

GREENFIELD TOWN COUNCIL  
Regular Meeting Minutes  
January 18, 2012

GCTV-15

7:00 pm

**CALL TO ORDER:** Meeting was called to order at 7:02 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 members were present.

**ALSO PRESENT:** Director of Municipal Finance and Administration Marjorie L. Kelly; Town Clerk Maureen Winseck; School Superintendent Dr. Susan Hollins; Mayor's Executive Assistant Rebecca Coletta; Mayor's Office Management Assistant Audrey LaBonte; DPW Superintendent Sandra Shields; Greenfield High School Principal Donna Woodcock; School Building Committee Chairman Keith McCormic; GCTV-15 staff; Anita Phillips, *the Recorder*; and members of the public.

**ACCEPTANCE OF MINUTES:** On a motion by Councilor Farrell, second by Councilor Sutphin, it was unanimously,

**VOTED:** TO ACCEPT THE TOWN COUNCIL MINUTES OF NOVEMBER 16, 2011

**ACCEPTANCE OF MINUTES:** On a motion by Councilor Devlin, second by Councilor Allis, it was unanimously,

**VOTED:** TO ACCEPT THE TOWN COUNCIL MINUTES OF DECEMBER 14, 2011.

**PUBLIC HEARINGS:** Councilors Allis read the Public Hearing notice: In accordance with Home Rule Charter, the Greenfield Town Council will hold a public hearing on Wednesday, January 18, 2012, beginning at 7:00 p.m. at GCTV-15, 393 Main Street to receive public input on the following:

- Amendments to the Code of the Town of Greenfield, Chapter 0013 – Alcoholic Beverages; Chapter 0025 – Awnings; Chapter 0053 – Curfew; Chapter 0064- Excavation; Chapter 0067 – Financial; Chapter 0376 Vehicle For Hire; Chapter 0485 – Traffic Regulation; Chapter 0650 – Sewer Use; Chapter 0896 – Zone Change; Chapter 0967 – Public Use of Conservation Land; Update internal references to reflect changes in Massachusetts General Laws and define references to reflect the current form of government and authorities therein.
- Transfer \$51,125 from the FY12 Unemployment Compensation Fund to the FY12 Workers' Compensation.

The Town Council will consider the same at their meeting on Wednesday, January 18, 2012 which begins at 7:00 p.m. at the GCTV-15 Studio, 393 Main Street. Materials in alternative format can be obtained from the Town Clerk's Office with advance notice at 413-772-1555. Copy is available in the Greenfield Town Clerk's Office, from 8:30 a.m.-5:00 p.m., Mon. – Fri.

Councilor Sutphin held the following second reading: Ordered that \$51,125 be transferred from the FY12 Unemployment Compensation Fund to the FY12 Workers' Compensation Account.

President Singer opened the Public Hearing at 7:04 pm. He asked if anyone from the public wanted to speak. Seeing none, he noted the Public Hearing would remain open.

President Singer announced that Keith McCormic, School Building Committee Chairman, would give a presentation regarding the proposal for a new high school. Mr. McCormic reviewed the preliminary plans as follows:

- The progression of the process from renovation to the current proposal of complete replacement of the High School facility.

- Four (4) attached diagrams of “Option 8-2” would be presented to the Massachusetts State Building Authority (MSBA).
- Depending on specific items being added into the construction, some may not be reimbursable by the State. As an example, if the Town included a track around the football field, the track would not be included in the funds eligible for refund.
- The building would have improved security and better accessibility. Although it had a smaller footprint, the space would be more functional.
- Modular spaces within the buildings for use as needs of the students and staff change.
- Special Education and 8<sup>th</sup> Grade Academy spaces.
- Air handling units, possible Green Roof, separate event entrance for the auditorium and gymnasium.

In response to questions by Town Councilors, Mr. McCormic and Ms. Kelly offered the following:

- There would not be any additional land needed for the proposal.
- The maximum capacity of the proposed building would be 585 persons. MSBA makes the final decision for capacity.
- A two story building was the most “logical load” for the property.
- It was impossible to have a pitched roof in specific areas of the building such as the gymnasium. For example, if you did put a pitched roof on the gym, the roof would have to be taller than the building to shed precipitation.
- There will be information regarding the proposed project at the Community Relations and Education Committee Precinct Meeting on Tuesday, January 24, 2012, 6:30 pm, at the GCC Downtown campus. A Public Hearing will be held on Tuesday January 31, 2012, beginning at 6:00 pm, at the High School. The committee was in the process of scheduling other meetings for the public to attend including two (2) additional Public Hearings prior to the proposed Debt Exclusion election in May 2012.
- Information will be posted to a website called “greenfieldhighschool.org” which would be available next week.
- A construction timeline had not yet been determined. When the construction began, it would take approximately 2 to 3 years to completion.
- The Building Committee holds weekly open meetings in the High School, which are posted on the website and in Town Hall.
- Possible costly scenarios if a new High School was not constructed. If the town chose not to build a new high school and just brought the building “up to code,” it would cost the town more than building a new high school without MSBA reimbursement.
- The Town requested MSBA review a portion of the Middle School debt which was eligible for State reimbursement.
- Total replacement cost with MSBA reimbursement of up to 80% would be between 50 and 60 million dollars. The end cost to the Town after reimbursement would be between 10 to 20 million dollars. Some of the project may not be eligible for reimbursement. This information would be firm before the committee requested an election or any additional votes from the Council.
- Discussed reasons for the need to hold a special election for the debt exclusion along with dates and deadlines for a special election.
- Reviewed actions required by the Town Council and Town Clerk’s Office for the special election.
- The Town must submit all of it’s paperwork to MSBA by February 2, 2012. An agreement would be sent to the Town from MSBA by March 31, 2012 outlining the State and Town portions.
- The Town Council would have a firm figure to consider by the March 21, 2012 meeting.
- The State process for school renovation had changed since the Greenfield Middle School project and as a result of that project.
- Construction Management at Risk would involve the builder earlier in the process. This would avoid some construction issues helping the project run smoother, stay on task, and costs.
- If MSBA rejected the proposal, the town had 10 days to inform MSBA of the town’s next step.
- Aspects of the building which would allow community use.

Mr. McCormic reviewed the purpose for the first reading for an appropriation of Two Hundred Forty Thousand Dollars (\$240,000) for a feasibility study relating to the renovation of the Greenfield High School. This would be the entire cost for this phase. The next phase would be the formal design phase which would be a portion of the total construction cost. Ms. Kelly assured Councilors that the Central Maintenance Department was aware of the potential issues with the heating system and working to keep the systems functioning properly.

**COMMUNICATIONS:**

**MAYOR:** On behalf of Mayor Martin, Ms. Kelly introduced the newest member of his staff, the Mayor's Executive Assistant Rebecca Hayes-Coletta.

**SCHOOL SUPERINTENDENT:** None.

**TOWN OFFICERS:** None.

President Singer asked if anyone from the public wished to speak at the Public Hearing. Seeing none, he closed the Public Hearing at 8:25 pm.

**MOTIONS, ORDERS, AND RESOLUTIONS**

Councilor Allis stated the Appointments and Ordinance Committee forwarded unanimous positive recommendations for the following two appointments.

**Order no. FY 12-074**

**MOTION:** On a motion by Councilor Allis, second by Councilor Farrell, it was unanimous,

**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 HUMAN RIGHTS COMMISSION: LOREEN A. FLOCKERZIE – THREEYEAR TERM –JUNE 30, 2014 (TO FILL THE UNEXPIRED TERM OF LINDLEY WILSON)

**Order no. FY 12-075**

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

**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 COUNCIL ON AGING: JANICE COLBERT – TWO YEAR TERM –JUNE 30, 2013 (TO FILL THE TERM LEFT VACANT BY THE RESIGNATION OF TONY MCGEE)

Councilor Allis stated the Appointments and Ordinance Committee forwarded unanimous positive recommendations for the following amendments to the code of the Town of Greenfield.

**Order no. FY 12-064**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 13, ALCOHOLIC BEVERAGES, SECTIONS 13-1 AND 13-3 AND FURTHER AMENDS THE INDEX OF THE CODE.

**Chapter 13  
ALCOHOLIC BEVERAGES**

[**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.**

**Liquor sales — See Ch. 348.**

ARTICLE I

**Public Consumption**

[Adopted 4-25-1984; (Sec. 4.15 of the 1985 Bylaws)]

**§ 13-1. Town-controlled property.** [Amended 4-17-2002; approved by AG 6-28-2002]

In order to preserve peace and good order, no person will publicly consume alcoholic beverages or possess an opened or unsealed container full or partially full of any alcohol beverages as defined by MGL c. 138, § 1, in or on any property owned or controlled by the Town including parks, public schools or property under the jurisdiction of the Greenfield School Committee, cemeteries, commons or any public ways including but not limited to sidewalks or tree belts in the Town of Greenfield unless a permit for such an activity is issued by the License Commissioners (~~Board of Selectmen~~).

**§ 13-2. School property.**

In the case of Greenfield Public School property, authorization must also be given by the Greenfield School Committee. Anyone violating this bylaw shall be subject to arrest in accordance with 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 all in accordance with MGL c. 40.

**§ 13-3. Businesses.** [Amended 6-17-1987; approved by AG 9-16-1987; 4-17-2002; approved by AG 6-28-2002]

In order to preserve peace and good order, as defined by MGL c. 138, §1, no person will consume alcoholic beverages or possess an opened or unsealed container full or partially full of any alcohol beverages on any premises open to the public for business including restaurants, dance halls, video arcades, grocery stores, supermarkets, and pool halls unless a permit for such an activity is issued by the License Commissioners (~~Board of Selectmen~~).

**DISCUSSION:** Councilor Allis stated the changes to this section were not substantive. The amendments were deleting the Board of Selectmen and inserting the proper authorities.

It was unanimously,

**VOTED:** TO APPROVE MOTION ORDER NO. FY 12 -064.

**Order no. FY 12-065**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 25, AWNINGS, SECTIONS 25-1, 25-2, 25-3, 25-4 AND 25-5 AND FURTHER AMENDS THE INDEX OF THE CODE.

**Chapter 25**

**AWNINGS**

**[HISTORY: Adopted by the Town Council of the Town of Greenfield 10-16-1985, approved by AG 2-20-1986 (Sec. 3.5 of the 1985 Bylaws, replacing Sec. 3.11); amended 5-15-1996, approved by AG 8-6-1996. Subsequent amendments noted where applicable.]**

## STATUTORY AUTHORITY

## MGL c. 40, § 21

## GENERAL REFERENCES

Signs — See Ch. 149.

Streets and sidewalks — See Ch. 159.

Zoning — See Ch. 200.

## § 25-1. License required.

No person, firm, or corporation owning, leasing, or controlling real property shall allow awnings to be placed on said real property which project over the public streets, highways or sidewalks of the Town unless licensed to do so by the Board of ~~Selectmen~~ License Commissioners. All such licenses shall expire on December 31<sup>st</sup> of each year.<sup>1</sup>

## § 25-2. Application for license.

Applications for such licenses shall be made to the Board of ~~Selectmen~~ License Commissioners on forms ~~furnished by it provided~~ and shall set forth the name and place of business of the applicant and such other information as the Board of ~~Selectmen~~ License Commissioners and the State Building Code shall require.

## § 25-3. Location; manner of attaching.

Every such awning shall be safely and securely attached to the building and so located and constructed as to not interfere with pedestrians, the lowest part of said awning to be at least seven (7) feet above the sidewalk, and no part thereof to extend beyond the outer line of the sidewalk. No additional signage or banners may be attached to any awning.

## § 25-4. Conformity with sign requirements.

All awnings shall conform to signage requirements of the Town of Greenfield ~~Bylaws Ordinances, Greenfield Zoning Bylaws, and approval of the Building Inspector, and the Zoning Board of Appeals Bylaws.~~

## § 25-5. Indemnification of Town; liability insurance.

- A. ~~Every person, firm, or corporation~~ Licensees issued a license or licenses for awnings shall as part of the condition for the issuance or renewal of such license(s) agree to indemnify and save harmless the Town against any and all damages, costs, expenses, or compensation which it may sustain or be required to pay, by reason of damages or injuries caused by said awnings.
- B. ~~Every person, firm, or corporation~~ Licensees issued a license or licenses for awnings shall as part of the condition for the issuance or renewal of said license(s) provide liability insurance covering bodily injury and property damage in an amount to be determined by the Board of License Commissioners. In all cases, the Town of Greenfield must be listed as an additional insured. as follows:

~~Amounts of Liability~~  
~~Bodily injury \$300,000 each person \$500,000 each occurrence~~  
~~Property damage \$100,000 each occurrence~~

1. Editor's Note: The Awnings Bylaw was originally adopted by Town Meeting 3-4-1889 and 4-1-1889.

**DISCUSSION:** Councilor Allis noted these amendments delete the former authorities and insert the proper authorities and delete bylaw and insert ordinance. Some of the language was clarified but not substantially changed.

It was unanimously,

**VOTED:** TO APPROVE MOTION ORDER NO. FY 12 -065.

**Order no. FY12-066**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 53, CURFEW, SECTIONS 53-1, 53-2, 53-3, 53-4, 53-6, 53-7, 53-8, AND 53-9 AND FURTHER AMENDS THE INDEX OF THE CODE.

**Chapter 53  
CURFEW**

**[HISTORY: Adopted by the Town Council of the Town of Greenfield 10-19-1994, approved by AG 2-19-1995 (Sec. 4.17 of the 1985 Bylaws). Amendments noted where applicable.]**

**STATUTORY AUTHORITY**

**MGL c. 40, § 21**

**GENERAL REFERENCES**

**Public consumption of alcoholic beverages — See Ch. 13. Disorderly behavior — See Ch. 121, Art. I.**

**§ 53-1. Enactment.**

An ~~bylaw ordinance~~ creating a Youth Protection ~~Bylaw Ordinance~~ imposing certain restrictions upon juveniles in the Town of Greenfield between the hours of 12:01 a.m. and 6:00 a.m. is hereby established, and said ~~bylaw ordinance~~ shall provide as follows:

**§ 53-2. Purpose.**

The Youth Protection ~~Bylaw Ordinance~~ is intended to promote parental control and responsibility for their children under the age of seventeen (17) and protect juveniles from victimization and exposure to criminal activity.

**§ 53-3. Definitions.**

**CHIEF OF POLICE** — Means the Chief of Police of the Town of Greenfield or a designated representative.

**DIRECT ROUTE** — Means the shortest reasonable path of travel to reach a final destination without any detour or stop along the way.

**EMERGENCY** — Means a fire, a natural disaster, an automobile accident, or any unforeseen situation requiring immediate action to prevent or care for a serious bodily injury or loss of life.

**ESTABLISHMENT** — Means any place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

**HOLDING LOCATION** — Means a place designated by the Chief of Police to which a juvenile taken into custody for a violation of the ~~bylaw ordinance~~ may be delivered to await pickup by a parent or juvenile authorities.

**JUVENILE** — Means any person under the age of seventeen (17).

**OPERATOR** — Means any individual, firm, association, partnership, or corporation operating, managing, or

conducting business within any establishment, or any employees thereof.

PARENT — Means a person who is:

- A. A natural, adoptive, or foster parent of another person; or
- B. A court-appointed guardian of another person.

PUBLIC PLACE — Means any street, alley, highway, parking lot, sidewalk, playground, park, plaza, building or other property owned or controlled by a government entity.

RESTRICTED HOURS — Means 12:01 a.m. until 6:00 a.m. on any day.

TOWN SOLICITOR — Means the Town Attorney of the Town of Greenfield or a designated representative.

#### § 53-4. Prohibited acts.

- A. Except as provided in § 53-5, a juvenile shall not enter or remain in any public place during the restricted hours.
- B. The owner, operator or employee of an establishment shall not allow any person to enter or remain upon the premises of the establishment during restricted hours unless person has:
  - (1) Proper identification demonstrating that such person is seventeen (17) years of age or older.
  - (2) Can demonstrate that such person is otherwise exempt from this **bylaw ordinance**.
- C. The custodial parent(s) or guardian of juveniles under the age of seventeen (17) shall provide due care and supervision to ensure juveniles are aware of and comply with the provisions of this **bylaw ordinance**. Further, the custodial parent(s) or guardian will take appropriate actions to ensure compliance by juveniles under the age of seventeen (17).

#### § 53-5. Exceptions and defense.

- A. It shall not be a violation of § 53-4 if the juvenile is:
  - (1) Accompanied by the juvenile's parents;
  - (2) Engaged in an employment activity or using a direct route to or from a place of employment;
  - (3) Reacting or responding to an emergency;
  - (4) Attending or traveling to or from, by direct route, an official school, religious, or recreational activity that is supervised by adults and is sponsored by a governmental entity, civil or religious organizations or other similar entity that accepts responsibility for the juvenile as an invitee.
- B. It shall be a defense to prosecution under § 53-4 that the owner, operator or employee of an establishment promptly notified the Police Department that a juvenile was on the premises of the establishment during the restricted hours and that such juvenile refused to leave.

#### § 53-6. Enforcement.

- A. A law enforcement officer, upon finding a juvenile in violation of the **bylaw ordinance**, shall:
  - (1) Order the juvenile to leave the restricted area for the remainder of the restricted hours; or
  - (2) Take the juvenile into protective custody if the officer has reasonable grounds to believe that the juvenile has been abandoned or neglected, or is in immediate danger from his/her surroundings and that his/her removal is necessary for his/her protection; or

- (3) Issue a trespass warning of specific duration.
- B. When a juvenile is taken into custody, under § 53-6A(2), by a law enforcement officer, he/she shall deliver the juvenile to a holding location or other facility provided for by the Town of Greenfield.
- C. The Chief of Police and his/her officers, agents, and designees are hereby granted the authority to issue trespass warnings in any public place within the Town of Greenfield, for the purpose of enforcing this **bylaw ordinance**.

#### § 53-7. Violations and penalties.

Following three (3) or more violations of this **bylaw ordinance** by a juvenile, the Town Attorney or a designated representative may contact the appropriate state agency and request an investigation of the juvenile's home as provided for by law.

#### § 53-8. Repealer.

All **bylaws ordinances** or parts of **bylaws ordinances** inconsistent herewith are hereby repealed.

#### § 53-9. When effective.

This **bylaw ordinance** shall take effect thirty-one (31) days after its final approval as adopted and advertised.

**DISCUSSION:** Councilor Allis noted the committee had requested an opinion from the Town Attorney relating to this ordinance. In the opinion of the Town Attorney, it was legal to have an ordinance regarding curfews.

It was unanimously,

**VOTED:** TO APPROVE MOTION ORDER NO. FY 12 -066.

#### Order no. FY 12-067

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

**VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 64, EXCAVATION, SECTIONS 64-2, 64-3, 64-4, AND 64-5 AND FURTHER AMENDS THE INDEX OF THE CODE.

#### Chapter 64

#### EXCAVATION

§ 64-1. Permit required

§ 64-3. Securing unattended trenches

§ 64-2. Permitting Authority

§ 64-~~34~~. Violations

§ 64-5. Fee

#### GENERAL REFERENCES

§ 64-1. Permit required.

Any excavation within a public way, on public property or on private property requires the filing of an "Excavation/Trench Permit" with the Department of Public Works.

§ 64-2. Permitting Authority.

The **Superintendent Director** of Public Works shall be the "Permitting Authority" for the issuance of excavation/trench permits in accordance with M.G.L. c. 82A and 520 CMR 14.00. Copy of form included in

**§ 64-3. Securing unattended trenches.**

- A. In the event the **Superintendent Director** is notified of an unattended trench, meeting the definition under 520 CMR 14.00, during a time when the permit holder is unavailable, for example, after work hours, the **Superintendent Director** has the authority to require a police detail for purposes of making the trench safe. In the event a police detail is required, the permit holder will be assessed the cost of providing the detail by the Town.
- B. As an alternative to hiring a police detail for an unattended trench and assessing the cost to the permit holder, the **Superintendent Director** has the discretion to have DPW staff take action to backfill, barricade, or cover the trench and assess the costs associated with the action, including overtime for DPW employees, to the permit holder.

**§ 64-34. Violations.**

If a permit holder of an excavation/trench permit fails to pay the assessed costs for the Town securing an unattended trench, as defined under 520 CMR 14.00, the **Superintendent Director** may withhold the issuance of additional excavation/trench permits to the violator until such time as the assessed costs are paid.

**§ 64-5. Fee.**

**The Town reserves the right to charge a fee which shall be set by the Mayor.**

**Order no. FY 12-068**

**MOTION:** On a motion by Councilor Allis, second by Councilor McLellan, it was,  
**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 67, FINANCIAL, SECTION 67-3 AND FURTHER AMENDS THE INDEX OF THE CODE.

**Chapter 67**

**FINANCIAL ORDINANCE**

**ARTICLE I**

**Departmental Transfer and Supplemental Appropriation**

**§ 67-1. Purpose**

**§ 67-2. Intradepartmental Transfers**

**§ 67-3. Interdepartmental Transfers**

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**ARTICLE I**

**Departmental Transfer and Supplemental Appropriation**

**§ 67-1. Purpose**

This Section shall be deemed to fulfill the requirements of Section 5-7 of the Greenfield Home Rule Charter.

**§ 67-2. Intradepartmental Transfers**

- A. Intradepartmental transfers of funds from one line item to another line item within the same department may be made when authorized, in writing, by the Mayor.
- B. Written notice of said transfer and the reason it was deemed advisable shall be filed with the Clerk of the Council.
- C. The transfer shall be effective upon the filing of said notice with the Clerk of the Council.

**§ 67-3. Interdepartmental Transfers**

- A. Interdepartmental transfers and supplemental appropriations of funds must be approved by the ~~full~~ Town Council.
- B. Interdepartmental transfers or supplemental appropriations sought by the Mayor shall be submitted as a written request filed with the Clerk of the Council setting forth the following:
  - (1) The amount or amounts requested;
  - (2) The reasons for the request;
  - (3) The source of the requested funds;
  - (4) The department or other entity responsible for the expenditure of the funds.
- C. Said request shall be accompanied by an advisory opinion signed by the head of the department from which the funds are being transferred, indicating to what extent if any the transferring department will be prevented from performing any of its vital functions and the sufficiency of remaining funds to meet the monetary needs of the department for the remainder of the fiscal year.
- D. The Council shall hold a public hearing for requests of interdepartmental transfers within thirty (30) days of the receipt of the filing request with the Clerk of the Council.
- E. The Council shall hold at least two (2) readings for interdepartmental transfers.
- F. Notice of the Public Hearing for an interdepartmental transfer or supplemental appropriation shall be posted on the Town Bulletin Board at least ten days before the public hearing to consider the request.
- G. Interdepartmental transfer or supplemental appropriation requests of Twenty-Five Thousand (\$25,000) dollars, or more, shall be published once in a newspaper of general circulation in Greenfield. Said publication shall be at least ~~ten~~ **seven** days prior to the public hearing.
- H. Approval of said requests shall require a majority vote of the Council present.
- I. The Clerk of the Council shall forward a copy of each intradepartmental transfer, interdepartmental transfer, and supplemental appropriation request to each councilor.
- J. **Exceptions to the preceding sections will occur only during the last two months of a fiscal year and the first 15 days of the new fiscal year to apply to the previous fiscal year. During that time the City Council may, by majority vote, on recommendation by the Mayor, transfer an amount appropriated for the use of any department other than a Municipal Light Department or a School Department to the appropriation for any other department consistent with MGL CH. 44 Sec. 33B**

**DISCUSSION:** Councilor Allis explained new section J. brought the ordinance in line with State Law. This section would allow the end of the Fiscal Year transfers and appropriations to be dealt with in an expedited manner as outlined. He noted there was also a proposed Charter Change for this issue. The seven day publication date was recommended to bring the ordinance into conformity with other publication deadlines.

It was unanimously,

**VOTED:** TO APPROVE MOTION ORDER NO. FY 12 -068.

**Order no. FY 12-069**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 376, VEHICLE FOR HIRE, SECTIONS 376-2-1, 376-3-2, 376-3-8, 376-4-5, 376-4-6, 376-5-3, 376-5-9, AND 376-5-10 AND FURTHER AMENDS THE INDEX OF THE CODE.

**Chapter 376****VEHICLE-FOR-HIRE REGULATIONS****§ 376-1. Definitions****§ 376-2. Vehicle-for-hire business license****§ 376-3. Vehicle-for-hire license****§ 376-5. Operation of vehicles for hire****§ 376-6. Fares****§ 376-7. Miscellaneous**

**§ 376-4. Vehicle-for-hire operator's license**

**[HISTORY: Adopted by the Board of Selectmen of the Town of Greenfield effective 3-14-1993; printed as amended 1-16-1997. (Formerly known as Taxicab) Amended by the Board of License Commissioners 1-1-2007 and 9-1-08. Subsequent amendments noted where applicable.]**

**STATUTORY AUTHORITY****MGL c. 40 § 22**

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**GENERAL REFERENCES****Vehicles and traffic – See Ch. 180.****Traffic regulations – see Ch. 485**

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**§376-1. Definitions.**

The following words as used in the following sections, unless the context or subject matter otherwise requires, shall have the following meaning:

BOARD – Board of License Commissioners

CITY – Town of Greenfield

EXAMINER – Chief of Police of the Town of Greenfield or any person or persons so designated by the Chief of Police

INSPECTIONAL SERVICES – Chief of Police of the Town of Greenfield or any person or persons so designated by the Chief of Police

LIVERY – a private passenger vehicle (including, but not limited to limousines) registered as a livery the designed seating capacity of which does not exceed 15 passengers including the driver, without a taxi meter, for hire for the transport of passengers for designated events (such as weddings, funerals, celebrations, airport transport, touring, or similar contractual purposes). This type of vehicle must be rented by means of a telephone request to the registered place of business of the owner or a contract arranged in advance of the time of the designated pickup. No licensed limousine/livery vehicle may pick up a person in response to a street hail or may stand in special areas authorized for taxis. This does not include vehicles engaged exclusively to provide services to funeral homes, hospitals or other medical assistance/special needs vehicles, nor any mass transit authority vehicles.

NUMBER PLATE – the sign or markers furnished by the Registry of Motor Vehicles on which is displayed the license number or marks assigned to a vehicle-for-hire

OPERATOR – any person who operates a vehicle-for-hire

SEAT – the space in a vehicle-for-hire ordinarily occupied by one person

TAXI – a private passenger motor vehicle registered as a taxi with or without a taxi-meter, used or designed to be used for the conveyance of passengers for hire from place to place but not over a fixed route or between fixed and regular termini. This type of vehicle may be requested by call to a dispatcher or “hailed” on public ways for securing a ride. It also may pick up passengers in areas designated for taxis.

TAXI STAND – an area within the public way designated as a taxi stand by posted signs, painted curbs, or marked spaces, and as approved by the Department of Public Works

TOWN – Town of Greenfield

VEHICLE-FOR-HIRE – any vehicle used or to be used as a taxi or livery or limousine vehicle

VEHICLE-FOR-HIRE BUSINESS LICENSE– license issued by the Board of License Commissioners authorizing the operation of a vehicle-for-hire business

VEHICLE-FOR-HIRE LICENSE – license issued by the Chief of Police to a vehicle-for-hire business license holder authorizing the use of a particular vehicle

VEHICLE-FOR-HIRE OPERATOR’S LICENSE – license issued by the Chief of Police to authorize the holder thereof to operate a vehicle-for-hire

WAY – any public way, any private way laid out for public use, any way dedicated to public use or any place to which the public has a right of access as invitees or licensees

### **§376-2. Vehicle-for-hire business license.**

#### **376 §2-1 License required**

Prior to operating a vehicle-for-hire business in the Town of Greenfield, an applicant must secure a vehicle-for-hire business license from the Board of License Commissioners and any other licenses and permits required by the Town of Greenfield or Commonwealth of Massachusetts.

No taxi or taxi service shall accept a fare within the Town of Greenfield without conforming ~~with~~ to all of these regulations.

#### **376 §2-2 Application**

Applications for a vehicle-for-hire business license shall be made in writing, on Town approved forms, to the Board of License Commissioners, and shall provide under oath such information as the Board of License Commissioners may require, including the following:

- a) If an individual: the name and address of the applicant  
If a corporation: the name, date of incorporation, address of its principal place of business and the name and address of its officers  
If a partnership, association, or unincorporated company: the name and addresses of the partners or associates and the address of its principal place of business  
If a foreign corporation, partnership, or unincorporated company: the name and address of an agent for service of process.
- b) whether the applicant seeks a license for a taxi or livery/limousine service
- c) the intended place of business within the Town of Greenfield
- d) the intended principal place of operation or garage of said vehicle within the Town of Greenfield. This location must be indicated on the vehicle registration.
- e) the name of the manager or principal representative
- f) proposed hours of operation
- g) telephone number where the licensee may be contacted during the day and in the evening
- h) evidence of Workers’ Compensation Insurance

#### **376 §2-3 Grant or denial**

In determining whether to issue a license the Board may consider: public demand for the proposed service; the effect of the proposed service upon relevant traffic and safety conditions; the suitability and financial stability of the applicant; and any and all other relevant facts and circumstances.

Vehicle-for-hire business licenses may be granted only to suitable persons and corporations who are owners of taxis and liveries, and provided the established place of business is in the Town.

The Board of License Commissioners may, upon receipt of a completed application, issue a license under such terms and conditions as it deems appropriate and in the public interest. The Board of License Commissioners may require that the licensee provide the Board and Chief of Police with a continuously updated list of those persons employed by the licensee as operators of vehicles for hire.

#### **376 §2-4 Suspension or revocation**

A license may be revoked or suspended for a violation of the law or these regulations or if the public health and safety so requires. The Board of License Commissioners shall, as soon as is practicable, provide the licensee with written notice of the revocation or suspension and inform the license holder of the right to a hearing before the Board.

A request for a hearing must be made in writing within 10 days of receipt of the notice. At the hearing the licensee will have the opportunity to present testimony and other evidence and to be represented. Upon suspension or revocation said license shall be immediately surrendered to the Board of License Commissioners. A request for a hearing shall not delay any suspension or revocation.

#### **376 §2-5 Term**

A vehicle-for-hire business license shall be valid until December 31<sup>st</sup> of each year and may be renewed for one year periods unless sooner revoked or suspended. Application for a renewal must be submitted by November 15<sup>th</sup> of each year.

#### **376 §2-6 Need and Convenience**

No later than June 1<sup>st</sup> of each year, the Board shall determine the conditions and restrictions applicable to vehicles-for-hire businesses. Such determination shall be made based upon public need and convenience and the promotion of public health and safety.

#### **376 §2-7 Fee**

The annual fee for a vehicle-for-hire business license or renewal of same shall be \$50.00.

### **§376-3. Vehicle-for-hire license.**

#### **376 §3-1 License required**

Prior to the operation of any vehicle as a vehicle-for-hire, a vehicle-for-hire business licensee must secure a vehicle-for-hire license for each vehicle. The Chief of Police may only issue a vehicle-for-hire license if the vehicle has passed an inspection administered by the Chief of Police or the Chief's designee, as provided in 376 §3-4 of these regulations.

A vehicle-for-hire license shall set forth the applicant's name and address, name and place of business of the vehicle-for-hire business licensee, a description of the vehicle, the vehicle's identification number or numbers, and the number of seats exclusive of the operator. Such license shall be valid for a period of one year from the date of issuance unless sooner revoked or suspended.

#### **376 §3-2 Application**

Application for a vehicle-for-hire license shall be made to the Chief of Police by the holder of a vehicle-for-hire business license. Such application shall set forth under oath all information that the Chief of Police may require, including:

- a) The make, model, vehicle identification number, and age of the vehicle

- b) A copy of the certificate of insurance coverage page for the vehicle indicating vehicle insurance covering at a minimum of \$100,000/\$300,000 ~~P.L.~~ personal liability and \$100,000 ~~P.D.~~ property damage.
- c) Vehicle registration
- d) The place at which the vehicle-for-hire will be stored when not in use within the Town of Greenfield

### **376 §3-3 Insurance certificate**

All licensees shall maintain appropriate vehicle insurance as required by 376 §3-2 and by the Commonwealth of Massachusetts and shall carry evidence of such insurance in the licensed vehicle at all times. A copy of this insurance certificate must be provided to the Chief of Police at time of application and each year at renewal time. The policy shall state that if it is revoked or amended, the insurance company will notify the Chief of Police no later than 30 days prior to the effective date of the revocation or amendment.

### **376 §3-4 Semi-annual inspection**

Before a vehicle-for-hire is licensed, and semi-annually thereafter in order to renew the vehicle-for-hire license at a time selected by the Chief of Police, such vehicle-for-hire shall be thoroughly inspected and examined by a designee of the Chief of Police for the purpose of determining that the vehicle-for-hire is in good condition, clean inside and outside, of good appearance, and well painted. The Town will provide a vehicle-for-hire license inspection card for each vehicle-for-hire. At the time of the semi-annual inspection, the operator of the vehicle-for-hire shall present to the Chief of Police's designee the vehicle-for-hire license inspection card. The Inspectional Services designee shall, after inspecting the vehicle, either date and sign the vehicle-for-hire license inspection card and return it to the operator or inform the operator of corrections that must be made before the license inspection card will be returned. Any vehicle having failed an inspection and requiring re-inspection shall be subject to a \$20.00 re-inspection fee.

Nothing herein shall relieve a vehicle-for-hire business licensee of its sole responsibility to ensure the safety of the vehicle and compliance with all applicable laws and regulations, and the vehicle-for-hire business licensee is at all times responsible for the vehicle and shall be liable for all penalties and/or damage resulting from the operation of the vehicle by an employee, agent, or any other person operating the vehicle.

### **376 §3-5 Unfit vehicle-for-hire**

The Chief of Police shall refuse to issue a vehicle-for-hire license or, if already issued, revoke or suspend said license for any vehicle-for-hire found to be unfit, un-inspected by the Massachusetts Department of Motor Vehicles, or unsuited for the purposes herein set forth. The Chief of Police shall, as soon as is practicable, provide the applicant or licensee with written notice of the denial, revocation, or suspension, and inform the applicant or license holder of the right to a hearing before the Board. A request for a hearing must be made in writing within 10 days of receipt of the notice. At the hearing the licensee will have the opportunity to present testimony and other evidence and be represented by a person of their choice. Upon suspension or revocation, said license shall be immediately surrendered to the Board of License Commissioners. A request for a hearing shall not delay any suspension or revocation.

### **376 §3-6 Number plates**

Any vehicle-for-hire shall have affixed thereto such number plates as are prescribed for use by the Registrar of Motor Vehicles, which shall be attached to the said vehicle in accordance with the rules and regulations of the Registry of Motor Vehicle and the laws of the Commonwealth of Massachusetts.

### **376 §3-7 Vehicle colors**

No owner of a licensed vehicle-for-hire shall color their vehicle-for-hire in colors or designs so closely resembling other licensed vehicles-for-hire as to mislead the public as to its identity.

### **376 §3-8 Vehicle markings**

**Taxi:**

No taxi shall be made so closely to resemble the taxi of another as to mislead the public as to its identity. All taxis will conform ~~with~~ to M.G.L. Ch40 §22 to wit.

Every taxi shall be identifiable with the word "Taxi", "Cab", or "Taxicab", the name of the vehicle-for-hire business, and the name "Town of Greenfield". Markings shall appear on both sides of the vehicle with letters not less than four inches high and one-half inch wide. All wording must be in contrasting colors to the vehicle and legible.

All taxis in the Town shall display an "identity light" on top of the taxi vehicle, which must be visible from the front and rear and be illuminated at night.

If the license holder operates more than one taxi, each taxi shall have an identification number, not less than four inches high and one-half inch wide, painted in two conspicuous places on the taxi in contrasting colors and also displayed within the interior of the vehicle.

The above provisions do not apply to Livery vehicles.

**Limousine or other ~~L~~livery vehicle:**

Limousines or other livery vehicles may place upon the rear quarter panel, on either or both sides of the vehicle, with letters no bigger than two inches high and one inch wide, the vehicle-for-hire's business name, address, and telephone number, provided it does not violate any provision including but not limited to MGL90 §§7, 9, or 13, or any applicable section of the Code of Massachusetts Regulations. No livery vehicle shall be equipped with any distinguishing lights or other externally mounted instrument.

**Tour ~~V~~ehicle:**

Vehicles used exclusively for tours may place the vehicle-for-hire's business name, address, and telephone number upon the vehicle provided it does not violate any provision including but not limited to MGL90 §§7, 9, or 13 or any applicable section of the Code of Massachusetts Regulations.

**376 §3-9 License to be displayed**

No vehicle-for-hire shall be operated without a valid vehicle-for-hire license displayed in clear view of the passengers.

**376 §3-10 Vehicle rates to be displayed**

Every vehicle-for-hire shall have displayed a notice of the current rates. This notice must be displayed in such a way that passengers may clearly view it. This paragraph is not applicable to livery and tour vehicles.

**376 §3-11 Suspension or revocation**

The Chief of Police may suspend or revoke a vehicle-for-hire license or licenses at any time if, in the opinion of the Chief of Police, any section of the law or these regulations has been violated by the license holder or their employees or agents, or as the public health and safety so require. The Chief of Police shall, as soon as is practicable, provide the licensee with written notice of the revocation or suspension, and inform the license holder of the right to a hearing before the Board. A request for a hearing must be made in writing within 10 days of receipt of the notice. At the hearing the licensee will have the opportunity to present testimony and other evidence and to be represented. Upon suspension or revocation, said license shall be immediately surrendered to the Chief of Police. A request for a hearing shall not delay any suspension or revocation.

**376 §3-12 Transfer or sale of license prohibited**

No vehicle-for-hire license provided for in these regulations shall be sold, assigned, or transferred, and such sale, assignment, or transfer shall automatically terminate said license. Nor shall a majority in interest of any entity holding such a license be sold, assigned, or transferred. Such sale, assignment, or transfer shall automatically terminate said license.

**376 §3-13 Sale of vehicle-for-hire**

Any vehicle-for-hire business licensee who shall cease to be the owner of said vehicle, shall at once surrender the vehicle-for-hire license for said vehicle to the Chief of Police.

**376 §3-14 Change of address**

When a vehicle-for-hire business license holder changes their address or the place at which a vehicle-for-hire is kept, the licensee shall notify the Chief of Police and Board within three days of such change.

**376 §3-15 Advertising on vehicles-for-hire** (amended 9-1-2008)

Vehicles-for-hire may display advertising, but only in the form of a triangular three-way roof mount, with or without continuous illumination, the dimensions of which must be a maximum of approximately 23" long x 12.75" high x 20" deep, and which are made of durable lightweight plastic that bolts to the roof with wiring installation similar to standard toplights.

**376 §3-16 Fee**

The annual fee for a vehicle-for-hire license or renewal of same shall be \$25.00, which amount shall include the semi-annual inspection as required in 376 §3-4 of these regulations and also administrative expenses. The fee for a duplicate or amended vehicle-for-hire license shall be \$5.00. If a vehicle-for-hire is replaced during that 12 month period a \$25.00 fee will be charged for the licensing of that new vehicle.

**§376-4. Vehicle-for-hire operator's license.****376 §4-1 License required**

All vehicle-for-hire operators shall be required to hold a valid Town of Greenfield vehicle-for-hire operator license issued by the Chief of Police. The Chief of Police of the Town shall have the authority, subject to the approval of the Board of License Commissioners, to grant vehicle-for-hire operator licenses. Written application shall be made under penalty of perjury to the Chief of Police on a form provided by the Chief of Police. No application shall be processed until all required information is provided to the Chief of Police. Any license so granted may be suspended or revoked by the Chief of Police at any time for cause.

Each taxi business will be allowed three licensed operators for each licensed taxi. Additional licenses will be considered on a case by case request.

**376 §4-2 Application**

Application for a vehicle-for-hire operator license shall be made at the office of the Chief of Police. All applicants shall set forth, under the penalties of perjury, such information as the Chief of Police may require, including the following:

- a) name of applicant
- b) the applicant's residence, date of birth, place of birth, father's name, mother's name, height, weight, complexion, color of hair and of eyes, and social security number
- c) the number of the applicant's license to operate motor vehicles in the Commonwealth and the date of expiration of such license; said license shall be displayed at the time of making application
- d) any convictions, admission to sufficient facts, or pleas of *nolo contendere* with regard to felony or misdemeanor offenses, stating the courts in which such matters were heard, and the date of such offenses
- e) any traffic violations for which there was a finding of responsibility for a period of three years prior to the date of the application for the license or for such additional time as the Chief of Police shall require
- f) any civil or criminal court restraining orders currently in effect against the applicant.

**376 §4-3 Applicant requirements**

An applicant must:

- a) be at least 18 years of age

- b) be the bearer of a valid Massachusetts operator's license issued in accordance with the provisions of Massachusetts General Laws, Ch 90
- c) provide a copy of the applicant's Massachusetts operator's license
- d) provide a letter from the vehicle-for-hire business licensee by whom the applicant is to be employed requesting such services
- e) provide one 1" x 1" size photograph of the applicant
- f) provide a copy of the applicant's driving record from the Registry of Motor Vehicles
- g) authorize the Chief of Police to obtain a criminal history background check from the Criminal History Systems Board.
- h) obtain thumb prints from the Police Department to be included in the application and license

#### **376 §4-4 Grant or denial**

The Chief of Police may reject an application for a vehicle-for-hire operator license, or suspend, revoke, or fail to renew an existing license if the operator fails to comply with these regulations or commits any moving traffic violations. Further, when considering whether to issue or deny an application, or to suspend, revoke, or fail to renew an existing license, the Chief of Police will give significant consideration and appropriate weight, to any felony or misdemeanor conviction, admission to sufficient facts, or entrance of a plea of *nolo contendere*, taking into account all factors including the nature and gravity of the offense (including whether the crime is a felony or a misdemeanor, a violent crime, a crime that poses a substantial degree of dangerousness to minors and/or other vulnerable populations, or a crime for which a person has been finally classified as having a high risk of re-offense), the time that has passed since the conviction, admission or entrance of a plea of *nolo contendere*, and the sensitive nature of serving the public as an operator of a vehicle-for-hire.

#### **376 §4-5 Appeal of denial of operator's license**

The decision to approve or reject an application for a vehicle-for-hire operator license shall be made within 30 days after filing of the application with the Chief of Police. If the application is rejected, the applicant shall be informed in writing of the specific reasons for the rejection and of the opportunity for a hearing before the Board to review the decision. Any person aggrieved by the refusal of the Chief of Police to grant a license may file a written appeal to the Board of License Commissioners containing a complete statement of the reasons why said refusal is unreasonable within 10 calendar days of the denial. If the Board of License Commissioners finds that said refusal is unreasonable, they may request the Chief of Police grant the license. The Board's failure to act within 30 days constitutes a disapproval of the application.

#### **376 §4-6 Display of license**

No vehicle-for-hire shall be operated unless the vehicle-for-hire operator's license is conspicuously posted within the vehicle. Vehicle-for-hire operators shall have in their possession a copy of these regulations, which shall be exhibited to a passenger or ~~P~~olice ~~O~~fficer on demand.

#### **376 §4-7 Suspension or revocation**

The Chief of Police may suspend or revoke a license at any time for violation of the law or these regulations or as the public health and safety so require. The Chief of Police shall, as soon as is practicable, provide the licensee with written notice of the revocation or suspension and inform the licensee of the right to a hearing before the Board. A request for a hearing must be made in writing within 10 days of receipt of the notice. At the hearing the licensee will have the opportunity to present testimony and other evidence and to be represented. Upon suspension or revocation, said license shall be immediately surrendered to the Chief of Police. A request for a hearing shall not delay any suspension or revocation. A revoked license shall not be reinstated or reissued until the licensee has reapplied for a license as outlined in 376 §§ 4-2 & 4-3 and the Board finds that the licensee meets all the requirements for a license.

#### **376 §4-8 Change of address**

When the holder of a vehicle-for-hire operator license changes their home address or place of employment, the holder shall notify the Chief of Police in writing within five days.

**376 §4-9 Termination of licensed operator**

Written notice shall be given to the Chief of Police by a vehicle-for-hire business license holder when a licensed vehicle-for-hire operator ceases to be employed by the business. This notice shall be given within five days of such termination.

**376 §4-10 Term**

A vehicle-for-hire operator license shall be valid from the date of issue until December 31<sup>st</sup> and then renewable on an annual basis, unless sooner revoked or suspended. On payment of the prescribed fee, a licensee shall be issued a new license unless the license has been previously revoked or suspended or the licensee is otherwise in violation of these regulations. If said license is under suspension the license may be renewed upon the expiration of the suspension provided that the licensee makes payment of the prescribed fee and meets the other requirements of these regulations. New applications for licenses may be filed with the Chief of Police at any time, but applications for renewal of a license already in force shall be filed with the Chief of Police annually, on or before November 15<sup>th</sup>. Any applications received after the November 15<sup>th</sup> will be considered after January 1<sup>st</sup>.

**376 §4-11 Fee**

The annual fee for the issuance or renewal of a vehicle-for-hire operator license shall be \$25.00, which amount shall include the administration fee. The fee for a duplicate or amended vehicle-for-hire operator's license, or to reinstate a suspended operator's license shall be \$15.00.

**§376-5. Operation of vehicles for hire.****376 §5-1 Improper operation or equipment**

No person operating a vehicle-for-hire shall have or permit to be on or in such vehicle or on or about any person within the vehicle-for-hire anything which may interfere with the proper operation of such vehicle. No vehicle-for-hire shall be operated if it is unsafe or improperly equipped. At no time shall any vehicle-for-hire be operated when the passengers therein are in excess of its licensed seating capacity. A seatbelt must be available for each passenger and used.

**376 §5-2 Vehicle-for-hire operator licensed**

No owner or person having the care of a vehicle-for-hire shall permit, suffer, or allow any person other than a vehicle-for-hire operator who is licensed by the Chief of Police to operate such vehicle-for-hire.

**376 §5-3 Trip record**

The operator of a vehicle-for-hire shall maintain a legible written record of all trips during all shifts worked. This record must contain the name and address of the vehicle-for-hire operator, time of the beginning and termination of each trip, location of the first and last stop on each trip, and the total fare charged for each trip.

The written record of trips must be available for inspection upon demand by a ~~P~~olice ~~O~~fficer and must also be turned in to the vehicle-for-hire business owner for record keeping purposes at the end of the operator's shift. Upon demand of the Examiner, the owner of a licensed vehicle-for-hire must produce a record of all trips made by such vehicle for a period of 180 days prior to the date of demand.

**376 §5-4 Hired vehicles**

No person having charge of a vehicle-for-hire shall take up or carry any passenger after the vehicle has been occupied or engaged by a prior passenger without the permission of the first passenger.

**376 §5-5 Passenger seating**

No person in charge of a vehicle-for-hire shall allow anyone to ride upon the driver's seat or adjacent to the driver's seat, provided however, that a bona fide passenger may ride adjacent to the driver's seat when

1. the seats inside the vehicle-for-hire are fully occupied
- or -
2. the physical condition of the passenger necessitates the use of the front seat.

**376 §5-6 Illegal activities**

No owner or operator of a vehicle-for-hire shall participate in, or allow passengers to participate in, any illegal activities. It shall be unlawful for any operator of a vehicle-for-hire to drink any intoxicating liquor while on duty or to use any profane or obscene language, or to disturb the peace in any way, or to smoke while transporting passengers. No employee shall smoke in any public room or area where the general public has access as a customer or visitor.

**376 §5-7 Found property**

The driver shall search the interior of the vehicle, including the trunk if used by a passenger, at the end of each shift. Found property shall be brought to the vehicle-for-hire business office. If any dangerous or illegal item is found in the vehicle then the licensed vehicle-for-hire operator shall notify the Police Department immediately. The vehicle-for-hire business owners shall be responsible for bringing any found items to the Police Department within 24 hours of discovery.

**376 §5-8 Receipts**

Every operator or owner of a vehicle-for-hire shall, when requested, give the customer a receipt. The receipt must contain the date, starting and ending time, fare, miles traveled in whole miles and tenths of a mile, vehicle-for-hire license number, and the phone number of the vehicle-for-hire business license holder.

**376 §5-9 Taxi stands**

The Board of License Commissioners, in coordination with the Department of Public Works, may designate taxi stands, the number and location of which may be ~~within~~ **at** their discretion. No taxi shall occupy any part of the public highway for the purpose of soliciting business except ~~in~~ **at** designated taxi stands. No operator of a taxi shall pick up a fare ~~on~~ **at** a taxi stand designated for another licensed taxi business without their permission, nor shall a taxi pick up a fare who has called another licensed taxi. The license fee for each taxi stand shall be \$100.00 annually and shall be collected by the Chief of Police and turned over to the Town Treasurer.

**376 §5-10 Required acceptance of passengers**

It shall be the duty of the operator of any taxi to accept as passengers any person who seeks to use the taxi, provided such person ~~is not intoxicated and~~ conducts themselves in an orderly manner. No person shall be admitted to a taxi occupied by a passenger without consent of the passenger.

**376 §5-11 Inappropriate solicitation**

Loud or importunate solicitation of passengers for taxis on the public way is prohibited.

**376 §5-12 Transportation of alcohol**

No taxi shall be used for the transportation-for-hire for the delivery of any alcoholic beverages or alcohol without a Common Carrier's license issued by the Department of Public Utilities and without a permit issued by the Alcoholic Beverage Control Commission as required by M.G.L. ch138 as amended. This paragraph is not intended to prohibit passengers from purchasing and transporting alcoholic beverages.

**376 §5-13 Fine, suspension, or revocation**

Any person convicted of a violation of any rule or regulation herein contained shall be punished by a fine not exceeding \$200.00 for each offense. The Chief of Police may also revoke or suspend a license.

**§376-6. Fares.****376 §6-1 Fee schedule**

No person shall charge or receive fares for the hire of vehicles-for-hire within the Town of Greenfield for any sums of money other than those prescribed by the fee schedule promulgated by the Board as from time to time amended.

**376 §6-2 Rate of fare for Taxis**(amended 9-1-2008)

The fare to be taken by or paid to the owner, operator, or other person having charge of any vehicle-for-hire shall be per the following schedule, which is based on zones that are delineated on a map of the Town of Greenfield (see Figure 1). These zones are indicated by concentric circles with the center of the circle being at the Main Street, Bank Row, Federal Street intersection. These concentric circles are established at one-half-mile radii from said intersection and shall be numbered from zone 1 (from 0.00 to 0.50 mile) to zone 10 (from 4.51 – 5.00 miles).

The 2008 - 2009 rates in relation to regular unleaded gasoline prices will be as follows:

Zone	# of miles from Main & Federal intersection			Fares (gas price \$2.61 - \$3.00/gal)		Fares (gas price \$3.01 - \$3.50/gal)		Fares (gas price \$3.51 - \$4.00/gal)		Fares (gas price \$4.01 - \$4.50/gal)		Fares (gas price \$4.51 - \$5.00/gal)	
				standar d	senior s *	standar d	seniors *	standar d	senior s *	standar d	senior s *	standar d	senior s *
1	0.00	to	0.50	\$4.25	\$3.25	\$4.50	\$3.50	\$4.75	\$3.75	\$5.00	\$4.00	\$5.25	\$4.25
2	0.50	to	1.00	\$5.25	\$4.25	\$5.50	\$4.50	\$5.75	\$4.75	\$6.00	\$5.00	\$6.25	\$5.25
3	1.00	to	1.50	\$6.25	\$5.25	\$6.50	\$5.50	\$6.75	\$5.75	\$7.00	\$6.00	\$7.25	\$6.25
4	1.50	to	2.00	\$7.25	\$6.25	\$7.50	\$6.50	\$7.75	\$6.75	\$8.00	\$7.00	\$8.25	\$7.25
5	2.00	to	2.50	\$8.25	\$7.25	\$8.50	\$7.50	\$8.75	\$7.75	\$9.00	\$8.00	\$9.25	\$8.25
6	2.50	to	3.00	\$9.25	\$8.25	\$9.50	\$8.50	\$9.75	\$8.75	\$10.00	\$9.00	\$10.25	\$9.25
7	3.00	to	3.50	\$10.25	\$9.25	\$10.50	\$9.50	\$10.75	\$9.75	\$11.00	\$10.00	\$11.25	\$10.25
8	3.50	to	4.00	\$11.25	\$10.25	\$11.50	\$10.50	\$11.75	\$10.75	\$12.00	\$11.00	\$12.25	\$11.25
9	4.00	to	4.50	\$12.25	\$11.25	\$12.50	\$11.50	\$12.75	\$11.75	\$13.00	\$12.00	\$13.25	\$12.25
10	4.50	to	5.00	\$13.25	\$12.25	\$13.50	\$12.50	\$13.75	\$12.75	\$14.00	\$13.00	\$14.25	\$13.25

\* ≥ 65 years of age

Determination of fares shall be the fare of the most distant zone, whether it be the point of pick-up or discharge. Rates at distances beyond zone 10 will be negotiated or disclosed prior to transport. Waiting time shall be charged at \$0.45 per minute after a grace period of 5 minutes. There will be a senior (65 years old or older) discount of \$1.00 from the base fare. All fares must be clearly posted within the taxi.

**376 §6-3 Rate of fare for livery**

Prior to the commencement of transport the fee shall be disclosed to the passenger(s).

**§376-7. Miscellaneous.****376 §7-1 Authority**

These regulations are adopted under authority of M.G.L. ch40 §22 and the Town of Greenfield Home Rule Charter §6-9.

**376 §7-2 Amendments**

All licenses required by these regulations shall be subject to such terms and conditions as the Board of License Commissioners shall from time to time prescribe.

**376 §7-3 Enforcement**

The provisions of these regulations may be enforced by the Board of License Commissioners and any Police officer of the Town of Greenfield, by any available means in law or equity, including but not limited to, enforcement by non-criminal disposition pursuant to M.G.L. ch40 §21D. Each day a violation exists shall constitute a separate violation.

When enforced through non-criminal disposition, the penalties shall be as follows:

1 <sup>st</sup> violation:	\$100.00
2 <sup>nd</sup> violation:	\$200.00
3 <sup>rd</sup> and subsequent violations:	\$300.00

In addition to non-criminal disposition, any vehicle-for-hire license or permit held by any person(s) convicted of a violation of any provision of these rules and regulations may be revoked or suspended.

#### **376 §7-4 License expiration**

All vehicle-for-hire licenses and vehicle-for-hire operator licenses, unless sooner revoked, shall expire on December 31<sup>st</sup> of each calendar year. All such licenses shall be subject to such terms and conditions as the Board of License Commissioners and/or the Chief of Police, with the Board's approval, shall from time to time prescribe.

#### **376 §7-5 Designation**

These rules and regulations shall be designated as the "Town of Greenfield vehicle-for-hire regulations" of 2006.

#### **376 §7-6 Regulation review**

These vehicle-for-hire regulations shall be reviewed and upgraded as needed.

#### **376 §7-7 Liason**

A Greenfield Police officer designated by the Chief of Police shall be a liaison between the Town of Greenfield and all business license owners. This officer shall investigate any complaints and shall approve or disapprove all new drivers.

#### **376 §7-8 Validity**

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these regulations shall be deemed valid and in effect.

#### **376 §7-9 Effect**

These rules and regulations shall take effect on the 1<sup>st</sup> of the month next following publication and shall supercede all previous rules and regulations.

#### **376 §7-10 Approval**

These regulations were approved by the Board of License Commissioners on June 6, 2006.

<p>It is ordered that the foregoing rules and regulations be advertised in the local newspaper, filed with the Town Clerk of Greenfield, and are to take effect on the 1<sup>st</sup> of the month next following publication.</p>
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**DISCUSSION:** Councilor Allis noted the corrections to this section were mostly language and typographical corrections. He noted the committee recommended removing the following language from section 376 §5-10 "is not intoxicated and" for two reasons 1.) If someone conducts themselves in an orderly manner they should be able to get a ride, and 2.) it was preferable to have an intoxicated person get a ride home rather than drive.

It was unanimously,

**VOTED:** TO APPROVE MOTION ORDER NO. FY 12 -069.

#### **Order no. FY 12-070**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 485, TRAFFIC REGULATIONS, SECTIONS 485-14, 485-31, 485-33, AND 485-34 AND FURTHER AMENDS THE INDEX OF THE CODE.

### Chapter 485

## TRAFFIC REGULATIONS

**[HISTORY: Adopted by the Board of Police Commissioners of the Town of Greenfield as Secs. 2.1 through 2.4, and 2.6 through 2.38 of the Police Regulations. Amendments noted where applicable.]**  
**Amended sec. 485 - 9 by Town Council vote September 17, 2003**

## GENERAL REFERENCES

**Vehicles and traffic bylaws — See Ch. 180.**

**Taxicab licensing — See Ch. 376.**

**Parking meter zones — See Ch. 643.**

14 D. ~~The Board of Selectmen hereby imposes upon the owner of any vehicle moved or towed to a convenient place, under the provisions of this/her section, the following fees:~~

~~(1) — Removal or towing fee: Not to exceed twelve dollars (\$12).~~

~~(2) — Storage fees:~~

~~(a) — Not to exceed two dollars (\$2) for any twenty-four-hour period.~~

~~(b) — Not to exceed one dollar and fifty cents (\$1.50) for any period less than twenty four (24) hours.~~

**Rates for the removal and storage of vehicles moved or towed under this section shall comply with 220 CMR 272.00: RATES FOR THE TOWING OF MOTOR VEHICLES.**

### **§ 485-31. ~~Men~~ Workers and equipment in highway.**

Whenever traffic signs are erected or warning lights are displayed in or adjacent to a highway to notify of the presence of men and equipment, in such highway, every motorist shall regulate the speed of his/her vehicle in a manner and to a degree consistent with the particular condition.

### **§ 485-33. Yield intersections.**

A. Every driver of a vehicle or other conveyance approaching an intersection of ways, where there exists facing him an official sign bearing the words "YIELD," said sign having been erected in accordance with the written approval of the Department of Public Works **and Department of Transportation** of the Commonwealth, of Massachusetts and such approval being in effect, shall surrender to oncoming traffic his/her right to enter the intersection until such time as he has brought his/her vehicle or other conveyance to a complete stop at a point between said "YIELD" sign and the nearer line of the street intersection, provided, however, that this requirement to stop before entering the intersection shall not apply when a driver approaching a "YIELD" sign can enter the intersection in safety without causing interference to approaching traffic.

### **§ 485-34. Drivers to report accidents.**

- A. The driver of any vehicle involved in an accident resulting in the injury or death of any person or property damage, to an apparent total extent of ~~two hundred dollars (\$200)~~ **one thousand dollars (\$1000)** or more, shall within twenty-four (24) hours, make a full and complete report in writing of such accident to the police headquarters in this Town.

**DISCUSSION:** Councilor Allis reviewed the changes recommended.

It was unanimously,

**VOTED:** TO APPROVE MOTION ORDER NO. FY 12 -070.

**Order no. FY 12-071**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 650, SEWER USE, SECTIONS 650-3, 650-5, 650-6, 650-7, 650-10, 650-11, 650-14, 650-15, 650-16, 650-19, 650-20, 650-21, 650-22, 650-29, 650-30, 650-31, 650-32, 650-38, 650-47, 650-48, 650-49, 650-50, 650-53, 650-62, 650-63, 650-64 AND APPENDIX C AND FURTHER AMENDS THE INDEX OF THE CODE.

**Chapter 650**

**SEWER USE**

**[HISTORY: Adopted by the Board of Public Works of the Town of Greenfield. Printed as last amended 9-1997. Subsequent amendments noted where applicable. Town Council amended Section 6 D and Listing of Appendices D 1-21-09]**

**STATUTORY AUTHORITY**

**MGL c. 83, § 10**

**GENERAL REFERENCES**

**Wells — See Ch. 191.**

**Water use — See Ch. 689.**

**ARTICLE I**

**Purpose And Policy**

**§ 650-1. Purpose.**

These regulations set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system (POTW) for the Town of Greenfield, Massachusetts, and enables the Town to comply with all applicable State and Federal Laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

**§ 650-2. Objectives; applicability.**

- A. The objectives of these regulations are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system, which will interfere

with the operation of the system or contaminate the resulting sludge;

- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system;
  - (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
  - (4) To prevent organic and hydraulic overloading of the Town's sewer system.
- B. These regulations provide for the regulation of direct and indirect contributors to the municipal wastewater system through enforcement of general requirements for the other users, authorize monitoring and enforcement activities, requires user reporting, assume that existing customer's capacity will not be preempted, and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- C. These regulations shall apply to the Town of Greenfield and to persons outside the Town who are, by contract or agreement with the Town, users of the Town POTW.

## ARTICLE II Terminology

### § 650-3. Definitions.

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

ACT or "THE ACT" — The Federal Water Pollution Control Act, also known as the "Clean Water Act (CWA)," as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY — The Environmental Protection Agency.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER — An authorized representative of an industrial user may be:

- A. A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
- B. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- C. A duly authorized representative as outlined at 40 CFR 403.12(1)(3) of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees centigrade (20° C.) expressed in terms of weight and concentration [milligrams per liter(mg/l)].

BOARD OF PUBLIC HEALTH — Shall mean that duly ~~elected~~ **appointed** board of the Town 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.

~~**BPW (denoting the Board of Public Works of the Town of Greenfield) — Shall mean the duly elected Board of Selectmen who by vote of the Town on March 2, 1964, also serve as the Board of Public Works.**~~

BUILDING DRAIN — Shall mean that part of the lowest horizontal piping of a drainage system, which receives the discharge from soil, waste and other drain drainage pipes inside the walls of the building and conveys it to the building sewer, beginning ten (10) feet (3.0 meters) outside the inner face of the building wall.

~~**BUILDING INSPECTOR — Shall mean that agent of the Board of Selectmen of the Town of Greenfield**~~

**~~who is responsible for enforcing the local and/or State Building Code and Protective Zoning Bylaw.~~**

**BUILDING SEWER** — Shall mean the extension from the building drain to the public sewer or other place of disposal.

**CATEGORICAL STANDARDS** — Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

**COMBINED SEWER** — Shall mean a sewer receiving both surface runoff and sewage.

**COMPOSITE SAMPLE**

- A. Simple composite sample — A timed, sequential collection of equal volume grab samples collected in a single reservoir.
- B. Flow-proportioned composite samples. The collection of incremental samples with volumes proportional to flow. Influent and effluent operational data shall be obtained through twenty-four-hour flow-proportional composite samples: Sampling may be done manually or automatically, and discretely or continuously. For discrete sampling, at least 12 aliquots shall be composited. Discrete sampling may be flow-proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites must be flow-proportional to each stream flow at time of collection of influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

**CONTROL AUTHORITY** — The term "Control Authority" shall refer to the **BPW Director of Public Works.**

**COOLING WATER** — The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

**DILUTION** — The introduction or increase in use of potable, cooling, or process water into the process waste stream. Except where expressly authorized to do so by an applicable Categorical Pretreatment Standard, no industrial user shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Categorical Pretreatment Standard. The Control Authority (as defined in this section) may impose mass limitations on industrial users, which are using dilution to meet applicable pretreatment standards or in other cases where the imposition of mass limitations is appropriate.

**DIRECT DISCHARGE** — The discharge of treated or untreated wastewater directly to the waters of the State of Massachusetts.

**DIRECTOR - Shall mean the Director of Public Works of the Town 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 Town on March 4, 1963, which has jurisdiction over sewerage works and sewage disposal.

**ENVIRONMENTAL PROTECTION AGENCY or EPA** — The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

**GARBAGE** — Shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage, and sale of produce.

**GRAB SAMPLE** — A grab sample is an individual sample collected over a period of time not exceeding fifteen (15) minutes. Where composite sampling is to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is based on a twenty-four-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required,

for example, where the parameters being evaluated are those, such as those, such as cyanide and penology, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

**HOLDING TANK WASTE** — Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

**INDIRECT DISCHARGE** — The discharge or the introduction of any pollutants from any nondomestic source regulated under Section 307(b) or (c) and (d) of the Act (33 U.S.C. § 1342), into the POTW (including holding tank waste discharged into the system).

#### INDUSTRIAL CLASSIFICATION CODES

A. **SIGNIFICANT INDUSTRIAL USER** — Is defined as:

- (1) Any categorical industrial user (CIU). A categorical industrial user is any industry that must meet specific pretreatment standards that specify quantities or concentrations and are established by the EPA under authority of Section 307(b) and (c) of the Clean Water Act.
- (2) Any other industrial user which:
  - (a) Discharges 25,000 gpd or more of process wastewater (process wastewater excludes sanitary, noncontact cooling, and boiler blowdown wastewaters).
  - (b) Contributes a process water waste stream which makes up five percent (5%) or more of average dry weather hydraulic or organic capacity of the treatment plant.
  - (c) Has a reasonable potential, in the opinion of the **Superintendent Director**, to adversely affect the POTW's operation or to violate a pretreatment standard or requirement.

B. **NONSIGNIFICANT INDUSTRIAL USER** — Is defined as small industries and some commercial users whose individual discharges do not significantly impact the treatment system, degrade receiving water quality, or contaminate sludge. Requires a permit for discharge to the POTW from the Control Authority.

C. **INSIGNIFICANT INDUSTRIAL USER** — Is defined as an industry that does not discharge to the POTW or discharge any nondomestic wastewater. A "dry" process industry requires a permit for discharge to the POTW from the Control Authority.

**INDUSTRIAL USERS** — Any discharger of pollutants into the POTW from a nondomestic source.

**INDUSTRIAL WASTES** — Shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

**INSPECTOR** – **Shall mean the Local Plumbing Inspector or the State Inspector as determined in 248 CMR 3.05 (1) (a) who is responsible for granting or denying permit applications and performing inspection of plumbing or gas fitting work.**

**INSPECTOR OF BUILDINGS/BUILDING COMMISSIONER** - **Shall mean that agent for the Mayor of the City of Greenfield who is responsible for enforcing 780 CMR Massachusetts State Building Code and the City of Greenfield's zoning bylaws.**

**INTERFERENCE** — A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- B. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more

stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) [including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State Regulations contained in any State Sludge Management Plan prepared pursuant to Subtitle D of the SWDA], the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

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

**NATIONAL PRETREATMENT STANDARD** — "National Pretreatment Standard" is defined in 40 CFR 403.3(j) as any regulation containing pollutant discharge limits promulgated by EPA in Section 307(b) and (c) of the CWA applicable to industrial users (IU's), including the general and specific prohibitions found in 40 CFR 403.5 and the standards set forth in 40 CFR Chapter I, Subchapter N, Parts 405-471.

**NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD** — Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

**NATURAL OUTLET** — Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**NEW SOURCE** — Any source, as defined in 40 CFR 403.3(k), from which there is, or may be, a discharge of pollutants, construction of which began after the publication of the proposed pretreatment standards pursuant to Section 307(c) of the CWA, which will apply to the facility if the standards are promulgated, provided certain location and construction criteria are met.

**OWNER** — Shall mean the person legally and lawfully possessing the land across which a particular building sewer lays or will lay.

**PASSTHROUGH** — The term used to define a discharge which exits the POTW into the receiving waters in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

**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.

**pH** — Shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PLANNING BOARD** — Shall mean that Board fully appointed by the ~~Board of Selectmen~~ Mayor of the Town of Greenfield and with the administration of the Subdivision Control Bylaw.

**POLLUTANT** — Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials; heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

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

**PRETREATMENT** — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR Section 403.6(d).

**PRETREATMENT REQUIREMENTS** — Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

**PROPERLY SHREDDED GARBAGE** — Shall mean the solid wastes from the preparation, cooking, and dispensing of food which have been shredded to such a degree that all particles will be carried freely under the flow conditions normal prevailing in public sewers with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

**PUBLICLY OWNED TREATMENT WORKS (POTW)** — A treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned in this instance by the Town. This definition includes any sewers that convey wastewater to the POTW Treatment Plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this regulation, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town's POTW.

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

**SANITARY SEWER** — Shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

**SEWAGE** — A combination of the water carried wastes from residences, business building, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**SEWAGE TREATMENT PLANT** — Any arrangement of devices and structures used for treating sewage.

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

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

**SEWER MAIN** — Shall mean the principal pipe artery to which building sewers may be connected.

**SHALL** — Is mandatory; "MAY" is permissive.

**SIGNIFICANT NONCOMPLIANCE** — For the purposes of these regulations an industrial user is in significant noncompliance if its violation meets one or more of the criteria set forth in 40 CFR 403.8(f) (2) (vii) and summarized as follows:

- A. Chronic violations.
- B. Technical Review Criteria (TRC) violations.
- C. Any discharge violation, which alone or in combination with discharges, causes passthrough or interference.
- D. Any discharge which alone or in combination with other discharges, causes imminent danger to human health or the environment.
- E. Ninety (90) days late on Compliance Schedule Milestone in an enforcement order or permit.
- F. Thirty (30) days late on required reports.
- G. Failure to accurately report noncompliance.
- H. Any other violation which the POTW considers to be significant.

**SLUG** — Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Article IV of this regulation.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC)** — A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget (current edition).

STATE — Commonwealth of Massachusetts.

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.

~~**SUPERINTENDENT — Shall mean the Superintendent of Public Works of the Town of Greenfield or his authorized deputy, agent or representative.**~~

SUSPENDED SOLIDS — Shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TOTAL TOXIC ORGANIC POLLUTANT (TTO) — The TTO is defined as the sum of the masses or concentrations of specific toxic organic compounds found in the industrial user's process discharge at a concentration greater than 0.01 mg/l. Each Categorical Standard lists the specific toxic organic compounds that are to be included in the summation to define TTO for the category. For all noncategorical users the TTO shall be determined by the summation of all organic compounds set forth in Appendix B of 40 CFR 403.

TOWN OF GREENFIELD — Shall mean that corporate entity in the County of Franklin, Commonwealth of Massachusetts, acting by and through its ~~Board of Selectmen who are also the Board of Public Works~~ Mayor and Town Council.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

USER — Any person who contributes, causes or permits the contribution of wastewater into the Town's POTW or storm drain system.

WASTEWATER — See definition of "sewage" in this section.

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

WATERS OF THE STATE — All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within flow through, or border upon the state or any portion thereof.

#### § 650-4. Abbreviations.

The following abbreviations shall have the designated meanings:

ASTM	American Society for Testing Materials
BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq.
TSS	Total suspended solids
TTO	Total toxic organics

ARTICLE III  
**Building Sewers And Connections**

**§ 650-5. Permission required.**

No unauthorized person shall uncover; make any connections with, or open into; use, alter, disturb; introduce a new discharge or substantially change the volume or character of pollutants currently discharged to any public sanitary sewer, storm sewer, or appurtenance thereof, without first obtaining a written permit from the **Superintendent Director**.

**§ 650-6. Permits.**

- A. Building sewer and connection permit. There shall be two (2) classes of building sewer connection permits. **Application fees for both shall be reviewed periodically by the Director and set forth in the "Policy on Water and Sewer Service and User Fees."**
- (1) Residential service: living units that contribute only domestic wastes to the POTW. Permit and inspection fee shall be ~~fifty dollars (\$50)~~ payable to the Town of Greenfield. Permit application shall be made to the Town thirty (30) days prior to the date of the proposed connection. Application form is attached to Appendix A.
  - (2) Nonresidential service: permit for all commercial and industrial services. Permit and inspection fee shall be ~~two hundred fifty dollars (\$250)~~ payable to the Town of Greenfield. Permit application shall be made to the Town ninety (90) days prior to the date of the proposed connection. Application form is attached as Appendix B.
- B. Industrial discharge permit. All industrial discharges to the POTW shall apply for an industrial discharge permit as outlined in Article V, § 650-33B. The application form used is the same as Article III, § 650-6A(2) above, and attached as Appendix B. Sections I and II of the form must be completed.
- C. DEP permit for sewer system extension or connection. Any person identified in 314 CMR 7.00; MGL c. 21, § 27(12) and § 43 (General Laws of Massachusetts), is required to obtain a permit from the Commonwealth of Massachusetts Department of Environmental Protection (DEP) pursuant to 314 CMR 7.03. **A permit application form Information on how to obtain a permit application** is attached as Appendix C. ~~This~~ **A** permit application shall be submitted to the Town for approval prior to the owner forwarding the application to DEP for final approval. The applicant should submit this permit application to the Town at least one hundred twenty (120) days prior to the date in which the owner desires to make a sewer system extension or connection to be constructed.
- D. Excavation/**Trench** permit. In addition to the building sewer permit, the owner must obtain an excavation/**Trench** permit (~~street opening permit~~) from the DPW where subsurface work is to be done on public property, private property or within the public way. Copy of form attached as Appendix D.
- E. Priority Development Sites. Notwithstanding the foregoing, where the development of a Priority Development Site (PDS), as defined by § 200-2.1 of the Zoning Ordinance, requires one (1) or more permits in accordance with this § 650-6, application(s) 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 decision(s) thereon shall be rendered no later than one hundred eighty (180) days from said date of submission.

**§ 650-7. Installation of building sewers.**

Building sewers may be installed by the DPW or by the owner at the option of the ~~Superintendent Director~~. In either case, a building sewer permit will be required and the pipe and fittings inclusive of the connecting fitting at

the sewer main shall be furnished by the owner. The DPW shall make the connection at the main sewer. In all cases, the owner shall excavate, backfill, and restore site.

**§ 650-8. Expenses to be borne by owner; indemnification of Town.**

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

**§ 650-9. Separate building sewers required.**

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

**§ 650-10. Existing building sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the ~~Superintendent~~ **Director**, to meet all requirements of these regulations.

**§ 650-11. Installation requirements.**

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

- A. All single-family dwellings shall have a minimum six-inch diameter building sewer. All dwellings of more than one (1) family shall have a building sewer of a size acceptable to the ~~Superintendent~~ **Director**.
- B. Polyvinylchloride pipe for residential building sewers shall be Class SDC 35, ASDM D3034-81 with rubber gasketed joints and sleeves. Other types of pipe may be used for building sewers with the approval of the ~~Superintendent~~ **Director** who shall specify the type of joint and the strength class to be used. Commercial and industrial building sewers shall be Class SDC 31, Polyvinylchloride or such other material as shall be required by the ~~Superintendent~~ **Director** to handle safely the type of wastes to be transmitted.
- C. The minimum slope of a six-inch building sewer shall be 0.005 feet per foot or approximately 1/16 inch per foot. In cases where physical limitations necessitate a flatter slope, the ~~Superintendent~~ **Director** shall be consulted.
- D. All cellar drains shall be fitted with an assessable backflow prevention (commonly referred to as "backwater" or "flapper") valve to preclude sewerage from backflowing from a plugged main or building sewer into the dwelling.
- E. The building sewer shall, in general, be laid in a straight line from building drain to the sewer main. Should any changes in any direction be required, the method to be used shall be as approved by the ~~Superintendent~~ **Director**.
- F. The building sewer shall not be laid in the same trench with the water service. They shall be laid in separate trenches not less than ten (10) feet apart horizontally and shall be separated by undisturbed earth. Should it be necessary as determined by the ~~Superintendent~~ **Director** to lay the building sewer and the water service nearer than ten (10) feet apart horizontally, then the manner of such laying together with

materials to be used and vertical separation shall be as specified by the ~~Superintendent~~ **Director**.

- G. If the length of a building sewer is to exceed two hundred (200) feet, the owner shall install a sewer cleanout as required by the ~~Superintendent~~ **Director**. If the length of the building sewer is to exceed four hundred (400) feet, a manhole shall be installed every two hundred (200) feet on the service.
- H. When required by the ~~Superintendent~~ **Director**, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the ~~Superintendent~~ **Director**. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- I. Minimum depth of cover above all building and sewer connections and lines shall be three (3) feet from top of pipe to finished grade.

#### **§ 650-12. Gravity flow.**

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

#### **§ 650-13. Surface and groundwater connections.**

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

#### **§ 650-14. Grease, oil, and sand interceptors.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the ~~Superintendent~~ **Director**, such are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the ~~Superintendent~~ **Director** and shall be located as to be readily and easily accessible for cleaning and inspection. All restaurants and institutional kitchen facilities with seating capacity greater than twenty-five (25) seats shall install and properly maintain outside buried grease interceptors (traps) on the kitchen flow stream. The tanks shall provide a minimum of twenty-four-hour kitchen flow detention time, but in no case be smaller than one thousand (1,000) gallons.

#### **§ 650-15. Code requirements.**

The connection of the building sewer into the public sewer or private sewer main as specified in § 650-5 shall conform to the requirements of the Massachusetts State Plumbing Code and applicable rules and regulations of the DPW. The DPW shall make all such connections. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the ~~Superintendent~~ **Director** before installation.

#### **§ 650-16. Approval.**

The applicant for the building sewer permit who has laid the building sewer shall notify the ~~Superintendent~~ **Director** when the building sewer is ready for inspection. No backfilling shall take place until the sewer service has been inspected.

**§ 650-17. Safety precautions.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

ARTICLE IV  
**Use of Public Sewers**

**§ 650-18. Unpolluted water excluded.**

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

**§ 650-19. Storm sewers.**

- A. No polluted waters shall be discharged into the storm sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the ~~Superintendent~~ **Director**. Industrial cooling water or unpolluted process waters may be discharged, on approval of the ~~Superintendent~~ **Director**, to a storm sewer or natural outlet. A discharge to a natural outlet may require a NPDES permit.

**§ 650-20. Monitoring.**

All industries discharging into a public sewer shall perform at no cost to the Town such monitoring of their discharges as the ~~Superintendent~~ **Director** and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of sampling, monitoring and flow equipment, keeping records, and reporting the results of such monitoring to the ~~Superintendent~~ **Director**. Such records shall be made available upon request by the ~~Superintendent~~ **Director** to other agencies having jurisdiction over discharges to the receiving waters.

**§ 650-21. General discharge prohibitions.**

No user shall contribute or cause to contribute, directly or indirectly, any pollutant or wastewater which can harm the sewers, pass through the POTW, interfere with the operation or performance of the POTW, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. These general prohibitions apply to all such users of the POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

- A. Any liquids, solids, or gasses which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Waste streams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140° F.) or sixty degrees Celsius (60° C.) (using the test methods specified in 40 CFR 261.21) are also prohibited. Prohibited materials include but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
- B. Any waters or wastes containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant

identified pursuant to Section 307(a) of the Act.

- C. Any waters or wastes having a pH less than 6.5 or greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- D. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, hops and beans, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- E. Any wastewater having a temperature higher than one hundred sixty degrees Fahrenheit (60° F.) [seventy-one degrees Celsius (71° C.)], or containing heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment plant exceeds forty degrees Celsius (40° C.) [one hundred four degrees Fahrenheit (104° F.)].
- F. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32° F.) and one hundred fifty degrees Fahrenheit (150° F.).
- G. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the ~~Sewer Commission Director~~.
- H. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- I. Any wastes exerting an excessive chlorine demand.
- J. Local limits for certain parameters are:

Parameter	Max. for Any One Day mg/l	Monthly Average Shall Not Exceed mg/l
Cyanide, T	1.20	0.65
Copper, T	3.38	2.07
Silver, T	0.43	0.24
Lead, T	0.69	0.40
Cadmium, T	0.69	0.11
Chromium, T	2.75	1.71
Nickel, T	3.98	2.38
Zinc	2.61	1.48
Aluminum	2.00	1.00
Barium	15.0	10.0
Iron	25.0	20.0
TTO	2.13	1.00

- K. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the ~~Sewer Commission Director~~ as necessary, after treatment of the composite sewage to meet the requirements of the state, federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- L. Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the ~~Superintendent Director~~ in compliance with applicable state or federal regulations.

- M. Materials which exert or cause:
- (1) Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium, chloride and sodium sulfate). TSS concentrations of discharge shall not exceed two hundred fifty (250) lbs/day.
  - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to cause or result in inhibition, interference, or pass through at the POTW. BOD of discharge shall not exceed two hundred fifty (250) lbs/day.
  - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein, which a user knows or has reason to know will cause or result in inhibition, interference, or passthrough at the POTW.
- N. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or which will cause the POTW to violate its NPDES or the receiving water quality standards.
- O. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- P. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- Q. Any wastewater which causes a hazard to human life or creates a public nuisance.
- R. Any medical wastes such as, but not limited to the following: hypodermic needles, examination gloves, viable cultures, tissue, swabs, used gauze, etc., that, in the opinion of the ~~Superintendent~~ **Director**, are not suitable for disposal into the POTW.

**§ 650-22. Acceptance of harmful or potentially harmful wastes.**

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 650-21 of this article, and which in the judgment of the ~~Superintendent~~ **Director** may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the ~~Superintendent~~ **Director** may:
- (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
  - (3) Require control over the quantities and rates of discharge; and/or
  - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 650-24 of this article.
- B. If the ~~Superintendent~~ **Director** permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the ~~Superintendent~~ **Director** and subject to the requirements of all applicable codes, ordinances, and laws.

**§ 650-23. Flow equalization.**

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

**§ 650-24. Special agreements.**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character maybe accepted by the Town for treatment, subject to payment therefor, by the industrial user. No such agreement or arrangement shall violate any applicable pretreatment standards which includes categorical standards, prohibitions, and local limits. For clarity, it is noted that the TSS and BOD limits cited in Article IV, § 650-21M(1) and (3) are not defined as local limits, but operational limits.

**§ 650-25. Federal Categorical Pretreatment Standards.**

The National Categorical Pretreatment Standards, located in 40 CFR Chapter I, Subchapter N, parts 405 - 471, are hereby incorporated into these regulations. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under these regulations for sources in that subcategory, shall immediately supersede the limitations imposed under these regulations. All categorical industrial users are subject to the reporting requirements outlined in 40 CFR 403.12.

**§ 650-26. State requirements.**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in these regulations.

**§ 650-27. Right of revision.**

The Town reserves the right to establish by regulation more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Article I of these regulations.

**§ 650-28. Excessive discharge.**

No industrial user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the Town or state.

**§ 650-29. Accidental discharges.**

- A. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by these regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review, and shall be approved by the Town before construction of the facility. No industrial user who commences contribution to the POTW after the effective date of these regulations shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of these regulations. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the ~~Superintendent~~ Director of the incident. The notification shall include location of discharge, type of

waste, concentration and volume, and corrective actions.

- B. Within five (5) days following an accidental discharge, the industrial user shall submit to the **Superintendent Director** a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed under Article X or other applicable law.
- C. A notice shall be permanently posted on each industrial user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

#### § 650-30. Analysis.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this regulation shall be determined in accordance with the techniques prescribed in 40 CFR 136 and amendments, and shall be performed on processed water only unless directed otherwise by the **Superintendent Director**. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

#### § 650-31. Trucked/hailed wastes.

The discharge of hauled or trucked pollutants, except at points which the POTW designates, is prohibited. No septic tank contents shall be discharged into the public sewer system, except at the manhole at the Water Pollution Control Treatment Plant so designated by the **Superintendent Director** for such purpose. A fee set annually by the **Board of Public Works Director** will be charged to all septage haulers. Fee will be based on vehicle capacity, whether full or not. In addition, any hauler disposing of septage at the plant must hold a valid "septic transport license" from the Board of Health. Only septic and grease interceptor tank contents from the Town of Greenfield shall be allowed. The **Superintendent Director** reserves the right to reject, suspend, or place a limit on the volume of material accepted at the Water Pollution Control Plant.

### ARTICLE V

#### Industrial Pretreatment Regulations

#### § 650-32. Industrial dischargers.

It shall be unlawful to discharge without a permit to any natural outlet within the Town of Greenfield, or in any area under the jurisdiction of said Town, and/or to the POTW, any wastewater except as authorized by the **Superintendent Director** in accordance with the provisions of these regulations.

#### § 650-33. Industrial discharge permits:

- A. General. All industrial users proposing to connect to or to contribute to the POTW shall obtain an industrial discharge permit before connecting to or contributing to the POTW. All existing industrial users connected or contributing to the POTW shall obtain a permit within one hundred eighty (180) days after the effective date of these regulations.
- B. Permit application. Users required to obtain an industrial discharge permit shall complete and file with the Town an application in the form prescribed by the Town. Existing users shall apply for an industrial

discharge permit within ninety (90) days after the effective date of these regulations, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW provided, however, that where an industrial discharge 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 shall be submitted in accordance with § 650-6(E), above. The permit is entitled "industrial discharge permit." Both Sections I and II must be completed. A copy of the application is attached as Appendix.

- C. The Town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Town may issue a wastewater contribution permit subject to terms and conditions provided herein.

#### **§ 650-34. Permit modifications.**

Within ninety (90) days of the promulgation of a National Categorical Pretreatment Standard, the industrial discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for industrial discharge permit as required by § 650-33A of this article, the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard the information required by § 650-35A through J.

#### **§ 650-35. Permit conditions.**

Industrial discharge permits shall be expressly subject to all provisions of these regulations and all other applicable regulations, user charges and fees established by the Town. Permits may contain the following:

- A. Limits on the average and maximum wastewater constituents and characteristics;
- B. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- C. Requirements for installation and maintenance of inspection and sampling facilities;
- D. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- E. Compliance schedules;
- F. Requirements for submission of technical reports or discharge reports;
- G. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Town for minimum of three years and affording Town access thereto;
- H. Requirements for resampling; when sampling by an industrial user indicates a violation, the user must notify the POTW within twenty-four (24) hours of becoming aware of the violation. The user must also resample and submit results of this resampling to the POTW within thirty (30) days of becoming aware of the violation;
- I. Other conditions as deemed appropriate by the Town to ensure compliance with these regulations;
- J. Requirements for notification of discharge of hazardous wastes. Pursuant to 40 CFR 403.12(p), all industrial users must notify the POTW, state, and EPA, in writing, of any discharge which would be considered a hazardous waste, if disposed of in a different manner.

#### **§ 650-36. Permit duration.**

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a

period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Town during the term of the permit as limitations or requirements as identified in Article IV are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

**§ 650-37. Permit transfer.**

Industrial discharge permits are issued to a specific user for a specific operation. A wastewater contribution permit shall not be reassigned, transferred, or sold to a new owner, new user, different premise, or a new or changed operation without the approval of the Town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

**§ 650-38. Reporting requirements for permittee.**

- A. Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the **Superintendent Director** a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards and requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.
- B. Periodic compliance reports.
- (1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the **Superintendent Director** during the months of June and December, unless required more frequently in the pretreatment standard or by the ~~Superintendent Director~~, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows. At the discretion of the **Superintendent Director** and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the ~~Superintendent Director~~ **Director** may agree to alter the months during which the above reports are to be submitted.
  - (2) The ~~Superintendent Director~~ **Director** may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by Subsection B(1) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the ~~Superintendent Director~~ **Director**, of pollutants contained therein which are limited by the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Administrator of EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, and amendments thereto or with any other tests procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

**§ 650-39. Monitoring facilities.**

- A. The Town shall require to be provided and operated at the user's own expense, monitoring facilities to

allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

- B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measurement equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Town's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Town.

#### **§ 650-40. Inspection and sampling.**

The Town shall inspect the facilities of any user to ascertain whether the purpose of these regulations are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allot the Town or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Town shall have the right to copy any of the user's records that pertain to waste generated, stored, disposed or discharged, including the quantity and quality of said wastes. The Town, Approval Authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Town, Approval Authority, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

#### **§ 650-41. Pretreatment.**

Users shall provide necessary wastewater pretreatment as required to comply with these regulations and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review, and shall be acceptable to the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under the provisions of these regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Town prior to the user's initiation of the changes.

#### **§ 650-42. Publication of noncompliance.**

- A. The Town shall annually publish in the largest daily newspaper published in Town a list of the users which were in significant noncompliance with pretreatment requirements or standards during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.
- B. All records shall be made available to officials of the EPA or Approval Authority upon request.

#### **§ 650-43. Confidential information.**

Information and data on a user obtained from reports, questionnaires, permit applications, permits, and

monitoring programs and from inspections shall be available to the public without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. The request for confidentiality must be asserted at the time of submission of the information or data. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for uses related to these regulations, the National Pollutant Discharge Elimination System (NPDES) permit, State Disposal System Permit, and/or the pretreatment programs and in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

#### **§ 650-44. Enforcement.**

##### **A. Harmful contributions.**

- (1) The Town may suspend the wastewater treatment service and/or an industrial discharge permit when such suspension is necessary, in the opinion of the Town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes or may cause interference to the POTW or a violation of any condition of the Town's NPDES permit.
- (2) Any person notified of a suspension of the wastewater treatment service and/or the industrial discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Town shall reinstate the wastewater service upon proof of the elimination of noncompliance discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Town within fifteen (15) days of the date of occurrence.

##### **B. Revocation of permit.** Any user who violates the following conditions of these regulations, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of Article V of these regulations.

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- (4) Violation of conditions of the permit.

##### **C. Notification of violation.** Whenever the Town finds that any user has violated or is violating these regulations, industrial discharge permit, or any prohibition, limitation or requirements contained herein, the Town may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction of the violation shall be submitted to the Town by the user.

#### **§ 650-45. Legal action.**

If any person violates a pretreatment standard or requirement, and/or discharges sewage, industrial wastes or other wastes into the Town's wastewater disposal system contrary to the provisions of these regulations, Federal or State Pretreatment Requirements, or any orders of the Town, the Town Counsel may commence an action for appropriate legal and/or equitable relief in the Superior Court of Franklin County.

ARTICLE VI  
**Protection From Damage**

**§ 650-46. Prohibited acts.**

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

ARTICLE VII  
**Powers and Authority of Inspectors**

**§ 650-47. Entry to private property.**

The ~~Superintendent~~ Director and other duly authorized employees of the Town 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~~ Director or its representatives shall have authority to inquire into any processes having a bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

**§ 650-48. Liability of Town.**

While performing the necessary work on private properties referred to in § 650-47 above, the ~~Superintendent~~ Director or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article III, § 650-11F.

ARTICLE VIII  
**Charges and Billing Procedures**

**§ 650-49. Connection and maintenance fees and services.**

- A. Annually the ~~Board of Public Works~~ Director shall review and establish fees for the following:
- (1) New sewer service.
  - (2) Repair of sewer service.
  - (3) Replacement of sewer service.
  - (4) Sewer services without operable access points.
  - (5) Routine service cleanings.
  - (6) Freeing a blocked service.
  - (7) Freeing a blocked public main.
  - (8) Inspection for leaks.
  - (9) All overtime work.
  - (10) Miscellaneous service calls.
- B. The fees for the above will be set forth in the "Policy on Water and Sewer Service and User Fees."

**§ 650-50. Annual sewer use charges.**

In addition to the charges listed in § 650-49 of this article, an annual fee shall be charged to every user of the municipal sewage works. The fee so charged shall be established by the ~~Board of Public Works~~ Mayor and shall be such as to produce revenues commensurate with the estimated annual cost of operating and maintaining all wastewater collection and treatment works. Each user fee so charged shall be calculated so as to reflect that the user's fair share of the operating costs based on the volume of the wastewater flows as determined by the ~~Board of Public Works~~ Director. The fee shall be reviewed annually and set forth in the "Policy on Water and Sewer Service and User Fees."

**§ 650-51. Surcharges.**

All dischargers of wastes of unusual character or strength may be subjected to a surcharge in addition to any other sewer charges. The amount of the surcharge shall reflect the additional cost incurred by the Town in repair, maintenance, and operation of the sewage works for the transport, treatment, and disposal of such wastes.

**§ 650-52. Septage.**

The Town will receive septage at the Water Pollution Control Plant as set forth in Article IV, § 650-31. The fee for disposal of this waste shall be reviewed annually and set forth in the "Policy on Water and Sewer Service and User Fees."

**§ 650-53. Billing periods.**

Annual sewer use fees shall be billed semiannually. Surcharges shall be billed monthly unless otherwise determined by the ~~Superintendent~~ Director.

**§ 650-54. Payment.**

All charges shall be payable at the Office of the Town Treasurer.

ARTICLE IX  
**Enforcement Remedies**

**§ 650-55. Written notice.**

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

**§ 650-56. Civil penalty.**

Any person who violates any provision of this regulation shall be liable to the Town 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.

**§ 650-57. Liability.**

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

**§ 650-58. Criminal prosecution.**

- A. 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 monitoring device or method required

under these regulations shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000) per day, per violation, or by imprisonment for not more than six (6) months, or by both.

- B. Any person who willfully or negligently violates any provision of this regulation, a wastewater permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a penalty of not more than one thousand dollars (\$1,000) per violation, per day, or by imprisonment for not more than six (6) months, or both.

ARTICLE X  
Validity

**§ 650-59. Repeal of conflicting provisions.**

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

**§ 650-60. 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.

**§ 650-61. 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

~~§ 650-62. When effective.~~

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

~~§ 650-63. Passage.~~

~~— Passed and adopted by the Board of Public Works of the Town of Greenfield, Commonwealth of Massachusetts on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by the following vote:~~

~~—AYES \_\_\_\_\_: namely \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_~~

~~—NAYES \_\_\_\_\_: namely \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_~~

~~Approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
(Signed) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_~~



[**HISTORY: Town Council, Board of Selectmen, and Planning Board Rules and Regulations for Zone Changes.**]

## GENERAL REFERENCES

**Zoning — See Ch. 200.**

**Subdivision of land — See Ch. 880.**

### § 896-1. Petition to be made on official form.

Every petition for a zone change requested by a landowner shall be made on the official form which shall be filed with the ~~Board of Selectmen~~ **City Council** with a copy to the Planning Board and the ~~Town Council~~ **Mayor** showing the date and time the filing was received ~~by the Selectmen~~ **City Council**.

### § 896-2. Submissions with petition.

A. Every petition shall include the following:

- (1) One hundred dollar (\$100) filing fee.
- (2) A copy of the Greenfield Property Map showing the lots to be included in the zone change.
- (3) If the request for a zone change is to permit a new use of the property, seven (7) copies of ~~a~~ site plans shall be submitted showing:
  - (a) The existing and proposed zoning boundaries and district names.
  - (b) The location of existing and proposed lot lines within the proposed zone.
  - (c) The location of all existing and proposed buildings, structures, parking areas and any other accessory uses.

(4) The Planning Board or the ~~Town~~ **City** Council may require the submission of additional information to justify the zone change.

~~(5) All other costs and reasonable expenses incurred by the Town in connection with the review and processing of zone change request shall be borne by the applicant. Such costs may include but are not limited to staff time, consultant and attorney's fees, research, data collection, tests, boring, and information meetings. The Town shall notify the applicant of the estimated costs and request payment. Such review costs shall be paid by the applicant within ten (10) days of receipt of the payment request. The Town may from time to time request additional payment as costs are incurred. Failure to make timely payments shall be adequate reason to deny the request. (Section 896-2 (5) moved to become the new section 896-3 B)~~

B. One (1) copy of the site plan shall be submitted to ~~both~~ the ~~Board of Selectmen~~ **Mayor** and ~~to~~ the ~~Town~~ **City** Council. Five (5) copies shall be submitted to the Planning Board, who shall forward copies to the Inspector of Buildings, the Department of Public Works, and the ~~Town~~ **City** Council.

### § 896-3. Costs to be borne by petitioner.

**A.** The petitioner shall be responsible for the cost of advertising and postage by both the Planning Board and the ~~Town~~ **City** Council public hearings.

**B.** ~~All other costs and reasonable expenses incurred by the Town~~ **City** in connection with the review and processing of zone change request shall be borne by the applicant. Such costs may include but are not limited to staff time, consultant and attorney's fees, research, data collection, tests, boring, and information meetings. The ~~Town~~ **City** shall notify the applicant of the estimated costs and

**request payment. Such review costs shall be paid by the applicant within ten (10) days of receipt of the payment request. The ~~Town-City~~ may from time to time request additional payment as costs are incurred. Failure to make timely payments shall be adequate reason to deny the request.**  
*(Section 896-3 B. was the former section 896-2 (5))*

**§ 896-4. Adoption procedure.**

The process for adopting a zone change shall be in accordance with MGL c. 40A, § 5, the Zoning Act and with the ~~Town-City~~ Charter.

**§ 896-5. Waiver of fee.**

The application fee may be waived if deemed appropriate.

**DISCUSSION:** Councilor Allis noted former section 896-3 B was moved to become 896-3 B because the Committee believed it was better suited to be in that section.

It was unanimously,

**VOTED:** TO APPROVE MOTION ORDER NO. FY 12 -072.

***Order no. FY 12-073***

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 967, PUBLIC USE OF CONSERVATION LAND, SECTIONS 967-9 AND 967-13 AND FURTHER AMENDS THE INDEX OF THE CODE.

**Chapter 967**

**PUBLIC USE OF GREENFIELD CONSERVATION LAND**

**[HISTORY: Adopted by the Conservation Commission of the Town of Greenfield 6-8-1992; amended 8-13-2001. Subsequent amendments noted where applicable.]**

**GENERAL REFERENCES**

**Public lands — See Ch. 136.**

**§ 967-1. Passive recreation.**

The Town of Greenfield conservation areas are open all year from sunrise until sunset for the purposes of walking, cross-country skiing, snow-shoeing, biking, horseback riding, nature viewing, or other passive recreation.

**§ 967-2. Vehicles prohibited.**

The use of cars, trucks, or other powered vehicles or tools except for municipal and maintenance vehicles is not permitted.

**§ 967-3. Alcoholic beverages; glass containers.**

The use of alcoholic beverages and glass containers is not permitted.

**§ 967-4. Dogs.**

Dogs are permitted if leashed and under control at all times.

**§ 967-5. Damage to trees and vegetation.**

The removal, cutting, defacing, or damaging of trees, shrubs, flowers or other vegetation is prohibited.

**§ 967-6. Damage to property.**

The cutting, breaking, removal, defacing, or other ill use of any structure, fences, or sign is prohibited.

**§ 967-7. Construction activities.**

The cutting of trails, the erection of signs, or the construction of dams, shelters, bridges, handrails, towers, or other structures is not permitted without written permission from the Conservation Commission.

**§ 967-8. Commercial activities.**

The use of conservation land for commercial activities is not permitted without written permission from the Conservation Commission.

**§ 967-9. Camping.**

Permission for overnight camping may be granted to adults or permitted to groups having adult leader(s) present at all times. ~~Every group~~ **Camping** shall ~~obtain~~ require prior written permission from the Conservation Commission or its designee. ~~must obtain a fire permit~~ If open fires are planned, All open fires shall require a permit obtained from the Fire Department. All persons camping ~~and~~ must notify the Chief of Police of both exact dates of occupancy and identity of ~~the accompanying responsible adults~~ all persons present.

**§ 967-10. Hunting, trapping and fishing.**

Hunting, trapping, and fishing are not permitted.

**§ 967-11. Noise; disturbing the peace.**

Loud noise or other disturbance of the peace is not permitted.

**§ 967-12. Carry-in, carry-out; removal of trash.**

Bring out what you bring in. All trash or other materials shall be removed from the premises upon leaving. Littering or dumping of garbage or other materials is prohibited.

**§ 967-13. Open fires.**

Fires are not permitted without written permission of the Conservation Commission and Fire Department.

**§ 967-14. Overnight parking.**

Parking overnight is not permitted without written permission from the Conservation Commission.

**§ 967-15. Violations and penalties.**

Violations of these regulations shall be punished by fines of \$100 for a first offense, \$200 for a second offense

and \$300 for a third or subsequent offense.

**§ 967-16. Amendment.**

These regulations may be changed by the Conservation Commission from time to time.

**DISCUSSION:** Councilor Allis stated the committee clarified language in §967-9 so any person camping on Conservation land needed to let the town know.

It was unanimously,

**VOTED:** TO APPROVE MOTION ORDER NO. FY 12 -073.

President Singer thanked the Appointments and Ordinance Committee for their hard work.

**Order no. FY 12-076**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL TRANSFER \$51,125 FROM THE FISCAL YEAR 2012 UNEMPLOYMENT COMPENSATION FUND TO THE FISCAL YEAR 2012 WORKERS' COMPENSATION ACCOUNT.

**DISCUSSION:** Councilor Sutphin stated the town found out there was not enough in the Workers' Compensation account and this amount would correct the problem. As an FYI, both amounts would be increasing for Fiscal Year 2013 budget.

It was unanimously, 13 yes, 0 no, 0 abstain,

**VOTED:** TO APPROVE MOTION ORDER NO. FY 12 -076.

**Order no. FY 12 -077**

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

**MOVED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH THE CHARTER, BYLAWS, AND ORDINANCES, THAT THE SUPERINTENDENT IS AUTHORIZED TO SUBMIT TO THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY THE STATEMENT OF INTEREST DATED JANUARY 11, 2012 FOR THE **NEWTON STREET SCHOOL, LOCATED AT 70 SHELBURNE RD.**, WHICH DESCRIBES AND EXPLAINS THE FOLLOWING DEFICIENCIES AND THE PRIORITY CATEGORIES FOR WHICH THE TOWN OF GREENFIELD MAY BE INVITED TO APPLY TO THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY IN THE FUTURE. THE PRIORITY IDENTIFIED BY THE DISTRICT IN THIS APPLICATION IS FOR THE REPLACEMENT, RENOVATION OR MODERNIZATION OF SCHOOL FACILITY SYSTEMS, SUCH AS ROOFS, WINDOWS, BOILERS, HEATING AND VENTILATION SYSTEMS, TO INCREASE ENERGY CONSERVATION AND DECREASE ENERGY RELATED COSTS IN A SCHOOL FACILITY; AND HEREBY FURTHER SPECIFICALLY ACKNOWLEDGES THAT BY SUBMITTING THIS STATEMENT OF INTEREST, THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY IN NO WAY GUARANTEES THE ACCEPTANCE OR THE APPROVAL OF THE APPLICATION, THE AWARDED OF A GRANT OR ANY OTHER FUNDING COMMITMENT FROM THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY OR COMMITS THE GREENFIELD SCHOOL DISTRICT TO FILING AN APPLICATION FOR FUNDING WITH THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY.

**DISCUSSION:** Ms. Kelly explained that MSBA requested the town resubmit Statements of Interest (SOI) for Newton Street School, Academy of Early Learning, and the Federal Street School. Every year MSBA suggests the town and school districts submit SOI. Towns were requested to do this so that MSBA would be clear on the town's intention for possible renovation and repair. Ms. Kelly noted the School Committee would be considering the same tomorrow evening.

It was unanimously, 13 yes, 0 no, 0 abstain,

**VOTED:** TO APPROVE MOTION ORDER NO. FY 12 -077.

**Order no. FY 12 -078**

**MOTION:** On a motion by Councilor Sutphin, second by Councilor Farrell, it was unanimously, 13 yes, 0 no, 0 abstain,

**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH THE CHARTER, BYLAWS, AND ORDINANCES, THAT THE SUPERINTENDENT IS AUTHORIZED TO SUBMIT TO THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY THE STATEMENT OF INTEREST DATED JANUARY 11, 2012 FOR THE **ACADEMY OF EARLY LEARNING**, LOCATED AT **1 PLACE TERRACE**, WHICH DESCRIBES AND EXPLAINS THE FOLLOWING DEFICIENCIES AND THE PRIORITY CATEGORIES FOR WHICH THE TOWN OF GREENFIELD MAY BE INVITED TO APPLY TO THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY IN THE FUTURE. THE PRIORITY IDENTIFIED BY THE DISTRICT IN THIS APPLICATION IS FOR THE REPLACEMENT, RENOVATION OR MODERNIZATION OF SCHOOL FACILITY SYSTEMS, SUCH AS ROOFS, WINDOWS, BOILERS, HEATING AND VENTILATION SYSTEMS, TO INCREASE ENERGY CONSERVATION AND DECREASE ENERGY RELATED COSTS IN A SCHOOL FACILITY; AND HEREBY FURTHER SPECIFICALLY ACKNOWLEDGES THAT BY SUBMITTING THIS STATEMENT OF INTEREST, THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY IN NO WAY GUARANTEES THE ACCEPTANCE OR THE APPROVAL OF THE APPLICATION, THE AWARDED OF A GRANT OR ANY OTHER FUNDING COMMITMENT FROM THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY OR COMMITS THE GREENFIELD SCHOOL DISTRICT TO FILING AN APPLICATION FOR FUNDING WITH THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY.

**Order no. FY 12 -079**

**MOTION:** On a motion by Councilor Sutphin, second by Councilor Farrell, it was it was unanimously, 13 yes, 0 no, 0 abstain,

**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH THE CHARTER, BYLAWS, AND ORDINANCES, THAT THE SUPERINTENDENT IS AUTHORIZED TO SUBMIT TO THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY THE STATEMENT OF INTEREST DATED JANUARY 11, 2012 FOR **THE FEDERAL STREET SCHOOL**, LOCATED AT **125 FEDERAL STREET**, WHICH DESCRIBES AND EXPLAINS THE FOLLOWING DEFICIENCIES AND THE PRIORITY CATEGORIES FOR WHICH THE TOWN OF GREENFIELD MAY BE INVITED TO APPLY TO THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY IN THE FUTURE. THE PRIORITY IDENTIFIED BY THE DISTRICT IN THIS APPLICATION IS FOR THE REPLACEMENT, RENOVATION OR MODERNIZATION OF SCHOOL FACILITY SYSTEMS, SUCH AS ROOFS, WINDOWS, BOILERS, HEATING AND VENTILATION SYSTEMS, TO INCREASE ENERGY CONSERVATION AND DECREASE ENERGY RELATED COSTS IN A SCHOOL FACILITY; AND HEREBY FURTHER SPECIFICALLY ACKNOWLEDGES THAT BY SUBMITTING THIS STATEMENT OF INTEREST, THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY IN NO WAY GUARANTEES THE ACCEPTANCE OR THE APPROVAL OF THE APPLICATION, THE AWARDED OF A GRANT OR ANY OTHER FUNDING COMMITMENT FROM THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY OR COMMITS THE GREENFIELD SCHOOL DISTRICT TO FILING AN APPLICATION FOR FUNDING WITH THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY.

Ms. Kelly stated there was roof work being done on Federal Street School.

**PRESENTATION OF PETITIONS AND SIMILAR PAPERS** None.

**REPORTS OF COMMITTEES**

**ECONOMIC DEVELOPMENT COMMITTEE** – Chairman Wisniewski reported the committee would be making a recommendation on the Zoning Amendments at the February committee meeting. It was noted there

was an article in the newspaper stating the Lunt zoning amendment had been withdrawn by the Mayor. However, the Town Council had not received notice of such.

**COMMUNITY RELATIONS AND EDUCATION COMMITTEE** – Chairman Vicencio-Rasku announced the last Community Forum would be held on Tuesday, January 24, 2012, at 6:30 pm, in the GCC Downtown building.

**UNFINISHED BUSINESS:** None.

**OLD BUSINESS:** Vice-President Devlin sent “kudos” to Director Shield and the DPW for the cleanup after the snowstorm in October 2011.

**NEW BUSINESS:** Councilor Sutphin held the following first reading:

- \$27,500 be transferred from the Transfer Station Revolving Fund to capital purchase account 4012.499.5870 for the purchase of a rubbish truck.
- That the Town of Greenfield appropriates the sum of Two Hundred Forty Thousand Dollars (\$240,000) for a feasibility study relating to the renovation of the Greenfield High School located at 1 Lenox Avenue, Greenfield, Massachusetts, said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town of Greenfield recognizes that the Massachusetts School Building Authority’s (“MSBA”) grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of Greenfield incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Greenfield, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town of Greenfield and the MSBA.
- That \$20,000 be appropriated from Additional State Aid for the Franklin County Chamber of Commerce.

**MOTIONS FOR RECONSIDERATION:** None.

**PUBLIC FORUM:** None.

**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

January 18, 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						