

GREENFIELD TOWN COUNCIL
Regular Meeting Minutes
May 16, 2012

GCTV-15

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:03 p.m. by President Singer.

President Singer stated this meeting was being recorded. If any other person present was doing the same, they must notify the chairperson at this time. It was noted the Town Council was audio recording and GCTV-15 was video recording the meeting for future broadcast.

ROLL CALL OF MEMBERS: Roll Call was taken. All Councilors were present.

ALSO PRESENT: Director of Municipal Finance and Administration Marjorie L. Kelly; Town Clerk Maureen Winseck; Temporary Police Chief Marchese; Greenfield School Superintendent Dr. Susan Hollins; GCTV-15 staff; Anita Phillips, *the Recorder*; and members of the public.

ACCEPTANCE OF MINUTES: On a motion by Councilor Allis, second by Councilor Farrell, it was unanimously, **VOTED:** TO ACCEPT THE TOWN COUNCIL MINUTES OF APRIL 2, 2012.

ACCEPTANCE OF MINUTES: On a motion by Councilor Allis, second by Councilor Sutphin, it was unanimously, **VOTED:** TO ACCEPT THE TOWN COUNCIL MINUTES OF APRIL 18, 2012.

PUBLIC HEARINGS: President Singer opened the Public Hearing at 7:06 pm, regarding the following:
Councilor Sutphin read the following public hearing notice:

PUBLIC HEARING

In accordance with the Home Rule Charter, the Greenfield Town Council will hold a public hearing on Wednesday, May 16, 2012, beginning at 7:00 p.m. at GCTV-15, 393 Main Street: to consider the following:

MAYOR'S PROPOSED FISCAL YEAR 2013 OPERATING BUDGET

CATEGORY

LEGISLATIVE	\$ 41,725
EXECUTIVE	\$ 255,450
FINANCIAL ADMIN	\$ 866,350
OPERATIONS SUPPORT	\$ 345,200
LICENSING & REGISTRATION	\$ 232,975
LAND USE & DEVELOPMENT	\$ 135,000
OTHER GEN'L GOVERNMENT	\$ 1,501,500
PUBLIC SAFETY	\$ 5,285,710
EDUCATION	\$ 16,590,400
PUBLIC WORKS	\$ 2,373,700
HUMAN SERVICES	\$ 975,850
CULTURE & RECREATION	\$ 698,000
DEBT SERVICE	\$ 2,940,000
MISCELLANEOUS	\$ 9,981,100
TOTAL OPERATING BUDGET	\$ 42,222,960

MAYOR'S PROPOSED FISCAL YEAR 2013 CAPITAL BUDGET

FROM BORROWING:

○ Town Hall Siding	\$ 38,000
○ Town Hall Carpeting	\$ 38,000
○ Repairs to the Police Station	\$ 25,000
○ Green River School Upgrades	\$ 137,100
○ School Building Door Replacement	\$ 24,000
○ Purchase Fuel Efficient Vehicles for the Health Department, Building Department and Engineering	\$ 45,000
○ Purchase Marked Police Cruiser	\$ 40,000
○ Purchase Replacement Radio Boxes for Fire Dept.	\$ 101,400
○ Purchase Student Transport Vehicles	\$ 60,000
○ Purchase Z-Track Mower w/ Attachments	\$ 14,500
○ Purchase Public Works Dump Truck	\$ 163,000
○ To install and repair Town guardrails	\$ 45,000
○ To purchase of School Computer Technology	\$ 75,000

○ To replace town sidewalks	\$120,000
○ To repave the Chapman & Davis parking lot	\$200,000
○ To engineer the stabilization of Wisdom Way	\$150,000
○ To improve and reconstruct Sewer inflow and infiltration Facilities	\$50,000
○ To repair and replace the Leyden Road (14) inch water main	\$90,000

FROM SEWER FUNDS RETAINED EARNINGS:

○ To purchase a 1 ton dump truck and fuel efficient Vehicle for the Sewer Fund	\$63,500
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FROM WATER FUNDS RETAINED EARNINGS:

○ To purchase a ¾ ton dump truck for the Water Fund	\$36,000
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Materials in alternative format can be obtained from the Town Clerk's Office with reasonable advance request at 413-772-1555 ext. 112. Full copies of the proposals are available for review in the Greenfield Town Clerk's Office, 14 Court Square, Greenfield, MA, from 8:30 a.m.-5:00 p.m., Mon. - Fri.

President Singer opened the Public Hearing at 7:10 regarding the following:

Councilor Allis read the notice:

PUBLIC NOTICE

The Greenfield Town Council will receive public comment regarding proposed **amendments to the Charter of the Town of Greenfield** at a meeting on Wednesday, May 16, 2012, at 7:10 p.m. at GCTV-15, 393 Main Street. The Town Council will consider the same at their meeting on Wednesday, June 20, 2012 which begins at 7:00 p.m. at the GCTV-15 Studio, 393 Main Street. Copies and materials in alternative format can be obtained from the Town Clerk's Office with advance notice at 413-772-1555, from 8:30 a.m.-5:00 p.m., Mon. - Fri.

President Singer suggested the Council discuss the proposed Charter Amendments. The following comments were made:

- Amendments were not proposed relating to the Election schedule. This topic warranted a special committee to research and make recommendations for amendments.
- It was time to refer to the "Town" of Greenfield as what "we" really were and change the name to the City of Greenfield. The School department was denied several grants because it was deemed ineligible because of the reference to "Town." There was providence for the words "town and City" to be synonymous. Therefore there would not be a cost associated with the change.
- The proposed amendment to section 3-2 (f) which allowed the Mayor to be an ex-officio member of the Council was intended to strengthen and clarify the current language in the charter relative to the Town Council.
- Depending on the language in Charters, some cities and towns in Massachusetts allowed the Mayor to be a member of the Council.
- There was a specific part of the Town Council agenda which allowed the Mayor to speak.
- Review Charters within the state which allowed the Mayor to be a member of the Town Council.
- The Charter does not limit the ability of the Council.

Charter Committee Chairman/ Councilor Allis explained the proposed amendments. Additional comments were made by Councilors:

- Amend the Charter to allow an outgoing Mayor to become a Councilor.
- Was the Franklin County Technical School (FCTS) spoken to regarding the Mayor making appointments to the FCTS School Committee?
- Ordinances could be amended at any time by vote of the Town Council.
- The Clerk's Office and Ways and Means Committee did not recommend amending section 5-3 by deleting ninety and inserting sixty days which would shorten the time the Town Council had to consider the Mayor's proposed operating budget.
- Currently, the Town Council President and the Mayor sign the FCTS Appointment paperwork due to differing opinions regarding the appointing authority to the FCTS School Committee. If the Mayor became the appointing authority, the process as outlined by the Charter whereby the Town Council considers all Mayoral appointments would be followed.
- Some of the things that make Greenfield special were brought to mind by the words "Town of Greenfield" rather than "City of Greenfield".
- Was the change in name proposed for legal reasons or should it be discussed and considered for the "marketing" of the Town of Greenfield?
- The Mayor recommended the Mayor's Task Force Against Domestic Violence have 9 members, rather than 11 members, with 5 appointed by the Mayor.

Town Clerk Winseck emphasized the importance of amending the Charter to change the election schedule from a yearly election to a “city” schedule for which elections would occur every two years. The current elections requirements were not working.

Penny Ricketts, Precinct 5, questioned if the citizens would eventually vote on the issue of “city” versus “town.” She believed it was time to reference Greenfield as a “City.”

President Singer asked if anyone from the public wished to speak to either the Charter amendments or the Fiscal Year 2013 Operating or Capital Budgets. Seeing none, he closed the Public Hearings at 8:05 pm.

COMMUNICATIONS:

MAYOR: Ms. Kelly introduced Temporary Police Chief Richard Marchese to the Town Council. Chief Marchese described his law enforcement employment history.

SCHOOL SUPERINTENDENT: Dr. Hollins spoke of the following:

- The GHS School Building Committee and Facilities Committee had begun meeting.
- There was a feeling of appreciation and euphoria at the High School.
- Facility improvements to other school buildings.
- Planning for next year including room utilization, proper number of classrooms for the number of students, and teachers.
- The Fiscal Year 2013 would be reviewed to attempt to find areas to pare down to fit with the Mayor's proposed budget.
- The cost associated with transporting homeless students.
- Research programs for students through the Concord Consortium.
- The State website has enrollment information.

TOWN OFFICERS: None.

MOTIONS, ORDERS, AND RESOLUTIONS

Councilor Allis stated the Appointment and Ordinance Committee forwarded unanimous positive recommendations on the following appointments.

Order no. FY 12-137

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10 ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENFIELD LIBRARY BOARD OF TRUSTEES: JOSEPH RUGGERI – THREE YEAR TERM –JUNE 30, 2015 (TO REPLACE PHYLLIS NAHAMAN).

Order no. FY 12-138

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10 ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENFIELD LOCAL CULTURAL COUNCIL: LISA M. HENRY – THREE YEAR TERM –JUNE 30, 2015.

Councilor Wisnewski stated the Economic Development Committee forwarded unanimous positive recommendations on the following orders relating to the taking of East Wayland Drive as a public way.

Order no. FY 12-126 A

MOTION: On a motion by Councilor Wisnewski, second by Councilor Devlin, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE CITY OF GREENFIELD KNOWN AS THE TOWN OF GREENFIELD THROUGH ITS TOWN COUNCIL TAKE BY EMINENT DOMAIN SO MUCH OF THE FEE SIMPLE INTEREST IN EAST WAYLAND DRIVE AS WELL AS EASEMENTS DESCRIBED ON THE ATTACHED EXHIBIT A AND MADE PART OF THIS MOTION FOR THE PURPOSE OF A PUBLIC WAY.

EXHIBIT A

13,903 SQ. FT. DRAINAGE EASEMENT – LEGAL DESCRIPTION

Beginning at a point on the southerly sideline of East Wayland Drive, said point being located on the arc of a curve to the right having a radius of two hundred seventy five and 00/100 feet (275.00') an arc length of one hundred twenty seven and 83/100 feet (127.83') southwesterly from the southwest corner of Lot 1, thence running;

S 07°32'21" E a distance of one hundred eighty seven and 08/100 feet (187.08') to a point, thence running;

S 82°27'39" W a distance of eighty and 00/100 feet (80.00') to a point, thence running;

N 07°32'21" W a distance of one hundred sixty four and 85/100 feet (164.85') to a point on the said southerly sideline of East Wayland Drive, thence running;

Northeasterly along the said southerly sideline of East Wayland Drive along the arc of a curve to the left having a radius of two hundred seventy five and 00/100 feet (275.00') an arc length of eighty three and 35/100 feet (83.35') to the point of beginning.

Containing 13,903 sq. ft., more or less.

403 SQ. FT. DRAINAGE EASEMENT – LEGAL DESCRIPTION

Beginning at a point on the northerly sideline of East Wayland Drive, said point being located on the arc of a curve to the left having a radius of two hundred twenty five and 00/100 feet (225.00') an arc length of one hundred twenty two and 63/100 feet (122.63') northeasterly from a found concrete bound, said bound being located on the said northerly sideline of East Wayland Drive southeasterly from the southwesterly corner of Lot 10, thence running;

N 27°04'15" W a distance of twenty and 00/100 feet (20.00') to a point, thence running;

N 62°55'45" E a distance of twenty and 00/100 feet (20.00') to a point, thence running;

S 27°04'15" E a distance of twenty and 00/100 feet (20.00') to a point on the said northerly sideline of East Wayland Drive, thence running;

Southwesterly along the said northerly sideline of East Wayland Drive along the arc of a curve to the right having a radius of two hundred twenty five and 00/100 feet (225.00') an arc distance of twenty and 01/100 feet (20.01') to the point of beginning.

Containing 403 sq. ft., more or less.

Order no. FY 12-126 B

MOTION: On a motion by Councilor Wisnewski, second by Councilor Devlin, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE CITY OF GREENFIELD KNOWN AS THE TOWN OF GREENFIELD THROUGH ITS TOWN COUNCIL ACCEPTS A QUITCLAIM DEAD FROM EAST WAYLAND DRIVE TO THE TOWN OF GREENFIELD AND AUTHORIZED THE MAYOR AND TREASURER TO TAKE SUCH OTHER ACTION TO ACCOMPLISH THE SAME.

Quitclaim Deed

CERSOSIMO INDUSTRIES, INC., a Vermont Corporation, having its usual place of business in Brattleboro, Windham County, State of Vermont, for valuable consideration but no monetary consideration grants to THE CITY OF GREENFIELD, ALSO KNOWN AS THE TOWN OF GREENFIELD, MASSACHUSETTS, Town Hall, Court Square, Greenfield, MA 01301 with QUITCLAIM COVENANTS the land in Greenfield, Franklin County, Massachusetts, bounded and described as follows:

Meaning and intending to convey a portion of the land conveyed to Cersosimo Industries, Inc. by Quitclaim Deed of Janet R. Kasper, dated August 17, 2005 and recorded September 30, 2005 in Book 4955, Page 303 of the Franklin County Registry of Deeds and more particularly described as follows:

Being the roadway known as East Wayland Drive and all drainage easements associated with the Wayland Pines Subdivision.

This conveyance does not constitute the sale of all of the Corporations assets in the Commonwealth of Massachusetts.

IN WITNESS WHEREOF, the said Cersosimo Industries, Inc. has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Michael A. Cersosimo, President and Dominic A. Cersosimo, Treasurer, this _____ day of April 2012.

CERSOSIMO INDUSTRIES, INC.

By: _____
Michael A. Cersosimo, President

By: _____
Dominic A. Cersosimo, Treasurer

STATE OF VERMONT
WINDHAM COUNTY, SS.

At Brattleboro this _____ day of April 2012, Michael A. Cersosimo and Dominic A. Cersosimo personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed and the free act and deed of CERSOSIMO INDUSTRIES, INC.

Before me, _____
Notary Public
My Commission Expires: 10 February 2015

Affected Premises: East Wayland Drive, Greenfield, MA

Order no. FY12-126 C

MOTION: On a motion by Councilor Wisnewski, second by Councilor Devlin, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE CITY OF GREENFIELD KNOWN AS THE TOWN OF GREENFIELD THROUGH ITS TOWN COUNCIL LAYS OUT AND ACCEPT EAST WAYLAND DRIVE AS A PUBLIC WAY AS DESCRIBED ON EXHIBIT A ATTACHED TO THIS MOTION AND MADE A PART OF IT.

Exhibit A

EAST WAYLAND DRIVE – LEGAL DESCRIPTION

Beginning at a found iron pin on the southerly sideline of Log Plain Road, said iron pin being the northwest corner of land of Elaine Macht and Kathleen Higbee, et al, thence running;

S 31°59'38" W along land of said Macht and Higbee a distance of two and 54/100 feet (2.54') to a found concrete bound, thence running;

Southwesterly along the arc of a curve to the left having a radius of eighteen and 00/100 feet (18.00') along Lot 1 an arc length of twenty two and 82/100 feet (22.82') to a found concrete bound, thence running;

S 31°37'11" W along Lot 1 a distance of four hundred nineteen and 30/100 feet (419.30') to a found concrete bound at the northeast corner of Lot 2, thence running;

Southwesterly and westerly along the arc of a curve to the right having a radius of two hundred seventy five and 00/100 feet (275.00') along Lot 2 and Lot 3 an arc length of three hundred thirty and 36/100 feet (330.36') to a found concrete bound at the northwest corner of the said Lot 3, thence running;

Westerly and southwesterly along the arc of a curve to the left having a radius of thirty and 00/100 feet (30.00') along Lot 4 an arc length of twenty three and 71/100 feet (23.71') to a found concrete bound, thence running;

Westerly, northwesterly, northerly, northeasterly, easterly and southeasterly along the arc of a curve to the right having a radius of sixty and 00/100 feet (60.00') along said Lot 4 and Lots 5, 6, 7, 8 and part of Lot 9 an arc length of two hundred ninety seven and 13/100 feet (297.13') to a found concrete bound, thence running;

Southeasterly along the arc of a curve to the left having a radius of thirty and 00/100 feet (30.00') along said Lot 9 and part of Lot 10 an arc length of thirty two and 56/100 feet (32.56') to a found concrete bound, thence running;

Easterly and northeasterly along the arc of a curve to the left having a radius of two hundred twenty five and 00/100 feet (225.00') along said Lot 10 a distance of two hundred fifty five and 59/100 feet (255.59') to a found concrete bound, thence running;

N 31°37'11" E along the said Lot 10 and Parcel C a distance of four hundred nine and 88/100 feet (409.88') to a found concrete bound, thence running;

Northwesterly along the arc of a curve to the left having a radius of eighteen and 00/100 feet (18.00') along the said Parcel C a distance of twenty two and 84/100 feet (22.84') to a found concrete bound at land of Warren W. and Bernadette P. Wyman, thence running;

N 31°37'11" E along land of said Wyman a distance of three and 90/100 feet (3.90') to a found iron pin located on the said southerly sideline of the said Log Plain Road, thence running;

S 64°29'00" E along the said southerly sideline of the said Log Plain Road a distance of seventy five and 73/100 feet (75.73') to the found iron pin at the point of beginning.

Order no. FY 12-139

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY DELETING THE EXISTING CHAPTER 21 – ASSEMBLIES, MASS PUBLIC, IN ITS ENTIRETY AND REPLACE WITH THE NEW CHAPTER 21 ATTACHED HERETO AS “EXHIBIT A” AND FURTHER AMENDS THE INDEX OF THE CODE.

EXHIBIT A

**Chapter 21
ASSEMBLIES, MASS PUBLIC**

[HISTORY: Adopted by the Town Council of the Town of Greenfield as indicated in article histories. Amendments noted where applicable.]

STATUTORY AUTHORITY

MGL c. 40, § 21

GENERAL REFERENCES

Peace and good order — See Ch. 121.

Streets and sidewalks — See Ch. 159.

§ 21-1. Promulgation of ordinance.

Recognizing the rights of citizens to assemble pursuant to the First Amendment of the United States Constitution and applicable parts of the Massachusetts Constitution, but the City of Greenfield, also being cognizant of its rights and responsibilities to impose reasonable order and to insure public safety, the following ordinance is hereby promulgated by the legislative body of the City of Greenfield, the City Council:

ARTICLE I

Public Demonstrations

[Adopted 7-17-1985; approved by AG 9-19-1985 (Sec. 3.10 of the 1985 Bylaws¹); amended 11-20-1991]

§ 21-2. Request form.

No person shall take part in any demonstration on public property under the control of the City unless and until a request form has been filed with and approved by the Board of License Commissioners. A demonstration shall include demonstrating, picketing, speechmaking, or other conduct which has the effect, intent, or propensity to attract a substantial crowd of onlookers or participants within a designated area of City-owned or City-controlled land.

§ 21-3. Criteria for approval; fee.

The Board of License Commissioners shall approve all requests for public demonstrations except where said use would conflict as to time and place with a request previously submitted and would not interfere with public safety. In order to protect and preserve feelings of well-being, tranquility, and privacy, no demonstrations shall be permitted that are targeted at individual residences.

No fee shall be charged for any request for public demonstrations.

§ 21-4. Time of filing.

All requests shall be filed with the Board of License Commissioners at least three (3) business days prior to the planned demonstration. The Board of License Commissioners may waive this three day requirement. The request form shall include, but not be limited to, the following:

- A. The date, starting time, and ending time;
- B. The name, address, and telephone number of the requester, the name of the organization involved, and the name, address, and telephone number of the legally responsible person;
- C. The location as to where the demonstration will be held;
- D. The approximate number of persons expected to participate.

§ 21-5. City procedures.

The following procedure shall be followed pursuant to submission of all request forms:

- A. All requests shall be approved or denied within three business days of the filing of the request. Requests may be modified as described in §21-6 below.
- B. The Board of License Commissioners or their designee shall notify the applicant of the approval, modification, or disapproval of the request, or any problems involved, within three business days of the filing of the request. If the request is modified or denied, the notification shall be in writing.
- C. Upon receiving a request, personnel in the Licensing Office shall be responsible for posting and maintaining on a prominently displayed calendar in the Mayor's Office, a reservation of the date, time, and place indicated on the request form.

§ 21-6. Authority to modify time, place, manner, and route.

The Board of License Commissioners shall have the authority to modify the time, place, and manner of the demonstration in order to accommodate competing demands for public use, to facilitate crowd control in the interest of relieving congestion, and to promote public safety, provided that the applicant's right of free speech is not denied thereby.

§ 21-7. Violations and penalties.

Violations of this ordinance (§§ 21-1 through 21-6, inclusive) or to the conditions of the approved request form shall result in

1. Editor's Note: Former Sec. 3.10.1, Incinerator Permit Bylaw, was rescinded by Town Council 5-15-1996.

a civil penalty not to exceed one hundred dollars (\$100) for each offense, which shall inure to the benefit of the Town, all pursuant to MGL c. 40, § 21.

ARTICLE II

Parades, Processions, Marches

[Adopted 7-17-1985; approved by AG 9-19-1985 (Sec. 3.11 of the 1985 Bylaws)]

§ 21-8. Request form.

No person shall take part in any parade, procession, or march of persons or vehicles, in or upon any street, way, highway, road, parkway, sidewalk, or other public property under the control of the City unless and until a request form has been filed with the Board of License Commissioners and said Board has granted approval for such parade, procession, or march.

§ 21-9. Criteria for approval; fee.

The Board of License Commissioners shall grant approval in all cases upon the requester's written agreement to comply with the terms of the approval unless the Commissioners find that:

- A. The parade will interfere with another parade or demonstration for which a request has been approved previously;
- B. The parade will interfere with public safety;
- C. The parade is of such a size or nature that requires the diversion of so great a number of police officers of the City to properly police the line of movement and the areas contiguous thereto that allowing the parade would deny reasonable police protection to the Town;
- D. The time, route, and size of the parade will disrupt to an unreasonable extent the movement of other traffic;
- E. The Commission finds that the proposed parade is to be held for the sole purpose of advertising any product, goods, wares, or event and is designed to be held purely for private profit.

No fee shall be charged for any request for a parade.

§ 21-10. Time of filing.

The written request shall be filed with the Board of License Commissioners at least seven (7) business days prior to each occurrence, and said Board may waive this seven-day requirement. The request shall include, but not be limited to, the following:

- A. The date and starting time and the approximate ending time;
- B. The name, address, and telephone number of the requester, the name of the organization involved, and the name, address, and telephone number of the responsible person;
- C. The location and time of the formation or assembly area.
- D. The route of the parade or motorcade and what portions, if any, of the streets traversed may be occupied by such parade or motorcade; and
- E. The approximate number of persons and vehicles in the parade or motorcade, if applicable.

§ 21-11. City procedures.

The following procedure shall be followed pursuant to submission of all request forms:

- A. All requests shall be approved or denied within seven business days of the filing of the request. Requests may be modified as described in §21-12 below.
- B. Within two (2) business days of the receipt in the Commissioner's Office, all requests shall be forwarded to the Chief of Police for review.
- C. The Chief of Police shall, within three (3) business days of receipt of the request form, review and return it to the Commissioner's Office.
- D. The Board of License Commissioners or their designee shall notify the applicant of the approval, modification, or disapproval of the request, or any problems involved, within seven business days of the filing of the request. If the request is modified or denied, the notification shall be in writing.
- E. Upon receiving a request, personnel in the Licensing Office shall be responsible for posting and maintaining on a prominently displayed calendar in the Mayor's Office, a reservation of the date, time, and place indicated on the request form.

§ 21-12. Authority to modify time, place, manner, and route.

The Board of License Commissioners shall have the authority to modify the time, place, manner, and route of a parade in order to accommodate competing demands for public use, to facilitate crowd control in the interest of relieving congestion, and to promote public safety, provided that the applicant's right of free speech is not denied thereby.

§ 21-13. Exceptions.

1. Funeral Processions

§ 21-14. Violations and penalties.

Violation of this ordinance (§§ 21-8 through 21-12, inclusive) shall result in a criminal penalty not to exceed one hundred dollars (\$100) for each offense, which shall inure to the benefit of the Town, all pursuant to MGL c. 40, § 21.

§ 21-15. Effect.

This ordinance, when adopted, shall supersede all previous ordinances on this subject.

DISCUSSION: Councilor Allis noted it was the consensus of the Appointment and Ordinance Committee for this ordinance to be tabled and a legal opinion obtained.

Order no. FY 12-139

MOTION: On a motion by Councilor Sutphin, second by Councilor Allis, it was unanimously,

TABLED: THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY DELETING THE EXISTING CHAPTER 21 – ASSEMBLIES, MASS PUBLIC, IN ITS ENTIRETY AND REPLACE WITH THE NEW CHAPTER 21 ATTACHED HERETO AS “EXHIBIT A” AND FURTHER AMENDS THE INDEX OF THE CODE.

Order no. FY 12-140

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 69, FIREARMS, SECTION 69-1, AND 69-2 FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 69

FIREARMS

[HISTORY: Adopted by the Town Council of the Town of Greenfield 7-17-1985, approved by AG 9-19-1985; amended 2-19-1992, approved by AG 6-15-1992 (Sec. 4.12 of the 1985 Bylaws). Amendments noted where applicable.]

STATUTORY AUTHORITY

MGL c. 40, § 21

GENERAL REFERENCES

Peace and good order — See Ch. 121.

§ 69-1. Discharge restricted.

No person shall, except as authorized or required by law, fire or discharge any gun, fowling piece, or other firearm or any air rifle in the ~~Town~~ **City**.

§ 69-2. Exemptions.

This chapter shall not apply to the use of such weapons by the police officers in the performance of their duties, to the use of

such weapons at any lawful defense military exercise, to the use of such weapons in the lawful defense of his/~~her~~ person or family or legally hunting or target practicing.

§ 69-3. Violations and penalties.

Whoever violates this chapter shall be punished by a fine of not more than one hundred dollars (\$100).

§ 69-4. Rights of land owners and lessees.

Nothing in this chapter shall derogate from the rights and privileges of an owner or lessee of land as set forth in MGL c. 131.

DISCUSSION: Councilor Allis stated the committee forwarded a unanimous positive recommendation. He noted the Gun Control Act of 1996 superseded any ordinance.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 12 -140.

Order no. FY 12-150

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY DELETING THE EXISTING CHAPTER 0076 – HANDBILL, IN ITS ENTIRETY AND REPLACING WITH THE NEW CHAPTER 0076 – BILLS AND HANDBILLS IN STRIKE DRAFT FORMAT ATTACHED HERETO AS “EXHIBIT A” AND FURTHER AMENDS THE INDEX OF THE CODE.

EXHIBIT A

Chapter 76

BILLS AND HANDBILLS

[HISTORY: Adopted by the Town Meeting of the Town of Greenfield 3-4-1889 and 4-1-1889 (Sec. 4.8 of the 1985 Bylaws). Amendments noted where applicable.]

STATUTORY AUTHORITY

MGL c. 40, § 21

GENERAL REFERENCES

Littering — See Ch. 94.

Peddling and soliciting — See Ch. 124.

§ 76-1. Distribution on vehicles parked on public land prohibited.

No person shall put or place, or cause to be put or placed, any handbills, circulars, pamphlets, advertisements or other papers or articles of any kind in or upon any vehicle parked in any public place in the ~~Town~~ City.

§ 76-2. Distribution on vehicles parked on private land prohibited.

No person shall put or place, or cause to be put or placed, any handbills, circulars, pamphlets, advertisements or other papers or articles of any kind in or upon any vehicle parked in a private area without the land owner/occupants prior consent within the City.

§ 76-3. Posting of bills prohibited.

No person shall put or place, or cause to be put or placed, any bills, circulars, pamphlets, advertisements or other papers or articles of any kind on any municipal building or property such as light poles, utility poles, street signs, retention poles, fences, benches or shade trees within the City.

§ 76-4. Exceptions

1. Municipal parking tickets.
2. Documents intended to notify the owner of damage to their property as a result of a traffic accident.

§ 76-5. Violations

Any person or entity who violates the provisions of this ordinance shall be subject to a fine of 50 (fifty) dollars for a first offense, 100 (one-hundred) dollars for a second offense and 200 (two-hundred) dollars for third and subsequent offenses

DISCUSSION: Councilor Allis stated the Appointment and Ordinance Committee recommended tabling this because of the significant amount of proposed new language.

Order no. FY 12-150

MOTION: On a motion by Councilor McLellan, second by Councilor Sutphin, it was unanimously,

TABLED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY DELETING THE EXISTING CHAPTER 0076 – HANDBILL, IN ITS ENTIRETY AND REPLACING WITH THE NEW CHAPTER 0076 – BILLS AND HANDBILLS IN STRIKE DRAFT FORMAT ATTACHED HERETO AS “EXHIBIT A” AND FURTHER AMENDS THE INDEX OF THE CODE.

Order no. FY 12-141

MOTION: On a motion by Councilor Allis, second by Councilor Sutphin, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 80, INTERSECTIONS, VISUAL OBSTRUCTIONS AT, SECTION 80-1 AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 80

INTERSECTIONS, VISUAL OBSTRUCTIONS AT

[HISTORY: Adopted by the Town Council of the Town of Greenfield 7-17-1985, approved by AG 9-19-1985 (Sec. 2.40 of the Police Regulations). Amendments noted where applicable.]

GENERAL REFERENCES

Zoning requirements for clear sight triangle for driveways — See § 200-6.5C(4).

§ 80-1. Sight obstructions prohibited.

No person owning, possessing, or having under his/her control any real estate abutting any intersection of streets in any section of the Town City shall erect, place, plant or permit or suffer the erection, placing, or planting or maintenance of anything in such a manner that it shall materially impede the vision of operators of motor vehicles between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of said real estate and a line joining points thirty (30) feet along said street lines from the point of intersection of said street line.

Order no. FY 12-142

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 136, PUBLIC LANDS, SECTION 136-1, 136-2 AND 136-5 AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 136

PUBLIC LANDS

[HISTORY: Adopted by the Town Council of the Town of Greenfield 3-21-1984 (Sec. 4.14 of the 1985 Bylaws). Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages on public lands — See Ch. 13, Art. I.

Cleaning up after animals — See Ch. 17.

Recreation Commission — See Ch. 34, Art. V.

Littering — See Ch. 94.

Town property — See Ch. 168.

Damage to trees — See Ch. 172, Art. I.

Public use of Greenfield conservation land — See Ch. 967.

§ 136-1. Definitions.

PUBLIC LANDS — Are defined in this **bylaw-ordinance** as any land and buildings thereon under the control of any department, commission or committee of the **Town City** of Greenfield including but not limited to parks and playgrounds.

§ 136-2. Closed hours.

All posted public lands, with the exception of the **Town City** Common, shall be closed between the hours of 10:00 p.m. and 6:00 a.m. except as authorized by permit. No persons are allowed on public lands during the hours which they are closed, and this prohibition against trespassing will be strictly enforced during said hours.

§ 136-3. Littering.

No littering of any kind shall be allowed on public lands.

§ 136-4. Destruction of land.

Any destruction, defacing, removing or damaging of any public lands or any public property of any nature is strictly prohibited.

§ 136-5. Violations and penalties.

A violation of the above **bylaw-ordinance** relating to public lands will subject the offender to arrest without a warrant in the place where the offense is committed pursuant to MGL c. 272, § 59, and a fine not to exceed two hundred dollars (\$200) for each offense which may be recovered upon complaint before District Court and shall inure to the **Town City** all in accordance with MGL c. 40, § 21.

Order no. FY 12-151

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD CHAPTER 485, TRAFFIC REGULATIONS AND FURTHER AMENDS THE INDEX OF THE CODE.

DISCUSSION: Councilor Allis stated no language had been included in the packet because the latest draft needed complete review and revision. The Committee recommended tabling the ordinance.

Order no. FY 12-151

MOTION: On a motion by Councilor Wisnewski, second by Councilor Sutphin, it was,

TABLED: THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD CHAPTER 485, TRAFFIC REGULATIONS AND FURTHER AMENDS THE INDEX OF THE CODE.

Order no. FY 12-143

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY DELETING THE EXISTING CHAPTER 615 – INSURANCE, IN ITS ENTIRETY AND REPLACE WITH THE NEW CHAPTER 615 ATTACHED HERETO AS “EXHIBIT A” AND FURTHER AMENDS THE INDEX OF THE CODE.

EXHIBIT A

**Chapter 615
INSURANCE ORDINANCE**

[HISTORY: Adopted by the Board of Public Works of the City of Greenfield. Amendments noted where applicable; amended by City Council _____.]

§ 615-1. Contractor to file certificate of insurance.

Before starting and until completion of the work, the Permittee shall procure, deposit, and maintain with the City of Greenfield, hereinafter called the City, insurance satisfactory to the City as follows:

- A. Workman’s Compensation and Employer’s Liability Insurance as required by the Workmen’s Compensation Laws of the Commonwealth of Massachusetts.
- B. Comprehensive General Liability Insurance covering Bodily Injury and Property Damage as follows:

Limits of Liability:

Bodily Injury*	\$500,000	each person
	\$1,000,000	each occurrence
Property Damage*	\$500,000	each occurrence
	\$500,000	aggregate operations
	\$500,000	aggregate protective
	\$500,000	aggregate contractual
	\$500,000	aggregate completed operations

*or \$1,000,000 single limit combined Bodily Injury and Property

The Comprehensive General Liability Policy shall provide insurance for the Permittee for Bodily Injury and Property Damage to third persons arising out of:

- 1. Work performed by the Permittee himself/herself with his/her own employees, called “premises operations”.
 - 2. Work performed by his/her subcontractors, called “sublet work” or Independent Contractors (this is referred to as Contractor’s Protective Liability.)
 - 3. The Contractor’s Liability assumed under this contract, called “Hold Harmless” clauses or indemnity agreement. (This is referred to as Contractual Liability Insurance.) To avoid necessity of arranging for this coverage on each permit, it is recommended that the certificate of insurance indicate that “Blanket” coverage is provided for the full policy term.**
- C. Comprehensive Automobile Liability Insurance for non-Massachusetts contractors and Standard Automobile Liability Insurance for Massachusetts contractors covering Bodily Injury and Property Damage as follows:

Limits of Liability:

Bodily Injury	\$500,000	each person
	\$1,000,000	each accident
Property Damage	\$1,000,000	each accident

This insurance is to apply with respect to all owned or hired vehicles of the contractor engaged in the performance of work in City Ways or Commons.

- D. All policies shall be so written that the City will be notified of cancellation or restrictive amendment at least 15 days prior to the effective date of such cancellation or amendment. Certificated from the insurance carrier stating the limits of liability and expiration date shall be filed with the City before operations are begun. Such certificates not only shall name the types of policy provided, but also shall refer specifically to this permit* being furnished, and shall state that such insurance is as required by such paragraphs, and shall be sufficiently comprehensive as to permit the City to determine that the required insurance coverage has been provided without the necessity of examining the individual insurance policies.
If the initial insurance expires prior to completion of the work, renewal certificates shall be furnished by the date of expiration.

*If blanket coverage is furnished, this particular permit need not be referred to.

**Underground insurance coverage will be furnished on a "Blanket" basis. Collapse and explosion coverage shall be required under certain circumstances by the Superintendent.

The contractor shall file at the office of the Department of Public Works a copy of his/her certificate of insurance before doing any work within the City affecting the inhabitants of the City.

§ 615-2. Insurance required; limits.

Before starting and until completion of the work the permittee shall procure, deposit, and maintain with the City of Greenfield, hereinafter called the "City," insurance satisfactory to the City.

- A. Workmen's Compensation and Employer's Liability Insurance as required by the Workmen's Compensation Laws of the Commonwealth of Massachusetts.
- B. Comprehensive General Liability Insurance covering bodily injury and property damage with the following:
 - (1) Limits of liability:
 - (a) Bodily injury:
 - [1] \$300,000 each person.
 - [2] \$500,000 each occurrence.
 - (b) Property damage:
 - [1] \$100,000 each occurrence.
 - [2] \$100,000 aggregate operations.
 - [3] \$100,000 aggregate protective.
 - [4] \$100,000 aggregate contractual.
 - [5] \$100,000 aggregate completed operation.
 - (2) The Comprehensive General Liability Policy shall provide insurance for the permittee for bodily injury and property damage to third persons arising out of:
 - (a) Work performed by the permittee himself/herself with his/her own employees, called "premises operations."
 - (b) Work performed by his/her subcontractors, called "sublet work" or "independent contractors." (This is referred to as "contractors' protective liability.")
 - (c) The contractor's liability assumed under this contract, called "hold harmless" clauses or indemnity agreement. (This is referred to as "contractual liability insurance.") To avoid the necessity of arranging for this coverage on each permit, it is recommended that the certificate of insurance indicate that "blanket" coverage is provided for the full policy term.
 - (d) Products liability covering the completed building or installation or products furnished. (This is called "products liability insurance" for the manufacturer and "completed operations liability insurance" for the contractor.)
 - (e) Underground insurance coverage will be furnished on a "blanket" basis. Collapse and explosion coverage shall be required under certain circumstances by the Superintendent.
- C. Comprehensive Automobile Liability Insurance covering bodily injury and property damage, with the following:
 - (1) Bodily injury:
 - (a) \$300,000 each person.

(b) \$500,000 each accident.

(2) Property damage: \$100,000 each accident.

§ 615-3. Coverage of vehicles; nonownership protection.

This insurance is to apply with respect to all owned or hired vehicles of the contractor and nonownership protection for all employees of the contractor engaged in the performance of work in City ways or commons.

§ 615-4. Notification of cancellation or amendment of policy.

All policies shall be so written that the City will be notified of cancellation or restrictive amendment at least fifteen (15) days prior to the effective date of such cancellation or amendment.

§ 615-5. Certificate from carrier to be filed.

Certificates from the insurance carrier stating the limits of liability and expiration date shall be filed with the City before operations are begun.

§ 615-6. Criteria for certificates.

Such certificates not only shall name the types of policy provided, but also shall refer specifically to this permit and the above paragraphs in accordance with which insurance is being furnished, and shall state that such insurance is as required by such paragraphs, and shall be sufficiently comprehensive as to permit the City to determine that the required insurance coverage has been provided without the necessity of examining the individual insurance policies.

§ 615-7. Renewal certificates.

If the initial insurance expires prior to the completion of the work, renewal certificates shall be furnished by the date of expiration.

DISCUSSION: Councilor Allis noted the Appointment and Ordinance Committee forwarded a unanimous positive recommendation. The following ordinance had previously been listed in a section of the Ordinance listed as “Board of Public Works.” The Director of Public Works has revised all of the ordinances and brought them up to date and current to the way business was being conducted. Councilor Farrell questioned the liability amounts outlined in the proposed ordinance. Ms. Kelly stated the companies who work with the DPW were large and generally carried insurance which far exceeded the limits set in the ordinance. Councilor Allis suggested passing the ordinance and revising the issue if necessary.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 12 -143.

Order no. FY 12-144

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY DELETING THE EXISTING CHAPTER 643 – PARKING METER ZONES, IN ITS ENTIRETY AND REPLACE WITH THE NEW CHAPTER 643 ATTACHED HERETO AS “EXHIBIT A” AND FURTHER AMENDS THE INDEX OF THE CODE.

EXHIBIT A

**Chapter 643
PARKING METER ZONES**

[HISTORY: Adopted by the Board of Public Works of the City of Greenfield 2-19-2002. Amendments noted where applicable. Amended by City Council _____]

GENERAL REFERENCES

Vehicle and traffic bylaws — See Ch. 180.

Traffic regulations — See Ch. 485.

Parking meter regulations — See § 485-13.

§ 643-1. Schedule of rates and maximum parking times.

A. Metered Spaces:

1. Maximum parking time in all metered spaces is two (2) hours. "Feeding" the meter past 2 hours is not allowed.
2. Meters accept nickels, dimes and quarters. Rates are annually set by the Mayor and kept on file in the Mayor's office.
3. Only US currency may be used in parking meters; other currency will not register.
4. Parking regulations are enforced Monday – Saturday 8 am to 6 pm. Sundays and legal holidays (holidays municipal offices are closed) are excluded.

B. Parking Lots:

1. Locations: Kiosks are used in City parking lots. Maximum parking limits are as follows. Rates for each lot are annually set by the Mayor.

Lot	Max time
Legion Lot	4 hr
Olive St Lot	4 hr
City Hall (rear) Lot	4 hr
Fiske Ave	2 hr
Ames St Lot	4 hr
Fire Station Lot	4 hr
Miles St Lot	4 hr
Chapman & Davis (C&D) Lot	10 hr
Pleasant St Lot	10 hr
Hope St Lot	10 hr

2. The kiosks will accept nickels, dimes, quarters, debit cards and major credit cards. Only US currency can be used; other currency will not register.

C. Parking Permits:

1. Parking permits may be purchased as set forth below for use in all City owned parking lots, except the Fiske Ave lot.
2. Long-term parking permits are available on a quarterly and annual basis for companies located in the Greenfield downtown area as well as individuals who work in the downtown area.
3. **PERMIT PARKING IS NOT ALLOWED IN THE FISKE AVE LOT OR IN ANY METERED SPACES.** Permitted parking is available in all other lots **regardless of the hourly parking limits in those lots.** A list of the lots is as follows.
 - Legion Lot
 - Chapman & Davis (C&D) Lot
 - Ames St Lot
 - Pleasant St Lot
 - Fire Station Lot
 - Hope St Lot
 - Olive St Lot
 - City Hall (rear) Lot
 - Miles St Lot
4. Parking regulations are enforced Monday – Saturday 8 am to 6 pm. Sundays and legal holidays (holidays municipal offices are closed) are excluded.
5. Permits can be purchased at the Greenfield Collector's Office at City Hall, 14 Court Square, Greenfield Monday through Friday from 8:30 a.m.-5:00 p.m. Bring your vehicle registration or copy of the registration into the Collector's Office when you make application for the permit. The annual rates are set annually by the Mayor:

6. Payment must be made with cash or check. Debit and credit cards are not accepted. If permits are being purchased in bulk, purchaser must provide name and plate number(s) of individuals for whom they are purchasing permits. The bulk purchaser shall provide the Collector with one check for the purchase and the name and contact information of the person representing the bulk purchaser.
7. Permits may be purchased individually for a minimum of three (3) months at a rate per month. Rate is set annually by the Mayor.
8. Annual permits will run from January through December.
9. Refunds will be issued for full months only and only upon surrendering of the permit.
10. The permit holder is responsible for the permit. Lost permits will be replaced at a cost of \$5.00.
11. Permits are not transferable. If individuals typically drive different vehicles to work they need to provide all vehicle plate numbers to the Collector's office at the time of application.
12. Permits must be hung from the rear view mirror. Hang-tag must be removed prior to driving the vehicle. If tag is not removed, you may be ticketed for having an obstructed windshield.
13. Year round overnight parking is only allowed in designated spaces in the C&D lot and Hope St lot.
14. Violation of these guidelines will result in the standard parking ticket for the first offense. Revocation of the permit may also be a consequence.

DISCUSSION: Councilor Allis reported the Appointment and Ordinance Committee forwarded a unanimous positive recommendation. This ordinance had been updated to include all of the new parking requirements including kiosk parking. The GBA's memo requesting free parking on Saturday's was discussed. The Council suggested passing the ordinance as written and request the Mayor and Parking Commission consider the GBA's request as well as changing the parking regulation time from 6 pm to 5 pm.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 12 -144.

Order no. FY 12 -145

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY DELETING THE EXISTING CHAPTER 657 – SOLID WASTE, IN ITS ENTIRETY AND REPLACE WITH THE NEW CHAPTER 657 ATTACHED HERETO AS “EXHIBIT A” AND FURTHER AMENDS THE INDEX OF THE CODE.

EXHIBIT A

**Chapter 657
SOLID WASTE**

[HISTORY: Adopted by the Board of Public Works of the City of Greenfield as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Junk dealers — See Ch. 83.

Littering — See Ch. 94.

ARTICLE I

Curbside Trash Collection

[Adopted 5-16-1989; Amended by Town Council _____]

§ 657-1. Curbside collection provided.

The Greenfield Department of Public Works provides curbside collection of household trash from houses containing four (4) or fewer housing units. All trash placed for curbside collection must be from the housing units it is placed curbside in front of.

§ 657-2. Containers; placement; payment

All trash placed curbside for collection must be in plastic bags no larger than thirty-three (33) gallons and tied so no spillage occurs. No bag shall weigh more than thirty (30) pounds. Bags must be either city printed purchased trash bags or have the proper size trash sticker placed around the neck of the bag. Rates for bags and stickers are annually set by the Mayor. Curbside trash for collection shall be placed on the grass belt next to the roadway edge by 7:00 am on the day of collection, in front of the property where the trash is generated, and should not block any ordinary pedestrian or vehicle traffic.

§ 657-3. Time of placement for collection.

Bags must be placed curbside for collection between 7:00 p.m. on the day before collection and 7:00 a.m. on the day of collection.

§ 657-4. Use of rubbish barrels.

Rubbish barrels may be used however, all contained trash should be in plastic bags no larger than thirty-three (33) and which must be easily removable from the barrels. Trash stickers must be on the bags within the barrels, not on the barrel itself. Trash barrels and/or other containers must not be out curbside except from 7:00 p.m. on the day before collection to 7:00 p.m. on the day of collection.

§ 657-5. Order of pickup.

Materials must be curbside by 7:00 am on day of collection. City may vary order in which routes are collected for efficiency and staffing reasons.

§ 657-6. Residential collection only.

No collection will be made from industrial or commercial establishments.

§ 657-7. Containerizing wastes and ashes.

Food scraps, feces, pet litter box wastes, and cold ashes should be contained in tied plastic bags which are then placed in plastic bags no larger than thirty-three (33) gallons and no heavier than thirty (30) pounds.

§ 657-8. Prohibited wastes.

The following special wastes are not acceptable for inclusion in the plastic bags of this collection.

- A. Recyclable paper, cardboard, aluminum cans, steel/tin cans, glass containers, plastic containers, and waxed cardboard beverage containers.
- B. Items that cannot fit in a thirty-gallon bag.
- C. Leaves and grass.
- D. Brush.
- E. Medical wastes.
- F. Paint, oil, and antifreeze.
- G. Furniture and appliances.
- H. Building demolition wastes: earth, brick, mortar, stone, concrete, plaster, sheet rock, wood, boards, doors, windows, plumbing fixtures, and other building components.
- I. Car parts.
- J. Chemical powders or liquids.
- K. Hazardous materials (however, empty hazardous material containers may be included in disposal bags).
- L. Any explosive or gun cartridges.

- M. Pressure tanks.
- N. Metal items.
- O. Large sheets of glass.
- P. Monitors and televisions

§ 657-9. Disposal of broken glass sheets.

Broken glass sheets can be included in bags for collection if they are completely contained and tied or taped in cardboard to prevent injury to collection personnel.

§ 657-10. Violations and penalties.

Violations of these regulations may result in withdrawal of curbside collection of trash at any and all of the locations where the violator lives or owns, at the sole discretion of the Director of Public Works.

§ 657-11. Regular collection schedule.

The refuse collection schedule by areas is set forth on a map available from the Dept of Public Works. The DPW reserves the right to change days of collection in order to improve efficiency and conserve fuel.

§ 657-12. Holiday collection schedule.

During the weeks in which there is a holiday, there will be the following schedule:

- A. Monday: Monday picked up on Tuesday, Tuesday picked up on Wednesday, Wednesday picked up on Thursday, and Thursday and Friday picked up on Friday.
- B. Tuesday: Monday picked up on Monday, Tuesday picked up on Wednesday, Wednesday picked up on Thursday, and Thursday and Friday picked up on Friday.
- C. Wednesday: Monday and Tuesday picked on their respective days. Wednesday picked up on Thursday, and Thursday and Friday picked up on Friday.
- D. Thursday: Monday, Tuesday, and Wednesday picked up on their respective days, and Thursday and Friday picked up on Friday.
- E. Friday: Monday, Tuesday, and Wednesday picked up on their respective days, Thursday and Friday picked up on Thursday.

ARTICLE II

Leaf and Yard Waste

[Adopted; amended 6-24-1999; amended by City Council _____]

§ 657-13. Disposal requirements.

Yard waste shall not be set out with regular trash for collection. When funding allows, the DPW offers curbside collection of leaves and grass clippings from October 15th through November 30th in compostable paper bags. Another alternative is to bring yard waste to the Transfer Station at the designated delivery area. Yard waste must be in compostable paper bags or must be emptied from containers and/or plastic bags by the person making the deliveries to the Transfer Station.

§ 657-14. Plastic bagging prohibited.

No plastic bags specified for yard waste is accepted at the curbside or the Transfer Station. This includes any plastic bag even if it says it is compostable.

§ 657-15. Waste accepted at Transfer Station.

Leaves, grass clippings, and brush are accepted at the Transfer Station from residential locations within the limits of

§ 657-16. Yard waste to be organic.

Yard waste delivered to the designated location of the Transfer Station will be free of all nonorganic materials or contaminants, such as litter, refuse, and debris.

§ 657-17. Brush, hedge trimmings and sticks.

Brush, hedge trimmings, and sticks must be delivered to the designated delivery area.

§ 657-18. Stumps and logs.

Stumps and logs greater than eight (8) inches in diameter will not be accepted.

§ 657-19. Annual limit.

Each residential location can bring up to twelve (12) cubic yards of brush per calendar year.

§ 657-20. Covering of loads.

All loads of leaves, grass clippings, or brush shall be covered and secured.

§ 657-21. Violations and penalties.

Failure of any individual to meet the requirements of these regulations will result in loss of the privilege of use of the Transfer Station.

§ 657-22. Inspection authorized.

Attendants at the Transfer Station shall have the authority to inspect any incoming materials for the purpose of ensuring that such materials are free of unacceptable or nonbiodegradable items, and to reject any loads containing such materials.

ARTICLE III
Recyclables Collection
[Adopted 5-16-1989; amended by City Council _____]

§ 657-23. Separation of recyclables required; disposal methods.

All household owners receiving municipal refuse collection shall separate all recyclables from their other refuse. Recyclables must either be transported by the household owner to the City Transfer Station or be placed for collection in accordance with this bylaw.

§ 657-24. Preparation for collection.

All glass, tin/aluminum, plastics and aerosol cans must be placed in a standard 14 gallon recycling bin which can be purchased from the City for \$4.00. Bin can not contain loose plastic bags. Items in the bin do not need to be separated. Containers need to be rinsed, but not washed and labels need not be removed.

All paper products, including cardboard, must be placed in a paper bag or tied and left on the side of the bin or preferably in a separate 14 gallon recycling bin. **DO NOT PLACE PAPER IN BIN WITH GLASS, TIN AND PLASTIC.**

§ 657-25. Container limits.

Containers shall not exceed thirty (30) gallons in capacity nor thirty (30) pounds in weight when full. No round trash barrels may be used for recyclables.

§ 657-26. Placement of containers.

Containers shall be placed on the grass belt next to the roadway edge before 7:00 a.m. on the day of recyclables collection.

§ 657-27. List of materials; collection schedule.

Recyclables materials and collection schedules shall be periodically defined by the Mayor. Recyclable materials may include the following:

- A. Newspapers, junk mail, magazines, paperbacks, boxboard, clean pizza boxes, wrapping paper and shredded paper sealed in a paper bag. Cardboard and corrugated cardboard that is flattened.
- B. Glass bottles and jars rinsed of residuals. Labels need not be removed. No window glass, mirrors, light bulbs, “Pyrex” or ceramics.
- C. Tin cans and aluminum cans, lids, foil and dishes. Containers should be rinsed and free of residuals. Labels need not be removed. No paint cans, pressured cans or cans with residual materials remaining.

§ 657-28. Applicability of refuse collection regulations.

All applicable City regulations for refuse collection shall apply to recyclables collection.

§ 657-29. Violations and penalties.

Any household owner who fails to separate all recyclable materials designated by the Mayor or otherwise violates any of the provisions of these Recyclables Collection Regulations may be punished by a fine of fifty dollars (\$50) for each day that the offense occurs and may be excluded from any future collections of refuse from that same household.

§ 657-30. Ownership of recyclables.

All recyclables placed in the City Transfer Station or on the curbside shall be the property of the City. Any other party collecting recyclables placed under the provisions of this regulation shall be in violation of this regulation and may be punished by a fine of fifty dollars (\$50) for each location and for each incident that the offense occurs.

ARTICLE IV
Transfer Station
 [Adopted _____]

§ 657-31. Hours of operation.

Hours of operation of the Transfer Station will be set by the Mayor and available from the DPW or City web site. The City reserves the right to change hours to increase efficiency and decrease cost of operation. Station is closed on Sundays, Mondays and all legal holidays.

§ 657-32. Authority of DPW attendants.

The Department of Public Works attendants are in control of the Transfer Station operation and are authorized to report all violators of the these regulations and all persons who fail to obey their instructions.

§ 657-33. Loss of privilege.

Those persons failing to follow regulations and instructions of the attendants shall forfeit their privilege to use the Transfer Station for up to one after the occurrence of the violation.

§ 657-34. Deliveries to the Transfer Station

Deliveries to the Transfer Station are to be in compliance with the Materials and Pricing Guide set forth by the DPW and approved by the Mayor. Copies are available from the DPW and are on the City web site.

§ 657-35. List of disposal items and prices.

The Mayor shall maintain and periodically update a list of acceptable disposal items with corresponding prices.

§ 657-36. Covering of materials.

All materials delivered must be completely covered and secured.

§ 657-37. Salvaging restricted.

No salvaging of materials is allowed except for specified items placed in designated area and by written permission from the Director.

§ 657-38. Limited admittance in building.

No persons other than employees are allowed into the Transfer Station building unless special approval is granted.

§ 657-39. Smoking and flames prohibited.

No smoking, open fires, or burnings are permitted within the Transfer Station site.

§ 657-40. Firearms prohibited.

No use of firearms is permitted.

§ 657-41. Disposal outside of site prohibited.

Disposal of any waste material outside of the fence or on the roadways is strictly prohibited.

§ 657-42. Enforcement.

Violators of any of these regulations will be prosecuted.

DISCUSSION: Councilor Allis stated the Appointment and Ordinance Committee forwarded a unanimous positive recommendation. Councilor Farrell suggested including “trash sticker fees” in this ordinance at a future date.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 12 -145.

Order no. FY 12 -146

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY DELETING THE EXISTING CHAPTER 662 – STREET OPENINGS, IN ITS ENTIRETY AND REPLACE WITH THE NEW CHAPTER 662 ATTACHED HERETO AS “EXHIBIT A” AND FURTHER AMENDS THE INDEX OF THE CODE.

EXHIBIT A

**Chapter 662
STREET OPENINGS**

[HISTORY: Adopted by the Board of Public Works of the City of Greenfield. Amendments noted where applicable. City Council amended sections 1, 4 and 6 subsection A on 1-21-09; City Council amended _____]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 159.

§ 662-1. License required.

No person, except the Director of Public Works in the performance of usual duties, or, in cases of emergency, shall break or dig up or cause to be broken or dug up the pavement or ground in any public street, or any sidewalk or common in the City, or erect or cause to be erected any building or any staging for building, or other structure thereof, or place or cause to be placed any materials, rubbish, goods, wares, or merchandise or other articles or substance thereon, without first obtaining from the Department of Public Works or Licensing Commission a written permit or license delineating the space in the street or other public place that may be occupied and the time allowed for such occupancy, and such other provisions as it may deem best,

and filing with the Director of Public Works or Licensing Commission a written agreement to comply strictly with the terms of the permit or license and these regulations and to indemnify the City from all loss, cost or expense that it may suffer by reason of such occupancy. Excavation/Trench Permits as well as Ladder and Staging Permits are reviewed and approved by the Department of Public Works. A license to occupy space in the street or other public space is reviewed and approved by the Licensing Commission. Where a written license, as aforesaid, is required in connection with the development of a Priority Development Site (PDS), as defined by § 2002.1 of the Zoning Ordinance, an application therefor shall be submitted simultaneously with any other permit application(s) required by this Code, including Chapter 200 hereof, relating to the use or development of land, buildings or structures and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than one hundred eighty (180) days from said date of submission.

§ 662-2. Annual statement of proposed openings.

All department heads, persons or corporations owning structures, poles, wires, conduits, pipes, etc., within the limits of the public way within the City shall on or before the 15th day of March of each year file a statement with the Director of Public Works showing the work proposed to be done by them requiring the opening of streets during the ensuing year.

§ 662-3. Safety fences.

Whenever any street, lane, alley or sidewalk or other public place in the City shall, under any license granted, be dug up, obstructed, encumbered, or otherwise thereby be rendered unsafe or otherwise inconvenient for travel, the person licensed shall put, and at all times keep up, a suitable and sufficient railing or fence around the section of the street, lane, alley or other public place so obstructed, so long as the same shall be or remain unsafe or inconvenient as aforesaid, and, if required by the Director, shall fit the safety fence with one or more portable lights/lanterns and have them lite every night from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise so long as such railing or fence shall be kept standing or obstruction remains.

§ 662-4. Repairs after licensed work.

Contractor shall also, within such time as the Department of Public Works or Licensing Commission shall direct, repair such street, lane or alley, sidewalk or public place, to the acceptance of the Director of Public Works.

§ 662-5. Contractors to give notice to utilities.

The Annotated Laws of Massachusetts, Chapter 83, Section 40, states that contractors making excavations in public way are required to give notice thereof to public utility companies.

§ 662-6. Curb cuts.

- A. Any one requiring a curb cut in an existing berm shall be required to obtain an Access Permit from the Department of Public Works. Application will be made at the Engineering office of the DPW for processing. Where an access permit is required in connection with the development of a Priority Development Site (PDS), as defined by § 200-2.1 of the Zoning Ordinance, an application therefor shall be submitted simultaneously with any other permit application(s) required by this Code, including Chapter 200 hereof, relating to the use or development of land, buildings or structures and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than one hundred eighty (180) days from said date of submission.
- B. No curb cuts shall be allowed within twenty (20) feet of an intersecting way, said twenty (20) feet being from the street line layout to the beginning of the curb cut, and all curb cuts shall be constructed with a minimum radius of five (5) feet. Cost of the work shall be borne by the applicant and any related work done by DPW shall be billed to the applicant, if applicable. If work is done by a contractor, all work shall be inspected by the DPW before completion. Notification to the DPW for inspection is the responsibility of the contractor/owner.

§ 662-7. Notice to utilities prior to excavation.

No person, other than a direct employee of a public utility company, as defined in MGL c. 25, § 3, shall, except in an emergency, make an excavation in a public way unless at least seventy two (72) hours, exclusive of Saturdays, Sundays, and legal holidays, before the proposed excavation is to be made, he/she has filed an Excavation/Trench Permit with the Department of Public Works and has given notice in writing of the proposed excavation to such public utility companies as supply gas, electricity, water or telephone service in the city or City in which such way is located. Such notice shall set forth

the name of the street, or route number of the way, and a reasonable accurate description of the location in which the excavation is to be made.

§ 662-8. Notice requirements for emergency excavations.

If such notice be given as aforesaid because of an emergency, it shall be given as soon as may be practicable.

§ 662-9. Filing of notices. [Amended by 1968; 403, Sec. 1, approved 6-18-1968; effective 90 days thereafter]

Copies of such notices together with a statement certifying that they have been mailed or delivered to such public utility companies as provided by the preceding provisions of this chapter shall be filed with the officer or board having charge of any such public way before a permit to excavate may be approved or issued, except in case of an emergency.

§ 662-10. Excavations as part of government contracts.

Where an excavation is to be made by a contractor as part of the work required by a contract with the Commonwealth or with any political subdivision thereof or other public agency, for the construction, reconstruction, relocation or improvement of a public way or for the installation of a railway track, conduit, sewer or water main, such contractor shall be deemed to have complied with the requirements of this chapter by giving one (1) such notice setting forth the location and the approximate time required to perform the work involved to the Department of Public Works and to each of said companies.

§ 662-11. Responsibilities of utilities.

Proper return notice shall be made by said companies designating the location, if any, of pipes or conduits in that portion of the public way in which the excavation is to be made.

§ 662-12. Prevention of damage to pipes and conduits.

Any such excavation shall be performed in such manner, and such reasonable precautions taken, as to avoid damage to the pipes or conduits in use under the surface of said way.

§ 662-13. Effect on other provisions.

Nothing contained in this chapter shall be construed to affect or impair local ordinances or bylaws requiring permits to be obtained before excavating in a public way, except that, notwithstanding any contrary provision of local ordinances or bylaws, no permit to excavate in a public way shall be approved or issued by the officer or board having charge of any such way, except in an emergency, until such time as copies of notices to public utility companies are filed by the applicant for a permit as required by this section.

§ 662-14. Violations and penalties. [Amended 1959, 316; 1963, 370, sec., approved 5-6-1963, effective 90 days thereafter]

Whoever violates any provision of this chapter shall be punished by a fine of not more than two hundred dollars (\$ 200) for the first offense and) not more than five hundred dollars (\$500) for any subsequent offense.

§ 662-15. Excavation beyond center line of street.

No opening or excavation in any street shall extend beyond the center line of the street before being backfilled and the surface of the street temporarily restored.

§ 662-16. Limit on size of opening.

No more than two hundred fifty (250) feet measured longitudinally shall be opened in any street at any one (1) time.

§ 662-17. Exposure of utility facilities.

All utility facilities shall be exposed sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation if necessary.

§ 662-18. Disturbance of reference markers.

- A. Monuments of concrete, iron or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point or a permanent survey bench mark shall not be removed or disturbed unless permission is first obtained from the Director of Public Works.
- B. Permission shall be granted only upon condition that the permittee shall pay all expenses incident to the proper replacement of the monument by a Professional Land Surveyor.

§ 662-19. Removal of excavated material from street.

- A. When any earth, gravel or other excavated material is caused to roll, flow or wash upon any street, the permittee shall cause the same to be removed from the street within eight (8) hours after deposit.
- B. In the event the earth, gravel or other excavated material so deposited is not removed, the Director of Public Works shall cause such removal, and the cost incurred shall be paid by the permittee.

§ 662-20. Access to private driveways.

Access to private driveways shall be provided except during working hours when construction operations prohibit such access.

§ 662-21. Access to fire hydrants.

Free access must be provided at all times to fire hydrants.

§ 662-22. Permitted hours of operation.

- A. Work authorized by a permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless the permittee obtains permission from the Director of Public Works to do the work at an earlier or later date.
- B. Such permission shall be granted only in case of emergency.

§ 662-23. Conditions of permit.

- A. In granting any permit, the Director of Public Works may attach such other conditions as may be reasonably necessary to prevent damage to public or private property to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance.
- B. Such condition may include but shall not be limited to:
 - (1) Limitations on the period of the year in which the work may be performed;
 - (2) Restrictions as to the size and type of equipment;
 - (3) Designation of routes upon which materials may be transported;
 - (4) The place and manner of disposal of excavated materials;
 - (5) Requirements as to the laying of dust, the cleaning of the streets, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public, or any portion thereof;
 - (6) Regulations as to the use of streets in the course of the work.

§ 662-24. Furnishing of equipment.

The contractor shall furnish all equipment necessary for opening, excavating, and backfilling.

§ 662-25. Furnishing of labor.

All labor and any material, exclusive of road patch, required shall be furnished by the contractor.

§ 662-26. Initial cut.

The initial cutting of placement shall be done in such a way that a straight even cut is made.

§ 662-27. Cutting by DPW; responsibility for costs.

If the Department of Public Works cuts the pavement, the contractor or owner will be billed for this work.

§ 662-28. Tearing or ripping of pavement prohibited.

Tearing or ripping of pavement will not be permitted.

§ 662-29. Shoring required.

Open excavations shall be shored or benched as required by the Occupational Safety and Health Administration of the U.S. Department of Labor for protection of workers.(Laws)

§ 662-30. Use of original material for fill.

After an excavation is made in any roadway, the trenches or opening may be filled with the original material to within twenty-four (24) inches of the road surface unless otherwise ordered by the Director of Public Works.

§ 662-31. Frozen material prohibited for backfill.

If the work is done in cold weather, no frozen material shall be used for backfilling.

§ 662-32. Use of graveled material.

Graveled material conforming to MDOT specification section M1.03.0 type b shall be used to fill within one (1) inch of the road surface.

§ 662-33. Compacting of backfill.

All backfill shall be thoroughly compacted in six-inch lifts by tamping, flooding, or vibratory means to reduce settling.

§ 662-34. Temporary patch.

A. After completion of all utility work, all edges shall be saw cut, and the backfill shall be placed and mechanically compacted in six-inch layers to within four (4) inches of finished road surface. All backfill material shall be acceptable to the DPW representative. If unsuitable material is encountered, it shall be replaced with a gravel meeting the approval of the DPW.

B. Four (4) inches of Class "1" dense binder per MDOT M3.11.03 shall be laid and compacted in layers not to exceed two (2) inches in depth; the compaction equipment shall be sufficient weight to obtain a density equal to the surrounding pavement.

C. This shall be considered as a temporary patch.

D. In case of cold weather or when hot bituminous surface mix is not available, a three-inch layer of cold patch may be applied and rolled.

E. All openings with temporary patch shall be checked weekly with additional temporary patch being added if settling should occur.

§ 662-35. Permanent patch.

A. Permanent patch. The permanent patch shall not be applied until one (1) winter season has passed since the completion of the temporary patch, and shall be then patched as follows:

- (1) Area to be repaired shall be swept clean to remove all loose and foreign material.
- (2) Binder Course of 2½ inches compacted depth shall be placed in accordance with MDOT M3.11.03
- (3) Top Course of 1 ½ inches compacted depth shall be placed and rolled to grade to match the surrounding surface and provide proper drainage of the roadway.
- (4) Edges of rolled areas shall be sealed with suitable asphalt emulsion, and sand spread over the entire newly patched area.
- (5) Work area shall then be swept of all old and excess material and left in a neat condition.

B. It is recognized that asphalt manufacturing plants are not operating during winter months. Therefore, during this period conventional methods of temporary patching shall be used at the direction of the Director of Public Works.

§ 662-36. Concrete subsurface or stone base.

In cases where either brick or concrete subsurface or a stone base is encountered and removed, it shall be replaced in kind or with an equal amount of cement concrete topped with four (4) inches of bituminous concrete which shall be rolled.

§ 662-37. Reinforcing rods.

Reinforcing rods may be required in certain instances as determined by the Director of Public Works.

§ 662-38. Openings when concrete is required.

When concrete is required, the edges of the opening shall be neatly cut back a minimum of six (6) inches over undisturbed material.

§ 662-39. Information from DPW records; nonliability of City.

- A. All information derived from Department of Public Works records relating to the subsurface and other conditions, natural phenomena, existing pipes, and other structures is from the best sources as presently available.
- B. All such information is furnished only for the information and convenience of contractors and is not guaranteed.
- C. It is agreed and understood that the City of Greenfield does not warrant or guarantee that the subsurface or other conditions, natural phenomena, existing pipes or other structures encountered during construction will be indicated in the Department of Public Works records.
- D. It is agreed further and understood that a contractor shall not use or be entitled to use any of the information made available to him/her or obtained in any examination by him/her in any manner as a basis of or grounds for any claim or demand against the City of Greenfield arising from or by reason of any variance which may exist between the information made available and the existing pipes or other structures actually encountered during the construction work.

DISCUSSION: Councilor Allis stated the Appointment and Ordinance Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 12 -146.

Order no. FY 12 -147

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY DELETING THE EXISTING CHAPTER 689 – WATER USE, IN ITS ENTIRETY AND REPLACE WITH THE NEW CHAPTER 689 ATTACHED HERETO AS “EXHIBIT A” AND FURTHER AMENDS THE INDEX OF THE CODE.

EXHIBIT A

**Chapter 689
WATER USE**

[HISTORY: Adopted by the Board of Public Works of the City of Greenfield; printed as amended 8-3-1999 and 2-2-2002. Subsequent amendments noted where applicable. Amended by City Council _____]

GENERAL REFERENCES

Water tampering — See Ch. 187.

Wells — See Ch. 191.

Sewer use — See Ch. 650.

ARTICLE I

Purpose And Policy

§ 689-1. Compliance required.

Under authority of the General Laws, Acts of State Legislature of the Commonwealth of Massachusetts, the following rules and regulations, together with the water rates, shall be part of the contract with every person using water supplied by the City of Greenfield, and every person taking or applying for water agrees to them and to bound thereby.

§ 689-2. Purpose.

The purpose of these regulations is to:

- A. Provide adequate water pressure and volume to users.
- B. Provide high quality, unpolluted, and aesthetically pleasing water to users that meets or exceeds all Safe Drinking Water Act Standards.
- C. Provide a uniform schedule of charges and rates and a uniform policy for administration of rates and charges.
- D. Promote water conservation.
- E. Establish minimum standards of materials, workmanship, and specifications for materials and appurtenances, which would ultimately become part of the City of Greenfield's Distribution System.
- F. Set up procedures, which all new users must follow to enter into the Distribution System.

§ 689-3. Interpretation.

The Mayor, or his/her duly appointed designee, shall make the final interpretation of these regulations whenever unforeseen situations arise which are not clearly covered, or when further interpretation of the intent of the regulations is required.

ARTICLE II

Terminology

§ 689-4. Definitions.

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

APPURTENANCES — Auxiliary equipment, such as valves and hydrants, attached to the distribution system to enable it to function properly.

BACKFLOW — A hydraulic condition caused by a difference in pressures, in which nonpotable water or other fluids flow into a potable water system.

BACK PRESSURE — A condition in which a pump, elevated tank, boiler, or other means results in a pressure greater than the supply pressure.

BACKSIPHONAGE — A condition in which the pressure in the distribution system is less than atmospheric pressure.

BOARD OF PUBLIC HEALTH — Shall mean that duly elected board of the City of Greenfield charged with enforcing state and local health and sanitary regulations and the Massachusetts State Plumbing Code. It shall also include the authorized agent or representative of said Board.

BUILDING INSPECTOR — Shall mean that agent of the Mayor of the City of Greenfield who is responsible for enforcing the local and/or State Building Code and Protective Zoning Bylaw.

CONTAMINANT — Shall mean any physical, chemical, biological, or radiological substance or matter in water.

CONTROL AUTHORITY — The term "control authority" shall refer to the City Council.

CROSS CONNECTION — Shall mean any actual or potential connection between a distribution pipe of potable water from a public water system and any waste pipe, soil pipe, sewer, drain, or other unapproved source. Without limiting the generality of the foregoing, the term "cross connection" shall also include any bypass arrangements, jumper connections, removal section, swivel or changeover connection, and other temporary or permanent connection through which backflow can or may occur.

DIRECTOR — Shall mean the Director of Public Works of the City of Greenfield or his/her authorized deputy, agent, or representative.

DPW (denoting the Department of Public Works) — Shall mean that department established by vote of the City on March 4, 1963, which has jurisdiction over water treatment, supply, and distribution.

ENFORCEMENT AUTHORITY — Shall mean the City of Greenfield City Council and the City police, special police, and any other locally designated body having police powers.

LATERAL — Smaller diameter pipe that conveys water from the mains to points of use.

OWNER — Shall mean the person legally and lawfully possessing the land across which a particular water service lies or will lie.

PERSON — Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.

PLAN AND PROFILE DRAWINGS — Engineering drawings showing depth of pipe, pipe location (both horizontal and vertical displacements) and the distance from a reference point.

PLANNING BOARD — Shall mean that Board fully appointed by the Mayor of the City of Greenfield charged with the planning for the City of Greenfield and with the administration of the Subdivision Control Bylaw.

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

POTABLE — The characteristic that describes water that does not contain objectionable pollution, contamination, minerals, or infective agents and is considered satisfactory for domestic consumption.

POTENTIAL CROSS CONNECTION — Any arrangement of pipes, fittings, or devices that indirectly connects a potable water supply to a nonpotable source. This/her connection may not be present at all times, but it is always there potentially. Also known as an "indirect cross connection."

SERVICE CONNECTION — That portion of the service line from the utility's water main to the curb stop at or adjacent to the street line or the customer's property line. It includes the curb stop and any other valves, fittings, etc., that the utility may require at or between the main and the curb stop, but does not include the curb box.

SERVICE LINE — The pipe (and all appurtenances) that runs between the utility's water main and the customer's place of use, including fire lines.

SERVICE VALVE — A valve, such as a corporation stop or curb stop, that is used to shut off water to individual customers.

SHALL — "Is" is mandatory; "May" is permissive.

STATE — Commonwealth of Massachusetts.

TAPPING — The process of connection lateral and service lines to mains and/or other laterals.

CITY OF GREENFIELD — Shall mean that corporate entity in the County of Franklin, Commonwealth of Massachusetts, acting by and through its Mayor and City Council.

ARTICLE III

Building Connections and Services

§ 689-5. No unauthorized connections.

No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public water main or appurtenance thereof without first obtaining a written permit from the Director.

§ 689-6. Application for water service.

Each applicant for water service connection must be made at the office of the Department of Public Works on forms provided for that purpose.

§ 689-7. Applications to be made in advance.

Applications for new water service connections must be obtained from the Department of Public Works at least five (5) working days prior to the proposed connection date.

§ 689-8. Classes of permit applications; fees.

- A. There shall be two (2) classes of water permit applications:
- (1) Residential. Living units that use water for domestic purposes. Permit and application fee shall be one hundred dollars (\$100) payable to the City of Greenfield by check.
 - (2) Nonresidential and water main construction and/or extension. Fee shall be two hundred and fifty dollars (\$250) payable to the City of Greenfield by check.
- B. The application form shall be signed by the owner of the real estate requesting service or by his/her authorized representative. Fees are nonrefundable. Applications may be transferred to a new owner with permission of the Director.
- C. The applications shall state fully, and truly, the extent of water service required, and the purpose for which the water is to be used. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director.
- D. Priority Development Sites. Where the development of a Priority Development Site (PDS), as defined by § 200-2.1 of the Zoning Ordinance, requires a permit hereunder, an application therefor shall be submitted simultaneously with any other permit application(s) required by this Code, including Chapter 200 hereof, relating to the use or development of land, buildings or structures and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than one hundred eighty (180) days from said date of submission.

§ 689-9. No connections between December and April.

- A. No new service shall be connected between December first and April first, except in the case of a project located on a Priority Development Site (PDS) and no new water service applications will be accepted by the Department after November 15th.
- B. In general, new water service connections will not be scheduled on Monday, Friday, and days immediately preceding or following holidays. July 4, November 11, or the day following when said holidays occur on Sundays or the day preceding if said holidays occur on Saturday; also the third Monday in April, the last Monday in May, the first Monday in September, and the second Monday in October.

§ 689-10. City may reject application.

The Director may reject any application for a new service connection if, in the opinion of the Director, the service connection is likely to reduce the distribution system's pressure, reduce fire flows to less than recommended standards or in any way negatively impact the quantity and quality of water within the distribution system.

§ 689-11. Pressure considerations.

No water connections shall be permitted in areas where available pressure in any portion of the building is less than twenty (20) psi, unless owner at his/her expense adds internal holding and boosting capability. If pressure exceeds eighty (80) psi the owner must install and maintain a pressure reducing valve at his/her cost. The valve is to be installed after the water meter,

and in accordance with the Massachusetts Plumbing Code.

§ 689-12. New service responsibilities.

The owner is responsible for the installation of a new water service line from the main to the owner's place of use. This work shall include tapping of the main, installation of the service and associated valves, etc., installation of the water meter, and site restoration.

§ 689-13. All work to conform to City requirements.

All water services from the main through the meter shall conform to the requirements of the Department in regard to materials used, and manner of installation, and manner of water use.

§ 689-14. All work to meet Massachusetts Plumbing Code.

All provisions of the Massachusetts Plumbing Code shall be observed by the owner and shall be enforced by the Plumbing Inspector.

§ 689-15. Separate and independent services.

A separate and independent building water service shall be laid for every primary building. There shall be only one service per building (even if multiple dwelling units exist within the building) and no independent services from the water main shall be provided to accessory buildings (barns, garages, etc.). If an owner desires water service to a barn, garage, etc., the owner may at his/her own expense extend service from the primary building to the accessory building. Where appropriate, in the opinion of the Director, units within condominiums may be considered separate and independent and thus be connected with their own independent water service. No services shall be provided to empty lots.

§ 689-16. Reuse of building services.

Old building water services may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of this regulation, and judged to be of adequate size. The applicant is responsible for necessary work to prove that the service is in good condition.

§ 689-17. Minimum fill cover.

The minimum fill cover of water pipe shall be five (5) feet below final grade between the water main and outer foundation wall.

§ 689-18. Service pipe trenches.

Service pipes shall not be placed within ten (10) feet horizontally of a sanitary sewer service, or within five (5) feet horizontally of other utilities except under special conditions and with the approval of the Director.

§ 689-19. Subsurface information from City.

All information derived from the Department of Public Works records relating to subsurface and other conditions, natural phenomena, existing pipes, and other structures is from the best sources at present available. All such information is furnished only for the information and convenience of contractors and is not guaranteed. It is agreed and understood that the City of Greenfield does not warrant or guarantee that the subsurface or other conditions, natural phenomena, existing pipes, or other structures encountered during construction will be as indicated in the Department of Public Works records.

§ 689-20. No warranty of subsurface conditions.

It is agreed further and understood that contractors shall not use or be entitled to use any of the information made available to him/her or obtained in any examination made by him/her in any matter as a basis of or grounds for any claim or demand against the City of Greenfield arising from or by reason of any variance which may exist between the information made available, and the actual subsurface or other conditions, natural phenomena, existing pipes or other structures actually encountered during the construction work.

§ 689-21. Notice of abandonment of water services.

The owner of a building that is to be demolished or abandoned shall give the Department of Public Works seven (7) days' notice of the date on which the owner wishes to have the water service to the building permanently disconnected at the main. The City will do this disconnection at no charge to the owner.

ARTICLE IV
New Water Services

§ 689-22. Connections.

All connections off of the main pipes will be treated as "service connections" regardless of size. Service connections shall conform to requirements of the City in regard to pipe sizes, materials, layout and manner of installation as a minimum.

§ 689-23. Work done by owner.

- A. The owner is responsible for hiring a qualified contractor(s) for the installation of a new water service line from the main to the owner's place of use.
- B. This work shall include tapping of the water main, installation of all necessary pipe, valves, curbs and backflow prevention devices. The owner shall provide holes, openings, or conduit necessary for installation of cables for outside meter readers. Work shall include all site restoration, including the roadway, paving, and sidewalk.
- C. All materials such as pipe, fittings, curb box, meter, valves, backflow prevention device, etc., shall be supplied by the owner and meet City specifications.
- D. The City will provide and install the water meter. When new services are installed requiring water meters one and five-tenths (1.5) inches or larger the meter must be supplied and installed by the owner. The meter shall meet City specifications and must be inspected and sealed by the City of Greenfield.

§ 689-24. Service to be in straight line.

The water service shall be laid in a straight line from the main to the front (or first) wall with the meter placed immediately inside the wall.

§ 689-25. Curb box location.

The curb box shall be located seven (7) feet off of the street line within the public way, unless, otherwise directed by the Director.

§ 689-26. Contractor to carry insurance.

The contractor shall furnish a certificate of insurance as required by the Department of Public Works and which the Department of Public Works will retain.

§ 689-27. Contractor to obtain excavation/trench permit.

The contractor shall obtain an excavation/trench permit when it is necessary to excavate in any public way or easement or on private property.

§ 689-28. Location as on plans.

The water service shall be installed as shown on the utility plan or plot plan of the "license to erect building" unless written permission to change the location is obtained from the Department of Public Works.

§ 689-29. Permit to be on job site.

Permit must be available at the job site.

§ 689-30. Contractor shall finish work.

The contractor shall remain on the site until the job is complete.

§ 689-31. Status of building being connected.

The Water Division shall not permit the flow of City water to any new building or structure or any new addition to an existing building or structure unless it is satisfied that the outer walls and roofs are covered with a noncombustible material or that a license as provided herein has been granted by the Mayor. This shall be interpreted to mean that the water service from main to within the proposed building shall not be installed unless the outer foundation wall and footing is in place; and furthermore, that the meter shall not be installed until it can be protected from theft and frost damage.

§ 689-32. All services to be inspected.

The City must inspect all new service pipes before covering the trench. All pipe, trench, and site restoration on work shall meet the approval of the City.

§ 689-33. Service activation.

No water will be turned on to any new premises until all work is completed to the satisfaction of the City, and has been formally inspected by the City. The work shall include trench restoration, paving work, including the driveway apron, raising of the curb box to proper grade, and any other work deemed necessary by the Director at the particular site.

ARTICLE V

Service Replacements (Renewals) and Repairs**§ 689-34. Repair/replacement service lines.**

All service lines between the water main and the water meter are the property of the owner. However, the City of Greenfield will make repairs or replacement of water services from the water main to the water meter at no cost to the owner. The City does not work on private water mains or water services after the water meter in water boxes.

§ 689-35. Leaking services.

Upon the detection of a leak in the water service line, the City will repair or replace the service at no cost to the owner.

§ 689-36. Temporary services.

With the permission of the Director temporary service may be permitted where appropriate while repairs are being made.

§ 689-37. Galvanized lines to be replaced.

If a galvanized line is leaking, the entire stretch (house to curb, or curb to main) must be replaced not repaired. This work will be done by the City at no cost to the owner.

§ 689-38. Replacements due to change in use.

Any replacement of an existing water service, which is required due to a change, or increase of building usage, will be treated as a new service for the purpose of these policies.

§ 689-39. Thawing of frozen service lines.

The City will thaw a service frozen between the main and the house to the discharge side of the meter. The City may hire a contractor to perform this work. There is no charge for the first thawing. If the service freezes a second time, the City charges for labor and equipment.

§ 689-40. Repairs to damaged fire hydrants.

The driver or insurance company is responsible for the costs of hydrant repairs necessitated by vehicle accidents. City charges

for labor, materials and equipment.

§ 689-41. City not responsible for damage due to leaks.

The City is not responsible for any damage caused by a service leak of any water due to any and all causes. The owner's insurance policy should be checked for coverage in these cases.

§ 689-42. Right to discontinue service.

The City reserves the right to discontinue providing water to any owner who refuses to have repairs made on a damaged or leaking water service or ignores written notification of violation of Article VI, § 689-69 (water use restrictions). This discontinuance would be done by shutting off the water service valve seventy-two (72) hours after notice is placed at the building.

**ARTICLE VI
Use of City Water**

§ 689-43. Scope.

This article details regulations regarding the use of City water and the City's rights and responsibilities regarding the furnishing of water.

§ 689-44. All water to be metered.

All water supplied by the City for any purpose, except for specifically designated standby fire services, shall be drawn from a metered service.

§ 689-45. No right to furnish water to others.

A consumer of water through a metered service may use it for his/her own purposes, but will not be permitted to supply the premises of another person, except in special emergencies and then only with the approval of the City.

§ 689-46. No operation of fire hydrants and gates.

Other than authorized employees of the City, no person whatsoever, without express written consent, shall open, operate, or close any water gate, valve, or corporation attached to water mains, or service pipes. No person, except authorized employees of the Department of Public Works or firemen at a fire, shall open, close, or operate any fire hydrants within the City. Violations of these sections shall be subject to a minimum fine of two hundred fifty dollars (\$250) for each incident as set forth in Article XI, Penalties.

§ 689-47. Temporary water use.

No contractor or any other person shall be allowed to use City water for building, construction, or private purposes without first obtaining permission from the City. The connection must be fitted with a suitable backflow prevention device. Any such temporary water service will be subject to the usual charges for installation and operation of the temporary water service. Water usage will be metered and will be charged for at the prevailing water rates.

§ 689-48. No water waste abatements.

All water passing through a meter must be paid for whether used or wasted. Owners must properly maintain their water pipes and plumbing fixtures. No abatements to water bills will be granted for leaked or wasted water.

§ 689-49. Expansion tanks.

The owner is hereby cautioned of the need to provide for expansion of heated waters within the interior plumbing system. The owner shall install and maintain an expansion tank or suitable toilet ballcock to provide for expansion as required.

§ 689-50. No unprotected cross-connection allowed.

No cross-connection, either temporary or permanent, between a piping system containing City of Greenfield water and any other piping system will be permitted unless fitted with a suitable backflow prevention device(s) that has been approved by the City.

§ 689-51. Backflow protection required.

All new water service connections, including residential, shall be fitted with proper backflow prevention protection before water is supplied. Protection shall be provided to the last flowing tap on the premises.

§ 689-52. Backflow prevention devices.

In all cases, the installation, testing, and maintenance of backflow prevention devices shall be in accordance to the City's Cross-Connection Control Program and the Drinking Water Regulations of Massachusetts, 310 CMR 22.22.

§ 689-53. Specification and testing of backflow prevention devices.

The Director or his/her designee shall evaluate the need for and type of backflow prevention device(s) required through survey of the water user's premises. Devices shall be installed by the owner at the owner's expense. Testable devices shall be tested by the City two (2) times per year at the owner's expense. The Mayor shall annually set the fee for testing services.

§ 689-54. Access to backflow prevention devices.

Authorized employees of the City shall have access to backflow prevention devices for inspection and testing. The property owner shall maintain the area around the device so that it is free from rubbish or other materials which may obstruct access by City employees.

§ 689-55. Termination of unprotected services.

Where, in the opinion of the Director, a cross-connection represents a serious and imminent danger to the public health, the City reserves the right to immediately terminate and physically sever the water service in question from City system. In other cases, after serving a seventy-two-hour notice, the City reserves the right to terminate a water service to any premises if, in the opinion of the Director, a cross-connection into the City's potable system exists, and the owner fails to install, maintain, test a device, or compensate the City for testing fees.

§ 689-56. Fire systems.

The City will furnish water for standby fire protection service at no cost. All lines and associated equipment from the discharge side of the gate valve used for this purpose shall be installed, maintained, and repaired entirely at the owner's expense. Repair or replacement of fire lines from the gate valve to the building is also the responsibility of the owner and shall be performed by the owner at the owner's expense. Installations must be inspected and approved by the Department of Public Works and Fire Department. Fire service lines shall not be used for supplying of water for any other purposes and must be so arranged that easy inspection can be made by the City.

§ 689-57. No taps on fire lines.

No taps shall be made to or drawn from unmetered fire lines except for the purposes of testing the fire system or fighting fire. Use of unmetered water from fire services for purposes other than above shall result in a minimum fine of one thousand dollars (\$1,000) as set forth in Article XI.

§ 689-58. Backflow protection on fire lines.

All new fire service lines shall be fitted with testable backflow prevention devices approved by the City. The City may require such devices on existing fire service lines where, in the opinion of the Director, they are necessary to protect the City's potable water system. The owner shall be responsible for all costs of installation, maintenance, repair, and testing of the devices.

§ 689-59. Notification of work on fire lines.

No person shall shut off fire line services supplying automatic sprinkler systems without notifying the Fire Department, and

the Department of Public Works. No work may be done on any fire line without permission of the Department of Public Works.

§ 689-60. Notification of fire line testing.

No water shall be drawn from fire line services for tests or repairs without notifying the Department of Public Works.

§ 689-61. In-ground irrigation systems.

In-ground irrigation systems are allowed on the public water system; however, no separate services or metering is allowed for these systems.

§ 689-62. Moisture-sensing devices required.

All automatic lawn watering systems must be equipped with some type of moisture-sensing device that will prevent the system from starting automatically when not needed.

§ 689-63. Backflow prevention device required.

All automatic lawn watering systems must be installed with a City-approved backflow prevention device. Said device will be inspected initially by the Plumbing Inspector and may be inspected periodically thereafter by the City.

§ 689-64. Notification of installation.

Any person who now has, or who intends to, install an automatic lawn watering system in the future must notify the Department of Public Works of the existence of said system or of their intention to install a new system prior to the actual installation. All systems, those currently in existence as well as any installed in the future, must comply with all regulations adopted on this date.

§ 689-65. Nonconformance.

Any in-ground irrigation system not in conformance with the above criteria may be disconnected from the public water supply system.

§ 689-66. Right to refuse water service.

The City reserves the right to refuse water service to any real estate or location, where, in the opinion of the Director, proper and adequate service cannot be provided under conditions then existing, or where the extension of such water service would be detrimental to the existing water system.

§ 689-67. Right of entry.

Designated employees of the City may enter the premises of any water consumer to examine all plumbing, pipes, meters, and fixtures; the quantity of water used, the manner of its use; collection of water samples; and to determine compliance with Article VI, § 689-68. Where the right to so examine is denied, the water may be shut off from said premises, and not turned on again until such examination is allowed.

§ 689-68. Right to restrict water use.

The City, through its Mayor, may declare a State of Water Supply Conservation upon a determination that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of State of Water Supply Conservation shall be given under § 689-70 of these regulations before it may be enforced.

§ 689-69. Restricted water uses.

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions, or requirements shall be included in the public notice required under § 689-70.

- A. Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd-numbered addresses is restricted to odd-numbered days. Outdoor watering by water users with even-numbered addresses is restricted to even-numbered days.
- B. Outdoor Water Ban A: Only outdoor watering with a hand-held hose or sprinkling pail is allowed.
- C. Outdoor Water Ban B: All outdoor watering and water usage is prohibited.
- D. Car Washing Ban: All car washing except in commercial car washes is prohibited.
- E. Filling Swimming Pools: Filling or "topping off" pools is prohibited.
- F. Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited.

§ 689-70. Public notification of State of Water Supply Conservation.

Notification of any provision, restriction, requirement or condition imposed by the City as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the City, or by such other means reasonably calculated to reach and inform all users of water. Any restriction imposed under § 689-69 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

§ 689-71. Termination of State of Water Supply Conservation.

A state of Water Supply Conservation may be terminated by the Mayor upon a determination that the water supply shortage no longer exists. Public notification of the termination of the state shall be given in the same manner required by § 689-70.

§ 689-72. Violations and penalties.

Any person violating § 689-69 of this regulation shall be liable to the City in the amount of fifty dollars (\$50) for the first violation and one hundred dollars (\$100) for each subsequent violation which shall inure to the City for such uses as the Mayor may direct. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with MGL c. 40, § 21D. Each day of violation shall constitute a separate violation.

§ 689-73. Right to terminate water services.

Except in cases of emergencies and serious and imminent public health concerns, a seventy-two-hour notice and posting of the City's intention to terminate water service will be served. No one shall be entitled to damages, nor to have any portion of any payment refunded due to the termination of water service. Water service may be terminated for the following reasons:

- A. To allow for repairs to any main, service, or associated appendages.
- B. If owner refuses to make repairs to water service or interior plumbing after being served notice to do so by the City.
- C. Denying entry to City officials as set forth in § 689-67 of this article.
- D. Violation of cross-connection control regulations as set forth in §§ 689-50 through 689-54 of this article.
- E. Wasting of water as determined by the Director.
- F. Nonpayment of water used or service and repair bills unpaid ninety (90) days after they become due.
- G. Violation of any provisions of these regulations.
- H. Any reason that, in the opinion of the Director, jeopardizes or potentially jeopardizes the quality or quantity of the City of Greenfield's water supply.

§ 689-74. City not liable.

No user shall be entitled to damages, or to have payment refunded, for any interruption of supply occasioned either by accident to any portion of the works, or by shutting off for the purpose of additions or repairs to the works, or by the stoppage or shortage of supply due to causes beyond the control of the City, such as excessive drought, excessive use of and waste of water by other users, or by leaks or defects in the pipes or appliances owned by him/her, or other users.

§ 689-75. City not liable for damage due to leaks.

Any damage caused by a water leak due to any and all causes.

§ 689-76. City will not guarantee constant pressure.

The City does not guarantee constant pressure or uninterrupted service, nor does it assure the consumer either a full volume of water or the required pressure per square inch necessary to effectively operate hydraulic elevator, sprinkler systems, appliances, or any other usage, the same being subject to all the variable conditions that may take place in the use of water from the City mains.

§ 689-77. City not liable for dirty water.

The City will not be responsible for damages caused by rusty and/or dirty water resulting from the opening or closing of any gate for repairs, the use of any hydrant, the breaking of any pipe, or any circumstances beyond the City's control.

§ 689-78. City not liable for problems after work performed.

The City assumes no liability for conditions which exist in consumer's pipes and cause trouble coincident to or following the repairs of any main pipe, service pipe, or meter.

§ 689-79. Right to shut off water.

As set forth in § 689-74 of this article, the City reserves the right at any time, without notice, to shut off the water in the mains for purposes of making repairs, extensions, or for other necessary purposes. Persons having boilers or other devices on their premises depending on the pressure in the pipes to keep them supplied with water are hereby cautioned against danger from these sources, and are required to provide, at their own expense, suitable safety devices to protect themselves against such danger. In any event, it is expressly stipulated that the City will not be liable for any damage resulting from water having been cut off, either through accident or necessity.

§ 689-80. Notice not required for shutoff.

When it becomes necessary to shut off the water from any section of the City because of an accident or for the purpose of making changes or repairs, the Division will endeavor to give timely notice to as many of the consumers affected thereby, as time and the character of the repairs or the accident will permit, and will, so far as practicable, use its best efforts to prevent inconvenience and damage arising from any such cause, but failure to give such notice will not render the City responsible or liable for any damages that may result from the shutting off of the water or any coincident conditions.

§ 689-81. City not responsible for work by others.

The City accepts no responsibility for work done by others on mains, services, plumbing, or associated appurtenances.

ARTICLE VII Meters

§ 689-82. All water to be metered.

The entire supply of the City water furnished through each separate service tap and pipe for any and all premises must be furnished through one primary meter. All water passing through such meters will be charged to the owner of the property supplied, whether the water is used or wasted. Specifically designated fire services do not require meters except in specific circumstances determined by the Director.

§ 689-83. Meters specified by City.

The proper size, type, brand of water meter, and associated plumbing hardware required for any given service shall be specified by the City. The City shall standardize on brands of meters and associated equipment to be installed.

§ 689-84. Purchases and installation of meter by owner.

The meter and associated materials shall be supplied and installed by the City and remain property of the City. If the service is one and five-tenths (1.5) inches or larger the owner shall be responsible for the purchase and installation of the meter and the meter shall become property of the City at the time the water service is turned on. The owner shall provide a shutoff valve at the meter inlet. This shall be the first fitting inside the service building. On the discharge side of the meter the owner will place the appropriate backflow prevention device and then a stop valve in order to facilitate the removal of the meter. There shall be one (1) meter per service and one (1) service per building. Condominium owners see § 689-95.

§ 689-85. Backflow protection required on all services.

All new service connections shall be equipped with a backflow prevention device on the property side of the meter. The City shall approve the device used. The device shall be purchased and installed by the owner. The device shall remain the property of the owner who is responsible for the cost of its maintenance, repair, replacement, and testing if required.

§ 689-86. Repair and replacement of meters.

The City shall have the right to remove, calibrate, repair, or replace any meter at any time. The cost of ordinary care and repair of all primary meters is borne by the City; the cost of unusual repairs (necessitated by freezing, hot water, etc.) due or attributable to any carelessness or neglect on the part of the consumer shall be borne by the owner. No person except authorized employees of the DPW or persons expressly authorized by the City shall install, remove, bypass, or repair any primary meter.

§ 689-87. Bypasses required.

Where necessary in the opinion of the Director, industrial and commercial meter installations shall be equipped with a bypass line. The cost of the bypass line shall be borne by the owner. The bypass is to be sealed and operated only by employees of the DPW. The City may require the installation of a meter and/or a backflow prevention device on the bypass line.

§ 689-88. Care of meters.

The property owner must execute responsible care to prevent damage to the water metering equipment. All repairs to meters from freezing, hot water, or external causes shall be charged to the owner of the building.

§ 689-89. Access to meters.

Authorized employees of the City shall have access to primary meters for reading, testing, repairing, and calibrating. The property owner shall maintain the water meter and entrance valve free from rubbish or other materials, which may obstruct access by City employees.

§ 689-90. Auxiliary meters.

Where a single meter covers the supply of water through a service, the Department will read and maintain this meter. If additional or auxiliary meters are wanted for showing subdivisions of such supply, they may be furnished and installed by the owner, at the expense of the owner, who must assume all responsibility of reading and maintaining the same.

§ 689-91. Testing meters by request.

The accuracy of the meter on any premises will be tested by the City upon written request of the owner, who shall pay in advance a fee to cover the cost of the test. If on such test the meter is found to register over two percent (2%) more water than actually passes through it, the meter will be repaired and the fee will be refunded and the water bill for the current period will be adjusted in accordance with the result of the test; if, however, it appears that the person was charged or has paid for less water than he/she should have been charged with or should have paid for, he/she shall from this time forward be charged with the proper additional amount and shall pay the same, together with the expense of the examination and test to the City.

§ 689-92. City's right to change meters.

If, in the opinion of the Director, a meter does not fit the conditions of the service installation, the City has the right to change such meter. Such changes shall be made in accordance with current regulations and paid for by the owner.

§ 689-93. Tampering with meters.

No person shall open or in any manner tamper with a water meter or associated devices for the purpose of falsifying the meter reading. Penalties for such action are defined in Article XI.

§ 689-94. Reading for ownership transactions.

When the ownership of a property is to be transferred, the owner must give the City twenty-four (24) hours' notice for the final meter reading. No sale or other transfer of title of property in the City of Greenfield shall operate to bar the City in collection of any balance due for meter repairs.

§ 689-95. Condominium meters.

- A. Condominium associations may choose to accept an exemption from § 689-82, which calls for "The entire supply of the City water furnished through each separate service tap and pipe for any and all premises must be furnished through one primary meter."
- B. If a condominium association chooses to have individual meters for each condominium unit then they must apply to the Director of Public Works for an exemption of § 689-82.
- C. Any condominium association who has been granted said exemption must meet the following requirements:
 - (1) The owners of each condominium unit for metered water use shall be responsible for the payment of all charges.
 - (2) The Condominium Association shall have the full responsibility for all charges to purchase, install, repair, and replace meters, valves, piping, and all related appurtenances from the water main up to and including the meter.
 - (3) Each unit must have a meter installed completely within the unit it services equipped with outside reader and separate valving.
 - (4) Valving must be installed to allow independent operation of all services and must be contained completely within the unit it services.
 - (5) All meters and valves shall conform to the City of Greenfield requirements in regards to materials used and manner of installation.
 - (6) All other provisions of these Water Use Regulations are to be met.

ARTICLE VIII**Requirements for Construction and Extension of Water Mains and Branches****§ 689-96. Submission of plans for approval.**

- A. Before the construction of any water mains, branch lines, nonresidential service connections, and for appurtenances which are to be connected to the public water supply system plans and material specifications shall be submitted for approval by the Department of Public Works. The plans shall show the size and location of proposed pipelines, hydrants, valves, and types of pipe to be used, together with all property subdivision and lot lines. No mains shall be laid nor appurtenances installed until written approval by the Department of Public Works has been obtained. Where a construction and/or extension permit is required in connection with the development of a Priority Development Site (PDS), as defined by § 200-2.1 of the Zoning Ordinance, an application therefore, together with system plans and material specifications, shall be submitted and a decision thereon shall be rendered in accordance with § 689-8(D), above.
- B. Plans shall include an overall plot plan of the immediate area of the development at a suitable scale, as well as detailed plans at a scale of one (1) inch equals forty (40) feet and showing contours, house locations, property lines, and street profiles. The overall plot plan shall show the position of the development and its streets, in relation to existing streets and property owners in the area.

§ 689-97. Application fee.

Application fee as set forth in Article III, § 689-8, shall apply.

§ 689-98. Number of plans to be submitted.

The developer shall submit to the Department of Public Works three (3) sets of plans showing the water main installation as proposed. These plans shall be in addition to plans required by other City Boards and Departments, and shall include a profile of all streets. The profile shall be based on U.S. Coast and Geodetic datum and each drawing shall refer to a local benchmark.

§ 689-99. Specifications for material and work.

All construction, materials, testing, and disinfection shall be done in accordance to the Department of Public Works "Specifications for the Construction of Water Mains." A copy of these specifications is available at the Department of Public Works Office.

§ 689-100. City right to reject.

The City reserves the right to reject all proposed water main additions if it judges this addition will be detrimental to the existing distribution system, or if adequate quantities of water and pressure cannot be provided.

**ARTICLE IX
Rates and Charges**

§ 689-101. Schedule of rates.

The Mayor shall annually set the current water usage rates. The rate shall be based on one hundred (100) cubic feet of water usage, and be uniform for all accounts.

§ 689-102. Schedule of charges for labor and materials.

Charges for material and labor shall be set forth in the Department of Public Works "Policy on Water and Sewer Customer Services." These charges shall be annually set by the Mayor.

§ 689-103. Invoicing.

The owner of the premises shall be responsible for the payment of all charges for water and service furnished to the property. (By state law all charges for water or service become a lien against the charge.) When ownership changes, the name and address of the new owner must be given to the Department of Public Works at once so bills may be promptly rendered. No sale or other transfers of title of property in the City of Greenfield shall operate to bar the City in collection of water service charges.

§ 689-104. Billing for water usage to be on biannual basis.

- A. The City will undertake to deliver to property owners the original bills for water and other charges against them, as committed by the Department of Public Works and the sending of such original bills may be deemed to constitute a sufficient notification of same and a demand for their prompt payment.
- B. The failure of the property owner to receive his/her bill does not relieve him/her from obligation of its payment nor from the consequences of its nonpayment as required.

§ 689-105. Delinquent payments.

- A. When charges for water supplied or for service rendered remain unpaid for more than thirty (30) days, a demand notice will be mailed.
- B. When charges remain unpaid for more than one (1) year a lien shall be placed against the property.
- C. Water service may be discontinued if charges for water supplied or for service rendered remain unpaid ninety (90) days after they become due. When water service has been discontinued for nonpayment of charges, services will not be restored until all bills are paid in full; including charges related to turning the water off, and charges related to turning

§ 689-106. No business with delinquent accounts.

No person who owes an overdue bill for water charges shall be entitled to the further use of water at the same or any other premises until such water charges are paid in full, together with any other costs.

§ 689-107. No abatements for wasted water; minimum charge.

All water passing through a meter must be paid for whether used or wasted. A minimum charge will be assessed for water service from the date the water is turned on.

§ 689-108. When meter is out of order.

If a meter gets out of order or fails to register, the consumer will be charged at the average daily consumption as shown by the meter when in order, for the corresponding period of two (2) years proceeding.

ARTICLE X
Protection From Damage

§ 689-109. Violations.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, pollute or tamper with any water source, water supply structure, appurtenance or equipment which is a part of the waterworks. Additionally, no person shall make threats or claims of tampering with or polluting the public water system and thereby comprise public order and safety. Any person violating this provision shall be subject to appropriate legal action.

ARTICLE XI
Penalties

§ 689-110. Written notice.

Any person found to be violating any provision of this regulation except Article X (Protection From Damage) shall be served by the City 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.

§ 689-111. Violations and penalties.

Any person who shall continue any violation beyond the time limit provided for in Article XI, § 689-110, shall be subject to legal action as set forth in MGL c. 40, § 39G. Each day in which any such violation shall continue shall be deemed a separate offense.

§ 689-112. Liability.

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

§ 689-113. Falsifying information.

Any person who knowingly makes any false statements, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to these regulations, or who falsifies, tampers with, or knowingly renders inaccurate any metering device or method required under these regulations shall be subject to legal action as set forth in MGL c. 165, § 11.

ARTICLE XII
Validity

§ 689-114. Repealer.

All ordinances or parts of ordinances, bylaws, or regulations or parts of regulations, and bylaws of the City in conflict with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

§ 689-115. Invalidation clause.

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

§ 689-116. Severability.

If any provision, paragraph, word, section, or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

**ARTICLE XIII
Regulation in Force**

§ 689-117. When effective.

This regulation shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

§ 689-118. Passage.

Passed and adopted by the City Council of the City of Greenfield, Commonwealth of Massachusetts on the second day of _____ by the following votes:²

DISCUSSION: Councilor Allis stated the Appointment and Ordinance Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 12 -147

Order no. FY 12-148

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY DELETING THE EXISTING CHAPTER 695 – STORMWATER SYSTEM, IN ITS ENTIRETY AND REPLACE WITH THE NEW CHAPTER 695 ATTACHED HERETO AS “EXHIBIT A” AND FURTHER AMENDS THE INDEX OF THE CODE.
EXHIBIT A

**Chapter 695
Stormwater System**

[Amended by City Council _____]

ARTICLE I

Purpose And Policy

§ 695-1. Compliance required.

Under authority of the General Laws, Acts of State Legislature of the Commonwealth of Massachusetts, the following rules and regulations shall be part of the contract with every person using the stormwater system of the City of Greenfield, and every person applying for a stormwater connection permit.

§695-2. Purpose.

2. Editor's Note: The vote passage form which immediately followed is omitted from codification.

The purpose of the City's stormwater regulations is to ensure high water quality standards and address any potential water quantity problems associated with development and to:

- A. Preserve hydrologic conditions that closely resemble pre-development conditions.
- B. Prevent flooding by managing the peak discharge and volume of runoff.
- C. Reduce the amount of suspended solids and other pollutants in order to maintain water quality.

§695-3. Interpretation.

The Director, or his/her duly appointed designee, shall make the final interpretation of these regulations whenever unforeseen situations arise which are not clearly covered, or when further interpretation of the intent of the regulations is required.

ARTICLE II Terminology

§695-4. Definitions.

Unless the context, specifically indicates otherwise, the following terms and phrases, as used in this regulation, shall have the meanings hereinafter designated:

BEST MANAGEMENT PRACTICES (BMP) - For the purposes of stormwater management, structural, nonstructural, and managerial techniques that are recognized to be the most effective and practical means to prevent or reduce non-point source pollutants from entering receiving waters.

CITY - Shall mean "City of Greenfield" that corporate entity in the County of Franklin, Commonwealth of Massachusetts, acting by and through its Mayor and City Council.

CONSERVATION COMMISSION - Shall mean the Greenfield Conservation Commission appointed by the Mayor of the City of Greenfield and charged with the administration of the Wetlands Protection Act.

DPW (denoting the Department of Public Works) - Shall mean that department established by vote of the City on March 4, 1963, which has jurisdiction over the municipal stormwater system.

IMPERVIOUS AREA - Impermeable surface, such as pavement or roof top, which prevent the infiltration of water into the soil.

INFILTRATION - The entry of water (from precipitation, irrigation, or runoff) into the soil.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or NPDES PERMIT - A permit issued pursuant to Section 402 of the Act (33 U.S.C. §1342).

OWNER - Shall mean the person legally and lawfully possessing the land across which a particular stormwater management system will lay.

PEAK DISCHARGE - The maximum instantaneous rate of flow during a storm, usually in reference to a specific design storm event.

PERSON - Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

PLANNING BOARD - Shall mean the Greenfield Planning Board, fully appointed by the Mayor of the City of Greenfield and with the administration of the Subdivision Control Bylaw.

RECHARGE - Water that infiltrates to an aquifer, usually from above.

REDEVELOPMENT PROJECT - Development, rehabilitation, expansion on previously developed sites, provided that redevelopment results in no net increase in impervious area and no net increase in the peak discharge for a 10-year 24-hour storm.

SITE PLAN APPROVAL - Required under the Greenfield Zoning Bylaw for the creation, expansion, substantial alteration, or change of use of the following uses shall require site plan review approval: all uses requiring a Special Permit; any business commercial, industrial, or institutional use (except home occupations not requiring a special permit); any residential use of two or more units including subdivision; any site containing more than one principal use.

STORM DRAIN (sometimes termed "storm sewer") - Shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

STORMWATER - Any flow occurring during or following any form of natural precipitation and resulting therefrom.

STORMWATER MANAGEMENT SYSTEM - A conveyance system for the capture, treatment and discharge of stormwater.

STORMWATER MANAGEMENT STANDARDS - Management standards to protect water bodies from the adverse impacts of stormwater runoff.

SUPERINTENDENT - Shall mean the Director of Public Works of the City of Greenfield or authorized deputy, agent or representative.

10-YEAR, 24-HOUR EVENT - Precipitation from a storm that has a predicted statistical frequency of occurring once every 10 years over a 24-hour period. This storm has a 10% chance of happening in any one given year.

TOTAL SUSPENDED SOLIDS (TSS) - Matter suspended in water or stormwater; when water is filtered for laboratory analysis, TSS are retained by the filter, dissolved solids pass through.

CITY - Shall mean "The City known as the City of Greenfield" that corporate entity in the County of Franklin, Commonwealth of Massachusetts, acting by and through its Mayor and City Council. who are also the Board of Public Works.

2-YEAR, 24-HOUR EVENT - Precipitation from a storm that has a predicted statistical frequency of occurring once every 2 years, over a 24-hour period. This storm has a 50% chance of happening in any one given year.

WATERCOURSE - Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

WETLANDS - Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial and aquatic environments; includes freshwater marshes around ponds, rivers and streams, brackish and salt marshes; common names include marshes, swamps and bogs.

WETLANDS PROTECTION ACT - The Massachusetts Wetlands Protection Act, MGL c.131,s.40. Under the provisions of the Act, no person may remove, fill, dredge, or alter certain resource areas without first filing a Notice of Intent and obtaining an Order of Conditions. The Act requires that the Order contain conditions to preserve and promote the protection of public and private water supply and groundwater supply, flood control, storm damage protection, the prevention of pollution and the protection of fisheries, land containing shellfish, and wildlife habitat.

ARTICLE III Connections

§695-5. No unauthorized connections.

No unauthorized person shall uncover; make any connections with, or open into; use, alter, disturb; introduce a new discharge or increase the volume currently discharged to any public way, stormwater sewer, or appurtenance thereof, without first obtaining a written stormwater connection permit from the DPW.

Any connections to the stormwater system owned or maintained by the Massachusetts Department of Transportation (MDOT) will require their approval.

§ 695-6. Application for stormwater connection.

Each applicant for a stormwater connection permit must be made at the office of the Department of Public Works on forms provided for that purpose.

§ 695-7. Classes of stormwater connection permit applications; fees.

- A. There shall be two (2) classes of stormwater connection permit applications:
 - (1) **Residential.** This includes all single and two family individual dwelling units, not including subdivisions. The permit and application fee shall be twenty-five dollars \$25.00 payable to the City of Greenfield. .
 - (2) **Nonresidential.** This includes all multifamily dwellings, subdivisions, commercial, industrial and institutional uses. The permit and application fee shall be one hundred dollars \$100.00 payable to the City of Greenfield.
- B. The application form shall be signed by the owner of the property or by his authorized representative. Fees are nonrefundable. Applications may be transferred to a new owner with permission of the DPW.
- C. In addition to the stormwater connection permit, the owner must obtain an excavation permit (street opening permit) from the DPW where subsurface work is to be done on public property or within the public way.
- D. Contact DIG SAFE 1-888-344-7233 for utility notification.

§ 695-8. Applications to be made in advance.

- A. Applications for residential stormwater connection permits must be submitted to the Department of Public Works at least ten (10) working days prior to the proposed connection date.
- B. Applications for nonresidential stormwater connection permits require the submittal of a stormwater management plan. Applications shall be submitted to the Department of Public Works at the same time as the submittal of the site plan application, if site plan approval is required, or thirty (30) working days prior to the proposed connection date if site plan approval is not required.

§ 695-9. Submittal requirements for stormwater plans.

Two (2) copies of a stormwater management plan shall be submitted to the Department of Public Works for all nonresidential stormwater connection permits. The applicant may request and the Superintendent may grant a waiver from any information requirements the Superintendent judges to be unnecessary to review of a particular plan.

A. Computations:

Pre- and post-development drainage calculations shall be completed for a 2-year and a 10-year 24-hour storm event. The 100-year 24-hour storm event must be evaluated for downstream impacts (flooding). Peak discharge rates must be calculated using the point of discharge or the downgradient property boundary. Separate drainage calculation shall be submitted for each point of discharge of flow from the site. Based on particulars of each site, the DPW Engineering Superintendent will determine the appropriate methodology for developing drainage calculations.

B. Existing site characteristics:

- (1) Location of all property boundaries.
- (2) Topographic survey showing the existing contours including the area necessary to determine downstream analysis for the proposed stormwater management system.
- (3) Soils investigation, including borings and test pits, for areas where construction of small ponds and infiltration practices will occur.
- (4) Description of all watercourses, impoundments, and wetlands on or adjacent to the site or locations into which stormwater flows.
- (5) Delineation of the 100-year flood plain and all wetlands, if applicable.
- (6) Groundwater levels at the time of probable high groundwater elevation (November to April) in areas to be used for stormwater retention, detention and infiltration structures.

C. Proposed site alterations:

- (1) Location of all existing and proposed: buildings, other structures and impervious surfaces.
- (2) Any proposed changes to the existing contours.
- (3) Location of all existing and proposed roads and utilities.
- (4) Location of all existing and proposed stormwater management systems.
- (5) Structural details of all components of the proposed stormwater management system. Notes on the plan specifying materials to be used, construction specifications, and typicals.
- (6) Location of erosion and sediment controls and details of types used.
- (7) Timing schedule and sequence of development including: land clearing, grubbing, and stripping, rough grading, construction, final grading and vegetative stabilization.

- (8) Written Inspection and Maintenance Plan of the stormwater management system to ensure that it functions as designed. A maintenance schedule shall be developed for the life of all stormwater management systems and shall state the maintenance to be completed, the time period for completion, and who shall perform the maintenance.
- (9) Breakdown of the estimated construction costs of the stormwater management system.

§ 695-10. Coordinated with any order of conditions from the Conservation Commission.

The stormwater management plan shall be coordinated with any Order of Conditions from the Conservation Commission and requirements under the Wetlands Protection Act. Provisions of this regulation do not supercede any requirements from the Environmental Protection Agency (EPA), the Massachusetts Department of Environmental Protection (DEP) or the Conservation Commission.

§ 695-11. Stormwater management standards.

When one or more of these management standards cannot be met, the applicant must demonstrate that an equivalent level of stormwater protection will be provided.

- A. The stormwater management system shall be designed so that the post-development peak discharge rates do not exceed the pre-development discharges rates for a 10-year 24-hour storm.
- B. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge from the pre-development or existing site conditions based on soil types.
- C. New development shall be designed to remove 80% of the average annual load (post-development conditions) of Total Suspended Solids (TSS). It is presumed that this is met when:
 - (1) Suitable nonstructural practices for source control and pollution prevention are implemented.
 - (2) Stormwater management Best Management Practices (BMPs) are used to capture the prescribed runoff volume. *For details on BMPs, see Massachusetts DEP's Stormwater Management, Vol. 1 & 2, March 1997)*
 - (3) Stormwater management BMPs are maintained as designed.
- D. Redevelopment projects must meet these management standards to the maximum extent practicable. If it is not practicable to meet all the minimum standards, the stormwater management systems shall be designed to improve existing conditions.
- E. Erosion and sediment controls must be implemented to prevent impacts during construction or land disturbance activities.

§ 695-12. Design criteria.

- A. Stormwater management systems are encouraged to be designed to incorporate the use of natural topography and land cover. The use of such features as natural swales and depressions as they exist prior to development to the degree that they can accommodate the additional flow of water are recommended.
- B. All stormwater management systems shall be designed to provide an emergency overflow system, and incorporate measures to provide a non-erosive velocity of flow along its length and at any outfall.
 - C. The applicant shall consider public safety in the design of a stormwater management system. The banks of detention, retention, and infiltration basins shall be sloped at a gentle grade into the water as a safeguard to personal safety, to encourage the growth of vegetation and to allow the alternative flooding and exposure of areas along the shore. Basins shall be fenced or shall have a slope of 4:1 to a depth two (2) feet below the control elevation. Side slopes must be stabilized and planted with vegetation to prevent erosion and provide pollution removal. The banks of detention and retention areas shall be designed with sinuous rather than straight shorelines, so that the length of the shoreline is maximized and offering more space for the growth of vegetation.

§ 695-13. Expenses to be borne by owner; indemnification of City.

All costs and expense incident to the installation, connection, use, and maintenance of the stormwater system shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation, connection, use, and maintenance of the stormwater system. The owner shall further indemnify the City from any loss or damage from stormwater backups, overflows, or blockages.

§ 695-14. Installation requirements.

The size, slope, alignment, materials of construction of a stormwater management system, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Department of Public Works.

§ 695-15. Site inspections and approval.

The DPW shall perform the following inspections and shall in writing, either approve it or notify the applicant what respects there has been a failure to comply with the requirements of the approved stormwater management plan. The applicant shall promptly correct any portion of the work that does not comply with the approved plan.

- A. **Initial site inspection:** Prior to approval of any stormwater management plan.
- B. **Erosion control inspection:** After commencement of construction. To insure erosion control practices are in compliance with the approved plan.
- C. **Construction inspection:** Prior to backfilling any underground drainage or stormwater conveyance structures.
- D. **Final inspection:** When all work including construction of stormwater management system has been completed and the applicant has submitted as-built plans. The Superintendent will provide certification of completion.

§ 695-16. Maintenance agreement.

- A. Prior to issuance of any stormwater permit for which stormwater management plan is required, the applicant will be required to execute an inspection and maintenance agreement with the City binding on all subsequent owners of land served by the private stormwater management system. Such agreement shall provide for access to the stormwater management system at reasonable times for regular inspections by the Superintendent to ensure that the system is maintained and is in proper working condition to meet the performance standards and any provision established.
- B. The inspection and maintenance agreement and the stormwater management plan shall be recorded by the applicant and/or owner in the land records of the Franklin County Registry of Deeds prior to the issuance of a stormwater permit.

§ 695-17. Maintenance responsibility.

The owner(s) of the property on which work has been done pursuant to this regulation for a private stormwater management system, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams, structures, vegetation, erosion and sediment control measures, and other protective devices. Repairs or restoration and maintenance shall be done in accordance with an approved stormwater management plan.

§ 695-18. Performance bond.

The Director may require from the developer a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the City as reviewed by its attorney, prior to the issuance of a stormwater permit. The amount of the security shall not be less than the total estimated construction cost of the stormwater management system. The bond so required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all the provisions of this bylaw and other applicable laws and regulations, and any time limitations. The bond shall not be fully released without a final inspection of the completed work by the DPW representative, submission of "as-built" plans, and certification of completion by the DPW of the stormwater management system as being in compliance with the approved plan.

**ARTICLE VI
Protection From Damage**

§ 695-19. Prohibited acts.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, tamper, deface, or connect with any structure, appurtenance, or equipment, which is a part of the stormwater system. Any person violating this provision shall be subject to appropriate legal action.

**ARTICLE VII
Powers and Authority of Inspectors**

§ 695-20. Entry to private property.

The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of, but not limited to, inspection, observation, measurement, sampling, and testing in accordance with the provisions of this regulation. The Superintendent or its representatives shall have authority to inquire into any processes having a bearing on the kind and source of discharge to the stormwater management system.

§ 695-21. Liability of the City.

While performing the necessary work on private properties referred to in §695-20 above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the owner and the owner shall be held harmless for injury or death to the City employees and the City shall indemnify the owner against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions.

**ARTICLE IX
Enforcement Remedies**

§ 695-22. Written notice.

Any person found to be violating any provision of this regulation shall be served by the City with written notice stating the nature of the violation. The offender shall permanently cease all violations.

§ 695-23. Civil penalty.

Any person who violates any provision of this regulation, including lack of compliance with a maintenance plan on file at the Registry of Deeds, shall be liable to the City for a maximum civil penalty of five thousand dollars (\$5,000) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

§ 695-24. Liability.

Any person violating any of the provisions of this regulation shall become liable to the City for any expenses incurred by the City including: costs to make repairs to the privately owned stormwater system, administrative costs, and any loss or damage occasioned the City by reason of such violation.

**ARTICLE X
Validity**

§ 695-26. Repeal of conflicting provisions.

All regulations or parts of regulations of the City in conflict with this regulation are hereby repealed to the extent of such inconsistency or conflict.

§ 695-27. Invalidation clause.

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

§ 695-28. Severability.

If any provision, paragraph, word, section, or article of this regulation is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

**ARTICLE XI
Regulation in Force**

§ 695-29. When effective.

This regulation shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

§ 695-30. Passage.

Passed and adopted by the City Council of the City of Greenfield, Commonwealth of Massachusetts on the _____ day of _____, 19_____, by the following vote:

AYES _____: namely

NAYES _____: namely

Approved this _____ day of _____, 19_____
(Signed) _____

Greenfield City Council

ATTEST: (Signed)

City Clerk, Greenfield, MA.

**CITY OF GREENFIELD, MASSACHUSETTS
STORMWATER CONNECTION PERMIT**

Date: _____

Name of Applicant: _____

Mailing Address: _____

Telephone Number: _____

Location of Property: _____

Applicant is: _____ (owner, tenant, licensee, consultant, developer, etc.)

Name & Address of Owner if not the Applicant: _____

Check Type of Connection Permit Applied For:

- Residential:**
 - This includes all single & two family individual dwelling units, not including subdivisions.
 - Applications for residential stormwater connection permits must be submitted at least ten (10) working days prior to the proposed connection date.

- Nonresidential:**
 - This includes all multifamily dwellings, subdivisions, commercial, industrial and institutional uses and requires the submittal of a stormwater management plan.
 - Include two (2) copies of the plan along with this application.
 - See §695-5 of the Stormwater System Regulations for details of the plan submittal requirements.

- Applications shall be submitted at the same time as the submittal of the site plan application if site plan approval is required, or thirty (30) working days prior to the proposed connection date if site plan approval is not required.

In addition to the stormwater connection permit, the owner must obtain an excavation permit (street opening permit) from the DPW where subsurface work is to be done on public property or within the public way.

Briefly describe proposed project:

Signed: _____

Received by DPW:

Signature: _____ **Date:** _____

Filing Fee Received: \$ _____

DISCUSSION: Councilor Allis stated the Appointment and Ordinance Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 12 -148.

Councilor Allis stated the only ordinances remaining were the ones to be reviewed by legal counsel.

Order no. FY 12-149

MOTION: On a motion by Councilor Farrell, second by Councilor Wisniewski, it was unanimously,

MOVED: THAT IT BE ORDERED THE GREENFIELD TOWN COUNCIL HEREBY APPROVES THE ATTACHED TOWN ELECTION WARRANT FOR JUNE 12, 2012 AND FURTHER AUTHORIZES THE TOWN COUNCIL PRESIDENT TO SIGN SAID WARRANT ON BEHALF OF THE TOWN COUNCIL.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS None.

REPORTS OF COMMITTEES

COMMUNITY RELATIONS AND EDUCATION COMMITTEE – Chairman Vicencio-Rasku announced the committee met with Baystate Nurses in April and would bring forth a motion in June for a resolution.

WAYS AND MEANS COMMITTEE – Chairman Sutphin reported on the ongoing budget meetings. She urged anyone with questions on the operating or capital budgets to attend meetings or forward questions to her.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: Councilor Sutphin held the following first reading:

- Ordered that \$150,000 be appropriated from the Contractual Agreement Stabilization Fund to fund FY 12 contractual agreements between the Town of Greenfield and labor unions.
- Ordered that the sum of \$7,325 be appropriated from the Fire Prevention revolving Fund to pay the first year of a four (4) year lease for a replacement vehicle for the Fire Prevention Officer.
- Ordered that \$33,425 be appropriated from Free Cash to fund an unexpected buyback in the Police Department

MOTIONS FOR RECONSIDERATION: None.

PUBLIC FORUM: None.

President Singer outlined the June schedule as follows:

Election Day – June 12, 2012

Fiscal Year 2013 Operating and Capital Budget Meeting – June 13, 2012

Regular Town Council Meeting – Charter Amendments would be considered – June 20, 2012

On behalf of the Town Council President Singer wished former Town Council Mark M. Maloney a speedy recovery.

ADJOURNMENT: On a motion by Councilor Sutphin, second by Councilor Devlin, it was unanimously **VOTED:** TO ADJOURN THE MEETING AT 9:08 P.M.

A true copy,

Attest: _____
Maureen T. Winseck, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15
Regular Meeting
May 16, 2012

1. Kelner, Mariann	P						
2. McLellan, Thomas	P						
3. Allis, Brickett	P						
4. Ronhave, Steven	P						
5. Singer, David	P						
6. Hoffman, Hillary	P						
7. Renaud, Karen	P						
8. Vicencio-Rasku, Iris	P						
9. Hirschfeld, Norman	P						
10. Farrell, Timothy	P						
11. Wisnewski, Mark	P						
12. Devlin, Patrick	P						
13. Sutphin, Tracey	P						