the duties of their respective officers.

**SECTION 6.**

The Board of Selectmen shall be authorized to sell at public auction or by bid, after first giving notice of the time and place of sale by posting such notice of sale in some convenient and public place in the town, and by advertising once in a local newspaper, fourteen (14) days at least before the sale, any old obsolete or surplus equipment or property, provided that the selectmen or whomever they may authorize to hold such auction or sale may reject any bid which they deem inadequate.  
(Adopted 5/15/78).

**CHAPTER VII-A  
Recall**

**SECTION 1.**

Any holder of an elective office in the Town of West Brookfield may be recalled, and removed there from by the qualified voters of said town as herein provided.

**SECTION 2.**

Any ten registered voters of the Town of West Brookfield may file an affidavit with the Town Clerk containing the name of the officer sought to be recalled and a statement of the grounds for recall. The Town Clerk shall thereupon deliver to said voters copies of printed form petition blanks addressed to the Selectmen demanding such recall. The blanks shall be issued under the signature and official seal of the Town Clerk. They shall be dated, and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, and the grounds of recall as stated in the affidavit. In addition, the petitions shall demand the election of a successor to the said office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed within twenty (20) days after the filing of the affidavit, with signatures, names and street addresses of at least twenty percent of the registered voters of the Town. If the petition shall be found and certified by the Town Clerk to be sufficient, it shall be submitted with his certificate to the Selectmen without delay.

**SECTION 3.**

The Board of Selectmen shall forthwith given written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within (5) days thereafter, the Board of Selectmen shall order a recall election to be held on a date fixed by them not less than thirty-five (35) nor more than sixty-five (65) days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided, however, that if any other Town Election is scheduled to occur within sixty (60) days after the date of the certificate, the Board of Selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

**SECTION 4.**

An officer whose recall is sought may be a candidate to succeed himself in the event the question of recall is voted in the affirmative. The number of signatures of qualified voters required to place the name of a candidate on the official ballot for use at a recall election shall not be less than twenty-five (25). The publication of the Warrant for the recall election and the conduct of the recall election shall be in accordance with the General Laws regulating election, unless otherwise provided.

**SECTION 5.**

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

**SECTION 6.**

Ballots used in a recall election shall submit the following propositions in the order indicated:

- For the recall of (name of officer)
- Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by marking as directed on the ballot, may vote for either of the said propositions. Under the proposition shall appear the work "Candidates", the directions to voters required by law, and beneath this the names of candidates nominated as herein before provided. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative the ballots for candidates need not be counted. (Amended 11/10/03)

**SECTION 7.**

No recall petition shall be filed against an officer of said Town within six (6) months after he takes office, nor in the case of an officer subjected to a recall election and nor removed thereby, until at least six (6) months after that election.

**SECTION 8.**

No person who has been recalled from an office in said town, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any Town office within two (2) years after such removal by recall or resignation. (Adopted 5/12/87).

## **CHAPTER VIII**

### **Records and Reports**

#### **SECTION 1.**

All officers, boards and committees of the town, shall cause records of their doings and accounts to be kept in suitable books. All officers, boards and committees shall be responsible for the safekeeping of said books. Said books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under supervision of the officer, board or committee having custody thereof.

#### **SECTION 2.**

All officers, boards, standing committees and special committees of the town having charge of the expenditure of town money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, referring however, to the report of the Town Account for statements in detail of receipts and payments, and may make therein such recommendations as they deem proper. Such reports shall be submitted to the Selectmen for inclusion in the Annual Town Report on or before the first day of March of each year and to cover the period from January 1 to December 31 of the previous year. (Amended 12/20/73).

#### **SECTION 3.**

The Annual Town Report shall contain, in addition to the reports of officers, boards and committees as herein before provided, a detailed report of all money received into and paid out of the town treasury during the period from January 1 to December 31 of the previous calendar year, showing separately payments made from the proceeds of loans as capital outlays for permanent improvements; the report of the collector of taxes, of receipts, payments and abatements; statements of all funds belonging to the town or held for the benefit of its inhabitants; a statement of the liabilities of the town on bonds, notes, certificates of indebtedness, or otherwise, and of indebtedness authorized but not incurred, and the purposes thereof; a statement of transfers made to or from any appropriation; and such other matters as the said report is required by law to contain, or as may be inserted by the selectmen under the discretion granted them by law. (Amended 12/20/73).

#### **SECTION 4.**

The Selectmen, of the Town, may direct that the Bylaws and standing votes of the town, and the rules or regulations adopted by any officer, board or committee, be printed either separately or as a part of the annual report.

#### **SECTION 5.**

The Selectmen shall cause a copy of the Assessor's valuation to be placed in the Public Library each year.  
(Amended 5/15/78 & 5/10/83).



**SECTION 6.**

Each year the Town Treasurer shall report, in alphabetical order, in the Annual Town Report, all salaries and wages paid to persons. (Adopted 3/9/70).

**CHAPTER IX  
Highway and Water Regulations**

**SECTION 1.**

The Board of Selectmen shall from time to time establish and publish, by publication in a newspaper, rules and regulations for the control of traffic, speed and parking of vehicles and shall see to their enforcement by the police department.

**SECTION 2.**

The Board of Selectmen shall from time to time establish and publish, by posting or publication in a newspaper, rules and regulations for the control of boating and all other summer and winter activity on Lake Wickaboag, and shall see to their enforcement by the police department. All persons using the Lake and the public beaches must obey these rules and regulations.

In addition, persons engaging in boating and other activities upon the Lake must obey all applicable laws and regulations of the Commonwealth of Massachusetts. All persons using the Lake are expected to be familiar with the following state provisions in particular:

LAWS – Massachusetts General Laws, Chapter 90B, governing “Motorboats and Other Vessels”;

- REGULATIONS --- 323 CMR 2.00, governing “Motorboats and Boating”;
- 323 CMR 3.00, governing “The Use of Recreational Vehicles and Snow Vehicles “;
- 323 CMR 4.00, governing “The Operation of Personal Watercraft”

Copies of these laws and regulations are available for review at the Selectmen’s Office.

In addition to these and all other relevant provisions of Massachusetts’s law, the following rules and regulations, as adopted by the Board of Selectmen, are in effect on Lake Wickaboag:

**Per Order of the West Brookfield Selectmen  
LAKE WICKABOAG PUBLIC BEACH RULES**

This *small beach with limited parking* is intended for use by the residents (permanent and temporary) of West Brookfield only. *Cars parked at the beach require a window sticker*

*which is available at the Town Hall Selectmen's office, and at the Town Hall Police Department office.*

1. All persons using public beach do so at their own risk.
2. No swimming beyond defined (by ropes and buoys) public beach swim area, and everyone must obey lifeguard orders (when lifeguard present).
3. *The use of loud or profane language, or the playing of amplified music at excessive volume, within the confines of the public beach, shall be considered a breach of the peace.*
4. No animals allowed on beach from April through September.
5. No littering, "leave nothing behind but footprints".
6. No use of beach when closed (from 11:00 PM to sunrise).
7. No swimming when solid red flags are displayed on lake (indicates lake is being treated for weeds or algae, or conditions are unsafe).

**The West Brookfield Police, the Massachusetts Environmental Police, and the Lake Wickaboag Harbormaster all have the authority to enforce all lake and beach rules. Violators *may* be subject to a \$300.00 fine and loss of beach privileges.**

**(Rules amended June 19, 2007)**

**Per Order of the West Brookfield Selectmen  
LAKE WICKABOAG BOATING RULES**

1. All persons using the lake do so at their own risk.
2. No hydroplanes or air-boats allowed except for official lake managing activities.
3. No boating or swimming allowed when solid red flags are displayed on lake (indicates lake is being treated for weeds or algae, or conditions are unsafe).
4. No speeding. Boat and personal watercraft(PWC) speed limits are as follows:

- A. Daytime: 45 MPH
  - B. Nighttime: 5 MPH (with a white light turned on, visible from all directions)
  - C. In “No Wake” Zones: 5 MPH (within 150 feet of shore, in marinas, and channels)
5. No water skiing within 150 feet of swimmers, other water skiers, other boats, piers, rafts, divers, or shore (except when launching or returning to shore).
  6. No towing skiers, boarders, or tubes without an onboard observer.
  7. No operating a boat or jet-ski under influence of alcohol or drugs.
  8. No swimming more than 50 feet from shore unless accompanied by a boat; and when accompanied, swimmer must stay within 25 feet of boat at all times.
  9. *The use of loud or profane language, or the playing of amplified music at excessive volume, shall be considered a breach of the peace.*
  10. No tampering with navigation buoys.
  11. No *boats engaged in fishing are allowed* within 50 feet of piers or rafts, and a *catch and release policy* is preferred for all types of fishing on this lake.
  12. No littering or polluting lake. Clean weeds off engine prop before launching, again when leaving, and dispose all in trash barrel near ramp, or on dry land away from lake.
  13. All state and federal safe boating rules and regulations must be adhered to. The language here is simply a brief summary of some of those rules and does not replace the language of the actual laws and regulations as presented in Chapter 90B, MA General Law, 323 Code of MA Regulations, *and 310 CMR 2.00, 3.00, 4.00.*

**The West Brookfield Police, the Massachusetts Environmental Police, the regional Warden, and the patrolling Lake Wickaboag Harbormaster all have the authority to enforce all boating rules. Violators may be subject to a \$300.00 fine and loss of boating privileges (Rules amended June 19, 2007)**

**Per Order of the West Brookfield Selectmen  
LAKE WICKABOAG WINTER RULES**

1. All persons using the frozen lake do so at their own risk – and should not venture

onto the ice until it is completely safe.

2. No speeding. Speed limits on the ice for powered vehicles are:
  - A. 10 MPH for cars, trucks, and motorcycles;
  - B. 45 MPH for snowmobiles and ATV's;
  - C. 5 MPH for all vehicles near shore (within 150 feet of shore).
3. No reckless driving. Powered vehicles must be driven on ice very carefully and responsibly. All state and federal rules and regulations apply regarding minimum operator ages, operator certifications, licenses, accident reporting, etc. No deliberate spinning, sliding, or racing is allowed, and all must yield right of way to unpowered vehicles.
4. No littering or polluting of ice permitted:
  - A. No fires on ice allowed unless built in a metal container which must be removed, with its ashes, from ice at end of day;
  - B. No wood, partially burned wood, or debris can be left on ice;
  - C. No bottles, cans, trash, etc. can be left on ice.
5. No cleared ice skating/hockey rink areas allowed beyond 150 feet from shore.
6. *No exposed fishing holes should be left in ice (fill them with ice chips/snow), nor should piles of ice chips from drilled holes be left on ice (smooth them out).*

**The West Brookfield Police, the Massachusetts Environmental Police, and the Lake Wickaboag Harbormaster all have the authority to enforce all rules. Violators *may* be subject to a \$300.00 fine plus loss of lake privileges.**

**(Rules amended June 19, 2007)**

## **CHAPTER X Use of Public Ways and Places**

### **SECTION 1.**

The Selectmen may order numbers to be affixed to, or painted on the buildings on any street, and any owner refusing to comply with such an order shall be liable to a fine of not less than one or over twenty dollars.

**SECTION 2.**

No street, laid out after the acceptance of this Bylaw, shall be accepted by the town unless it is at least fifty (50) feet in width.

**SECTION 3.**

No person who is not in the employ of the town or some office or department thereof, having authority so to do, shall dig up, or excavate, or assist in breaking or digging up, or excavating any part of a public street, highway or town way, or remove any gravel, or other material, from a public street, highway or town way, unless he has obtained from the Board of Selectmen a written permit therefor. Whoever by virtue of such a permit, breaks, digs up or excavates, or causes to be dug or broken up, or excavated, any part of a public street, highway or town way, shall cause a rail or other sufficient barriers to be placed so as to enclose the part of the street so dug or broken up, or excavated; and he or they shall cause a sufficient number of lighted lanterns for public protection to be attached to some part of such barrier and so kept from the beginning of twilight through the whole of every night during all of the time such street, highway or town way remains dug or broken up or such excavation exists.

**SECTION 4.**

Said person or persons shall restore said street, highway or town way; and the expense of repairs on said ways rendered necessary by said digging up, and accruing within one year thereafter, shall be paid by such person or persons.

**SECTION 5.**

In all cases where the agents, servants, or employees of the Water Department shall dig up or excavate any part of a public street, highway or town way for the purpose of laying, repairing, or removing water pipes therein, it shall restore said street, highway or town way; and all expenses of repairs upon such street, highway or town way caused by such digging up and accruing within one year thereafter, shall be chargeable to the Water department.

**SECTION 6.**

No person shall lead, drive or ride any horse upon any sidewalk in the town.

**SECTION 7.**

No person shall form or conduct any parade in any street, sidewalk or public way within the town without a written permit signed by the Board of selectmen.

**SECTION 8.**

No person shall operate a public address system on any street, public square or public way within the town without a written permit from the Board of Selectmen.

**SECTION 9.**

No person shall sell, except in accordance with a permit from the Selectmen, any goods, articles or merchandise from any stationary vehicle or temporary stand in any street.

**SECTION 10.**

No person shall place or maintain over any town owned sidewalk any awning, shade, shade frame, canopy, sign or signboard without a permit from the Board of selectmen, but no such awning, shade, shade frame, canopy, sign or signboard shall be less than seven feet from the ground in the lowest part or extended beyond the line of the sidewalk. (Amended 5/15/78).

**SECTION 11.**

Snow or ice removed from driveways, public ways, street, roadways, sidewalks or private property shall not be plowed shoveled or blown into a public way, street or roadway so as to create a safety hazard or obstacle to normal travel. (Adopted 8/25/80) (Amended 12/28/99).

**SECTION 12.**

Snow or ice removed from driveways, sidewalks or private property shall not be plowed, shoveled or blown across any public way, street or roadway. (Adopted 5/15/78).

**SECTION 13.**

**Surface Water Drainage Control**

**A. Definitions:**

The following words used in this By-law shall have the following meanings:

- a. "Improvement" shall include a driveway, a building, access road including wood, logging, stone or gravel removal operations or other structure.
- b. "Person" shall include a corporation, society, association and partnership.
- c. "Superintendent" shall mean the Highway Superintendent.
- d. "Way" shall mean public way.
- e. "Permit" shall mean driveway permit or drainage permit as provided in Section B.

**B. Prohibitions:**

No person shall construct an improvement on any land abutting a way which may increase the volume of surface water draining from the land onto the way unless the owner of the land has first obtained a drainage permit from the Superintendent.

No person shall construct an improvement on any land abutting a way, the surface of an abutting portion of which land is lower than the surface of the way, unless

the owner of the land shall first have obtained a driveway permit from the Superintendent.

- C. All improvements shall be designed and constructed in accordance with regulations established by the Highway Superintendent which regulations may include procedures for applying for permits. A copy of such regulations shall be given to all applicants for permits.
- D. Each application shall include and be accompanied by the following information and supporting documentation:
  - a. The complete name and residential address of the owner(s) of the land.
  - b. A plot plan of the land showing, among other features, each proposed improvement and the abutting way.
  - c. The complete address of the land.
  - d. Such other relevant information as may be required by the Superintendent.

E. Permits:

Each permit issued by the Superintendent shall be subject to the following conditions:

- 1. That the owner of the land shall install such drainage facilities as the Superintendent deems necessary to prevent an undue volume of surface water draining from the land onto the way or from the way onto the land, as the case may be. The permit shall contain a description of the drainage facilities to be installed.
  - 2. That the owner shall give notice to the Superintendent prior to commencing the construction of an improvement.
- F. Each application shall be made to the Superintendent and when filed shall be accompanied by cash security in the amount of one thousand dollars to ensure the completion of the improvements in accordance with the Highway Superintendent's regulations and this By-law. All cash security received by the Town under this By-law shall be held in the custody of the Town Treasurer in a **separate account**. All work pursuant to a permit under this By-law must be satisfactorily completed in accordance with this By-law and the regulations of the Highway Superintendent within two years from the date of the issuance of the permit.
  - G. In the event that the work pursuant to a permit is not completed within two years after issuance of the permit, **the Town may**, in addition to any other remedy available to it in law or equity, use the one thousand-dollar security to complete the work. Prior to using the security, however, the Highway Superintendent shall notify the permit holder of his intention to use the security, and afford the permit holder reasonable opportunity for a hearing.

H. Upon satisfactory completion of the work pursuant to a permit within said two-year period, the one thousand-dollar security shall be returned to the applicant.

I. Rules and Regulations:

The Superintendent may propose reasonable rules and regulations, subject to approval by the Board of Selectmen following an advertised public hearing, in order to carry out the purpose of this By-law.

J. Enforcement and Penalty:

The Superintendent shall enforce the provision of this By-law.

Any person who continues to violate any provision of this By-law or of any permit issued thereunder after the expiration of thirty days after written notice of such violation by the Superintendent to such person shall be liable for a penalty of fifty dollars. Each day that such violation continues shall constitute a separate violation.”

13-A. Parking of motor vehicles across or upon the sidewalks, which infringes on the rights of pedestrians to full use of the public way is prohibited.

**SECTION 14.  
PUBLIC SHADE TREES**

It shall be the policy of the Town of West Brookfield to encourage the conservation of native public shade trees in the Town of West Brookfield and to work for a planned program of replacement for public shade trees that have been removed because of disease or public nuisance, construction or danger, and further, it shall be the policy of the Town to encourage residents, businesses and private builders to conserve and to plant native shade trees. Public Shade Trees shall be those trees as defined by General Laws chapter 87, §1.

- A. A Public Shade Tree Committee shall be established for the purpose of guiding the conservation and care of the Town of West Brookfield’s Public Shade Trees. The committee shall be made up of five members and shall include the Tree Warden, Highway Superintendent, and three town residents appointed by the Board of Selectmen for two year terms.
- B. The Tree Warden or his/her designee shall notify the Board of Selectmen and any abutters at least seven days in advance of any public hearing called under General Laws chapter 87, §3 for the purpose of presenting cause why a non-diseased public shade tree should be removed and shall tag said tree in a conspicuous manner. The proponent of removing said tree is responsible for the all costs in the tree removal and, if necessary stump removal and landscaping of the area.



- C. The Tree Warden or his/her designee shall annually list those public shade trees which, in his/her opinion, constitute a public nuisance or danger or are diseased and submit said list to the Board of Selectmen on or before September 1 of each year.
- D. The Tree Warden or his/her designee shall prepare and submit to the Board of Selectmen by April 1, a recommendation and a specific site location plan for public native shade tree replacements and new plantings and a proposed planting budget for said replacements and new plantings.
- E. The Board of Selectmen shall encourage all private builders and municipal building committees and municipal agencies to plant and conserve public native shade trees.
- F. The Board of Selectmen shall encourage residents of West Brookfield to plant public and private native shade trees and, from time to time, shall issue public statements that support this procedure and perform a public service by informing residents of best procedures and practices for conservation and planting of shade trees.

These rules and procedures shall not take precedence over any General Laws.

## **CHAPTER XI**

### **Police Regulations**

#### **SECTION 1.**

In order to preserve peace and good order, no person shall publicly consume any alcoholic beverage or intoxicating liquor in any Town Park, cemetery, common or on any public way in the town of West Brookfield. Any one violating this Bylaw shall be subject to a fine of not more than \$50.00 and may be subject to arrest without a warrant by a police officer. (Adopted 5/14/74).

#### **SECTION 2.**

No person shall play any game in which a ball is used, or shoot with bow and arrow, air gun, or slingshot, or throw stones, snowballs, or any other missiles in any street or public way.

#### **SECTION 3.**

No person shall go from house to house within the Town, begging, soliciting alms or contributions, or offering for sale any product, for any person, cause or organization, without first obtaining from the Chief of Police a permit therefor. The Chief of Police, before issuing such permit, shall obtain the name and address of the soliciting organization if any and the name of each solicitor. The soliciting organization shall also furnish the Chief of Police with information as to the purpose and methods of solicitation, as it is necessary to determine its legality, before any such permit shall be issued. The Chief of Police may thereupon, after receipt of such information, and if he be satisfied as to the verity thereof, issue the requisite permit. (Amended 3/13/67).

**SECTION 4.**

No person shall bathe in the Public Beach at Lake Wickaboag between the hours of 11 P.M. and 6 A.M., nor at any time unless properly clothed.

**SECTION 5.**

No person shall throw, drop or place in Lake Wickaboag any waste paper, rubbish, refuse, debris, or any type of pollutant. (Amended 5/15/78).

**SECTION 6.**

No person shall park, store or otherwise place or leave in or upon land within the Town of West Brookfield more than one inoperable motor vehicle for a period of more than thirty (30) days, nor more than one unregistered motor vehicle, except as herein provided. Exceptions to the above shall include:

- a. Motor vehicles associated with commercial vehicle repair or service establishments, whether or not operable or registered, provided they are kept on the property that is licensed and/or permitted under the zoning by-laws of the Town for such use;
- b. Farm equipment designed for, and in use, for that purpose;
- c. Motor vehicles, or portion thereof, within an enclosed building or other structure, shielded from public view.

Definitions:

- a. Inoperable or junk vehicle: a motor vehicle, or portion thereof, not capable of being used as such in it's existing condition by reason of it's having been damaged or dismantled or failing to contain functioning parts necessary for it's operation.
- b. Unregistered vehicle: a motor vehicle not bearing a valid, unexpired vehicle registration issued by the Massachusetts Registry of Motor Vehicles, or equivalent agency of another state or province.

Whoever violates this bylaw, after having been notified of such violation by the Selectmen or Chief of Police of his/her designed, shall be liable to a fine of Ten (\$10.00) dollars per day after receipt of such warning. (Adopted 11/10/03)

**SECTION 7.**

No person shall behave in a disorderly manner in any public way or place, nor shall any person obstruct the free passage of other persons on a public way or sidewalk in town. Pedestrians shall have the right of way at all times on the public way and sidewalks of the Town. No person may operate any skateboard, roller blades, roller skates, sled or other object use for coasting upon such public right of way sidewalk in such a manner as to infringe on the right of way or safety of any pedestrian. Persons violating this bylaw may be arrested by a police officer without a warrant and shall be liable for a fine of twenty-five (25) dollars. (Adopted 5/13/97).

**SECTION 8.**

All uses which are excessively obnoxious, hazardous, or injurious to the neighborhood or to property in the vicinity, and all open air storage of junk, salvage materials, and, except as otherwise provided in this by-law, the collection, treatment storage, burial, or incineration of wastes are expressly prohibited in all zoning districts.

Whoever violates this bylaw, after having been notified of such violation by the Selectmen or Chief of Police of his/her designed, shall be liable to a fine of Ten (\$10.00) dollars per day after receipt of such warning. (Adopted 11/10/03)

**SECTION 9.**

Whoever, without the right, license or privilege, enters or remains in or upon the dwelling house, building, or improved or enclosed land or another, after having been forbidden to do so by the person who has lawful control of said premises, whether directly or by notice posted thereon, may be arrested by a police officer without a warrant shall be liable for a fine of twenty five (25) dollars. This provision shall not apply to tenants or occupants of residential premises who, having rightfully entered said premises at the commencement of the tenancy or occupancy, remain therein after such tenancy or occupancy has been or is alleged to have been terminated. (Adopted 5/13/97)

**CHAPTER XII  
Miscellaneous**

**SECTION 1.**

The Selectmen shall, as authorized by Chapter 140, Section 173, of the General Laws, require that all dogs in the Town of West Brookfield, Massachusetts, will be subject to a 24 hour continuous restraining law. Dogs are to be confined to the owner or keepers premises under the direct control of the owner or keeper. Even off the premises, the dog or dogs must either be under the direct control of the owner of keeper or leashed. No dog or dogs will be allowed to run at large. A nuisance dog is a dog, which barks incessantly for periods of fifteen minutes at a time or more. Whenever a dog or dogs are running at large or otherwise in violation of this by-law, the owner or keeper will be notified by a certified letter to restrain said dog within twelve hours and, in addition, will be subject to a non-criminal penalty of twenty dollars for each offense in accordance with Chapter I, Section 6 of the Town's By-laws.(Amended 5/15/78)(Amended 10/20/98). A fee of \$5.00 per dog owner and \$10.00 per kennel owner per month, up to a maximum of \$10.00 per dog owner and \$20.00 per kennel owner shall be charged to each dog or kennel owner who fails to license said dog or dogs on or before July 1st of any year. The fee collected shall be deposited in the Town Treasury to become part of the General Fund. This fee is to become effective in the 1988 licensing season. (Adopted 10/6/87 & Amended May 12, 1992).

“In addition to the non-criminal penalty for dogs running at large the Town may charge the following fees for loose dogs: \$25.00 pick up fee; and \$25.00 boarding fee, per day.

Violation of this By-law for dogs running at large is subject to the following fines:

First Offense:	Warning
Second Offense:	\$50.00 loose dog fine
Third and Subsequent Offenses:	\$75.00 loose dog fine

The Town may also assess a \$25.00 fee for any dog that is not current on their rabies vaccines.

**SECTION 2. Excavation Bylaw**

- A. The Earth Removal Board is hereby established and shall consist of five (5) members as follows: One member of the Board of Selectmen; One member of the Conservation Commission, appointed by the Conservation Commission; One member of the Planning Board, appointed by the Planning Board; One member of the Board of Health, appointed by the Board of Health; One member of the Board of Appeals, appointed by the Board of Appeals, each member to be appointed by the respective boards for a term of one (1) year.
  
- B. No person, firm or corporation shall excavate in any one (1) year more than 500 cubic yards of soil, sand, gravel, stones or other earth material from any land in the town without first obtaining a permit therefor from the Earth Removal Board, as provided in the following section. A permit shall be granted only by an affirmative vote of not less than four members of the Board. Upon receipt of an application for a permit for removal of earth from any land, the Board shall appoint a time and a place for a public hearing, not less than 45 days after receipt of a completed application, notice of which shall be given, at least seven (7) days prior to such hearing in a newspaper in general circulation in West Brookfield, and by mail to the applicant. The Board’s decision shall be issued within ninety (90) days of receipt of the application.
  
- C. A Permit shall not be required under this Bylaw for the following types of excavation:
  - 1. Excavation incidental to the construction of buildings for which all

permits required by the West Brookfield Bylaws and/or Zoning Bylaws have been issued, nor to the installation of walks, driveways, septic systems, swimming pools, or other accessory uses and expansions thereto, provided the quantity of materials removed shall not exceed that displaced by the portion of the building or accessory use below finished grade;

2. Excavation in the course of customary agricultural use of land for farm, garden or nursery;
  3. Excavation of topsoil, peat, muck, loam, sand, gravel, bedrock or other earth material which is the subject of an existing permit or license issued under Massachusetts General Law, Chapter 40, Subsection 21 (17);
  4. Excavation in compliance with the specific requirements of an approved subdivision plan;
  5. Excavation in the normal use of a cemetery;
- D. An application for an earth removal permit shall be in writing and shall contain an accurate description of the portion of land in which the excavation will take place, shall state fully the purpose of the excavation, and shall include plans drawn by a registered surveyor or engineer containing the following information:
- A. Property lines, names and addresses of all abutters including those across any way;
  2. Existing contours at five-foot intervals in the area from which materials are to be excavated and in surrounding areas, together with the contours at five-foot intervals below which no excavation shall take place;
  3. Natural features such as wetlands, the 100-year flood plain, ground cover and surface and groundwater. Water-table elevation shall be determined by test pits or soil borings. A log of soil borings or test pits shall be included, taken to the depth of the proposed excavation, congruent with the size and geological make-up of the site;
  4. A topographical map showing drainage facilities, final grades, and proposed vegetation and trees;

5. Erosion and sedimentation control plan;
  6. The amount and cost of proposed restoration materials, and where the applicant intends to get them.
- E. The Board shall require as a condition to the granting of the permit that the applicant shall furnish a performance bond or other security satisfactory to the Board sufficient to insure satisfactory performance of the requirements of this Bylaw and such other conditions as may be imposed in the permit. The security shall not be released until the surveyor or engineer has certified that the excavation and restoration has been completed in compliance with the permit and the plans.
- F. The Board shall exercise its powers with due regard to:
2. the health, safety and general welfare of the inhabitants of the Town of West Brookfield;
  3. detriment to the neighborhood;
  4. effect on natural resources, including but not limited to the recharge of the water table or condition of the surface water;
  5. substantial hardship to the applicant, financial or otherwise, and where desirable by vote of the Board, waivers of any portion(s) of this Bylaw may be granted where such waivers will not result in substantial detriment to the public good, or be derogate from the intent and purpose of this Bylaw.
- G. The Board may impose on any permit conditions including but not limited to conditions for methods of removal, type and location of structures, fencing, hours of operation, area, location and depth of excavation, steepness of slopes, drainage, disposition of boulders and stumps, restoration and planting.
- H. Every permit shall contain the condition that inspection of the operation may be made at any reasonable hour by an agent of the board to determine if conditions of the permit are being enforced.

- I. The following standards of operation shall apply to every permitted operation, in addition to conditions imposed under Section G:
1. No excavation not intended for approved building purposes nor any other activity or building will be within 100 feet of an existing public way or an adjacent property line.
  2. No excavation not intended for approved building purposes nor other activity of building shall be within 100 feet of a stream, pond, wetland as defined under Massachusetts General Law Chapter 131, Subsection 40, or the 100-year flood elevation of any water body, except where some other town agency has specifically ordered such excavation as part of a compensatory storage plan.
  3. No area shall be excavated so as to cause accumulation of free standing water unless the Board shall permit creation of a pond in an area not used for drinking water. Permanent drainage shall be provided in accordance with good conservation practices. Drainage shall not lead directly into streams or ponds.
  4. No excavation shall be made at less than seven (7) feet above annual high water table, as established from test pits or soil borings.
  5. All topsoil and subsoil stripped from operation areas shall be stock piled, seeded with an erosion control seed mixture, and used in restoring the area.
  6. Any shelters or buildings erected on the premises for use by personnel or storage of equipment shall be screened from public view and shall be removed from the premises within 60 days after they are no longer needed for work upon that site.
  7. The active excavation operation area shall not exceed a total of three (3) acres at any one time. Natural vegetation shall be left and maintained on undisturbed land for screening and noise reduction purposes.

8. Operation hours shall only be between 7:00 A.M. and 7:00 P.M., and trucks may enter and leave the premises only within such hours. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load.
  9. Trucking routes and methods shall be subject to approval of the Chief of Police insofar as he may regulate any industrial trucking.
  10. All access roads leading to public ways shall be treated with suitable material to reduce dust and mud for a distance of 200 feet back from the way. The operator shall clean up any spillage on public ways.
  11. Access roads shall be constructed at an angle to the public way or with a curve so as to help screen the operation from public view.
- J. Every permit shall further state that restoration shall be carried out according to the plans submitted, conditions of permit, and the following minimum conditions:
1. Restoration shall be carried on simultaneously with excavation, so that when any three (3) acre operation area has been excavated, at least two (2) acres shall be restored before work commences (including building haul roads) on the next contiguous three (3) acres. Final restoration work shall be complete within sixty (60) days after expiration or withdrawal of a permit or upon cessation of operations.
  2. No slope shall be steeper than 2:1 (50%); 4:1 is preferred for erosion control and shall be required in sensitive areas.
  3. All debris, stumps, boulders, etc. shall be removed from the site and disposed of in an approved location or buried and covered with at least two (2) feet of soil.
  4. Retained subsoil and topsoil shall be spread over the disturbed area to a minimum depth of four (4) inches and treated with three (3) tons of lime per acre and 1,000 pounds of 10-10-10 fertilizer per acre (unless otherwise determined by the permit conditions) and seeded with a grass or legume mixture prescribed by the Worcester



County Conservation District or the Massachusetts Department of Public Works for slope erosion control. Trees or shrubs of prescribed species will be planted to provide screening and reduce erosion during the establishment period.

5. Unless the permit conditions expressly require alteration of drainage patterns, the land shall be left so that natural storm drainage shall leave the property at the original natural drainage points; and so that the total discharge at peak flow, and the area of drainage to any one point is not increased; and so that the hydrograph of any post-development stream is the same as that of the pre-development stream.
6. All equipment, buildings and structures shall be removed from the area.
- K. No permit shall be issued for an initial period of more than three years. The Board may in its discretion grant a further permit for each additional year beyond the initial period, but no such permit shall be issued unless the applicant has conformed to all requirements of the initial permit.
- L. The Board may revoke any permit, which it has issued for good cause, provided that it shall offer to the operator an opportunity for a hearing within seven (7) days after the revocation.
- M. The Board may establish rules and regulations to implement this Bylaw, including a schedule of fees for permit application. (This Section originally Adopted 3/8/65 & Amended 1/21/75) (This entire section Amended on 5/10/83)

### **SECTION 3.**

No person shall use any property within the Town of West Brookfield for the purpose of a sanitary landfill, a refuse transfer station, a refuse incendiary with a grate area in excess of ten (10) square feet, a refuse composting plant, a dumping ground for refuse or any other works for treating or depositing of refuse unless such property has been assigned by the Board of Health as a facility in accordance with General Laws Chapter III, Section 150A as amended.

Any person using property that has not been assigned or property that is assigned to another and not opened to the public or property that is assigned to another and opened

to the public but not opened at the time of use shall be fined the sum of fifty (\$50.00) for each offense. Each separate use shall constitute a separate offense. (Adopted 8/7/73).

#### **SECTION 4.**

Pursuant to the provisions of the General Laws, Chapter 40, Section 8B, there is hereby established a Council on Aging consisting of seven (7) members appointed by the Selectmen annually for terms of three (3) years each. The Council shall annually elect its chairman and other officers, as it deems appropriate. The duties of said Council on Aging shall be to:

1. Identify the total needs of the community's elderly population.
2. Educate the community and enlist the support and participation of all citizens concerning these needs.
3. Design, promote or implement services to fill these needs, or coordinate present existing services in the community.
4. Promote and support any other programs in the community.

Said council on Aging shall give an Annual Report to the Board of Selectmen with a copy of that report directed to the Commonwealth of Massachusetts, Department of Elder Affairs. (Adopted 12/2/75 & amended 10/26/82)

#### **SECTION 5. Radioactive Waste Disposal**

No land within the Town of West Brookfield may be used for the collection, treatment, storage, burial, incineration, or disposal of radioactive waste, including, but not limited to, wastes classified as low-level radioactive waste. (Adopted 5/18/82).

#### **SECTION 6. Automatic Amusement Devices.**

The Selectmen are authorized to charge an annual fee of not more than \$50.00 for each Automatic Amusement Device licensed by the Board (Adopted 9/15/82).

#### **SECTION 7.**

Pursuant to the provisions of the General Laws, Chapter 40, Section 8D, there is hereby established a Historical Commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town. Such commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts Historical Commission, that any such place be certified as an historical or archeological landmark. It shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with Section 27C of Chapter 9, and shall apply for permits necessary pursuant to said Section 27C.

The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program, may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section. It shall keep accurate records of its meetings and actions and shall file an annual report, which shall be printed, in the case of towns in the annual town report. The commission may appoint such clerks and other employees as it may from time to time to require. The commission shall not consist of less than three (3) nor more than seven (7) members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having a city manager form of government, said appointments shall be by the city manager subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a town manager form of government, in which town appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first established, the terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one-third of the members will expire each year, and their successors shall be appointed for terms of three (3) years each. Any member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

#### **SECTION 8.**

The town of West Brookfield may, subject to the appropriation therefor at the Annual Town Meeting, make temporary repairs on private ways, consisting of the filling in of potholes or depressions, resurfacing, or any other actions reasonably necessary to provide for the safe passage of Town Vehicles and the general public, but said repairs shall not include reconstruction or repairs of drainage facilities. No such repairs shall be made unless: (A) all abutters to the private way to be repaired sign an agreement releasing the Town from all claims for damages caused by defects in said private way, and covenanting not to sue the Town for any such damages; (B) those persons or entities holding the property rights to use the private way to be repaired, to the extent such persons or entities can reasonably be determined, sign an agreement with the Town to maintain said private way at their own expense for at least six years subsequent to the completion of any temporary repairs by the Town of said way pursuant to this By-law; and (C) the Selectmen have declared such repairs to be a required public necessity. The Selectmen shall schedule such repairs based upon the annual appropriation therefor. No betterment charges shall be assessed and no cash deposit shall be required for such repairs.

## **SECTION 9.**

Any holder of or applicant for a local license or permit issued by any board, officer or department of the Town, who has neglected to refused to pay any local tax, fees, assessments, betterments or any other municipal charge shall have said license, permit or application suspended, revoked or denied.

A. The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterment 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, 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 the 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 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 such 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 provisions of law.

D. The Board of Selectmen may waive such denials, 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 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 exhibitions permits, section one hundred and eighty-one of Chapter one hundred and forty.

**SECTION 11.**

Every Town Officer, either elected or appointed, shall post the hours their office is open to the public on their office door.

**SECTION 12.**

AGRICULTURAL COMMISSION, to be comprised of ten members appointed by the Selectmen, 5 full time & 5 alternates, serving 3-year terms each. Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in West Brookfield, and to promote agricultural-based economic opportunities in the town. Mission: Preserve, revitalize and sustain the West Brookfield Agricultural Industry and its lands: encourage the pursuit of agriculture, promote agricultural-based opportunities & protect farmland. Budget: No funding requirement. (Adopted 05/10/2005).

**CHAPTER XIII  
Right to Farm by-law**

**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 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 West Brookfield 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 farmlands within the Town of West Brookfield 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 the 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 agriculture, 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, aqua cultural, floricultural, viticultural, 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, cattle, rarities (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food or 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 organism 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 relation 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 West Brookfield. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and may 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 Bylaw 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. This bylaw does not supersede local, state or federal laws or regulations.

#### **Section 4 Disclosure Notification**

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of West Brookfield, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property with the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

A copy of this disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of the signed disclosure notification is to be included with requests for municipal lien certificates and the notice “West Brookfield has a Right to Farm Bylaw” will be posted on the Annual Census Form.

#### **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 Select Board, the Zoning Enforcement Officer, or the Board of Health, depending on 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 Select Board may forward a copy of the grievance to the Agricultural Committee 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, may 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 West Brookfield hereby declares the provisions of this bylaw to be severable. (Adopted 05/08/2007).

**CHAPTER XIV  
Automatic Sprinkler Systems Bylaw**

**SECTION 1.**

Every building of more than seventy-five hundred (7,500) gross square feet in floor area or every addition of more than seventy-five hundred (7,500) gross square feet in floor area shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code; provided, however, that in the case of said addition, such as an adequate system of automatic sprinklers shall be installed in said addition only. No such sprinkler shall be required unless sufficient water and water pressure exists. For purpose of this section, the gross square feet of a building or addition shall include the sum total of the floor areas for all floor levels, basements and sub-basements, measured from outside walls, irrespective of the existence of interior fire walls, floors and ceilings.

In such buildings or additions, or in certain area of such buildings or additions, where the discharge of water would be an actual danger in the event of fire, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. Automatic suppressant or sprinkler systems shall not be required in rooms or areas of a telephone central office equipment building when such rooms or areas are protected with an automatic fire alarm system. Sprinkler systems shall not be required on a one story building having a fire resistance rating as prescribed in the state building code that is used solely for offices provided the building is protected by an automatic fire alarm system. Sprinkler systems shall not be required in open-air parking structures, defined as; buildings, structures, or portions thereof, used for parking motor vehicles and having not less than twenty-five percent of the total wall area open to atmosphere at each level, utilizing at least two sides of the structure. This section shall not apply to buildings or additions used for residential purposes.

The head of the fire department shall enforce the provisions of this section. (Adopted on 11/24/86).



## **TRAFFIC RULES & ORDERS**

### **ARTICLE I: Definitions.**

For the purpose of these rules and orders, the words and phrases used herein shall have the following meanings except in those instances where the context clearly indicated a different meaning.

- A. “Person”. The word “person” shall mean and include any individual, firm, copartner, association or corporation.
- B. “Street or Highway”. The entire width between property lines of every way open to the use of the public for purposes of travel.
- C. “Roadway”. That portion of a street or highway between the regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.
- D. “Lane”. A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.
- E. “Vehicle”. Every devise in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or track.
- F. “Parking”. The standing of a vehicle, whether occupied or not otherwise than temporarily for the purpose of and while actually engaged in loading and unloading, or in obedience to an officer or traffic signs or signals, or while making emergency repairs or, of disabled, while arrangements are being made to move such vehicles.
- G. “Crosswalk”. That portion of a roadway ordinarily included within the prolongation or connection of curb lines and property lines at intersections, or at any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surfaces or by other marking or signs.
- H. “Official Traffic Signs”. All signs, markings and devices, other than signals, not inconsistent with these rules and orders, and which conform to the standards prescribed by the Department of Public Works of the Commonwealth of Massachusetts, and placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing warning or regulating traffic.
- I. “Police Officer”. For the purpose of these rules and orders an officer shall be construed to mean any police officer, or special police officer duly appointed as such by the Board of Selectmen.

- J. “Emergency Vehicles”. Vehicles of the Fire Department (Fire Patrol), police vehicle, ambulance and emergency vehicles of federal, state and municipal departments or public service corporations when the latter are responding to an emergency in relation to the police or fire departments.
- K. “Official Curb Marking”. That portion of a curbing, the painting of which has been authorized by the Board of Selectmen and which has the written approval of the Department of Public Works, Commonwealth of Massachusetts.
- L. “Official Street Markings”. Any painted line, legend, marking or marker of any description painted or placed upon any way which purports to direct or regulate traffic and which has been authorized by the Board of Selectmen and which has the written approval of the Department of Public Works, Commonwealth of Massachusetts.
- M. “Parking Violations”. All violations are to be tagged. If owner or operator of vehicle returns to vehicle prior to any writing of ticket, a verbal warning will be adequate unless violation is chronic. If officer has started writing the ticket he must continue and issue this ticket. A book of tickets will be on the desk at the Station and one set in the Cruiser. All tickets have to be accounted for. All tickets are numbered. Tickets should either be tied on windshield wiper or tied to the door on the driver’s side.

<b>VIOLATION CODE NUMBER</b>		<b>FINE SCHEDULE</b>
01	Within an intersection (Any vertical parking within intersection itself)	\$20.00
02	Less than 10 feet unobstructed lane (Vertical parking & not leaving clearance for other vehicle).	\$20.00
03	Within 10 feet of a hydrant	\$20.00
04	Upon or in front of any Private Drive or Driveway (Primary concern of owner or renter House).	\$20.00
05	Parking in disobedience of police officer	\$20.00
06	Disobedience to Traffic Signs	\$20.00
07	Upon sidewalk	\$20.00
08	Upon crosswalk (Vehicles should be tagged).	\$20.00

09	Upon railway in a rural or sparsely settled District (Car is obstructing traffic).	\$20.00
10	Left wheels on curb (Except one way street).	\$20.00
11	More than 12 inches from curb (Diagonal or Horizontal).	\$20.00
12	Within 20 feet of Intersection	\$20.00
13	Prohibited during certain hours (Areas that are restricted).	\$20.00
14	Overtime	\$20.00
15	Parking in Bus Stop	\$20.00
16	Parking in Taxi Stand	\$20.00
17	Angle parking	\$20.00
18	All night parking (Winter Ban)	\$20.00

**ARTICLE II**  
**Authority and duties of the Police**

**SECTION I**

Police to Direct Traffic. It shall be the duty of the Police Department to enforce the provisions of these rules and orders. Officers of the Police Department are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions with these rules and orders, provided that in the event of a fire or other emergency to expedite traffic or safeguard pedestrians, officers of the Police and Fire Department may direct traffic, as conditions may require notwithstanding the provisions of these rules and orders.

**SECTION 2.**

Police may Close Streets Temporarily. The police may close temporarily any street or highway in an impending or existing emergency, or for any lawful assemblage, demonstration or procession provided there is reasonable justification for the closing of such street.

**SECTION 3.**

Police may Prohibit Parking Temporarily. The police may prohibit, temporarily, parking on any street or highway or part thereof in an impending or existing emergency of for a lawful assemblage, demonstration or procession provided there is reasonable justification for such prohibition. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.

**SECTION 4.**

Obedience to Police. Drivers of vehicle shall comply with any lawful or reasonable order, signal or direction of any officer.

**SECTION 5.**

Police to Keep and use an Accident Record File.

- A. The police shall maintain suitable system of filing traffic accident reports. Accident reports or cars referring to them shall be filed alphabetically by location.
  
- B. As the accidents at any particular location become more numerous, the police shall study such accidents and inform the Selectmen of their findings and conclusions.

**SECTION 6.**

Police to Submit Annual Traffic Report. The police shall submit a traffic safety report annually in the month of January to the Selectmen covering:

- 1. The number of traffic accidents, the number of persons killed and injured and other pertinent data.
  
- 2. The number of traffic accidents investigated, the number of hazardous locations studied, the number of drivers with bad records interrogated and other pertinent data on the safety activities of the police.
  
- 3. The plans and recommendations for future traffic safety activities.

**SECTION 7.**

Exemptions. The provisions of these rules and orders shall not apply to operators actually engaged in work upon a street or highway closed to travel or under construction or repair, to officers when engaged in the performance of public duties not to drivers of emergency vehicles while operating in an emergency and in performance of public duties when the nature of the work of any of these necessitates a departure from any part of these rules and orders. These exemptions shall not, however, protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others.

**ARTICLE III**  
**Traffic Signs, Markings and Zones**

**SECTION 1.**

Traffic Signs and Signals.

- A. The Board of Selectmen is hereby authorized and as to those signs and signals required hereunder. It shall be its duty, to place and maintain or

cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, markings and safety zones shall conform to the standards as prescribed by the Department of Public Works of the Commonwealth of Massachusetts.

**SECTION 2.**

Display of Unauthorized Signs, Signals and Markings Prohibited.

It shall be unlawful for any person to place or maintain or to display upon or in the view of any street any unofficial sign, signal or marking which purports to be or is an imitation of or resembles an official traffic sign, signal, marking device, or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The Chief of Police is hereby empowered to remove every such prohibited sign, signal or marking or cause it to be removed, without notice.

**SECTION 3.**

Interference with Signs, Signals and Markings Prohibited.

It shall be unlawful for any person to willfully deface, injure, move, obstruct, or interfere with any official traffic sign, signal or marking.

**SECTION 4.**

Location of Bus Stop and Service Zones.

The location of all bus stops and service zones shall be specified by the Chief of Police.

**SECTION 5.**

Obedience to Traffic Signs.

No driver of any vehicle shall disobey the instructions of any official traffic control sign, marking, marker or legend, unless otherwise directed by a police officer.

**ARTICLE IV  
Parking**

**SECTION 1.**

General Prohibitions.

No person shall park a vehicle in any of the following places and vehicles found parked in violation of the provisions of this section may be moved by or under the direction of an officer and 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 the roadway in a business or residential district where parking is permitted unless both wheels on the right side of the vehicle are within

twelve (12) inches of the curb or edge of the roadway except where angle parking is required.

- E. Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic.
- F. Upon any street or highway within ten (10) feet of a fire hydrant.
- G. Upon or in front of any private road or driveway without the consent of the owner of said private road or driveway.
- H. Upon any street or highway within twenty (20) feet of an intersecting way, except alleys.

**SECTION 2.** Service Zones.

No person shall park a vehicle upon any street in any service zone for a period of time longer than fifteen (15) minutes except while actually engaged in loading or unloading, provided that such loading and unloading does not exceed a period of time longer than one half (1/2) hour.

**SECTION 3.** Angle Parking.

- A. The Board of Selectmen shall determine upon what streets angle parking shall be permitted and shall make and sign such streets or cause the same to be marked and signed.

**SECTION 4.** Prohibited on Certain Streets.

Upon the following streets or highways or parts thereof parking is hereby prohibited:

- A. Pleasant Street, westerly side, from Main Street, southerly for a distance of approximately two hundred (200) feet.
- B. School Street, Common side.

**SECTION 5.** Tow-Away Zones.

Selectmen have the authority to establish tow-away zones for the illegally parked motor vehicles to be towed away at owner's expense, under the direction of a police officer. Zones must be visibly marked by signs or other plainly visible devices.

**ARTICLE V**  
**Operation of Vehicles**

**SECTION 1.** Drive Within Marked Lanes.

When any roadway has been divided into lanes, a driver of a vehicle shall drive so as to be entirely within a single lane and shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety.

**SECTION 2.** Use Right Lane.

Upon all roadways the driver of a vehicle shall drive in the lane nearest the right side of the roadway when said lane is available for travel, except when overtaking another vehicle or when preparing for a left turn.

**SECTION 3.** Obedience to Isolated Signs.

Every driver of a vehicle, or other conveyance, approaching an intersection of ways where there exists facing him an official sign, bearing the word "Stop" and authorized by this section, said sign having apart from this regulation, the written approval of the Department of Public Works, Commonwealth of Massachusetts, and such approval being in effect, shall before proceeding through the intersection, bring such vehicle or other conveyance to a complete stop at such point as may be clearly marked by a sign or line, or if a point is not so marked, then at a place between the said "Stop" sign and the nearer line of the street intersection. This section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or devise. The Department of Public Works approved sign locations stop traffic as follows:

1. Northbound on Route #67 at Route #9.
2. Northbound on Old Warren Road at Route #9.
3. Eastbound on Church Street at Route #67.
4. Northbound and Southbound on New Braintree Road and Church Street.
5. Westbound on Winter Street at Route #67.
6. Northbound on Maple Street at Winter Street.
7. Southbound on Wigwam Road at Route #67.
8. Westbound on School Street at Route #67.
9. Westbound on North Street at Church Street.
10. Westbound on Cutler Road at Route #9.
11. Eastbound and westbound on Cutler Road at Snow Road.
12. Southbound on Snow Road at Route #9.
13. Southbound on Pierce Road at Route #9.
14. Southbound on Tucker Road at Ragged Hill Road.
15. Northbound on John Gilbert Road at Ragged Hill Road.

16. Westbound on Foster Hill Road at Route #9.
17. Northbound on Pierce Road at Ragged Hill Road.
18. Southbound on Ridge Road at Route #9, (two sites).

**SECTION 4. Overtake only when there is Space Ahead.**

The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking of a completed without impeding the safe operation of any vehicle ahead, or without causing the driver of any such vehicle to change his speed or alter his course except as provided in the following section.

**SECTION 5. Driver to Give Way to Overtaking Vehicle.**

The driver of a vehicle when about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right when practicable in favor of the overtaking vehicle, on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

**SECTION 6. Obstructing Traffic.**

- A. No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any street or highway. Officers are hereby authorized to require any driver who fails to comply with this section to drive to the side of the roadway and wait until such traffic has been delayed has passed.
- B. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the vehicle he is operating without obstructing any traffic control signal indication to proceed.
- C. No All Night Parking. It shall be unlawful for the driver of any vehicle, other than one acting in an emergency, to park said vehicle on any street or way during the hours of 1:00 a.m. and 6:00 a.m. any day between November 1<sup>st</sup> of one year and April 1<sup>st</sup> of the succeeding year.

**SECTION 7. Following too Closely.**

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the street or highway.

**SECTION 8. Slow vehicles to Stay 200 Feet Apart.**

Upon Roadways less than twenty-seven (27) feet wide and upon which vehicular traffic is permitted to operate in both directions the driver of any slow moving vehicle



when traveling outside of a business or residential district shall not follow another slow moving vehicle within two hundred (200) feet, but this shall not be construed to prevent such slow moving traffic from overtaking and passing another slow moving vehicle. This section shall not apply to funerals or other lawful processions.

**SECTION 9.** Care in Starting, Stopping, Turning or Backing.

The driver of any vehicle before starting, stopping, turning from a direct line or backing shall first see that such movement can be made safely. If such movement can not be made in safety or if it interferes unduly with the normal movement or other traffic, said driver shall wait for a more favorable opportunity to make such movement.

If the operator of another vehicle should be affected by a stopping or turning movement, the driver of such other vehicle shall be given a plainly visible signal, as required by the following section.

**SECTION 10.** No Driving on Sidewalks.

The driver of any vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

**SECTION 11.** Driving on Road Surfaces Under Construction or Repairs.

No operator shall enter upon the road surface of any street or highway or section thereof, when, by reason of construction, surface treatment, maintenance or the like of because of some unprotected hazard, such road surface is closed to travel and one or more signs, lights or signals have been erected to indicate that all or part of the road surface of the street or highway is not to be used, or when so advised by an officer, watchman, member of a street or highway crew or employee of the Town either audibly or by signals.

**SECTION 12.** Obedience to Traffic Control Signals.

Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this section, and no other meaning, and every driver of a vehicle, railway car or other conveyance shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign (other than a stop sign), signal or device.

In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection, regardless of what indications may be given by traffic control signals.

1. Green indications shall have the following meanings:

- A. Traffic, except pedestrians, facing a CIRCULAR GREEN may proceed straight through or turn right or left except as such movement is modified by lane-use signs, turn prohibition signs, lane markings, or roadway design. But, vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles, and to pedestrians lawfully within the intersection or an adjacent crosswalk, at the time such signal indication is exhibited.

B. Traffic, except pedestrians, facing a GREEN ARROW, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

C. Unless otherwise directed by a pedestrian signal, pedestrians facing any green indication, except when the sole green indication is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

2. Steady yellow indications shall have the following meanings:

A. Traffic, except pedestrians, facing a steady CIRCULAR YELLOW OR YELLOW ARROW signal is thereby warned that related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

B. Pedestrians facing a steady CIRCULAR YELLOW OR YELLOW ARROW signal, unless otherwise directed by a pedestrian signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

3. Steady red indications shall have the following meaning:

A-1. Traffic facing a steady CIRCULAR RED signal alone shall stop at a clearly marked stop line, or if none before entering the crosswalk on the near side of the intersection or if none then before entering the intersection and shall remain standing until an indication to proceed is shown except as allowed by Chapter 89, Section 8 of the General Laws.

A-2. No driver of a vehicle facing a CIRCULAR RED signal shall make a right turn where official traffic signs are installed and maintained prohibiting such turn at the following intersections:

B. Vehicular traffic facing a steady RED ARROW signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked line, but if none, then before entering the crosswalk on the near side of the intersection and shall remain standing until an indication permitting the movement indicated by such red arrow is shown except as provided in (C) below.

C. Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red light signal may cautiously enter the intersection to turn right, or to turn left from a one way street, after stopping as required by (A) and (B) above. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

D. Unless otherwise directed by a pedestrian signal, pedestrians facing a steady CIRCULAR RED OR RED ARROW signal alone shall not enter the roadway.

4. Flashing signal indications shall have the following meanings:

A. Flashing Red (stop signal). When a red lens is illuminated with Rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line but if none, before entering the crosswalk on the near side of the intersection, or if none, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a STOP sign.

B. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

5. RED and YELLOW indications shall have the following meaning: While the red and yellow lenses are illuminated together, drivers shall not enter the intersection, and during such time the intersection shall be reserved or exclusive use of pedestrians.

## **ARTICLE VI Responsibility and Penalties**

**SECTION 1.** Owner Prima Facie Responsible for Violations.

If any vehicle is found upon any street or highway in violation of any provision of these rules and orders and the identity of the driver cannot be determined, the owner or the person in whose name such vehicle is registered, shall be held prima facie responsible for such violation.

**SECTION 2.** Penalties.

Except as otherwise provided by statute or by any commission, department or other body authorized by law to impose penalties for violations of rules, regulations and orders governing the use and operation of vehicles, any person convicted of violating any of the provisions of the foregoing rules and regulations shall be punished by a fine of not more than \$20.00.

**SECTION 3.** Repeal.

These rules are adopted with the intent that each of them shall have force and effect separately and independently of every other except insofar as by express reference or necessary implication any rule or part of a rule is made dependent upon another rule or part thereof.

The provision of these rules so far as they are the same in effect as those of any valid existing rules, orders or regulations heretofore made by the Selectmen of West Brookfield relative to or in connection with official signs, lights, markings, signal systems or devices shall be construed as a continuation thereof, but all other existing rules, orders and regulations so made for the regulation of vehicles are hereby expressly repealed. This repeal, however, shall not affect any punishment or penalty imposed or complaint or prosecution ending at the time of the passage hereof for an offense committed under any of the valid rules, orders or regulations hereby repealed.

## **CHAPTER XV**

### **Stormwater Bylaw**

#### **Introduction**

Land uses in Town affect our streams, lakes and drinking water supplies. Careful planning of new development will protect the quality and health of these important water resources. Therefore, the Town of West Brookfield enacts this Stormwater Bylaw to provide guidance that will prevent harmful impacts from land development activities. This Stormwater Bylaw is not retroactive and does not affect current or approved land development or redevelopment applications.

#### **1.0 PURPOSE**

A.) The purpose of this Bylaw is to protect the public health, safety, environment and general welfare by establishing requirements and procedures to manage stormwater runoff, promote groundwater recharge and to prevent water pollution from new development and redevelopment. This Bylaw seeks to meet that purpose through the following objectives:

1. Establish regulations for land development activities that preserve the health of water resources;
2. Require that the amount and quality of stormwater runoff from new development is equal to or better than pre-development conditions in order to reduce flooding, stream erosion, pollution, property damage and harm to aquatic life;
3. Establish stormwater management standards and design criteria to control the quantity and quality of stormwater runoff;
4. Encourage the use of “low-impact development practices”, such as reducing impervious cover and preserving greenspace and other natural areas;
5. Establish maintenance provisions to ensure that stormwater treatment practices will continue to function as designed and pose no threat to public safety;

6. Establish procedures for the Town's review of stormwater management plans and for the Town's inspection of approved stormwater treatment practices.
- B) Nothing in this Bylaw is intended to replace the requirements of the Town of West Brookfield Flood Plain Zoning Bylaw, the Town of West Brookfield Groundwater Protection District, or any other Bylaw that may be adopted by the Town of West Brookfield. Any activity subject to the provisions of the above-cited Bylaws must comply with the specifications of each.

## **2.0 DEFINITIONS**

Definitions in Appendix A of this Bylaw shall apply in the interpretation and implementation of the Bylaw. Terms not defined in this Appendix shall be understood according to their customary and usual meaning. Additional definitions may be adopted by separate regulation.

## **3.0 AUTHORITY**

This Bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution, and pursuant to the regulations of the federal Clean Water Act, and as authorized by the residents of West Brookfield at Town Meeting, dated *May 9, 2006*.

## **4.0 ADMINISTRATION**

- A) The Stormwater Authority, shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by the Stormwater Authority to its employees or agents.
- B) The Stormwater Authority shall consist of seven members – one member from each of the following Town boards: Planning Board, Conservation Commission, Board of Health, Board of Selectmen, Water Department, Highway Department; and a citizen-at-large. Each member shall be appointed by their respective boards, and the Board of Selectmen will appoint the citizen-at-large to serve on the Stormwater Authority.
- C) Stormwater Regulations. The Stormwater Authority 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 Bylaw by majority vote of the Stormwater Authority, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. After public hearing, the Stormwater Authority may issue rules and regulations to fulfill the purposes of this Bylaw. Failure by the Stormwater Authority to issue 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.

- D) Stormwater Management Manual. The Stormwater Authority will utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy to execute the provisions of this Bylaw. This Policy includes a list of acceptable stormwater treatment practices, including the specific design criteria for each. 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 treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
- E) Actions by the Stormwater Authority. The Stormwater Authority may take any of the following actions as a result of an application for a Stormwater Management Permit: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.
- F) Appeals. A decision of the Stormwater Authority shall be final. Further relief of a decision by the Stormwater Authority made under this Bylaw shall be reviewable in the Superior Court in an action filed within sixty (60) days thereof, in accordance with M.G.L. Ch 249 § 4.
- G) Stormwater Credit System. The Stormwater Authority may adopt a Stormwater Credit System, as part of the Regulations authorized by this Bylaw. This credit system will allow applicants the option to use better site design practices to reduce some of the requirements specified in the criteria section of the Regulations.

## **5.0 APPLICABILITY**

- A) This bylaw shall be applicable to all new development and redevelopment, including site plan applications, subdivisions, commercial uses, multi-family dwellings and houses built by a single developer, including family members, on contiguous lots under single ownership on an accepted Town street. The Bylaw shall apply to any activities that will result in an increased amount of stormwater runoff or pollutants from a parcel of land, or that will alter the drainage characteristics of a parcel of land, unless exempt under Section 5.D of this Bylaw. All new development and redevelopment under the jurisdiction of this Bylaw shall be required to obtain a Stormwater Management Permit.
- B) Redevelopment projects are presumed to meet the Bylaw requirements if the total impervious cover is reduced by 40% from existing conditions. Where site conditions prevent reduction in impervious cover, stormwater treatment practices shall address at least 40% of the site's impervious area. A combination of impervious area reduction and stormwater treatment practices shall equal or exceed a 40% reduction in total impervious cover from existing conditions.

C) An alteration, redevelopment, or conversion of land use to a hotspot such as: auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots and other potential water quality concerns shall require a Stormwater Management Permit.

D) Exemptions

No person shall alter land within the Town of West Brookfield without having obtained a Stormwater Management Permit (SMP) for the property with the following exceptions:

1. Any activity that will disturb an area less than 10,000 square feet or less than 25% of a contiguous property, whichever is less.
2. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL Chapter 40A Section 3;
3. Conversion of land to agricultural use for crops and/or pasture;
4. Timber harvesting under an approved Forest Cutting Plan as defined by the Forest Cutting Practices Act regulation 304 CMR 11.00 and MGL Chapter 132 Sections 40 through 46.
5. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
6. Repair or replacement of an existing roof of a residential dwelling;
7. Construction of a single-family dwelling, where “approval is not required” (ANR), as defined in the Subdivision Control Act. Prior to land disturbance activities, persons constructing single-family dwellings are strongly encouraged to consult with the Highway Superintendent about actions to reduce stormwater impacts during and after construction. Persons constructing single-family dwellings are strongly encouraged to use stormwater control and site planning methods to be described in the Town of West Brookfield Best Development Practices Guidebook;
8. Repair or replacement of an existing septic system;
9. The construction of any fence that will not alter existing terrain or drainage patterns;
10. Construction of a deck, patio, retaining wall, shed, swimming pool, tennis or basketball court associated with a single-family dwelling;

11. Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns;
12. Emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Stormwater Authority;
13. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.

## **6.0 PROCEDURES**

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

## **7.0 ENFORCEMENT**

The Stormwater Authority or an authorized agent of the Stormwater Authority 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 issued as permitted under Section 4 of this Bylaw. Enforcement may be made by way of noncriminal disposition pursuant to Chapter 1 Section 6 of the Town's Bylaws. The penalty under noncriminal disposition shall be \$50.00 for the first offense and \$100.00 for each subsequent offense.

## **8.0 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.

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## **APPENDIX A      DEFINITIONS**

**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.

**DISTURBANCE OF LAND:** Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

**FOREST CUTTING PLAN:** A plan for the cutting of trees on forest land, which is prepared and submitted in accordance with M.G.L. Chapter 132 Sections 40 - 46A. The forest cutting plan requires approval by a Service Forester –f the Massachusetts Department of Conservation and Recreation, as provided under 304 CMR 11.04.

**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.

**IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved parking lots, rooftops, driveways, patios, and paved roads.

**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 the 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 West Brookfield, 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 Stormwater Authority. 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 10,000 square feet, where the existing land use is commercial, or institutional.

**STORMWATER AUTHORITY:** The Town of West Brookfield Stormwater Authority OR its authorized agent(s). The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this Bylaw. Other Boards and/or departments will participate in the review process as defined in the Stormwater Regulations that are adopted by the Stormwater Authority of the Town of West Brookfield.

**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 Stormwater Authority, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the adverse affects of uncontrolled and untreated stormwater runoff.

## **CHAPTER XVI**

### **Hazardous Materials and Waste Recovery Bylaw**

**SECTION 1** - Any individual, corporation, or organization which, whether deliberately or accidentally, releases, or causes a release or threat of release of oil or any hazardous material or hazardous waste as defined in the Massachusetts General Law Chapter 21 C, D, or E, upon public or private property within the boundaries of the Town of West Brookfield, shall be liable to the Town for any and all response costs directly incurred by the Town as a result of said release or threat of release including, but not limited to, the following:

- a. The cost of complete cleanup and disposal of the material released or contaminated by the release, and all costs incurred by the Town as a result of remediation required due to the release or threat of release, including all costs incurred or authorized by any officer of the Town having jurisdiction over such matters.
- b. Replacement or cost of replacement of any reusable equipment and/or material damaged due to the incident.
- c. Replacement or cost of replacement of any disposable equipment and/or materials used during the incident.
- d. Reimbursement of any funds expended by the Town for food and/or shelter upon determination by the Town that such expenditures are necessary due to a threat to public health and safety as a result of the release or threat of release.

- e. Reimbursement of any funds expended by the Town for evacuation and/or relocation upon determination by the Town that such expenditures are necessary due to a threat to public health and safety as a result of the release or threat of release.
- f. Reimbursement of any funds expended by the Town for overtime expenditures incurred by the Town as a result of the release or threat of release.

**SECTION 2** - The following are excluded (as defined in Massachusetts General Law Chapter 21E):

- a. Emissions from exhaust of an engine.
- b. Normal application of fertilizer and application of pesticides consistent with their labeling.

**SECTION 3** - The Board of Selectmen are authorized to adopt rules, regulations and a reasonable fee schedule to cover the costs for use of equipment, purchase of supplies, disposal fees, and labor associated with any response action take by the Town.

**SECTION 4** - Failure by an individual, corporation, or organization responsible for—any costs incurred by the Town pursuant to Section 1 to reimburse the Town for said costs within thirty (30) days of demand shall entitle the Town to bring an action in any court of competent jurisdiction to recover said costs.

## **CHAPTER XVII**

### **Fire Department Alarm Fees**

**Section 1 Definitions** When used in this by-law, unless a contrary intention clearly appears, the following words shall have the following meanings:

- (a) "Central Station Operating Company": A company equipped to receive a fire alarm signal from each of its customers and which then transmits to the West Brookfield Fire Department (FD) the location of any such alarm the central station operating company receives.
- (b) "Fire Alarm System": any heat activated, smoke activated, flame energy activated or other such automatic device capable of transmitting a fire alarm signal to either a central station operating company or directly to the FD by way of a master box.
- (c) "Fire Alarm System -Malfunction": The transmittal of a fire alarm to a central station operating company or directly to the FD by way of a master box which alarm is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reasons that caused a fire alarm to sound even though there is no actual fire or situation that reasonably could evolve into a fire.

(d) "Fire Alarm System Owner": An individual or entity who owns the title to and/or has on his business or residential premises a fire alarm system equipped to send a fire alarm signal to a central station operating company or directly to the FD by way of a master box.

(e) "Fire Chief": The Chief of the West Brookfield Fire Department.

(f) "Master Box Owner" An individual or entity who has on his business or residential premise a fire alarm system equipped to send a fire alarm signal directly to the FD by way of a master box, which is a municipal fire alarm box.

**Section 2. Connection of Fire Alarm Systems to the West Brookfield Fire Department by way of a Master Box.**

(a) Before any fire alarm system is connected to the FD the master box owner shall provide the Fire Chief with the following information:

- (1) The name, address, home and work telephone numbers of the master box owner;
- (2) The street address where the master box is located;
- (3) The names, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected to the master box;
- (4) The names, addresses, home and work telephone numbers of at least two persons other than the owner who can be contacted twenty-four hours a day, who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located; and
- (5) The name and address of the owner's insurance provided.
- (6) Such other information as the Fire Chief may require.

(b) If at the passage of this By-Law, a fire alarm system has already been connected to the FD by way of a master box, the master box owner shall comply with the requirements of this section within sixty days after the FD has sent him notice by first class mail of the requirements of this Section.

(c) If a master box owner fails to comply with this section, the Fire Chief may assess a noncriminal penalty of fifty dollars (\$50.00).

**Section 3. Connection of Central Station Operating Companies to the West Brookfield Fire Department**

(a) Every central station operating company which has a direct connection on or after the effective date of this By-Law to the FD shall pay the following fees: annual fee \$200.00

(b) Before any central station operating company is connected with the FD, it shall provide the Fire Chief with the following information:

- (1) The name, address and telephone numbers of the central station operating company:
- (2) The names, addresses, home and work telephone numbers of at least two persons who can be contacted twenty four hours a day, who are authorized by the central station operating company to respond to an alarm signal and who have access to the premises from where the alarm signal is emitting to the central station operating company;
- (3) The names, addresses, home and work telephone numbers, and location of the premises of each customer of the central operating company who has a fire alarm system equipped to send a fire alarm signal to the central station operating company; and
- (4) The name and address of the owner's insurance provider.
- (5) Such other information as the Fire Chief may require

(c) If a central station operating company fails to comply with this section, the Fire Chief may assess a noncriminal penalty of fifty dollars (\$50.00).

#### **Section 4. Updating Information**

(a) Every master box owner and every central station operating company shall be responsible for updating the information herein required to be provided to the Fire Chief. If the information provided changes, the master box owner and the central station operating company shall provide the Fire Chief with the updated information and shall pay the fee, if any required by the By-Law.

(b) If a master box owner or a central station operating company fails to comply with this section, the Fire Chief may assess a noncriminal penalty of fifty dollars (\$50.00).

## **Section 5. Fire Alarm System Malfunctions**

(a) If there is a fire alarm system malfunction, as defined herein, the Fire Chief may assess a fee against a fire alarm system owner for each malfunction per calendar year according to the following schedule:

- (1) First through third malfunction: no charge
- (2) Upon the recording of the third false alarm by the Fire Department, the Fire Chief shall notify the owner of the fire alarm system, in writing, and by certified mail, of such fact, and at that time inform the owner of the department's policy at this time.
- (3) Each malfunction after the third: \$200.00

b) Private fire alarm systems connected to the West Brookfield Fire Department by other automatic means or through a central station system shall be subject to the above conditions and penalties.

(c) Any false alarm which is a result of the failure of the property owner, occupant or their agents to notify the FD of repair, maintenance, or testing of the internal fire alarm system within the protected premises, shall cause a fee to be assessed in accordance with (1) and (2) above.

(d) For the purpose of this regulation, a false alarm shall be defined as follows:

- (1) The operation of a faulty smoke or heat detection device.
- (2) Faulty control panel or associated equipment.
- (3) Accidental operation of an automatic sprinkler system.
- (4) An action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or occupant, causing accidental activation of the internal fire alarm system.

(e) Property owners will be billed once a month for the previous month's malfunction activity. All penalties and fees assessed shall be paid to the Town Treasurer/Collector for deposit in the general fund.

(f) If the bill is not paid within thirty days, a second notice will be sent; if the bill is not paid after another thirty day period, a final notice will be sent informing the owner and/or occupant that the master box will be disconnected and the insurance company notified.

## **Section 6 Restrictions of Tape Dialers and Similar Automatic Telephone Devices**

No fire alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm message to any telephone lines directly to the FD. If, at the passage of this By-Law, a fire alarm system is equipped with such a tape dialer or similar automatic telephone device, the fire alarm system owner shall have sixty days, following the approval of this By-Law by the Attorney General, to disconnect such tape dialer or similar automatic telephone device. If a fire alarm system owner fails to comply with this section, the Fire Chief may assess a non-criminal penalty of fifty dollars (\$50.00).

## **Section 7. Appeal Procedure**

Any fire alarm system owner who is aggrieved by an action taken by the Fire Chief under this By-Law may, within ten days of such action, file an appeal, in writing, with the Board of Selectmen of the Town of West Brookfield (the Board). After notice the Board shall hold a hearing, after which it shall issue a decision in which it affirms, annuls or modifies the action taken by the Fire Chief, giving its reasons therefore. The Board shall send its decision to the owner by first class mail within ten days after the hearing. The decision of the Board shall be a final administrative decision.

## **Section 8 Regulations and Enforcement**

The Fire Chief may promulgate such regulations as may be necessary to implement this By-Law. The Fire Chief is authorized to pursue such legal action as may be necessary to enforce this By-Law. As an alternative to the non-criminal penalties provided for violation of various sections of this By-law, violation of this By-law shall be subject to a fine of not more than \$300.00.

## **Section 9 Deposit in the General Fund**

All penalties and fees assessed herein shall be payable to the Town of West Brookfield for deposit in the General Fund.  
Adopted May 10, 2011.



**CHAPTER XVIII**  
**Fire Department Cost Recovery Program**

**Section 1. Established**

Due to the increased costs of providing non-emergency services, the Town hereby authorizes the Fire Department to mitigate these costs through a Fire Department Cost Recovery Program.

**Section 2. Definitions**

Motor vehicles: Motor vehicles as defined by Mass. General Laws, as well as off-road vehicles, watercraft both powered and unpowered, snowmobiles, aircraft, and other powered means of transportation.

Fire Department Services: Services performed by the Fire Department which are not fire response, immediate emergency response or life-saving services. Specific examples of Fire Department Services for which the Fire Department may seek cost recovery under this By-law are: recovery of motor vehicles from off-road locations such as embankments, ravines, lakes, streams, water bodies, ice or other areas; services provided at a motor vehicle crash site after extinguishment of any fire and provision of life safety services; fire watches; standby at bomb scares or other types of lockdowns if a Responsible Party is identified.

Responsible Party: Any individual, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or other legal entity responsible for a public safety response which involves a response by the Fire Department.

**Section 3. Scope**

Whenever the Fire Department provides Fire Department Services, the Fire Chief or designee shall send an invoice to the owner, operator, or other Responsible Party or parties for the cost incurred in performing Fire Department Services. The costs to be assessed will be only those costs incurred for Fire Department Services as defined by this By-law. The cost of such Fire Department Services shall be charged and payable according to the schedule established from time to time by the Board of Selectmen.

**Section 4. Recovery Procedures**

The Fire Chief or designee shall create appropriate billing procedures to recover the costs of Fire Department Services described in this By-law. Any person who is aggrieved by an action taken by the Fire Chief under this By-Law may, within ten days of such action, file an appeal, in writing, with the Board of Selectmen of the Town of West Brookfield (the Board). After notice the Board shall hold a hearing, after which it shall issue a decision in which it affirms, annuls or modifies the action taken by the Fire Chief, giving its reasons therefore. The Board shall send its decision to the petitioner by first class mail within ten days after the hearing. The decision of the Board shall be a final administrative decision.

**Section 5. Collection of Costs**

Any invoices created pursuant to this bylaw must be paid within 30 days of mailing. If not paid within 30 days, the Town may collect the costs by filing a complaint in a court of competent

jurisdiction. This does not prevent the Town from pursuing other remedies available to recover the costs described in this By-law.

**Section 6. Liability**

The recovery of costs imposed under this By-law does not limit the liability of the Responsible Party under any other local by-law or state or federal laws, rules or regulations.

**Section 7. Regulations**

The Board of Selectmen may enact regulations to carry out the provisions of this By-law.

**Section 8. Severability**

If any clause, sentence, section, paragraph or part of this By-law, or application thereof to any person or entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this By-law and the application of such provisions to other persons, entities or circumstances; and the application of such provision to other persons, entities or circumstances by such judgment shall be confined to its operation to the clause, sentence, section, paragraph, or part of this bylaw thereof directly involved in the judgment. It is hereby declared to be the legislative intent that the bylaw would have been adopted had such invalid or unconstitutional provisions not have been included in this By-law; or take any other action relative thereto.