

November 21, 2022

TOWN OF SOUTHAMPTON

SPECIAL TOWN MEETING WARRANT

**Tuesday, December 13, 2022
7:00 P.M.**



**WILLIAM E. NORRIS ELEMENTARY SCHOOL
34 POMEROY MEADOW ROAD
SOUTHAMPTON, MASSACHUSETTS**

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WARRANT FOR THE ANNUAL TOWN MEETING

December 13, 2022

HAMPSHIRE, ss.

To either of the Constables of the Town of Southampton in said County:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the precincts of the Town of Southampton, County of Hampshire, qualified to vote in elections and Town affairs to meet at the **William E. Norris Elementary School, 34 Pomeroy Meadow Road, Southampton, Massachusetts**, on

Tuesday, December 13, 2022 at 7:00 p.m.,

then and there to act on the following articles:

BUDGET AND FINANCIAL ITEMS

ARTICLE 1 TRANSFER FOR FUNDING FOR FY 2023 RETIREMENT OBLIGATION

To see if the Town will vote to transfer a total of \$6,000 from the Group Health Insurance Account to the Retirement Expense Account, to complete our Financial Obligation for FY 2023 for the town; or to take any other action relative thereto.

ARTICLE 2 TRANSFERS FOR POLICE DEPARTMENT OPERATING EXPENSES

To see if the Town will vote to transfer an amount totaling \$34,500 within the Police Department operating budget accounts as listed below;

<u>Amount</u>	<u>From</u>	<u>To</u>	<u>Reason</u>
\$32,000	Police Wage Account	Police Overtime Account	Unexpected Staff Shortages
\$2,500	Police Expense Account	Police Expense Account	Unexpected Costs Incurred

said sums to come from the FY 2023 accounts listed above; or to take any other action relative thereto.

ARTICLE 3 TRANSFER FOR AMBULANCE DEBT

To see if the Town will vote to transfer/appropriate an amount totaling \$68,914.80 from Ambulance Receipts, Reserve for Appropriation, and transfer \$68,064.00 to the Debt Ambulance Principal Account and \$850.80 to the Debt Ambulance Interest Account for the FY 23 Debt payment on the newest ambulance; or take any other action relative thereto.

ARTICLE 4 TRANSFER FOR ASSESSORS' DEPARTMENT OPERATING EXPENSES

To see if the Town will vote to transfer an amount totaling \$20,000 within the Assessor Department operating budget accounts as listed below;

<u>Amount</u>	<u>From</u>	<u>To</u>	<u>Reason</u>
\$5,000	Principal Assessor Sal. Acct.	Assessor Consult. Acct.	Property Certification
\$5,000	Principal Assessor Sal. Acct.	Cyclical Inspections Acct.	Cyclical 10 yr. require
\$10,000	Principal Assessor Sal. Acct.	Assessor Expenses Acct.	Cost Manuals & Staff

said sums to come from the FY 2023 accounts listed above; or to take any other action relative thereto.

ARTICLE 5 TRANSFER FOR LEGAL SETTLEMENT SWANSON VS TOWN OF SOUTHAMPTON

To see if the Town will vote to transfer \$7,500 from the legal expense account # 015151.300 to pay the settlement in the matter of Swanson v. Town of Southampton, or take any other action relative thereto.

ARTICLE 6 TRANSFER FOR BUILDING DEPT SECURING & DEMO FROM OPERATIONAL STABILIZATION

To see if the town will vote for the appropriations of \$20,000 from the operational stabilization account to be used for the purpose of; securing, maintaining, demolition and or any other necessary functions required to prepare properties for sale by the Building Department. These properties have been acquired through tax title; or to take any other action relative thereto.

COMMUNITY PRESERVATION PROJECTS

ARTICLE 7 CPC FUNDING FOR LOCAL MATCH MASS TRAILS GREENWAY DESIGN

To see if the Town will vote to transfer the sum of one hundred thousand (\$100,000) dollars from Community Preservation Surcharges to the Southampton Greenway for the Town's local matching share of a Mass Trails Grant for the design process of the Greenway bicycle & pedestrian path, said funds to be taken from Community Preservation Surcharges – Undesignated Funds; or take any other action relative thereto.

ARTICLE 8 CPC FUNDING FOR ADDITIONAL CONANT PARK SIGN – PARK COMMISSION

To see if the Town will vote to transfer the sum of three thousand (\$3,000) dollars from Community Preservation Surcharges to the Park Commission for the acquisition of one additional Conant Park sign, said funds to be taken from Community Preservation Surcharges – Open Space Recreation account; or take any other action relative thereto.

GENERAL BY-LAW AMENDMENTS

ARTICLE 9 GENERAL BY-LAW AMENDMENT ARTICLE XII MATTER ON PUBLIC WAYS OR PLACES AND ARTICLE XX LITTERING

To see if the Town will vote to delete Articles XII, Matter on Public Ways or Places and Article XX, Littering, of the Town's General By-Laws and adopt a new Article XII, Littering and Dumping Materials on Public Ways or Places with the language below, and to authorize the Town Clerk to make necessary renumbering changes resulting from the deletion of Article XX (if any), or take any action thereto.

Article XII LITTERING and DUMPING MATERIALS on PUBLIC WAYS or PLACES

Sec. 1. Littering is not permitted on public highways, streets, roads and on other properties owned or controlled by the Town. A fine, plus all costs incurred by the Town to clean up the violation, shall be imposed for littering and/or dumping of material(s) along public highways, streets, roads and other properties owned or controlled by the Town of Southampton.

Sec. 2. No person shall place or dispose of, discharge or cause to be distributed, any yard debris including leaves, grass clippings, and cleared snow that would present a safety hazard to any pedestrian walkway and/or vehicle passage, including motorcycles and bicycles on any street, lane, or other public place in Town (including Town Right of Way; excluding activities permitted under Right of Way Permit).

Sec. 3. No person shall place or cause to be placed in any street, lane, common park, conservation area, court, or other public place in the Town, any dirt, filth, ashes, garbage, animal feces, decaying animal and vegetable matter or rubbish of any description providing, however, that it shall not be unlawful for any person to place suitable de-icing material upon any public sidewalk in the Town for the purpose of providing traction on ice in winter.

Sec. 4. A dog owner shall be responsible for the removal of any fecal material deposited by their dog on public sidewalks, public recreation areas, school property, public properties, and private residential property as required by Connecticut River Stormwater Committee.

Sec. 5. Discarding unwanted items such as furniture, appliances, construction material and other household property along public roads and/or wooded areas is a violation of this Article and subject to fine.

Sec. 6. Items left curbside for purposes of free-taking, donation or garbage collection, shall not remain more than seven (7) days.

Sec. 7. The Police Chief or his designee are the enforcing authority for this bylaw. Violators are subject to fines per Town bylaws: Article XLII, Non-Criminal Disposition of Violations of Bylaws, Rules and Regulations and may incur possible criminal charges per MGL CH 270, Sec. 16.

ARTICLE 10 GENERAL BY-LAW AMENDMENT ARTICLE XV, SOLICITING AND CANVASSING

To see if the Town will vote to amend the Town Bylaws, Article XV, Sec. 5A and Sec. 5C Application for Permit by deleting language shown as strike through, or take any action thereto.

Sec. 5

- A. The application for a permit to solicit or canvass shall be in a form as determined by the Chief of Police or Designee. Applications for soliciting and canvassing shall be made available at the Southampton Police Station and on the Town website. Further, each such

application shall be accompanied by a fee in an amount as determined by the Schedule of Fees established, ~~and periodically updated by Town Meeting~~. All applications must be submitted to the attention of the Chief of Police at the Southampton Police Department.

Each company must obtain a permit issued in the name of the company. In addition to company registration, each individual of said organization or business entity that intends to solicit or canvass on behalf of that company must also obtain a separate permit in their name. Each such application shall specify whether a permit is sought for soliciting, canvassing or both; further, each such application for a soliciting permit shall specify the particular goods, merchandise or services that will be marketed; further, each such application for a canvassing permit shall specify the type(s) of printed materials that will be distributed, and the specific manner(s) in which such printed materials will be left at various locations.

- C. A fee, to be periodically assessed based on recommendations from the Chief of Police or Designee, shall be set at a rate to cover the expenses of the permitting including photos, lanyards and other verification activities associated with the issuance of each permit. The fee must be paid at the time of application. Further, each such application shall be accompanied by a fee in an amount as determined by the Schedule of Fees established, ~~and periodically updated by Town Meeting~~. All applications must be submitted to the attention of the Chief of Police at the Southampton Police Department.

AND

To see if the Town will vote to amend the Town By-Laws, Article XV, Sec. 13 Violations and Penalties by deleting language shown as strike through and replacing with the new language in **bold**, or take any action thereto.

Sec. 13 Violations of the terms, conditions, and restrictions of this bylaw, exclusive of the fine regarding the display of permit identification (see Sec. 5B) issued pursuant to the same, ~~may result in a fine of up to \$300~~ **may result in a fine as follows: first offense-\$100.00; second offense-\$200.00; third and any subsequent offence-\$300.00.** as set forth in the Non-Criminal Disposition of Violation of Bylaws, Rules and Regulations Article XLII.”

Each day of a continuing violation shall be a separate violation; and further ~~provides~~ **provided** that each house, business, property, mailbox, or vehicle that is solicited or canvassed in violation of this chapter, including in violation of the terms, conditions and restrictions of any permit issued pursuant to the same shall, be a separate violation. Each such violation shall be enforced by the Town police officers and shall be subject to the Non-Criminal Disposition of Violations of By-laws, Rules and Regulations as provided in Article ~~(to be determined)~~ **XLII** of these bylaws and G.L. c. 40, § 21D.

Failure to prominently wear/display the provided permit may result in a violation of up to \$100 per individual and up to \$100 per primary employing entity per violation per day.

ARTICLE 11 GENERAL BY-LAW DELETE ARTICLE IX DOG KENNELS & XVI DOGS, AND ADOPT A NEW ARTICLE XVI DOGS: LICENSES, KENNELS AND COMPLAINTS

To see if the Town will delete Articles IX, Dog Kennels and Article XVI, Dogs, of the Town's General By-laws and adopt a new Article XVI: Dogs: Licenses, Kennels and Complaints, and to authorize the Town Clerk to make necessary renumbering changes resulting from the deletion of Article IX (if any), or take any other action relative thereto.

Article XVI Dogs: Licenses, Kennels and Complaints

Sec. 1. Dogs

- a. No person owning a dog shall permit such dog to be off leash on Town property. This bylaw does not apply to:
 - service dogs when performing their duties;
 - licensed hunting dogs owned by a licensed hunter while engaged in the sport of hunting or training for such hunting;
 - dogs engaged in herding farm animals.
- b. No dog should be permitted off its owner's property or on to other person's property without that person's knowledge or permission. Any such person shall be required to have said dog under control at all times.
- c. Any person walking a dog should make provisions for the proper disposal of animal waste.

Sec. 2. Dog Licenses (MGL c. 140, §137)

- a. The owner or keeper of a dog over the age of 6 months must obtain a license from the Town Clerk on an annual basis, for the 12-month period running April 1 to March 31.
- b. Dog owners must obtain a license within 30 days of obtaining their new dog.
- c. A licensing authority shall not grant a license for a dog unless the owner of the dog provides the licensing authority with a veterinarian's certification stating that: the dog has been vaccinated for Rabies; or that such dog is exempt from the vaccination requirement; or, a notarized letter from a veterinarian that either of these certifications was issued relative to such dog in accordance with MGL c. 140, §145B.

- d. All dogs required to be licensed must wear the dog tag issued by the Town Clerk and the tag issued by a veterinarian (certifying that the dog has been vaccinated) at all times, around its neck or body by means of a collar or harness of leather or other suitable material, as required by G.L. c. 140, §137 and §145B. The owner or keeper shall securely attach such tag(s) of the licensed dog shall securely attach such tag to the dog's collar. If the tag(s) becomes lost, the owner or keeper of the dog shall immediately secure a substitute tag from the licensing authority.
- e. Every dog and kennel license application shall have a description of the symptoms of Rabies printed thereon. Such description shall be supplied by the MA Dept of Public Health.
- f. The above provisions do not apply to any dog housed in a research institution.
- g. Any household of more than 4 dogs is required to obtain a Kennel License. Any household of less than 4 dogs, 3 months old or older, who does not maintain a Kennel may elect to secure a Kennel License in lieu of licensing the dogs individually.
- h. No person who has been found guilty of violating MGL c. 272, §77 (cruelty), § 80½ (devocalization), §80A (cropping ears by anyone other than licensed veterinarian), §94 (owning, breeding, training, or promoting fighting animals), or §95 (attending or exhibiting animal fighting events), or penalized in any fashion for such violations, shall be eligible to license a dog for a period of 5 years from the date of being found guilty and/or penalized.
- i. Enforcement: The Southampton Police Department or Animal Control Officer shall have authority to enforce the provisions of this By-law by violation notices, non-criminal citations under MGL Chapter 40, Section 21D as set forth under General Bylaw Article XLII, administrative orders, and civil and criminal court actions. Any person who violates Sections 1 and 2 of this bylaw, as determined by the Southampton Police Department or Animal Control Officer, shall be subject to fines as follows: first offense, \$50; second offense, \$100; third offense, \$300; fourth and subsequent offenses, \$500.
- j. No dog held in the custody of the Animal Control Facility shall be released unless and until it is properly licensed by the Town Clerk. All costs

associated with the dog's detention by Animal Control must be paid in full by the owner before the dog is released.

Sec. 3. Dog Kennels

- a. A kennel is defined as a collection of dogs on a single premise, including a commercial, boarding, training, hunting, sale, breeder, domestic charitable corporation kennel, personal kennel, or veterinary kennel. (See MGL c. 140, §137A for additional definitions applicable to this by law.)
- b. A kennel license is required for more than four (4) dogs that are six (6) months of age or older (MGL c. 140, §136A). The registering, numbering, describing, and licensing of a dog/dog kennel shall be conducted annually with the Town Clerk's office. Kennel licensing dates shall be the same as individual licensing (April 1 to March 31).
- c. A kennel licensee shall cause each dog kept in its kennel to wear, while it is at large, a collar or harness of leather or other suitable material, to which a tag shall be securely attached. The tag shall have inscribed upon it the number of the kennel license, the Town's name and the year of issue.
- d. No kennel license shall be issued by the Town Clerk, as licensing authority under the provisions of MGL c.140, §137A, unless the applicant for such license shall first comply with the requirements cited in "Animal Laws and Regulations in Massachusetts", MGL c. 140, MGL c. 272 and MGL c. 129.
- e. The kennel owner, or other person maintaining the kennel, shall make available for inspection by an animal control officer, natural resource officer, deputy natural resource officer, fish and game warden or police officer the name and address of the dog owner and vaccination status of each dog kept in a kennel. This information must be kept at the kennel.
- f. No owner or keeper of a dog that is part of a commercial kennel, as defined in MGL c. 140, §136A, shall allow such dog to go unrestrained outside its enclosure or runway, at any time.
- g. Enforcement: The Town's designated Animal Control Officer and/or the Southampton Police Department shall have authority to enforce

the provisions of this By-law by violation notices, non-criminal citations under MGL Chapter 40, Section 21D as set forth under General Bylaw Article XLII, administrative orders, and civil and criminal court actions. Any person who violates any of the provisions of Section 3 of this bylaw, as determined by the Southampton Police Department and/or the Town's designated Animal Control Officer, shall be subject to fines as follows: first offense, \$500; second and subsequent offenses, \$750.

Sec. 4. Dog Complaints/Hearings

- a. Dog Complaints. A written complaint must be submitted to the Select Board by the plaintiff within ten (10) days of such occurrence. The complaint shall provide names, addresses and contact information. The complaint shall describe the dog and fully identify the name of the owner, and further specify why and how the dog is considered to be a nuisance and/or behaving in a dangerous manner. The complaint shall specify times, dates and reasons and provide a list of all individuals who may have knowledge of the issue.
- b. Hearing procedures. Hearings will be conducted in accordance with MGL c. 140, §157 within 30 days of receipt of the complaint, absent extenuating circumstances. The hearing will be included in the agenda for a regular Select Board meeting and held in open session. The Town Administrator will notify the Animal Control Officer and all involved persons of the date and time of the hearing.
- c. Decision. At the conclusion of the hearing or shortly thereafter, the Select Board may render its decision or take the matter under advisement, announcing the intended date of decision. A copy of the decision will be filed with the Town Clerk's office. Failure to comply with the Select Board decision will be referred to the Animal Control Officer/Inspector for resolution.

ARTICLE 12 GENERAL BY-LAW AMENDMENT ARTICLE XXVI, CURB CUTS

To see if the Town will vote to amend Town Bylaw XXVI, Curb Cuts, by deleting language shown as strike through and replacing with the new language, in **bold**; or take any other action relative thereto.

CURRENT BYLAW

~~No person shall make a curb cut unless a permit is issued by the highway Superintendent in the case of town ways or by the Department of Public works of the commonwealth of Massachusetts in the case of state highway layouts. The Southampton Select Board in the case of the town ways shall establish rules and regulations for the construction of curb cuts. Provisions shall be made for traffic and pedestrian safety in granting said permits.~~

PROPOSED CHANGE:

No person shall make a curb cut unless a permit is issued by the Highway Superintendent in the case of Town ways or by the Department of Public Works of the Commonwealth of Massachusetts in the case of state highway layouts. The Southampton Select Board has established rules and regulations for the construction of curb cuts. Provisions shall be made for traffic, bicycle, and pedestrian safety in granting such permits.

A "Curb Cut" shall mean any entrance onto a Public Way or presumptive Public Way including, but not limited to, driveways, access roads, logging roads, farm roads and are subject to "Driveway Regulations for Southampton". (Town of Southampton website, Driveway Regulations.)

GENERAL BY-LAWS - NEW

ARTICLE 13 GENERAL BY-LAW – NEW; MARKING OF TOWN-OWNED VEHICLES

To see if the Town will vote to adopt a new General By-Law; Marking of Town-Owned Vehicles as listed below; or take any other action relative thereto.

Town-owned vehicles excluding Police Department vehicles specially designated by the Select Board, shall be appropriately marked with the name of Southampt on together with the Town Seal and name of the department on both sides of the vehicle. Police Department and Fire/EMS Department vehicles may substitute the Police Badge or Fire Maltese Cross in place of the Town Seal. This requirement also applies to smaller, Town-owned motorcycles, all-terrain vehicles (ATV's), etc. which shall be marked with "Town of Southampt on" only. Each vehicle will be marked with appropriate and contrasting lettering that is highly visible and easily identifiable as a Southampt on Town-owned vehicle.

All Town-owned vehicles shall be brought into compliance by September 30, 2023.

ARTICLE 14 GENERAL BY-LAW – NEW; AFFORDABLE HOUSING TRUST

To see if the Town will vote to accept the provisions of G.L. c. 44, §55C, and adopt the following general bylaw, establishing the Southampt on Affordable Housing Trust, or take any other action relative thereto.

SOUTHAMPTON AFFORDABLE HOUSING TRUST BYLAW

There shall be a Southampt on Affordable Housing Trust, the purpose of which shall be to provide for the preservation and creation of affordable housing in the Town of Southampt on for the benefit of low and moderate income households. The Trust shall be governed by a Board of Trustees in accordance with Massachusetts General Laws Chapter 44, Section 55C and the authority granted by Town Meeting, as revised from time to time.

1. There shall be a five (5) member Board of Trustees ("Board"), of whom one shall be a member of the Select Board, and four qualified residents who would bring to the Trust relevant personal and/or professional experience, knowledge or interest in real estate, finance, affordable housing, banking, architecture, social services, or the like.

Trustees shall be appointed, or reappointed, by the Select Board, for two-year terms, with the exception that two initial appointments shall be made for one year only so as to allow staggered terms. Nothing in this subsection shall prevent the Select Board from appointing the Town Administrator as an ex officio member of the Board, without the power to vote.

2. The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Southampton Affordable Housing Trust Fund, to be recorded with the Hampshire County Registry of Deeds and filed with the Hampshire Registry District of the Land Court.

3. The Trust is a governmental body for purposes of MGL Chapter 30A, §§18-25.

4. The Trust is a Board of the Town for purposes of MGL Chapter 30B and MGL Chapter 40, § 15A; 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.

5. The powers of the Trustees, all of which shall be carried on in furtherance of the purposes set forth in MGL Chapter 44 §55C, shall include the following:

- a) 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 bylaw or any general or special law or any other source, including money from MGL Chapter 44B.
- b) to purchase and retain real or personal property, including without restriction, investments that yield a high rate of income or no income; each purchase shall be approved by the Select Board, which approval shall not be unreasonably withheld; should the Select Board disapprove a purchase, their reasoning shall be explained in open meeting;
- c) 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;
- d) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements 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;
- e) to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
- f) 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;

- g) to apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- h) 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;
- i) 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;
- j) to carry property for accounting purposes other than acquisition date values;
- k) to make distributions or divisions of principal in kind;
- l) 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 MGL Chapter 44, §55C, to continue to hold the same for such period of time as the board may deem appropriate;
- m) to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
- n) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and
- o) to extend the time for payment of any obligation to the Trust;

6. The extent of borrowing is limited to 80 percent of the Trust's assets and any purchase, sale or lease of any interest in real property requires a two-thirds vote of the Board of Trustees.

7. Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning bylaw, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. 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 1 year of the date they were appropriated into the Trust, remain trust property.

8. Money received from MGL Chapter 44B (Community Preservation Act) shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said Chapter 44B are reported to the Southampton Community

Preservation Committee for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue.

9. The Trust is a public employer and the members of the Board are public employees for purposes of MGL Chapter 258.

10. The Trust shall be deemed a municipal agency and the Trustees special municipal employees, for purposes of MGL Chapter 268A.

11. The Trust is exempt from MGL Chapters 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 political subdivision thereof.

12. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

ARTICLE 15 GENERAL BY-LAW – NEW ARTICLE XVI A HUMANE CARE AND TREATMENT OF DOMESTICATED ANIMALS

To see if the Town will vote to adopt a new general bylaw,

“Article XVI A: Humane Care and Treatment of Domesticated Animals”, as printed below, or take any other action relative thereto.

Article XVI A: Humane Care and Treatment of Domesticated Animals

Sec. 1. Definitions. The definitions set forth at MGL c. 140, §136A are hereby incorporated by reference to the extent not inconsistent with or otherwise defined in the subsequent provisions of this Bylaw.

Sec. 2. Domesticated Animals, for the purpose of this bylaw, are defined by the MA Division of Fisheries and Wildlife (321 CMR 9.02(3)) and shall include, without limitation, dogs, cats, or any animal which is kept for companionship, entertainment, service or livelihood

Sec. 3. Every owner or keeper of domesticated animals shall provide their animals with sufficient potable water, food, proper shelter and protection from the weather, including extremes of heat and cold. Owners shall also provide veterinary care sufficient to prevent suffering and the spread of disease. Owners shall provide humane care and treatment for animals. An owner's humane care and treatment of animals shall include, but not be limited to, treating and caring for all domesticated animals in a manner consistent with the requirements of G.L. c. 140, §174E.

Sec. 4. In accordance with MGL c. 140, §174F, it shall be a violation of this bylaw to confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold. Animals shall not be left outdoors for extended periods of time when owners, keepers, or other individuals are not home to care for or monitor them.

Sec. 5. No owner or keeper shall abandon any animal. For the purpose of this section, "abandonment" shall be defined as the willful desertion of an animal, which shall include, but not be limited to, the failure to claim an impounded animal upon receipt of notice that the period of impoundment has ended.

Sec. 6. Enforcement. The designated animal control officer and/or the Southampton Police Department shall have authority to enforce the provisions of this By-law by violation notices, non-criminal citations under MGL Chapter 40, Section 21D as set forth under General Bylaw Article XLII, administrative orders, and civil and criminal court actions.

Sec. 7. Penalties. Any person who violates this by-law, as determined by the Southampton Police Department or the designated animal control officer shall be subject to fines, as follows: first offense, \$50; second offense, \$100; third and subsequent offenses, \$300.

And you are hereby directed to serve this Warrant by posting attested copies thereof in six usual places in said Town, fourteen (14) days at least before the time of holding said meeting. Hereof, fail not, and make due return of the Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this 22nd day of November in the year Two Thousand and Twenty-Two.

SELECT BOARD

Christine Fowles

Jon Lumbra

Maureen Groden

Francine Tishman

Joy Piper

A True Copy:

ATTEST: _____
Constable

OFFICER'S RETURN

Hampshire, SS

Date: _____

This is to certify that I have served the within warrant by posting attested copies thereof in six usual places fourteen (14) days at least before the time of holding said meeting.

Constable

A True Copy, ATTEST:

Lucille Dalton

Town Clerk of Southampton