

# *Town of Palmer*

**Bondsville, Depot Village, Thorndike & Three Rivers**

*“The Town of Seven Railroads”*



## **Code of Ordinances**

**Current as of July 11, 2007**

## **PREFACE**

Historical Background  
by  
Patricia Donovan, Town Clerk

Palmer is a relatively small town (11,444 in population), which covers an area of about 20,000 acres within the 825.2 miles of the Commonwealth of Massachusetts. It has a very irregular form that is dominated by four major river courses, namely, the Quaboag, the Ware and the Swift, which join together to form the headwaters of the Chicopee River in the Village of Three Rivers. Multiple hills are scattered throughout the area, and the valley plains along the riverbanks are the most populated areas for both industry and farming as well as residential living.

The settlement of Palmer as a farming community began with the discovery of these rivers, and its growth into a 19th century manufacturing center is attributed to the utmost use of these watercourses as a source of power. Although the area was first settled in 1716 by a single pioneer family (John King), it wasn't until the migration of a relatively large group of Scotch-Irish Presbyterians in 1727 that this Elbow Plantation, so called, took on the presence of a township (a position that would be denied until 1775).

However, in 1752, a district status was granted and a formal name applied. Thereby the Elbow Plantation became the District of Palmer. The Town of Palmer is divided into four villages. Three of them, namely, Three Rivers, Thorndike and Bondsville, were developed as a direct outgrowth of a single large textile mill per village. The fourth, Depot Village, which is called Palmer today, was developed as the transportation center and actively supported five railroads and two stage lines.

Today, the large industries have been replaced by many smaller industrial and commercial enterprises, and the former mill villages are now, for the most part, quiet residential communities. Palmer is the most commercially active village. Although it is no longer the railroad center it once was, its network of highways reaches out to the larger metropolitan areas such as Boston, Hartford and New York City, as well as the beautiful Berkshire Hills and Atlantic seashore resorts.

The Town of Palmer has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the town, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Town Meeting and Board of Selectmen ordered the following codification of the town's legislation.

### **Contents of Code**

The various chapters of the Code contain all currently effective legislation (Town Meeting enactments and certain rules and regulations) of a general and permanent nature enacted by the Town Meeting and Board of Selectmen, as well as certain rules, regulations and or ordinances adopted by

various boards, commissions, departments and/or agencies, which were deemed to be general and permanent in nature and appropriate for inclusion in the volume.

### **Division of Code**

The Code is divided into four major parts, known as "Divisions." Division 1 contains the ordinances adopted by the Town Meeting. This Division is further broken down into Parts I and II. Part I, Administrative Legislation, contains all ordinances of an administrative nature, namely, those dealing with the administration of government, those establishing or regulating municipal departments and those affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all ordinances of a regulatory nature. Ordinances in this part generally impose penalties for violation of their provisions, whereas those in Part I do not. Division 2 contains the regulations adopted by the Board of Selectmen. Division 3 contains the regulations promulgated by the Board of Health. Division 4 contains all other miscellaneous regulations, such as those adopted by the Planning Board.

### **Grouping of Legislation And Arrangement of Chapters**

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of streets and sidewalks may be found in Part II, in the chapter entitled "Streets and Sidewalks." In such chapters, use of Article or Part designations has preserved the identity of the individual items of legislation.

### **Table of Contents**

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several Articles or Parts are listed beneath the chapter title in order to facilitate location of the individual item of legislation.

### **Reserved Chapters**

Space has been provided in the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters entitled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

### **Pagination**

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals "01." Thus, Chapter 6 begins on page 601, Chapter 53 on page 5301, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters, and to insert new chapters without affecting the existing organization.

### **Numbering of Sections**

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number, which indicates both the number of the chapter in which the

legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 6 is § 6-1, while the fourth section of Chapter 53 is § 53-4. New sections can then be added between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 53-4 and 53-5, they would be numbered as §§ 534.1 and 53-4.2.

### **Scheme**

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

### **Histories**

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, ordinance number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing Parts or Articles derived from more than one item of legislation, the source of each Part or Article is indicated in the History. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

### **General References; Editor's Notes**

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

### **Appendix**

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

### **Index**

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added to the Code.

### **Instructions for Amending the Code**

All changes to the Code, whether they are amendments, deletions or complete new additions, should be adopted as amending the Code. In doing so, existing material that is not being substantively altered should not be renumbered. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 45-5 and 45-6 should be designated § 45-5.1). New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part 1, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the

alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the table of contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the table of contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 45 and 46 should be designated Chapter 45A). New Articles may be inserted between existing Articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" Articles (e.g., a new Article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 45-30 and Article XVII begins with § 45-31, Article XVIA should contain §§ 45-30.1 through 45-30.6).

### **Supplementation**

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

### **Acknowledgment**

The editor wishes to acknowledge those town officials who assisted in the codification of the town's legislation. Town Clerk Patricia Donovan, in particular, was most generous as she helped fill in gaps of information and even took the time to compose the informative historical background which appears at the outset of this preface. Her efforts were greatly appreciated.

The codification of the legislation of the Town of Palmer reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

#### **SPECIAL NOTE:**

At the Special Meeting held December 14, 1987, the renumbering of the ordinances as they appear in this volume was ratified by unanimous vote as follows:

"ARTICLE 9. To see if the town will vote to accept the renumbering of the various ordinances of the town from their original numbering to the numbering or codification, arrangement, sequence and captions as set forth in the Code of the Town of Palmer, dated 1987 and published by General Code Publishers Corp. of Rochester, New York; said Codification having been done under the direction of the Board of Selectmen, Town Counsel and Town Clerk and said Code being a compilation of the present ordinances of the town and having no substantive changes in the text thereof, or take any other action relative thereto."

#### **SPECIAL NOTE:**

At it's regularly scheduled Town Council Meeting of 07/11/2007, the Town Council voted to accept the reformatting of the Town Code into a 8.5" x 11" format and to incorporate into the Code of Ordinances of the Town of Palmer, the new Charter and the changes to the various by-laws and

7/11/07

ordinances as a result of the new Charter plus any changes that have occurred by vote at Town Meetings or Town Council Meetings since the last formal update to the Code of Ordinances. Additionally the Town Council voted to remove the Selectmen's Policies from the Code of Ordinances and place them in the Town Policy Handbook.

**OFFICIALS  
OF THE  
TOWN OF PALMER**

**Palmer Town Building**

4417 Main Street  
Palmer, Massachusetts 01069

(413) 283-2603

**2007**

**Town Council**

BARBARA A. BARRY, Council President

MICHAEL R. MAGIERA, Council Vice President

JOHN L. SASUR Jr., Council Clerk

GEORGE A. BACKUS

JOHN B. DINUOVO

MATTHEW J. LOVELL

PETER E. PAPPAS

KEITH M. PARENT

DAVID E. WHITNEY

**Town Manager**

RICHARD L. FITZGERALD

**Town Clerk**

PATRICIA C. DONOVAN

**Town Attorney**

CHARLES F. KSIENIEWICZ, ESQ.

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## TOWN OF PALMER

### CHARTER

**HISTORY: Adopted by the Town of Palmer at its annual Town Meeting on April 22, 2003.  
Amendments noted where applicable**

#### **ARTICLE 1 INCORPORATION; SHORT TITLE; DEFINITIONS**

##### **SECTION 1-1: INCORPORATION**

The inhabitants of the Town of Palmer, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "Town of Palmer."

##### **SECTION 1-2: SHORT TITLE**

This instrument shall be known and may be cited as the Palmer Home Rule Charter.

##### **SECTION 1-3: POWERS OF THE TOWN**

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or general laws of the Commonwealth, it is the intention and the purpose of the voters of Palmer through the adoption of this Charter to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each such power were specifically and individually enumerated herein. The ultimate power of the town resides with the voters through their ability to elect the Town Council. The Town Council shall have legislative powers of the town and will appoint a Town Manager to carry out the executive responsibilities due that position.

##### **SECTION 1-4: DIVISION OF POWERS**

A Town Council shall exercise all legislative powers of the town. The executive branch, headed by the Town Manager, shall administer all town fiscal, business and municipal affairs.

##### **SECTION 1-5: CONSTRUCTION**

The powers of the Town of Palmer under this Charter are to be construed liberally in favor of the town, and the specific mention of any particular power is not intended to limit the general powers of the town as stated in Section 1-3.

##### **SECTION 1-6: INTERGOVERNMENTAL RELATIONS**

Subject only to express limitations in the constitution or general laws of the Commonwealth, Palmer may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any agency or political subdivision thereof, or with the United States government or any agency thereof.

#### **ARTICLE 2 LEGISLATIVE BRANCH**

##### **SECTION 2-1: COMPOSITION, TERM OF OFFICE**

(a) Composition - There shall be a Town Council of nine members, which shall exercise the legislative powers of the town. There shall be one councilor elected from each District who shall

be known as a District Councilor. The remainder of these nine members are to be known as Councilors-at-large.

- (b) Term of Office - The term of office for Town Council members shall be four years beginning on the first day of the year following their election and continuing until their successors are qualified. The terms shall be staggered in accordance with section 10-6.
- (c) Eligibility - Voters of the Town of Palmer shall be eligible to hold the office of Town Council. Councilors-at-large shall be nominated and elected by and from the voters at large and District Councilors shall reside, be nominated and elected by the voters of each district, one such district councilor to be elected from each of the districts into which the town is divided based on electoral precincts.

## **SECTION 2-2: COUNCIL OFFICERS**

- (a) Election and Term - As soon as practicable after the councilors-elect have been qualified following each election, as provided in Section 8-1, the members of the Town Council shall elect from among its members a council president, vice-president and clerk who shall each serve a 1-year term of office.
- (b) Council President - The council president shall preside at all meetings of the Town Council, regulate its proceedings and shall decide all questions of order. The council president shall appoint all members of all subcommittees of the Town Council, whether special or standing. The council president shall have the same powers to vote upon all measures coming before the Town Council as any other member of the Town Council. The council president shall perform such other duties consistent with the office as may be provided by Charter, by ordinance, or by other vote of the Town Council.
- (c) Council Vice-President - The members of the Town Council shall also elect from among its members a council vice-president who shall serve as acting president during the temporary absence or disability of the council president. The powers of an acting council president shall be limited to only those powers of the office indispensably essential to the performance of the duties of the office during the period of such temporary absence or disability and no others.
- (d) Clerk of the Council - The members of the Town Council shall also elect from among its members a clerk of the council. The clerk of the council shall give notice of its meetings to its members and to the public, keep the journal of its proceedings and perform such other duties as may be provided by ordinance or by other vote of the Town Council.

## **SECTION 2-3: PROHIBITIONS**

- (a) Holding Other Town office or Position - No member of the Town Council shall hold any other compensated Town office or town employment. No former member of the Town Council shall hold any compensated Town office or employment until one year following the date on which such former member's service on the Town Council has terminated. This provision shall not prevent a town officer or other town employee who has taken a leave of absence in order to serve as a member of the Town Council from returning to the same office or other position of town employment held at the time such leave of absence commenced; provided, however, no such person shall be eligible for any other municipal position until at least one year following the termination of service as a member of the Town Council.
- (b) Interference with Administration - Except for the purpose of inquiries and investigations pursuant to Section 2-7, the Town Council and its members shall deal with the officers and employees serving under the Town Manager, solely through the Town Manager, and neither the Town

Council nor any member of the Town Council shall give orders or directions to any such officer or employee, either publicly or privately.

#### **SECTION 2-4: EXPENSES**

Expenses - Subject to appropriation and to prior authorization, the council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

#### **SECTION 2-5: GENERAL POWERS**

Except as otherwise provided by general law or by this Charter, all powers of the Town shall be vested in the Town Council which shall provide for their exercise and for the performance of all duties and obligations imposed upon town ordinance.

#### **SECTION 2-6: EXERCISE OF POWERS; RULES**

- (a) Exercise of Powers - Except as otherwise provided by general law or by this Charter, the legislative powers of the Town Council may be exercised in a manner determined by it.
- (b) Rules of Procedure - The Town Council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:
  - (1) Regular meetings of the Town Council shall be held at least once a month and at a time and place fixed by **2/3 majority of the Town Council. (Amended Nov 05 Election)**
  - (2) Special meetings of the Town Council shall be held at the call of the council president, or, on the call of any five or more members, by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. Except in case of an emergency, of which the council president shall be judge, such notice shall be delivered at least forty-eight weekday hours in advance of the time set for such meeting. A copy of the notice to members shall, forthwith, be posted upon the town bulletin boards.
  - (3) All meetings shall be preceded by a public comment period. Comments may be presented orally or in writing.
  - (4) The quorum of the Council for the conduct of business shall be a minimum of six (6).

#### **SECTION 2-7: ACCESS TO INFORMATION**

- (a) In General - The Town Council may make investigations into the affairs of the town and into the conduct and performance of any town agency and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.
- (b) Town officers, Members of Town Agencies, Employees - The Town Council may require any Town officer, member of a town agency or town employee to appear before it to give such information as the Town Council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of such person and within the jurisdiction of the Town Council.
- (c) Town Manager - The Town Council may require the Town Manager to provide specific information to it on any matter within the jurisdiction of the Town Council. The Town Council may require the Town Manager to appear before it, in person, to respond to written questions made available to the Town Manager at the time the request to attend is made to the Town Manager to provide specific information on the conduct of any aspect of the business of the town. The Town Manager may bring to such meeting any assistant, department head or other Town officer or employee the Town Manager may deem necessary to assist in responding to the questions posed by the Town Council.

- (d) Notice - The Town Council shall give not less than five days notice to any person it may require to appear before it under the provisions of this section. The notice shall include specific issues on which the Town Council seeks information and no person called to appear before the Town Council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to the last known place of residence of any such person.

### **SECTION 2-8: OFFICERS APPOINTED BY TOWN COUNCIL**

- (a) The Town Council shall appoint the recording secretary of the council, for a term of 1 year, one member of the board of library trustees, for a term of 2 years, and the town manager.
- (b) Salaries/Compensation - The officers appointed by the Town Council shall receive such salaries or other compensation as may from time to time be provided for such office, by ordinance.
- (c) Removal/Suspension - Any person appointed by the Town Council may be removed or suspended by the Town Council by the use of procedures substantially the same as those contained in the personnel ordinance for the removal of other town employees.
- (d) Review of Town Manager – The Town Council shall schedule a special meeting for the sole purpose of an annual review of the Town Manager.

### **SECTION 2-9: ORDINANCES AND OTHER MEASURES**

- (a) Every ordinance, general measure, appropriation order and loan authorization shall be introduced in writing. They shall all go through the following stages: 1<sup>st</sup> reading, public hearing, 2<sup>nd</sup> reading. After the first reading, the Town Council shall cause a synopsis of the proposed ordinance, general measure, appropriation order or loan authorization to be published in a newspaper of general circulation in the form passed by the Town Council, together with notice of the time and place when and where the public hearing will be held to the same for final passage at least seven (7) days prior to the date of the public hearing. If the Town Council amends the ordinance, general measure, appropriation order or loan authorization after the public hearing, then it shall cause a synopsis of the amended ordinance, general measure, appropriation order or loan authorization to be published in a newspaper of general circulation in the new form passed by the Town Council, together with notice of the time and place when and where the public hearing will be held to the same for final passage at least seven (7) days prior to the date of the new public hearing. (Amended Nov 2005 Election)
- (b) General Measures and Ordinances - The Town Council may pass a measure through all of its stages at any one meeting, except proposed ordinances, appropriation orders and loan authorizations, provided that no member of the Town Council shall object; but, if any single member objects, a vote on the measure shall be postponed to the next meeting of the Town Council. On the first occasion that the question of adopting any measure is put to the Town Council, except an emergency measure as defined in Section 2-9(a), if a single member objects to the taking of a vote, the vote shall be postponed until the next meeting of the Town Council regular or special. This procedure shall not be used more than once for any measure notwithstanding any amendments made to the original measure.
- (c) Emergency Ordinances - No ordinance shall be passed finally on the date it is introduced, except in case of emergency involving the health or safety of the people or their property. No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to such ordinance, separately voted upon and receiving the affirmative vote of five or more members of the Town Council. Emergency ordinances shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure, or unless a second

emergency measure adopted in conformity with this section is passed extending it, or unless a measure passed in conformity with the procedures for measures generally has been passed extending it.

- (d) The Town Council shall cause a synopsis of every ordinance, general measure, and appropriation order or loan authorization to be published in a newspaper of general circulation as well as posted on the Town bulletin board. The ordinance, general measure, appropriation order or loan authorization shall be effective twenty (20) days after the date of publication. (Amended Nov 2005 Election)

## **SECTION 2-10: COUNCIL REVIEW OF CERTAIN APPOINTMENTS**

- (a) The Town Manager shall submit to the Town Council the name of each person the Town Manager desires to appoint to the head of the Department of Municipal Services, the head of the Department of Public Works, the head of the Department of Municipal Finance and the head of the Department of Public Safety and any member of a multiple-member body or town agent, but not including any position for whom selection is provided by general election under Article 4. The Town Council shall refer each such name as is submitted to a standing committee of the Town Council which shall investigate each such candidate for appointment and may make a report, with recommendations, to the full Town Council not less than seven nor more than thirty days following such referral. The committee may require any person whose name has been referred to it to appear before the committee, or before the Town Council, to give such information relevant to such appointment as the committee, or the Town Council, may require. Appointments made by the Town Manager shall become effective on the thirty-fifth day following the date on which notice of the proposed appointment was filed with the clerk of the council, unless six members of the Town Council shall within the said thirty-five days vote to reject such appointment, or unless the Town Council has sooner voted to affirm the appointment. Rejection by the Town Council shall require a two-thirds vote of the full council. The question on rejection of any appointment made by the Town Manager shall not be subject to the procedure of charter objection provided in Section 8-5 of this Charter.
- (b) The Town Manager shall submit to the Town Council the name of the person the Town Manager desires to suspend or remove who has been appointed under this Section. The Town Council shall refer each such name as is submitted to a standing committee of the Town Council which shall investigate the circumstances for such suspension or removal and may make a report, with recommendations, to the full Town Council not more than thirty days following such referral. The committee may require any person whose name has been referred to it to appear before the committee, or before the Town Council, to give such information relevant to such suspension or removal as the committee, or the Town Council, may require. Suspensions or removals made by the Town Manager shall become effective immediately upon presentation of the findings of the standing committee to Town Council unless Town Council shall have voted to reject such suspension or removal. Rejection by the Town Council shall require a two-thirds vote of the full council. The question of suspension or removal or the rejection thereof, shall not be subject to the procedure of charter objection provided in Section 8-5 of this Charter.

## **SECTION 2-11: FILLING OF VACANCIES**

### **Filling of Vacancies By Town Council**

- (a) Whenever a vacancy shall occur in the office of councilor-at-large or district councilor in the first twenty-one months of his or her term, the remaining members of the Town Council shall appoint a registered voter to fill the vacancy until the next municipal biennial election by majority vote, provided, however, that the voter chosen to fill a vacancy in the seat of a district councilor shall

reside in the district where the vacancy exists. Such appointees shall serve until the next municipal biennial election, when the seat will be filled by the voters for the remainder of the unexpired term. Should a vacancy occur in the office of councilor-at-large or district councilor after the twenty-fourth month of his or her term, the Town Council shall fill the vacancy by appointment until the next regularly scheduled municipal biennial election. Individuals serving on the Council as a result of appointment shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

### **Filling of Vacancies in Other Elected Offices**

- (b) Whenever a vacancy shall occur in the office of planning board or school committee in the first twenty-one months of the term, the remaining members of the planning board or school committee shall notify the Town Council of the vacancy, and the Town Council shall then call for a joint meeting between the Council and School Committee or Planning Board, where the Council and the remaining members of the Planning Board or School Committee, respectively, shall by majority vote fill the vacancy until the next regularly scheduled municipal biennial election when the vacancy shall be filled by the voters for the remainder of the unexpired term.
- (c) Should a vacancy occur after the twenty-fourth month of the board or committee member's term, the Town Council shall call for a joint meeting between the Council and School Committee or Planning Board, where the Council and the remaining members of the School Committee or Planning Board, respectively, shall by majority vote fill the vacancy for the remainder of the unexpired term until the next regularly scheduled municipal biennial election. Individuals serving on the School Committee or Planning Board as a result of election by the Town Council and School Committee or Planning Board shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.
- (d) Whenever a vacancy shall occur in the office of the town clerk in the first twenty-one months of the term, the Town Council shall fill the office by appointment until the next regularly scheduled biennial election when the voters shall fill the office for the remainder of the unexpired term. Should a vacancy occur after the twenty-fourth month of the town clerk's term, the Town Council shall fill the office by appointment. The individual serving as Town Clerk as a result of appointment shall not be entitled to have the words "candidate for re-election" printed against his or her name on the election ballot.

## **ARTICLE 3 EXECUTIVE BRANCH**

### **SECTION 3-1: TOWN MANAGER: QUALIFICATIONS; COMPENSATION**

- (a) Town Manager Qualifications - The chief executive officer of the town shall be a Town Manager and shall be appointed by the Town Council. The Town Manager will have a minimum of a bachelor's degree in public administration or a related field and a minimum of five years relevant experience as set forth in performing the duties as set forth in section 3-3.
- (b) The Town Manager shall not engage in any other business or occupation during his or her term except for part-time consultative or teaching duties, directly relating to the profession of municipal management and with the specific consent of the Council.
- (c) Compensation - The Town Council shall, by ordinance, establish an annual salary for the Town Manager.
- (d) Expenses - Subject to appropriation, the Town Manager shall be entitled to reimbursement of the actual and necessary expenses incurred in the performance of the duties of the office.

- (e) Prohibitions - The Town Manager shall hold no other town office or town employment for which a salary or other emolument is payable from the town treasury.

### **SECTION 3-2: EXECUTIVE POWERS; ORGANIZATION**

The executive powers of the town shall be vested solely in the Town Manager and may be exercised by the Town Manager either personally or through the several town agencies under the general supervision and control of the office of the Town Manager.

### **SECTION 3-3: POWERS AND DUTIES OF THE MANAGER**

The Town Manager shall be the chief administrative officer of the town and shall be responsible to the Town Council for the proper operation of town affairs for which the Town Manager is given responsibility under this Charter. The powers, duties, and responsibilities of the Town Manager shall include, but are not intended to be limited to, the following:

- (a) To supervise, direct, and be responsible for the efficient administration of all officers appointed by the Town Manager and their respective departments and of all functions for which the Town Manager is given responsibility, authority or control by this Charter, by ordinance, or by vote of the Town Council.
- (b) To administer either directly or, through a person or persons supervised by the Town Manager, in accordance with this Charter, all provisions of general or special laws applicable to the town, all ordinances, and all regulations established by the Town Council.
- (c) To coordinate all activities of town departments or agencies, with exceptions noted in section 6-4(a).
- (d) To attend all regular and special meetings of the Town Council, unless excused, and to answer all questions addressed to the Town Manager, which are related to matters under the general supervision of the Town Manager.
- (e) To keep the Town Council fully informed as to the needs of the town, and to recommend to the council for adoption such measures requiring action by them as the Town Manager deems necessary or expedient.
- (f) To ensure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the Town Council as may be required.
- (g) To be responsible for the rental, use, maintenance, and repair of all Town facilities, except those under the jurisdiction of the school committee and the Palmer Public Library.
- (h) To be responsible for the purchase of all supplies, materials, and equipment, except books and other educational materials for schools and libraries and approve the award of all contracts, except contracts for educational materials or library materials.
- (i) To develop and maintain a full and complete inventory of all town-owned real and personal property.
- (j) To administer personnel policies, practices, or rules and regulations, any compensation plans and any related matters for all town employees and to administer all collective bargaining agreements, except for school department and Palmer Public Library agreements, entered into by the town.
- (k) To fix the compensation of all town employees and officers appointed by the Town Manager within the limits established by appropriation and any applicable compensation plan.
- (l) To be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment, except employees of the school department and the Palmer

Public Library. The Town Manager may employ special counsel to assist in the performance of these duties. Contracts shall be subject to the approval of the Town Council.

- (m) To prepare and submit an annual operating budget, capital improvement program, and a long-term financial forecast as provided in Article 7 of this Charter.
- (n) To keep the Town Council fully informed as to the financial condition of the town and to make recommendations to the Town Council as the Town Manager determines necessary or expedient.
- (o) To investigate or inquire into the affairs of any town department, agency, or office under the authority of the Town Manager.
- (p) To delegate, authorize, or direct any subordinate or employee of the town to exercise any power, duty, or responsibility which the Office of Town Manager is authorized to exercise, provided, that all acts that are performed under such delegation shall be considered to be the acts of the Town Manager.
- (q) To perform such other duties as necessary or as may be assigned by this Charter, by ordinance, or by vote of the Town Council.

#### **SECTION 3-4: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES**

The Town Manager shall cause the Charter, the laws, the ordinances and other orders for the government of the Town to be enforced, and shall cause a record of all official acts of the executive branch of the town government to be kept.

#### **SECTION 3-5: APPOINTMENTS BY THE TOWN MANAGER**

- (a) The Town Manager shall appoint, subject to review by the Town Council as provided in Section 2-10 (a), all department heads, members of multiple-member bodies and town agents, but not including any position for which selection is provided by general election under Article 4. Appointments made by the Town Manager shall be for indefinite terms. All appointments made by the Town Manager shall be made on the basis of merit and fitness demonstrated by past performance, or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training, and previous work experience to perform the duties of the office or position for which chosen.
- (b) The Town Manager may remove or suspend for cause, subject to review by the Town Council as provided in Section 2-10 (b), any person appointed under this Section. The decision of the Town Manager shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the Town Manager.

#### **SECTION 3-6: REMOVAL OR SUSPENSION BY THE TOWN MANAGER**

- (a) The Town Manager shall appoint, upon recommendation of the appropriate department head, all assistants, subordinates, and employees of the department for which such person is responsible. All appointments and promotions under this Section shall be made on the basis of merit and fitness, past performance, or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training, and previous work experience to perform the duties of the office or position for which chosen.
- (b) The Town Manager, after consultation with the appropriate department head, as applicable, may remove or suspend with cause any appointment made under this Section. The decision of the Town Manager shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the Town Manager.

### **SECTION 3-7: COMMUNICATIONS; SPECIAL MEETINGS**

- (a) Communications to the Town Council - The Town Manager shall submit to the Town Council and make available for public distribution the annual report as referenced in Section 9-8. The Town Manager shall, from time to time throughout the year, by written communications, recommend to the Town Council for its consideration such measures as, in the judgment of the Town Manager, the needs of the Town require. The Town Manager shall, from time to time throughout the year by written communications, keep the Town Council fully informed of the financial and administrative condition of the Town and shall specifically indicate in any such reports any fiscal, financial, or administrative problems of the town.
- (b) Special Meetings of the Town Council - The Town Manager may at any time call a special meeting of the Town Council, for any purpose, by causing a notice of such meeting to be delivered in hand or to the place of business or residence of each member of the Town Council. Such notice shall, except in an emergency of which the Town Manager shall be the sole judge, be delivered at least forty-eight weekday hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held. A copy of each such notice shall, forthwith, be posted on the town bulletin board.

### **SECTION 3-8: TEMPORARY ABSENCE OF THE TOWN MANAGER**

- (a) Acting Town Manager - Whenever, by reason of sickness, absence from the town or other cause, the Town Manager shall be unable to perform the duties of the office for a period of more than ten successive working days, the Town Council shall appoint an acting Town Manager.
- (b) During the temporary absence of the Town Manager for periods of ten days or less, the Town Manager shall, by a letter filed with the Town Council and a copy filed with the Town Clerk, designate a qualified Town officer or Town employee to serve as acting Town Manager and to serve only when the needs of the Town require and only to the extent necessary under the circumstances.
- (c) Powers of Acting Town Manager - The acting Town Manager shall have only those powers of the Town Manager as are essential to the conduct of the business of the Town in an orderly and efficient manner and on which action may not be delayed. The acting Town Manager shall have no authority to make any permanent appointment or removal from town service unless the disability of the Town Manager shall extend beyond sixty days. During any period in which any member of the Town Council is serving as acting Town Manager, such councilor shall not vote as a member of the Town Council.

### **SECTION 3-9: DELEGATION OF AUTHORITY BY TOWN MANAGER**

The Town Manager may authorize any subordinate officer or employee of the Town to exercise any power or perform any function or any duty that is assigned by this Charter. The Town Manager may rescind or revoke any such authorizations previously made, provided, however, that all acts performed under any such delegation of authority during such period of authorization shall be and remain the acts of the Town Manager. Nothing in this section shall be construed to authorize a Town Manager to delegate the power of appointment.

## **ARTICLE 4 ELECTED TOWN BOARDS AND OFFICERS**

### **SECTION 4-1: GENERAL PROVISIONS**

Members of town boards and officers to be elected by the qualified voters of the town shall be, in addition to the Town Council, five members of the School Committee, five members of the Planning

Board and a Town Clerk. The terms of office shall be four years beginning on the first day of the year following their election and continuing until their successors are qualified. Terms of office shall be arranged so that as nearly an equal number of terms shall expire at each regular municipal election.

#### **SECTION 4-2: SCHOOL COMMITTEE**

The School Committee shall have all powers which are conferred on school committees by general laws and such additional powers and duties as may be provided by the Charter, by ordinance, or otherwise and not inconsistent with said grant of powers conferred by general laws. No member of the school committee shall hold compensated school employment.

#### **SECTION 4-3: PLANNING BOARD**

The Planning Board shall have all powers which are conferred on planning board by general laws and such additional powers and duties as may be provided by the Charter, by ordinance, or otherwise and not inconsistent with said grant of powers conferred by general laws.

#### **SECTION 4-4: TOWN CLERK**

The Town Clerk shall have all powers which are conferred on the town clerk by general laws and such additional powers and duties as may be provided by the Charter, by ordinance, or otherwise and not inconsistent with said grant of powers conferred by general laws.

### **ARTICLE 5 PALMER PUBLIC LIBRARY**

The Town shall support the library service provided by the Palmer Public Library pursuant to the request of the Trustees of the Palmer Public Library and as appropriated by the Town Council. The Trustees of the Library shall include one member appointed for a two-year term by the Town Council. The Board of Trustees of the Palmer Public Library shall have all powers that are conferred on Library trustees by the General Laws of Massachusetts (including the hiring and supervision of the library director, who shall report to the Board and shall hire and supervise all other library staff), and such additional powers and duties as may be provided by the Charter, by ordinance, or by the Constitution of the Palmer Public Library Association and not inconsistent with said grant of powers conferred by General Laws.

### **ARTICLE 6 ADMINISTRATIVE ORGANIZATION**

#### **SECTION 6-1: Department of Public Works**

There shall be established a Department of Public Works under the direction of the Town Manager. The Town Manager shall appoint a Director of Public Works who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The director is required to hold a Bachelors degree in Civil Engineering, master's degree preferred. The director shall be responsible for the supervision and coordination of all public works operations of the Town that are placed under control of the director by this Charter. The department shall assume all of the powers and duties now vested in or exercise by any of the following departments and offices, which are hereby renamed divisions and included within the department public works: highway, engineering, recreation (maintenance of fields and parks), public buildings, parks, cemetery, wastewater treatment and tree warden.

#### **SECTION 6-2: Department of Municipal Finance**

There shall be established a Department of Municipal Finance under the direction of the Town Manager. The Town Manager shall appoint a Director of Municipal Finance who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The director is required to be a Certified Public Accountant (CPA) or hold a Masters in Public Finance or a related field. The director shall be responsible for the supervision and coordination of all municipal finance operations of the Town that are placed under control of the director by this Charter. The department shall assume all of the powers and duties now vested in or exercised by any of the following departments and offices, which are hereby renamed divisions and included within the department municipal finance: Town Accountant, Collector/Treasurer, and Assessors. The Director may hold one of these positions.

### **SECTION 6-3: Department of Public Safety**

There shall be established a Department of Public Safety under the direction of the Town Manager. The Town Manager shall appoint the Chief of Police as the Director of Public Safety. The director shall be responsible for the supervision and coordination of all public safety operations of the Town that are placed under control of the director by this Charter. The department shall assume all of the powers and duties now vested in or exercised by any of the following departments and offices, which are hereby renamed divisions and included within the department of public safety: Police Department, Civil Defense Authority/Emergency Management, Dog Officer, Constables, and other departments as may be subsequently determined by ordinance.

### **SECTION 6-4: Department of Public Service**

- (a) There shall be a Department of Public Service under the direction of the Town Manager. The Town Manager shall be responsible for the supervision and coordination of public service operations of the Town. The Department of Public Service will be responsible for all departments of the Town with the following exceptions: Departments included in Sections 6-1, 6-2, 6-3, the School Department, and the Palmer Public Library; and officers elected by the voters or appointed by the Town Council.
- (b) There shall be established a recreation division under the direction of the Town Manager. The Town Manager shall appoint a director of recreation who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The Town Manager may also appoint a citizen advisory board to aid the recreation director in planning.

### **SECTION 6-5: REORGANIZATION PLANS OF THE TOWN MANAGER**

The Town Manager, subject to the approval of the Town Council, may reorganize, create, consolidate or abolish committees, commissions, offices, departments, and agencies under the supervision of the Town Manager.

## **ARTICLE 7 FINANCE AND FISCAL PROCEDURES**

### **SECTION 7-1: BUDGET**

The Town Manager shall set policy and procedures for the preparation of the town's budget. The Town Manager will determine the schedule for budget preparation within the parameters set by the Massachusetts General Laws. All departments of the town shall follow the schedule and budget preparation procedures set by the Town Manager.

The town Manager shall prepare and submit the budget to the town Council. The Town Council shall have one or more public hearings on the proposed budget. Copies shall be made available for public

review prior to the public hearing. The Town Council shall adopt the budget with or without amendments before the close of the fiscal year.

## **SECTION 7-2: CAPITAL IMPROVEMENTS PLAN**

The Town Manager shall, in conjunction with any committee established for such purpose, submit a capital improvement program to the Town Council at least one hundred twenty days before the start of each fiscal year. It shall include:

- (a) A clear and concise general summary of its contents;
- (b) A list of all capital improvements proposed to be undertaken during the next ensuing five years, with supporting information as to the need for each capital improvement;
- (c) Cost estimates, methods of financing, and recommended time schedules for each improvement;
- (d) The estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the Town Manager with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

## **SECTION 7-3: ANNUAL AUDIT**

The Town Council shall provide for an annual audit of the books and accounts of the Town to be made by a certified public accountant, or firm of accountants, who have no personal interest, direct or indirect, in fiscal affairs of the town government or any of its offices.

## **ARTICLE 8 ELECTIONS AND ELECTION-RELATED MATTERS**

### **SECTION 8-1: TOWN ELECTIONS: GENERAL**

The general town election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.

### **SECTION 8-2: NON-PARTISAN ELECTIONS**

All elections for Town offices shall be non-partisan and election ballots shall be printed without any party mark, emblem, or other designation whatsoever.

### **SECTION 8-3: BALLOT POSITION, REGULAR TOWN ELECTION**

The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the town clerk which drawing shall be open to the public.

### **SECTION 8-4: CITIZEN INITIATIVE PROCEDURES**

The registered voters of the Town may at any time initiate a petition over their personal signatures for the enactment of any lawful ordinance, within the authority of the Town Council, excepting those measures provided in Section 8-7. Said petition shall be issued by the Town Clerk to include the complete text of the proposed ordinance, shall be signed by not less than five percent (5%) of the registered voters of the Town. Within ten (10) days of filing, the Town Clerk shall certify to the Town Council as to whether the petition has been signed by not less than five percent (5%) of the registered voters of the Town. Any such proposed ordinance shall be examined by the Town Attorney and shall correct the form of such proposed ordinance for the purpose of avoiding repetitions,

illegalities and unconstitutional provisions, and to assure accuracy, clearness and precision of wording, but the Town Attorney shall not materially change its meaning and effect. Within thirty (30) days from the date of the filing of said initiative petition with the Town Clerk, the Town Council shall submit the question to Council vote. If such measure is not enacted, Town Council shall provide for the submission of the initiative question for a determination to the voters in ballot form at an election to be held within 60 days or at the next general election, whichever comes first. Said ordinance shall take effect immediately, provided a majority of those voting thereon shall have voted in the affirmative. The form of ballot for a proposed ordinance, resolution or vote shall be substantially as follows: "Shall the proposed ordinance (resolution or vote), a copy of which is printed herein or attached hereto, be adopted?" The voters shall indicate "yes" or "no" on their ballots.

#### **SECTION 8-5: CITIZEN REFERENDUM PROCEDURES**

The registered voters of the Town may, within 90 days of enactment, petition over their personal signatures protesting against Town Council any adoption of an ordinance, resolution, or vote within the authority of the Town Council, excepting those measures provided in Section 8-7. Said referendum petition shall be issued by the Town Clerk to include the complete text of the ordinance and shall be signed by not less than five percent (5%) of the registered voters of the Town. Within ten (10) days of filing, the Town Clerk shall certify to the Town Council as to whether the petition has been signed by not less than five percent (5%) of the registered voters and upon certification the measure or any part thereof and its effective date shall be immediately suspended. The Town Council shall forthwith reconsider its vote on such measure or part thereof, and, if such measure is not rescinded, the Town Council shall provide for the submission of the referendum question for a determination by the voters in ballot form at an election to be held within 60 days or at the next general election, whichever comes first, but pending such submission and determination the effect of such measure shall continue to be suspended. If majority of the votes cast on the question is in the affirmative, the measure shall be rescinded. The form of ballot for the suspension of a Town Council ordinance, resolution or vote shall be substantially as follows: "Shall the ordinance (resolution or vote) voted by Town Council on (date), a copy of which is printed herein or attached hereto, remain in force?" The voters shall indicate "yes" or "no" on their ballots.

#### **SECTION 8-6: OPEN MEETINGS OF THE VOTERS**

Upon petition of a minimum of 100 voters stating one or more specific issues or concerns or upon the call of the Town Council, the Town Council shall hold open meetings of the voters of the town setting forth the purpose or purposes thereof. The President of the Town Council or other designee of the Town Council shall preside and regulate the proceedings of such meetings. The presiding officer shall allow the opportunity to speak to those in attendance wishing to address the council. The President of the Council shall cause the attendance of town officials and employees necessary to respond to the issues and concerns raised by petitioners.

#### **SECTION 8-7: INELIGIBLE MEASURES**

None of the following shall be subject to the initiative or the referendum procedures:

- (a) Proceedings relating to the internal organization or operation of the Town Council.
- (b) An emergency measure adopted in conformity with the Charter.
- (c) The Town annual operational budgets.
- (d) Appropriations of funds of less than one percent of the prior year's budget.
- (e) Any appropriation for the payment of the town's debt or debt service.

- (f) An appropriation of funds to implement a collective bargaining agreement.
- (g) Proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action.
- (h) Proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures.
- (i) Memorial resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.
- (j) Any proceedings providing for the voluntary submission of other matters to the voters at an election, as provided for in Section 8-9.
- (k) Any refinancing of an existing loan authorization for the purpose of achieving a lower rate of repayment. (Amended Nov 2005 Election)

### **SECTION 8-8: CONFLICTING PROVISIONS**

If two or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.

### **SECTION 8-9: VOLUNTARY SUBMISSION OF OTHER MATTERS TO VOTERS**

- (a) The Town Council may of its own motion submit to the voters at any regular town election for adoption or rejection any measure in the same manner and with the same force and effect as are hereby provided for submission by petitions of voters.
- (b) The Town Council may of its own motion submit to the voters at any regular town election non-binding ballot questions, propositions or opinion polls.

### **SECTION 8-10: LIMITS TO RE-ENACT OR ABOLISH**

The Council shall not re-enact ordinances, orders, or resolutions rejected by voters at referendum elections for a period of at least one (1) year. The Council shall not modify or abolish ordinances adopted by voters at initiative elections for a period of at least one (1) year.

### **SECTION 8-11: RECALL ELECTIONS**

- (a) Any elected municipal official, elected by voters at large, may be recalled and removed from office by the registered voters of the Town of Palmer, as hereinafter provided. Ten (10) or more registered voters may begin the proceedings by filing an affidavit containing the name of the officer sought to be recalled. The signatures on such affidavit shall contain the names of at least two in each of the districts into which the town is divided for the purpose of elections.
- (b) Any elected municipal official, elected by district, may be recalled and removed from office by the registered voters of the Town of Palmer in that district, as hereinafter provided. Ten (10) or more registered voters may begin the proceedings by filing an affidavit containing the name of the officer sought to be recalled. The signatures of such affidavit shall contain the names only of voters in the district from which the officer was elected.
- (c) If an affidavit is found to be valid the town clerk shall thereupon deliver to the first ten persons named on said affidavit, petition blanks demanding said recall, printed forms of which shall be kept available. The blanks may be completed by printing or typewriting, they shall be addressed to the Town Council; they shall contain the names and residence addresses of the ten persons to whom they are issued and they shall be dated and signed by the town clerk. All copies of the petition shall be uniform in size and style and shall contain a statement of the reason or reasons for

recall. Each petition shall be limited to the recall of a single individual. If the Town Clerk is the subject of the recall petition then all duties of the Town Clerk relevant to Section 8-11 shall be performed by the registrars.

- (d) Petitioners shall have thirty (30) days from the date of issuance of appropriate petition blanks to cause the petition to be signed by 10 percent (10 %) of the registered voters of the Town, or of the district, if a district officer is the subject of recall.
- (e) Within ten (10) days after the circulation period ends the Town Clerk shall certify to the Town Council as to whether the petition has been signed by not less than 10 percent (10%) of the registered voters of the Town. Should less than ten percent (10%) of the registered voters of the Town sign the petition, the petition shall have no further force or effect, and no new petition action for recall of the same person can be initiated until one hundred eighty (180) days from the end of the previous filing period.
- (f) Otherwise, upon receipt of certification, the Town Council shall within ninety (90) days submit to the voters the question of recall, provided however, if a regularly scheduled municipal election is to occur within 110 days, such recall can be delayed until such municipal election. Should the officer subject to recall be elected from a district, an election will be held only in that district.
- (g) The form of the question to be submitted shall, as nearly as possible be: "Shall (name of official and official's title) be recalled?"
- (h) The voters shall indicate "yes" or "no" on their ballots. The elected official shall be recalled when a majority of those voting thereon have voted in the affirmative. Any elected official against who recall proceedings have been initiated may continue to hold office until recalled and shall have the privilege of seeking election to the same or any other office at any election after the date of recall.
- (i) Vacancies in elective office as a result of a recall election shall be filled in the manner as provided in Section 2 - 11.

## **ARTICLE 9      GENERAL PROVISIONS**

### **SECTION 9-1: CHARTER CHANGES**

This Charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution, or by statutes enacted in accordance with the state constitution.

### **SECTION 9-2: SEVERABILITY**

The provisions of this Charter are severable. If any provision of this Charter is held invalid the other provisions shall not be affected thereby. If the application of this Charter, or any of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons and circumstances shall not be affected thereby.

### **SECTION 9-3: SPECIFIC PROVISION TO PREVAIL**

To the extent that any specific provision of this Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

### **SECTION 9-4: RULES AND REGULATIONS**

A copy of all rules and regulations adopted by any town agency shall be placed on file in the Office of the Town Clerk and shall be available for review by any person who requests such information at any

reasonable time. No rule or regulation adopted by any town agency shall become effective until five days following the date it is so filed.

#### **SECTION 9-5: PERIODIC REVIEW OF CHARTER AND ORDINANCES**

- (a) Ordinances: Not later than the first day of July, at five year intervals, in each year ending in a five or in a zero, the Town Manager and Town Council shall provide for a review to be made of the ordinances of the town for the purpose of preparing a proposed revision or recodification of the same, without substantive change. Such review shall be made by a special committee to consist of nine members appointed by the Town Council. Two of the persons appointed by the Town Council shall be members of the Town Council and the remaining members shall be voters of the town. The special committee shall file its report with the Clerk of the Council, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the council agenda for action before the fifteenth day of June in said year and if not so scheduled by the Clerk of the Council the matter shall come before the council for action at its next meeting held following the said fifteenth day of June and no other business shall be in order until such report has been acted upon, by roll call vote. The review of town ordinances shall be under the supervision of the town Attorney. A revision, recodification or republication of the ordinances shall be made at five-year intervals. Copies of the revision, recodification, or republication shall be made available to the public at a cost not to exceed the actual cost of such reproduction. In each year between such reenactments, an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.
- (b) Not later than the first day of July, at ten-year intervals, in each year ending in a nine, the Town Manager and Town Council shall provide for a review to be made of the Town Charter. Such review shall be made by a special committee to consist of nine members appointed by the Town Council. Two of the persons appointed by the Town Council shall be members of the Town Council and the remaining members shall be voters of the town. The special committee shall file its report with the Clerk of the Council, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the council agenda for action before the fifteenth day of June in said year and if not so scheduled by the Clerk of the Council the matter shall come before the council for action at its next meeting held following the said fifteenth day of June and no other business shall be in order until such report has been acted upon, by roll call vote.

#### **SECTION 9-6: LIMITATION ON OFFICE HOLDING**

No person shall simultaneously hold more than one full time compensated position. Any hours worked in any part time position shall not be the same or otherwise conflict with the hours worked in a full time position.

#### **SECTION 9-7: ENFORCEMENT OF CHARTER PROVISIONS**

It shall be the duty of the Town Manager to see that the provisions of the Charter are faithfully followed and complied with by all town agencies and town employees. Whenever it appears to the Town Manager that any town agency or town employee is failing to follow any provision of this Charter the Town Manager shall, in writing, cause notice to be given to such agency or employee directing compliance with the Charter. If it shall appear to the Town Council that the Town Manager personally is not following the provisions of the Charter it shall, by resolution, direct the attention of the Town Manager to those areas in which they believe there is a failure to comply with Charter provisions. The procedures made available in chapter two hundred and thirty-one A of the General

Laws may be used to determine the rights, duties, status, or other legal relations arising under this Charter, including any question of construction or validity which may be involved in such determination.

### **SECTION 9-8: ANNUAL REPORT OF THE TOWN**

An Annual Report, which contains a general summary of the activities of all town agencies, shall be published within ninety days following the close of each fiscal year. The Annual Report shall contain reports by the Town Manager, the Town Council, the school committee and such other town agencies as may be required by ordinance to provide such reports. The Annual Report will be made available at the Town Clerk's Office, at the Palmer Public Library, and at the polls during the November election.

### **SECTION 9-9: NOTICE OF VACANCIES**

Whenever a vacancy occurs, or is about to occur, in any town office or town employment, except for positions covered by the civil service law or collective bargaining agreements, the appointing authority shall immediately cause public notice of such vacancy, or impending vacancy, to be posted on the town bulletin board for a period of not less than fourteen days. Any person who desires to be considered for appointment to said office or employment may file with the appointing authority a statement in clear and specific terms setting forth such person's qualifications for the position. No permanent appointment to fill a vacancy in an office or employment shall be effective until at least fourteen days have elapsed following such posting, and until all persons who have filed statements in application have been considered.

## **ARTICLE 10 TRANSITIONAL PROVISIONS**

### **SECTION 10-1: CONTINUATION OF EXISTING LAWS**

All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the Town which are in force when the Charter takes effect and which are not specifically or by implication hereby repealed directly or indirectly, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

### **SECTION 10-2: CONTINUATION OF GOVERNMENT**

All functions, duties, and requirements of all town officers, boards, agencies, or commissioners shall continue until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another town agency in accordance with the provisions of this Charter.

### **SECTION 10-3: EXISTING OFFICIALS AND EMPLOYEES**

Upon the time of taking effect of this Charter, all existing town officers, appointees and employees shall continue to perform their duties in the same number and to the same extent as they have performed the same prior to ratification by the voters of this Charter, but, being mindful that, upon the time of taking as defined in section 10-6:

- (a) The office of the Board of Selectmen and the Moderator shall be abolished and that the executive authority will thereafter be vested in a Town Manager and the legislative authority shall be vested in a Town Council.
- (b) The terms of office of existing elected members of the Board of Health, License Commission, Cemetery Commission, Board of Assessors, Park Commission, and elected members of the

Housing Authority and Redevelopment Authority shall all be terminated and members shall be duly appointed according to the terms of this Charter.

- (c) The incumbent in the Offices of Town Treasurer and Collector shall serve until the expiration of the terms for which elected and at the expiration of said terms the office of treasurer/collector shall be filled as provided in this Charter.
- (d) During the transition period, all existing appointees shall be duly appointed and all existing employees shall be retained in an employed capacity. No person in the permanent full-time service or employment of the town shall forfeit pay grade or time in service.

#### **SECTION 10-4: CONTINUATION OF OBLIGATION**

All official bonds, obligations, contracts and other instruments entered into or executed by or to the Town before the adoption of this Charter; and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the town, shall be enforced and collected; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this Charter. No legal action done by or in favor of the Town shall be rendered invalid by the adoption of this Charter.

#### **SECTION 10-5: TRANSFER OF RECORDS AND PROPERTY**

All records, property, and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or part to another office or agency shall be transferred forthwith to the office, department or agency to which such powers and duties are assigned.

#### **SECTION 10-6: TIME OF TAKING EFFECT**

The first business day of January of the year following the year in which the Charter has been adopted shall be the time of taking effect.

The election to elect the first town officers under this Charter shall be held on the first Tuesday after the first Monday in November of the year in which this Charter is adopted.

At such election a nine-member Town Council shall, as provided in this Charter be elected, except that the Councilors-at-large shall serve terms of two years and District Councilors shall serve terms of four years. The terms of all councilors shall thereafter be four years, thus allowing for staggered terms.

Terms of office for those in elective office at the time of Charter adoption shall be adjusted according to year of election, as follows:

##### **(a) School Committee**

<b>Year Elected</b>	<b>Term Expires Year End</b>
2001	2003
2002	2005
2003	2007

##### **(b) Planning Board**

<b>Year Elected</b>	<b>Term Expires Year End</b>
1999	2003
2000	2005
2001	2005
2002	2007

2003	2007
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**Town Clerk**

<b>Year Elected</b>	<b>Term Expires Year End</b>
2003	2007

Appointments of the Town Council shall include those as listed in Section 2-8 of this Charter.

**SECTION 10-7: INTERIM TOWN MANAGER**

On the first business day of January of the year following the year in which the Charter has been adopted, the incumbent town administrator, if any, shall serve as interim town manager prior to the appointment of the first town manager under this charter by the town council, to the extent that implementation of the charter so requires. The incumbent town administrator may be a candidate for the town manager position created in this charter. Upon the appointment of the town manager, the position of town administrator shall be abolished.

**SECTION 10-8: TOWN MANAGER SCREENING COMMITTEE**

Upon adoption of this Charter, the Board of Selectmen shall appoint a seven (7) member screening committee to solicit candidates for the new position of Town Manager. The committee's charge shall be to identify at least three (3) suitable candidates, as defined by Section 3-1, to be submitted to the new Town Council elected at the initial November election. It will be the Town Council's responsibility to choose the new Town Manager from the candidates provided by the screening committee.

**SECTION 10-9: STUDY COMMISION**

The Town Council shall initiate a study of all the water and fire districts within the Town of Palmer. The purpose of said study is to evaluate the economic feasibility and viability of consolidating such districts; said study shall be completed within two years of the creation of the Town Council.

**SECTION 10-10: BY-LAW STUDY REVIEW**

Not later than thirty days following the election at which this Charter is adopted, the Board of Selectmen shall appoint seven persons to be a committee to begin a review of the town by-laws for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this Charter and to fully implement the provisions of this Charter. At least two of the persons appointed to the committee shall have been members of the Palmer Charter Commission. The committee shall submit a report with recommendations to the Council forthwith following the election held in the year in which this Charter is adopted. The review shall be conducted under the supervision of the Town Counsel, or, by special counsel appointed for that express purpose. Upon taking office, the council shall assure that the town's by-laws are revised so as to support the Charter's intent and facilitate its implementation. Thereafter the town by-laws shall be known as town ordinances.

**SECTION 10-11: DEFINITIONS**

Unless another meaning is clearly apparent from the manner in which the word or phrase is used, the following words and phrases as used in this Charter shall have the following meanings:

(a) Charter - The word "Charter" shall mean this Charter and any amendment to it hereafter adopted.

- (b) Emergency - The word “emergency” shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.
- (c) Full Council, Full Multiple Member Body - The words “full council” or “full multiple member body” shall mean the entire authorized complement of the Town Council, school committee or other multiple member body notwithstanding any vacancy which might exist.
- (d) general laws - The words “general laws” (all lower case letters) shall mean laws enacted by the state legislature which apply alike to all cities and towns, to all cities, or to a class of two or more cities and or cities and towns of which Palmer is a member.
- (e) General Laws - The words “General Laws” (initial letter of each word in upper case letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.
- (f) Initiative Measure - The words “initiative measure” shall mean a measure proposed by the voters through the initiative process provided under this Charter.
- (g) Local Newspaper - The words “local newspaper” shall mean a newspaper of general circulation within Palmer, with either a weekly or daily circulation.
- (h) Majority Vote - The words “majority vote” when used in connection with a meeting of a multiple member body shall mean a majority of those present and voting, unless another provision is made by ordinance, by law, or by its own rules.
- (i) Measure - The word “measure” shall mean any ordinance, order, resolution, or other vote or proceeding adopted, or which the Town Council or the school committee might adopt.
- (j) Multiple Member Body - The words “multiple member body” shall mean any board, commission, committee, sub-committee or other body consisting of two or more persons whether elected, appointed or otherwise constituted, but not including the Town Council or the school committee.
- (k) Organization or Reorganization Plan - The words “organization or reorganization plan” shall mean a plan submitted by the Town Manager to the Town Council which proposes a change in the organization of the administrative structure of the town government, or to change the way in which a municipal service, or services are delivered. Such plan may be complex and consist of many parts, or, it may simple and brief.
- (l) Quorum - The word “quorum” shall mean a majority of all members of a multiple member body unless some other number is required by law or by ordinance.
- (m) Referendum Measure - The words “referendum measure” shall mean a measure adopted by the Town Council or the school committee that is protested under the referendum procedures of this Charter.
- (n) Town - The word “town” shall mean the Town of Palmer.
- (o) Town Agency - The words “town agency” shall mean any multiple member body, any department, division, or office of the Town of Palmer.
- (p) Town Bulletin Boards - The words “town bulletin boards” shall mean the bulletin board in the town hall on which the town clerk posts official notices of meetings and upon which other official town notices are posted, and the bulletin boards at any other locations as may be designated town bulletin boards by the Town Council.

- (q) Town officer - The words “Town officer” when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of the powers or duties of such position exercises some portion of the sovereign power of the town.
- (r) Voters - The word “voters” shall mean registered voters of the Town of Palmer.
- (s) Promotion – The word “promotion” shall mean appointment for the purposes of this Charter.

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**CHAPTER 1****GENERAL ADMINISTRATION**

**HISTORY: Adopted by the Town Council at a RTCM 07/11/2007. Amendments noted where applicable**

§1-1. Purpose.

The purpose of the Code of Ordinances is to provide a standard by which the Town Council and the elected and appointed officials of the Town of Palmer can use to fairly and honestly conduct the business of the Town and to have a standard by which to apply enforcement in a uniform and unbiased manner.

§1-2. Enforcement and Penalties.

A. To provide a fair and enforceable way to deal with violations of this Code of Ordinances, the Town of Palmer has provided for two methods of imposing a penalty.

(1). Criminal Complaint – Whoever violates any of the provisions of this Code of Ordinances may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law or by the specific section of the Code of Ordinances and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or

(2). Non-Criminal Disposition – Whoever violates any provision of this Code of Ordinances may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine of a specific amount for the 1<sup>st</sup> offense, the 2<sup>nd</sup> offense, and for the 3<sup>rd</sup> and subsequent offenses as noted within each ordinance. Each day a violation continues shall constitute a separate offense.

- (a) The violator has twenty (20) calendar days to pay the non-criminal penalty and to correct the cause of the violation within the timelines as specified in the ordinance that is the subject of the violation
- (b) If the penalty remains unpaid after twenty (20) calendar days, the fine will be doubled (x2) and the violator will be given an additional twenty (20) days to pay the fine.
- (c) If the penalty remains unpaid after the second twenty (20) day grace period, the fine will again be doubled (x2) and turned over to the Town Treasurer for collection. Penalties turned over to the Town Treasure will be treated identical to property taxes delinquency and where applicable, a lien will be placed against real properties, where applicable.
- (d) If the issue that caused the non-criminal violation still exists after seventy-two hours beyond the timeline found in the applicable ordinance, the violator will be assessed, in addition to any penalties, all costs the Town incurs to correct the violation.
- (e) Anyone with an outstanding non-criminal disposition will be denied any license, permit, approval, re-approval or transfer until the outstanding disposition has been paid in full.

**CHAPTER 5****BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES**

**HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.**

**ARTICLE I, Industrial Development Financing Authority (AKA – Palmer Redevelopment Authority) (Adopted 5-5-1969 STM, Art. 7)**

§5-1. Declaration of purpose.

The governing body hereby declares that an Industrial Development Financing Authority is needed in the Town of Palmer and that unemployment or the threat thereof exists in the Town of Palmer or security against future unemployment and lack of business opportunity is required in the town, and that unemployment or the threat thereof can be alleviated or the security against future unemployment and lack of business opportunity can be provided by attracting new industry to the town or substantially expanding industry existing in the town through an industrial development project or projects financed under Chapter 772 of the Acts of 1967.

§5-2. Determination of need.

The Town Council hereby determines that there is need for such an Industrial Development Financing Authority, and in making this determination, the Town Council has taken into consideration the town's ability to adjust to any expected increase in the demand for municipal facilities and services as a result of the expected increase in employment and business activity from such industrial development. (Amended Ord. 2007-12, RTCM 07/11/2007)

**ARTICLE II, Finance Committee (Adopted 10-26-1981 STM, Art. 5, Deleted RTCM 07/11/2007)**

**ARTICLE III, Housing Partnership Committee (AKA – Palmer Housing Authority) (Adopted 5-14-2001 ATM, Art. 28)**

§5-13. Establishment.

The Housing Partnership Committee (Committee) shall be a committee of the Town of Palmer.

§5-14. Function.

It shall be the function of the Committee to study the need for affordable and other housing in Palmer and to recommend procedures for the implementation of Palmer's housing policy. The general housing objectives of the Committee shall be developed in consultation with the Town Council, Town Manager, Zoning Board of Appeals, Planning Board, Conservation Commission, Council on Aging and other applicable town boards, committees and departments. (Amended Ord. 2007-12, RTCM 07/11/2007)

§5-15. Membership.

The Committee shall consist of 13 Palmer residents, seven of whom shall be appointed by the Town Manager as follows: one real estate broker, one developer, one Attorney and four at-large residents of Palmer, preferably from different sections of town. The remaining six members shall be appointed by the following: two by the Town Manager, two by the Planning Board and two by the School Committee. The appointments shall be for three years, terms staggered in such a manner as the Town Manager shall determine. (Amended Ord. 2007-12, RTCM 07/11/2007)

§5-16. Duties and responsibilities.

- A. The Committee will act as the town's initial contact with developers of proposed affordable housing residential housing developments which are site-specific and for which the developer has indicated an intention to request relief from town ordinances or regulations in return for said provision of affordable housing. In this context, the Committee shall serve as a preliminary negotiating agency on behalf of the town. (Amended Ord. 2007-12, RTCM 07/11/2007)
- B. The Committee may also recommend and/or initiate action intended to create and/or plan for affordable and other residential housing units. In this context the Committee will work to create and/or recommend specific actions which are consistent with the Palmer affordable housing policy.
- C. The Committee will also perform such other duties as are necessary to achieve its function or as may be prescribed under law.

§5-17. Rules and regulations.

The Committee may adopt such rules and regulations as are necessary to carry out its functions, duties and responsibilities. The Committee may adopt, pending the approval of the Town Manager, such rules and regulations as are necessary to carry out its function, duties and responsibilities. (Amended Ord. 2007-12, RTCM 07/11/2007)

## CHAPTER 8

### CONSERVATION COMMISSION

**HISTORY: Art. I, adopted 10-26-1992 Special Town Meeting, Art. 14. Amendments noted where applicable.**

#### GENERAL REFERENCES

Boards, commissions, committees and authorities

#### **ARTICLE I, Sale of Forest and Agricultural Products (Adopted 10-26-1992 STM, Art. 14)**

##### §8-1. General provisions.

The Conservation Commission of the Town of Palmer is hereby authorized to:

- A. Establish a comprehensive management plan for all of the real and personal property under its care, custody and control. This management plan shall be in writing and may from time to time be amended. The plan shall describe the manner in which real and personal property under the Commission's care, custody and control may be used, developed, leased, restricted or made or maintained available for recreational and conservation use.
- B. Operate, maintain and manage the property under its care, custody and control and to sell forest or agricultural products derived from said property to the extent described in the comprehensive management plan and consistent with its mandates pursuant to the provisions of MGL C.40, §8C.
- C. Enter into contracts to carry out the purposes set forth in this Article. The contracts authorized hereunder shall not be subject to and shall be exempt from the provisions of Chapter 30B of the General Laws.

##### §8-2. Authority to establish standards.

- A. The Commission shall have the authority to establish and promulgate standards of operation and performance criteria for all work done in connection with any property under its care, custody and control. Such standards and performance criteria may include but are not limited to:
  - (1) Restrictions of the nature and kind of work performed.
  - (2) The manner and method pursuant to which such work is performed.
  - (3) Restrictions on performance of work according to season or other conditions.
  - (4) Methods of stream crossings.
  - (5) Repair of stone walls.
  - (6) The use of oil or other toxic or harmful material on its property or in connection therewith.
  - (7) Imposition of hold-harmless requirements on persons or entities with whom it contracts.
- B. The Commission may also require any person performing labor or services to maintain liability insurance and performance bonds. Any standards adopted by said Commission may be incorporated into any of its contracts.

##### §8-3. Special fund. (Amended 3-13-1995, STM, Article 32)

Notwithstanding the provisions of MGL C. 44, §§ 53 and 53A, any income received from leasing or from the sale of forest or agricultural products by the Commission shall be deposited by the

Commission in a special fund in the office of the Town Treasurer as custodian; provided, however, that the total income received from leasing and from the sale of forest or agricultural products by the Commission shall not exceed ten thousand dollars (\$10,000) in any fiscal year. Said Treasurer may invest and deposit the funds so held in the same manner and with the same limitations as described in MGL C. 40, § 8C, and any income derived there from shall be credited to the fund. The funds so deposited into this special account shall be available to the Commission without further appropriation to maintain and improve land and property under its control, to purchase and acquire real property or real property interests, including restrictions affecting land use, and for any other purpose which the Commission may otherwise expend funds pursuant to the provisions of MGL C. 40, §8C, or any other special or general law. Such purposes may include but are not limited to:

- A. Land surveys, recording fees and costs, plant and wildlife surveys, marking of trees or areas for cutting, management surveys and mapping.
- B. Improvements to its property, including trail establishment or improvements, parking, road improvements for roads on its real property, trash, rubbish and garbage pickup, improvements to the environmental quality of its property, protection and development of wildlife and plant habitats, protection and development of soils and restoration of historic sites.
- C. Purchasing legal or other professional or consulting services which it deems useful to achieve or further the purposes of the Commission.

#### §8-4. Gifts; appropriations.

The Commission may receive and accept gifts of funds from any source and appropriations from the Town of Palmer for deposit into the special fund described herein.

#### §8-5. Audit of special fund.

The Town Accountant shall annually audit the special fund and shall submit a copy of the audit to the Town Manager. The audit shall be printed in the Town of Palmer Annual Report. (Amended Ord. 2007-12, RTCM 07/11/2007)

#### §8-6. Construal of provisions.

This Article is intended to expand and not to limit the powers and authority of the Palmer Conservation Commission and shall not be construed to limit or deny the Commission any rights, power or authority otherwise granted by any special or general law or ordinance.

**CHAPTER 9****CONTRACTS**

**HISTORY: Art. I, adopted 4-9-1990 Special Town Meeting, Art. 9. Amendments noted where applicable.**

## GENERAL REFERENCES

Finances -- See Ch. 16.

Officers and employees -- See h. 27.

**ARTICLE I, Contracting with Convicted Criminals (Adopted 4-9-1990 STM, Art. 9)**

## §9-1. General prohibitions.

No person or business entity shall be awarded a contract or subcontract by the Town of Palmer if that person or business entity:

- A. Has been convicted of bribery or attempting to bribe a public officer or employee of the Town of Palmer, the Commonwealth of Massachusetts or any other public entity, including but not limited to the government of the United States, any state or any local government authority in the United States, in that officer's or employee's capacity; or
- B. Has been convicted of an agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price or otherwise; or
- C. Has made an admission of guilt of such conduct described in Subsection A or B above, which is a matter of record, but has not been prosecuted for such conduct or has made an admission of guilt of such conduct which term shall be construed to include a plea of nolo contendere.

## §9-2. Period of ineligibility.

A person, business entity or officer or employee of a business entity convicted of one or more of the crimes set forth in §9-1 shall be ineligible for the awarding of a contract or subcontract by the Town of Palmer for a period of three (3) years following such conviction or admission in the case of an admission of guilt of such conduct which is a matter of record but which has not been prosecuted.

## §9-3. Applicability; affiliation.

- A. For purposes of this Article, where an official, agent or employee of a business entity has committed any offense under this Article, as set forth in §9-1 or §9-2, on behalf of such an entity and pursuant to the direction or authorization of an official thereof (including the person committing the offense, if he is an official of the business entity), the business entity shall be chargeable with the conduct hereinabove set forth.
- B. A business entity shall be chargeable with the conduct of an affiliated entity, whether wholly owned, partially owned or one which has common ownership or a common Board of Directors. For purposes of this section, business entities are affiliated if, directly or indirectly, one business entity controls or has the power to control another business entity or if an individual or group of individuals controls or has the power to control both entities. Indicia of control shall include, without limitation, interlocking management or ownership, identity of interests among family members and shared organization of a business entity following the ineligibility of a business entity under this section, using substantially the same management, ownership or principals as the ineligible entity.

§9-4. Inapplicability, proof required.

Any party who claims that this Article is inapplicable to him, them or it because a conviction or judgment has been reversed by a court with proper jurisdiction shall prove the same with documentation satisfactory to Town Counsel.

§9-5. Affidavit required.

The Town of Palmer shall not execute a contract with any person or business entity until such person or business entity has executed and filed with the Town Clerk an affidavit executed under the pains and penalties of perjury that such person or entity has not been convicted of any violation described in § 9-1A or B and has not made an admission of guilt or nolo contendere as described in § 9-1C. In the case of a business entity, such affidavit shall be executed by, in the case of a partnership, the general partner(s) and, in the case of a corporation, the President.

**CHAPTER 11****COUNCIL ON AGING**

**HISTORY: Adopted 9-30-1974 Special Town Meeting, Art. 5. Amendments noted where applicable.**

§11-1. Appointment; purpose.

The Town Manager shall appoint a Council on Aging for the purpose of advising the Director of the Council on Aging on coordinating or carrying out programs designed to meet the problems of the aging in cooperation with programs of the Commission on Aging established under MGL C. 6, § 73. (Amended Ord. 2007-12, RTCM 07/11/2007)

§11-2. Membership; terms; compensation.

A. The Town Manager shall appoint the Council on Aging consisting of 11 members. (Amended Ord. 2007-12, RTCM 07/11/2007)

B. Upon acceptance of this chapter, the Town Manager shall appoint four members for terms of three years, four members for terms of two years and three members for terms of one year. Members can be reappointed for concurrent terms. (Amended Ord. 2007-12, RTCM 07/11/2007)

C. The members of the Council on Aging shall serve without pay. (Amended Ord. 2007-12, RTCM 07/11/2007)

§11-3. Filling of vacancies.

Whenever a vacancy shall occur in the membership of the Council on Aging by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled by appointment by the Town Manager for the remainder of the term. (Amended Ord. 2007-12, RTCM 07/11/2007)

§11-4. Election of officers.

The Council on Aging at its first annual meeting and thereafter annually in April of each year shall elect from its membership a President, First Vice President, Second Vice President, Secretary and Treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Council on Aging shall hold a special meeting for the purpose of electing one of its members to fill such vacancy. (Amended Ord. 2007-12, RTCM 07/11/2007)

§11-5. Annual report.

The Director of the Council on Aging shall prepare and submit an annual report of its activities to the Town Manager and shall send a copy thereof to the Commission on Aging. (Amended Ord. 2007-12, RTCM 07/11/2007)

§11-6. Appointment of other personnel.

A. The Town Manager will appoint the Director of the Council on Aging

B. The Director of the Council on Aging, with the approval of the Town Manager, may appoint such clerks and other employees as funded by grants and annual appropriation. (Amended Ord. 2007-12, RTCM 07/11/2007)

**CHAPTER 16**

**FINANCES**

**HISTORY: Art. I adopted 4-28-1980 Annual Town Meeting, Art. 25. Amendments noted where applicable.**

GENERAL REFERENCES

Fees -- See Ch. 90, Art. I.

**ARTICLE I, Clerk's Fees (Adopted 4-28-1980 ATM, Art. 25)**

§16-1. Disposition of fees.

The Town Clerk will be required to pay all fees received by that office into the town treasury in accordance with permissive legislation under MGL C. 40, §21, paragraph 13.

§16-2. When effective.

The effective date of this article is July 1, 1980.

**CHAPTER 27**

**OFFICERS AND EMPLOYEES**

**HISTORY:** Adopted as indicated in article histories. Amendments noted where applicable.

**ARTICLE I, Executive Secretary [Adopted 3-13-1972 ATM, Art. 22] Deleted RTCM 07/11/2007**

**ARTICLE II, Health Benefits for Part-Time Officials [Adopted 6-2-1997 ATM, Art. 33]**

§27-3. Prohibited receipt.

Effective July 1, 1997, part-time elected officials who are regularly scheduled to work less than 20 hours per week will be prohibited from receiving health insurance benefits as allowed under MGL c. 32B.

**Chapter 31**

**PERSONNEL POLICIES Deleted RTCM 07/11/2007**

**Chapter 40**

**TOWN MEETINGS Deleted RTCM 07/11/2007**

**CHAPTER 49****ALCOHOLIC BEVERAGES**

**HISTORY: Adopted 4-28-1980 Annual Town Meeting, Art. 44. Amendments noted where applicable.**

**GENERAL REFERENCES**

Selectmen's Town Council / Town Manager fees -- See Ch. 178.

**§49-1. Legislative intent.**

It is the intent of the Town of Palmer, as an exercise of its police power, to promote the general health, safety and welfare of the residents of Palmer by enacting this chapter since it is the finding of the Town Manager that the consumption of alcoholic beverages and/or the possession of open containers of alcoholic beverages by persons on public premises, except under controlled conditions, is detrimental to the health, safety and welfare of the residents of the town and contributes to the development of unsanitary conditions and the creation of nuisances. It is further the intent of the Town Manager of the Town of Palmer that this chapter not be considered as a traffic regulation insofar as it related to motor vehicles or the operation thereof.

**§49-2. Possession or consumption in public prohibited.**

No person shall have, possess, carry or transport any liquor, wine, beer or other alcoholic beverage in an open bottle or other container in or upon any public sidewalk, street, lane, highway, building, parking lot, park or recreation area or other public property or in any vehicle upon such area within the Town of Palmer. No person shall drink or otherwise consume any liquor, wine, beer or other alcoholic beverage in or upon any of the aforesaid public areas or property within the Town of Palmer.

**§49-3. Exceptions; conditions.**

A. If any individual or organization desires to have, distribute or consume alcoholic beverages on public property in the Town of Palmer, said individual or organization must apply to the Chief of Police of the town or a duly authorized representative of the Chief of Police for a permit therefore at least three days prior to the date scheduled for using such beverages. No fee shall be charged for the granting of said permit.

B. A permit shall be issued only upon the following conditions:

- (1) Such individual or organization, by its duly authorized officer, must agree, in writing, to assume full responsibility for supervising the conduct of the group or individuals benefiting from such permit and to properly clean up and restore the premises after use to their prior conditions.
- (2) Such individual or organization must further agree, in writing, that adequate precautions shall be taken to ensure that minors will not be served or allowed to consume alcoholic beverages at the permitted event or gathering.
- (3) No alcoholic beverages shall be distributed or consumed other than on the specific premises described in the permit and only during the time stated therein.
- (4) No permit shall be issued to any individual or organization which has previously been issued a permit and has failed to comply with the provisions hereof.

#### §49-4. Discarding of containers.

No person shall discard alcoholic or other beverage containers upon any public sidewalk, street, lane, highway, parking lot, park or recreation area or other public property within the Town of Palmer without express permission of the Town.

#### §49-5. Violations and penalties. (Amended 5-14-2001 ATM, Art. 25)

A. Criminal Complaint – Whoever violates any of the provisions of this chapter may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or

B. Non-Criminal Disposition – Whoever violates any provision of this chapter may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine of fifty dollars (\$50) for the 1<sup>st</sup> offense, one hundred dollars (\$100) for the 2<sup>nd</sup> offense, and one hundred and fifty dollars (\$150) for the 3<sup>rd</sup> and subsequent offenses. Each day a violation continues shall constitute a separate offense. (Amended Ord. 2007-12, RTCM 07/11/2007)

#### §49-6. Severability.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect or impair the validity of this chapter as a whole or any part thereof other than the particular provision so declared to be unconstitutional or invalid.

**CHAPTER 57****BOATS**

**HISTORY: Adopted 10-7-1980 Special Town Meeting, Art. 5. Amendments noted where applicable.**

§57-1. Use on Forest Lake restricted.

No person shall operate a power-propelled craft of more than ten (10) horsepower nor in excess of ten (10) miles per hour on Forest Lake, Palmer, Massachusetts.

§57-2. Violations and penalties.

A. Criminal Complaint – Whoever violates any of the provisions of this chapter may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or

B. Non-Criminal Disposition – Whoever violates any provision of this chapter may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine of fifty dollars (\$50) for the 1<sup>st</sup> offense, one hundred dollars (\$100) for the 2<sup>nd</sup> offense, and one hundred and fifty dollars (\$150) for the 3<sup>rd</sup> and subsequent offenses. Each day a violation continues shall constitute a separate offense. (Amended Ord. 2007-12, RTCM 07/11/2007)

§57-3. Enforcement.

The provisions of this chapter shall be enforced by state police, local police, law enforcement officers of the Division of Natural Resources, the Division of Marine and Recreational Vehicles and the Town Manager or his/her designee. (Amended Ord. 2007-12, RTCM 07/11/2007)

## CHAPTER 63

### BUILDINGS, NUMBERING OF

**HISTORY: Adopted 6-3-1991 Special Town Meeting, Art. 29.EN Amendments noted where applicable.**

§63-1. Policy; requirement.

Every building used for residential, commercial, industrial and/or any other purpose situated in the Town of Palmer shall have affixed thereto or otherwise posted on the premises, in a location approved by the Town Manager or his/her designee, the street number which has been assigned to said building. Street numbering shall conform to standards under §63-2 through §63-5. (Amended Ord. 2007-12, RTCM 07/11/2007)

§63-2. Assignment of numbers.

Street numbers shall be assigned from time to time by the House Numberer appointed by the Town Manager, who shall cause notice of the number assigned to be mailed to the party or any one of the parties listed as an owner of the premises on the tax records of the town as of January 1 of the year in which the number was assigned. The House Numberer shall also give notice to the Assessors and Town Clerk. (Amended Ord. 2007-12, RTCM 07/11/2007)

§63-3. Size, color and material of numbers.

- A. The size of numbers shall be not less than three (3) inches nor more than twelve (12) inches in height, and they shall be made of permanent weatherproof material.
- B. The color of said numbers shall contrast with the color of the building, mailbox or other background materials, so as to be easily distinguishable from the roadway.
- C. Numbers shall be blocked-face. Roman numerals, script or longhand shall not be used.
- D. Numbers shall be visible from both directions from the main road and may be of reflective material.

§63-4. Location requirements.

- A. Buildings with a door(s) visible from the nearest named street, road or way shall have street numbers mounted thereon. Said numbers shall be placed at said door either to the left, to the right or over said door at a height to be most visible from said street, road or way.
- B. Buildings which are not visible from the nearest named street, road or way, as provided for in Subsection A above, shall have street numbers affixed to them so as to be visible from the driveway or accessway which services said building(s).
- C. The owners of said buildings shall also cause street numbers to be placed on the mailbox, wooden sign or other suitable device at the entrance to the driveway or accessway servicing such building so as to be visible from the nearest named street, road or way.
- D. Condominiums, apartments and other group uses.
  - (1) Condominiums, apartment houses, hotels, motels, boarding- or lodging houses, dormitories, inns, nursing homes or similar entities shall have their street numbers posted on a sign located in front of the property, visible from the nearest named street, road or way and on the

aforementioned structures if deemed appropriate by the Town Manager. (Amended Ord. 2007-12, RTCM 07/11/2007)

- (2) Unit numbers shall be assigned by the owner or developer in accordance with regulations.
- (3) All units shall be clearly identified by letter or number.

§63-5. Compliance required; violations and penalties; enforcement.

A. Every owner of a building shall be required to post, in accordance with the provisions of this chapter, the street number or unit number, as the case may be, assigned to such building(s) within four weeks after receiving notice, in accordance with the provisions of this chapter, of such assignment(s).

B. Any owner of a building who fails to so post the street number or unit number as required upon seven days' written notice of such failure from the House Numberer or Town Clerk or any person who unlawfully removes, defaces or conceals said numbers shall be subject to:

- (1) Criminal Complaint – Whoever violates any of the provisions of this article may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or

- (2) Non-Criminal Disposition – Whoever violates any provision of this ordinance may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine of fifty dollars (\$50) for the 1<sup>st</sup> offense, seventy-five dollars (\$75) for the 2<sup>nd</sup> offense, and one hundred dollars (\$100) for the 3<sup>rd</sup> and subsequent offenses. Each day a violation continues shall constitute a separate offense. (Amended Ord. 2007-12, RTCM 07/11/2007)

- (3) In case of a failure to post, keep posted or maintain said number in a legible condition, each day such number is not so posted, kept posted or maintained in a legible condition shall constitute a separate offense.

C. Violations shall be enforced by the Town Manager through the Police Department. (Amended Ord. 2007-12, RTCM 07/11/2007)

**CHAPTER 68****CEMETERIES****HISTORY: Adopted 10-13-1898. Amendments noted where applicable.**

## §68-1. Use of lots restricted.

The lots sold in the different cemeteries of the Town of Palmer shall only be used by the owners for the burial of their dead and the erection of monuments and memorials.

## §68-2. Planting restrictions.

Owners of lots shall have the right to plant and cultivate shrubs and flowers upon their lots under the advice and control of the Palmer Department of Public Works (DPW). No tree or shrub shall be cut down, mutilated or removed without the prior consent of the Director of Public Works. (Amended Ord. 2007-12, RTCM 07/11/2007)

## §68-3. Powers of Director of Public Works.

The Director of Public Works shall have the right to change the grade of any lot or lots in order that they may conform to the general surroundings, and also to remove at any time shrubs, trees, monuments or inscriptions that may seem to them objectionable or injurious. (Amended Ord. 2007-12, RTCM 07/11/2007)

## §68-4. Approval of plans.

All plans of future curbing, copings, fences or grades shall be submitted to the Director of Public Works for his/her approval and acceptance. And no curbing, copings, fences or grades shall be removed or changed without the prior consent of the Director of Public Works. (Amended Ord. 2007-12, RTCM 07/11/2007)

## §68-5. Minimum requirements for foundations.

Foundations for monuments and headstones shall be of solid masonry. The foundation for monuments shall be at least six feet in depth, and foundations for headstones shall be at least three and one half feet (3½) in depth.

## §68-6. Authority over workmen.

Workmen employed in the cemeteries of the town in the construction of vaults, erection of headstones and monuments or for any other purpose will be subject to the control and direction of the Director of Public Works. Any workmen or other person failing to conform to his/her rules and regulations will thereafter be excluded from employment in the cemeteries of the town. (Amended Ord. 2007-12, RTCM 07/11/2007)

## §68-7. Prohibited activities.

Walking on the grass, picking flowers, improper language, rapid driving, walking dogs, leaving horses without care or unhitched and all persons with firearms will not be permitted in the cemeteries of the town. (Amended Ord. 2007-12, RTCM 07/11/2007)

## §68-8. Enforcement.

The Director of Public Works or Chief of Police or their designees are directed to enforce the laws in regard to trespassing, pilfering and vandalism of any kind in or from the cemeteries of the town. (Amended Ord. 2007-12, RTCM 07/11/2007)

§68-9. Conduct.

Sextons, workmen and all persons visiting the cemeteries of the town will at all times conduct themselves with decorum.

§68-10. Perpetual-care payment.

Upon payment to the Town Treasurer of two hundred dollars (\$200) by the owner or any person interested in a lot in the cemeteries of the town, the same shall be safely invested and the income paid to the order of the Town of Palmer. The lot designated shall thereafter receive perpetual care and its monuments and memorials, etc., shall at all times be maintained in their proper position. (Amended Ord. 2007-12, RTCM 07/11/2007)

**CHAPTER 79****DOGS**

**HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.**

**ARTICLE I, Dogs at Large (Adopted 8-31-1981 Special Town Meeting, Art. 8)**

## §79-1. Running at large prohibited.

No person owning or keeping a dog in the town shall permit such dog to be at large in the town elsewhere than on the premises of the owner or keeper, except if it be on the premises of another person with the knowledge and permission of such other person. Such owner or keeper of a dog in the town which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall restrain such dog by a chain or leash not exceeding six feet in length.

## §79-2. Prima facie evidence.

In any prosecution hereunder the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog when such dog is not restrained as above mentioned shall be prima facie evidence that such knowledge and permission was not had.

## §79-3. Seizure and confinement; disposition.

Any dog found to be at large in violation of this article shall be caught and confined by the Dog Officer and/or his assistants, who shall notify forthwith the licensed owner or keeper of such dog, giving the owner or keeper a period of ten (10) days within which to recover the dog. Dogs confined under the authority of this order shall be confined in a place suitable for the care and detention of dogs or they may be placed in the care of the holder of a kennel license, such place or holder of a kennel license to be designated by the Town Manager. At the end of the ten (10) day period, any dog not so claimed may be disposed of in the manner provided by law. The owner or keeper of such dog shall be required to pay the reasonable expenses of maintaining such dog in confinement, including but not limited to costs of feeding, medical care, medicines and the like. Return of the dog to the licensed owner or keeper shall be dependent upon admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper. (Amended Ord. 2007-12, RTCM 07/11/2007)

## §79-4. Complaint and prosecution by Dog Officer.

The Dog Officer shall enter and prosecute a complaint against the owner or keeper of any dog taken into his custody under this article, provided that if within the twelve (12) months next preceding this offense the owner or keeper has not been convicted for violation of this article or a dog owned or kept by him has not been taken into custody for violation of this chapter, the Dog Officer may waive prosecution.

## §79-5. Authority to relax restrictions.

The Town Manager or his/her designee may designate times and places on town property where dogs may be exercised or trained off the leash but under the control or supervision of their masters. (Amended Ord. 2007-12, RTCM 07/11/2007)

## §79-6. Dogs on school grounds or near public wading pool.

No dog owned or kept in the town shall be allowed on any school playgrounds between the hours of 8:00 a.m. and 4:00 p.m. on any day that public schools are in session or in the vicinity of any public wading pool while said public wading pool is in use.

§79-7. Complaint of nuisance.

A. Any person may make a complaint in writing to the police that any dog owned or harbored within the town is a nuisance by reason of vicious disposition, excessive barking or other disturbance. The police shall take action as provided in MGL C. 140, §157, and any amendments thereto. Such other disturbance causing a nuisance shall include but not be limited to the following:

- (1) Chasing cars.
- (2) Running in packs.
- (3) Breaking or damaging shrubbery.
- (4) Damaging gardens.
- (5) Biting of persons.
- (6) Running at large in violation of this chapter.

B. Said written complaint to the police shall include the name and address of the owner or keeper of said dog.

§79-8. Violations and penalties.

A. Criminal Complaint – Whoever violates any of the provisions of this Article may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or

B. Non-Criminal Disposition – Whoever violates any provision of this Article may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine of twenty-five dollars (\$25) for the 1<sup>st</sup> offense, thirty-five dollars (\$35) for the 2<sup>nd</sup> offense, and fifty dollars (\$50) for the 3<sup>rd</sup> and subsequent offenses. Each day a violation continues shall constitute a separate offense. (Amended Ord. 2007-12, RTCM 07/11/2007)

§79-9. Fees; disposition of funds. (Added 5-20-1996 ATM, Art. 40)

A. Fees.

- (1) Dog licensure.

<u>Type of License</u>	<u>Fee</u>
Male/female	\$15.00
Neutered/spayed	\$5.00
Transfer	\$1.00

- (2) Kennels.

<u>Number of Dogs</u>	<u>Fee</u>
Not more than 4	\$25.00

Not more than 10	\$40.00
More than 10	\$60.00

B. Disposition of funds. The sums collected pursuant to the provisions of this section shall be accounted for and paid to the Town Treasurer; however, the Dog Officer shall be entitled to all fees paid for the care of impounded dogs by the owners thereof.

C. These fees can be changed by the Town Manager, with the approval of the Town Council at any regularly scheduled Town Council Meeting. (Amended Ord. 2007-12, RTCM 07/11/2007)

§79-10. Kennels. (Added 11-18-1996 STM, Art. 22)

Standards that apply to kennels are as follows:

- A. Minimum lot area shall be two (2) acres.
- B. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be located within the rear yard.
- C. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be a minimum of one hundred (100) feet away from all property lines.
- D. All outdoor running areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be a minimum of ten (10) feet from all property lines.
- E. All animal wastes shall be regularly cleaned up and properly disposed of.
- F. The applicant shall demonstrate a working plan to prevent or alleviate any noise problems emanating from animals boarded on the site.

§79-11. Property damage; appraisal and reimbursement. [Added 11-18-1996 STM, Art. 23]

A. Whoever suffers loss by the maiming or killing of his livestock or fowls by a licensed or unlicensed dog or dogs, outside the premises of the owner or keeper of such dog or dogs, may inform the Town Manager or his/her designee, who shall proceed to the premises where the damage was done and determine whether the same was inflicted by dogs and, if so, appraise the amount thereof if it does not exceed fifty dollars (\$50). If in the opinion of the Town Manager or his/her designee, the amount of said damage exceeds fifty dollars (\$50), the damage shall be appraised, on oath, by three persons acting as appraisers. The appraisers shall be comprised of the Town Manager, the Chief of Police or his designee and a person designated by the person alleged to be damaged. (Amended Ord. 2007-12, RTCM 07/11/2007)

B. Said appraisers shall determine, if possible, the owner of the licensed or unlicensed dog or dogs and present said dog owner, by certified mail, with such evidence and a certificate of damage, to include the labor and time necessarily expended in the finding and collecting of the livestock or fowl injured or separated and the value of the lost or otherwise damaged livestock or fowl. Awards shall in no case exceed the fair cash market value of such livestock or fowl. Said dog owner shall pay the aggrieved person for the damages within thirty (30) days of the receipt of the certificate of damage. The aggrieved person shall have the right to take district court action if said dog owner fails to comply with the required payment. If the appraisers cannot determine the owner of the licensed or unlicensed dog or dogs, the Town Manager shall approve warrant for payment to the aggrieved person from the dog control account. (Amended Ord. 2007-12, RTCM 07/11/2007)

C. No owner of livestock or fowl shall be reimbursed for damages inflicted by his own dog or dogs, nor shall he be reimbursed for any damage by any dog or dogs, if at the time such damage was inflicted, he was himself the owner or keeper of an unlicensed dog of the age of six months or

older. No reimbursement shall be made on account of damage inflicted by a dog or dogs to a deer, elk, cottontail rabbit, northern hare, pheasant, quail, partridge or other livestock or fowl determined by the Department of Fish and Wildlife to be wild, unless they are kept by a permit issued by said Department. No reimbursement shall be made for damage inflicted by a dog or dogs to dogs, cats or other household pets.

**ARTICLE II, Removal of Canine Waste (Adopted 11-22-1999 Special Town Meeting, Art. 10)**

§79-12. Duty to dispose.

It shall be the duty and responsibility of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, street or other public area or private area not owned by the person who owns, possesses or controls a dog. (Amended Ord. 2007-12, RTCM 07/11/2007)

§79-13. Duty to possess means of removal.

No person who owns, possesses or controls a dog shall appear with such dog on any sidewalk, street or other public area without means of removal of any feces left by such dog.

§79-14. Method of removal and disposal.

For the purpose of this ordinance, the means of removal shall be by any tool, implement, container or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to a place suitable for disposal of feces.

§79-15. Complaints.

A complaint form signed under the pains and penalties of perjury must be filed at the office of the Town Manager before any enforcement action can be taken except when the Dog Officer/Animal Control Officer observes the offense. (Amended Ord. 2007-12, RTCM 07/11/2007)

§79-16. Exemption.

This ordinance shall not apply to a dog accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this ordinance.

§79-17. Violations and penalties.

A. Criminal Complaint – Whoever violates any of the provisions of this article may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or

B. Non-Criminal Disposition – Whoever violates any provision of this article may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine of twenty-five dollars (\$25) for the 1<sup>st</sup> offense, thirty-five dollars (\$35) for the 2<sup>nd</sup> offense, and fifty dollars (\$50) for the 3<sup>rd</sup> and subsequent offenses. Each day a violation continues shall constitute a separate offense. (Amended Ord. 2007-12, RTCM 07/11/2007)

§79-18. Enforcement.

The enforcing persons shall be the Animal Control Officer, Dog Officer of the town or the Town Manager or his/her designee. This amendment does not apply to guide dogs accompanied by handicapped persons. (Amended Ord. 2007-12, RTCM 07/11/2007)

§79-19. Right to hearing.

Any person who is the subject of a complaint by a private citizen may seek a hearing before a hearing officer designated by the Town Manager by filing a request for a hearing with the Office of the Town Manager within seven (7) days after such person's receipt of notice of violation. The filing of the request for hearing shall automatically stay further proceedings under MGL c. 40, §21D, until such person receives notice of the hearing officer's decision. (Amended Ord. 2007-12, RTCM 07/11/2007)

**CHAPTER 82**

**DUMPS (Deleted Ord. 2007-12, RTCM 07/11/2007)**

## Chapter 90

### FEES

**HISTORY.** Art. I, adopted 6-15-1981 Annual Town Meeting, Art. 32; Art. II, adopted 4-20-1982 Annual Town Meeting, Art. 20; Art. III, adopted 4-20-1982 Annual Town Meeting, Art. 21; Art. IV, adopted 4-20-1982 Annual Town Meeting, Art. 22; Art. V, adopted 4-20-82 Annual Town Meeting, Art. 23. Amendments noted where applicable.

#### GENERAL REFERENCES

Disposition of Clerk's fees -- See Ch. 16, Art. I.

Selectmen's Town's fees -- See Ch. 178.

Additional fees -- See Ch. 214.

#### **ARTICLE I, Clerk's Fees (Adopted 6-15-1981 ATM, Art. 32)**

##### §90-1. Enumeration.

The following are the current fees of the Town Clerk under MGL C. 262, §34: (Amended Ord. 2007-12, RTCM 07/11/2007)

- (1) Assignment of Credit - \$25.00
- (2) Amending Birth Certificate - \$20.00
- (3) Birth Certificate < 18 yrs. - \$5.00
- (4) Birth Certificate > 18 yrs. - \$10.00
- (5) Delayed Birth Certificate - \$10.00
- (6) Business Certificate - \$40.00
- (7) Copy of Business Certificate - \$5.00
- (8) Amending Death Certificate – \$20.00
- (9) Death Certificate - \$10.00
- (10) Marriage Intentions & Certificate - \$35
- (11) Marriage Out of State - \$25.00
- (12) Amending Marriage Certificate - \$20.00
- (13) Marriage Certificate - \$10.00
- (13) Pole Location - \$80.00
- (14) Declaration of Homestead MN - \$25.00

#### **ARTICLE II, Sealer of Weights and Measures' Fees [Adopted 4-20-1982 ATM, Art. 20]**

##### §90-2. Enumeration.

The following fee schedule is for the Services of the Sealer of Weights and Measures as permitted under MGL C. 98, §56:

**Balances and Scales**

Type	Fee
(pounds)	
Over 10,000	\$35.00
5,000 to 10,000	\$30.00
1,000 to 5,000	\$20.00
100 to 1,000	\$10.00

**Weights**

Type	Fee
Avoirdupois, each	\$0.50
Metric	\$0.50
Apothecary	\$0.50
Troy	\$0.50

**Capacity Measures**

Type	Fee
Vehicle tanks	
Each indicator	\$2.00
Each 100 gallons or fraction thereof	\$2.00
Liquid	
1 gallon or less	\$0.50
More than 1 gallon	\$1.00

**Liquid-Measuring Meters**

Type	Fee
Inlet, 1/2 inch or less	
Oil, grease	\$4.00
Inlet, more than 1/2 inch to 1 inch	
Gasoline	\$8.00
Inlet, more than 1 inch	
Vehicle tank, pump	\$12.00
Vehicle tank, gravity	\$15.00
Bulk storage	\$30.00
Company supplies prover	\$20.00

**Pumps**

Type	Fee
Each stop on pump	\$2.00

**Other Devices**

Type	Fee
Taximeters	\$6.00
Odometer hubodometer	\$6.00
Leather measuring (semiannual)	\$4.00
Fabric measuring	\$4.00
Wire rope cordage measuring	\$4.00

**Linear Measures**

Type	Fee
Yardsticks	\$0.50
Tapes	\$0.50

**Miscellaneous**

Type	Fee
Milk jars, per gross	\$8.00
Dry measures	\$0.50

**ARTICLE III, Amusement Devices (Adopted 4-20-1982 ATM, Art. 21)**

§90-3. Enumeration.

The following fee schedule is for automatic amusement device licenses as permitted under MGL C. 140, §177A:

Type	Fee
Pinball machine	\$30.00
Video machine	\$100.00
Computer machine	\$100.00

**ARTICLE IV, Fortune-Tellers (Adopted 4-20-1982 ATM, Art. 22)**

§90-4. Enumeration.

The following fee schedule is for fortune-tellers' licenses as permitted under MGL C. 140, §185-I:

Type	Fee
Fortune-tellers' license	\$10.00

**ARTICLE V, Petroleum Storage (Adopted 4-20-1982 ATM, Art. 23)**

## §90-5. Enumeration.

The following fee schedule is for petroleum storage licenses as permitted under MGL C. 148, §13:

Type Gallons)	Fee	
	Original License	Renewal
Up to 1,000	\$20.00	\$10.00
Up to 2,000	\$25.00	\$12.50
Up to 3,000	\$30.00	\$15.00
Up to 5,000	\$40.00	\$20.00
Up to 10,000	\$50.00	\$25.00
Up to 30,000	\$75.00	\$37.50
Over 30,000	\$100.00	\$50.00

The fees in ARTICLES I, II, III, IV and V above can be changed, as allowed by M.G.L., by the Town Manager with approval of the Town Council at any regularly scheduled Town Council Meeting. (Amended Ord. 2007-12, RTCM 07/11/2007)

**CHAPTER 106**  
**LICENSES AND PERMITS**

**HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.**

**ARTICLE I, Disposition Upon Nonpayment of Taxes (Adopted 10-27-1986 STM, Art. 10)**

§106-1. List of parties failing to pay taxes.

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Tax Collector," shall annually furnish to the Town Manager and 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 (12) 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. (Amended Ord. 2007-12, RTCM 07/11/2007)

§106-2. Disposition by licensing authority; notice; hearing.

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 or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until, the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

§106-3. Payment agreements.

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

§106-4. Waiver.

The Town Manager may waive such denial, suspension or revocation if he/she 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 §1 of Chapter 268A in the business or activity conducted in or on said property. (Amended Ord. 2007-12, RTCM 07/11/2007)

§106-5. Exceptions.

This article shall not apply to the following licenses and permits: opening burning, §13 of Chapter 48; bicycle permits, §11A of Chapter 85; sales of articles for charitable purposes, §33 of Chapter 101; children work permits, §69 of Chapter 149; Clubs, associations dispensing food and beverage licenses, §21E of Chapter 140; dog licenses, §137 of Chapter 140; fishing, hunting, trapping license, §12 of Chapter 131; marriage licenses, §28 of Chapter 207; theatrical events, public exhibition permits, §181 of Chapter 140.

§106-6. Additional exceptions.

A city or town may exclude any local license or permit from this article by ordinance. (Amended Ord. 2007-12, RTCM 07/11/2007)

**CHAPTER 115****NONCRIMINAL DISPOSITION**

**HISTORY: Adopted 6-7-1999 Special Town Meeting, Art. II. Amendments noted where applicable.**

§ 115-1. Youth access to tobacco.

- A. The permissive use of non-criminal disposition for Board of Health regulations restricting youth access to tobacco shall be provided.
- B. The enforcing person shall be the Health Agent, Board of Health staff or designated agent, or the Palmer Police Department.
- C. Violations and penalties.
  - (1) First violation: The permit holder and/or his or her agent or persons not in compliance with the provisions of this regulation shall be fined one hundred dollars (\$100).
  - (2) Second violation within one calendar year: The permit holder and/or his or her agent or persons not in compliance with the provisions of this regulation shall receive a fine of two hundred dollars (\$200).
  - (3) Third or subsequent violations within one calendar year: The permit holder and/or his or her agent or persons not in compliance with the provisions of this regulation shall receive a fine of three hundred dollars (\$300).

**CHAPTER 121****PAWNBROKERS**

**HISTORY: Adopted 2-23-1998 Special Town Meeting, Art. 9. Amendments noted where applicable.**

**GENERAL REFERENCES**

Zoning -- See Ch. 171.

**§121-1. License required.**

No person, corporation, partnership or firm shall hereinafter carry on the business of pawnbroker in the Town of Palmer without first having obtained a license authorizing the carrying on of such business in the manner and upon the conditions stated in the succeeding sections of this chapter.

**§121-2. Limits on licenses.**

There shall be no more than two (2) licenses issued and outstanding pursuant to this ordinance at any given time in the town. Any license issued pursuant to this ordinance shall be limited in its use to a single site within the town. Said site shall be in compliance with all zoning regulations of the town for use of said site as a pawnbroker business and any other purpose for which the site is to be used. Any license issued pursuant to this ordinance shall not be assignable or transferable by the licensee in any manner and shall terminate upon sale or transfer of the business of said licensee. The filing of bankruptcy by said licensee shall also terminate said license.

**§121-3. Pawnbrokers license; fee.**

The Town Manager may license suitable persons to carry on the business of pawnbrokers in this town pursuant to the provisions of MGL c. 140. The fee for such license shall be one hundred dollars (\$100). (Amended Ord. 2007-12, RTCM 07/11/2007)

**§121-4. Records of purchases.**

Every pawnbroker within the limits of this town shall keep a permanently bound book in which shall be written, at the time of every purchase or upon the receipt of any article, a description thereof, the name, age and residence of the person from whom, and the day and hour when, such purchase or receipt was made, and such book shall at all times be open to the inspection of officers of the Police Department and of any person authorized to make such inspection. Every pawnbroker shall require identification from said person in the form of one of the following: passport, military identification, driver's license or state-issued identification card. A copy of said identification shall be made by the pawnbroker and maintained in the permanent record.

**§121-5. Note to be delivered to pawner; loss of note.**

Every licensed pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, article or thing a memorandum or note, signed by him, containing the substance of the entry required to be made in his book by the last preceding section, and no charge shall be made or received by any pawnbroker for any such entry, memorandum or note. The holder of such memorandum or note shall be presumed to be the person entitled to redeem the pledge, and the pawnbroker shall deliver such article to the person so presenting such memorandum or note on payment of principal and interest. Should such memorandum or note be lost or mislaid, the pawner shall at once apply to the pawnbroker, in which case it shall be the duty of the pawnbroker to permit

such person to examine his books; in finding the entry for such memorandum or note so lost or mislaid and upon his giving to the pawnbroker an exact description of the article pawned, the pawnbroker shall issue a second or stop memorandum or note for the same. In case such pawner neglects to so apply and to examine said books and receive such memorandum or note in the manner above stated, the pawnbroker will be bound to deliver the pledge to any person producing such memorandum or note for the redemption thereof. This chapter is not to be construed as in any manner limiting or affecting such pawnbroker's common law liability in cases where goods are stolen or other defects of title exist in the pledger ledger.

#### §121-6. Inspection of pawnbroker's book.

The book of a licensed pawnbroker shall be opened to the inspection of the Town Manager, all judges of the criminal courts, the police or any or either of them, or any person who shall be duly authorized, in writing, for that purpose by any or either of them and who shall exhibit such written authority to such pawnbroker. (Amended Ord. 2007-12, RTCM 07/11/2007)

#### §121-7. Rate of interest.

No licensed pawnbroker shall ask, demand or receive a rate of interest greater than allowed under the laws of the State of Massachusetts or three percent (3%) per month, or a thirty-six percent (36%) annual percentage rate (APR) for loans greater than twenty-five dollars (\$25) whichever is less.

#### §121-8. Dealing with minors.

No keeper of a pawnshop shall, directly or indirectly, either purchase or receive by way of barter or exchange any junk, old metal or secondhand articles of a minor knowingly or having reason to believe him to be such.

#### §121-9. Articles held four months by keepers of pawnshops.

No article pawned to the keeper of a pawnshop shall be sold until at least four (4) months from the date of its pawning or receipt has elapsed. The article shall be kept in an unaltered condition for the required time period. For the purposes of this section, "unaltered condition" means that item or article shall be kept in the same condition it was in at the time it was brought into the shop by the seller.

#### §121-10. Purchase of certain items prohibited; violations and penalties.

- A. No keeper of a pawnshop shall take in pawn any item if it appears that such item has had any serial numbers or identifying marks removed or apparently removed.
- B. For the purpose of this section, "identifying mark" includes but is not limited to engravings, initials or similar inscriptions on rings, watches or other level or similar inscriptions on other items.
- C. Violation of any provision of this ordinance, or the rules and regulations promulgated by the licensing authority, shall be grounds for revocation of a license granted under §121-1. This section, or any other section of this ordinance, shall not limit any power of the licensing authority pursuant to the laws of the Commonwealth of Massachusetts to revoke any license at pleasure or otherwise. (Amended Ord. 2007-12, RTCM 07/11/2007)

#### §121-11. Storage of items.

Any item of merchandise within the custody or control of the licensee shall at all times be kept within the confines of an existing building and not on any exterior porches, decks or grounds.

§121-12. Stolen property.

Any item that is the subject of this ordinance and which is stolen, and within the custody or control of the licensee, may be seized by the police as evidence. This section shall not abrogate or diminish the rights of the lawful owner in said item.

§121-13. Applicability.

Any licensee granted a license pursuant to this ordinance shall also comply with all other laws, rules and regulations of the Commonwealth of Massachusetts regarding pawnbrokers, including, without limitation, the provisions of MGL, c. 140, §70 et seq, in addition to the provisions of this ordinance. This ordinance shall not be construed as a limitation of said laws, rules and regulations.

§121-14. Severability.

In the event any section of this ordinance shall be determined to be invalid or unconstitutional, the remaining sections shall remain in full force and effect.

**CHAPTER 127****PEACE AND GOOD ORDER**

**HISTORY: Art. I, adopted 9-26-1887 Special Town Meeting, Art. 4; Art. II, adopted 11-4-1935 Special Town Meeting, Art. 21; Art. III, adopted 5-23-1994 Annual Town Meeting, Art. 33. Amendments noted where applicable.**

**GENERAL REFERENCES**

Alcoholic beverages -- See Ch. 49.

Cemeteries -- See Ch. 68.

Dogs -- See Ch. 79.

Dumps -- See Ch. 82.

Streets and sidewalks -- See Ch. 152.

**ARTICLE I, Miscellaneous Provisions (Adopted 9-26-1887 STM, Art. 4)****§127-1. Public dumping prohibited.**

No person shall put or place or cause to be put or placed in any street, lane, alley or other public place in the town any house dirt, ashes, filth, shells or other kind of rubbish.

**§127-2. Disorderly conduct; profanity.**

No person shall behave himself in a rude and disorderly manner or use any indecent or profane language in any street, lane, alley or other public place in the town.

**§127-3. Indecent exposure.**

No person shall swim or bathe in any pond, stream or river in the town destitute of clothing so as to be indecently exposed to the view of any person lawfully passing or being in or upon any street, lane, alley, common, square, railroad or other public place within the town.

**§127-4. Obstructing free passage on sidewalks.**

Three (3) or more persons shall not stand together or near each other in any street or on any footwalk or sidewalk in the town so as to obstruct the free passage for foot passengers; and any person or persons so standing shall move on immediately after a request so to do is made by either the Town Manager or any constable, police officer. (Amended Ord. 2007-12, RTCM 07/11/2007)

**§127-5. Obstructing access to buildings.**

No person shall be or remain upon the steps of or other projection from any church, hotel, hall or other public building nor in any hall space or way leading thereto so as to incommode or obstruct the passage to or from such church, hall, hotel or building. And every person so being or remaining shall immediately depart therefrom when ordered to do so by either the Town Manager or any constable, police officer, , owner, agent or other person having charge of said church, hotel, hall or other public building. (Amended Ord. 2007-12, RTCM 07/11/2007)

**§127-6. Violations and penalties.**

A. Criminal Complaint – Whoever violates any of the provisions of this Article may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or

B. Non-Criminal Disposition – Whoever violates any provision of this Article may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine of twenty-five dollars (\$25) for the 1<sup>st</sup> offense, thirty-five dollars (\$35) for the 2<sup>nd</sup> offense, and fifty dollars (\$50) for the 3<sup>rd</sup> and subsequent offenses. Each day a violation continues shall constitute a separate offense. (Amended Ord. 2007-12, RTCM 07/11/2007)

§127-7. Time for prosecution of offenses.

No person shall be prosecuted for an offense against any of the provisions of this Article unless complaint for the same shall be instituted or commenced within six (6) months from the time of committing such offense.

§127-8. Enforcement.

The Town Manager, any constable and all police officers are especially charged to see that the provisions of this Article are enforced. (Amended Ord. 2007-12, RTCM 07/11/2007)

**ARTICLE II, Hitchhiking (Adopted 11-4-1935 STM, Art. 21)**

§127-9. Solicitation prohibited.

No person shall stand in or otherwise occupy a public way in the Town of Palmer for the purpose of soliciting a ride from the operator of any motor vehicle.

§127-10. Violations and penalties.

A. Criminal Complaint – Whoever violates any of the provisions of this Article may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or

B. Non-Criminal Disposition – Whoever violates any provision of this Article may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine of twenty-five dollars (\$25) for the 1<sup>st</sup> offense, thirty-five dollars (\$35) for the 2<sup>nd</sup> offense, and fifty dollars (\$50) for the 3<sup>rd</sup> and subsequent offenses. Each day a violation continues shall constitute a separate offense. (Amended Ord. 2007-12, RTCM 07/11/2007)

**ARTICLE III, Adult Uses (Adopted 5-23-1994 ATM, Art. 33)**

§127-11. Definitions.

For the purposes of §127-11 through §127-15, the following words shall have the following meanings:

**DISSEMINATE:** To import, publish, produce, print, manufacture, distribute, sell, lease, exhibit or display.

**HARMFUL TO MINORS:** Is obscene or, if taken as a whole, it:

- A. Describes or represents nudity, sexual conduct or sexual excitement, so as to appeal predominantly to the prurient interest of minors.
- B. Is patently contrary to prevailing standards of adults in the county where the offense was committed as to suitable material for such minors.
- C. Lacks serious literary, artistic, political or scientific value for minors.

**KNOWING:** A general awareness of the character of the matter.

**LASCIVIOUS INTENT:** A state of mind in which the sexual gratification or arousal of any person is an objective. For the purposes of prosecution under this chapter, proof of lascivious intent may include but shall not be limited to the following:

- A. Whether the circumstances include sexual behavior, sexual relations, infamous conduct of a lustful or obscene nature, deviation from accepted customs and manners or sexually oriented displays.
- B. Whether the focal point of a visual depiction is the child's genitalia, pubic area or breast area of a female child.
- C. Whether the setting or pose of a visual depiction is generally associated with sexual activity.
- D. Whether the child is depicted in an unnatural pose or inappropriate attire, considering the child's age.
- E. Whether the depiction denotes sexual suggestiveness or a willingness to engage in sexual activity.
- F. Whether the depiction is of a child engaging in or being engaged in sexual conduct, including but not limited to sexual intercourse, unnatural sexual intercourse, bestiality, masturbation, sadomasochistic behavior, or lewd exhibition of the genitals.

**MINOR:** A person under eighteen (18) years of age.

**NUDITY:** Uncovered or less than opaquely covered human genitals, pubic areas, the human female breast below a point immediately above the top of the areola or the covered male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple or areola only is covered.

**MATTER:** Any printed material, visual representation, live performance or sound recording, including but not limited to books, magazines, motion picture films, pamphlets, phonographic records, pictures, photographs, figures, statues, plays, dances.

**PERFORMANCE:** Any play, dance, exhibit or such similar activity performed before one or more persons.

**OBSCENE:** If taken as a whole, matter:

- A. Appeals to the prurient interest of the average person applying the contemporary standards of the county where the offense was committed.
- B. Depicts or describes sexual conduct in a patently offensive way.
- C. Lacks serious literary, artistic, political or scientific value.

**SEXUAL CONDUCT:** Human masturbation, sexual intercourse, actual or simulated, normal or perverted, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship, any lewd touching of the genitals, pubic areas or buttocks of the human male or female, or the breast of the female, whether alone or between members of the same or opposite sex or between humans and animals, any depiction or representation of excretory functions in the context of a sexual relationship. Sexual intercourse is simulated when it depicts explicit sexual intercourse which gives the appearance of the consummation of sexual intercourse, normal or perverted.

**SEXUAL EXCITEMENT:** The condition of human male or female genitals or the breasts of the female while in a state of sexual stimulation or the sensual experiences of human engaging in or witnessing sexual conduct or nudity.

**SEXUAL EXPLICIT MATTER:** Material(s) as used in reference to adult retail businesses or adult theaters or to special permits issued to operate them means visual or audio materials such as posters, pictures, books, book jackets or covers, magazines, videotape boxes or covers, photographs, films, graphic matter or any similar printed or recorded matter which depicts nudity, sexual conduct or sexual excitement as these terms are defined in MGL C. 272, §31.

**VISUAL MATERIAL:** Any motion picture film, picture, photograph, videotape, any book magazine or pamphlet that contains pictures, photographs or similar visual representations or reproductions. Undeveloped photographs, pictures, motion picture films, videotapes and similar visual representations or reproductions may be visual materials, notwithstanding that processing, development or similar acts may be required to make the contents thereof apparent.

§127-12. Dissemination to minors prohibited.

No person shall disseminate any matter harmful to minors, knowing it to be harmful to minors, or have in his possession any such matter with the intent to disseminate it to minors.

§127-13. Responsibility of retail establishment owner.

The owner and/or manager of any store, business, retail establishment, convenience store or other forum open to the public displaying or selling matter harmful to minors or matter designed with lascivious intent shall display, organize, arrange, publicize and make available such material in such a manner as to prevent minors from seeing or observing it either by covering it, segregating it in portions of the premises accessible only to adults or by any other means reasonably designed to prevent minors from seeing or observing such material.

§127-14. Violations and penalties.

A. Criminal Complaint – Whoever violates any of the provisions of this Article may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or

B. Non-Criminal Disposition – Whoever violates any provision of this Article may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine of fifty dollars (\$50) for the 1<sup>st</sup> offense, one hundred dollars (\$100) for the 2<sup>nd</sup> offense, and two hundred dollars (\$200) for the 3<sup>rd</sup> and subsequent offenses. Each day a violation continues shall constitute a separate offense. (Amended Ord. 2007-12, RTCM 07/11/2007)

§127-15. Intent: Severability.

It is the intent of the Town of Palmer to prohibit certain behaviors and conduct as set forth in this Article, §172-11 through §127-14, consistent with the Constitution of the United States and the Commonwealth of Massachusetts and the statutory provisions of the Commonwealth of Massachusetts and to regulate the matters herein regulated to the maximum extent consistent with the First Amendment. Any ambiguity, vagueness or doubt in interpreting or construing any section, word or provision shall be resolved to be consistent with this intent. If any one section or point of this Article is declared void, invalid or unconstitutional, it is the Town of Palmer's intent that the remaining sections or parts shall not thereby be rendered invalid or void. It is the intention of the Town of Palmer that each section, provision or requirement of any section shall be considered separable so that the invalidity of any portion of this Article shall not affect the enforceability of any other portion.

**CHAPTER 137****RACETRACKS**

**HISTORY: Adopted 10-26-1981 Special Town Meeting, Art. 4. Amendments noted where applicable.**

## GENERAL REFERENCES

Zoning -- See Ch. 171.

§137-1. Conditions for approval.

In accordance with MGL C. 128-A the Town Manager of the Town of Palmer shall not approve a site for a track to be used for any form of racing in connection with pari-mutuel betting unless the following provisions are met in all regards: (Amended Ord. 2007-12, RTCM 07/11/2007)

A. The area for a site must not be within two (2) miles of a church, cemetery or burial ground, school playground, public park or recreational area or fire station.

B. The area for a site must contain sufficient property so that it will provide for a five hundred (500) foot buffer zone between the area of the racetrack, including any barn, kennel, concession stand, parking area or any other building utilized for the racetrack, and any abutting property line, including a public way.

C. The petitioner shall provide an engineering plan complete in detail as to elevation, drainages, sewerage, water and building layout. This must be first filed with the office of the Building Inspector with a complete building plan by a certified architect as is necessary for the issuance of a building permit.

D. A noise study shall be provided by the petitioner with a certification by a qualified noise engineer that there will be no appreciable increase of noise which will affect abutting and other property owners.

E. A traffic study shall be provided by the petitioner with a certification by a qualified traffic engineer that the public highways as they presently exist in the Town of Palmer will be sufficient for traffic attracted to a track at the site which is the subject matter of the petition, and further, a certification that said traffic will not materially interfere with the provision of adequate fire, police, ambulance, snowplow and other necessary services.

F. The Planning Board shall, prior to the approval of any site, render detailed written factual findings that said site approval shall not adversely affect the residential, rural and the agricultural nature of the Town of Palmer, including the natural, scenic, historic and a aesthetic qualities of the present environment, the existing conditions with respect to clean air, water and noise, traffic, sewage disposal and other factors affecting the environment of the Town of Palmer.

G. The engineering plan and architectural plan shall be approved by the Building Inspector, Conservation Commission, Historical Committee and Planning Board.

## CHAPTER 143

### SEWERS

**HISTORY:** Adopted 9-15-1975 Special Town Meeting, Art. 9. Amendments noted where applicable.

#### GENERAL REFERENCES

Streets and sidewalks -- See Ch. 152.

Zoning -- See Ch. 171.

Sanitary sewer entrance fees -- See Ch. 178, Art. I.

Sewer use classifications -- See Ch. 199.

#### ARTICLE I, Definitions

§143-1. Terms defined.

A. Unless otherwise specifically indicated in this chapter, the meaning of terms used herein shall be as follows:

**TOWN MANAGER:** The duly appointed Town Manager of the Town of Palmer or his/her authorized deputy, agent or representative. (Amended Ord. 2007-12, RTCM 07/11/2007)

**BOD:** (denoting "biochemical oxygen demand"): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20° C), expressed in milligrams per liter.

**BUILDING DRAIN:** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning ten (10) feet outside the inner face of the building wall.

**BUILDING SEWER:** The extension from the building drain to the public sewer or other place of disposal.

**COMBINED SEWER:** A sewer receiving both surface runoff and sewage.

**GARBAGE:** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**INDUSTRIAL WASTES:** The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

**NATURAL OUTLET:** Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**PERSON:** Any individual, firm, company, association, society, corporation or group.

**PH:** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PROPERLY SHREDDED GARBAGE:** The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (½) inch [one and 1.27 centimeters] in any dimension.

**PUBLIC SEWER:** A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

**SANITARY SEWER:** A sewer which carries sewage and to which storm-, surface and groundwaters are not intentionally admitted.

**SEWAGE:** A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

**SEWAGE TREATMENT PLANT:** Any arrangement of devices and structures used for sewage treatment.

**SEWAGE WORKS:** All facilities for collecting, pumping, treating and disposing of sewage.

**SEWER:** A pipe or conduit for carrying sewage.

**SLUG:** Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flow during normal operations.

**STORM DRAIN:** (sometimes termed "storm sewer"): A sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

**SUSPENDED SOLIDS:** Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

**WATERCOURSE:** A channel in which a flow of water occurs either continuously or intermittently.

B. Word usage. "Shall" is mandatory; "may" is permissive.

## **ARTICLE II, Building Sewers and Connections**

### §143-2. Required permits and notification.

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Manager. No person shall break into or connect to a public sewer except under the supervision of the Town Manager or his/her designated representative. (Amended Ord. 2007-12, RTCM 07/11/2007)

B. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Town Manager at least forty-five (45) days prior to the proposed change or connection by completing the proper connection application, copies of which are attached. (Added 4-26-1976 ATM, Art. 19; amended 4-6-1981 STM, Art. 5) (Amended Ord. 2007-12, RTCM 07/11/2007)

### §143-3. Establishment of fee schedule.

The Town Manager shall establish a schedule of entrance fees. (Amended Ord. 2007-12, RTCM 07/11/2007)

### §143-4. Application for permit; supplementary information.

The owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Town Manager. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-5. Responsibility for costs; indemnification of town.

- A. Entrance fees shall not include installation and connection costs.
- B. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner.
- C. The owner shall indemnify the town from loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. No building permit will be issued unless the person applying for the permit has deposited a certified check, payable to the Town of Palmer, in the amount determined by the Town Manager. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-6. Separate sewers required; exception.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

§143-7. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director of Public Works, to meet all requirements of this chapter. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-8. Materials and procedures standards.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

§143-9. Building sewer elevation.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§143-10. Prohibited connections.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§143-11. Connection standards; deviations.

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the town or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed

procedures and materials must be approved by the Director of Public Works before installation. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-12. Notice when sewer ready for connection.

The applicant for the building sewer permit shall notify the Director of Public Works when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director of Public Works. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-13. Guarding of excavations; restoration.

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Director of Public Works. (Amended Ord. 2007-12, RTCM 07/11/2007)

### **ARTICLE III, Use of Public Sewers**

§143-14. Prohibited discharges to sanitary sewers.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

§143-15. Discharges to storm sewers.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Town Manager. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Town Manager, to a storm sewer, combined sewer or natural outlet. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-16. Prohibited discharges to public sewers.

No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oils or other flammable or explosive liquid, solid or gas.
- B. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.
- C. Solid or viscous substances in such quantities or of such size as to be capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by the garbage grinders, without prior approval of the rDirector of Public Works. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-17. Acceptability, of certain potentially harmful discharges.

No person shall discharge or cause to be discharged the following-described substances, materials, waters or wastes if it appears likely in the opinion of the Director of Public Works that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Director of Public Works will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are: (Amended Ord. 2007-12, RTCM 07/11/2007)

- A. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F. (65° C.).
- B. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) F. and one hundred fifty degrees (150°) F. (0° and 65° C.).
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-quarter ( $\frac{3}{4}$ ) horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the Director of Public Works. (Amended Ord. 2007-12, RTCM 07/11/2007)
- D. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Director of Public Works for such materials. (Amended Ord. 2007-12, RTCM 07/11/2007)
- F. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations as may exceed limits which may be established by the Director of Public Works as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters. (Amended Ord. 2007-12, RTCM 07/11/2007)
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director of Public Works in compliance with applicable state or federal regulations. (Amended Ord. 2007-12, RTCM 07/11/2007)
- H. Any waters or wastes having a pH in excess of nine and one half (9.5) or wastes having a pH lower than five and one half (5.5) or having other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- I. Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as but not limited to fuller's earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
  - (2) Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting slugs, as defined herein.

J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§143-18. Authority of Director of Public Works to accept or reject certain discharges.

A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in §143-17 of this article and which, in the judgment of the Director of Public Works, may have a deleterious effect upon the sewage works, process, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director of Public Works may: (Amended Ord. 2007-12, RTCM 07/11/2007)

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of §143-23 of this article.

B. If the Director of Public Works permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director of Public Works and subject to the requirements of all applicable codes, ordinances and laws. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-19. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Director of Public Works, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director of Public Works and shall be located so as to be readily and easily accessible for cleaning and inspection. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-20. Maintenance of pretreatment or flow-equalizing facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§143-21. Control manhole.

When required by the Town Manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling and measurements of the wastes. Such manhole, when required, shall be accessible and safety located and shall be constructed in accordance with plans approved by the Director of Public Works. The

manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-22. Monitoring of discharges.

A. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

B. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

C. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Town Manager and/or his/her duly authorized employees of the town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping of records and reporting the results of such monitoring to the Director of Public Works. Such records shall be made available upon request by the Town Manager to other agencies having jurisdiction over discharges to the receiving waters. (Added 4-26-1976 ATM, Art. 19) (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-23. Special agreements or arrangements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefore by the industrial concern.

**ARTICLE IV, Protection From Damage**

§143-24. Damaging or tampering with sewage works.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**ARTICLE V, Powers and Authority of Inspectors**

§143-25. Right of entry.

The Town Manager and/or his/her duly authorized representatives bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-26. Limit of authority.

The Town Manager or his/her representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-27. Observation of safety rules; indemnification of company.

While performing the necessary work on private properties referred to in §143-25 above, the Town Manager or his/her duly authorized representative shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town representative and the Town shall indemnify the company against loss or damage to its property by the town representative and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by the negligence or failure of the company to maintain safe conditions as required in §143-21. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-28. Entry onto private property through easements.

The Town Manager and his/her other duly authorized representatives of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Amended Ord. 2007-12, RTCM 07/11/2007)

## **ARTICLE VI, Industrial Wastes**

§143-29. Authority to enter into agreements. (Amended 4-6-1981 STM, Art. 5)

The Town Manager is authorized and empowered to enter into agreements or to make other arrangements for handling and treating industrial wastes which in its opinion are amenable to treatment in the town's facilities. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-30. Identification of industrial users. (Amended 4-6-1981 STM, Art 5)

A. An "industrial user" is defined as any nongovernmental, nonresidential user of the publicly owned sewage works and is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under one of the following divisions:

- (1) Division A: Agriculture, forestry and fishing.
- (2) Division B: Mining.
- (3) Division D: Manufacturing.
- (4) Division E: Transportation, communications, electric, gas and sanitary services.
- (5) Division I: Services.

B. An "industrial user" is also defined as any nongovernmental user of a publicly owned sewage works which discharges wastewater to the sewage treatment works which contains a toxic pollutant or poisonous solids, liquids or gases in sufficient quantities either singly or by interaction with other wastes to contaminate the sludge of the system or to injure or to interfere with any sewage

treatment process or which constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard or has any adverse effect on the waters receiving any discharge from the treatment works.

## **ARTICLE VII, Drainlayers (Added 4-6-1981 STM, Art. 5)**

§143-31. License required to make installations.

No building sewer installation shall be made by anyone other than those holding a drainlayer's license issued by the Town Manager or his/her authorized representative. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-32. Issuance of licenses restricted.

Licenses will be issued only to experienced and competent contractors.

§143-33. Insurance and indemnity requirements.

A. Drainlayer contractors shall maintain insurance as follows:

- (1) Public liability: \$100,000./\$300,000.
- (2) Property damage liability: \$50,000./\$100,000.

B. Such contractors shall file a certificate of same with a save harmless clause (also called an "indemnity agreement") to the Town of Palmer with the Town Manager or his/her authorized representative. This clause must be written out on the contractor's insurance certificate. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-34. Posting of bond.

Drainlayer contractors shall post a bond in the amount of three thousand dollars (\$3,000) to guarantee the satisfactory completion of their work. Licenses are renewable annually on January 1.

## **ARTICLE VIII, Permits and Inspections (Added 4-6-1981 STM, Art. 5)**

§143-35. Classes of permits; application provisions.

A. There shall be three (3) classes of building sewer permits: residential or mixed, commercial service and service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town.

B. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Town Manager or his/her authorized representative. (Amended Ord. 2007-12, RTCM 07/11/2007)

C. An inspection fee of ten dollars (\$10) for a residential or commercial building sewer and ten dollars (\$10) for an industrial building sewer, as well as the applicable sewer entrance fee (as described under Article II), shall be paid to the Town at the time the application is filed. Additional inspection charges may be assessed in accordance with §143-44 of this article.

§143-36. Availability of applications.

Permit applications are to be obtained weekdays at the Town Manager's office between the hours of 9:00 a.m. and 4:30 p.m. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-37. Issuance of permits restricted.

Permits to lay sewers and drains will only be issued to licensed drainlayers in the Town of Palmer as described under Article VII, Drainlayers.

§143-38. Permits not transferable.

Permits are not transferable.

§143-39. Revocation of permits.

Permits shall be subject to revocation if any of the rules or regulations contained herein are violated.

§143-40. Voiding of permits.

If work is not completed within six months, a permit becomes void.

§143-41. Permit required for repair work.

A permit must be obtained for repair work to existing sewer services.

§143-42. Requests for inspections.

Requests for inspection of sewer service connections to be installed shall be made forty-eight (48) hours before the proposed date of installation. Requests shall be made at the Town Manager's office between the hours of 9:00 a.m. and 4:30 p.m. All connections must be inspected and approved by the Town Manager or his/her designated agent before the trench is backfilled. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-43. Times of inspections.

Inspections will be made only during the normal working hours of the Town Manager or his/her designated agent. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-44. Additional charges for certain inspections.

A charge in the amount of the actual cost to the town will be made for any inspections made outside these normal working hours (§143-43) and/or for any additional inspections required as a result of faulty workmanship or nonconformance with the requirements contained herein. An additional charge based on actual costs will also apply to inspection of leakage tests as described under §143-47 of this chapter.

**ARTICLE IX, Materials and Workmanship (Added 4-6-1981 STM, Art. 5)**

§143-45. Pipe and fittings standards.

A. Pipe and fittings to be used in the work shall be either asbestos cement, cement-lined cast or ductile iron, vitrified clay, polyvinyl chloride (PVC) or ABS composite or solid wall pipe of approved strength and with approved joints. Pipe shall be a minimum of four (4) inches in diameter for a single-family home and a minimum of six (6) inches in diameter for all other building categories.

B. Joints for vitrified clay pipe shall be of the compression type, consisting of a plastic material applied to the bell and spigot ends of the pipe and a compression ring of elastomeric material (O-ring or approved equal). Cement joints or bitumastic joints are not permissible. Joints for asbestos

cement, cement-lined cast iron, PVC or ABS shall conform to the manufacturer's specifications and are subject to approval by the Town or its designated agent.

§143-46. Plans to be submitted for approval.

The size, slope, alignment, jointing of pipe, materials of construction, etc., for sewer system extensions, including construction methods, excavation and backfill for sewer system extensions, shall be subject to approval by the Town Manager or his/her designated agent. Detailed plans and specifications shall be submitted for the Town's approval prior to construction. Leakage testing and deflection testing will be performed on all sewer system extensions (as appropriate). (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-47. Leakage testing.

A. Leakage testing will be performed on all town sewer extensions and may be performed on industrial or commercial connections, depending on waste composition, at the discretion of the Director of Public Works, in accordance with the town's sewer use regulations. Leakage tests shall be made in accordance with the town's standard method for sanitary sewer testing. No building shall be connected to a newly installed sewer until such time as the sewer has been satisfactorily tested. Testing shall be carried out by the contractor for a minimum of four (4) hours under the supervision of the Town or its designated agent. Cost for this inspection will be as detailed under Article VIII, §143-44. (Amended Ord. 2007-12, RTCM 07/11/2007)

B. The maximum acceptable loss, through either infiltration or exfiltration, shall not exceed two hundred (200) gallons per mile per twenty-four (24) hours per inch of diameter of the pipe tested. When two or more pipeline sections are tested at the same time, the allowable leakage for the shortest section shall be used as the acceptable loss for the entire length being tested. Losses through manholes shall be included in determining the loss in a line.

C. In case leakage exceeds the above-specified amount, the contractor shall locate the leaks and shall repair them at his own expense. Method of repair, if necessary, shall be subject to approval by the Town.

D. After repairs have been made, the line shall be retested and the process of repairing and retesting shall be repeated until results within the above-specified limits are obtained.

§143-48. Deflection tests.

Deflection tests will be performed on all PVC and ABS sewer extensions and may be performed on PVC, ABS building connections at the direction of the Town Manager. The test will consist of a five percent (5%) GO, NO-GO deflection test after the pipe to be tested has been in the ground at least ninety (90) days. The deflection test shall be done with an instrument provided by the pipe manufacturer be approved by the Town Manager or his/her authorized agent and conducted in the presence of the Town's authorized agent. Any system which fails the five percent (5%) deflection test may, at the discretion of the Town Manager, be ordered to be excavated, replaced and retested. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-49. Angle restrictions.

In general, sewer services will not be allowed to have more than two (2) angle points or a total angular deviation of one hundred eighty degrees (180°). Cleanouts shall be installed at each deflection.

§143-50. Laying of pipes in sand or other approved materials.

All services shall be laid in an envelope of sand or other approved material, depending on soil conditions, with not less than six (6) inches of said material well compacted under and all around the barrel of the pipe.

§143-51. Minimum slope.

All pipe and fittings shall be laid to a minimum slope of one-quarter ( $\frac{1}{4}$ ) inch per foot.

§143-52. Required excavation prior to backfilling.

In general, the trenches shall be excavated from the end of the existing sewer service to its point of connection to the building plumbing outlet before backfilling any pipe beyond the sand envelope.

§143-53. Services in excess of one hundred (100) feet.

Services in excess of one hundred (100) feet in length are subject to special review by the Director of Public Works or his/her authorized representative and such other requirements as may be found necessary to assure a functional connection. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-54. New construction: direct connection.

In new construction and, where practicable, in existing buildings when the common sewer is sufficiently deep, service shall be laid directly, without deflections, from the house plumbing vent stack to the connection provided at the public sewer.

§143-55. Tunneling restricted.

Tunneling will not be allowed unless special permission for same is given.

§143-56. Proximity to septic tanks and cesspools.

Connection made to the building plumbing system shall be upstream of any septic tanks or cesspools.

§143-57. Abandonment of private facilities upon connection to sewers.

Upon connection to the sanitary sewer, any septic tanks, cesspools or similar private septic disposal facilities shall be demolished or abandoned and filled with suitable material by the drainlayer.

§143-58. Inspection required prior to backfilling.

Pipe and fittings shall not be backfilled beyond the sand envelope until the work is inspected and approved by the Director of Public Works or his/her designated agent. (Amended Ord. 2007-12, RTCM 07/11/2007)

§143-59. Responsibility for defects.

The licensed drainlayer shall be responsible for all defects in materials and workmanship for a period of one year following completion of the sewer service installation.

§143-60. Permit required for use of explosives.

When ledge is encountered in the excavations, a permit must be obtained from the Fire Chief for the use of explosives.

§143-61. Blasting procedures.

All blasting shall be done in accordance with the requirements of the Massachusetts Department of Public Safety and such other requirements as imposed by the Fire Chief. All blasting must be done by a person licensed by the Massachusetts Department of Public Safety for this purpose. (Amended Ord. 2007-12, RTCM 07/11/2007)

## **ARTICLE X, Penalties**

### §143-62. Notice of violation.

Any person found to be violating any provision of this chapter except Article IV shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

### §143-63. Penalty for continued violation.

Any person who shall continue any violation beyond the time limit provided for in §143-62 shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding twenty dollars (\$20) for each violation or as provided under MGL C. 83, §10. Each day in which any such violation shall continue shall be deemed a separate offense.

### §143-64. Liability for expenses.

Any person violating any of the provisions of this chapter shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

### § 143-65. Hearing procedure.

A. The person to whom any written notice is served by the Town Manager or his/her designee, pursuant to §143-62 may request a hearing before the Town Manager by filing within three (3) days, excluding Saturdays, Sundays and legal holidays, after the day the written notice was served or given, in the office of the Town Manager, a written letter requesting a hearing of the matter. Upon receipt of such request, the Town Manager shall set a time and place for such hearing and shall inform the petitioner thereof in writing. (Amended Ord. 2007-12, RTCM 07/11/2007)

B. The hearing shall be commenced not later than five (5) days after the day on which the written request was filed and shall be concluded within five (5) days thereafter, provided that upon application of the petitioner, the Town Manager may postpone the date of the hearing for a reasonable time beyond the five (5) day period. (Amended Ord. 2007-12, RTCM 07/11/2007)

C. At the hearing, the petitioner shall be given an opportunity to be heard and to show why the order or decision of the Town Manager should be modified or withdrawn. (Amended Ord. 2007-12, RTCM 07/11/2007)

D. After the hearing, the Town Manager shall sustain, modify or withdrawn his/her order or decision and shall inform the petitioner, in writing, of its decision within three (3) days after the conclusion of the hearing. (Amended Ord. 2007-12, RTCM 07/11/2007)

E. If a written letter for hearing is not filed in the office of the Town Manager within three (3) days, excluding Saturdays, Sundays and legal holidays, after an order as provided in this article has been issued, or if, after hearing, the order has been sustained in any part, each day's failure to comply with

the order as issued or modified shall constitute an additional offense. (Amended Ord. 2007-12, RTCM 07/11/2007)

## **ARTICLE XI, Validity**

§143-66. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§143-67. Severability.

The invalidity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.

## **ARTICLE XII, Adoption**

§ 143-68. Adoption by Town Manager.

These rules and regulations were adopted by the Board of Selectmen at its regular meeting on August 19, 1975 and re-adopted by the Town Manager on 07/11/2007. (Amended Ord. 2007-12, RTCM 07/11/2007)

## CHAPTER 148

### STORAGE, UNDERGROUND

**HISTORY: Adopted 5-23-1994 Annual Town Meeting, Art. 31. Amendments noted where applicable.**

#### GENERAL REFERENCES

Petroleum storage -- See Ch. 90, Art. V.

Earth removal -- See Ch. 233.

#### §148-1. Findings; purpose.

- A. Leaking underground storage systems containing toxic or hazardous materials pose an immediate and serious threat to the local and regional water supplies.
- B. The Town of Palmer needs accurate records of the location, age and ownership of all such systems installed within the Town of Palmer.
- C. The Town of Palmer adopts the following measures under its home rule powers, its police powers to protect the public health and welfare and its authority under MGL C. 40, §21, in order to protect the ground and surface waters from contamination with liquid toxic or hazardous materials.

#### §148-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**TOXIC OR HAZARDOUS MATERIALS:** All liquid hydrocarbon products, including but not limited to gasoline, fuel and diesel oil, toxic or corrosive chemicals, radioactive materials or other substances controlled as being toxic or hazardous by the Division of Hazardous Waste of the Commonwealth of Massachusetts, under the provisions of MGL C. 21C, §1, et seq.

**UNDERGROUND STORAGE:** Storage of petroleum products or other toxic or hazardous materials below ground level, but not including storage in a freestanding container within a building.

**UNDERGROUND STORAGE SYSTEM:** Any underground storage tank and piping for toxic or hazardous materials.

#### §148-3. System regulations.

The following regulations shall apply to all underground storage systems containing toxic or hazardous materials, as defined above:

- A. Compliance with applicable state regulations. Every owner of an underground storage system for fuel or other hazardous or toxic materials shall comply with 527 CMR 9.00 and all other applicable state regulations for such storage.
- B. Registration of all underground storage systems.
  - (1) Every owner of an existing underground storage system for toxic or hazardous materials including petroleum products, whether in use or abandoned, shall apply to the Fire Department for a permit to have a storage facility. Application shall be made within one hundred and twenty (120) days of the effective date of this chapter on a form provided by the Fire Department, which shall contain, at a minimum, the following information:
    - (a) The name, address and telephone numbers of the owner and operator.

- (b) The address of the storage tank location.
- (c) The type of materials stored.
- (d) The tank size and construction type for the tank and piping.
- (e) Evidence of the date of installation and of system warranty. (Where the age of a tank is unknown, the tank shall be presumed to be twenty-five (25) years old.)
- (f) Plot plan of the site, if available, including the location of the tank, pumping components, any wells or water bodies and any subsurface drains.
- (g) Appropriate tank location marked on a copy of a eight and one-half (8½) by eleven (11) inch street atlas map or United States Geological Survey topographic map, provided with the Fire Department's application form.
- (h) Leak detection, overfill prevention and spill containment devices.
- (i) Corrosion prevention, if any.

C. Registration tags.

(1) Upon registering the tank with the Fire Department, the tank owner will receive a permanent metal or plastic tag, embossed with a registration number unique to that tank. This registration tag must be affixed to the fill pipe or in such location as to be visible to any inspector authorized by the Fire Department.

(2) Effective June 30, 1994, every petroleum or other chemical distributor, when filling an underground storage tank, shall note on the invoice or bill for the product delivered, the registration number appearing on the tank. Every petroleum or other chemical distributor shall notify the Fire Department of the existence and location of any unregistered or untagged underground tank, or any tank which the distributor cannot clearly identify as being either above or below ground, which they are requested to fill. Such notification must be completed within two (2) working days of the time the distributor discovers that the tank registration age is not present.

D. Abandoned tanks. Underground tanks or storage systems which are abandoned or temporarily out of service must comply with Massachusetts Board of Fire prevention regulations under 527 CMR 9.22-23. All abandoned tanks must be drained and removed or otherwise brought into compliance with state regulations as specified in 527 CMR 9.22-23.

E. Fees for registration. These permits shall be in addition to any license or permit required by MGL C. 148, as amended, or by any regulation issued thereunder. The fee for this permit, payable to the Fire Department, shall be established by the Town Manager. (Amended Ord. 2007-12, RTCM 07/11/2007)

F. Transfer of ownership. If the ownership of any underground storage system is transferred, the new owner shall notify the Fire Department within ten (10) working days. Any tanks thirty (30) years or older, without cathodic protection or other leak prevention devices, shall be removed under the supervision of the Fire Chief. This provision may be waived if the tank owner can prove, through testing, to the satisfaction of the Fire Chief, that the tank and piping are tight. If proof of the date of installation is not known, the tank will be assumed to be fifteen (15) years old.

§148-4. New and replacement system regulations.

The following regulations shall apply to all applications for new storage systems containing toxic or hazardous materials:

A. Registration of underground storage systems. All new or replacement storage systems must comply with the registration procedures in §148-3.B.

B. Procedures for review of permit applications.

(1) The head of the Fire Department is required to send to the Planning Board a copy of every permit application for a new underground storage facility, with a request for a recommendation of approval or disapproval within thirty (30) days.

(2) Subsequent to the effective date of this chapter, no new or replacement underground storage containers shall be installed unless the owner shall have first obtained a permit from the Fire Department. If the Fire Department, Planning Board, or Board of Health determines that the proposed storage container constitutes a danger to a water supply, water body, public health or safety, the Fire Department may deny the permit or may grant it subject to conditions which the Department determines are necessary. All new and replacement underground storage tanks, regardless of size, shall meet the requirements of Massachusetts regulations 527 CMR 9.00 regarding tank design, construction and installation.

C. Regulations for new or replacement storage systems within the water supply protection district. Within the Palmer Water Supply Protection District designated on the Palmer Zoning Map, the following additional regulations shall apply:

(1) New tanks.

(a) No new underground storage tanks shall be allowed within the Water Supply Protection zoning district.

(b) New storage tanks for toxic or hazardous materials other than gasoline shall be located above ground inside a structure or within the basement of a structure, or within an impervious bermed containment area sufficient to contain the volume of the tank.

(c) New storage tanks for gasoline are prohibited within the Water Supply Protection zoning district.

(2) Replacement of existing tanks.

(a) All replacement storage systems for gasoline storage tanks existing at the time of adoption of this chapter shall be located underground as required by the Massachusetts Building Code. All such storage systems shall be protected by one of the secondary containment system specified in Massachusetts Board of Fire Prevention Regulations, 527 CMR 9.08(3). The Fire Department, with the advice of the local officials listed in Subsection B(1), may set conditions on the installment and use of underground storage (UST) systems storing gasoline, which may include but are not limited to the following:

[1] The tanks and/or piping must have tertiary containment through the use of a buried vault or liner surrounding the tank and/or piping and filled with backfill materials.

[2] The interstitial space monitors must be able to identify vapor, product and water, and alarms from those monitors must be connected to a central point where calls to the Police, Fire and Water Department are automatically made when the alarm sounds.

[3] The spill containment device must have a capacity of between ten (10) and twenty-five (25) gallons.

- [4] The area for filling the tanks must be designed to contain a spill of twenty-seven hundred (2,700) gallons or the size of one tanker truck compartment, whichever is greater.
- [5] The facility must have a spill and leak contingency plan so that all employees know how to safely and rapidly respond to a spill or leak. These plans must be submitted to the Fire Department for approval.
- [6] Safe absorbent material, booms and other spill containment material must be kept at the facility, and all staff must be trained to use them.
- [7] Monitoring wells must be installed between the facility and the nearest public wells within one-half (½) mile or defined Zone II.
- [8] The piping must be, whenever possible, European suction piping as defined in 527 CMR 9.00.
- (b) It is strongly recommended that all replacement storage systems for toxic or hazardous materials other than gasoline, which existed at the time of adoption of this chapter, be located above ground inside a structure or within the basement of a structure within an impervious bermed containment area sufficient to contain the volume of the tank.
- (c) Within the Water Supply Protection District, replacement systems must be located above ground inside a structure or within the basement of a structure within an impervious bermed containment area sufficient to contain the volume of the tank.
- (d) Underground storage tanks for toxic or hazardous materials other than gasoline, which existed at the time of adoption of this chapter, may be replaced underground, provided that the requirements of Subsection C.(2)(a) above are met.
- (e) Above ground tanks must comply with all applicable provisions of 527 CMR 9.00, Massachusetts Board of Fire Prevention regulations.

#### §148-5. Report of leaks, spills or violations.

Any person who is aware of a spill of ten (10) gallons or more from any cause, or a loss of product, or unaccounted for increase in consumption which may indicate a leak or violation of this chapter shall report such spill, loss or increase immediately to the head of the Fire Department, to the Board of Health and to the Office of Incident Response of the Massachusetts Department of Environmental Protection, as required in 527 CMR 9.20.

#### § 148-6. Enforcement.

A. Any violation of the provisions of this chapter, the conditions of a permit granted under this chapter or any decisions rendered by the Fire Department under this chapter shall be liable to a fine of not more than one hundred dollars (\$100) for each violation. Each day such violation continues shall be deemed a separate offense.

B. The Town Manager or his/her designee shall be responsible for enforcing the provisions of this chapter and shall establish a schedule of fines applicable under this section. (Amended Ord. 2007-12, RTCM 07/11/2007)

## CHAPTER 152

### STREETS AND SIDEWALKS

**HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.**

#### GENERAL REFERENCES

Numbering of buildings -- See Ch. 63.

Dogs -- See Ch. 79.

Peace and good order -- See Ch. 127.

Unregistered vehicles -- See Ch. 164.

Zoning -- See Ch. 171.

Vehicles and traffic -- See Ch. 207.

Subdivision of land -- See Ch. 244.

#### **ARTICLE I, Miscellaneous Provisions (Adopted 2-10-1919 ATM, Art. 60)**

##### §152-1. Obstruction of sidewalks.

No person shall obstruct the free and convenient use by the public for travel of any sidewalk by occupying the same with wares, merchandise or other chattels or by using the same as a place for amusement, recreation or business.

##### §152-2. Placing objects on sidewalks.

No person shall place or cause to be placed upon any sidewalk any coal, trunk, bale, box, crate, cask, barrel or package so as to obstruct the same for more than one (1) hour or for more than ten (10) minutes after being notified by a constable, police officer or the Town Manager or his/her designee to remove the same. (Amended Ord. 2007-12, RTCM 07/11/2007)

##### §152-3. Tying animals in public ways.

No person shall tie or fasten any horse or other animal or team of any kind to any lamppost, standpipe or hydrant in a public way or place.

##### §152-4. Violations and penalties.

A. Criminal Complaint – Whoever violates any of the provisions of this article may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or

B. Non-Criminal Disposition – Whoever violates any provision of this article may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine of twenty-five dollars (\$25) for the 1<sup>st</sup> offense, fifty dollars (\$50) for the 2<sup>nd</sup> offense, and one hundred dollars (\$100) for the 3<sup>rd</sup> and subsequent offenses. Each day a violation continues shall constitute a separate offense. (Amended Ord. 2007-12, RTCM 07/11/2007)

**ARTICLE II, Excavations (Adopted 2-10-1919 ATM, Art. 60)**

## §152-5. Permit required.

No person other than a public officer or employee of the town in the lawful discharge of his duties shall dig up any public street, way or alley which the town is obliged to keep in repair, or open any drain, sewer, pipe or conduit therein for any purpose whatsoever, unless the same shall be done under a permit in writing granted by the Town Manager . The Town Manager may grant such permits upon such terms and conditions as he/she may deem expedient, and a record of all permits granted hereunder shall be kept by the Town Manager's Office. (Amended Ord. 2007-12, RTCM 07/11/2007)

## §152-6. Violations and penalties.

A. Criminal Complaint – Whoever violates any of the provisions of this article may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or

B. Non-Criminal Disposition – Whoever violates any provision of this article may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine of one hundred (\$100) for the 1<sup>st</sup> offense, one hundred and fifty dollars (\$150) for the 2<sup>nd</sup> offense, and two hundred dollars (\$200) for the 3<sup>rd</sup> and subsequent offenses. Each day a violation continues shall constitute a separate offense. (Amended Ord. 2007-12, RTCM 07/11/2007)

**ARTICLE III, Snow Removal (Adopted 3-9-1970 ATM, Art. 28; amended in its entirety 5-14-2001 ATM, Art. 24)**

## §152-7. Required removal.

The owner or person having the care of real property abutting upon any street, land, court or square within the town where there is a sidewalk shall cause the snow to be removed therefrom within twenty hour (24) hours after the end of any snowfall.

## §152-8. Violations and penalties.

A. Criminal Complaint – Whoever violates any of the provisions of this article may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or

B. Non-Criminal Disposition – Whoever violates any provision of this article may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine of twenty-five dollars (\$25) for the 1<sup>st</sup> offense, fifty dollars (\$50) for the 2<sup>nd</sup> offense, and one hundred dollars (\$100) for the 3<sup>rd</sup> and subsequent offenses. Each day a violation continues shall constitute a separate offense. In addition, the violator shall reimburse the Town for any expenses incurred to remove snow from the sidewalk after the initial twenty-four (24) hour grace period. (Amended Ord. 2007-12, RTCM 07/11/2007)

**ARTICLE IV, Salt Usage (Adopted 6-2-1997 ATM, Art. 38)**

## §152-9. Rates.

A. Sodium chloride for ice control shall be used at the rate of fifty-fifty (50-50) salt-to-sand mixture on the following streets:

- (1) Palmer.
  - (a) From the state boundary on South Main Street to the railroad tracks on Route 181.
  - (b) Park Street: from the state boundary at Haley's Grain Store to the intersection of Thorndike and Park Street.
  - (c) Thorndike Street: from Main Street, Palmer to the intersection of High Street and Route 32.
  - (d) Breckenridge Street: from Park Street to Route 32.
  - (e) Shearer Street: from Shearer's Corner to Thorndike Street.
  - (f) Wright Street: from North Main Street to the Wing Memorial Hospital.
- (2) Three Rivers.
  - (a) Route 181: from the railroad tracks to Four Corners.
  - (b) Main Street and Springfield Street: from Four Corners to the Wilbraham Line.
  - (c) Palmer Road: from Route 181 to Chudy's Corner.
  - (d) Calkins Road: from Route 20 to Palmer Road.
  - (e) Bridge Street: from Chudy's Corner to the Belchertown line.
  - (f) Bourne Street: from Main Street to Sykes Street.
- (3) Thorndike.
  - (a) High Street: from Route 32 to Four Corners.
  - (b) Church Street: from Junction Store to Route 181.
  - (c) River Street: from Junction Store to Route 32.
  - (d) Main Street: from Church Street to Main Street.
  - (e) Commercial Street: from High Street to Main Street.
- (4) Bondsville.
  - (a) Sykes Street: from Dutton's Bridge to end of Main Street, Diamond International Warehouse.
  - (b) State Street: from River Road to Main Street.
  - (c) Fuller Road: from Route 181 to the Industrial Park.
  - (d) South High Street: from Route 181 to the Diamond International Warehouse.
  - (e) Pine Street: from Fuller Road to Route 181.

B. The use of salt will be restricted to the ratio of fifteen percent (15%) salt-to-sand on the remaining streets in the Town of Palmer.

## CHAPTER 164

### VEHICLES, UNREGISTERED

**HISTORY: Adopted 11-22-1999 Special Town Meeting, Art. II. and amended in its entirety at RTCM 2/7/07. Amendments noted where applicable.**

#### GENERAL REFERENCES

Vehicles and traffic -- See Ch. 207.

#### §164-1. Purpose.

A. It is the intent of this ordinance to provide a mechanism for regulating, subject to reasonable and appropriate controls, certain types of activities having to do with the storage of unregistered vehicles within the Town of Palmer while at the same time protecting and preserving the residential atmosphere of the various neighborhoods of the town.

#### §164-2. Definitions.

**FARM VEHICLES:** Motor vehicles or trailers used exclusively and specifically by a farmer, as defined in Massachusetts General Laws, Chapter 90, Section 1.

**GARAGE:** A building, as defined in the Palmer Zoning Ordinances, designed and constructed for the storage of motor vehicles, for which a permit is required to erect or construct. For the purposes of this ordinance, the term “garage” does not include any structure whose exterior walls and/or roof are made of tarpaulin type material.

**OPERATING CONDITION:** Capable of being used in its existing condition for the purpose for which it was designed.

**NOT IN OPERATING CONDITION:** Not capable of being used as such in its existing condition by reason of being damaged or dismantled or failing to contain parts necessary for operation.

**TRAILER:** Any vehicle or object on wheels defined as such in M.G.L. c 90, §1.

**VEHICLE:** Any motor vehicle defined as such in M.G.L. c 90, §1, requiring registration pursuant to M.G.L. c 90, §2, to be operated on a public way.

**VEHICLE COVER:** A cover designed specifically for the purpose of covering motor vehicles or trailers. For purposes of this ordinance, a general-purpose tarpaulin shall not be considered a vehicle cover.

#### §164-3. Storage of one (1) unregistered motor vehicle or trailer or one (1) registered motor vehicle or trailer not in operation condition, permitted.

A. Any property owner, or any other person with the permission of the property owner, may store, or permit to be stored, one (1) unregistered motor vehicle or trailer, or one (1) registered motor vehicle or trailer not in operating condition, on said property owner's premises. Any motor vehicle or trailer or major parts thereof, whether registered or unregistered, stored pursuant to this section shall, that are not in operating condition shall, if visible from any public street or way, or from any abutting property, be covered with a vehicle cover.

#### §164-4. Storage of more than one (1) unregistered vehicle or more than one (1) registered vehicle not in operating condition prohibited.

A. No property owner, or any other person, may store or permit to be stored more than one (1) unregistered motor vehicle or trailer or more than one (1) registered vehicle not in operating condition on said property owner's premises unless:

- (1) The vehicles are stored in a garage, or;
- (2) A permit to store more than one (1) unregistered vehicle or more than one (1) registered vehicle not in operating condition is granted by the Town Manager or his/her designee after a public hearing as described in §164-5 of this chapter, or;
- (3) The property owner or person in control of the property holds a Class I or Class III License for the sale of motor vehicles or trailers issued pursuant to MGL, c 140, §57 to §69.

§164-5. Application to store more than one (1) unregistered vehicle or more than one (1) registered vehicle not in operating condition, Public hearing, and Board of Health report.

A. Any property owner, or other person with the permission of the property owner, seeking to store more than one (1) unregistered vehicle or more than one (1) registered vehicle not in operation condition un-garaged on the property owner's premises must make application for said storage to the Town Manager's Office. Upon receipt of an application to store unregistered vehicles or registered vehicles not in operating condition, the Town Manager or his/her designee shall hold a public hearing on the issue within forty-five (45) days of receipt of such application.

B. Authorization to store more than one (1) unregistered vehicle or more than one (1) registered vehicle not in operating condition shall be granted by the Town Manager or his/her designee only if, as a result of the public hearing, the Town Manager or his/her designee finds that no hazards to health or safety are involved and no unsightly conditions visible from public streets or ways, or abutting properties, exist or will be created by the storage of said vehicles.

C. Prior to any public hearing, the Board of Health will conduct an inspection and investigation of the property in question. The Board of Health shall submit a written report to the Town Manager's Office describing any issues or concerns they have. This written report will be read at and become part of the record of the public hearing.

§164-6. Notice of Public Hearing Costs

A. Legal notice of any public hearing held pursuant to this section shall be given by:

- (1) Posting a legal notice in a newspaper of general circulation at least seven (7) days prior to the date of the public hearing.
- (2) Sending notification to all abutters, within three hundred (300) feet of any part of the storage property, via certified letter with a return receipt at least seven (7) days prior to the date of the public hearing. Said return receipts to be provided to the Town Manager or his/her designee at the time of the public hearing. Failure to provide return receipts may be grounds for disapproval of the application for storage.

B. Any and all costs associated with giving notice of the public hearing shall be borne by the applicant.

C. The Applicant is responsible to actually publish the notice and set it to all abutters as outlined in §164-6.A.(1) and (2).

§164-7. Exemptions.

A. This chapter shall not apply to:

- (1) Motor Vehicles or trailers in operating condition, registered pursuant to MGL c 90 §
- (2) Farm vehicles in operating condition.
- (3) A single recreational vehicle or a single camping, boat or utility trailer in operating condition, which is being registered seasonally.

§164-8 Enforcing Authority.

A. This chapter may be enforced by the Police Department, the Zoning Enforcement Officer, or the Town Manager or his/her designee.

§164-9. Violations and penalties.

A. Criminal Complaint – Whoever violates any of the provisions of this chapter may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or

B. Non-Criminal Disposition – Whoever violates any provision of this ordinance may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine of fifty dollars (\$50) for the 1<sup>st</sup> offense, one hundred dollars (\$100) for the 2<sup>nd</sup> offense, and two hundred dollars (\$200) for the 3<sup>rd</sup> and subsequent offenses. Each day a violation continues shall constitute a separate offense.

§164-10. Existing unregistered vehicles.

A. Any property owner, or any other person with the permission of the property owner, who, at the time this ordinance takes effect, is in violation of any section(s) of this chapter shall have ninety (90) days to come into compliance.

§ 164-11. Severability.

In the event any section or provision of this ordinance is declared invalid or unconstitutional, the remaining sections and provisions shall remain in full force and effect.

## CHAPTER 168

### WETLANDS

**HISTORY: Adopted 9-12-1988 Special Town Meeting, Art. 4. Amendments noted where applicable.**

#### GENERAL REFERENCES

Zoning -- See Ch. 171.

Earth removal operations -- See Ch. 233.

Subdivision of land -- See Ch. 244.

#### §168-1. Purpose.

The purpose of this chapter is to protect the wetlands, related water resources and adjoining land areas in this municipality by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution control, fisheries, wildlife habitat, recreation, aesthetics and agriculture values (collectively, the "wetland values protected by this ordinance").

#### §168-2. Territorial jurisdiction.

Except as permitted by the Conservation Commission or as provided in this chapter, no person shall remove, fill, dredge, build upon or alter the following resource areas:

- A. Within one hundred (100) feet of any freshwater wetland, marsh, wet meadow, bog or swamp;
- B. Within one hundred (100) feet of any bank or beach, any lake, river, pond, brook, creek or stream, intermittent or otherwise; any land under said waters; or
- C. Within one hundred (100) feet of any land subject to flooding or inundation by groundwater or surface water.

#### §168-3. Exceptions.

A. The permit and application required by this chapter shall not be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that the structure or facility is not substantially changed or enlarged, provided that written notice has been given to the Commission thirty (30) days prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

B. The permit and application required by this chapter shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the commonwealth or a political subdivision thereof, provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within twenty-four (24) hours after commencement, provided that the Conservation Commission or its agent certifies the work as an emergency project, provided that the work is performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency, and provided that within twenty-one (21) days of commencement of an emergency project a permit application

shall be filed with the Commission for review as provided in this chapter. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and orders restoration and mitigation measures.

C. The provision of this chapter shall not apply to work performed for maintenance of land in agricultural use.

D. Other than stated in this chapter, the exceptions provided in the Wetlands Protection Act shall not apply.

#### §168-4. Applications for permits and requests for determination.

A. Written application, which may be identical in form to the notice of intent and plans filed under the Wetlands Protection Act, MGL C. §40, shall be filed via certified mail with the Commission to perform activities regulated by this chapter affecting resource areas protected by this chapter. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment. No activities shall commence without receiving and complying with a permit issued pursuant to this chapter.

B. Any person desiring to know whether or not proposed activity or an area is subject to the Wetlands Chapter may submit a written request for determination from the Commission (This request is not subject to a filing fee). Within twenty-one (21) days of receipt of the request, the Commission shall make a written determination of applicability as to whether the chapter applies to any land or work thereon. When the person requesting a determination is other than the owner, a notice of the determination shall be sent to the owner as well as the requesting person.

C. At the time of an application or request, the applicant shall pay a filing fee specified in regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act, MGL C. 131, §40. The Commission may waive the filing fee for an application or request filed by a government agency and shall waive them for a request for determination filed by a person having no financial connection with the property which is the subject of the request.

#### §168-5. Notice to adjacent property owners; hearings.

A. Any person filing an application or a request for determination with the Commission at the same time shall give written notice thereof, by certified mail or hand delivery, to all abutters according to the most recent records of the Assessors, including those across a traveled way and/or across or downstream of a body of water of a distance to be determined by the Commission. The notice to abutters shall enclose a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters free of charge.

B. The Commission shall conduct a public hearing on any application. A notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five (5) working days prior to the hearing, by publication in the Palmer Journal or in a newspaper of general circulation in the municipality.

C. The Commission shall commence the public hearing within twenty-one (21) days from receipt of a completed application or request for determination.

D. The Commission shall issue its permit or determination in writing within twenty-one (21) days of the close of the public hearing thereon.

E. The Commission, in an appropriate case, may combine its hearing under this chapter with the hearing conducted under the Wetlands Protection Act, MGL. C. 131, §40.

F. The Commission shall have authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant, deemed necessary by the Commission in its discretion, or comments and recommendations of boards and officials listed in § 168-6. In the event that the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

#### §168-6. Coordination with other agencies and officials.

Any person filing a permit application with the Commission shall provide a copy thereof at the same time, by certified mail or hand delivery, to the Town Manager, Planning Board, Board of Appeals, Board of Health and Building Inspector. The Commission shall not take final action until such boards and officials have had fourteen (14) days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any such comments and recommendations and to respond to them at a hearing of the Commission prior to final action. (Amended Ord. 2007-12, RTCM 07/11/2007)

#### § 168-7. Issuance or denial of permit; pre-acquisition violations.

A. If the Commission, after a public hearing, determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the wetland values protected by this chapter, the Commission, within twenty-one (21) days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. Permits shall expire one year from the date of issuance, unless renewed prior to expiration, and all work shall be completed prior to expiration. A request for renewal shall be made in writing to the Conservation Commission at least two weeks prior to the date of expiration.

B. The Commission is empowered to deny a permit for failure to meet the requirements of this chapter, for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the wetland values protected by this chapter and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. For good cause the Commission may revoke or modify a permit issued under this chapter after public notice and public hearing and notice to the holder of the permit.

C. The Commission in an appropriate case may combine the permit or other action on an application issued under this chapter with the order of conditions issued under the Wetlands Protection Act.

D. Pre-acquisition violation. Any person who purchases, inherits or acquires real estate upon which work has been done in violation of the provisions of this chapter shall forthwith comply with any such order or restore such land to its condition prior to any such violation; however, no action, civil or criminal, shall be brought against such person unless commenced within three (3) years following the date of acquisition of the real estate by such person.

#### §168-8. Rules and regulations.

After public notice and public hearing the Commission shall promulgate rules and regulations to effectuate the purposes of this chapter. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this chapter. At a minimum, these regulations shall define key terms in this chapter not inconsistent with this chapter.

#### §168-9. Definitions.

The following definitions shall apply in the interpretation and implementation of this chapter:

**ALTER**: Includes, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this chapter:

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

**PERSON**: Includes any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or a political subdivision thereof to the extent subject to town ordinances, administrative agency, public or quasi-public corporation or body, this municipality and any other legal entity, its legal representatives, agents or assigns.

#### §168-10. Performance securities.

As part of a permit issued under this chapter, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

- A. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission.
- B. By a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

#### §168-11. Enforcement; violations and penalties.

- A. The Commission and its agents, officers and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties under this chapter and may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary.
- B. The Commission shall have authority to enforce this chapter, its regulations and permits issued thereunder by violation notices, administrative orders and civil and criminal court actions.
- C. Upon request of the Commission, the Town Manager and the Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law. (Amended Ord. 2007-12, RTCM 07/11/2007)
- D. Municipal boards and officers, including any police officer or other officer having police powers, shall have the authority to assist the Commission in enforcement.
- E. Criminal Complaint – Whoever violates any of the provisions of this article may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense. Each day or portion thereof during which a violation exists shall be deemed to be a separate offense and each provision of the ordinance, regulation or permit violated shall constitute a separate offense; or
- F. Non-Criminal Disposition – Whoever violates any provision of this article may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine of three hundred (\$300) for each offense. Each day or portion thereof during which a violation exists shall be deemed to be a separate offense and each provision of the ordinance, regulation or permit violated shall constitute a separate offense. (Amended Ord. 2007-12, RTCM 07/11/2007)
- G. The Commissioners shall be the enforcing persons within the meaning of MGL c 40,§21D.

#### §168-12. Burden of proof.

The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not harm the interests protected by this chapter. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not harm the interests protected by this chapter shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions, or, in the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence.

#### §168-13. Relationship to Wetlands Protection Act.

This chapter is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act, MGL c. 131, §40, and regulations thereunder.

#### §168-14. Severability.

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

**CHAPTER 171**

**ZONING**

**This Section is printed as a separate section due to it's length and material content**

**Chapter 176**

**DOCUMENTS, REMOVAL OF**

**HISTORY: Adopted by the Board of Selectmen of the Town of Palmer 8-12-1986.** Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-12, RTCM 07/11/2007)

**Chapter 178**

**FEES**

**HISTORY: Adopted by the Board of Selectmen of the Town of Palmer: Art. I, 12-11-1980; Art. II, 11-17-1981; Art. III, 11-17-1981; Art. IV, 2-23-1982; Art. V, 2-23-1982; Art. VI, 4-13-1982..** Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-12, RTCM 07/11/2007)

**Chapter 179**  
**Garage/Tag Sales**

**HISTORY: Originally adopted at Regular Town Council Meeting on December 6, 2006. Amendments noted where applicable.**

§ 179-1. Purpose.

It is the intent of this ordinance to provide a mechanism for regulating, subject to reasonable and appropriate controls, certain types of activities having to do with the sale of second-hand and other articles within the Town of Palmer while at the same time protecting and preserving the residential atmosphere of the various neighborhoods of the town.

§ 179-2. Definitions.

The term “garage/tag sale” includes without limitations, the terms “porch sale,” “yard sale,” “estate sale,” “tag sale,” “garage sale,” and is any kind of out door sale offering old, new, used, second-hand or antique articles for sale regardless of price.

§ 179-3. Time and Duration of Sales.

A “garage/tag sale” shall be permitted on any one parcel or lot of property only six (6) times during any one calendar year period of time and at no time shall such sale have a duration of more than three (3) consecutive days. Garage/Tag sales, which occur on other than consecutive days, shall be deemed separate garage/tag sales.

§ 179-4. Items Offered for Free.

Immediately following the end of the garage/tag sale, items may be offered for free for two (2) days.

§ 179-5. Exceptions.

The Town Council may approve, at their discretion, Town-wide garage/tag sale days to encourage residents interested in holding garage/tag sales, to hold the garage/tag sales on the same days. Anyone who participates in such garage/tag sale days shall not be required to obtain a permit, as otherwise required by this ordinance, and participation in these events shall not be counted toward the limit of garage/tag sales authorized by this ordinance. Restrictions with regard to dangerous conditions and signs shall be applicable and enforceable.

§ 179-6. Display of Goods

No item will be placed on public property, including tree belts and sidewalks.

§ 179-7. Dangerous Conditions – Revocation of Permit.

The property owner must assume responsibility for parking. Automobiles or pedestrians may not be allowed to impede traffic. If traffic on any road is impeded or a dangerous condition develops on any road in the opinion of the Palmer Police Department, the Police Department may revoke the permit forthwith and close the sale for the balance of that day. Refusal to close the sale shall be a violation of this ordinance.

§ 179-8. Procedure: Application for Permit.

Any person, entity, organization or corporation intending to conduct a “garage/tag sale”, shall make application for a permit number to conduct such activity at the Office of the Town Manager not less

than one (1) business day prior to the date of the proposed garage/tag sale. If such an application is granted by the Town Manager or his/her designee, a permit number shall be issued. Permit numbers must be posted on the premises of the garage/tag sale in a conspicuous place, visible from the road.

**§ 179-9. Signs.**

- A. Signs can be placed on private property as long as the property owner consents, but must be placed in locations where they will not create a safety hazard. Signs can be placed on public property, as permitted by the Town Manager under Chapter 171, §171-94.B.(20), but excludes, without limitations, curbside trees, streetlights, telephone poles, public signage, public mail boxes, and intersections.
- B. A sign may be displayed for two days before the sale and during the sale on the property of the residence where the “garage/tag sale” is being conducted.
- C. No more than four (4) signs may be placed off site of the location of the “garage/tag sale”.
- D. No sign may be larger than 24” x 24” or four (4) square feet and no higher than three (3) feet to the top of the sign.
- E. Each sign must contain the permit number issued to the applicant.
- F. All signs must be removed immediately at the close of the sale. If signs are left after the sale, a violation occurs.

**§ 179-10. Fees.**

There shall be no fee assessed for the permit pursuant to this ordinance.

**§ 179-11. Enforcement.**

The responsibility for enforcement of this ordinance falls under the jurisdiction of the Police Department, Building Inspector, Town Manager or any designee of the Town Manager, any of whom shall have the following options:

- A. Criminal Complaint: Whoever violates any provision of this ordinance may be penalized by a complaint brought in the district court. Except as otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offense, brought in this manner, shall be three hundred dollars (\$300.00). Each day a violation continues shall constitute a separate offense; or
- B. Non-criminal disposition – Whoever violates any provision of this ordinance may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine of fifty dollars (\$50.00) for the 1<sup>st</sup> offense, seventy-five dollars (\$75.00) for the 2<sup>nd</sup> offense, and one hundred dollars (\$100.00) for the 3<sup>rd</sup> offense. Each day a violation continues shall constitute a separate offense.

**§ 179-12. Severability**

In the event any section or provision of this ordinance is declared invalid or unconstitutional, the remaining sections and provisions shall remain in full force and effect.

**CHAPTER 180****Nuisance**

**HISTORY: Adopted 11/1/06 at RTCM. Amendments noted where applicable.**

§ 180-1. Purpose.

It is the intent of this ordinance to provide a mechanism for the Town, subject to reasonable and appropriate controls, to preserve the appearance of the various neighborhoods of the Town.

§ 180-2. Keeping Junk or Debris in Public View Prohibited

As defined below, no owner, occupant, tenant, or other person or entity shall keep in the public view, on any lot, in any district, any substantial amount of junk or debris for more than a reasonable amount of time. The owner of any property, as well as the person or entity depositing the junk and/or debris on such property, shall be jointly and severally responsible for compliance with this ordinance.

§ 180-3. Definitions.

“Junk and Debris” includes, but is not limited to, scrap metal, scrap construction materials, rags, plastics, batteries, paper trash, inoperable appliances, mattresses, tires, inoperable machinery, or other item not defined as a structure in accordance with the Massachusetts Building Code and the Town of Palmer Zoning By-laws, which is not in active use for any business or commercial purpose authorized in the zoning district wherein located.

A “Substantial Amount” shall mean a quantity of material that occupies more than fifty (50) cubic feet in the aggregate on any lot.

“Reasonable Amount of Time” shall mean thirty (30) days either consecutively or in aggregate or a greater amount of time as determined by the Town Manager.

Public View shall refer to junk and debris visible from any property line at six feet or less above ground level.

§ 180-4. Pre-Existing Conditions.

Conditions existing as of the date of the enactment of this ordinance which meet the definition of substantial amounts of junk or debris must be brought into compliance within ninety (90) days of the date of the approval of this Ordinance or a greater amount of time as determined by the Town Manager.

§ 180-5. Enforcement.

Action under this ordinance shall not bar any separate action or remedy initiated by any other Town Department under other provisions, statutes, rules or regulations.

Any Town employee(s), other than the Town Manager so designated for this work (“enforcement officer”) by the Town Manager shall enforce this Ordinance.

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

B. Non-criminal disposition – Whoever violates any provision of this ordinance, the violation of which is subject to specific penalty, may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D.

The first notice of violation issued by the enforcement officer shall be a written warning. The owner/occupant shall then have thirty (30) days within which to remedy and cure the violation. If after this thirty (30) days have elapsed, the violation has yet to be remedied, the enforcement officer may issue a second written violation notice with a fine of fifty (\$50.00) dollars. If after sixty (60) days have elapsed since the issuance of the first notice of violation, the violation has still not been remedied, the enforcement officer may issue a third written violation with a fine of one hundred (\$100.00) dollars, plus an additional ten (\$10.00) dollars per day beginning on the 76th day following issuance of the first notice of violation and continuing thereafter until the violation is fully remedied/cured.

If the Town incurs any expenses in cleaning up the property, such cost will be liened against the property.

#### § 180-6. Property Owners Rights.

Any person or entity against whom a notice of violation is issued under this Ordinance shall have the right to a hearing before the Town Manager and/or his/her designee, and following said hearing, the Town Manager and/or his/her designee shall within a reasonable period of time thereafter, but no later than thirty (30) days, issue a decision. From the date that such a hearing request is received by the Town Manager until the date that a decision is issued, all of the deadlines stated above shall be temporarily stayed. The person or entity against whom a notice of violation is issued must file a request for such a hearing with the office of the Town Manager within ten (10) days of receipt of the notice of violation.

#### § 180-7. Severability

In the event any section or provision of this ordinance is declared invalid or unconstitutional, the remaining sections and provisions shall remain in full force and effect

## Chapter 197

### SANITARY LANDFILL-DISPOSAL AREA

**HISTORY:** Adopted by the Board of Selectmen of the Town of Palmer 9-29-1982. Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-12, RTCM 07/11/2007)

**Chapter 199**

**SEWER USE CLASSIFICATIONS**

**HISTORY: Adopted by the Board of Selectmen of the Town of Palmer 2-19-1980.** Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-12, RTCM 07/11/2007)

**Chapter 207**

**VEHICLES AND TRAFFIC**

**HISTORY: Adopted by the Board of Selectmen 11-24-1970.** Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-12, RTCM 07/11/2007)

**Chapter 208**

**WORK ASSIGNMENTS (Deleted Ord. 2007-12, RTCM 07/11/2007**

**Chapter 214**

**FEES**

**HISTORY: Adopted by the Board of Health of the Town of Palmer 5-1-1982.** Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-12, RTCM 07/11/2007)

**Chapter 221,**

**RULES AND REGULATIONS**

**HISTORY: Adopted by the Board of Health of the Town of Palmer, effective 1-1-1961.** A Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-12, RTCM 07/11/2007)

**Chapter 225**

**TOBACCO**

**(HISTORY: Adopted by the Board of Health of the Town of Palmer as indicated in article histories.** Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-12, RTCM 07/11/2007)

**Chapter 230**

**BOARD OF PARK COMMISSIONERS RULES AND REGULATIONS**

**HISTORY: Adopted by the Board of Park Commissioners of the Town of Palmer 9-18-1979. Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-12, RTCM 07/11/2007)**

**Chapter 233**

**EARTH REMOVAL OPERATIONS**

**(HISTORY: Adopted by the Planning Board of the Town of Palmer 9-15-1980. Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-12, RTCM 07/11/2007)**

**Chapter 244**

**SUBDIVISION OF LAND**

**HISTORY. Adopted by the Planning Board of the Town of Palmer 1-24-1966. Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-12, RTCM 07/11/2007)**

## Chapter A252

### GENERAL LAWS AND SPECIAL ACTS

The following is a listing of General Laws and Special Acts accepted by the Town of Palmer:

#### A. General Laws.

<u>Date Accepted</u>	<u>Statutory Reference</u>	<u>Subject</u>
1861	Ch. 222	Authorizing aid to families of volunteers mustered into the military service
1867	MGL C. 83, § 2	Fisheries
1881	Ch. 158, Acts of 1871	Providing for the election of Road Commissioners
1889	MGL C. 50, §§ 20 to 21	Authorizing the laying of sidewalks
1891	Ch. 386, Acts of 1890	Authorizing the printing and distribution of town election ballots at public expense
1891	Ch. 423, Acts of 1890	Authorizing voting by precinct
1895	Ch. 132, Acts of 1894	Precinct voting
1897	Ch. 264, Acts of 1890	Use of public cemeteries
1903	Ch. 454, Acts of 1903	Providing for joint caucuses or primaries of all political parties
1909	MGL C. 49, § 42	Establishment and grading of sidewalks and an assessment upon the abutters thereto
1910	Ch. 209, Acts of 1908	Providing for the protection of forest sprout lands
1910	MGL C. 49, § 43	Sidewalks and assessments upon abutters thereto
1911	MGL C. 104, §§ 1 to 12	Providing for an Inspector of Buildings
1911	Ch. 423, Acts of 1909	Permitting the sale of ice cream and confectioneries on the Lord's Day
1911	Ch. 216, Acts of 1908	Apportionment of sidewalk assessments
1912	Ch. 503, Acts of 1912	Pensions for laborers in municipal employment
1913	Ch. 807, Acts of 1913	Authorizing compensation to town workers injured in line of duty
1914	Ch. 514, Acts of 1909	Providing for an 8-hour day for certain municipal employees
1914	MGL C. 25, § 22	Regulating the watering of streets
1914	Ch. 688, Acts of 1914	Authorizing a Saturday half-holiday for town laborers
1914	Ch. 790, Acts of 1914	Limiting the membership of ward and town committees
1917	Ch. 153, Acts of 1916	Regulating and licensing slaughterhouse

1919	Ch. 311, Acts of 1919	Establishment and maintenance of continuation schools and courses of instruction for employed minors
1920	Ch. 240, Acts of 1920	Authorizing sports and games to take place on the Lord's Day
1926	MGL C. 32, § 44	Retirement and pensions for certain school janitors
1929	MGL C. 136, §§ 21 to 25	Regulating certain sports and activities on Sunday
1930	MGL C. 131, § 59A	Regulating the use of traps for fur-bearing animals
1933	MGL C. 139, §§ 1 to 3	Disposition of dangerous and dilapidated buildings
1938	MGL C. 31, § 48	Providing for civil service status for regular and permanent policemen
1942	Ch. 710, Acts of 1941	Regulating the registration and operation of bicycles
1947	MGL C. 71, § 40	Requiring equal pay for men and women teachers
1947	MGL C. 136, § 4B	Permitting bowling on the Lord's Day
1948	MGL C. 147, § 16B	Authorizing 1 day off in 6 for policemen
1948	Ch. 442, Acts of 1947	Authorizing Selectmen to install parking meters
1949	Ch. 588, Acts of 1948	Increasing pensions for certain former public employees
1951	Ch. 820, Acts of 1950	Increasing pensions for certain former public employees
1952	Ch. 781, Acts of 1951	Increasing pensions for certain former public employees
1952	MGL C. 54, § 103A	Permitting absentee voting
1952	MGL C. 147, § 16C	Authorizing 2 days off in 7 for policemen
1952	MGL C. 31, § 47C,	Authorizing a compensation D & E plan for employees of the Welfare Department
1953	Ch. 624, Acts of 1952	Increasing pensions for certain former public employees
1953	MGL C. 40, § 5	Authorizing group life insurance for town employees
1955	MGL C. 40, § 6B	Authorizing the purchase by the town of police uniforms
1956	MGL C. 32B	Authorizing contributory group insurance for town employees
1956	Ch. 347, Acts of 1952	Authorizing the continuance of town employee\ salaries during active reserve training
1956	MGL C. 91, § 11	Authorizing the Selectmen to execute indemnity proceedings

1956	Ch. 670, Acts of 1955	Increasing pensions for certain former public employees
1960	MGL C. 41, § 91A	Authorizing the appointment of town constables
1961	MGL C. 136, § 4B	Regulating bowling on Sunday
1962	Ch. 322, Acts of 1961	Authorizing the towing of parked vehicles blocking snow removal
1964	Ch. 409, Acts of 1962	Pedestrian control regulations
1965	MGL C. 147, § 17A	Additional days off for certain members of police forces
1968	MGL C. 40, § 8C	Establishing a Conservation Commission
1968	MGL C. 71, §§ 16 to 16I	Establishing regional school districts
1968	MGL C. 40, § 22D	Towing and storage of vehicles
1968	MGL C. 40D	Establishing an Industrial Development Financing Authority
1968	MGL C. 32B, § 9A	Authorizing town to pay ½ the premium cost of medical insurance for town employees
1969	MGL C. 90, § 20C	Providing for the disposition of parking violations
1973	MGL C. 44, § 53C	Off-duty pay of Police Department
1973	MGL C. 40, § 8D	Historical Commission established
1974	MGL C. 147, § 13A	Reserve police force established
1979	MGL C. 32B, § 8A	Authorizing the distribution of group insurance dividends to insured employees
1979	MGL C. 40, § 8G	Police mutual aid
1980	MGL C. 148, § 26C	Smoke and heat detectors required
1981	MGL C. 83, §§ 16A-16F	Tax liens
1983	Ch. 597, Acts of 1982	Vehicle excise tax exemption for former POW's
1983	MGL C. 138, § 12-B	Ban on nude dancing
1986	MGL C. 40, § 4G	Minimum bid rate (\$4,000.)
1986	Ch. 640, Acts of 1985	Suspension of licenses and permits due to nonpayment of taxes and other charges
1988	MGL C. 71, § 40	Raising the minimum teacher's salary in the Palmer Public Schools to \$20,000, effective Sept 1, 1988
1988	Ch. 236, Acts of 1987	Expenditure of subdivision construction deposits
1990	MGL C. 59, § 5-17D	
1990	Ch. 653, § 40, Acts of 1989	Assessment date changes for new growth
1990	MGL c. 40, §§ 21-14, 21-16B, 21-22 and 21-23A	Fire lanes; bicycle laws; handicapped parking; and handicapped parking; and handicapped parking fines, respectively

1990	Ch. 287, § 54, Acts of 1989	New procedures for payment and use of wetlands protection filing fees
1991	Ch. 291, Acts of 1990	Allowing town to receive Enhanced 911 service
1992	MGL c. 59, § 57C	Authorizing implementation of a quarterly tax payment system
1992	Ch. 336, Acts of 1991	Teachers' summer pay deferral and amortization
1993	Ch. 71, Acts of 1993	Teachers early retirement incentive program
1994	MGL c. 59, § 5	Veteran's exemption qualifications
1994	MGL c. 41, § 108L	Career incentive pay program for the Police Departments
1995	Ch. 71, § 71F, Acts of 1982	Establishing a revolving fund for the School Department
1995	MGL c. 148 § 26E	Installation of smoke detectors in residential buildings
1995	MGL c. 40, § 13C	Establishment of reserves to pay worker's compensation claims
1996	MGL c. 40, § 21D	Alternative method to obtain compliance with municipal legislation
1996	MGL c. 481, §§ 1 and 2	Sale of liqueurs or cordials by common victualers
1996	MGL c. 140, § 147A	Enable town to enact ordinances and set and collect fees for the regulation of dogs
1997	Ch. 181, § 1, Acts of 1995	Allowing an annual increase of 1995 of 100% of the CPI in the exemption amount granted under CL 17D
1997	Ch. 140, Acts of 1996	To insert the following after 1996 the word "first" in line 100: "provided, further, that a superintendent may, with the approval of the member communities, submit said budget for approval following the notification of the local aid distribution, so-called."
1997	MGL c. 140, §§ 70 to 86	Allowing for pawnbrokers
1998	MGL c. 41, § 97A	Authorizing Police Department to be under the supervision of a Chief of Police
1999	MGL c. 71, § 71F	Establishing a revolving fund for receipt and expenditure therefrom by the Palmer School Committee for those moneys received by the Town of Palmer from the commonwealth to assist in the education of state wards
1999	MGL c. 161B, § 3	Authorizing the town to join the Pioneer Valley Transit Authority
1999	MGL c. 166, § 3D	Establishing a town aid to the elderly and disabled taxation fund

2000	MGL c. 32B, § 18	Requiring all retirees of the town and their spouses and dependents, who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the town
2000	Ch. 127, § 59, Acts of 1999	Enabling Board of Selectmen to establish in Fiscal Year 2001 a work-off program for citizens over sixty (60) years old, who may volunteer their services for a reduction in their tax bill, not to exceed five hundred dollars (\$500) per fiscal year based on a rate per hour of service that cannot exceed the commonwealth's minimum wage
2001	MGL c. 41, §§19K and 108P	Additional compensation for Town Clerk and for collectors or treasurers
2001	MGL c. 32B, § 18	Requiring that all retirees of the town and their spouses and dependents, who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, enroll in a Medicare health benefits supplement plan offered by the town.
2007	MGL c 39, § 23D	Adjudicatory hearings, attendance by municipal board, committee and commission members; voting disqualification

#### B. Special Acts.

<u>Date Accepted</u>	<u>Statutory Reference</u>	<u>Subject</u>
1752	Ch. 15, Acts of 1752	Incorporation of town
1760	Ch. 438, Acts of 1760	Setting off certain inhabitants of Brimfield and land therein to the District of Palmer
1761	Ch. 444, Acts of 1761	Annexing a certain highway to the District of Palmer
1763	Ch. 222, Acts of 1763	Bridges and highways in Brimfield and Districts of Palmer and Monson
1768	Ch. 32, Acts of 1768	Discharging the District of Palmer from certain indebtedness
1787	Ch. 47, Acts of 1787	Road between Scott's Bridge and Wilbraham line to be kept in repair by the Town of Palmer
1788	Ch. 60, Acts of 1788	Repealing Chapter 47, Resolve of 1787
1828	Ch. 59, Acts of 1828	Establishing a boundary line between Palmer and

## Monson

1868	Ch. 112, Acts of 1868	Legalizing the doings of the Annual Town Meeting of Palmer in March 1868
1883	Ch. 171, Acts of 1883	Incorporating the Palmer Water Co.
1885	Ch. 347, Acts of 1885	Confirming the Annual Town Meeting proceedings for Palmer in 1885 despite any defect in the warrant
1887	Ch. 189, Acts of 1887	Providing better access to the Boston and Albany R.R. Co. station in Palmer
1895	Ch. 359, Acts of 1895	Confirming the Annual Town Meeting proceedings for Palmer in 1885 despite any warrant defect
1897	Ch. 354, Acts of 1897	Authorizing the Town of Palmer to refund a portion of its note indebtedness
1909	Ch. 125, Acts of 1909	Providing for the election of a Board of License Commissioners in the Town of Palmer
1910	Ch. 471, Acts of 1910	Establishing a boundary line between Ware and Palmer
1910	Ch. 673, Acts of 1910	Ratifying certain acts and election proceedings in the Town of Palmer
1912	Ch. 691, Acts of 1912	Authorizing the Town of Palmer to fund certain indebtedness
1913	Ch. 587, Acts of 1913	Ratifying and validating the Annual Town Meeting proceedings for Palmer in 1913
1915	Ch. 359, Acts of 1915	Authorizing the Three Rivers Fire District to borrow money
1917	Ch. 353, Acts of 1917	Authorizing the Town of Palmer to appropriate funds for a street railway bridge over the Ware River
1920	Ch. 226, Acts of 1920	Authorizing the Town of Palmer to incur indebtedness for additional school accommodations
1928	Ch. 2, Acts of 1928	Placing the office of Chief of Police in the Town of Palmer under civil service
1936	Ch. 97, Acts of 1936	Authorizing the holding of sports and games on the Lord's Day at the church grounds in Thorndike
1939	Ch. 110, Acts of 1939	Establishing a representative town meeting form of government in Palmer
1943	Ch. 325, Acts of 1943	Establishing a water supply for Three Rivers Fire District
1943	Ch. 399, Acts of 1943	Placing the office of Chief Engineer of Palmer Fire District No. 1 under civil service

1946	Ch. 320, Acts of 1946	Establishing the Thorndike Fire and Water District
1949	Ch. 506, Acts of 1949	Providing for improvement of the Ware River in the Town of Palmer
1956	Ch. 114, Acts of 1955	Authorizing the Town of Palmer to convey land to AMVETS, Romuald Renaud Post No. 74
1958	Ch. 167, Acts of 1957	Establishing a representative town meeting form of government in Palmer
1958	Ch. 418, Acts of 1958	Providing for public access to Forest Lake in Palmer
1962	Ch. 403, Acts of 1962	Authorizing Town of Palmer to pay an annuity to Katherine Twiss, former School Dept. employee
1962	Ch. 692, Acts of 1962	Authorizing the commonwealth to borrow money to meet the nonfederal cost of the Three Rivers local flood protection project
1963	Ch. 803, Acts of 1963	Increasing the amount of money the commonwealth may borrow for nonfederal cost of the Three Rivers local flood protection project
1963	Ch. 667, Acts of 1963	Authorizing the Town of Palmer to construct a combination town administration building and courthouse
1966	Ch. 835, Acts of 1966	Providing tenure of office for Michael Russo, Superintendent of Parks in the Town of Palmer
1969	Ch. 862, Acts of 1969	Providing for the assessment of certain inhabitants of the Town of Palmer for services of the Bondsville Fire District
1971	Ch. 374, Acts of 1971	Authorizing the Town of Palmer to convey certain parkland to the Wing Memorial Hospital Association
1990	Ch. 28, Acts of 1990	Providing for continued employment of Gus A. Theodore with Palmer Fire District No. 1