

ARTICLE I
GENERAL PROVISIONS

SECTION 100 TITLE, AUTHORITY, AMENDMENTS

100.1 Title

These bylaws shall constitute the Bylaws of the Town of South Hadley, Commonwealth of Massachusetts.

100.2 Citation form

These bylaws may be cited in the following form: (e.g., SH Bylaws, Article I, Section 100.2).

100.1 Authority

These bylaws have been approved by the Town of South Hadley, Massachusetts, under authority granted by the Attorney General of the Commonwealth of Massachusetts.

100.2 Amendments

These bylaws may be amended from time to time as authorized by the General Laws of the Commonwealth of Massachusetts and adopted by the Town Meeting of the Town of South Hadley.

SECTION 101 DEFINITIONS

For the purpose of these bylaws, the following words and phrases shall have the following meaning(s):

101.1 Commonwealth

The Commonwealth of Massachusetts.

101.2 Department

A Board, Committee and Commission and any office thereof.

101.3 Driver

The person having the charge or control of a vehicle upon a public or private street, way, off-road, sidewalk or path.

101.4 Head of department

The person who has responsibility for supervision of the day-to-day activities of the department.

101.5 Owner

As applied to a building or to land, a part-owner, joint owner, tenant in common, joint tenant, and tenant by the entirety of the whole or of a part of the building or land.

101.6 Person

Individuals, corporations, trusts, societies, associations, partnerships and individual business proprietorships.

101.7 Public place

All commons, parks, playgrounds, buildings, and public lands belonging to or in the charge of the Town of South Hadley, or any of its departments, and those portions of public squares, parking lots and places which do not form traveled parts of public ways.

101.8 Public building

All buildings belonging to or under the control of the Town of South Hadley or any of its departments.

101.9 Selectboard

Including the term “Board of Selectmen” whenever so used in the laws of the Commonwealth.

101.10 Sidewalk

Any sidewalk, footpath, bicycle path or other path commonly used by pedestrians, situated outside that portion of a street commonly used by vehicles for travel whether or not the sidewalk has been wrought and constructed by or under the authority of the Town of South Hadley.

101.11 Solicitation

Seeking to raise funds or sell or obtain orders for goods or services from persons in residences within the Town, not including the weekly or daily house delivery or newspapers. The term “commercial soliciting” shall mean soliciting in connection with a business or profit making venture.

101.12 Street

A public way, highway, Town way, alley, square, lane, court, crossroad, sidewalk, and a part of a public place that forms a traveled part of a highway or public way.

101.13 Town

The Town of South Hadley.

101.14 Town Officer

Any individual, either elected or appointed, serving as a member of any committee, board, authority, or trusteeship.

101.15 Voter

A duly registered voter of the Town of South Hadley.

SECTION 102 RULES FOR INTERPRETATION

102.1 Singular and Plural

A word in the singular includes the plural and a word in the plural includes the singular.

102.2 Gender

A word in either the masculine or feminine gender shall include the other.

102.3 Severability

If any of the provisions of these bylaws or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the bylaws, or the application of such other provisions which can be given effect without the invalid provision or application thereof, and for this purpose the provisions of these bylaws are severable.

SECTION 103 PROVISIONS OF GENERAL APPLICABILITY

103.1 Powers

A Town Officer has the powers that are given to the officer by these bylaws and that are given to an officer of that kind by the General Laws of the Commonwealth of Massachusetts. Notwithstanding the definition of Town Officer in Article I, Section 101.14, no individual member of a committee, board, authority or trusteeship shall have the power to bind the Town of South Hadley or any committee to any official action unless duly authorized.

103.2 Deputy

If a power has been given to a Town Officer, the officer has authority, with the consent of the Selectboard, to designate a specific person to exercise the power as a deputy of the officer.

103.3 Acting officer

If a power has been given to a Town Officer, and if that office is vacant, the person, if any, who has been granted authority to act as that officer by consent of the Selectboard shall also have authority to exercise that power.

103.4 Relation to Massachusetts General Laws

If a conflict exists between a provision in these bylaws and the laws of the Commonwealth, the laws of the Commonwealth shall control.

SECTION 104 SAVINGS PROVISIONS

These bylaws shall not retroactively affect any act that has been done, any right that has accrued, any penalty that has been incurred, any suit, prosecution or proceeding that is pending, or the tenure of office of a person who holds office upon the effective date of these bylaws.

SECTION 105 PENALTIES

Any person who violates a provision of any bylaw or rule and regulation of the Town, whereby any act or thing is enjoined or prohibited or required, shall, unless other provision is expressly made, be liable to a penalty not exceeding (\$50) fifty dollars for each offense after notice by the Town to cease or perform, as applicable. Each day any such violation of these bylaws shall continue after such notice shall constitute a separate offense.