

ARTICLE X
MISCELLANEOUS BYLAWS

SECTION 1000 ANNUAL REPORT

1000.1 Contents

The Selectboard shall compile and publish an annual town report for each fiscal year, which shall include:

- a) an annual report of each Town officer, board, committee and commission (except that the Selectboard may omit from the printing of the annual report of an officer, board, committee or commission such financial data relating to the activities of that officer, board, committee or commission as is reflected in the report of the Town Treasurer);
- b) a complete list of the elected Town officers;
- c) a clear and concise account of the activities of the Selectboard, together with a statement of the expenditures of the Board in as much detail as is practicable;
- (d) a list of all elected officers and/or appointees to each board, committee or commission and the expiration of the term of office of each member;
- (e) a copy of each town meeting warrant;
- (f) a statement, in detail, of the votes cast by the Town at town elections and at the town meetings; and
- (g) such other matters as are determined by the Selectboard or required by law.

SECTION 1001 FINANCE

1001.1 Municipal charges lien; landfill (transfer station/recycling area only) tipping fees

If a landfill (transfer station/recycling area only) tipping fee remains unpaid after six (6) months from the due date, it shall become a municipal charge lien pursuant to the provisions of M.G.L. Chapter 40, Section 58. If the bill(s) remains unpaid when the Assessors are preparing a real estate tax list and warrant to be committee under Chapter 59, Section 53, the Board or officer in charge of the collection of the municipal fee or charge shall certify such charge or fee to the Assessors, who shall add such to the tax bill on the property to which it relates and commit it with their warrant to the Tax Collector as part of such tax bill.

1001.2 Municipal charges lien; trash collection fees

If a trash collection fee remains unpaid after six (6) months from the due date, it shall become a municipal charge lien pursuant to the provisions of M.G.L. Chapter 40, Section 58. If the bill(s) remains unpaid when the Assessors are preparing a real estate tax list and warrant to be committed under Chapter 59, Section 53, the Board or officer in charge of the collection of the municipal fee or charge shall certify such charge or fee to the Assessors, who shall add such to the tax bill on the property to which it relates and commit it with their warrant to the Tax Collection as part of such tax bill.

1001.3 Municipal charge lien; street excavation permits

If a street excavation permit charge remains unpaid after six (6) months from the due date, it shall become a municipal charge lien pursuant to the provisions of M.G.L. Chapter 40, Section 58. If the bill(s) remains unpaid when the Assessors are preparing a real estate tax list and warrant to be committed under Chapter 59, Section 53, the Board or officer in charge of the collection of the municipal fee or charge shall certify such charge or fee to the assessors, who shall add such to the tax bill on the property to which it relates and commit it with their warrant to the Tax Collector as part of such tax bill.

1001.4 Municipal charges lien; sewer connection and application fees

If a sewer use fee remains unpaid after six months from the due date, it shall become a municipal charge lien pursuant to the provisions of M.G.L. Chapter 40, Section 58. If the bill(s) remains unpaid when the Assessors are preparing a real estate tax list and warrant to be committed under Chapter 59, Section 53, the Board or officer in charge of the collection of the municipal fee or charge shall certify such charge or fee to the Assessors, who shall add such to the tax bill on the property to which it relates and commit it with their warrant to the Tax Collector as part of such tax bill.

SECTION 1002 JUNK AND SECONDHAND DEALERS

1002.1 License required

No person shall be a dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles or go about collection the same in the Town unless s/he is duly licensed therefore by the Selectboard.

1002.2 Record of purchases

Every keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles shall keep paper or electronic records in which shall be entered, at the time of every purchase of any such articles, a description thereof, the name, age and residence of the person from whom, and the date and hour when such purchase was made. Such records shall at all times be open to inspection by the Selectboard and by any person by them authorized to make such inspection.

1002.3 Inspection by police

Any police officer may enter the shop of any dealer in junk or secondhand articles and examine the books and property in the shop.

1002.4 Purchases from minors prohibited

No keeper of a shop licensed as provided in subsection 1002.1 and no junk collector, directly or indirectly, shall either purchase or receive by way of barter or exchange junk or secondhand articles from a minor, knowing or having reason to believe him or her to be such.

1002.5 Display of license and badges

Every keeper of the shop licensed as provided in subsection 1002.1 shall put in some suitable and conspicuous place in his or her shop a copy of the said license and a sign having his or her name and occupation legibly inscribed thereon in large letters, and every collector so licensed shall have placed upon some conspicuous part of this clothing, and upon each side of all vehicles used for such collection, a badge or sign giving the number of the license in plain legible figures of not less than one inch in length.

1002.6 Hours of operation

The keeper of the shop licensed pursuant to subsection 1002.1 shall not have the same open for transaction of business except during the time between 7:00 A.M. and 9:00 P.M. of each weekday, and no keeper of such junk or no junk collector shall purchase any of the articles aforesaid except during such hours.

1002.7 Purchased articles not to be sold within fifteen days

No article purchased or received by a keeper of a shop licensed pursuant to this section for the purchase, sale or barter of junk, old metal or secondhand articles shall be sold until at least fifteen (15) days from the date of its purchase or its receipt have elapsed.

SECTION 1003 LICENSES

1003.1 When Required

The Selectboard shall have the power to require licenses for all businesses, trades and occupations which towns may license under the provisions of the General Laws and may make such rules and regulations pertaining thereto as to them seem pertinent. The fees for such licenses shall be as prescribed by the General Laws.

Section 1003.2 (ATTORNEY GENERAL APPROVAL 4-14-06)

Denial, revocation or suspension of licenses and permits for failure to pay municipal taxes or charges.

(a) The Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Collector," shall annually furnish 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 for such taxes or a pending petition before the Appellate Tax Board.

(b) Notice; hearing; reissuance or renewal.

(1) 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 Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Collector; provided, however, that written notice is given to 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 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 license denial, revocation or suspension.

(2) Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the 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 is given notice and a hearing as required by applicable provisions of law.

This section shall not apply to the following licenses and permits pursuant to Massachusetts General Laws: open burning; Section 13 of Chapter 48; bicycle permits, Section 11A of Chapter 85, sales of articles for charitable purposes, Section 33 of Chapter 101, Children work permits; Section 69 of Chapter 149, clubs, associations dispensing food or beverage licenses, Section 21E of Chapter 140; dog licenses, Section 137 of Chapter 140; fishing hunting, trapping licenses, Section 12 of Chapter 131; marriage licenses, Section 28 of Chapter 207; and theatrical events, public exhibition permits, Section 181 of Chapter 140 of the Massachusetts General Laws. (5-13-06)

SECTION 1004 HAWKERS AND PEDDLERS

No transient vendor, hawker or peddler as defined in Massachusetts General Laws Chapter 101, shall sell or barter, or carry for sale or barter, any goods, wares, or merchandise in the Town of South Hadley on any day of special town celebration so proclaimed by the Selectboard unless a permit has been issued by said Board or its delegate under such terms and conditions and for such a fee as said Board or its delegate shall determine.

SECTION 1005 TAG SALES

1005.1 Definition

For purposes of this Section, a “tag sale” shall be defined as the sale of new/or used items offered for sale, barter or trade to the general public when conducted in whole or in part within a residential or agricultural zone.

1005.2 Licenses

No person shall conduct a tag sale in the Town unless s/he shall have obtained a license therefore from the Selectboard. The license shall be exhibited in a conspicuous place during the sale. All tag sale licenses shall be for not more than a seventy-two (72) hour period and the sale shall be limited to hours of operation from 8:00 a.m. to 8:00 p.m. Fees for such tag sale licenses shall be ten dollars (\$10.00) per license.

1005.3 Frequency of tag sales

A tag sale may be conducted only from the owner’s primary residence, and no more than four (4) tag sales may be conducted from a residence per calendar year.

1005.4 Signs for tag sales on utility poles prohibited

No notices, advertising signs or directional signs are to be attached to utility poles.

1005.5 Violations and penalties

Whoever violates any provision of this chapter shall be punished by a fine as referenced in Section 800.1. Each day any violation of this Section shall continue shall constitute a separate offense.

SECTION 1006 AUTOMATIC AMUSEMENT DEVICES

1006.1 License and inspections

In accordance with M.G.L. C 140, s. 177A, as amended from time to time, any individual or business desiring to keep and operate an automatic amusement device for hire, gain or reward

shall secure an annual license from the Selectboard. The term “automatic amusement device” as used in this bylaw shall refer to mechanical and electrical devices. No license shall be granted for any automatic amusement device which presents a risk of misuse as a gaming device, and no person shall operate or allow the operation of an automatic amusement device which presents a risk of misuse as a gaming device. Automatic amusement devices which present a risk of misuse as gaming devices are those devices which simulate actual gaming or actual gaming devices and games which involve matching of random numbers, patterns or color combinations. Any change of automatic amusement devices shall be subject to inspection, as well as relicensing if the new devices are materially different from the devices originally licensed. All premises designated on a license for automatic gaming devices granted by the Selectboard shall be subject to inspection by the South Hadley Police Department to ensure conformance with the submitted application information and the provisions of this Section.

1006.2 Number

The maximum number of automatic amusement devices allowed on any single business premises shall be six (6), with no such device able to accept a bill larger than five dollars (\$5.00). Notwithstanding anything contained herein to the contrary, the limitation upon the maximum number of automatic amusement devices allowed on any single business premises of six (6) shall not be applicable to the operation of a business that constitutes public recreation operated as a business, including facilities for assembly, billiards, bowling, soccer, roller skating and similar activities, provided that the following conditions are satisfied as determined by the Planning Board:

1. The operation of automatic amusement devices is accessory to the principal use of public recreation operated as a business; and
2. More than six (6) amusement devices shall only be operated within the business premises that have as their principal use public recreation operated as a business in conjunction with and as accessory to the public recreation activities carried out within any such business premises.

Upon receipt by the Selectboard of a certification from the Planning Board that an establishment satisfies both of the foregoing conditions, the Selectboard may issue a license permitting the operation of more than six automatic amusement devices at the business premises where public recreation operated as a business constitutes the principal use, with no limitation imposed upon the number of automatic amusement devices that may be permitted by the Selectboard pursuant to any such license. Nothing contained in this subsection 1006.2 shall modify or otherwise affect the prohibition set forth in subsection 1006.1 that no license shall be granted for any automatic amusement device which presents a risk of misuse as a gaming device and no person shall operate or allow the operation of an automatic amusement device which presents a risk of misuse as a gaming device.

1006.3 Penalties

Whoever violates any provision of this chapter shall be punished by a fine as referenced in Section 800.1. Any unlicensed automatic amusement device (or automatic amusement device which presents a risk of misuse as gaming device) shall be subject to immediate seizure by the South Hadley Police Department. Any expense incurred by the South Hadley Police related to the seizure of such devices shall become the responsibility of the person that controls the premises where the devices were located. This Section may be enforced by all state and local law enforcement officials and may be administered under the provisions of M.G.L. C 40 s21D or any of the laws of the Commonwealth or any Town bylaw implementing enforcement of its bylaws. Nothing in this Section shall be construed to change any provision of the Town zoning bylaw.

SECTION 1007 NUISANCES

1007.1 Dead animals and offensive substances

Dead animals will be removed by the Board of Health and/or the Town Department of Public Works. No person shall place or cause to be placed or left in or upon any public or private street or way, enclosure or grounds, or in any body of stream of water within the limits of this town, the body of any dead animal, fowl, or any substance or material that is or may become offensive or cause a nuisance, or may tend to obstruct the flow of any stream.

1007.2 Unreasonable noise

It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any excessive, unnecessary or unusually loud noise which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose, or the health and safety of others within the Town, including, without limitation:

- a. the playing of any radio, phonograph, television set, amplified or musical instruments, loudspeakers, tape record, or other electronic sound producing devices, in such a manner or with volume at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of any person;
- b. the keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the reasonable quiet, comfort or repose of any person;
- c. the use of any drum or other instrument or device of any kind for the purpose of attracting by the creation of noise, unless the person is a participant in a school band activity or duly authorized parade or who has been otherwise authorized to engage in such activity by the Selectboard;
- d. the operation of vehicles, equipment, tools or machines used as a means of construction, maintenance, repair or demolition of a building site, building, bridge, tower or road between the hours of 8:00 p.m. and 7:00 a.m.; and
- e. engine noise during or incidental to the repair of motor vehicles between 9:00 p.m. and 7:00 am on commercial premises or at any time on residential premises;

EXCEPT that the foregoing restrictions shall not apply or be enforced against:

- a. emergency vehicles;

- b. highway and utility maintenance and construction, necessary excavation in or repairs of bridges, streets or highway, or any public utility installation by or on behalf of the Town, any public utility or any agency of the Commonwealth of Massachusetts;
- c. snow removal or street cleaning or maintenance of commercial parking lots;
- d. the reasonable use of amplifiers or loud speakers for public addresses, which are non-commercial in nature;
- e. noise caused by agricultural, farm-related activities as defined by M.G.L. Chapter 128, Section 1A as amended from time to time, including but not limited to the operation of farm equipment, harvesting equipment, noises from farm animals and the like;
- f. noise caused by lawful hunting or other lawful discharge of firearms;
- g. noise from activities that have been duly authorized by the Selectboard; and
- h. organized sporting events on designated fields as sanctioned by the Town or sports organizations.

SECTION 1008 TRAILERS

1008.1 Use of trailers

No person shall occupy a trailer or other structure designed to be mobile, whether or not permanent additions are planned or constructed, for dwelling or business purposes within the Town of South Hadley, with the following exception: the Selectboard may issue, subject to applicable zoning bylaws, a permit for the use of a trailer or mobile structure as a temporary office incidental to construction on or development of the land on which the trailer or mobile structure is to be located, such permit to be valid for a period of six (6) months and renewable for additional six (6) month periods at the discretion of the Selectboard.

1008.2 Existing structures

No structure existing in the Town on the date of passage of this bylaw shall be in any way affected by the provisions thereof.

1008.3 Penalties

Whoever violates any provision of this chapter shall be punished by a fine as referenced in Section 800.1. Each twenty-four (24) hours of illegal occupancy shall be regarded as a separate violation.

SECTION 1009 TREES

1009.1 Protection of trees

A person shall not trim, cut down or remove a tree or shrub from land that is owned or controlled by the Town unless s/he has first obtained written authorization from the Tree Warden or his or her deputy and from the Conservation Commission if under its jurisdiction.

1009.2 Tree belt

The owner of any real estate in the Town which abuts on any public or private way within the Town where there is a tree belt shall keep said tree belt mowed and free and clean of all litter, debris, noxious woods and brush, and encroaching bushes, and shall maintain the same in a clean and sanitary manner.

SECTION 1010 HOUSE NUMBERS

1010.1 Designation of numbers

The Building Commissioner, in cooperation with the Board of Assessors, shall determine and designate numbers for all buildings abutting upon or adjacent to a street as s/he may deem appropriate for the public convenience using the criteria set forth in this Section.

1010.2 Affixing of numbers required

No owner of any building set forth in subsection 1010.1 shall neglect or refuse to affix to such building any street number designated by the Inspector of Buildings.

1010.3 Visibility of numbers from street

In cases where a building set forth in subsection 1010.1 is not clearly visible from the street, the Inspector of Buildings shall require that said numbers be placed such that they are clearly visible from the street at the point of entry to the property.

1010.4 Numbering system

Buildings set forth in subsection 1010.1 on streets off a main artery shall be numbered from low to high, with even numbers on one side and odd numbers on the other. The main artery shall be the street closest to the center of town. All numbers shall be in whole Arabic numerals, a minimum of five inches in height, contrasting in color to the structure, and shall be placed on the knob side of the door of the structure. (5-13-06)

1010.5 Violations and penalties; enforcement

Whoever violates any provision of this chapter shall be punished by a fine as referenced in Section 800.1. This Section shall be enforced by the Inspector of Buildings or agent under the direction of the Inspector of Buildings.

SECTION 1011 DOGS

1011.1 Removal of dog waste

- a. The owner of a dog shall be responsible for the removal of any fecal matter deposited by his/her dog(s) on public walks, recreation areas, private property and trails on property under the jurisdiction of the Conservation Commission. The term “owner” as used in this Section shall include the person(s) who control(s) the dog.
- b. The owner accompanying a dog in a public walk, street, recreation area or private property shall possess the means of removal of any fecal matter deposited by the dog. For purposes of this Section, the means of removal shall include any tool, implement or other device carried for the purpose of picking up and containing such fecal matter. Disposal shall be accomplished by transporting such fecal matter to a place suitable for the disposal of dog fecal matter or otherwise as designated as appropriate by the Director of the Board of Health.

1011.2 Dog leash law

No owner of a dog shall allow the dog to roam at large upon a public walk or street or upon the private property of another, except on the premises of another person with the actual knowledge and permission of such other person. All dogs not on the premises of its owner or the private property of another person with the knowledge and permission of such person, shall be restrained by a chain or leash not exceeding twelve (12) feet in length.

1011.3 Town playground areas and athletic fields

No owner of a dog shall allow the dog to enter upon any Town playground area and athletic field. The foregoing shall not apply to guide or service dogs.

Section 1012 Facility Closings

In the event of necessitated closings of town facilities declared by the Town Administrator or his or her designee, on behalf of the Selectboard, the Town Administrator or his or her designee may order the closing of one or more Town facilities (including the Senior Center, but excluding the public schools) or the stoppage or relocation of any non-school Town operations for a full or part of any day or for more than one day. For the purposes hereof, closing of town facilities may be declared in the event of any foreseen or unforeseen occurrence which disrupts or threatens to disrupt Town operations and/or threatens the well-being of Town employees, including, without limitation, snowstorms or other inclement weather (e.g., hurricanes or floods), earthquakes, fires, power failures, acts of terrorism or bomb threats. Any such closing order will be made by the Town Administrator or his or her designee after consultation, as may be feasible under the circumstances, with the Police Department and/or Department of Public Works and shall be broadcast on Channel 22 and 40.

SECTION 1013

REGULATION OF VENDING MACHINES IN PUBLIC SPACES (5-12-07)

No vending machines, including but not limited to, newspaper vending machines, shall be placed in any outdoor areas (including, but not limited to, public rights of ways) under the care and control of the Town except where permitted at parks and athletic facilities. This restriction shall be applicable to all vending machines regardless of whether or not the contents thereof are offered for a fee.

SECTION 1014 REGULATION OF OUTDOOR LIGHTING (5-12-07)

1014.1 Purposes

To protect public health, safety, and the environment by

- (a) providing for adequate and appropriate outdoor lighting;
- (b) providing for lighting that will complement the character of the town;
- (c) reducing glare;
- (d) minimizing light trespass;
- (e) reducing the cost and waste of unnecessary energy consumption; and,
- (f) requiring proper management and disposal of lighting fixtures, lamps, and associated elements.

1014.2 Applicability; Exceptions

The requirements of this Section shall apply to all outdoor lighting in the Town, except that the permitting (Section 1014.4 and Section 1014.5) and review (Section 1014.6) requirements of this Section shall not apply to the following:

- (a) lighting on individual lots used principally for residential occupancy as one, two, or three-family dwellings; or

- (b) lighting for parking areas of less than ten (10) parking spaces if the lighting fixtures are less than fourteen (14) feet in height and the project lighting is approved by the Planning Board with input from the South Hadley Electric Light Department as a provision of a Special Permit; or,
- (c) street lighting, traffic control lighting and other lighting for public safety along streets or ways if approved by the Town's Traffic and Sign Committee and the streets or ways are on plans approved by the Planning Board; or,
- (d) signs or illumination of any signs which are subject to the Zoning Bylaw.

1014.3 Waiver of Provisions

The Selectboard may waive the requirements of this Section upon application of the property owner. Any such application for waiver of said requirements shall contain a detailed description of the proposed lighting and how the lighting will achieve the purposes of this Section if the waiver is granted.

The Selectboard may grant a waiver for projects for which the Planning Board has granted a Special Permit or Site Plan Review only if:

- (a) the conditions of the Special Permit or Site Plan Review Decision expressly support waiving portions of this Section; and,
- (b) the Planning Board has imposed alternative standards on Outdoor Lighting which the Selectboard determine achieve the purposes of this Section.

1014.4 Permit Required

Prior to installation of any outdoor lighting subject to this Section, the applicant must obtain a Permit from the Selectboard, unless accepted pursuant to Section 1014.2 or waived pursuant to Section 1014.3. To obtain such a permit, the applicant must submit an application on forms set forth by the Selectboard along with any required application fee and plan(s) containing at least the information required by Section 1014.5. The number of plans and the scale of plans to be submitted shall be as set forth by the Selectboard.

In the event that the Selectboard determines that a third party review by a qualified lighting engineer or lighting specialist is necessary or advisable to better inform its determination, the Selectboard may require the applicant to pay into the Special Municipal Account a sum necessary to pay for that review.

1014.5 Details of Plans Required

Plans submitted with the application for approval under Section 1014.4 shall include at a minimum:

- (a) the location and type of any outdoor lighting luminaries;
 - (b) the proposed height of all proposed luminaries;
 - (c) the proposed height of all poles;
 - (d) the elevation of the base of all proposed poles and proposed luminaries;
 - (e) identification of any existing vegetation proposed to be removed which may alter the view of and glare from the proposed luminaries;
 - (f) the luminaire manufacturer's specification data, including, but not limited to, lumen output and photometric data showing cutoff angles;
 - (g) the type of lamps proposed such as metal halide, compact fluorescent, high-pressure sodium, etc.;
 - (h) a photometric plan showing the intensity of illumination at ground level, expressed in foot-candles;
 - (i) identification of surface area intended to be illuminated;
 - (j) details of the hours of operation for the lighting; and,
 - (k) description of how the lighting will be regulated for turning on and turning off; and,
- (l) plan for disposal of expended lighting fixtures and lamps.

1014.6 Review Process

Prior to acting on any application for a permit or a waiver thereof, the Selectboard shall have the application reviewed by the Planning Board and such other Boards and departments deemed appropriate by the Town Administrator and shall hold a public hearing on said application. However, the Selectboard may waive the public hearing requirement if it determines that prior public hearings held by other Town Boards have provided a satisfactory forum for public review of the lighting plans and the minutes of the other public hearings have been provided to the Selectboard for review.

1014.7 Standards for Approval

Approval by the Selectboard of any application for a permit under Section 1013.4 or a waiver under Section 1014.3 shall be based on the following:

- (a) Conformity with purposes. The application must conform to the purposes of this Section.

- (b) Glare into community or surrounding neighborhood. The proposed lighting must not create glare which is adverse to the community or surrounding neighborhood.
- (c) Light trespass. The proposed lighting must not create any light trespass onto any abutting street or abutting lot or parcel.
- (d) Downcast of illumination. All illumination must be downcast and not emit any direct light above a horizontal plane passing through the lowest part of the light-emitting luminaire.
- (e) Conformity with Lighting Requirements and Restrictions. The proposed lighting fixtures and luminaire must conform to the lighting requirements and restrictions set forth in subsection 1014.8 herein.

1014.8 Lighting Requirements/Restrictions

Any lighting subject to this Section shall conform to the following requirements and restrictions:

- (a) Control of glare and light trespass. The luminaries must be fully shielded so as to control glare and light trespass.
- (b) Directed to surface intended to be illuminated. The luminaries must be designed, placed, and maintained so as to only illuminate the area identified in the project plans as intended to be illuminated. The area to be illuminated must be restricted to the property on which the luminaries are located or other properties also owned by the parties having said illumination installed.
- (c) Prohibited Fixtures. Mercury vapor fixtures must not be used in new installations. Where existing mercury vapor fixtures are being replaced with new such fixtures, the owner must provide a plan for the safe disposal of the existing and replacement fixtures.
- (d) Hours of operation. Outdoor lighting shall not be illuminated between the 11:00 p.m. and 6:00 a.m. with the following exceptions:
 - 1) If the facility for which the lighting is being utilized is legally and properly open and being used, such as (but not limited to) a business open to customers or an athletic facility being used for an event, normal illumination shall be allowed during the activity, but for not more than ½ hour after the activity or use ceases;
 - 2) Low-level lighting sufficient for the security of persons or property on the lot or parcel may be in operation between 11:00 p.m. and 6:00 a.m., provided the level of illumination on the ground or on any vertical surface is not greater than 0.5 foot-candle.
 - 3) Any other variation as determined by the Selectboard if it finds that proposed illumination will not adversely impact any nearby residences

on account of longer periods of operation and the applicant provides an appropriate technology for ensuring that the fixtures are not operated 24-hours per day.

- (e) *Height of luminaries.* Luminaries must not exceed 35 feet in height unless the Selectboard expressly finds that a greater height will further the purposes of this Section when applied to the particular property, facility, and surrounding neighborhood.”
- (f) *Minimum Lumens.* Any outdoor lighting fixture or lamp must have a sustained rating of 50 lumens per watt.

1014.9 Enforcement

The provisions of this Section shall be enforced by the Building Commissioner. Penalties for violation of any portion of Section 1014 shall be as provided in Section 105 of the General Bylaws.”