

# **GENERAL BY-LAWS**



**TOWN OF RUSSELL  
MASSACHUSETTS**

# **General By-Laws Town of Russell**

	Page
Table of Contents:	2
Article 1 General Provisions	3
Article 2 The Calling of Town Meetings	3
Article 3 Town Meetings and the Procedural Thereat	4
Article 4 Finance Committee	6
Article 5 Concerning Town Officers and Reports	6
Article 6 Concerning Streets and Ways	7
Article 7 Regulations for the Keeping of Dogs and Other Dumb Animals	11
Article 8 Sidewalks	14
Article 9 Regulations of al Vehicles	15
Article 10 Removal of Vehicles From Streets in Town	16
Article 11 Water Commissioners	17
Article 12 Water Ban By-Law	19
Article 13 Of Burial Grounds	21
Article 14 Personal Prohibitions	22
Article 15 Hawkers and Peddlers	24
Article 16 Selling from Streets or Sidewalks, Stalls or Carts	24
Article 17 Burning	24
Article 18 Prohibition of Certain Unreasonably Loud, Disturbing and Unnecessary Noise	24
Article 19 Soliciting Money	25
Article 20 Curfew	25
Article 21 Sirens	25
Article 22 Defacing Public Grounds	26
Article 23 Forestry Committee	26
Article 24 Violations & Fines	26
By-Law Effective	
27	

## **Article 1 - General Provisions**

Section 1. These by-laws are hereby entitled “General By-Laws for the Town of Russell, Massachusetts” to distinguish them from by-laws of the town dealing with special subjects such as zoning, sewers and building.

The following rules of construction shall be observed for these By-Laws, unless inconsistent with their manifest intent or the context:

- a) The word “**street**” shall include all public ways, highways, town ways, squares, lanes, courts, crosswalks and those parts of public places which form traveled parts of highways; so far as such construction is not repugnant to law.
- b) The word “**owner**” applied to a building or land, shall include any part owner, joint owner, tenant in common, or joint tenant of the whole or of a part of such building or land.
- c) The word “**tenant**” or “occupant”, applied to a building or land, shall include any person who occupies the whole or a part of such buildings or land either alone or with others.
- d) The word “**person**” shall include corporations and firms.
- e) Words prohibiting anything from being done except in accordance with license or permit, or authority of a board or officer, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done.

Section 2. These orders or by-laws shall not affect any act done, any right accrued, any penalty incurred, any suit, prosecution or proceedings pending, or the tenure of office of any person holding office, at the time they take effect.

## **Article 2 – The Calling of Town Meetings**

Section 1. Any town meeting shall be called by posting attested copies of the warrant inside and outside of the Town Hall, one at the Town’s Transfer Station and one in the Library in the Village, all in said Town. The Annual Meeting must be posted at least seven days before said meeting and Special Town Meetings must be posted at least fourteen days before said meeting.

Section 2. If, by reason of mistake, defect in the warrant, or other irregularity, the town meetings are not properly called as here-in provided, they shall be called and held as soon thereafter as may be practical.

## **Article 3 - Town Meetings and Procedure Thereat**

Section 1. The annual Town Meeting shall be conducted in two parts as follows: (1) That part thereof for the election of Town Officers shall be held on the first Monday of May in each year. The polls open at ten (10) o’clock in the forenoon and be closed at eight (8) o’clock in the afternoon. (2) That part thereof for the transaction of business as designated by the articles in the warrant shall be held on the second Monday in May in each year. It shall commence at seven-thirty (7:30) in the afternoon.

Section 2. No town Meeting shall be conducted unless a quorum is present. A quorum shall be five percent (5%) of the registered voters within the Town of Russell.

Section 3. No motion whose effect would be to dissolve a Town Meeting shall be in order until every article on the warrant therefore has been duly considered and acted upon, unless by a vote of at least two-thirds of those present and voting; but this shall not preclude an adjournment of a meeting to a stated time.

Section 4. At any meeting held for the transaction of Town business, no person whose name is not on the list of voters shall be admitted to the floor of the hall reserved for the transaction of Town business, and it shall

be the special duty of the police officers and constables to enforce this By-Law: but the same shall not apply to state elections or meetings for the election of Town officers, while voters are casting their ballots; or be construed to prohibit reporters from such admission. The moderator shall determine the bounds of the floor of the hall. A non-voter may have the privilege of speaking on the floor, only by majority vote of the meeting.

Section 5. No smoking shall be allowed within the room in which the town Meeting is being held. All persons shall during the meeting, remain with uncovered heads, and, so far as possible, be seated. Every annual meeting, if practicable, should be opened with prayer. Provisions to be made for the same by the Town Clerk.

Section 6.

- a) In such matters as are not covered by the standing orders of the Town, the general provisions of parliamentary law shall, to the extent to which they may be applicable, constitute the rules of conduct of business in meetings and for the government of the same.
- b) The Moderator shall preserve decorum and order; may speak to points of order in preference to others; and shall decide all questions of order.
- c) When a question is before the meeting, the Moderator shall receive no motion that does not relate to the same, except a motion to adjourn, or some other

motion that is privileged in its nature; and shall receive no motion relating to the same except:

- 1. To lay on the table.
  - 2. For the previous question.
  - 3. To postpone to a time set.
  - 4. To commit or re-commit.
  - 5. To amend.
  - 6. To postpone indefinitely.
- d) These motions shall have precedence in the order in which they are arranged. Under a motion to postpone indefinitely, debate upon the merits of the main motion shall be allowed.
- e) No voter shall speak more than three times on one question without first obtaining leave of the meeting, except for the correction of an error, or to make an explanation; nor more than twice until others who have not spoken, shall speak, if they desire it.
- f) All committees shall be appointed and be announced by the Moderator, unless otherwise specially directed by the meeting.
- g) Every motion shall be reduced in writing, if the Moderator so requests.
- h) Every motion shall address the Moderator, standing with uncovered head.
- i) No person shall be referred to disrespectfully.
- j) No vote passed at any meeting shall be reconsidered at any adjournment thereof unless notice be

given at the meeting that a motion to reconsider will be made at the adjournment, or unless notice be given to the Town Clerk of a purpose to make such a motion for reconsideration; a notice of which shall be duly posted, or, in the case of a failure to give either of the above notices, unless a vote of two-thirds of those voting be in favor of such reconsideration.

- k) All questions asked of any person shall be asked through the Moderator.
- l) Upon taking a vote, if the decision of the Moderator is doubted, or a division of the house is called for, the Moderator shall request the house to be seated, and appoint tellers. The question shall then be distinctly and clearly stated, tellers appointed by the Moderator, a written ballot be taken and the results reported to the Moderator.
- m) Articles in the warrant shall be acted upon in the order in which they stand, unless the meeting shall direct otherwise by a two-thirds (2/3) vote.
- n) Whenever any matter has been referred to a committee, and the report of the committee thereon has been presented and has been read before the meeting, the report shall be regarded as accepted, the committee discharged, and the recommendations of the report, if any, shall be treated as motions under the article or articles to which they relate.

#### **Article 4 – Finance Committee**

- Section 1. a) The Finance Committee shall be composed of seven Town voters, none of whom shall hold any Town Office, and shall be elected by written ballot at the annual adjourned town meeting. The Town Accountant will serve as an ex officio member of this committee.
- b) They shall continue in office for three years and until successors are appointed or elected.
  - c) The Finance Committee and the Board of Selectman, at a joint meeting, shall have the power to fill vacancies that occur until the next annual town meeting.

Section 2. They shall consider all articles involving the expenditure, appropriating, raising, or borrowing of money in any warrant for a meeting held during their term of office, and shall make report thereon, together with their recommendations to the meeting held concerning such articles.

Section 3. Heads of departments shall have the right to appear before the committee and be heard in respect to such estimates and matters relevant to their respective departments.

Section 4. It shall be their duty to investigate the cost of maintenance and expenditures of the different departments of the Town, and recommend, in detail, the amounts to be appropriated for each department for the ensuing year.

Section 5. No action shall be held, at any meeting appropriating or involving the expenditure or borrowing money or the creating of a debt, until the proposition has been referred to the Finance Committee and their recommendations posted with the warrant for such meeting.

#### **Article 5 – Concerning Town Officers and Reports**

Section 1. All Town Officers shall turn over to their successors in office, at the expiration of their term of office, all books, papers, documents, or other property in their custody belonging to the Town. All departments shall turn over to the Town Clerk all books, papers and documents belonging to the Town, and

not necessary for the immediate use of their respective departments, and these shall be deposited, insofar as in the Town Clerk's determination this may be practicable, in the Town Clerk's vault, safe, or other place of safe keeping.

Section 2. Each Town board shall elect a chairperson and a clerk.

Section 3. No committee of the town shall receive compensation for their services except as voted by the town.

Section 4. **Selectmen:** They shall have the authority to prosecute, defend, or in a case not involving an expenditure exceeding one thousand dollars, to compromise all litigation to which the town is a party, and to employ special counsel to assist the Town counsel whenever, in their judgment, necessity therefore arises.

Section 5. **Town Properties:** The Board of Selectmen shall have charge of all of the town buildings and property with the exception of the School Buildings and school properties.

## **Article 6 – Concerning Streets and Ways** Voted September 13, 2005

### **1.0 DRIVEWAYS**

#### **1.1 Purpose**

The Purpose of this ordinance is to:

- 1) Enhance public safety by reducing the number and frequency of points at which vehicles may enter upon the public roads.
- 2) Protect the safety and welfare of residents of individual and common driveways by ensuring adequate access for emergency vehicles.
- 3) Protect environmentally sensitive land, such as well recharge areas, wetlands, and flood plains, by reducing the area of and that is cleared, excavated, filled, and/or covered with impervious surface: and
- 4) Clarify the rights and responsibilities of builders and residents of individual and common driveways, and of the Town Of Russell.
- 5) Prevent entry on public ways at points of poor visibility.

#### **1.2 Driveway Permit Process**

- 1.2.1 No person without first receiving a written license for the Board Of Selectmen (or ZBA or authorized designee) shall enter upon any street for the purpose of forming a driveway, If said licensee is granted, all costs (material and labor) including culverts, bridges, etc. From the property line to the center of the street, shall be borne by the property owner. Said work shall conform in all respects to standards set by the Board Of Selectmen and/or Planning Board.
- 1.2.2 Before said license for a driveway is applied for, an acceptable plan shall be drawn showing existing elevation, utilities, storm drains, sluice ways, etc. and submitted at the time of application. Said plan shall become the property of the Town Of Russell for record purposes. No consideration shall be given any application without the above property plan.
- 1.2.3 An individual or common driveway shall not become a public way and shall not be used to satisfy road frontage requirements.
- 1.2.4 The Town Of Russell shall not be required to provide construction, reconstruction, maintenance, snowplowing, school bus pick-up, or police patrols along an individual or common driveway, unless contracted duly entered into by the Town and all

- landowners served by the driveway.
- 1.2.5 The driveway shall result in the least amount of impact on the surrounding neighborhood, roads, and environment.
  - 1.2.6 The design, plan, and maintenance of the driveway shall assure a standard of construction and maintenance adequate for the anticipated uses.
  - 1.2.7 Under no circumstances shall the Town Of Russell be held liable in the event that emergency vehicles cannot get to their destination because of improper construction or maintenance of the driveway. It shall be the owner or owners' responsibility to ensure that the driveway is passable for emergency vehicles at all times.

### **1.3 Design And Construction Standards**

The Zoning Board shall require that plans be prepared, signed, and stamped by a registered professional engineer. The Board of Selectmen or their agents may modify standards as required or approved.

- 1.3.1 The driveway shall lie entirely within the lots being served.
- 1.3.2 The entrance to the driveway shall be a minimum of one hundred feet from any street intersection.
- 1.3.3 The driveway width shall be sufficient for emergency vehicles and for normal vehicle passing. Minimum width shall be 12 feet for driveways 75 ft. or less in length and 16 ft. for driveways greater than 75 ft. in length. Pullouts shall be provided at least every 150 ft. Placement and number of pullouts required on individual or common driveways may be changed at the discretion of the Fire Chief upon review of the length of the driveway, topography, slope, soil conditions and sight line of the driveway. Changes in grade shall be approved by the Fire Chief.
- 1.3.4 All driveways greater than 75 ft. in length shall have a radius at the intersection of the driveway and public road approved by the Fire Chief and sufficient to allow longer wheel base fire trucks to safely enter or leave the driveway.
- 1.3.5 The intersection of the driveway with the road shall have an agreed sight distance of greater than 200 ft. in each direction and shall not create traffic safety hazard to its users of the public.
- 1.3.6 Driveways shall intersect as nearly possible at right angles to the public way.
- 1.3.7 The base shall be constructed of an adequate material and depth for the projected vehicle traffic including emergency and construction vehicles.
- 1.3.8 Existing material, loam or other yielding natural material shall be removed. Existing material or backfill of stable material shall be used to bring sub grade to the grade of the surrounding area and shall be compacted.
- 1.3.9 Bank Run Gravel shall be placed on the sub grade at not less than eight (8) inches in depth and compacted. Sub grade and finished traveled surface shall not be less than 12 feet wide for driveways 75 ft. or less in length and 16 ft. wide for driveways greater than 75 ft. in length.
- 1.3.10 A turnaround sufficient for emergency vehicles shall be required for driveways greater than 200 ft.
- 1.3.11 All trees and rocks standing more than six (6) inches above grade shall be removed to a distance of four (4) ft. from the traveled driveway surface. The tree canopy shall be maintained at a height that is sufficient to allow safe access of all emergency vehicles.
- 1.3.12 Ends of the driveway meeting paved way must be paved for at least a distance of six (6) feet, by the owner.
- 1.3.13 Adequate drainage shall be provided. The drainage design shall prevent washout and excessive erosion, and shall prevent drainage runoff from entering the roadway.

- 1.3.14 The driveway shall be clearly marked at the intersection with the road by a permanent sign indicating the street number address, sufficiently readable from the road to serve the purpose of emergency identification.
- 1.3.15 The driveway shall prevent adverse impacts to the abutting properties and the public way, including dust, noise, congestion, runoff, and unsafe conditions.
- 1.3.16 The Board of Appeals may require stricter standards as necessary for driveways serving lots devoted to commercial or industrial uses, or for lots with exceptional topographic or environmental site conditions. The Board of Appeals may also waive these conditions if such actions is the public interest and not consistent with the purpose and intent of the Zoning Bylaw.

#### **1.4 Common Driveways**

Common driveways shall be allowed by Special Permit issued by the Board of Appeals. The driveway shall meet all the standards set forth in this bylaw.

- 1.4.1 A common driveway shall provide a joint access to no more than two (2) lots.
- 1.4.2 A common driveway shall not become a public way and shall not be used to satisfy road frontage requirements.
- 1.4.3 The common driveway shall result in fewer impacts on the surrounding neighborhood, roads, and environment. The Board of Appeals may deny a special permit application for a common driveway if it determines that the Town's interest is better served by individual driveways or subdivision approval.
- 1.4.4 Both lots served by the common driveway shall meet the frontage requirements as established in Section 3.2 Dimensional and Density Regulations of the Town of Russell Zoning Bylaw.
- 1.4.5 Each landowner served by the common driveway shall be jointly and severally responsible and liable for the repair, maintenance and snow removal of all portions of the common driveway.

#### **1.5 Easement and Maintenance Agreement**

A draft document providing for restrictive covenants and easements binding present and future owners of all the lots served by the common driveway shall be submitted for Board of Appeals approval. Upon the approval, the documents shall be recorded at the Registry of Deeds within thirty (30) days, and shall be attached to the deed of every lot served by the common driveway. Such documents must be included, but not limited to the following:

- 1.5.1 A definition of the easement location and identification of the parties entering into the agreement.
- 1.5.2 Specific standards for the maintenance of the driveway, drainage systems, and signage.
- 1.5.3 Provisions for allocating responsibility for maintenance, repair, and/or reconstruction of the driveway, drainage system, and signage.
- 1.5.4 A procedure for the resolution of disagreements.
- 1.5.5 A disclaimer of any implied town obligation or liabilities, including but not limited to liability for construction, maintenance, or snow removal.

#### **1.6 Administration**



- 1.6.1 The Zoning Board may require certification from a professional engineer or a licensed design professional that the common driveway has been constructed according to approved plans.

**Section 5. Snow Plowing Damage: Any private installations within the Town Road's right-of-way, such as but not limited to, fences, monuments, signs, walls, mailboxes, sod, sprinkler systems, shrubs, etc. are placed there at the risk of the owner. The Town is not responsible for replacing or repairing any of these items damaged by the force of snow coming off the plow. However, if the damage is caused by the actual contact (evidenced by paint marks, etc. on the damaged item) from the Town Highway Department's equipment with said items damage shall be reported to the Highway Superintendent for his assessment of damages, if any. Any replacements or repairs are the responsibility of the property owner.**

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## **Article 7 – Regulations for Keeping of Dogs and Other Dumb Animals**

**Section 1. Purpose:** All dog owners shall keep their dogs under control at all times for the purpose of:

- Protecting people and animals from injury
- Protecting property from damage
- Preventing dog related nuisances

**Section 2. Dog Officer / Animal Control Officer:**

- a) The Board of Selectmen shall annually appoint a Dog Officer / Animal Control Officer to enforce this By-Law.
- b) The Dog Officer / Animal Control Officer shall have full power and authority to enforce laws under M.G.L. Chapter 140, Sections 136A - 174D and Chapter 272, Sections 77 - 80B.

**Section 3. Licensing:**

- a) Any person owning, keeping, harboring or having custody of any dog over six (6) months of age within the Town of Russell must obtain a license as herein provided.
- b) The Licensing Board (Board of Selectmen) shall determine annual licensing fees for a male dog, a female dog, a spayed female and a neutered male. (Owners must provide a certificate from a registered veterinarian that says the dog has been spayed or neutered).
- c) A license will be obtained within two (2) months of obtaining a dog over six (6) months old. When applying for a license, the applicant must show proof of a current/valid rabies vaccination.
- d) Licenses will be renewed annually, from September 1 to November 1 of each year.
- e) Upon receiving all the necessary information and receiving the appropriate fee for the license, the Town Clerk or Dog Officer will issue the owner a durable tag, stamped with an identification number.
- f) No person may use any license for any dog other than the one for which it is issued.

#### Section 4. Kennel Licenses:

- a) Every person maintaining a kennel shall have a kennel license annually issued by the Board of Selectmen that meets all requirements of the Zoning By-Laws.
- b) Any owner of four (4) or more dogs, six (6) months old or older, whether maintained for breeding, boarding, sale, training, hunting or other purpose, shall obtain a Kennel License. Kennel fees vary according to the maximum number of dogs kept **and they are as follows: up to four (4) dogs, ten (\$10.00) dollars; five to ten (5-10) dogs, twenty-five (\$25.00) dollars; and over ten (10) dogs, fifty (\$50.00) dollars.** Licensing dates will be the same as for individual licenses.

#### Section 5. Fees and Fines:

- a) The Licensing Board shall set licensing fees.
- b) Any person who fails to obtain a license in accordance with Section 3 above shall be subject to a late fine of five (\$5.00) dollars per dog. Any person who fails to pay a late fine and license a dog by December 1, will be fined twenty-five (\$25.00) per dog in addition to the regular licensing fee. Failure to license any dog may result in court action.
- c) Renewal of licenses is from September 1 to November 1.

#### Section 6. Violations:

- a) **Un-licensed Dog** - A dog, six (6) months old or older, which is un-licensed or not re-licensed before November 1 of each year.
- b) **Running at Large** - All dogs will be restrained from running at large. A dog beyond the boundaries of the owner's property is to be considered running at large unless the dog is in sight and/or under voice command of the owner in the act of walking, training, working, or hunting.
- c) **Chasing** - Chasing a pedestrian, bicycle, or any vehicle is a violation
- d) **Barking** - Excessive barking during the day, or barking between 10:00 pm and 8:00 am, so as to disturb the reasonable quiet of the neighborhood is a violation.
- e) **Worrying Livestock** - To worry, injure, or kill another's livestock, fowl, or pet is a violation.
- f) **Vicious Dog** - To menace, attack, or bite a person, animal or fowl without provocation will be considered vicious and a violation.
- g) **Defecation** - Permitting a dog to perform its natural bodily functions on the groomed and maintained areas of another's property, a public sidewalk, public recreation areas, school property, the Town Center, and other Town property is a violation. A dog owner shall be responsible for the removal of any fecal material deposited by his/her dog in these instances.

#### Section 7. Animal Control:

- a) The owner of any dog, licensed or un-licensed, shall be responsible for any damage done by that dog to the person or property of another as outlined in M.G.L. Chapter 140, Section 155.

- b) The owner of any dog found by the Dog Officer to be in violation of Section 6 above, shall be subject to a fine under the following schedule:
  - (I) A warning shall be given for the first offense in any calendar year.
  - (II) Up to fifteen dollars (\$15.00) for the second offense, in the calendar year.
  - (III) Up to twenty-five dollars (\$25.00) for the third offense, in the calendar year.
  - (IV) Up to forty dollars (\$40.00) for the fourth offense, in the calendar year.
  - (V) Up to fifty dollars (\$50.00) for the fifth offense, in the calendar year.
- c) The Dog Officer shall have the authority to restrain any dog until the owner can be located and the fine paid and the license requirements met.
- d) The owner of any dog restrained by the Dog Officer in accordance with 7C above shall pay a daily kenneling fee for any dog kept overnight or kenneled.

### **Section 8. Compliant and Hearing Process**

If any person shall make a compliant in writing to the Russell Board of Selectmen, or Dog Officer, or the Chief of Police, that any dog owned or harbored within their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other violation, or that any such dog by such barking or other disturbance is a source of annoyance to any person residing in the vicinity, the board of Selectmen, or Dog Officer, or Chief of Police shall investigate or cause to be investigated such compliant, including an examination under the oath of the complainant. Within fourteen (14) days after such compliant is received, a hearing will be scheduled with the owner or the keeper of such dog and the compliant. The Board of Selectmen shall issue a decision within seven (7) days to all parties concerned.

Any person owning or harboring such a dog who shall fail to comply with any order of the Board of Selectmen, Dog Officer, or the Chief of Police shall be subject to court action.

**Section 9.** No bull or vicious animal shall be kept within the Town unless securely confined within an enclosure sufficiently adequate to prevent the escape there-from.

**Section 10.** No animal shall be driven or ridden on any sidewalk or tree belt under the control of the Town.

## **Article 8 – Sidewalks**

**Section 1.** These regulations shall pertain to all walks under control of the Town regardless of the dimensions or materials used in their construction.

**Section 2.** No obstruction shall be permitted on any sidewalk maintained by the Town that will in any way hinder the free and safe use of said walk by pedestrians unless said obstruction is placed there by the order or permission of the Selectmen.

**Section 3.** Residents on property or owners of property, in front of which, between the property lines and the traveled way, there is a sidewalk constructed of concrete, brick, cement, stone, wood or other hard material upon streets or sections of streets designed by Selectmen under Town control, shall clear said walks of ice and snow within 24 hours after the snow ceases to fall. Should the said walks become covered with ice that cannot be readily removed, the said abutters or residents shall be required to place sand or ashes or other material thereon to render the walks safe for pedestrians. **A violator of this Section shall be fined ten**

**(\$10.00) dollars. Each day's failure to comply with an order shall constitute a separate violation.**

Section 4. No person shall throw or sweep on to any sidewalk or public way of the Town and permit to remain thereon, any rubbish or filth of any kind, lawn clippings, leaves, or any noxious liquid or solid matter or substance, and no person shall willfully tip over or upset the contents of any box or barrel containing ashes, house dirt, or rubbish of any kind upon any sidewalk or into any public way of the Town.

Section 5. No person shall place or cause to be placed, any ice or snow, on that portion of any street within the Town, which has been cleared or plowed for travel.

Section 6. No owner of a building, or agent of such owner having the care thereof, shall suffer or permit any accumulation of snow or ice thereon which is likely to fall upon a sidewalk or street. Every such person shall erect or cause to be erected, upon any building which he owns or of which he has charge, and which is near the line of a sidewalk, or street, a barrier or other suitable provision, sufficient to prevent the falling of snow and ice from such building upon persons traveling on such sidewalk or street.

### **Article 9 - Regulations of All Vehicles**

Section 1. There shall be no all-night parking of any vehicle upon the streets or ways within the Town of Russell.

Section 2. During the winter months, for the purpose of snow removal, no vehicle will be permitted to park upon any street or way within the Town of Russell during snow removal and plowing operations, subject to the penalty as described in Article 10.

Section 3. **Parking violations shall be subject to fines as per the current Town of Russell Parking Violation Form used by the Russell Police Department.**

Section 4. No person shall park a vehicle in any of the places set forth in this Section. Vehicles found parked in violation of the provisions of this Section may be moved by or under the direction of an officer and at the expense of the owner to a place where parking is permitted.

- a) Within an intersection.
- b) Upon any sidewalk.
- c) Upon any crosswalk.
- d) Upon any roadway where parking of a vehicle will not leave two clear and unobstructed lanes, each lane to be ten (10) feet wide commencing at the center of the roadway.
- e) Upon any street or highway within ten (10) feet of a fire hydrant.
- f) Upon or in front of any private road or roadway.
- g) Upon any street or highway within twenty (20) feet of an intersecting way. h) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- i) Upon any tree belt where official signs are erected.

Section 5. It shall be unlawful for the driver of any vehicle, other than one acting in an emergency, to park such vehicle on any street for a period of time longer than one hour between the hours of 2:00 a.m. and 6:00 a.m. of any day.

Section 6. The Chief of Police is hereby authorized to prohibit temporarily parking on any street or highway or part thereof in an impending or existing emergency, or for a lawful assemblage, demonstration or procession, provided there is a reasonable justification for such prohibition. Vehicles parked in places where

parking is temporarily prohibited may be moved by or under the direction of an officer, or take any other action relative thereto.

Section 7. It shall be the duty of the Police Officers of the Town of Russell to enforce the provisions of this Article. Violators of this Article shall be punished in accordance under the authority of Massachusetts General Laws, Chapter 40, Section 22.

Section 8. Any violation of the provisions of this by-law, the conditions of a permit granted under this By-Law, or any decisions rendered by the Zoning Board of Appeals or Planning Board, under this By-Law, (including but not limited to the removal of unregistered motor vehicles) shall be liable to a fine of not more than one hundred dollars (\$100.00) for each violation **as per M.G.L, Chapter 40, Section 21D.** Each day such violation continues, shall be deemed a separate offense.

In addition to the procedures for enforcement as described above, the provisions of this By-Law, the conditions of a permit granted under this By-Law, or and decisions rendered by the Zoning Board of Appeals or Planning Board under this By-Law, may be enforced, by the Building Commissioner by non-criminal compliant pursuant to the General Laws, Chapter 40, section 21D. The fine for any violation disposed of through this procedure shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues, shall be deemed a separate offense.

### **Article 10 – Removal Of Vehicles From Streets In Town**

Section 1. Then Superintendent of Streets for the purpose of removing or plowing snow or removing ice from any way, may remove or cause to be removed to some convenient place, including a public garage, any vehicle interfering with such work. He shall keep or cause to be kept records of the registration number of each vehicle so removed and the place to which it is removed and shall within forty eight hours after the removal of such vehicle send notice by mail to the owner of such vehicle, at his address as recorded at the Registry of Motor Vehicles, of the place to which such vehicle has been removed. If the owner of the vehicle be unknown or be not on record at the Registry of Motor Vehicles for this Commonwealth, the Superintendent of Streets shall within forty eight hours cause to be published, in a newspaper having a circulation in Hampden County notice of the removal, the registration number, if any, the type of vehicle and the place to which the same was removed. Before any person shall be permitted to remove a vehicle which has been removed as aforesaid to a public garage or other convenient place, he shall (a) Furnish satisfactory evidence to the Police Department of his identity and ownership or the right to possession of said vehicle; (b) Pay the reasonable cost of removing said vehicle to the place of storage and all garage charges, if any, together with the cost of publishing or sending any notices required hereunder. **A violator shall pay a fifteen (\$15.00) dollar fine in addition to any towing or vehicular garaging fees a violator may have incurred under this Article.**

### **Article 11 - Water Commissioners**

Section 1. The Water Commissioners may make rules and regulations for their government, and of the officers appointed by them. They shall annually elect a Superintendent of water works, and a clerk. They may appoint subordinate agents and assistants, and remove any appointee at any time. They shall have the exclusive and entire charge, superintendence and oversight of all lands, structures, works, apparatus, pipes, and fixtures, designed and provided for obtaining and supplying water for the town or to customers, and the use, repairs, extensions, and improvements of such water works, structures and apparatus, pipes and fixtures. They shall have control and jurisdiction over all sources of supply possessed by the Town, and all lands appurtenant thereto, owned or lawfully controlled by the Town, and all lands appurtenant thereto, owned or

lawfully controlled by the Town, and they may exercise all rights the town has or may have, as to enter upon and passage over premises of the Town, connected with or appurtenant to such works or supply.

Section 2. The Water Commissioners shall have power to determine and assess water rates and establish rules and regulations for the introduction, supply and use of water, and to cut off the supply of water from any customer who fails to observe and comply with same. They shall not supply water to any building unless the pipes and fixtures are conformable to their rules and regulations. A separate connection shall hereafter be required for each estate.

Section 3. The Water Commissioners shall have the right to put in a meter, in a business, commercial, industrial and apartment building, in any case.

Section 4. Under the direction of the Commissioners, the Superintendent shall have charge of the works and property connected with the water department, and shall perform all services in relation thereto required of him by the Commissioners. He shall immediately inform the chief of the Fire Department of any stoppage or breaks in the water mains. He shall annually report to the Commissioners upon such matters as they require.

Section 5. The Clerk of the Board shall annually report to the Board detailed statements of receipts and expenditures in the department for the year preceding; the number of cases in which water has been shut off; the number and amount of rebates; and give such information as the Commissioners shall require. He shall, under the direction of the Commissioners, make and send to water takers, or owners of premises on which water is used, statements of amounts due for water, on or before the first days of January, April, July and October in each year, and at such other times as the Commissioners direct.

Section 6. All rates for the use of water shall be payable on receipt of bill. In any case of non-payment of a bill for water thirty (30) days after the same is due, the Clerk may send a notice to the Delinquent, and unless said bill is paid within (30) thirty days, thereafter, together with fifty (50) cents for said notice, the supply may be shut off; and the water shall not be let on again until the amount due, together with the fee for said notice and ten dollars (\$10.00) for the shutting off and letting on, is paid; provided, that no owner or occupant shall be required to pay the amount due from a former owner or occupant and provided, also, that in cases of specific supply, or where water has been let on for fractional parts of the term, the notice may be served, and the water shut off immediately and it shall not be let on again except upon the conditions hereinbefore mentioned.

Section 7. The Commissioners may make abatements in water rates in all proper cases.

Section 8. The Clerk shall keep in suitable records, the names of all persons who take water; the named of the street on which it is taken; the nature of the use; the number of takers; the amount charged and the amounts of rebates. The books shall be open at all times to the inspection of the Commissioners.

Section 9. The owner of any premises, or his agent, when in the opinion of the Water Commissioners a waste or water occurs, shall be warned thereof in writing. If such waste is not stopped within one week from the time of said warning was given, the owner shall be liable to a fine of fifteen dollars (\$15.00) and the water shall be shut off from the premises, and not be let on for the same owner until the waste is stopped, and the fine, together with the sum of ten dollars (\$10.00) for the shutting off and turning on the water, are paid; and in case of a subsequent offense the water shall be shut off and not be let on again except by vote of the Commissioners and the payment of a fine not exceeding twenty-five dollars (\$25.00). The Commissioners shall have the power to decide what is waste and improper use of water.

Section 10. The Commissioners shall restrict the use of water by hose, fountain or otherwise, as they deem necessary, and for violation of such restriction the occupant of the premises shall be liable to have the water

shut off from the premises and the penalties imposed in the preceding section for waste or improper use of water.

Section 11. No person shall tap a fire hydrant for the use of water other than the Fire or Water Department without first receiving in writing a permit from the Water Commissioners. Said permit to have the date, time of start, and termination of use. A copy of this information shall be given to the Chief of the Fire Department. The water Commissioners shall determine rate of payment for water use. Any violation of this section shall be subject to a fine of twenty-five dollars (\$25.00).

Section 12. No connection shall be made between a street main and a building or private premises, or introduction into a building or such premises, without a written application made by the owner of said building or his authorized agent and upon the payment of One Hundred-Fifty Dollars (\$150.00) to the Town and Tax Collector in such form and including such things as the Commissioners may prescribe, and including also, an agreement on the part of the applicant to observe and comply with and be bound by such by-laws and orders as the Town may have established or may hereafter establish, and such rules and regulations as the Commissioners may have adopted or may hereafter adopt relating to the water or the supply, introduction or use thereof.

Section 13. When any extension of a water main is requested upon any street or way, the Commissioners shall determine the cost of such extension. The amount to be charged against each parcel of land receiving such benefits, including the cost of pipes and other material and of labor in laying them and other expenses incidental thereto shall be ascertained, assessed and certified by the Water Commissioners.

They shall determine a fixed uniform rate based upon said estimated average cost of all the water pipes therein, and laying thereof, according to the frontage of such land on any way or street in which the water pipe is laid. The Water Commissioners in charge of the supply and distribution of water shall if the order for assessment is upon land not built upon, extend the time of payment of the assessment until it is built upon, or for a fixed period of time to be determined by said Commissioners and/or Selectmen, but shall not exceed five years or extend beyond the sale of said property.

In the event any portion of the cost of laying a water line is to be borne by the Town of Russell, it shall be clearly stated in the petitioned article together with the amount in dollars and shall require a two-thirds (2/3) vote.

## **Article 12 – Water Ban By-Law** **Voted May 12, 2003**

Section 1. (Authority) This By-law is adopted by the Town under its police powers to protect public health and welfare and its powers pursuant to M.G.L. Chapter 40, Section 21 et seq. and implements the town's authority to regulate water use pursuant to M.G.L. Chapter 41, Section 69B. This by-law also implements the town's authority under M.G.L. Chapter 40, Section 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

Section 2. (Purpose) The purpose of this by-law is to protect, preserve and maintain public health, safety and the welfare wherever there is in force a State Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

Section 3. (Definitions) Agriculture shall mean farming in all its branches and agriculture as defined at M.G.L. Chapter 128, Section 1A.

**Outdoor Watering-** shall mean any residential, municipal, industrial or commercial watering of decorative lawns, trees, or shrubbery.

**Person-** shall mean any individual, corporation trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

**State of Water Supply Emergency-** shall mean a State of Water Emergency declared by the Department of Environmental Protection under M.G.L. Chapter 21G, Section 15-17.

**State of Water Supply Conservation-** shall mean a State of Water Supply Conservation declared by the Town pursuant to Section Four (4) of this By-Law.

**Water Users or Water Consumers-** shall mean all persons using water from the Town's public water source irrespective of that person's responsibility for billing purposes for use of the water.

Section 4. (Declaration of a State of Water Supply Conservation) The Town through its Water Commissioners or Selectmen authorized to act as such, may declare a State of Water Supply Conservation upon determination by a majority vote of the board that a storage of water exists of such a degree that conservation measures are appropriate to ensure an adequate supply of water to all water customers. Public notice of a State of Water Supply Conservation shall be given under Section six (6) of this By-Law before it may be enforced.

Section 5. (Restricted Water Uses) A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section six (6).

- a) **Odd/Even Day Outdoor Watering:** Outdoor watering on property having an odd numbered address is restricted to odd numbered days. Outdoor watering on property having an even numbered address is restricted to even numbered days.
- b) **Outdoor Watering Band:** Outdoor watering is prohibited.
- c) **Outdoor Watering Hours:** Outdoor watering is permitted only during daily hours of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- d) **Swimming Pools:** Filling and topping off of swimming pools is prohibited.
- e) **Automatic Sprinkler Use:** The use of automatic sprinkler systems is prohibited.
- f) **Car Washing:** Car or vehicle washing is prohibited.

Section 6. (Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency; Notification of DEP) Notification of any provision, including any restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Notification of a State of Water Supply Emergency declared by the Department shall be provided by furnishing a copy of the Notice to radio and television stations serving the area served by the public water system as soon as possible, but no later than forty-eight (48) hours after the public water system receives notice of the Department's declaration. Any restriction imposed under Section five (5) in the Department declaration of emergency or Order shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be provided to the Massachusetts Department of Environmental Protection at the same time that notification is given.



Section 7. (Termination of a State of Water Supply Conservation Notice) A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners upon determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required for notice of the Town's declaration of its State of Water Supply Conservation.

Section 8. (State of Water Supply Emergency; Compliance with DEP Orders) Upon notification to the public, that a declaration of a State of Water Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. The notice prescribed in this section shall be in writing and shall be published once in a newspaper of general circulation within the Town where it is to be effective. Such notice shall summarize the provisions of the Declaration of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this section shall be sufficient for enforcement of the requirements of such Declaration on and after the date following newspaper publication.

Section 9. (Penalties) Any person violating this by-law shall be liable to the Town in the amount of fifty dollars (\$50.00) for the first violation and one hundred dollars (\$100.00) for each subsequent violation which shall insure to the Town for such uses as the Board of Water Commissioners may direct. Fines shall be recovered by indictment or on complaint before the District Court, or by non-criminal disposition in Accordance with Section 21D of Chapter 40 of the General Laws. Each day of violation shall constitute a separate offense.

Section 10. (Right of Entry) After the declaration of a State of Water Supply Emergency or a State of Water Supply Conservation, the Water Commissioners and any agent of the Water Commission, and any agent of the State Department of Environmental Protection or its successor, may enter any property based upon probable cause to believe that a violation is occurring or has occurred during the declaration for purposes of investigation or enforcement or both, this shall not, however, provide authority to enter any buildings.

Section 11. (Severability) The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

### **Article 13 – Of Burial Grounds**

Section 1. The Town shall receive, forever hold in trust, and apply any funds, money, or securities, which may be deposited with the Town Treasurer, for the perpetual preservation, care, improvement or embellishment of any public or private burial place in the Town, or of any lot or grave therein, in accordance with the Laws of the Commonwealth.

Section 2. The income of such funds, money or securities shall be kept, expended, and applied in accordance with the terms, conditions, and provisions, if any, which may be made by the person making such deposit.

Section 3. The Cemetery Commissioners shall have power to make, from time to time, rules and regulations not repugnant to law, relating to the care, control, and use of any public burial place in the Town, the fences, trees, shrubbery, plants, monuments and tombs therein; and the preservations and good condition thereof. They shall especially see that such burial places are, at all times, kept in an appropriate condition and are not neglected or misused.

### **Article 14 – Personal Prohibitions**

Section 1. No person shall **operate any motorized scooters,, skateboards, mopeds, or minibikes** to coast upon or across any sidewalk of the Town, or **to operate the same** upon any street in the Town except **in a parade or event properly permitted by the Selectmen.**

Section 2. No person shall allow any gate or door belonging to premises under his legal control and adjoining any street, to swing on, over or into said street.

Section 3. No person shall drive any vehicle upon or over any hosepipe or hose in use, when placed in any street by order of any official of the Town.

Section 4. No person shall, without the written consent of the Selectmen, on any street of the Town used for purposes of business or residence, throw or shoot a ball, stone, arrow, snowball, ice, stick, brick, or other hard substance, or other missile, or be concerned in any game, exercise or amusement in any street where such act interferes with the safe and convenient use thereof, or where such act disturbs the safety of persons or property or the peace and quiet of any person.

Section 5. No person shall fire any gun, weapon, or implement for discharging a missile, cannon, pistol, firearm, squib, gunpowder, fireworks, torpedo, firecracker or explosive on any street except by written permission of the Selectmen, or in the exercise of a duty required or justified by law, or on the Fourth of July or other special occasions permitted by the Selectmen, and then, only within such limits and hours as they prescribe, provided however, that this Section shall be construed as adding to and not conflicting with any law of the Commonwealth.

Section 6. No person shall permit water from the eaves or lead pipes of any building, owned or cared for by him to be discharged upon or run on the public sidewalk or shall suffer his building to shed water on, or make or permit any drain, sluice, gully or conduit upon his land to discharge water upon a sidewalk, tree belt or traveled way within a public way.

Section 7. No person shall make an excavation within six feet of any street in Town, without erecting a suitable fence or railing to prevent travelers from injury.

Section 8. The Selectmen may license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals, and second-hand articles from place to place in the town, and they may provide that such collectors shall display badges upon their persons or upon their vehicles, or upon both, when engaged in collecting, transporting, or dealing in junk, old metals, or second-hand articles and may prescribe the design thereof. They may also provide that such shops and all articles of merchandise therein, and any place, vehicle, or receptacle used for the collection or keeping of articles aforesaid, may be examined at all times by the Selectmen or by any person by them authorized thereto. The aforesaid licenses may be revoked at pleasure, and shall be subject to the provisions of the General Laws of the Commonwealth.

Section 9. No person may have an auction, tag sale, etc. within the Town of Russell without first having received a permit from the Selectmen **or their agent.** Said permit to be good for up to **three (3) consecutive days** at a nominal fee set by the selectmen, but not to exceed five dollars (\$5.00). **Each household address is allowed up to two (2) tag sales per year.**

Section 10. No person shall carry on any town sidewalk, street, or way to include all Town property excluding Strathmore Park within the Town of Russell any open containers containing any alcoholic beverages.

Section 11. Pursuant to Massachusetts General Laws, Chapter 40, Section 21, the Town establishes certain

areas on public lands upon which no loitering shall be permitted at any time. Such areas to be designated from time to time by the Selectmen, by posting notice upon the Town bulletin board. Said designation is to be effective seventy-two (72) hours from posting. The penalty for violation of this By-Law shall be a fine of not less than twenty dollars (\$20.00), nor more than fifty dollars (\$50.00) for each offense.

Section 12. Every Town resident shall separate ordinary household waste into such categories as determined by the Board of Health before depositing the same for disposal at the Town Transfer Station. No waste material, which has not been separated, will be accepted. Anyone dumping illegally shall be subject to a three hundred dollar (\$300.00) fine for each violation. The Board of Health shall adopt such rules and regulations as it deems necessary to implement this By-Law.

Section 13. **Recreational vehicles, such as but not limited to snowmobiles, and all terrain vehicles, as described in M.G.L., Chapter 90B, Section 20, are bound to the restrictions cited in Massachusetts General Laws, Chapter 90B, Sections 21, 25 and 26. Any person who operates a snowmobile or all terrain vehicle upon the land of another shall stop and identify himself upon request of the landowner or his duly authorized representative, and, if requested to do so by the owner or representative, shall promptly remove said recreational vehicle from the premises as per M.G.L., chapter 90B, Section 33. A violator to this Section shall be punished by fines of not less than twenty (\$20.00) dollars or more than three hundred (\$300.00) dollars as per M.G.L., chapter 90B, Section 34.**

### **Article 15 – Hawkers And Peddlers**

Section 1. Any licensee who fails, neglects, or refuses to exhibit his license when same is demanded of him by a Selectman, Commissioner, Inspector, Sealer of Weights and Measures; Town Treasurer, Town Clerk, Constable or Police Officer, shall be subject to the same penalty as if he had no license.

### **Article 16 – Selling From Streets Or Sidewalks, Stalls Or Carts**

Section 1. No transient, vender shall sell or expose for sale at public or private sale any goods, wares, merchandise or periodicals in the Town (without a local license therefore, properly endorsed, nor shall any person, either principal or agent, advertise by circular, hand-bill, newspaper or in any other manner any such unlicensed sales as provided in Section 8, Chapter 101, General Laws). No transient vendor shall file any application, original or supplementary, containing any false statement.

Section 2. No person shall place or keep any table, stall, booth, cart, or other structure, in any public way or other public place in the town, or upon any sidewalk, for the sale of food, fruit, merchandise or other thing, without permission first being obtained from the Board of Selectmen. **The fee for said license shall be as follows: a one (1) day fee, fifteen (\$15.00) dollars; a two (2) day fee, twenty-five (\$25.00) dollars; and a three (3) to thirty (30) day fee, fifty (\$50.00) dollars. This includes vendors using Strathmore Park unless excluded by the Board of Selectmen. The licensee shall be responsible for paying all fines described herein.**

### **Article 17 – Burning**

Section 1. No person shall make an open fire or do any open burning within the Town of Russell, except as may be permitted by State Law.

### **Article 18 – Prohibition Of Certain Unreasonably Loud, Disturbing And Unnecessary Noise**

Section 1. Except as otherwise provided herein, the creation of any unreasonably loud, disturbing and unnecessary noise in the Town is prohibited.

Section 2. The following acts, among others, are declared to be unreasonably loud, disturbing and unnecessary noises in violation of this Section but said enumeration shall not be deemed to be exclusive, namely:

- a) **Radios, phonographs or musical instruments.** The playing of any radio, phonograph or any musical instrument in such a manner or with such volume particularly during the hours between 1:00 AM and 7:00 AM as to annoy or disturb the quiet, comfort or repose of persons in any dwelling or other type of residence.
- b) **Churches and Schools.** The creation of any excessive noise on any street adjacent to any church, school, other institution of learning or adjacent to any institution for the care of the aged or infirm, which unreasonably interferes with their use.
- c) **Peddlers and Hawkers.** The shouting and crying of peddlers, hawkers, and vendors that disturbs the peace and quiet of the neighborhood.
- d) **Use of drums, loudspeakers in sale or display.** The use of any drum, loudspeaker, or other instrument or device for the purposes of attracting attention by creation of noise for sale or display of merchandise.

## **Article 19 – Soliciting Money**

Section 1. No persons shall solicit money on any public way or other public place, or go from house to house for the purpose of soliciting money, or sell any tag, badge, or other article of any intrinsic value for the purpose of obtaining money, without first having obtained permission to do so from the Board of Selectmen.

## **Article 20 – Curfew**

Section 1. No person under the age of fifteen years shall be or remain in or upon any street or public way in the Town, at night, after the hour of 9:00 o'clock, between the first day of April and the thirtieth day of September, both inclusive, of each year; or at night, after the hour of eight o'clock between the first day of October and the thirty-first day of March, both inclusive, of each year, unless he is actually employed in some work which makes it necessary, or is accompanied by a person properly having general care or custody of him or engaged in the performance of some mission or duty directed by a person having his general care or custody.

## **Article 21 – Sirens**

Section 1. No unauthorized person shall sound or caused to be sounded, within the limits of the Town, any whistle or siren horn used by the Fire Department, Police Department, or Water Department of the Town.

## **Article 22- Defacing Public Grounds, Etc.**

Section 1. No person shall willfully deface or injure any public playground, planting space, flower bed, grass

border, guide post, or lamp, lantern or any building, fence or monument, or other thing situated, erected, or made for the use of ornament of the Town, or molest in any way warning lights, lanterns, bomb flares or devices placed or intended for the protection of the public.

Section 2. No person shall throw or place or cause others to throw or place any article, object, waste, litter, etc. upon any street, driveway, sidewalk, park, cemetery, memorial, utility pole, fence, railing, public building or equipment. Nor shall any person with the intent of defacing paint, stamp, stain or stencil any of the above within the Town of Russell. **A violator to this Article (Sections 1&2) shall be held responsible commensurate with M.G.L. Chapter 266, Sections: 94, 96, 97, 98, 101, 104, 114, 126, 126A, 127, and 127A.**

### **Article 23 – Forestry Committee**

Section 1. There is hereby created a Forestry Committee in the Town of Russell.

- a) The Forestry Committee shall consist of five (5) voting members to be appointed annually by the Board of Selectmen.
- b) The Board of Selectmen shall appoint one voting member from its own body; two voting members from the Water Commissioners; and two voting members from the Conservation Commission.
- c) The Fire Chief, the Police Chief and the Chairman of the Planning Board shall serve as ex officio members of the Forestry Committee.
- d) The Forestry Committee shall manage the Town forest of the Town of Russell.

### **Article 24 – Violation And Fines**

Section 1. Any person who shall:

- a) Violate any provision of the foregoing By-Laws or which penalty is not provided in any of the General Laws or in any other provisions of the General By-Laws shall upon conviction be fined not more than fifty (\$50.00) dollars.
- b) Failure to comply with any order issued pursuant to the provisions of this article shall be fined not more than fifty (\$50.00) dollars. Each day's failure to comply with an order shall constitute a separate violation.

These General By-Laws of the Town of Russell became effective in December of 1974. They subsequently were amended as follows:

Article 14, Section 10, Amended, May 1977  
Article 14, Section 11, Amended, May 1977  
Article 14, Section 12, Amended, May 1989  
Article 9, Section 8, Amended, March 1991  
Article 7, Sections 1-8, Amended, May 1997  
Article 12, Sections 1-11, Amended, May 2003  
Article 2, Section 1, Amended, May 2004

**Town Of Russell  
Sewer Use Rules And Regulations**

Table of Contents:		Page
Article I	Definitions	29
Article II	Use of Public Sewers	31
Article III	Building and Sewer Connections	31
Article IV	Use of the Public Sewers	33
Article V	Protection from Damage	38
Article VI	Powers and Authority of Inspectors	38
Article VII	Industrial Wastes	39

Article VIII	Sewer Use Charges	39
Article IX	Penalties	40
Article X	Validity	41

Be it ordained by the Board Of Selectmen of the Town as follows:

#### ARTICLE 1 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this by-law shall be as follows:

- Sec. 1        “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days to 20° C, expressed in milligrams per liter.
- Sec. 2        “Building Sewer”, A sewer conveying wastewater from the premises of a user to a public sewer.
- Sec. 3        “Commonwealth”, Commonwealth of Massachusetts.
- Sec. 4        “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.
- Sec. 5        “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade or businesses as distinct from sanitary sewage.

- Sec. 6 "Grease Trap" shall mean a watertight structure in which grease is separated from sewage.
- Sec. 7 "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.
- Sec. 8 "Person" shall mean and individual, firm, company, association, society, corporation, or group.
- Sec. 9 "ph" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Sec. 10 "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- Sec. 11 "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- Sec. 12 "Septage" shall mean the wastes from septic tanks.
- Sec. 13 "Sewage" shall mean a combination of the water carried wasted from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
- Sec. 14 "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- Sec. 15 "Sewer" shall mean a pipe or conduit for carrying sewage.
- Sec. 16 "Shall" is mandatory, "May" is permissive.
- Sec. 17 "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operations.
- Sec. 18 "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.
- Sec. 19 "Superintendent", the person designated by the Board of Sewer Commissioners to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this ordinance.
- Sec. 20 "Suspended Solids" shall mean solids that either float to the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- Sec. 21 "User" shall mean any person whose premises are connected to a public sewer.
- Sec. 22 "User Charge" shall mean a charge levied on users of the sewage works as required by Section 204(b) of the Clean Water Act (33 U.S.C. 1251 et. seg. as amended).
- Sec. 23 "Wastewater Treatment Facility" (WWTF) shall mean any arrangement of devices and



structures used for treating sewage.

Sec. 24 “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 25 “Board of Sewer Commissioners” shall mean the administrative body for the Town of Russell or their authorized deputy, agent or representative.

## ARTICLE II USE OF PUBLIC SEWERS REQUIRED

Sec. 1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manor on public or private property within the Town of Russell or in any area under the jurisdiction of said Town, any human excrement, garbage, or other objectionable waste.

Sec. 2 It shall be unlawful to discharge any natural outlet within the Town of Russell, any sewage or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of the by-law and the Department of Environmental Quality Engineering of the Commonwealth of Massachusetts.

Sec. 3 The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at his expense to connect such facilities directly to the proper public sewer in accordance with the provisions of this by-law, within six months after date of official notice to do so, providing that said public sewer is within three hundred (300) feet of the building to be connected.

## ARTICLE III BUILDING SEWERS AND CONNECTIONS

Sec 1. No unauthorized person shall uncover, make any connections with or opening unto, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board of Sewer Commissioners. No person shall break into or connect to a public sewer except under the supervision of the Superintendent.

Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharge into the system shall notify the Board of Sewer Commissioners at least forty-five (45) days prior to the proposed change or connection.

Sec. 2 The Board of Sewer Commissioners shall establish a Schedule of Entrance Fees. The owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specification or other information considered pertinent in the judgment of the Board of Sewer Commissioners.

Such plans and specifications for new sewers and connections shall be prepared by a professional engineer and reviewed by the Board’s consulting engineer and shall include the engineer’s recommendations. All permit applications requiring an application under 314

CMR 7.00 Massachusetts Sewer System Extension and Connection Permit Program shall be prepared and/or reviewed by the Board's consulting engineer. All costs incurred by the Board's consulting engineer shall be borne by the applicant.

- Sec. 3 Entrance Fees shall not include instillation and connection costs. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. A permit fee shall be paid to the Town at the time the application is filed. A sewer permit will not be issued unless the person applying for the permit has deposited a check, cashier's check, or money order, payable to the Town of Russell in the amount determined by the Board of Sewer Commissioners in the accordance with the approved "Schedule of Entrance Fees".
- Sec. 4 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.
- Sec. 5 Old building sewers may be used in connection with new buildings only when they are found, upon examination and tested by the Superintendant, to meet all requirements of this ordinance.
- Sec. 6 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 A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- Sec. 7 Whenever possible, the building sewer shall be brought to the building at an elevation which would provide 5 feet minimum cover unless otherwise approved. In all buildings in which any building drain is too low to permit gravity flow to public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Sec. 8 No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Sec. 9 The connection of the building sewer into public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set fourth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviations from the prescribed procedure and materials must be approved by the Board of Sewer Commissioners before installation.
- Sec. 10 The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendant or his representative.
- Sec. 11 All excavating for building sewer installation including installation of grease trap (if applicable) 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 Superintendent and to the local and State highway authority.

#### ARTICLE IV USE OF THE PUBLIC SEWERS

- Sec. 1 No person shall discharge or cause to be discharged any stormwaters, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- Sec. 2 Stormwater and all other unpolluted drainage not classified as sanitary sewage shall be discharged to such sewer as are specifically designated as storm sewers, or to natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent and/or Massachusetts Department of Public Works, where applicable, to a storm sewer, or natural outlet.
- Sec. 3 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphthas, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  - (c) Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewer works such as, but not limited to, ashes, cinders, sand, mud straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and flashings', entrails and paper dished, cups, milk containers, etc., either whole or ground by garbage grinders.
- Sec. 4 No person shall discharge or cause to be discharged the following described substances, materials, waters, if it appears likely in the opinion of the Board of Sewer Commissioners that such wastes can harm either the sewers, sewage treatment process, or equipment or have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Board of Sewer Commissioners will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150°) (65°C).
  - (b) 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 (32) and one hundred fifty (150°) F (0 and 65°C).

- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinding equipment 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 Superintendent.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any treatment works exceeds the limits established by the Board of Sewer Commissioners for such materials.
- (f) Any waters or wastes containing phenols or other taste and odor producing substances, in such concentrations exceeding limits which may be established by the Board of Sewer Commissioners as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdictions for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board of Sewer Commissioners in compliance with applicable State or Federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5 or wastes having a pH lower than 5.5 or having other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (i) Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (4) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to receiving

waters.

Sec. 5 If the waters or wastes are discharges, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3 and 4 of the Article, and which in the judgment of the Board of Sewer Commissioners 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 Board of Sewer Commissioners may:

- (a) Reject the wastes; for existing discharge the owner shall terminate discharging the waste or wastes immediately.
- (b) Require pretreatment to an acceptable condition for discharge to the public sewer.
- (c) Require control over the quantities and rate of discharge.
- (d) Require payment to cover the added cost of handling and treating the waste not covered by existing sewer charges under the provisions of Section 14 of this article.

If the Board of Sewer Commissioners 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 Board of Sewer Commissioners and subject to the requirements of all applicable codes, ordinances, and laws. All costs incurred by the Board's consulting engineer shall be borne by the applicant.

Sec. 6 Grease, oil and sand interceptors shall be provided when, in the opinion of the Board of Sewer Commissioners, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Board of Sewer Commissioners and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 7 Grease Traps:

(1) Installation: Grease traps must be provided at restaurants and all establishments from which large quantities of grease can be expected to be discharged, as required by the Board of Sewer Commissioners at the owners' expense.

(2) Location: Grease traps shall be installed on a separate building sewer serving that part of the plumbing system into which the grease will be discharge. Grease traps shall be located so as to be accessible for servicing and cleaning at all times.

(3) Capacity and Construction: Grease traps shall be constructed in accordance with "The State Environmental Code, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Title V" requirements. Grease traps shall meet AASHO H20-44 design loading standards and shall be provided with cast iron frame and cover constructed to grade. Manhole covers shall not be buried.

(4) Cleaning: Grease Traps shall be inspected monthly and shall be cleaned when the level of grade is 25 percent of the effective depth of the trap or at least every three months. Maintenance of grease traps shall be the responsibility of the owner.

the trap or at least every three months. Maintenance of grease traps shall be the responsibility of the owner.

Sec. 8 The Town shall maintain all public sewers. The owner shall be responsible for the building service from the building to the street line.

Sec. 9 Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes including grease traps, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec. 10 When required by the Board of Sewer Commissioners, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with the necessary meters, and other appurtenances in the building sewers to facilitate observation, sampling, and measurements of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with the plans approved by the Board of Sewer Commissioners. 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.

Sec. 11 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. 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, whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Board of Sewer Commissioners and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and missioners. Such records shall be made available upon request by the Board of Sewer Commissioners to other Agencies having jurisdiction over discharges to the receiving waters.

Sec. 12 No statement contained in this article shall be constructed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District or treatment, subject to payment thereof, by the industrial concern.

## ARTICLE V PROTECTION FROM DAMAGE

Sec. 1 No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance equipment which is a part of the sewage works. Any person violating this provision may be subject to immediate arrest under charge for disorderly conduct, and may be held liable for the repair of such damage.

## ARTICLE VI POWERS AND AUTHORITY OF INSPECTORS

- Sec. 1. The Superintendant and other duly authorized representatives of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any process including metal-lurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- Sec. 2. The Superintendant and other duly authorized representatives of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## ARTICLE VII INDUSTRIAL WASTE

- Sec. 1. The Board of Sewer Commissioners is authorized and empowered to enter into agreements or to make other arrangements for handling and treating industrial waste which in its opinion are amenable to treatment in the Town's facilities. The said Board shall determine charges to be levied against various industries for the handling and treating of its industrial wastes.

## ARTICLE VIII SEWER USE CHARGES

- Sec. 1. A service charge shall be levied on a semi-annual basis against the owner of all properties within the Town where the user discharges sewage into the public sewers of the Town.
- Sec. 2. Charges for sewer services shall be established by the Board of Sewer Commissioners based upon the total operating budget for the fiscal year which shall include the repayment of capital costs for the sewer works, operation and maintenance costs and administrative and equipment replacement costs. These rates shall be reviewed annually to ensure that they adequately recover the above mentioned costs and are in conformance with the established user charge requirements.
- Sec. 3. Persons wishing to have the Town pump out a septic tank or tight tank shall pay a fee equal to the cost of hauling and treating the septicage or tight tank waste as established by the Board of Sewer Commissioners.
- Sec. 4. At least thirty (30) days before the sewer use charges become due, the Board shall mail a statement to each owner of the premises charged with the sewer service rates. The statement shall contain the following information (in addition to any information deemed necessary or

appropriate by the Board): (1) The address of the owner; (2) The location of the property; (3) The amount of the sewer service charged; and, (4) The date upon which the payment of the sewer service charge is due. In the event the sewer service charges remain unpaid for sixty (60) days the Board shall cause to be filed in the proper registry of deed a statement to that effect in full compliance with Massachusetts General Laws, Chapter 40, Section 42B, for the purpose of perfecting a lien for such charges.

## ARTICLE IX PENALTIES

- Sec. 1 Any person found to be violating any provision of this ordinance except Article V shall be served by the Board of Sewer Commissioners with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Sec. 2 Any person who shall continue any violation beyond the time limit provided for in Article IX , Sec. T, shall be fined five thousand (\$5,000.00) dollars for each day of violation of any such rule or regulation.
- Sec. 3 Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.
- Sec. 4 The person to whom any written notice is served by the Board of Sewer Commissioners, pursuant to Article IX, Section 1, may request a hearing before the Board of Sewer Commissioners, by filing within five (5) days (excluding Saturday, Sunday and legal holidays) after the day the written notice was served or given, in the office of the Board of Sewer Commissioners, a written letter requesting a hearing on the matter. Upon receipt of such request, the Board of Sewer Commissioners shall set a time and place for such a hearing and shall inform the petitioner thereof, in writing.
- The hearing shall be commenced not later than ten (10) days after the day on which the written request was filed and shall be concluded within ten (10) days thereafter, provided that upon application of the petitioner the said Board may postpone the date of the hearing for a reasonable time beyond the ten (10) day period.

At the hearing, the petitioner shall be given an opportunity to be heard and to show why the order or decision of the Board of Sewer Commissioners should be modified or withdrawn.

After the hearing, the Board of Sewer Commissioners shall sustain, modify or withdraw their order or decision and shall inform the petitioner, in writing, of its decision within three (3) days after the conclusion of the hearing.

If a written letter for a hearing is not filed in the office of the Board of Sewer Commissioners within three (3) days (Excluding Saturday, Sundays and legal holidays) after an order, as provided in Article IX, has been issued, or if after hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

## ARTICLE X VALIDITY



Sec. 1 All rules and regulations or parts thereof in conflict herewith are hereby repealed.

Sec. 2 The invalidity of any section, clause, sentence, or provision of these rules and regulations shall not affect the validity of any other part of these rules and regulations which can be given effect without such invalid part or parts.

These rules and regulations have been formulated under the provisions of Chapter 8, Section 12 of the Special Acts of 1963 of the Commonwealth of Massachusetts, and pursuant to Section 10 of Chapter 83 of the Massachusetts General Laws.