

BY-LAWS  
REGULATION OF SEWER USE  
WATER RULES AND REGULATIONS  
TRAFFIC RULES AND ORDERS  
CEMETERY RULES AND REGULATIONS  
of the  
TOWN OF LENOX  
MASSACHUSETTS

“2018 EDITION”



APPROVED BY ATTORNEY GENERAL

# Contents

By-Laws.....	5
Chapter I General Provisions .....	5
Chapter II Town Meetings .....	6
Chapter III Town Officers .....	7
Chapter IV Finance Committee .....	9
Chapter V Planning Board .....	10
Chapter VI Zoning .....	13
Chapter VII Regulation of Sewer Use .....	13
Chapter VIII Sidewalks and Roadways .....	13
Chapter IX Financial Affairs .....	14
Chapter X Contracts.....	15
Chapter XI Legal Affairs .....	15
Chapter XII Records and Reports .....	16
Chapter XIII Miscellaneous Provisions .....	17
Chapter XIV Enforcement .....	20
Chapter XV Building Code.....	21
Chapter XVI Junk and Dilapidated Motor Vehicles.....	21
Chapter XVII Dogs .....	23
Chapter XVIII License or Permit Renewals .....	27
Chapter XIX Capital Improvement Program.....	29
Chapter XX Municipal Water Use Restrictions .....	31
Chapter XXI Public Safety Regulations Alarm Systems .....	34
Chapter XXII In-Ground Irrigation Systems .....	41
Chapter XXIII Community Preservation Committee .....	42
Chapter XXIV Affordable Housing Trust .....	45
Chapter XXV Stretch Energy Code.....	51
Chapter XXVI Regulations For Outdoor Dining Licenses.....	53
Chapter XXVII Sandwich Board Signs .....	55
Regulation of Sewer Use .....	58
Article I Definitions .....	58
Article II Sewer Service.....	60
Article III Use of Public Sewers Required .....	62
Article IV Private Sewage Disposal .....	63
Article V Building Sewers and Connections .....	64
Article VI Use of the Public Sewers .....	67
Article VII Protection From Damage .....	73
Article VIII Powers and Authority of Inspectors.....	73
Article IX Penalties .....	74
Article X Validity .....	74

Article XI Rates / Capacity Fees.....	75
Water Rules and Regulations .....	76
Traffic Rules and Regulations .....	81
Article I.....	81
Article II Authority and Duties of Police.....	86
Article III Traffic Signs, Signals, Markings, and Zones.....	87
Article IV Zone of Quiet.....	89
Article V Stopping, Standing, Parking .....	89
Article VI One-Way Streets.....	92
Article VII Operation of Vehicles .....	92
Article VIII Accident Reports.....	99
Article IX Penalties and Repeals .....	99
Article X.....	101
Schedule I Parking.....	102
Schedule II Taxi-Stands.....	103
Schedule III One-Way Streets .....	103
Schedule IV Stop Signs .....	103
Schedule V U-Turns .....	104
Schedule VI Commercial Vehicle Traffic.....	105
Cemetery Rules and Regulations.....	106

BY-LAWS OF THE  
TOWN OF LENOX  
LENOX, MASSACHUSETTS



(REVISED DECEMBER 6, 2018)

BY-LAWS of the  
TOWN OF LENOX, MASSACHUSETTS

CHAPTER I  
GENERAL PROVISIONS

- Section 1. The following provisions shall constitute the General By-Laws of the Town of LENOX, and shall be in lieu of all By-Laws heretofore, in force provided, however, that the repeal of any By-Law may not be affected except by an affirmative vote thereon in a separate Article in any Town Meeting.
- Section 2. These By-Laws, and the repeal of all other By-Laws now in effect, shall not affect any legal act done, any penalty or liability incurred, or any pending suit, prosecution, or proceeding. The repeal of a By-Law shall not thereby have the effect of reviving any By-Law theretofore repealed.
- Section 3. Words and phrases specifying or naming any officer, board or committee of the Town shall be construed as including the lawful successor, or the person or persons having the powers and performing the duties of such officer, board or committee.
- Section 4. Any or all of these By-Laws may be repealed or amended or other By-Laws may be adopted at any Town Meeting.
- Section 5. Selectmen shall publish and distribute every five years the By-Laws of the Town in effect at that time.
- Section 6. The invalidity of any Section of any Chapter hereof shall not affect the validity of any other section.
- Section 7. Any Town departments, commissions or functions not governed by these By-Laws are covered by pertinent provisions of the Massachusetts General Laws.

## CHAPTER II TOWN MEETINGS

- Section 1. The Annual Town Meeting shall be held on the first Thursday evening in May each year. As amended A.T.M. 5/02/03
- Section 2. The Annual Town Meeting for the election of Town officers and the determination of such matters as are required by law to be elected or determined by ballot shall be considered at any adjournment of such meeting to be held on the Monday following the first Friday in May. As amended S.T.M. 9/28/73. Terms of office for newly elected Town officers shall commence immediately after the election. A.T.M. 5/03/12.
- Section 3. The polls shall be opened during hours prescribed by the Board of Selectmen and in compliance with applicable provisions of the Massachusetts General Laws.
- Section 4. At least five days before the day fixed in the Warrant for the Annual Town Meeting, the Selectmen shall cause to be made available copies of the Annual Town Report in the Lenox Town Hall. In case of a Special Town Meeting the regular legal notice shall be given. As amended A.T.M. 5/01/81.
- Section 5. Only persons registered to vote in the Town Hall shall have a vote at the Town Meeting. Any other person may be allowed to attend and speak at the discretion of the Moderator. If as many as ten voters so desire, a person who is not a registered voter shall be allowed to speak. An attorney representing a client or clients shall disclose the fact before speaking on any matter. As amended S.T.M. 6/27/75.
- Section 6. The number of voters necessary to constitute a quorum at any Annual Town Meeting shall be five percent (5%), and at any Special Town Meeting (1%) of the votes cast at the previous State election; provided, however, that a number less than a quorum from time to time adjourn the same. This section shall not apply to such parts of meetings as are devoted to the election of Town officers.
- Section 7. Articles of the Warrant shall be acted upon in the order in which they

appear unless otherwise determined by majority vote of the meeting.

- Section 8. All motions having to do with the expenditure of money shall be presented in writing; other motions shall be in writing if so directed by the Moderator.
- Section 9. When a question is put, the sense of the meeting shall be determined by a voice vote and the Moderator shall declare the vote as it appears to him. If his decision is doubted, or a division of the house is called for, the Moderator may appoint tellers to make and return the count by a show of hands.
- Section 10. No motion, the effect of which would be to dissolve the meeting, shall be in order until every article in the Warrant therefore has been duly considered and acted upon, but this shall not preclude the postponement of consideration of any article or articles to an adjournment of the meeting at a stated time and place.
- Section 11. To be included in the Warrant for the Annual Town Meeting of any year, articles must be presented to the Selectmen not later than 10 March of that year. As amended S.T.M. 6/27/75.

### CHAPTER III TOWN OFFICERS

- Section 1. There shall be five Selectmen elected as follows: Two Selectmen for a term of three (3) years, two Selectmen for a term of two (2) years, one Selectman for a term of one (1) year, and at each Annual Town Meeting thereafter, Selectmen shall be elected for three (3) years. Amended by Chapter 155 of the Acts of 1991, 7/24/91.
- Section 2. The Selectmen shall five (5) days before the Annual Town Meeting of each year, cause to be printed and distributed annual reports of the Town officers, appointees and committees. This report shall contain a statement of the financial condition of the Town, together with a detailed report of all receipts and expenditures incurred during the preceding year.

Section 3. It shall be the duty of the Town Clerk as soon as possible after every Town Meeting, to notify in writing all members of committees who may be elected or appointed at such meeting stating the business on which they are to act and the names of the persons composing the committees, and also notify all officers, boards and committees of all articles passed at such meeting that in any way affect them.

Section 4. Commissioners of Trust Funds.

There shall be appointed three (3) Commissioners of Trust Funds as follows: One Commissioner shall be appointed for three (3) years, one Commissioner for two (2) years, and one Commissioner for one (1) year; thereafter one Commissioner shall be appointed each year for a term of three (3) years. The duties of such Commissioners shall be as set forth in Chapter 41, Section 46 and 47 Massachusetts General Laws (Ter. Ed.). Amended by Chapter 155 of the Acts of 1991, 7/24/91.

Section 5. Seven Members of the School Committee.

Beginning at the 1955 Annual Town Meeting and continuing every third year thereafter, there shall be elected three (3) members to the School Committee for a term of three (3) years. At all other Annual Town Meetings there shall be elected two (2) members of the School Committee for a term of three (3) years.

Section 6. Other Town Officers.

The following Town Officers, Boards or Committees, not provided heretofore, shall be elected at Annual Town Meetings for a term of three (3) years. Amended by Chapter 155 of the Acts of 1991, 7/24/91.

The Board of Health

## CHAPTER IV FINANCE COMMITTEE

As Amended and Adopted S.T.M. 10/01/90

- Section 1. There shall be a Finance Committee consisting of nine (9) legal voters of the Town who shall be appointed by the Moderator. No elective Town officer or Town employee shall be eligible to serve on said Committee. The members of this Committee shall be sworn to the faithful performance of their duties, shall choose their own officers and shall serve without pay. A true record shall be kept of the Committee's proceedings.
- Section 2. In the event of a vacancy in its membership, the Finance Committee shall notify the Selectmen in writing within thirty (30) days of said vacancy. The Selectmen shall, in accordance with Chapter 41, Section 2, G.L. (Ter. Ed.) fill any vacancies which occur in the Committee's membership and said appointee shall serve for the remainder of his predecessor's term of office. If any member is absent from three (3) consecutive meetings without an excuse valid to the Chairman therefore, his position shall be deemed to be vacant, the fact certified to the Selectmen, and the vacancy filled as herein provided.
- Section 3. All Articles having direct or indirect reference to items pertaining to either financial considerations or appropriations at any ATM or STM shall be considered by the Finance Committee. Said Committee shall review these items contained in said warrants and make public to the Selectmen its recommendation no later than fourteen (14) days prior to said ATM or STM.
- Section 4. Heads of the Town departments, officers and committees charged with the expenditure of the Town money shall prior to the first Monday in January in each year, prepare detailed estimates of amounts deemed by them necessary for the administration of their respective departments for the fiscal year ending on the 30th day of the following June. Initial estimates shall include appropriation requests for capital projects and capital outlays. Such estimates shall be in such form and detail as the Committee shall require. Then, prior to the first Monday in February, shall submit final revisions or

modifications to the above stated financial plans.

In addition to expenditure forecasts, said Town departments, committees and officers shall prepare estimates of income expected or anticipated in the ensuing year which will be generated in connection with the administration of their respective offices, departments, or committees. In the discharge of its duties, the Committee shall have free access to all books of record and account, bills and vouchers on which money has been or may be paid from the Town Treasury.

Section 5. The Finance Committee shall consider matters relating to the appropriation, the borrowing and the expenditure of money by the Town, its indebtedness, the administration of its various offices and departments, and may make recommendations to the Town or to any board, officers or committee relative to the municipal fiscal affairs. It shall be the duty of the Committee to make an annual report of its activities, with appropriate recommendations to the Selectmen not later than the first Monday in April in each year.

## CHAPTER V PLANNING BOARD

Section 1. The Planning Board shall have five (5) members. At the first Annual Town Meeting for the election of such members, one candidate shall be elected for a term of five (5) years, one candidate for a term of four (4) years, one candidate for a term of three (3) years, one candidate for a term of two (2) years, one candidate for a term of one (1) year, and at each succeeding Town Meeting one member shall be elected for a term of five (5) years. Members shall serve without pay, shall choose their own officers, and shall be sworn to the faithful performance of their duties. Vacancies shall be filled by the Selectmen in accordance with Chapter 41, Section 11, G.L. (Ter. Ed.), which appointee shall serve until the next Annual Town Meeting, at which time the vacancy shall be filled by election for the remainder of the term.

Section 2. It shall be the duty of the Board to make a study of the future needs of the Town and develop a long range program subject to future change,

having due regard to a balance between the liberties of the individuals and the welfare of the community. The Board shall make recommendations, by annual report, pertaining to the laying out of private and public roads, development of real estate subdivisions, future sites for schools, playgrounds, parks, water supplies, sewage disposal, police and fire protection, zoning and locations, and all other subjects of general interest which affect the welfare, health and safety of the inhabitants relative to the possibilities, resources and needs of the Town.

Section 3. Numbering of Buildings.

- A. The Planning Board shall, within 60 days after the 1954 Annual Meeting, or final approval of this By-Law, whichever occurs later, prepare and file with the Town Clerk a master plan of the Town showing numbering of all buildings of each street.
- B. Any building constructed subsequently to such initial numbering on such streets shall be numbered by the Planning Board and filed with the Town Clerk.
- C. Any person seeking to have streets considered for building numbering shall petition the Planning Board, and shall have appeal therefrom to the Board of Appeals, whose decision shall be final.

Section 4. Uniform System for Numbering Dwellings and Principal Buildings.

Section 1. Uniform Numbering System.

A uniform system of numbering dwellings and principal buildings, as shown on maps on file in the Assessor's Office, Town Hall, Lenox, Massachusetts, are hereby adopted and incorporated herein by reference and made a part of this By-Law.

Section 2. Assignment of Numbers

- A. All properties or parcels of land within the corporate limits of Lenox shall hereafter be identified by reference to the uniform numbering system adopted herein and such conversion to the numbering system must be completed within thirty (30) days from the effective date of this By-Law, or as soon thereafter as the

above-mentioned maps are completed.

- B. A separate number shall be assigned for each fifty (50) feet of front- age; twenty-five (25) feet in the Historical District.
- C. Each principal building shall bear the number assigned to the front- age on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate letter.
- D. Numerals indicating the official numbers for each principal building or each front entrance to such building shall be placed immediately above, on, or at the side of the main entrance of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than fifty (50) feet from the street line, or is not visible from the street, the number should be placed to the right of the driveway or common entrance to such building, or upon a gate post, fence, tree, post or other appropriate place so as to be clearly discernible from the sidewalk or street line and located not more than five (5) feet from the street curb line. Mail boxes are not an acceptable location. Such numbers shall be in numerical form, not written form. Said numerals shall be not less than five (5) inches in height and made of a durable and clearly visible material.

### Section 3. Administration

- A. The Planning Board shall be responsible for maintaining the number system. In the performance of this responsibility, they shall be guided by the provisions of Section 2 of this By-Law.
- B. The Town Assessors shall keep a record of all numbers assigned under this By-Law and the Town Building Inspector shall enforce the provisions of this By-Law.
- C. The Planning Board shall, at the request of a property owner, assign numbers for any new building constructed in the Town.  
S.T.M. 10/30/92.

## CHAPTER VI ZONING

See “Town of Lenox, Massachusetts Zoning By-Law”, adopted December 12, 1969, printed in separate booklet, as amended through May 2, 2003, and posted on our website, [www.townoflenox.com](http://www.townoflenox.com), as amended through April 14, 2011.

## CHAPTER VII REGULATION OF SEWER USE

See page 58.

## CHAPTER VIII SIDEWALKS AND ROADWAYS

- Section 1. The Superintendent of Highways shall prepare and furnish to the Planning Board specifications for the construction of new roadways in Subdivisions, and extension of existing accepted ways, and extension of existing private ways which are contemplated for acceptance by the Town, and construction or extension of public sidewalks.
- Section 2. Any Article in the Town Warrant for the acceptance of a way shall first be submitted to the Planning Board at least three weeks prior to the Town Meeting. The Planning Board shall make its recommendation on such Article, but its failure to do so shall not invalidate the Article.
- Section 3. Any Article in the Town Warrant providing for the construction of a sidewalk along or on public property shall first be submitted to the Planning Board at least three weeks prior to the Town Meeting. The Planning Board shall make its recommendation on such Article, together with a suggested method of financing if approved, but its failure to do so shall not invalidate the Article.
- Section 4. No accepted Town way or public sidewalk shall be dug into without prior written approval of the Superintendent of Public Works.

- Section 5. The Chief of Police shall have authority to remove or cause to be removed from public ways any vehicle parked thereon, after reasonable effort to contact the owner thereof, which interferes with the normal functions of removing snow or ice therefrom, or normal cleaning/maintenance of the roadways. Any vehicle so removed shall be taken into a public garage and stored. The owner of such vehicle shall be liable for payment of charges incurred in removing the vehicle and storing the same in accordance with the provisions of Massachusetts General Laws, Chapter 40, Section 22D, as most recently amended. Amended A.T.M. 5/05/78.
- Section 6. The owner of premises, and his tenant or licensee, shall as soon as practical after any snowfall or ice storm, cause all public sidewalks abutting said premises to be cleared reasonably of such snow and/or ice, and said sidewalk to be made usable by the public with as much safety as is possible under the circumstances.
- Section 7. No person other than an employee in the service of the public works department or any employee in the service of an independent contractor acting for the public works department shall pile, push, or plow snow or ice onto a Town way so as to impede the flow of traffic on such way. Whoever violates this section shall be punished by a fine of not more than one hundred dollars. Amended A.T.M. 5/06/88.

## CHAPTER IX FINANCIAL AFFAIRS

- Section 1. An audit of the accounts of the Town shall be made annually under the supervision of the State Division of Accounts, as provided by Section 35, Chapter 44, General Laws.
- Section 2. Each officer, board or committee authorized to spend money shall, on or before July 1 of each year, transmit to the Town Accountant all unpaid bills outstanding as of this date.
- Section 3. Except as otherwise provided by law, the Town Clerk shall have custody of Investment Bonds, Blasting Bonds, Deeds, Contracts,

Bonds of Performance, Treasurer's, Tax Collector's, and Town Clerk's Bonds, Insurance Policies, and similar instruments in possession of the Town.

Section 4. Every officer shall each month pay in to the Treasury of the Town all amounts received by him on behalf of the Town, except as otherwise provided by law. All departments shall make a true return of such funds to the Town Treasurer, stating the accounts upon which said amounts were received.

Section 5. Any person or persons presenting any matter to the Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health or the Building Inspector, or any other Board of the Town, which requires the Town to incur expenses for compliance with the Zoning By-Laws, Town By-Laws, State Statutes, and Federal Statutes, shall reimburse the Town for such expenses. Amended A.T.M. 5/01/87.

Section 6. Departmental Revolving Funds. Amended S.T.M. 11/02/17.

1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, Section 53E ½.
2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:
  - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
  - B. No liability shall be incurred in excess of the available balance of the fund.
  - C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that

fiscal year by the selectmen and finance committee.

3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.
4. Procedures and Reports. Except as provided in General Laws Chapter 44, Section 53E ½ and this by-law, the laws, charter provisions, by-law/ordinances, rules and regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.
5. Authorized Revolving Funds.

#### 5.1 Community Center Revolving Fund.

- 5.1.1 Fund Name. There shall be a separate fund called the Community Center Revolving Fund authorized for use by the Community Center.
- 5.1.2 Revenues. The town accountant shall establish the Community Center Revolving Fund as a separate account and credit to the fund all of the Community Center program fees, charges or other receipts to be credited to the fund charged and received by the Community Center in connection with the Community Center programs.
- 5.1.3 Purposes and Expenditures. During each fiscal year, the Community Center may incur liabilities against and spend monies from the Community Center Revolving Fund for Community Center programs in connection with the Community Center.
- 5.1.4 Fiscal Years. The Community Center Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

#### 5.2 Supplemental Inspectional Services Revolving Fund.

- 5.2.1 Fund Name. There shall be a separate fund called the Supplemental Inspectional Services Revolving Fund authorized for use by the Land Use Department.
- 5.2.2 Revenues. The town accountant shall establish the Supplemental Inspectional Services Revolving Fund as a separate account and credit to the fund all of the Inspectional Services fees, charges or other receipts to be credited to the fund charged and received by the Inspectional Services Department in connection with the Land Use Department.
- 5.2.3 Purposes and Expenditures. During each fiscal year, the Land Use Department may incur liabilities against and spend monies from the Supplemental Inspectional Services Revolving Fund for Inspectional Services in connection with the Land Use Department.
- 5.2.4 Fiscal Years. The Supplemental Inspectional Services Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

5.3 Land Use Permitting Revolving Fund. Amended 11/01/18.

- 5.3.1 Fund Name. There shall be a separate fund called the Land Use Permitting Revolving Fund authorized for use by the Land Use Department.
- 5.3.2 Revenues. The town accountant shall establish the Land Use Permitting Revolving Fund as a separate account and credit to the fund all of the funds collected for Planning Board, Zoning Board of Appeals and Conservation Commission fees, charges or other receipts to be credited to the fund charged and received by the Land Use Department in connection with the Planning Board, Zoning Board of Appeals and Conservation Commission.
- 5.3.3 Purposes and Expenditures. During each fiscal year, the Land Use Department may incur liabilities against and spend monies from the Land Use Permitting Revolving Fund for advertising, document production, consultations and other costs incidental to the permitting processes of the Planning Board, Zoning Board of Appeals and Conservation Commission.
- 5.3.4 Fiscal Years. The Land Use Permitting Revolving Fund shall operate for fiscal years that begin on or after July 1, 2019.

## CHAPTER X CONTRACTS

- Section 1. No officer of the Town shall, in his official capacity, except by and with the approval of the Selectmen, make or pass upon or participate in making or passing upon, any sale, contract, agreement or the terms or amount of any payment in which the Town is interested, and in which such officer has any personal financial interest, direct or indirect.
- Section 2. No contract shall be awarded for any work or service to be performed for the Town, and no purchase of materials, supplies or equipment shall be made unless proper procurement procedures, as specified by state laws, have been followed. Amended A.T.M. 5/05/05.

## CHAPTER XI LEGAL AFFAIRS

- Section 1. The Selectmen shall be the agents of the Town to institute, prosecute and defend any and all claims, actions and proceedings to which the Town is a party or in which the interests of the Town are or may be involved.
- Section 2. The Selectmen may appear either personally or by the Town Counsel, or by Special Counsel duly employed, before any court, committee or legislative body, or any state or county board or commission, to protect the interest of the Town, but are not authorized, except as otherwise provided by law to commit the Town or any of its interests. No settlement of any claim or suit obligating the Town in excess of One Thousand Dollars (\$1,000) shall be made, except as authorized by law, without the consent of Town Meeting.
- Section 3. The Selectmen shall annually, after final adjournment of the Annual Town Meeting, appoint a member of the bar in good standing, to serve

as Town Counsel for the term of one (1) year, and at the salary prescribed in Town Meeting.

## CHAPTER XII RECORDS AND REPORTS

Section 1. All officers, boards and committees of the Town shall cause records of their doings and accounts to be kept in suitable books. Said books shall be kept in their respective places in the Town offices and shall not be moved therefrom. Said books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under supervision of the officer, board or committee having custody thereof.

Section 2. All officers, boards and committees of the Town having charge of the expenditure of Town money shall annually report thereof in writing in such matter as will give the citizens a fair and full understanding of the objects and methods of such expenditures, referring, however, to the report of the Town Accountant for statements in detail of receipts and payments. Such reports shall be submitted to the Selectmen for inclusion in the Annual Town Report on or before the first Monday in March of each year.

## CHAPTER XIII MISCELLANEOUS PROVISIONS

Section 1. No motor trailer used for residence purposes shall be parked within the limits of the Town other than in a duly authorized motor trailer parking lot, except with a written permit issued by the Building Inspector. \$50 fine.

Section 2. Buildings or structures shall not be moved on public ways without a permit from the Selectmen. \$100 fine.

Section 3. No steel track tractor may be operated on any hard surfaced public way within the limits of the Town without a permit issued by the Board of Selectmen. \$50 fine.

Section 4. No person, without first having obtained a written permit from the Board of Selectmen, shall:

- (a) Engage in door-to-door selling of merchandise, services or publications of a nonreligious nature, or
- (b) Engage in the passing, distribution, or delivering of handbills, or
- (c) Operate a sound truck on the streets

Section 5. No person shall remove any soil, loam, sand or gravel from any land in the Town not in public use unless such removal is authorized by a permit issued by the Planning Board, except in conjunction with the construction of a building on the parcel and except for the continued operation on the same parcel of an existing sand and gravel pit. No such permit shall be issued until an application therefore is filed with said Board. Said Board shall hold a public hearing on the application and notice of the filing of such application and the date and time of the public hearing thereon shall be advertised in a paper published in the County seven days at least before the public hearing. The above restriction shall not be construed to prevent any person from moving any soil, loam, sand, or gravel on his property for farming or horticultural purposes, in the course of ordinary use.

Section 6. No person shall, within the Town of Lenox, deal in or harbor for sale junk or old metals in a business or industrial district, unless licensed by the Board of Selectmen, as provided by statute, and only after a public hearing has been held.

Section 7. No person shall, in a Residence District, allow to accumulate, harbor or dismantle for sale, old metals, all types of unused machinery or assorted items in a state of disrepair otherwise known as junk, which may be hazardous, injurious or obnoxious to the neighborhood, except those vehicles or machinery used for legitimate purposes. \$50 fine.

Section 8. The Selectmen shall annually after final adjournment of the Annual Town Meeting, appoint an Inspector of Gas Piping and Gas Appliances, in buildings, who shall be a licensed plumber or licensed gas fitter, and whose duty shall be the enforcement of the rules and regulations adopted by the Board established under Section 12H of

Chapter 25.

Section 9. No person shall consume any beer, wine, malt or alcoholic beverages, nor have in his possession any open containers thereof upon any public way, sidewalk or Town owned land. \$300 fine. Amended A.T.M. 5/06/10.

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, s. 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town, or any of its agents or subdivisions; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place open or accessible to the public. Any person under suspicion of possessing or using marijuana or tetrahydrocannabinol in violation of this by-law, or in violation of G.L. c. 94C, s. 32L, shall provide his or her identity in a manner sufficient for town officials to confirm their truthful identification and issue a citation where applicable.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by noncriminal disposition pursuant to G.L. c. 40, s. 21D by the Board of Selectmen, the Town Manager or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be separate from and/or in addition to any civil penalty imposed under G.L. c. 94C, s. 32L. Amended ATM 5/07/09.

Section 10. No person shall operate a power boat upon the Housatonic River within the Town of Lenox except for official emergency vehicles. S.T.M. 9/28/73. \$50 fine.

Section 11. No person shall deposit, cast or throw in or into any river, brook or watercourse in the Town, or the bed thereof, or on or onto the banks adjacent thereto, any refuse, ashes, garbage, offal or any junked or discarded articles. \$100 fine.

Section 12. Any toilet, urinal, or water closet installed after the effective date of

this By-Law shall not use more than three (3) gallons of water per flush. Any shower head installed after the effective date of this By-Law shall not permit water to be used at a rate in excess of three (3) gallons per minute. A.T.M. 5/05/78.

Section 13. No person shall permit any device to be attached to their telephone which unattended dials the Lenox Police Department. A.T.M. 5/01/81. \$25 fine.

Section 14. Trash and garbage receptacles shall be kept, except on collection day, to the side or rear of homes in accordance with stated building setbacks. \$25 fine. Fee schedule amended A.T.M. 5/08/93.

Section 15. The Town, in order to recycle as much as possible of the solid waste generated within the Town, authorizes the Board of Health to adopt rules and regulations to require everyone in Town to separate recyclable material from their solid waste and to dispose of the recyclable materials in accordance with said rules and regulations. For the purposes of the By-Law the term “recyclable” shall mean: glass, paper, metal, as well as any other material the Board of Health may determine can be recycled. The Board of Health shall have the authority to add, alter, or delete items to be separated as markets for recycled goods change.

The Board of Health may set a fine not to exceed twenty-five dollars (\$25.00) for each violation of this By-Law. S.T.M. 9/26/89.

## CHAPTER XIV ENFORCEMENT

### A. Criminal Complaint

Whoever violates any provision of these By-Laws may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be three hundred dollars.

B. Noncriminal Disposition

Whoever violates any provision of these By-Laws, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in General Laws Chapter 40, Section 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following By-Laws and sections of By-Laws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections. Each day on which any violation exists shall be deemed to be a separate offense. A.T.M. 5/08/93.

## CHAPTER XV BUILDING CODE

Refer to State Building Code – effective 1/01/75.

- (1) Fees shall be as follows:  
To read  
\$0.00 - \$1,000.00 permit required, \$10.00 fee  
each additional \$1,000.00 or part thereof \$2.00. Amended A.T.M.  
5/01/81.
- (2) Disposition of fee: A fee for each building permit which requires a fee shall be paid to the Town of Lenox in accordance with the established fee schedule.

## CHAPTER XVI JUNK AND DILAPIDATED MOTOR VEHICLES

As Amended and Adopted A.T.M. 5/06/88

- Section 1. No person or entity, corporate, or otherwise, as owner or as in control of premises, shall keep in the open without being screened from the public view an unregistered or junk/dilapidated motor vehicle and/or parts thereof in any area of the Town of Lenox, without being licensed to do so under this By-Law.
- Section 2. For the purpose of this By-Law, an unregistered, junk/dilapidated motor vehicle shall be one which is worn out, cast off, or discarded and which is ready for dismantling or destruction, or which has been collected or stored for salvage, or for stripping in order to make use of parts thereof. Any parts from such a vehicle shall be considered an unregistered, junk/ dilapidated motor vehicle under this By-Law. An unregistered M.V. is defined according to MGL Chapter 90, Section 9.
- Section 3. The Board of Selectmen, upon application of a property owner and after inspection of the applicant's premises, may permit the storage of more than one unregistered/junk/dilapidated motor vehicle on such property, provided the Selectmen find such unregistered/junk/dilapidated motor vehicle(s) can be screened from public view. In determining whether such vehicle(s) can be screened from public view, the Selectmen shall consider: the site of the applicant's land in the Town, the lot size of the land owned by the applicant the natural cover and terrain available to the applicant for screening purposes; whether a barn, garage, or other man-made structure is available to the applicant for screening purposes; the location of the proposed unregistered/junk/dilapidated motor vehicle store place in relation to public ways and property lines.
- Section 4. Upon the filing with the Board of Selectmen of a petition signed by at least ten (10) legal residents of Lenox asking for revocation of any license or permit issued under this By-Law, the Board shall call a

public hearing to review the conduct of the license under said license. If the Board determines that the operation of the license under said license is such as to depreciate property values in the area, or create a hazard to public safety, or constitute a public nuisance, the Board may by majority vote, revoke said license, said revocation to be effective thirty days after the date of said vote.

Section 5. The holder of a Class 1, Class 2 or Class 3 license as defined in MGL (Ter. Ed.) Chapter 140, Section 58, is exempt from the provisions of this By-Law in respect to the premises specified in the license granted to him under Section 59 of said Chapter, only in accordance with the provisions of the Zoning By-Laws and the Town of Lenox.

Section 6. The Board of Selectmen or Chief of Police may order the removal of any unregistered, junk/dilapidated motor vehicle by giving notification to the owner or occupants of the premises either in writing or orally. The owner or occupant will have thirty (30) days from the date of notice to remove said vehicle(s). After such notice and the expiration of the thirty (30) days the property owner or occupants will be fined \$50.00 per day for each day the unregistered, junk/dilapidated vehicle(s) remain on the property. Each day constitutes a separate offense under this By-Law. Fine amount amended A.T.M. 5/08/93.

## CHAPTER XVII DOGS

Adopted A.T.M. 5/04/90

Section 1. Dog owners are required to restrain their dogs when they are not on the owners property. Hunting dogs when being used for hunting or training shall be exempt.

Section 2. Muzzling dogs.

Any owner or keeper of a dog may be ordered to muzzle said dog by a duly appointed animal control officer for either of the following reasons:

- (a) For having bitten, injured or physically molested any person;
- (b) For having physically injured any domestic animal.

This order shall remain in effect until removed by the officer after having been satisfied that the dog is unlikely to repeat its offense. Such decision by the officer to remove the said order shall not be unreasonably withheld.

Section 3. Impounding, release and disposition of dogs.

- (a) Animal control officers may cause a dog to be impounded for any one the following causes:
  - (1) If found without a license when a license is required. (MGL Chapter 140, Section 137).
  - (2) If found unrestrained as set forth in Section 1 above.
  - (3) For violation of a muzzling order as provided for in Section 2 of this By-Law or as provided under MGL Chapter 140, Section 167, as amended.
  - (4) For having bitten, injured or physically molested any person.
  - (5) For having bitten or injured any domestic animal.
- (b) Not later than two (2) days after the impounding of any dog by the animal control officer, the owner or keeper shall be notified, or if the owner or keeper of the dog is unknown, or, after reasonable efforts, is not contacted, written notice shall then be posted for ten (10) consecutive days in the location for the posting of notices in the Town Hall, which notice shall describe the dog and the place and time of taking. Dogs impounded and unclaimed by the owner or keeper after such ten-day period shall be disposed of in accordance with the provisions of MGL Chapter 140, Section 151A. Prior to the end of said ten-day period the owner or keeper may obtain the release of any dog impounded hereunder as follows:
  - (1) In the case of a violation of Section 3(a)(1), upon obtaining a license as required by law.

- (2) In addition to compliance with subparagraph (1) of this section, all pound fees, fines, notification costs, if any, must be paid before the dog is released.
  - (3) A person who owns or keeps a dog, and who has received such notice that the dog has been impounded by the animal control officer, and does not within ten (10) days claim said dog at the pound, shall be punished by a fine of no more than Seventy-Five Dollars (\$75.00). The owner or keeper shall be described as a person who has in his possession, for eleven (11) consecutive days in any calendar year, a dog licensed or unlicensed, and cannot show to the satisfaction of the animal control officer that such dog was sold, killed, given away or otherwise disposed of. Amended A.T.M. 5/04/01.
- (c) The pound fee shall be Forty Dollars (\$40.00) per day for each day or fraction thereof a dog is impounded. Amended A.T.M. 5/05/16.

**Section 4. Additional violations and fines.**

Any person who violates the provisions of Section 1 through 3 of this By- Law, and the owner or keeper of any dog who intentionally allows any such dog to cause a nuisance by barking, howling or otherwise, shall pay the fines as stated below in accordance with MGL Chapter 140, Section 173A.

- (a) First offense within a calendar year - Five Dollars (\$5.00)
- (b) Second offense within a calendar year - Ten Dollars (\$10.00)
- (c) Third offense within a calendar year - Twenty Dollars (\$20.00)
- (d) Fourth and subsequent offense within a calendar year - Forty Dollars (\$40.00)

**Section 5. License requirements; fees and exceptions.**

Every dog in the Town must be fully licensed annually, and the fees for which shall be in accordance with the following:

- (a) The license fee for a dog that has not been spayed or neutered is Fifteen Dollars (\$15.00). Amended A.T.M. 5/04/01.

- (b) The license fee for a dog that has been spayed or neutered is Ten Dollars (\$10.00). Amended A.T.M. 5/04/01. A registered veterinarian's certificate, or reasonable facsimile of same, as proof of spaying or neutering is required.
- (c) No license fee shall be charged for a dog specially trained to lead or serve a blind person or to hear for or serve a deaf person. Certification of such training and service is required.
- (d) No license fee shall be refunded in whole or in part for any reason.
- (e) Late fee. Annual licenses are to be renewed by May 15. A late fee of Ten Dollars (\$10.00) per dog will be charged for any late renewals for a license. Amended A.T.M. 5/04/01.

Section 6. Kennels; license requirements and fees.

- (a) License required. Every kennel in operation in the Town must be licensed, MGL Chapter 140, Section 137A.
- (b) Renewal of license. Persons seeking a license renewal must present their previous license, all others must present certification from the building inspectors showing that all applicable requirements have been met.
- (c) Fees:
  - (1) For a kennel which holds four (4) or less dogs, the fee shall be Twenty-Five Dollars (\$25.00).
  - (2) For a kennel which holds more than four (4) but less than ten (10) dogs, the fee shall be Fifty Dollars (\$50.00).
  - (3) For a kennel which holds more than ten (10) dogs, the fee shall be Seventy-Five Dollars (\$75.00).

Section 7. Collection of fines.

The collection of fines shall be as follows:

- (a) All fines due under Section 4 shall be paid within twenty-one (21) days to the office of the Town Clerk of the Town of Lenox.

- (b) Any person who disputes a fine shall be entitled to a hearing before a hearing officer; the hearing officer shall have the power to dismiss the complaint upon just cause; upon dismissal the hearing officer shall note the reason upon the record.
- (c) Any fine not paid within twenty-one (21) days, or not dismissed by a hearing officer, shall be collected by an action in the district court department of the trial court. Hearing officers shall be appointed by the animal control officer.

Section 8. The Board of Selectmen shall annually on May 1 designate one or more animal control officers in accordance with MGL Chapter 140, Section 165. Amended A.T.M. 5/04/90.

Section 9. Removal of Dog Litter.

- A. If any dog shall defecate upon any property or area, as hereinafter defined, then the owner, keeper and person then walking or otherwise in charge of said dog shall immediately remove or cause to be removed from said property or area all feces so deposited by said dog. Unless said feces are removed, the owner, keeper and the person then walking or otherwise in charge of said dog (or if said owner, keeper or person shall be a minor, then the parent or guardian) shall each be deemed to have committed a punishable offense.
- B. As used in this section the following terms shall have the meanings indicated:  

PROPERTY or AREA – Any public property or the common areas of any privately owned property or any private property owned or occupied by any person or persons who are not members of the family of the owner or keeper of or the person then walking or otherwise in charge of the dog.
- C. The provision of this By-Law shall not apply to a guide dog, hearing dog or service dog accompanying any person with a disability.
- D. The commission of any offense punishable under this section shall be punishable by a fine not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars(\$100.00).
- E. Whoever violates any provisions of this By-Law may be penalized by a noncriminal disposition as provided in General Laws Chapter 40,

Section 21D. S.T.M. 10/18/91.

## CHAPTER XVIII LICENSE OR PERMIT RENEWALS

Adopted - S.T.M. 10/01/90

- Section 1. The Town of Lenox may deny any application for, or revoke or suspend any local license or permit including renewals and transfers issued by any Board, Officer, or Department to any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.
- (a) The Town Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Town Collector, shall annually furnish to each Department, Board, Commission or Division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.
  - (b) The Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the Licensing Authority from the Town Collector; provided, however, that written notice is given to the party and the Town Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Town Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the Licensing Authority with

respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the License Authority receives a certificate issued by the Town Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

- (c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- (d) The Board of Selectmen may waive such denial, suspension or revocation if it finds there is not direct or indirect business interest by the property owner, its officers or stockholders, or if any members of his immediate family, as defined in Section One of Chapter Two Hundred and Sixty-Eight in the business or activity conducted in or on said property.
- (e) This section shall not apply to the following licenses and permits; open burning, Section Thirteen of Chapter Forty-Eight; bicycle permits, Section Eleven A of Chapter Eighty-Five; sales of articles for charitable purposes, Section Thirty-Three of Chapter One Hundred and One; children work permits, Section Sixty-Nine of Chapter One Hundred and Forty-Nine; clubs, associations dispensing food or beverage licenses, Section Twenty- One E of Chapter One Hundred and Forty; dog licenses, Section One Hundred and Thirty-Seven of Chapter One Hundred and Forty; fishing, hunting, trapping licenses, Section Twelve of Chapter One Hundred and Thirty-One; marriage licenses, Section Twenty-Eight of Chapter Two Hundred and Seven, and theatrical events, public exhibition permits, Section One Hundred and Eighty-One of Chapter One Hundred and Forty. Unless specifically excluded by M.G.L. Chapter 40, Section 57, this section shall apply to any and all permits, permits of, permits to go forth,

certificates, certificates of, certificates for, approvals of, approvals to go forth and licenses of any description or form allowed by law.

## CHAPTER XIX CAPITAL IMPROVEMENT PROGRAM AND PERMANENT BUILDING COMMITTEE

Amended - A.T.M. 5/05/16

Section 1. There shall be a Five Year Capital Improvement Program (CIP) for land purchases, construction or renovation of buildings, major equipment or machinery purchases, road and drainage reconstruction, and the construction and reconstruction of special facilities such as sewer and water mains and water treatment and sewage disposal facilities.

The Town Manager shall prepare the CIP and submit it to the Board of Selectmen and the Finance Committee together with his operating budget request as required by Town bylaws. To the extent that the CIP contains a building project that falls under the jurisdiction of the Permanent Building Committee (PBC), the proposal(s) for said project shall be submitted to the PBC at the same time that the CIP is submitted to the Board of Selectmen and the Finance Committee.

The Board of Selectmen, with assistance from the Town Manager, shall determine what constitutes a capital item for inclusion in the CIP and inform all departments of the applicable criteria and any related definition(s). The Board of Selectmen shall work closely with the Finance Committee in establishing what amounts of money will be dedicated to the Town's capital needs and shall make specific recommendations for the funding of each project in the CIP.

Each year's amendments to the CIP will allow the Board of Selectmen and Town Manager to make adjustments in cost estimates, to add new projects or to delete proposed projects.

Section 2. There shall be a Permanent Building Committee (PBC) that shall make recommendations on building and related land acquisition projects to Town Meeting, as well as manage design and construction of major building projects. The Permanent Building Committee shall consist of five voting members and the Town Manager as follows:

- 1) A Selectman, appointed by the Board of Selectmen, who will serve as chair of the Permanent Building Committee;
- 2) Four town residents, appointed by the Board of Selectmen, at least one of whom shall have experience in the management of construction activities and at least one of whom shall have experience as a designer, architect or engineer.
- 3) The Town Manager shall serve as an ex-officio non-voting member.

And the Board of Selectmen shall charge the Committee with the duty to recommend approval/disapproval of all major building projects presented to Town Meeting. Major building projects are defined as any construction, addition, or renovation of any building for which an appropriation is sought in excess of \$100,000 or any acquisition or disposition of property which contains existing building(s) or on which a public building is proposed. However, the PBC will not have jurisdiction over a major building project for which appointment of a School Building Committee (SBC) is required under regulations promulgated by the Massachusetts School Building Authority, or any successor agency of the Commonwealth. In such cases, the SBC will perform the function ordinarily performed by the PBC.

The funds for the design and construction of a major building project shall be appropriated to, and expended under the direction of, the PBC which will supervise the construction of the project. Supervision of a

major building project shall include, but not be limited to, the following activities:

- a) Designer selection under Chapter 7C of the General Laws (architects, engineers and other related professionals);
- b) Procuring services of “Related Professionals” as defined in Chapter 30B, Section 2 of the General Laws;
- c) Soliciting bids from and supervising contractors selected under Chapter 149 of the General Laws;
- d) Soliciting bids from and supervising contractors selected under Chapter 30, Section 39M of the General Laws (public works facilities); and
- e) Appointing an Owner’s Project Manager (OPM) where required by the General Laws or whenever the PBC determines the appointment of an OPM is in the best interest of the Town.

The PBC, at its sole discretion and by majority vote, may delegate portions of the supervision of a major building project to the Town Manager or the Superintendent of Schools. The PBC will establish its own rules and procedures for supervising major building projects.

Members of the PBC shall serve terms of three years and may be removed from office only for cause after a hearing.

## CHAPTER XX MUNICIPAL WATER USE RESTRICTIONS

Adopted - A.T.M. 5/03/02

### Section 1. Authority.

This By-Law is adopted by the Town under its police powers to protect public health and welfare and its powers under MGL Chapter 40, Section 21 et seq. and implements the Town’s authority to regulate water use pursuant to MGL Chapter 41, Section 69B. This

By-Law also implements the Town's authority under MGL 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 the public health, safety and welfare whenever there is in force a State of 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.

Person shall mean any individual, corporation, trust, partnership or association, or other entity. State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under MGL 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 4 of this By-Law. Water Users or Water Consumers shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

Section 4. Declaration of a State of Water Supply Conservation.

The Town, through its Board of Selectmen, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under Section 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 6.

- (a) Odd/Even Day Outdoor Watering. Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.
- (b) Outdoor Watering Ban. Outdoor watering is prohibited.
- (c) Outdoor Watering Hours. Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- (d) Filling Swimming Pools. Filling of swimming pools is prohibited.
- (e) Automatic Sprinkler Use. The use of automatic sprinkler systems is prohibited.
- (f) Vehicle Washing. The washing of any type of vehicle is prohibited.
- (g) Rationing. In extreme cases, the Board of Selectmen has the option of rationing water.

Section 6. Public Notification of a State of Water Supply Conservation;  
Notification of DEP

Notification of any provision, 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. Any restriction imposed under Section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

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 Selectmen, upon a 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 required by Section 6.

Section 8. State of Water Supply Emergency; Compliance with DEP Orders

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition or any order approved or issued by the Department intended to bring about an end to the State of Emergency.

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 inure to the Town for such uses as the Board of Selectmen 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. Severability.

The invalidity of any portion or provision of this By-Law shall not invalidate any other portion or provision thereof.

## CHAPTER XXI PUBLIC SAFETY REGULATIONS ALARM SYSTEMS

Adopted - A.T.M. 5/02/03

Section 1. Definitions.

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

Contractor – Any firm or corporation in the business of supplying and installing private fire, intrusion or medical alarm devices or servicing the same.

False Alarm:

- A. False Private Fire Alarm – The activation of a private fire alarm system by any cause where in fact a hazard requiring attention to which Police or Fire Department personnel are expected to respond does not exist. Such cases include mechanical failure, malfunction, improper installation, recklessness, intentional conduct or negligence of the user of a private fire alarm system or of his or her employees or agent.
- B. False Private Intrusion Alarm – The activation of a private intrusion alarm system by any cause where in fact a hazard requiring attention to which police are expected to respond does not exist. Such cases include mechanical failure, malfunction, improper installation, recklessness, intentional conduct or negligence of the user of a private intrusion alarm system or of his or her employees or agent.
- C. False Private Medical Alarm – The activation of a private medical alarm system by any cause where in fact a hazard requiring attention to which Police, Fire or Emergency Medical Personnel are expected to respond does not exist. Such cases include mechanical failure, malfunction, improper installation, recklessness, intentional conduct or negligence of the user of a private medical alarm system or of his or her employees or agent.
- D. Exceptions. For purposes of the above definitions, activations of a private fire, intrusion or medical alarm system by acts of vandals, acts of nature, including, but not limited to, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances, shall not be deemed a false private alarm.

Private Alarm System – Any assembly of equipment or any device to signal the presence of a hazard to which the Town of Lenox Police, Fire or Emergency Medical Services are expected to respond.

Town – Town of Lenox, Massachusetts.

User – The owner of the private fire, intrusion, or medical alarm system.

Premises – Coverage of the private alarm system.

Section 2. Administrative Alarm Board.

- A. There shall be in the Town an Administrative Alarm Board for private fire, intrusion and medical alarm devices, which shall have the powers and duties granted under this Chapter.
- B. The Administrative Alarm Board shall be made up of the Fire Chief, Ambulance President and Police Chief, who will serve as the Boards Chairperson. Said Board shall function under the direction and control of the Board of Selectmen.
- C. The Town Manager or his designee shall be responsible for the maintenance of the alarm user registration files, the collection of registration fees and the billing of fees for private false alarms.
- D. All registration records of private alarm users maintained by the Administrative Alarm Board shall be stored and readily available as needed by the Police, Fire or Ambulance Squad.

Section 3. Private Alarm Appeal Board.

- A. There shall be in the Town a Private Alarm Appeals Board, which shall have the powers and duties granted to it under this Chapter.
- B. The Private Alarms Appeals Board shall consist of the Board of Selectmen.

Section 4. Registration Required.

Each private fire, intrusion or medical alarm user shall register his or her private alarm system, device or devices with the Administrative Alarm Board prior to use, provided that private alarm devices in use as of the effective date of this Chapter shall be registered by September 2, 2003.

Section 5. Confidential Information.

All information in the possession of the Administrative Alarm Board or the Police Department concerning specific private alarm devices shall be considered law enforcement information and as such shall be considered confidential and shall not be divulged without consent of the private alarm user or users concerned.

Section 6. Regulation of Private Alarm Systems.

- A. Every user shall submit to the Administrative Alarm Board the names and telephone numbers of at least two other persons who are authorized to respond to an emergency signal emitted by a private system and who are authorized to open the premises wherein the private alarm is installed.
- B. All private alarm systems installed after the effective date of this Chapter which uses an audible horn or bell shall be equipped with a device that will shut off such horn or bell within 10 minutes after activation of the private alarm system.
- C. All private alarm systems installed after the effective date of this Chapter shall be equipped with a battery backup or other device or be of a design so as to prevent the signaling of a private alarm in the event of AC power failure.
- D. No private alarm system shall be wired directly to the Town of Lenox Dispatch Center, Police Department, Fire Department or Ambulance Squad.
- E. All alarm signals must be from either a person hearing, seeing or otherwise becoming aware of said alarm, or an operator at a private monitoring station. Said operator shall be capable of informing the Dispatch Center of the existence of a possible problem requiring police, fire or ambulance response, as well as answering relevant questions the dispatcher may have. Private alarm systems with automatic dialers or systems utilizing any form of recorded voice message are prohibited.
- F. Every user shall follow Town By-Law Chapter V, Section 4, Uniform System for Numbering Dwellings and Principal Buildings.

Section 7. Registration Procedure; Fee.

- A. Every person who is the owner of, or who is in charge of premises on

which a private alarm device is installed, shall register such fire/intrusion/medical alarm device annually, on or before April 1 of each year, and shall submit to the Administrative Alarm Board in the Town of Lenox, in writing, on or before that date, a registration statement, on a form established by the Administrative Alarm Board, and an annual registration fee established by the Administrative Alarm Board. The registration statement shall contain such person's name, address and telephone number, as well as the name, address and telephone number of at least two other persons who are authorized to respond to a signal transmitted by the private alarm device and who are authorized to open the premises on which the private alarm device is installed.

- B. For such private alarm devices currently installed, such persons shall submit such registration statements by September 2, 2003.
- C. Such registration form shall require permission from the user in favor of the Town of Lenox Public Safety Departments to break into and enter the registered premises forcibly without liability and an indemnification from the user in favor to the Town and its officers with respect to any such forcible breaking and entering in order to respond to such an alarm.

Section 8. Notice of Repeated False Alarms; Fee; Failure to Comply.

- A. Upon the occurrence of three false private fire, intrusion or medical alarms, or any combination thereof, attributable to one premise within a calendar year, the Administrative Alarm Board or its designee may, at its discretion, in writing, notify the private alarm user that:
  - 1) The user is to discontinue use of the private alarm insofar as it triggers a Police Department, Fire Department or Ambulance Squad response; and
  - 2) Further Police Department, Fire Department or Ambulance Squad response will be contingent upon the private alarm user equipping the private alarm system with a device that will shut off any audible horn or bell within 10 minutes after activation of the private alarm system; and
  - 3) Further Police Department, Fire Department or Ambulance Squad response will be contingent upon the private alarm user equipping

the private alarm system with a battery backup or similar device, or the system shall be modified so as to prevent the signaling of the private alarm in the event of an AC power failure.

- B. The private alarm user shall be assessed a fee as set by the Administrative Alarm Board on their fourth false alarm. For each additional false private alarm occurring at the premises within the same calendar year a fee will be assessed. All fees assessed hereunder shall be paid to the Town Treasurer for deposit into the general fund.
- C. Failure to comply with Section 8 set forth in this Chapter shall be punishable in accordance with Section 13 of this Chapter.

Section 9. Notice of Fee; Appeals.

- A. False private alarm fees.
  - 1) The Administrative Board shall notify the responsible private alarm user of any false private alarm fee assessed under Section 8 above by certified mail to the address which is on file with the Administrative Alarm Board. Within 30 days after the mailing of such notice, the private alarm user may file with the Administrative Board information to show that the private alarm was not a false private alarm within the meaning of this Chapter.
  - 2) The Administrative Board shall consider this information and, based thereon, shall affirm or rescind the false private alarm fee and notify the private alarm user of its decision by mail. Within 30 days after mailing such notice, the private alarm user may file with the Private Alarm Appeal Board an appeal, in writing.
  - 3) The Administrative Board may consider waiving the false alarm fee if proper documentation is provided of a repair to the Private Alarm System.
- B. Appeal to the Private Alarm Appeal Board. Upon receipt of a timely appeal from a false private alarm fee, the Private Alarm Appeal Board shall hold a hearing to consider it and shall mail notice of the time and place of said hearing to the private alarm user taking the appeal at his or her last known address at least 15 days before the hearing. On the basis of the information introduced at the hearing, the Board shall affirm the fee if it finds that the fee was properly imposed or rescind the fee if the fee was not properly imposed.

- C. Notice to include instructions. Each notice of a false private alarm fee or the affirmation of such fee by the Administrative Board shall refer to and provide instructions concerning the private alarm user's right to further recourse by filing information with the Administrative Board or an appeal with the Private Alarm Appeal Board, as the case may be.

Section 10. Appeal Fees.

- A. There shall be a fee as established by the Administrative Alarm Board for each appeal to the Private Alarm Appeal Board; provided however, that in the event that such Board finds in favor of the user, such appeals fee will be refunded.

Section 11. Fees Paid into the General Fund.

Fees for false private alarms, registration, fines and appeals will be collected by the Administrative Alarm Board and deposited into the Town's General Fund.

Section 12. Town Assumes No Responsibility for Devices.

Notwithstanding the provisions of this Chapter, the Town of Lenox and its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any private alarm device or of the private alarm monitoring facilities.

Section 13. Violations and Penalties.

Any person who commits, or causes to be committed, any of the following acts shall be subject to a fine as established by the Administrative Alarm Board.

- A. Intentional causing of a false private alarm.
- B. Failure to register a private alarm device or to submit changes in registration information, as required by this Chapter. Each day of such

failure shall constitute a separate violation.

Section 14. Enforcement.

- A. The Town, upon authorization by the Administrative Board, may institute civil proceedings to enforce the provisions of Sections 6, 7 and 8 of this Chapter.
- B. Any police officer of the Town may utilize the non-criminal disposition procedure as set forth in the Town By-Laws, Chapter XIV, Enforcement, or may file an application for a criminal complaint with the Trial Court of the Commonwealth District Court, to enforce the provisions of this Chapter, Section 13.

Section 15. Exceptions.

The provisions of this chapter shall not apply to alarm devices on premises owned or controlled by the Town of Lenox nor to intrusion alarm devices installed in motor vehicles.

Section 16. Severability

The invalidity of any provision of this Chapter shall not affect the validity of the remaining provisions.

## CHAPTER XXII IN-GROUND IRRIGATION SYSTEMS

Adopted - A.T.M. 5/05/05

Section 1. Purpose.

The purpose of this by-law is to protect the availability of water supplied by the Town of Lenox Water Department through the municipal water system by establishing requirements for in-ground irrigation systems.

Section 2. Applicability.

- A. All in-ground irrigation systems installed after the effective date of this by-law will be required to comply with the following:
- 1) Installation of new in-ground irrigation systems and the expansion of existing systems will be permitted only when the source of water supply is a private well or private water supply owned and under the control of the property owner or a legally created organization of the property owner.
  - 2) A private well installed for the purpose of this by-law shall be subject to all state, federal or local approvals required for well installation, including but not limited to, regulations administered by the Board of Health, Tri-Town Health, the Conservation Commission and the Building Inspector.
  - 3) Installation and operation of such systems requires that there be no connection between the private water supply and the municipal water service. Separation using valves or removable sections of pipe is prohibited.
  - 4) Irrigation systems sourced by private water supplies and operated as described herein shall not be subject to municipal water restrictions imposed by the Board of Selectmen in the event of a Water Restriction.
  - 5) The Tri-Town Health/Board of Health shall be authorized to issue permits and establish fee schedules for the installation of new in-ground irrigation systems. All other state, federal or local approvals shall be required.
- B. In-ground irrigation systems existing at the effective date of this by-law will be required to comply with the following:
- 1) Existing in-ground irrigation systems require the installation of rain shut-off devices.
  - 2) A seller of property covered by these regulations is responsible to inform the purchaser of these requirements.

**CHAPTER XXIII  
COMMUNITY PRESERVATION COMMITTEE**

Adopted - S.T.M. 2/28/07

Chapter 1: Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

- a. One member of the Planning Board as designated by the Board for a term of three years.
- b. One member of the Conservation Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.
- c. One member of the Historical Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.
- d. One member of the Community Center Board who shall act as the representative of the Park Commissioners as designated by the Board for an initial term of one year and thereafter for a term of three years.
- e. One member of the Lenox Housing Authority Board as designated by its Board of Directors for an initial term of two years and thereafter for a term of three years.
- f. Two members to be appointed by the Board of Selectmen, for an initial term of two years and thereafter for a term of three years.
- g. Two members to be appointed by the Board of Selectmen, for a term of three years.
- h. Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen.

Chapter 2: Duties

- 1) The community preservation committee shall study the needs,

possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the Board of Selectmen, the conservation commission, the historical commission, the planning board, the Community Center Board and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. The committee may, after proper appropriation, incur expenses as permitted by state law using funds from the community preservation fund to pay such expenses.

- 2) The community preservation committee shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
- 3) The community preservation committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

### Chapter 3: Requirement for a quorum and cost estimates

The community preservation committee shall not meet or conduct business without the presence of a quorum and shall keep a written

record of its proceedings. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

Chapter 4: Amendments

This Chapter may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with MGL, Chapter 44B.

Chapter 5: Severability

In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Chapter 6: Effective Date

Each appointing authority shall have twenty days after approval to make their initial appointments.

The term for the first-appointed Community Preservation Committee shall begin upon appointment in accordance with the preceding paragraph. The one-year appointments shall end on June 30, 2008, the two-year appointments shall end on June 30, 2009, and the three-year appointments shall end on June 30, 2010. Subsequent terms will begin on July 1 of each year and will be for a period of three years. Any vacancy on the Community Preservation Committee shall be filled by the commission, authority or board that designated the member who creates the vacancy by designating another member in accordance with Section (1) above for the unexpired term.

**CHAPTER XXIV  
AFFORDABLE HOUSING TRUST**

Adopted - A.T.M. 5/07/09

Article I: Name of the Trust

The Trust shall be called the “Town of Lenox Affordable Housing Trust Fund”.

Article II: Purpose

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Lenox for the benefit of low- and moderate-income households. In furtherance of this purpose, the Trustees are hereby authorized, in accordance with the procedures set forth herein, to acquire by gift, purchase or otherwise real estate and personal property, both tangible and intangible, of every sort and description; to use such property, both real and personal, in such manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property held by the Trust and the net earnings thereof shall be used exclusively for the preservation and creation in the Town of Lenox of affordable housing for the purposes for which this Trust was formed.

Article III: Trustees

There shall be a Board of Trustees (Board) composed of seven Trustees, appointed by the Board of Selectmen. The term of a Trustee shall be two years, except that three members of the initial Board shall serve for a term of one year. No Trustee shall serve for a term exceeding two years. If a vacancy shall occur among the Trustees, it shall be filled by appointment of the Board of Selectmen for the unexpired term. Trustees may be removed by a majority vote of the Board of Selectmen. Any Trustee who ceases to be a resident of the Town of Lenox shall cease to be a Trustee hereunder and shall promptly provide a written notification of the change in residence to the Board and to the Town Clerk. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the

time being hereunder.

Article IV: Meetings of the Trust

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, G.L. Chapter 39 Sections 23A, 23B and 23C. A quorum at any meeting shall be a majority of the Trustees qualified and present in person.

Article V: Powers of the Trustees

The Board of Trustees shall have the following powers which shall be carried out in accordance with and in furtherance of the provisions of G.L. Chapter 44, Section 55C:

- 1) To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B;
- 2) To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- 3) To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the board deems advisable notwithstanding the length of any such lease or contract;
- 4) To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the Trust;
- 5) To employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

- 6) To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;
- 7) To apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation, depletion or otherwise;
- 8) To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- 9) To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;
- 10) To carry property for accounting purposes other than acquisition date values;
- 11) To borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge Trust assets as collateral;
- 12) To make distributions or divisions of principal in kind;
- 13) To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;
- 14) To manage or improve real property; and to abandon any property which the board determined not to be worth retaining;
- 15) To hold all or part of the Trust property uninvested for such purposes and for such time as the board may deem appropriate; and
- 16) To extend the time for payment of any obligation to the Trust.

The power and duties enumerated above are intended to encompass all powers and duties of the Trustees. Any action, power or duty not enumerated above shall require prior approval of the Board of Selectmen.

Article VI: Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any Zoning Ordinance or by-law, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the board within one year of the date they were appropriated into the Trust, remain Trust property.

Article VII: Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

Article VIII: Liability

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein. The Trust is a public employer and the Trustees are public employees for the purposes of G.L. Chapter 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of G.L. Chapter 268A.

Article IX: Taxes

The Trust is exempt from G.L. Chapter 59 and 62, and from any other

provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any subdivision thereto.

Article X: Custodian of Funds

The Town Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities.

Article XI: Governmental Body

The Trust is a governmental body for purposes of Sections 23A, 23B and 23C of G.L. Chapter 39.

Article XII: Board of the Town

The Trust is a board of the Town for purposes of G.L. Chapter 30B and Section 15A of G.L. Chapter 40; but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from said Chapter 30B.

Article XIII: Duration of the Trust

This Trust shall be of indefinite duration, until terminated in accordance with applicable law. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

Article XIV: Authorization

The Trustees are authorized to execute, deliver, and record with the

Registry of Deeds any documents required for any conveyance authorized hereunder.

#### Article XV: Rules and Regulations

The Board may adopt such rules and regulations as required to conduct its affairs, and in keeping with the provisions and intent of G.L. Chapter 44, Section 55C.

#### Article XVI: Titles

The titles to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such Article.

#### Article XVII: Records

The Trustees shall keep a record of its doings and at the close of every fiscal year, make a report thereof to the Board of Selectmen. The report shall include a description and source of funds received and expended and the type of affordable housing programs or properties assisted with the funding. The Trustees shall also provide the Board of Selectmen with a copy of the Trust's annual audit.

#### Article XVIII: Amendment

This Trust may be amended from time to time by vote of two-thirds of the members of the Board and approved by the Board of Selectmen, provided however, that no such amendment shall violate the purposes of this trust, nor of G.L. Chapter 44, Section 55C.

#### Article XIX: Validity

If any provision of this trust shall be deemed illegal or unenforceable by final Judgment, order or decree by a Court of competent jurisdiction, the remaining provisions of this trust shall not be affected thereby.

## CHAPTER XXV STRETCH ENERGY CODE

Adopted - A.T.M. 5/06/10

### Section 1. Definitions.

International Energy Conservation Code (IECC) 2009 — The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

Stretch Energy Code — Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

### Section 2. Purpose.

The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

### Section 3. Applicability.

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

### Section 4. Authority.

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency

requirements of 780 CMR may mandate adherence to this appendix.

780 CMR 120 AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

Section 5. Stretch Code.

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Lenox General Bylaws, Chapter XXV.

The Stretch Code is enforceable by the building inspector/municipal code official.

## CHAPTER XXVI REGULATIONS FOR OUTDOOR DINING LICENSES

Adopted - S.T.M. 4/14/11

These regulations are adopted pursuant to Chapter I of the General Bylaws of the Town of Lenox.

1. Applications for outdoor dining licenses shall be made to the Board of Selectmen by submission of an Application Form to the Town Manager. The application shall include the name, address and telephone number of the applicant and the owner of the building if different than the applicant. The application shall be accompanied by a copy of the current Permit to Operate a Food Establishment issued by Tri-Town Health.
2. The application shall include seven copies of a plan containing information regarding the location of the outdoor dining area including points of ingress and egress and lighting.
3. Seven copies of the application and all supporting materials shall be submitted to the Town Manager, who, upon determining that the application is complete, shall distribute the application to the Police Department, Fire Department, Tri-Town Health, Department of Public Works and Building Inspector. If the location is within the Lenox

Historic District, the application shall also be given to the Historic District Commission.

4. The Board of Selectmen shall schedule a hearing date and notify the applicant and the above referenced departments. The departments shall have 14 days to submit written comments.
5. If the outdoor dining facility is located on town property such as a sidewalk, the owner and operator of the restaurant shall sign a License Agreement and shall provide a Certificate of Insurance as required by the Bylaw and shall pay a License Fee as established by the Board of Selectmen before issuance of the License and before commencement of any activities under the License.
6. If the outdoor dining facility is located on town property, alcoholic beverages cannot be served on town property. An Outdoor Dining License shall not be construed as, nor shall it permit the alteration or extension of, premises where alcoholic beverages are served. Applicants who hold an alcoholic beverages license shall provide an alcohol control plan as part of their Outdoor Dining application. The alcohol control plan shall include what steps the manager shall take to ensure alcohol remains only on the licensed premises, including signage, staff instructions on monitoring of the outdoor dining area, etc. The applicant shall also submit the TIPS or alcohol server training certificates for the manager and all shift managers.
7. If the outdoor dining facility is located on town property the Licensee shall provide evidence of insurance, as required by the Bylaw and the License Agreement. The Licensee shall carry or require that there be carried Worker's Compensation insurance for all employees and those of its contractors and/or subcontractors engaged in work at the outdoor dining facility, in accordance with the State Workers' Compensation Laws. The Licensee shall furnish a certificate of insurance to the Town evidencing coverage of Workers' Compensation Insurance. In addition, the Licensee shall carry Comprehensive Public Liability and Property Damage Liability Insurance with limits hereinafter set forth to cover the Licensee and its contractors and subcontractors against claims due to accidents which may occur or result from operators under this agreement. Such insurance shall cover the use of all equipment related to the provision of sidewalk dining services. The Comprehensive General Liability Policy shall insure against all claims and demands for bodily injury and property damage with respect to

the sidewalk dining facilities and services, with limits of \$5,000,000 per occurrence and \$5,000,000 in the aggregate. The Town shall be named as an “additional insured” in all policies of such insurance. The Licensee (and their heirs, successors and assigns in interest) shall hold harmless, defend and indemnify the Town of Lenox and its employees and agents from any responsibility, liability and claims arising out of or related to the operations under this agreement. The Licensee shall furnish a certificate of insurance to the Town prior to commencing provisions of the facilities and services authorized under the Licensee. Where such insurance is renewed or replaced, the Licensee shall furnish the Town with a certificate of insurance evidencing the same.

8. Upon notification from the Department of Public Works that weather conditions or work to be performed on the property of the Town requires removal of the outdoor dining furniture, the applicant shall immediately remove all of its property associated with the outdoor dining license from the public property.
9. Revocation – Any person or organization who violates any provision of the Bylaw shall receive a written notice sent by certified mail at the address set forth by the applicant in the application, or by service by the Chief of Police stating that the license shall be revoked 5 days from receipt of the notice of revocation. The license shall be deemed revoked 5 days after receipt of the notice unless within that time the person or organization files a written notice of appeal with the Select Board. The Select Board shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal. A final decision regarding revocation of the license shall be made within 15 days of closing the appeal hearing. If no appeal is filed within 5 days of receipt, the license shall be deemed revoked.
10. The Licensee shall comply with all applicable laws, rules, regulations, and conditions of other licenses and permits.
11. In granting a License, the Board of Selectmen may impose such additional conditions as it determines to be appropriate.

## CHAPTER XXVII SANDWICH BOARD SIGNS

Adopted - A.T.M. 5/02/13

These regulations are adopted pursuant to Chapter I of the General Bylaws of the Town of Lenox

The Board of Selectmen shall issue a temporary permit for 1 (one) A-frame Sandwich Board Sign (sign) per business per year in the Commercial “C” Zoning District (Lenox Village and Lenox Dale). It is valid for 1 (one) year from the date of issuance and is subject to the following conditions and prohibitions:

- a) The sign shall be displayed in front of the place of business.
- b) The sign may be located on private property or within the public right-of-way in compliance with subsection (h). The sign shall not protrude on the sidewalk in such a way as to obstruct pedestrian movement or reduce the open sidewalk width to less than four (4) feet. Signs shall not be located in the street.
- c) The sign shall not exceed 27” in width and 48” in height (maximum), nor shall it be less than 18” wide and 30” high (minimum).
- d) The sign shall be constructed entirely of framed wood, a wood or rigid plastic composite or similar material, and may include a chalkboard, whiteboard, foamboard, or similar insert within the frame.
- e) The sign shall be free of sharp corners, or protrusions and devices, which could cause injury.
- f) The sign may be displayed only during business hours, and must be stored indoors thereafter.
- g) The following prohibitions shall apply to all signs:
  1. No additional attachments such as flags, banners or balloons.
  2. No sign shall be displayed during adverse weather conditions such as snow, ice or heavy wind.
- h) If a sign is located on public property, liability insurance coverage shall be carried, and confirmation of same must accompany the application for the sign. Said insurance must cover personal injuries or property damage which may occur in such areas. Such liability insurance coverage shall be extended to include the Town of Lenox as

an additional insured on the liability insurance policy in the amount of one million dollars (\$1,000,000) per claim and two million dollars (\$2,000,000) per occurrence for any and all claims which may arise, for any reason, as a result of the placement of such sign. The business shall also require the insurer to give at least sixty (60) days written notice of termination, reduction or cancellation of the policies to the Board of Selectmen.

- i) In response to specific safety concerns, the Police Department may prohibit sandwich signs in designated areas during holiday parades or other specified times or days when sidewalk congestion is expected to be excessive.
- j) The sign shall be maintained in good and safe condition. The Building Commissioner has the right to remove any sign deemed unsafe either structurally or in its location, or for failure to comply with the above conditions or prohibitions, following written notification to the sign owner detailing the problems.
- k) The Building Commissioner and the Police shall have the right to remove any sign posing an immediate and egregious threat to the public safety.
- l) In addition to the procedures for enforcement described above, the provisions of this bylaw may also be enforced, by the Building Commissioner, by non-criminal complaint pursuant to the provision of G.L. c.40, section 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of any provision of this bylaw shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for this third offense and \$300.00 for the fourth and each subsequent offense.



## TOWN OF LENOX REGULATION OF SEWER USE

(Revised August 25, 2009)

“Regulation of Sewer Use: regulating the use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, authorizing the Town to establish reasonable charges for the use of sewers, and providing penalties for violations thereof: in the Town of Lenox, County of Berkshire, Commonwealth of Massachusetts, enacted in accordance with the provisions of M.G.L. Chapter 40, Section 21, No. 5 and No. 6 and Chapter 83, Section 16, all as most recently amended.”

### ARTICLE I DEFINITIONS

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

- Section 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 at 20° C, expressed in milligrams per liter.
- Section 2. “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- Section 3. “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.
- Section 4. “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.
- Section 5. “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.

- Section 5A. “Grease Trap” shall mean watertight structure in which grease is separated from sewage. As amended A.T.M. 5/04/84.
- Section 6. “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- Section 7. “Natural Outlet” shall mean any outlet into a water-course, pond, Ditch Lake or other body of surface or groundwater.
- Section 8. “Person” shall mean any individual, firm, company, association, society, corporation, or group.
- Section 9. “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solutions.
- Section 10. “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one- half (1/2) inch (1.27 centimeters) in any dimension.
- Section 11. “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- Section 12. “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.
- Section 13. “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm water as may be present.
- Section 14. “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.
- Section 15. “Sewage Works” shall mean all facilities for collecting, pumping,

treating, and disposing of sewage.

Section 16. “Sewer” shall mean a pipe or conduit for carrying sewage.

Section 17. “Shall” is mandatory; “May” is permissive.

Section 18. “Slug” shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or if 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 operation.

Section 19. “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.

Section 20. “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Section 21. “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 22. “Sewage Commissioners” shall mean the Board of Selectmen of the Town of Lenox or their authorized deputy, agent, or representatives.

Section 23. “Superintendent” shall mean the Superintendent of Public Works of the Town of Lenox, or his authorized deputy, agent, or representative.

## ARTICLE II SEWER SERVICE

Section 1. The Board of Selectmen shall act as Sewer Commissioners. They shall have the authority to establish reasonable fees for the use of sewers.

- (a) All specifications for the facilities intended for sanitary sewer service shall be determined and/or approved by the Sewer Commissioners,

but in no case shall the pipe used for a common sewer be less than six (6) inches in diameter.

Section 2. Subdivisions. Any person or agency planning a subdivision as defined in Chapter V shall submit to the Sewer Commissioners specifications of the facilities intended for sanitary sewer service. The Commissioners shall without delay prepare an estimate of the cost of such service. The developer shall then deposit a sum of money equal to such estimate, or satisfy the Commissioners of his ability to do so when the subdivision permit is granted, with the Commissioners and enter into a contract with the Commissioners providing:

- (a) He shall pay the entire cost of installing the service, making up the difference if a deficit is realized or being reimbursed if a surplus remains from the deposits.
- (b) Deleted — S.T.M. 10/04/71.
- (c) Deleted — S.T.M. 10/04/71.
- (d) The Developer agrees to grant the necessary easements for installing the sewer service.

Section 3. Extensions other than Subdivisions. Any extension of a sewer main, other than is set forth in Section 2 above, whether along a private or accepted way, if duly authorized by vote of the town shall be financed as follows:

All funds for such extensions shall be provided by the town.

- (a) Any article in the Town Warrant providing for the construction of a sewer on a public way shall be submitted to the Sewer Commissioners and the Planning Board jointly at least three weeks prior to the Town Meeting. They shall make their recommendations on such Article, together with a suggested method of financing, through the Finance Committee. The Town Meeting will decide whether the accomplishment of such capital improvements be made by bond issue, taxation, assessment against property served, and the proportion of cost to be borne by the town and the property owners served by the sewer system concerned.

Section 4. Any storm or sanitary sewer along any public way which serves more than one property shall become a common sewer and hereafter every

such sewer shall become the property of the town upon its connection with the sewerage system of the town. Before installation of the sewer along the public way is permitted it must conform to the standards of the Town of Lenox in place at that time.

### ARTICLE III USE OF PUBLIC SEWERS REQUIRED

- Section 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Lenox, or in any area under the jurisdiction of said Town, any human excrement, garbage, or other objectionable waste.
- Section 2. It shall be unlawful to discharge to any natural outlet within the Town of Lenox, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this regulation.
- Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- Section 4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, 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 or combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this regulation, within one year after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the building to be connected. However, properties that are greater than three hundred (300) feet from the existing public sewer are prohibited from connecting.

## ARTICLE IV PRIVATE SEWAGE DISPOSAL

- Section 1. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- Section 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Board of Health or their representative. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Board of Health. A plot plan shall be submitted to the Building Inspector and shall show the location and size of the tank and field. The Board of Health shall establish a reasonable fee for such permit.
- Section 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Board of Health or its authorized representative. He shall be allowed to inspect the work at any stage of construction and, in any event, the application for the permit shall notify the Board of Health or its authorized representative when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within two working days (excluding Saturdays and Sundays and holidays) of the receipt of notice.
- Section 4. The type, capacity, location and layout of a private sewage disposal system shall comply with all applicable regulations in accordance with 310 CMR 15.000 Title 5 of the State Environmental Code. No permit shall be issued for any private sewage disposal system employing sub-surface soil absorption facilities where the area of the lot is less than 30,000 square feet unless such lot was in existence on 21 February 1969 as a separately-owned parcel so recorded in the Berkshire Middle District Registry of Deeds and for which the Board of Health or its representative will grant a permit under Chapter VII, Article IV, Section 2.

- Section 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this regulation within one year and any septic tanks, cesspools, and similar private sewage disposal facilities shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
- Section 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- Section 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Board of Health.

## ARTICLE V BUILDING SEWERS AND CONNECTIONS

- Section 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb, any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Sewer Commissioners at least forty-five (45) days prior to the proposed change or connection. Amended A.T.M. 5/07/76.
- Section 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A capacity fee shall be determined by the Sewer Commissioners and shall be paid to the Town at the time the application is filed.
- Section 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall

indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

- Section 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.
- Section 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Superintendent, to meet all requirements of this regulation.
- Section 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, as most recently revised.
- Section 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, notice shall be given to the Sewer Commissioners, and sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Section 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.
- Section 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight

and water- tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation. The Town will not be held responsible for any damage caused by sewer back-up in private homes and places of business. A sewer back-up valve shall be installed by the owner where necessary. All industries discharging into a public sewer shall perform such monitoring of their discharges as the 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 reporting the results of such monitoring to the Sewer Commissioners. Such records shall be made available upon request by Sewer Commissioners to other agencies having jurisdiction over discharges to the receiving water. Amended A.T.M. 5/07/76.

- Section 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 connection shall be made under the supervision of the Superintendent or his representative.
- Section 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
- Section 12. For any housing subdivision or similarly related project where the superintendent requires a pumping station and force main for sewage disposal, the developer will bear the full cost of equipment and installation of the pumping station force main system. This system must be designed and constructed according to specifications acceptable to the superintendent and subject to his review for written certification before becoming operational. All operating and maintenance costs for the pumping station force main system will be the responsibility of the developer and/or a related owners association for a period of not less than 30 years. And these estimated operating and maintenance costs over that future 30 year period must be placed in escrow with the Town Treasurer before the system is operational. Said funds may be drawn from escrow for maintenance and operation of the pumping facility as needed with the written approval of the Department of Public Works. Also there will be an associated sewer

capacity connection fee for each individual unit of the above mentioned development. A.T.M. 5/04/90.

## ARTICLE VI USE OF THE PUBLIC SEWERS

Section 1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent, Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

Section 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, naphtha, 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. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures equipment, and personnel of the sewage works.
- d. Solid 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 sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure,

hair and fleshing, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Section 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treat-ability of wastes in 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)°F (65° C).
- b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100mg/1 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 grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- f. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after

treatments of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- h. Any waters or wastes having a pH in excess of 9.5.
- 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 processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the other agencies having jurisdiction over discharge to the receiving water.

Section 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- a. Reject the wastes.
- b. Require pretreatment to an acceptable condition for discharge to the public sewers.

- c. Require control over the quantities and rates of discharge, and/or
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, regulations and laws.

#### Section 6. Grease Traps.

1. Installation. Grease traps must be provided at installation such as restaurants, nursing homes, schools, hospitals, or other installations from which large quantities of grease can be expected to be discharged.
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 discharged. The discharge from the grease trap must flow to a properly designed septic tank or a building sewer prior to the septic tank.
3. Capacities. Grease traps shall have a minimum depth of 4 feet and a minimum capacity of 1000 gallons, and shall have sufficient capacity to provide at least 24 hour detention period for the kitchen flow. Kitchen flow shall be calculated in accordance with 310 CMR-15.02 (13), a copy of which is on file in the Sewer Commissioner 's Office.
4. Construction. Grease traps shall be watertight and constructed of sound and durable materials not subject to excessive corrosion, decay, or frost damage, or to cracking or buckling due to settlement or backfilling. Tanks and covers shall be designed and constructed so as to withstand normal structural loadings. A tank installed in ground water shall be weighed to prevent the tank from floating when it is emptied.
5. Depth of tees. The inlet tee shall extend to the mid-depth of the tank. The outlet tee shall extend to within 12 inches of the bottom of the tank. Tees shall be cast iron or schedule 40 PVC and

properly supported by a hanger, strap or other device.

6. Baffles. Baffles may be provided as necessary to maximize the separation of grease from the sewage. Baffles may be considered a substitute for the inlet and outlet tees.
7. Base. Grease traps shall be installed on a level stable base that will not settle.
8. Materials. Grease traps may be constructed of poured reinforced concrete, precast reinforced concrete or prefabricated material acceptable to the approving authority.
9. Access Manholes. Grease traps shall be provided with a minimum 24 inch diameter manhole frame and cover to grade over the inlet and outlet.
10. Accessibility. Grease traps shall be located on the lot so as to be accessible for servicing and cleaning.
11. Invert Elevation. The invert elevation of the inlet of a grease trap shall be at least 2 inches above the invert elevation of outlet. Inlet and outlet shall be located at the center line of the tank, and at least 12 inches above the maximum ground water elevation.
12. Backfill. Backfill around the grease trap shall be placed in such a manner as to prevent damage to the tank.
13. Cleaning. Grease traps shall be inspected monthly and shall be cleaned when the level of grease is 25 percent of the effective depth of the trap or at least every three months.

Section 6a. Oil and water interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing oil in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. As amended A.T.M. May 4, 1984.

Section 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in

satisfactory and effective operation by the owner at his expense.

- Section 8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. 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.
- Section 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this regulation shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater." Published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered 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, limb, and property. (The particular analyses involved will determine whether a twenty four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr composites of all outfalls whereas pH's are determined from periodic grab samples.
- Section 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern.

## ARTICLE VII PROTECTION FROM DAMAGE

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

## ARTICLE VIII POWERS AND AUTHORITY OF INSPECTORS

Section 1. The Superintendent, the Board of Health, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this regulation. The Superintendent, Board of Health, or their representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Section 2. While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.

Section 3. The Superintendent, the Board of Health, and other duly authorized employees of the Town bearing proper credentials and identification

shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## ARTICLE IX PENALTIES

- Section 1. Any person found to be violating any provision of this regulation except Article VI shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Section 2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$20.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- Section 3. Any person violating any of the provisions of this regulation shall become liable to the Town for any expense, loss, or damage occasioned the Town by research of such violation.

## ARTICLE X VALIDITY

- Section 1. All regulations or parts of regulations in conflict herewith are hereby repealed.
- Section 2. The invalidity of any Section, clause, sentence, or provision of this regulation shall not affect the validity of any other part of this

regulation which can be given effect without such invalid part or parts.

## ARTICLE XI RATES / CAPACITY FEES

Section 1. Bills for sewer service will be rendered semi-annually on or about May 1, and November 1, and must be paid within thirty days of their post-mark date. In the event sewer rates or other charges remain unpaid after the due date, interest will accrue at 12% per annum, a 10% penalty charge will be assessed after a ten business day grace period, the water may be shut off, and a lien may be placed on the property in accordance with the General Laws of Massachusetts. If water is shut off for non-payment, it will not be turned on again until all charges are paid including the then current charges for shutting off and turning on water. Minimum bills will be issued as long an address is physically connected to the Town main even if there is no usage.

Capacity fees will be calculated based on gallons of estimated Title V sewer flows assessed at the rate in effect at the time of application for connection. Capacity fees calculated on all new residential and commercial connections will be assessed at the full rate. Capacity fees calculated on residential property additions will be assessed at one half the full rate in effect at that time. The adaptive re-use of existing commercial buildings, within four years of cessation of previous occupancy, plus any addition to that existing building, the total of which does not result in a new estimated flow that exceeds 120% of the previous estimated flow for the original building, will be assessed for the net increase in gallons of estimated flow at one half the full rate in effect at that time.

## TOWN OF LENOX WATER RULES AND REGULATIONS

January 1, 1951

(Revised April 29, 2010)

### General Information:

Always keep the private stop (curb stop) valve accessible and in good working order, and see that the location is known so that if a pipe bursts the water can be shut off at once by the occupants of the house. When the house is closed for any length of time, turn the water off at the private stop, thus preventing leaks while the house is vacant.

To avoid explosion of your hot water heater, always open a hot water faucet, when the water is shut off from the property for repairs or other reasons, and do not close until the water is again turned on. To prevent collapse of the hot water tank make sure it is equipped with vacuum valve. The valve protects the tank when water is shut off.

Meters are placed on services to determine the amount of water passing through the service line, so that each consumer shall pay his just proportion of the operating costs of the Water Department. The meter measures accurately all of the water passing through the line, whether used or wasted, and the consumer should carefully watch for leaks and waste. A considerable portion of the part of the bill chargeable to waste is due to leaks in the flush toilet. Examine toilets frequently.

### Rules and Regulations Part of Contract:

The rules and regulations, made by the Town of Lenox as set forth hereinafter, or as they be hereafter altered or amended, shall form part of the contract with every consumer and shall be adhered to, and govern the relations between the Water Department and the consumer, and every consumer who uses the water in fact, is bound thereby.

### Responsibility for Payment:

The owner of the property shall be responsible at all times for any and all charges.

### Liens:

Liens, interest, and penalties for unpaid charges will be placed on the property in accordance with the General Laws of Massachusetts.

**Free Access to Property:**

Agents of the Water Department shall have free access to the property served, at all reasonable times, to read and examine meters, to ascertain the amount of water passing through the services, the manner of its use or the possibility of waste, and to shut off water for non-payment, or violation of these rules.

**Department Not Liable for Interruptions:**

The Department shall not in any way, nor under any circumstances be held liable or responsible, to any person or persons, for any loss or damage from any excess or deficiency in the pressure, volume or supply of water, due to any cause whatsoever. The Department will undertake to use all reasonable care and diligence, to avoid interruptions and fluctuations in service, but cannot and does not guarantee that such will not occur.

**Not Liable for Dirty Water:**

The Water Department will not be responsible for damages caused by dirty water resulting from the opening or closing of any gates, for repairs, or any other reason, such as the use of hydrants or the breaking of any supply lines.

**Not Liable for Shutting of Supply:**

The Department will endeavor to give due notice to as many of the consumers affected, as time and character of the work permit, whenever it may become necessary to shut off the supply from any section of the Town, to make repairs or changes or because of a broken main, and will as far as practicable, use every effort of prevent damage or inconvenience; but failure to give notice will not involve the Department in any responsibility, or liability for damage arising from the shutting off of the supply or any subsequent conditions arising there from.

**Not Liable for Collapsed Boilers:**

The Department reserves the right at any time without notice, to shut off the water supply for the purpose of making repairs, extensions, or other reasons, and all consumers having boilers or other appliances on their premises are hereby warned against danger of collapse from these sources, and are urged to provide check or vacuum valves or other safety devices for their own protection. In any event, the Department expressly stipulates that there shall be no liability for damages resulting there from.

**Not Liable for Consumers Plumbing:**

The Department will not assume any liability for conditions in the consumer's

plumbing or appliances, which may be the cause of trouble, coincident with or following repairs made to any part of the supply system by the Department.

**Service Connections:**

No persons other than an authorized employee of the Department shall make any tap or connection with any main or distributing pipe of the Town without the Town's permission. All the expense in connection with the introduction and maintenance of service pipes from the street main into any premises must be paid for by the owner of property. The owner must provide a curb stop valve near the curb lines. The property owner will be charged a capacity fee prior to making the water connection according to prices in force at the time of the installation. When leaks on the privately owned service line are identified the property owner will make the necessary repairs in the most expeditious manner possible. The Town will attempt to assist the owner's contractor with identifying the location of the leak. The owner shall, in all cases, be liable for charges incurred for repairs to the service pipes and all fixtures installed from the street main to the structure. All work shall be to Town specifications. The owner's contractor shall contact the Lenox Water Department and obtain all required permits prior to performing repair work. The Town does not warranty any Town supplied material that the owner's contractor acquires from the Town. Any Town performed work has a one year warranty from the date of installation. Consumers must keep their water pipes and fixtures in good repair and protected from frost at their own expense. When service lines are renewed, no new service will be allowed until the old service is disconnected at the street main.

**Hydrants:**

No water shall be used from a fire hydrant except for fire purposes, without a written permit from the Superintendent of Public Works.

**Cross Connections:**

Service pipes or fixtures of any description, that are connected with the mains of the Water Department, shall not, under any circumstances, be connected with any other source of water supply. All connections shall meet Massachusetts Drinking Water Regulation 310 CMR 22.22.

**Meters:**

One meter for each service up to 1" will be installed inside the building upon payment of a capacity fee and meter fee by the owner or by order of the Superintendent of Public Works, at the expense of the Water Department. Larger meters are the owner's responsibility to purchase, but must meet Town

specifications. Service pipes equal to or greater than 300 lineal feet in length from the town main to the point at which the pipe enters the building shall require a pit meter to be installed, at the owner's expense, as close to the town water main connection as possible but outside of the town right of way. Outside meter installations (pits) are the owners responsibility to purchase, but must meet Town specifications. If the owner of any premises desires separate meters for a number of tenants he must furnish the additional meters at his own expense. Maintenance, including ordinary repairs and replacements of the first meter only, will be assumed by the Water Department. The size of the meter is to be determined by the Water Department. If water pressure exceeds 80 psi, a pressure reducer shall be installed before the meter at the owner's expense. No faucets or connections of any sort are allowed before the meter. No plastic tubing is allowed before the meter.

**Repairs Chargeable:**

Repairs to meters, due to freezing, hot water, or external causes shall be charged to the consumer. The replacement meter will be a radio read style meter.

**Meters Must Not Be Removed:**

All meters shall be set by an employee of the Water Department and shall not be moved or disturbed except by an employee of the Department. If, in the opinion of the Superintendent of Public Works, the meter installation should be changed, the right is reserved to do so.

**Access to Meters:**

The property owner must keep the meter within his premises easily accessible for reading and inspection at all times.

**Estimating Consumption:**

If the meter of any water taker gets out of order and fails to register the amount used for any billing period, the quantity used shall be determined by the Water Department with reasonable reference to the quantity used in the corresponding billing period of the prior year, or the average daily consumption as shown when the meter was in order.

**Meter Testing:**

The accuracy of the meter on any premises will be tested by the Department upon request of the consumer. If on such test the meter shall be found to register more water than actually passes through it, the meter will be repaired, and the water bill will be adjusted in accordance with the result of the test.

**Right to Prohibit:**

The Superintendent of Public Works reserves the right, to restrict the use of water whenever public exigency so requires.

**Adjustments:**

The Superintendent of Public Works may make abatements or rebates for non-use of water service or other reasons in proper cases. Request for abatements must be submitted with a letter to the Superintendent of Public Works for approval.

**When Rates Are Due and Payable:**

Bills for water service will be rendered semi-annually on or about May 1, and November 1, and must be paid within thirty days of their postmark date. In the event water rates or other charges remain unpaid after the due date, interest will accrue at 12% per annum, a 10% penalty charge will be assessed after a ten business day grace period, the water may be shut off, and a lien may be placed on the property in accordance with the General Laws of Massachusetts. If water is shut off for non-payment, it will not be turned on again until all charges are paid including the then current charges for shutting off and turning on water. All water passing through the meter must be paid for, whether used or wasted. Minimum bills will be issued as long as address is physically connected to the Town main even if there is no usage.

**Capacity fees**

Capacity fees will be calculated based on gallons of estimated Title V sewer flows assessed at the rate in effect at the time of application for connection. Capacity fees calculated on all new residential and commercial connections will be assessed at the full rate. Capacity fees calculated on residential property additions will be assessed at one half the full rate in effect at that time. The adaptive re-use of existing commercial buildings, within four years of cessation of previous occupancy, plus any addition to that existing building, the total of which does not result in a new estimated flow that exceeds 120% of the previous estimated flow for the original building, will be assessed for the net increase in gallons of estimated flow at one half the full rate in effect at that time.

## TOWN OF LENOX TRAFFIC RULES AND REGULATIONS

The following vote was duly passed:

The Selectmen of the City (Town) of Lenox acting by virtue of the power given to it by Section 22 of Chapter 40 of the General Laws of Massachusetts and by virtue of any other power it hereto enabling, hereby adopts and makes the rules and orders for the regulation of carriages and vehicles used in the said town for regulating traffic upon the streets and highways of said City (Town) which are hereto annexed, the same to be known as Traffic Rules and Regulations of the City (Town) of Lenox; insofar as the said rules and orders or any of them are the same as the regulations, rules and orders now in force they shall be deemed to be a continuation thereof.

### ARTICLE I

#### Section 1-1. Definitions.

For the purpose of the Rules and Regulations, the words and phrases used herein shall have the following meanings except in those instances where the context clearly indicates a different meaning.

#### Section 1-2. Bus Stop.

An area in the roadway set aside for the boarding of or alighting from and parking of buses.

#### Section 1-3. Crosswalk.

That portion of a roadway ordinarily included within the prolongation or connection of curb lines and property lines at intersections, or at any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other marking or signs.

#### Section 1-4. Curb Marking, Official.

That portion of a curbing, the painting of which has been authorized

by the Selectmen.

Section 1-5. Emergency Vehicle.

Vehicles of the Fire Department (Fire Patrol), police vehicles, ambulances and emergency vehicles of federal, state and municipal departments or public service corporations when the latter are responding to an emergency in relation to the police or fire department.

Section 1-6. Funeral.

Any procession of mourners properly identified as such accompanying the remains of a human body.

Section 1-7. Intersection.

The area embraced within the extensions of the lateral curb lines or, if none, then the lateral boundary lines, of intersecting ways as defined in Section 1 of Chapter 90 of the General Laws, including divided ways.

The rules and regulations herein contained governing and restricting the movement of vehicles at and near intersecting ways shall apply at any place along any way at which drivers are to be controlled by traffic control signals whether or not such place is an intersection as herein defined.

Section 1-8. Lane.

A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.

Section 1-9. Officer.

Any officer of the Lenox Police Department or any officer authorized to direct or regulate traffic or to make arrests for the violation of traffic regulations.

Section 1-10. Parking.

The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to an officer or traffic signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

Section 1-11. Pedestrian.

Any person afoot or riding on a conveyance moved by human muscular power, except bicycles or tricycles, as defined in Chapter 90, Section 18A (General Laws).

Section 1-12. Railroad Crossing.

Any intersection of ways with a railroad right-of-way.

Section 1-13. Roadway.

That portion of a street or highway between the regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

Section 1-14. Rotary Traffic.

The counter clockwise operation of a vehicle around an object or structure.

Section 1-15. Safety Zone.

Any area or space set aside within a roadway for the exclusive use of pedestrians and which has been indicated by signs, lines or markings, having the written approval of the Department of Public Works, Commonwealth of Massachusetts.

Section 1-16. Service Zone.

An area in the roadway set aside for the accommodation of commercial and transient vehicular traffic.

Section 1-17. Street or Highway.

The entire width between property lines of every way open to the use of the public for purposes of travel.

Section 1-18. Street Marking, Official.

Any painted line, legend, marking or marker of any description painted or placed upon any way which purports to direct or regulate traffic and which has been authorized by the Selectmen.

Section 1-19. Taxicab Stands.

An area in the roadway in which certain taxicabs are authorized and required to park while waiting to be engaged.

Section 1-20. Traffic.

Pedestrians, ridden or herded animals, vehicles, street cars or other conveyances either singly or together while using any street or highway for the purpose of travel.

Section 1-21. Traffic Control Area.

Any area along any way, other than an intersecting way, at which drivers are to be controlled by traffic control signals.

Section 1-22. Traffic Control Signal.

Any device using colored lights which conforms to the standards as prescribed by the Department of Public Works of the Commonwealth of Massachusetts, whether manually, electrically, or mechanically operated, by which traffic may be alternately directed to stop and to proceed.

Section 1-23. Traffic Island.

Any area or space set aside within a roadway, which is not intended for use by vehicular traffic.

Section 1-24. Traffic Signs, Official.

All signs, markings and devices, other than signals, not inconsistent with these rules and orders, and which conform to the standards prescribed by the Department of Public Works of the Commonwealth of Massachusetts and placed or erected by authority of a public body or official having jurisdiction for the purpose of guiding, directing, warning, or regulating traffic.

Section 1-25. Traffic Signals, Official.

All signals, conforming to the standards as prescribed by the Department of Public Works of the Commonwealth of Massachusetts, not inconsistent with these rules and orders, placed or erected by authority of public body or official having jurisdiction, for the purpose of directing or warning traffic.

Section 1-26. U Turn.

The turning of a vehicle by means of a continuous turn whereby the direction of such vehicle is reversed.

Section 1-27. Vehicle.

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including bicycles when the provisions of these rules are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks and devices which derive their power for operation from stationary overhead wires.

Section 1-28. Vehicle, Commercial.

Any vehicle being used in the transportation of goods, wares or merchandise for commercial purposes.

Section 1-29. Vehicle, Heavy Commercial.

Any commercial vehicle of two and one-half (2 ½) ton capacity or over.

Section 1-30. Person.

The word “person” shall mean and include any individual, firm, co-partnership, association or corporation.

## ARTICLE II AUTHORITY AND DUTIES OF POLICE

Section 2-1. Traffic, Police to Direct.

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

Section 2-2. Close Street, Police May Temporarily.

The Chief of Police is hereby authorized to close temporarily any street or highway in an impending or existing emergency, or for any lawful assemblage, demonstration or procession.

Section 2-3. Parking, Police may Prohibit Temporarily.

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. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.

Section 2-4. Exemptions.

The provisions of these Rules and Regulations shall not apply to drivers actually engaged in work upon a street or highway closed to

travel or under construction or repair, to officers when engaged in the performance of public duties nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties when the nature of the work of any of these necessitate a departure from any part of these Rules and Regulations. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

### ARTICLE III

## TRAFFIC SIGNS, SIGNALS, MARKINGS AND ZONES

#### Section 3-1. Bus Stops, Taxicab Stands and Service Zones, Location of.

The location of all bus stops, taxicab stands and service zones shall be specified by the Chief of Police and in the case of taxicab stands, the Chief of Police with the approval of the Selectmen shall designate who may use them as such.

#### Section 3-2. Interference with Signs, Signals and Markings Prohibited.

Any person who willfully defaces, injures, moves, obstructs or interferes with any official traffic sign, signal or marking shall be liable to a penalty not exceeding twenty (20) dollars for each and every offense.

#### Section 3-3. Obedience to Traffic Signs, Signals and Markings.

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

#### Section 3-4. Traffic Signs and Signals.

- (a) The Superintendent of Streets is hereby authorized and as to those signs and signals required hereunder it shall be his duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the

Department of Public Works of the Commonwealth of Massachusetts.

- (b) Sections 2-2 and 2-3 of Article II and Section 5-2 and 5-3 and 5-6 and 5-8 to 5-10 inclusive of Article V relating to parking and Sections 7-7 and 7-10 of Article VII concerning turning movements and Section 7-20 of Article VII pertaining to exclusion shall be effective only during such time as official signs are erected and maintained in each block designating the provisions of such sections and located so as to be easily visible to approaching drivers.
- (c) Sections relating to one-way streets shall be effective only during such time as a sufficient number of official signs are erected and maintained at the entrance and each of the exits for each one-way street, so that at least one sign will be clearly visible for a distance of at least seventy- five (75) feet to drivers approaching such an exit.

Section 3-5. Signals, Signals and Markings Prohibited, Display of Unauthorized.

No person or corporation shall place, maintain or display upon or in view of any street any unofficial device, sign, signal, curb marking or street marking which purports to be or is an imitation of or resembles an official traffic device, sign, signal, curb marking or street marking or which attempts to direct the movement of traffic or which hides from view any official sign, signal, marking or device. The Chief of Police is hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed without notice.

Section 3-6. Experimental Regulation.

For the purpose of trial the Chief of Police may make temporary rules regulating traffic or test under actual conditions traffic signs, markings, or other devices. No such experimental rules relating to traffic shall remain in effect for a period longer than 30 days.

## ARTICLE IV ZONE OF QUIET

### Section 4-1. Zone of Quiet.

The Chief of Police may temporarily establish a zone of quiet upon any street where a person is seriously ill. Said temporary zone of quiet shall embrace all territory within a radius of two hundred (200) feet of the building occupied by the sick person. Said temporary zones of quiet shall be designated by the Chief of Police by causing to be placed at a conspicuous place in the street a sign or marker bearing the words "Zone of Quiet."

## ARTICLE V STOPPING, STANDING, PARKING

### Section 5-1. General Prohibitions.

No person shall allow, permit or suffer any vehicle registered in his name to stand or park in any street, way, highway, road or parkway under the control of the City (Town) of Lenox in violation of any of the Traffic Rules or Orders adopted by the Selectmen and in particular in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic sign or signal.

- (a) Within an intersection "except within those intersections where the installation of parking meters has been specifically approved by the Massachusetts Department of Public Works."
- (b) Upon any sidewalk.
- (c) Upon any crosswalk.
- (d) Upon the roadway in a rural or sparsely settled district.
- (e) Upon a roadway where parking is permitted unless both wheels on the right side of the vehicle are within twelve (12) inches of the curb or edge of the roadway, except upon those streets which are designated as one-way streets. On such one-way streets vehicles shall be parked

in the direction in which said vehicle is moving and with both wheels within twelve (12) inches of the curb. This shall not apply to streets or parts of streets where angle parking is required by these regulations.

- (f) Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for a passing traffic.
- (g) Upon any street or highway within ten (10) feet of a fire hydrant.
- (h) In front of any private road or driveway.
- (i) Upon any street or highway within twenty (20) feet of an intersecting way, except alleys.
- (j) Within fifteen (15) feet of the wall of a fire station or directly across the street from such fire station provided signs are erected acquainting the driver of such restriction.
- (k) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (l) Within twenty-five (25) feet of the nearest rail of a railroad crossing when there are no gates at such crossing, or otherwise within five (5) feet from the gate.
- (m) On a bridge and the approach thereto.

#### Section 5-2. Service Zones.

No person shall park a vehicle upon any street in any service zone for a period of time longer than thirty minutes and except while actually engaged in loading and unloading.

#### Section 5-3. Diagonal Parking.

- (a) The Selectmen shall determine the streets upon which diagonal parking will be permitted and shall cause said streets to be designated by signs and the surfaces thereof to be marked as directed by the Chief of Police.
- (b) Diagonal parking is permitted upon certain sections of a number of streets as designated in Schedule No. I, hereto appended to which reference is made and which Schedule No. I, relative to diagonal parking is herewith specifically incorporated in this section. Where

such diagonal parking is permitted, vehicles shall be parked with one wheel within twelve (12) inches of the curb and at the angle to the curb indicated by official marks and signs. The vehicle shall be parked so that all four wheels thereof shall be placed wholly within the area indicated for parking, and headed to the curb.

Section 5-4. Parking Vehicle for Sale Prohibited.

It shall be unlawful for any person to park upon a street or highway any vehicle displayed for sale.

Section 5-5. No All Night Parking.

No person shall allow, permit or suffer any vehicle registered in his name, other than one acting in an emergency, to be parked on any street for a period of time longer than one (1) hour between the hours of 1:00 a.m. and 6:00 a.m. of any day.

Section 5-6. Parking Locations and Prohibitions.

Parking is prohibited, restricted or limited as to time, space and streets in accordance with a schedule of streets designated as Schedule No. I, hereto appended to which reference is made and which Schedule No. I, is specifically incorporated in this section. No operator shall park a vehicle in the designated prohibited locations or in the restricted locations for a period longer than is designated in Schedule No. I, except as otherwise provided in this Schedule, or where there is a time limit as to parking.

Section 5-7. Prohibited at Safety Zones.

No person shall park a vehicle within twenty (20) feet of either end of a safety zone which is located within thirty (30) feet of the curb or edge of the roadway.

Section 5-8. Bus Stops.

- (a) No person shall stop or park a vehicle other than a bus in a bus stop.
- (b) No person shall park a bus upon any street within a business district at

any place other than a bus stop when a nearby bus stop is available for use.

Section 5-9. Taxicab Stands.

- (a) No person shall park a vehicle other than a taxicab upon any street within a business district in any taxicab stand.
- (b) No person shall park a taxicab upon any street within a business district at any place other than the taxicab stand or stands designated for the use of his taxicab or taxicabs.

## ARTICLE VI ONE-WAY STREETS

Section 6-1. One-Way Streets.

The streets or portions thereof designated in Schedule No. III hereto appended and specifically incorporated in this section are declared to be one-way streets and all vehicular traffic shall move on those streets or portions thereof in the direction designated in said Schedule No. III.

## ARTICLE VII OPERATION OF VEHICLES

Section 7-1. Overtake Only When There is a Space Ahead.

The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safety operation of any vehicle ahead.

Section 7-2. Driver to Give Way to Overtaking Vehicle.

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

Section 7-3. Obstructing Traffic.

- (a) No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any street or highway. Officers are hereby authorized to require any driver who fails to comply with this section to drive to the side of the roadway and wait until such traffic as has been delayed has passed.
- (b) No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians notwithstanding any traffic control signal indication to proceed.

Section 7-4. Following Too Closely.

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

Section 7-5. Clinging to Moving Vehicles.

It shall be unlawful for any person traveling upon a bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle to cling to, or attach himself or his vehicle to any moving vehicle or street car upon any roadway.

Section 7-6. Care in Starting, Stopping, Turning or Backing.

The driver of any vehicle before starting, stopping, turning from a

direct line or backing shall first see that such movement can be made in safety. If such movement cannot be made in safety or if it interferes unduly with the normal movement of other traffic, said driver shall wait for a more favorable opportunity to make such movement. If the operation of another vehicle should be affected by a stopping or turning movement, the driver of such other vehicle shall be given a plainly visible signal, as required by statute of law.

Section 7-7. Left Turns Prohibited.

Section 7-8. Emerging From Alley or Private Driveway.

The operator of a vehicle emerging from an alley, driveway or a garage shall stop such vehicle immediately prior to driving on to a sidewalk or on to the sidewalk area extending across alleyway or driveway.

Section 7-9. Obedience to Traffic Control Signals.

Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this section, and no other meanings, and every driver of a vehicle, railway car or other conveyance shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign (other than a “stop” sign), signal or device or except as provided in Section 7-18(b) of these rules. In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection, regardless of what indications may be given by traffic control signals.

1. Green indications shall have the following meanings:
  - (a) Drivers facing a CIRCULAR GREEN may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But drivers turning right or left, shall yield the right-of-way to other vehicles, and to pedestrians lawfully within the intersection or an adjacent crosswalk, at the time such signal is exhibited.
  - (b) Drivers facing a GREEN ARROW, shown alone or in combination with other indication, may cautiously enter the

intersection only to make the movement indicated by such arrow, or such other movements as is permitted by other indications shown at the same time. Such drivers shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

2. Steady yellow indications shall have the following meanings:
  - (a) Drivers facing a steady CIRCULAR YELLOW or YELLOW ARROW signal are thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when drivers shall not enter the intersection.
  
3. Steady red indications shall have the following meanings:
  - (a) Drivers facing a steady CIRCULAR RED signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in (b) below.
  - (b) When a sign is in place permitting a turn, drivers facing a steady CIRCULAR RED signal may cautiously enter the intersection to make the turn indicated by such sign after stopping as provided in (a) above. Such drivers shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
  - (c) Drivers, facing a steady RED ARROW indication may not enter the intersection to make the movement indicated by such arrow, and unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, before entering the cross- walk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to make the movement indicated by such arrow is shown.

4. RED AND YELLOW indications shall have the following meanings:
  - (a) While the red and yellow lenses are illuminated together, drivers shall not enter the intersection, and during such time the intersection shall be reserved for exclusive use of pedestrians.
5. Flashing signal indications shall have the following meanings:
  - (a) Flashing red (stop signal)- When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the provisions of Chapter 89, Section 8 of the General Laws.
  - (b) Flashing Yellow (caution signal)-When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal only with caution.

Section 7-10. U Turns Prohibited.

No operator shall back or turn a vehicle so as to proceed in the direction opposite to that in which said vehicle is headed or travelling on streets designated in Schedule V.

Section 7-11. Stop Signs.

Every driver of a vehicle, railway car or other conveyance approaching an intersection of ways where there exists facing him an official sign bearing the word STOP or a flashing red signal indication, said signs or signal having apart from these rules and orders, the written approval of the Department of Public Works, Commonwealth of Massachusetts, and such approval being in effect shall, before proceeding through the intersection, bring such vehicle, railway car or other conveyance to a complete stop at such point as may be clearly marked by a sign or line, or, if a point is not so marked, then at the nearer line of crosswalk of the said intersection. In

the case of a line of two or more vehicles approaching such stop sign, or flashing red signal indication, the drivers of the second and third vehicles in any group shall not be required to stop more than once before proceeding through the intersection. This section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal, or device or as provided in subsection (c) of Section 7-18 of this article. In accordance with the foregoing, the streets listed in Schedule IV of these rules and orders are hereby declared to constitute isolated stop streets or flashing red signal intersections as the case may be, and said Schedule IV is hereby specifically incorporated in this section.

Section 7-12. Keep to the Right of Roadway Division.

Upon such roadways as are divided by a parkway, grass plot, reservation, viaduct, subway or by any structure or area, drivers shall keep to the right of such a division except when otherwise directed by an officer, signs, signals, or markings.

Section 7-13. Operation of Under- or Overpasses at Intersections With Islands.

At any junction or crossing of ways where the roadway grades have been separated and where the ways are connected by ramps and at any intersection of ways in which there are traffic islands, drivers of vehicles shall proceed only as indicated by official signs, signals, or markings.

Section 7-14. Driving on Road Surfaces Under Construction or Repair.

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

Section 7-15. No Driving on Sidewalks.

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

Section 7-16. No Driving Through Safety Zones.

It shall be unlawful for the driver of a vehicle, except on signal from a police officer to drive the same over or through a safety zone.

Section 7-17. Funerals to be Properly Identified.

A funeral composed entirely or partly of a procession of vehicles shall be identified as such by means of black pennants bearing a purple symbol attached to both the first and last vehicles or other suitable means.

Section 7-18. Rights and Duties of Drivers in Funerals or Other Processions.

- (a) It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the roadway as is practicable and safe.
- (b) At an intersection where a traffic control signal is operating, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red and/or yellow indication.
- (c) At an intersection where a lawful Stop sign exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.

Section 7-19. Unlawful Riding.

It shall be unlawful for any reason to ride on any portion of a vehicle not designated or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to any employee engaged in the necessary discharge of a duty or within truck bodies in space intended for merchandise.

Section 7-20. Operation of Heavy Commercial Vehicles.

1. The use and operation of heavy commercial vehicles having a carrying capacity of more than 2 1/2 tons, are hereby restricted on the following named streets or parts thereof as listed in Schedule VI, and in the manner outlined and during the period of time set forth.
2. Exemptions-Part 1 of this section shall not apply to heavy commercial vehicles going to or coming from places upon said streets for the purpose of making deliveries of goods, materials, or merchandise to or similar collections from abutting land or buildings or adjoining streets or ways to which access cannot otherwise be gained; or to vehicles used in connection with the construction, maintenance and repair of said streets or public utilities therein; or to Federal, State, Municipal or public service corporation owned vehicles.

## ARTICLE VIII ACCIDENT REPORTS

### Section 8-1. Drivers Must Report Accidents.

Every person operating a motor vehicle which is in any manner involved in an accident in which any person is killed or injured or, in which there is damage in excess of one thousand dollars (\$1,000.00) to any one vehicle or other property shall report such accident within five (5) days to the Registrar and to the Police Department in accordance with the provisions of Chapter 90, Section 26, of the General Laws.

## ARTICLE IX PENALTIES AND REPEALS

### Section 9-1. Penalties.

Any person violating any provision of any rule, regulation or order regulating the parking of motor vehicles made by anybody authorized to make the same shall be dealt with as provided in General Laws, Chapter 90, Section 20A, or any Acts in amendment thereof, or in

addition, thereto, and any person violating any of the rules and regulations applicable to State Highways made by the Department of Public Works, Commonwealth of Massachusetts, under authority of General Laws, Chapter 85, Section 2, and Acts in amendment thereof, and in addition thereto, shall be subject to the penalty provided in said rules and regulations. Any person convicted of a violation of any other rule, regulation or order made hereunder, except as otherwise provided, shall be punished by a fine not exceeding \$100.00 (one hundred dollars) for each offense.

Section 9-2. Repeal.

These rules are adopted with the intent that each of them shall have force and effect separately and independently of every other except insofar as by express reference or necessary implication any rule or any part of a rule is made dependent upon another rule or part thereof. All official signs, lights, markings, signal systems or devices erected or installed under prior rules or regulations and necessary to the enforcement of the regulations shall be deemed to have been lawfully erected or installed hereunder provided the same were erected or installed with the permission and approval of the Department of Public Works of the Commonwealth of Massachusetts and insofar as the same are necessary as aforesaid for the enforcement of these regulations they shall be deemed continuing hereunder but in all other respects all prior rules, orders and regulations made by the Board of Selectmen of the Town of Lenox for the regulation of vehicles are hereby expressly repealed. This repeal, however, shall not affect any punishment or penalty imposed or any complaint or prosecution pending at the time of the passage hereof for any offense committed under said prior rules, orders or regulations hereby repealed, nor shall said repeal be effective unless and until these rules and regulations have been approved and published as required by law.

Section 9-3. Effect of Regulations.

If any section, subsection, sentence, clause or phrase of these rules and orders is for any reason unconstitutional, such decisions shall not affect the validity of the remaining portion of these rules and orders. The Board of Selectmen hereby declares that it would have passed these regulations and each section, subsection, sentence, clause or

phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 9-4. Owner Prima Facie Responsible for Violations.

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

**ARTICLE X**

The Town of Lenox adopts Rules and Regulations for Driving on State Highways under the provisions of Section 2, Chapter 85, Articles I through VII.

(Date of Passage) .....  
.....  
.....  
.....

Board of Selectmen

Attest: City (Town) Clerk

**SCHEDULE I  
PARKING**

<b>Location</b>	<b>Side</b>	<b>From</b>	<b>To</b>	<b>Type parking</b>
Main St.	East	South edge St. Ann's	250' S. of S. edge Housatonic	2 hr. 8-6
Main St.	East	Walker Street	96' Northerly (angle parking)	2 hr. 8-6
Main St.	West	South edge St. Ann's	180' N. of N. edge West St.	2 hr. 8-6
Housatonic	Both	Main Street	Church Street	2 hr. 8-6
Franklin St.	North	Main Street	260' W. of W. edge Church St.	2 hr. 8-6
Franklin St.	South	Church Street	206' W. of W. edge Church St.	2 hr. 8-6
Church St.	West	Walker Street	138' S. of Housatonic St.	2 hr. 8-6
Church St.	West	194' N. of N. edge Housatonic	220' S. of S. edge Franklin St.	2 hr. 8-6
Church St.	East	213' N. of N. edge Walker St.	275' N. of N. edge Walker St.	2 hr. 8-6
Church St.	East	40' S. of S. edge Housatonic St.	60' S. of S. edge Housatonic St.	2 hr. 8-6
Church St.	East	37' N. of N. edge Housatonic	183' N. of N. edge Housatonic St.	2 hr. 8-6
Church St.	East	21' S. of S. edge Tucker St.	82' S. of S. edge Tucker St.	2 hr. 8-6
Walker St.	East	65' N. of N. edge Kemble St.	160' S. of Main St.	2 hr. 8-6
Walker St.	West	65' N. of N. edge Kemble St.	100' S. of Stockbridge Rd.	2 hr. 8-6
Church St.	East	Walker Street	217' N. of N. edge Walker St.	No Parking
Church St.	East	271' N of N. edge Walker St.	60' S. of S. edge Housatonic St.	No Parking
Church St.	East	182' N of N. edge Housatonic	82' S. of S. edge Tucker St.	No Parking
Church St.	West	335' N of N. edge Walker St.	Housatonic St.	No Parking
Church St.	West	Housatonic St.	193' N. of N. edge Housatonic	No Parking
Church St.	West	Franklin St.	220' S. of S. edge Franklin St.	No Parking
Franklin St.	South	Main Street	206' W. of W. edge Church St.	No Parking
Franklin St.	North	Church Street	260' W. of W. edge Church St.	No Parking
Main St.	West	West Street	180' N. of N. edge West St.	No Parking
Main St.	Both	South edge St. Ann's	State Highway	No Parking
Walker St.	West	Kemble Street	65' Westerly	No Parking
Walker St.	South	Stockbridge Rd.	100' E. of E. edge Stockbridge Rd.	No Parking
Walker St.	North	Main Street	100' E. of E. edge Main St.	No Parking
Cliffwood St.	East	Main Street	200' N. of N. edge Main St.	No Parking
Cliffwood St.	West	Driveway of House #13	End	No Parking
Sunset Ave.	North	Main Street	107' W. of W. edge Main St.	No Parking
Walker St.	Both	Crystal Street	312' Golden Hill Rd.	No Parking
New Lenox	Both	Rt. 7 & 20	160' E. of E. edge Rt. 7 & 20	No Parking
Tucker St.	Both	Church Street	Ore Bed Road	No Parking
Walker St.	South	195' E. of Stockbridge Rd.	245' E. of Stockbridge Rd.	Bus Stop
Walker St.	North	218' W. of Church St.	278' W. of Church St.	Bus Stop
Main St.	Both	15' N. of Franklin St.	56' N. of Franklin St.	Bus Stop
Crystal St.	East	85' N. of N. edge Mill St.	125' N. of N. edge Mill St.	Bus Stop
St. Ann Ave.	North	E. of intersection w/Hillside Dr.	End	For residents and their guests only

*Traffic Rules and Regulations of the Town of Lenox*

St. Ann Ave.	South	E. of intersection w/Hillside Dr.	End	No Parking
Franklin St.	North	Corner of Franklin St. at Main St.		Handicapped Only
Housatonic	South	Near #25 Housatonic St.		Handicapped Only
Church St.	West	In Front of #31 Church St.		Handicapped Only

**SCHEDULE II  
TAXI-STANDS**

<u>Location</u>	<u>From</u>	<u>To</u>
Walker St.	25' South of Main	45' South of Main

**SCHEDULE III  
ONE-WAY STREETS**

<u>Location</u>	<u>Direction</u>	<u>From</u>	<u>To</u>
Housatonic	Easterly Only	Main	Church

**SCHEDULE IV  
STOP SIGNS**

<u>Street Stop</u>	<u>At Intersection With</u>	<u>Direction of Travel</u>
Hubbard St.	East St.	East Bound
Delafield St.	East St.	West Bound
Pine Knoll Rd.	East St.	West Bound
Bentrup Ct.	East St.	West Bound
Post Rd.	East St.	East Bound
Sherwood Dr.	East St.	East Bound
Edgewood Dr.	East St.	East Bound
Pinecrest Dr.	East St.	East Bound
King William Rd.	East St.	West Bound
East Dugway Rd.	East St.	East Bound
New Lenox Rd.	East St.	East and West Bound
Undermountain Rd.	West St.	South Bound
Brunell Ave.	West St.	South Bound
Yokun Ave.	West St.	South Bound
Kneeland Ave.	West St.	South Bound

*Traffic Rules and Regulations of the Town of Lenox*

Richmond Rd.	West St.	East Bound
Main St.	West St.	South Bound
Stockbridge Rd.	West St.	North Bound
Elm St.	Walker St.	South Bound
Lawton St.	Walker St.	South Bound
Church St.	Walker St.	South Bound
East St.	Walker St.	North and South Bound
West St.	Walker St.	East Bound
East St.	Housatonic St.	North and South Bound
Church St.	Housatonic St.	North and South Bound
Crystal St.	Housatonic St.	South Bound
Pine Knoll Rd.	Housatonic St.	North Bound
Sunset Ave.	Main St.	East Bound
Franklin St.	Main St.	West Bound
Cliffwood St.	Main St., North end	East Bound
Cliffwood St.	Main St., South end	East Bound
Greenwood St.	Main St.	East Bound
Hubbard St.	Main St.	West Bound
St. Ann's Ave.	Main St.	West Bound
Plunkett St.	Stockbridge Rd.	West Bound
Holmeswood Ter.	Holmes Rd.	South Bound
Elm St.	Crystal St.	East Bound
Mill St.	Crystal St.	West Bound
Lawton Ave.	Crystal St.	East Bound
Brown St.	Crystal St.	East Bound
East New Lenox Rd.	New Lenox Rd.	South Bound
Sherwood Dr.	Hubbard St.	South Bound
Brunell Ave.	Yokun Ave.	East Bound

**SCHEDULE V  
U-TURNS**

<u>Location</u>	<u>From</u>	<u>To</u>
Main St.	End of State Highway	Walker St.
Walker St.	Main St.	Kemble St.
Church St.	Walker St.	Franklin St.
Franklin St.	Church St.	Main St.

**SCHEDULE VI  
COMMERCIAL VEHICLE TRAFFIC**

Holmes Road—from State Road (Routes 7 & 20) to the Lenox/Pittsfield Line

East Street—from Blantyre Road to the Lenox/Pittsfield Line

Stockbridge Road—from Walker Street to Bean Hill Road

New Lenox Road—from Route 7 & 20 to East New Lenox Road

## TOWN OF LENOX CEMETERY RULES AND REGULATIONS

(Revised March 15, 2007)

### Rules and Regulations of the Lenox Cemetery Department

Every lot of land shall be held subject to the provisions contained in this which now are, or may hereafter be established by the Department of Public Works.

No lot of land shall be used for any other purpose than as a place of burial of the dead and installing monuments and headstones. All monuments and head stones must be set in a horizontal position as shown on plan of the Cemetery, in the hands of the Department of Public Works. All grave markers shall be set flush with the ground and not exceed twenty-four by fifteen inches. No lot shall have more than one memorial projecting from the ground. On single grave, two grave and three grave lots, flush type markers only are permitted. Limit of three cremations per grave with only one flush marker permitted not including a military marker. The maximum sizes are twenty-four by fifteen inches on single graves and forty-eight by fifteen inches on two grave lots. The maximum height shall be in accordance with the Department of Public Works guidelines.

All monuments and headstones are to have concrete foundations installed by the monument supplier to Town specifications. The Cemetery Department shall approve the scheduling of the foundation installation after issuance of a foundation permit. Town inspection of the foundations shall be coordinated with the Cemetery Foreman with a minimum of twenty-four hours notice.

Full burials require one grave lot for each burial. All interments must be enclosed in a permanent type outside box or container. No interments will be allowed in a wooden or other temporary box or container.

No fences, hedges, trees, or curbing shall be placed on this herein conveyed lot and mounds over graves shall not be raised above the surface of the lot. If any shrubs situated in any lot, shall, by means of their roots, branches or otherwise, become detrimental to the adjacent lot or walks or inconvenient to others, the Department of Public Works shall have the right, and it shall be its duty, to enter said lot and

remove said shrubs or such parts thereof as are thus detrimental or inconvenient to others. No proprietor of a lot shall grade or alter the surface of his lot without the consent of the Department of Public Works. Dwarf shrubs may be set out and cultivated by the proprietor, but shall not be allowed to grow more than four and one half feet in height and two and one half feet in diameter.

If the owner of any lot, which has not been used for the purpose of burials, desires to sell the same, the Department of Public Works shall have the right to purchase said lot, if they so desire, by paying the price paid by said owner; providing, however, that the Department of Public Works shall in no case be obliged to pay more than the price then established by the Department of Public Works for lots of the same description. No conveyance of any lot shall take effect until a record of conveyed, and the consideration thereof, shall have been made by the Clerk of the Cemetery in a book kept for that purpose, and a certificate of such records noted on the deed.

No tomb shall be constructed within the bounds of the Cemetery except upon lots designated by the Department of Public Works for that purpose.

A person who is a resident of Lenox may purchase a lot in the Cemetery by paying the regular price set by the Department of Public Works for said lot plus an additional amount for perpetual care, which additional amount will be deposited in a Savings Bank, or invested in securities such as Savings Banks in this State are authorized to purchase. The income derived there from shall be applied to the preservation of perpetual care lots, including care of soil, monuments, and shrubs, if any. The surplus income may be applied to the general purposes of improving and beautifying the grounds of the cemetery.

All orders for interments must be given at least twenty-four hours in advance, and no interments will be permitted after noon on Saturdays, on Sundays, or any of the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas, except by special permission of the Superintendent, or by reason of religious ritual. Saturday burial services must be completed no later than noon.

All cemetery charges by the Town of Lenox shall be in accordance with current rates as established by the Department of Public Works. The Funeral Director is considered responsible for full payment of all cemetery charges.

During the winter season, the decision as to whether a grave can be dug, or

*Cemetery Rules and Regulations of the Town of Lenox*

whether the body must be placed in the vault, rests with the Superintendent. It is the intention of the Department to perform burials throughout the winter but this is weather dependent and delays should be anticipated.

A burial permit is required to be presented before interment.

For all disinterments, a Funeral Director must be engaged. The Department of Public Work will perform the excavation but a vault company must be engaged to perform the actual removal. Removals are prohibited between November 15th and May 15th.

Damage to headstones and markers, unless caused by the Cemetery employees, is not to be considered the responsibility of the Department of Public Works.

Flags, cut flowers, sprays, baskets, wreaths, or other floral decorations and their containers shall be removed before they become faded, unsightly, or detrimental. Empty or unsightly containers will be discarded by the Cemetery Department. No decorations, plantings, wreaths, etc. shall be more than one foot wide by two feet long and must be placed at the top of the lot. No glass containers are allowed.

Grading and seeding shall be done only by the Cemetery Department personnel under the direction of the Superintendent.

Snowmobiles, mini-bikes, motorcycles, model airplane flying, and pets (including horses) are not allowed in the Cemetery.

I \_\_\_\_\_, having read the above Cemetery Rules and Regulations, do understand and agree to abide by said Rules and Regulations.

Signed \_\_\_\_\_ Date \_\_\_\_\_