

Section 11**ADMINISTRATION****(A) Public Hearings**

In all cases where a public hearing is required under the provisions of the General Laws, Chapter 40A, Sections 1 through 17 inclusive, required notice shall be given by publication in a newspaper of general circulation in South Hadley once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing, and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing. In all cases where notice to parties in interest or other boards or agencies is required, notice shall be sent by mail, postage prepaid. "Parties in interest" as used in this By-Law shall mean the petitioner, abutters, owners of land directly opposite on any public or private way, and abutters to the abutters within three hundred (300) feet of the property lines of the petitioner as they appear on the most recent applicable tax lists, notwithstanding that the land of any such owner is located in another city or town, and the planning board of every city and town abutting South Hadley. The assessors maintaining any applicable tax list shall certify to the permit granting authority or special permit granting authority the names and addresses of parties in interest and such certification shall be conclusive for all purposes. The permit granting authority or special permit granting authority may accept a waiver of notice from, or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five nor more than ten additional days to reply.

Publications and notices required by this Section shall contain the name of the petitioner, a description of the area or premises, street address, if any, or other adequate identification of the location of the area or premises which is the subject of the petition, the date and place of the public hearing, the subject matter of the hearing, and the nature of action or relief requested if any. No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held in South Hadley.

At a public hearing, all persons shall abide by the order of the chairman. At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause. Questions may be asked through the chair.

(B) Notifications of Decisions

Upon the granting of a variance or special permit, or any extension, modification or renewal thereof, the permit granting authority or special permit granting authority

shall issue to the owner and to the applicant if other than the owner a copy of its decision, certified by said permit granting authority or special permit granting authority, containing the name and address of the owner, identifying the land affected, setting forth compliance with the statutory requirements for the issuance of such variance, permit or special permit and certifying that copies of the decision and all plans referred to in the decision have been filed with the Planning Board and Town Clerk. No variance, permit or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for Hampshire County and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

(C) Enforcement

The Zoning Enforcement Officer shall enforce the provisions of this By-Law as it may be amended. He shall refuse to grant a permit for the construction, addition, alteration, extension or change of use of any building, structure or premises if such proposed construction or change would be in violation of the provisions of this By-Law, as amended. State and town officers shall refuse any permit or license for a new use of a building, structure or land, which use would be in violation of any such By-Law or amendment thereof.

Any person violating any provisions of this Zoning By-Law, any of the conditions or modifications under which a permit or special permit is issued, or any decision rendered by the Board of Appeals, shall be fined Two-Hundred (\$200.00) Dollars for each offence. Each day that such violation continues shall constitute a separate offence.

In addition to any other available method of enforcement, violations of these By-Laws may be enforced, in the manner provided in Mass. General Laws, Chapter 40, Section 21D, by the Building Commissioner, Zoning Enforcement Officer or the By-Law Enforcement Officer.

(D) Filing of Plot Plan

Unless otherwise ordered by the Building Commissioner, all applications for building permits under the provisions of the Building Code of the Commonwealth of Massachusetts shall be accompanied by plans in duplicate. Such plans shall be drawn to scale, shall show the actual dimensions, radii, and angles of the lot to be built on, the exact size and location on the lot of the main building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this By-Law, as amended. One copy of plans filed by the applicant shall be returned to him when approved by the Building Commissioner.

(E) Certificate of Occupancy

No land changed in occupancy or use, and no building or structure hereafter erected or altered, shall be occupied or used, in whole or in part, for any purpose until a certificate of occupancy is issued by the Building Commissioner stating the building, structure or use complies with the provisions of this By-Law. No such certificate shall be issued unless the building or structure and its uses as well as the uses of all the premises are in conformity with the provisions of this By-Law.

Certificates of occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or altered.
2. Change in use of an existing building or structure or premises to a different use.
3. Any change in use of a non-conforming use.

Upon completion of any building or structure and prior to the use of any such building, structure or premises, a certificate of occupancy shall be applied for on a form furnished by the Building Commissioner. Such application shall be acted upon within ten (10) days after the filing thereof. Such application shall be accompanied by a certificate of a surveyor which shall state that the building or addition, as completed, complies with the building permit issued therefore.