



TOWN OF MONSON BY-LAWS

MONSON, MASSACHUSETTS

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ARTICLE 1 – RECORDS AND REPORTS:

Section 1. The Selectmen shall cause to be printed (or otherwise reproduced) and made available to the legal voters of the Town, not less than ten days before the day fixed for the annual Town meeting for the election of Town Officers, such number of copies of the Annual Town Report as they shall determine to be sufficient for the use of such voters.

Section 2. All officers, boards, standing committees and special committees of the Town having charge of the expenditure of Town money shall annually report thereon in writing in such manner as to give the citizens a detailed 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, and may make therein such recommendations as they deem proper. Such reports shall be submitted to the Selectmen for inclusion in the Annual Town Report on or before the 31st day of January each year or a date to be determined by the Selectmen.

Section 3. The Annual Town Report shall contain, in addition to the reports of officers, boards and committees as hereinbefore provided, a detailed report of all monies received into and paid out of the Town treasury in the financial year next preceding, showing separately payments made from the proceeds of loans as capital outlays for permanent improvements; the report of the collector of taxes, of receipts, payments and abatements; statements of all funds belonging to the Town or held for the benefit of its inhabitants; a statement of the liabilities of the Town on bonds, notes, certificates of indebtedness, or otherwise, and of indebtedness authorized but not incurred, and the purpose thereof; a statement of transfers made to or from any appropriation; abstracts of the records of the meetings of the Town held since publication of the last Annual Report; and such other matters as the said report is required by law to contain, or as may be inserted by the Selectmen under the discretion granted them by law.

Section 4. The Selectmen shall direct that the assessors' valuation list and the by-laws be printed as a part of the Annual Town Report at least once in 5 years and that the personal property tax list and the real estate tax list be recorded in separate items therein.

Section 5. The 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 removed there from and shall remain the property of the Town under the supervision of the Town Clerk. Said books shall, unless otherwise provided by law, be open to the inspection of citizens of the Town at any reasonable time but shall remain during such inspection under the supervision of the officer, board or committee having custody thereof.

ARTICLE 2 – FINANCE COMMITTEE:

Section 1. There shall be a Finance Committee consisting of 13 legal voters of the Town who shall be appointed by the Moderator as hereinafter provided. No elected Town Officer or paid regular employee shall be eligible for appointment to the Finance Committee. An appointed Town Officer shall be eligible for appointment to the Finance Committee with the following restrictions:

1. Only one member of each of the appointed committees of the Town may serve on the Finance Committee at any given time.
2. In any year in which the proposed budget or recommendation of the appointed Committee exceeds \$10,000, any representative of such committee must relinquish the Finance Committee appointment for that year.

No restriction as described in this by-law shall apply to Finance Committee members serving on the Long-Range Capital Planning Committee. Finance Committee members shall in no way be prohibited from serving as members on the Long-Range Capital Planning Committee.

Section 2. The Moderator of the Town Meeting when this by-law is adopted shall, within thirty days after such by-law becomes effective, appoint five members of said committee for the term of one year, four members for terms of two years, and four members for terms of three years. At each annual Town meeting thereafter the Moderator thereof shall appoint members of said committee for terms of three years. The terms of office of said members shall commence immediately upon qualification and shall expire at the close of final adjournment of the Annual Town meeting at which their successors are appointed. Said committee shall choose its own officers and shall serve without pay (excepting, however, the secretary thereof.). Said committee shall cause to be kept a true record of its proceedings.

Section 3. The said committee shall fill any vacancy which may occur in its membership by vote, attested copy of which shall be sent by the secretary to the Town Clerk. If any member is absent from five consecutive meetings of said committee, except in cases of illness, his position shall be deemed to be vacant and shall be filled as herein provided. The term of office of any person so chosen to fill a vacancy shall expire at the final adjournment of the next succeeding annual Town meeting, and the Moderator thereof shall appoint his successor to complete the unexpired term of the member in whose office such vacancy originally occurred.

Section 4. It shall be the duty of the Finance Committee annually to consider the expenditures in previous years and the estimated requirements for the ensuing year of the several boards, officers and committees of the Town, as prepared by them (or by the Town Accountant) in such form and detail as may be prescribed by said committee. The said committee shall add to such statement of expenditures and estimates another column, giving the amounts which in its opinion shall be appropriated for the ensuing year, and shall further add thereto such explanations and suggestions relating to the proposed appropriations as it may deem expedient.

Section 5. It shall be the duty of the Finance Committee to make an annual report of its doings, with recommendations relative to financial matters and the conduct of Town business, to be contained in the Annual Town Report. “Whenever a two-thirds vote is required on any matter and whether such quantum of vote is required by state statute, town bylaw, or otherwise, the Moderator may, without an actual count, declare that such matter has been adopted by a vote of 2/3 of the number of persons present and voting, and such declaration shall stand as final unless such declaration is immediately challenged by seven (7) or more voters rising in their place to so indicate. If such challenge is made a count of the vote to verify, or to overturn, the declaration of the Moderator shall be conducted, forthwith.”

Section 6. It shall be the duty of the Finance Committee to consider all municipal questions for the purpose of making reports and/or recommendations to the Town.

ARTICLE 3 – TOWN MEETING:

Section 1. The polls shall be open at 8:00 in the a.m. and shall remain open until 8:00 in the p.m.

Section 2. Notice of every Town meeting shall be given by posting attested copies of the warrant therefore in at least two (2) public places in the Town, not less than seven (7) days before the annual or special election and not less than fourteen (14) days before any special town meeting. The date of the Annual Town Meeting shall be the second Monday in May of each year.

Section 3. The number of voters necessary to constitute a quorum at any Town meeting shall be 50; provided, however, that a number less than 50 votes may from time to time adjourn the same to a stated time and place.

Section 4. Printed copies of the warrant shall be furnished the voters at or before all Town meetings.

Section 5. The Moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes. Whenever a two-thirds vote is required on any matter and whether such quantum of vote is required by state statute, town bylaw, or otherwise, the Moderator may, without an actual count, declare that such matter has been adopted by a vote of 2/3 of the number of persons present and voting, and such declaration shall stand as final unless such declaration is immediately challenged by seven (7) or more voters rising in their place to so indicate. If such challenge is made a count of the vote to verify, or to overturn, the declaration of the Moderator shall be conducted, forthwith. (*Amended STM May 14, 2018*)

Section 6. 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 7. 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 8. If a motion is susceptible of division, it shall be divided; and the question shall be put separately upon each part thereof, if 10 voters so request.

Section 9. On proposed amendments involving sums of money, the larger or largest amount shall be put to the question first; and an affirmative vote thereon shall be a negative vote on any smaller amount.

Section 10. Any person who is employed as an attorney by another interested in any matter under discussion at a Town meeting shall disclose the fact of his employment before speaking thereon.

Section 11. All committees shall report as directed by the Town. If no report is made within a year after its appointment, a committee shall be discharged unless, in the meantime, the Town shall have granted an extension of time.

Section 12. 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 to an adjournment of the meeting at a stated time and place.

Section 13. The Annual Town Election will be held on the second Tuesday in June.

ARTICLE 4 – FINANCIAL AFFAIRS:

Section 1. An audit of the accounts of the Town shall be made as prescribed by and under the supervision of the Department of Revenue Bureau of Accounts.

Section 2. The Town Treasurer shall pay no money from the treasury except upon warrant or order signed by a majority of the Selectmen and by the Town Accountant.

Section 3. Each officer, board or committee authorized to expend money shall, on or before June twentieth of each year, transmit to the Town Accountant all unpaid bills outstanding as of that date. (Books of the Town shall be closed as of the thirtieth of June of each year.)

Section 4. Every officer shall pay into the treasury of the Town all amounts received by him on behalf of the Town (except as otherwise provided by law) and shall make a true return thereof to the Town Accountant, stating the accounts upon which such amounts were received.

Section 5. The Town Accountant shall prescribe the methods of accounting and the forms to be used by the several officers, boards and committees of the Town pertaining to their receipts and disbursements and shall provide that such methods and forms shall conform to the requirements prescribed by law or any rules or regulations made thereunder.

Section 6. Whenever a trash bill remains outstanding after thirty (30) days from the billing date, interest at the rate of 14% per annum, computed from said billing date shall be charged and added to said trash bill.

Section 7. Whenever a water bill remains outstanding after 30 days from the billing date, interest at the rate of 14% per annum computed from said billing date shall be charged and added to said water bill.

Section 8. Whenever a sewer bill remains outstanding for 30 days from the billing date, interest at the rate of 14% per annum computed from said billing date shall be charged and added to said sewer bill.

ARTICLE 5 – CONTRACTS BY TOWN OFFICERS:

Section 1. No officer of the Town shall in his official capacity make or pass upon or participate in the making or passing upon, any sale, contract or 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.

Section 2. No contract involving an obligation of the Town in excess of \$200 shall be binding upon the Town unless it is in writing and is signed by at least a majority of the Board or Committee duly authorized or having control of the appropriation against which such obligation is incurred; and such board or committee shall make a record of every such contract in a book which shall be the property of the Town.

Section 3. No board or officer shall make any contract in behalf of the Town, the execution of which shall necessarily extend beyond one year from the date thereof, unless specific authority to do so has been given by vote of the Town, except as otherwise provided by law.

Section 4. Every contract exceeding \$5,000 shall be accompanied by a suitable bond for the performance of the same or by deposit of money or security to the amount of such bond if so required by the officers or board authorized to make the contract.

Section 5. No Town officer and no salaried employee of the Town, or any agent of any such officer or employee, shall receive any compensation or commission for work done by him for the Town, except his official salary and fees allowed by law, without the permission of the Selectmen expressed in a vote which shall appear on their records with the reasons therefore.

ARTICLE 6 – LEGAL AFFAIRS:

Section 1. The Selectmen shall annually, in the month in which the Annual Town Meeting is held and after the adjournment thereof, appoint a citizen who is a member of the bar in good standing to serve as Town Counsel for the term of one year from the first day of the month following said adjournment and until his successor is appointed and enters upon the performance of his duties. They shall likewise fill any vacancy in said office for the unexpired term and may employ special counsel to assist the Town Counsel whenever, in their judgment, necessity therefore arises.

Section 2. 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 3. It shall be the duty of the Town Counsel to appear in and conduct the prosecution, defense or compromise of said claims, actions, and proceedings by or on behalf of any Town officer, board or committee as such; to conduct the defense of any action or proceedings brought against any Town officer, board or committee as such when the Selectmen, having determined that any right or interests of the Town are or may be involved therein, shall so request; to conduct proceedings brought by or against the Assessors before the Board of Tax Appeals; to assist in the prosecution of complaints for violation of any by-law of the Town when requested so to do by any board or officer enforcing the same; to examine and report upon titles to all land to be acquired by the Town; to prepare or approve contracts, bonds, deeds and other legal instruments in which the Town is a part or in which any right or interest of the Town is involved.

Section 4. The Selectmen may, at their discretion, compromise or settle any claim or suit to which the Town is a party, which does not require the payment by the Town of an amount in excess of one thousand dollars. No settlement of a claim or suit obligating the Town in an amount in excess of one thousand dollars shall be made, except as authorized by law, without the consent of the Town expressed by vote at a Town meeting.

Section 5. The Selectmen in the annual report shall state what actions have been brought against and on behalf of the Town, what cases have been compromised or settled, and the current standing of all suits at law involving the Town or any of its interests.

ARTICLE 7 – NUMBERING OF BUILDINGS:

Section 1. The Selectmen shall have the duty of numbering buildings on or near the line of public or private ways within the confines of the Town served by the postal delivery carriers.

Section 2. Every building, including but not limited to, dwellings, apartment buildings, condominiums and business establishments shall have affixed thereto a number representing the address of such building. Said numbers shall be four (4”) inch minimum height, of high contrast and affixed in a location to be readily readable by public safety officials from the private or public way on which said buildings are located. If the address number cannot be read, as located above, in addition such number shall be affixed to a sign (less than one (1) square foot) so as to be visible from both sides and said sign shall be placed on the property so as to be readily visible from the private or public way. Four (4”) inch numbers attached to both sides of a mailbox shall be considered an acceptable alternative to a sign, when said mailbox is located on the same side of the private or public way as the building. The placement of said address number shall be complete at the time of the issuance of an occupancy permit for any new construction in the Town of Monson.

ARTICLE 8 – PENALTY:

Section 1. Any person violating the provisions of these by-laws shall be punished by a fine not to exceed \$20.00 for each offense.

Section 2. (Added May 8, 2000, to provide the permissive use of Non-criminal Disposition pursuant to the provisions of MGL c 40, Sec. 21d)

Board of Health Regulations: Environmental Tobacco Smoke Regulations (Smoking in enclosed public places, including but not limited to: restaurants, retail stores, supermarkets, grocery stores, health care facilities, polling places, enclosed sports arenas, public transportation vehicles)

Enforcing Person: Designated agents of the Monson Board of Health

Fines: Any permit holder (person who operates establishments within the provisions of this regulation: see above) or his/her “person in charge” who fails to enforce or ensure that his/her employee enforces the prohibition of smoking in public places or hinders or fails to ensure that his/her employee does not hinder the authorized agent of the Monson Board of Health in the performance of his duties is subject to a fine:

First Offense:	One Hundred Dollars (\$100.00)
Second Offense:	Two Hundred Dollars (\$200.00)
Third Offense:	Three Hundred Dollars (\$300.00)

Section 3. (Added May 8, 2000, to provide the permissive use of Non-criminal Disposition pursuant to the provisions of MGL, C 40, Sec. 21d)

Board of Health Regulations: Regulation Affecting Youth Access to Tobacco

Enforcing Person: Designated agents of the Monson Board of Health

Fines: No person shall sell a cigarette(s), chewing tobacco, snuff, tobacco in any of its forms or tobacco-related products, including rolling papers, to any person under the age of eighteen (18). Any permit holder found to be in violation of these provisions of the regulation shall be subject to a fine:

Second violation: The permit holder shall be fined two hundred dollars (\$200.00)

Third violation: The permit holder shall be fined three hundred dollars (\$300.00)

A copy of MGL, C 270, Sec. 6, shall be posted conspicuously in all retail stores selling tobacco products. It shall be unlawful for a retailer to sell cigarettes or other tobacco products unless that retailer holds and maintains a valid permit from the Board of Health of the Town of Monson for each location in which tobacco products are sold. A tobacco retail permit is non-transferable to another party. The use of cigarette vending machines or any other device for the sale or distribution of tobacco products shall be allowed in adults only establishments. Sale or distribution of any cigarette package that contains fewer than twenty (20) cigarettes is prohibited. Distribution of free samples of tobacco products is prohibited. Self-service displays are prohibited. Any permit holder found to be violation of these provisions of the regulation shall be subject to a fine: Each violation: The permit holder shall be fined one hundred dollars (\$100.00) per violation.

ARTICLE 9 – TEMPORARY REPAIRS TO PRIVATE WAYS:

The Town of Monson may make temporary repairs on private ways which have been open to public use for a period of thirty (30) years or more, provided the repairs are for the protection of the health and safety of the general public using such roads and the Town must be petitioned by seventy-five (75%) percent of the abutters of the private way for such repairs.

Such repairs shall only include the filling in of holes and depressions with sand, gravel, or other suitable materials similar to those used for the existing surfaces of such ways and shall not include drainage, resurfacing or permanent construction in said ways.

The Town may, subject to the approval of the Board of Selectmen and based on an advisory report from the Highway Surveyor, make temporary repairs to a private way not to exceed Five Hundred (\$500.) Dollars in total provided the private way has been open to public use for a period of thirty (30) years or more. The repair shall be limited to minor work such as filling, patching and grading or scraping.

The Town shall not be liable on account of any damage whatsoever caused by such repairs and Section 15 of Chapter 84 shall not apply.

If the repairs in this by-law are complied with, no cash deposit shall be required nor shall there be a betterment charge assessed. The cost of such repairs shall be funded by the Town through the “Private Road Account.”

ARTICLE 10-FALSE ALARMS

A fee of twenty-five dollars (\$25.00) shall be assessed against any person, firm or corporation for each false alarm after the third false alarm in any one calendar year brought about by the triggering of a burglar alarm system which results in a police officers visit to the home, office, or structure where the alarm system is located. For purposes of this by-law, “false alarm” shall mean the triggering of the alarm other than by a burglar or other person not invited upon the protected premises. Upon failure to pay said fee within thirty (30) days of the receipt of a bill therefore, the Town may require the disconnection of said burglar alarm system so that said system no longer gives notice to the police department upon being triggered.

ARTICLE 11 – INSPECTOR OF GAS PIPING AND GAS APPLIANCES:

The Board of Selectmen is hereby authorized to appoint an Inspector of Gas Piping and Gas Appliances in Buildings who shall be a licensed plumber or licensed gas fitter. Said Inspector shall enforce the Rules and Regulations adopted by the Board established under Sec. 12-H of Chap. 25 M.G.L.A. Failure to comply with the by-law shall be punished by a fine not to exceed twenty dollars for each offense.

ARTICLE 12-ELECTION OF SEWER AND WATER COMMISSIONERS:

To enable the Town to elect three sewer and water commissioners, who shall be elected by ballot at the Annual Town Meeting and who shall have the powers and duties of both water commissioners and sewer commissioners under Massachusetts General Laws, Chapter 41, Section 65, 69A and 69B. Three such commissioners shall be elected by ballot to hold office, one for one year, another for two years, and the third for three years; and, after the first year, each expiring term shall be filled by election of a term of three years. In all other respects the said commissioners shall be governed by said Sections 69A and 69B, of Chapter of the General Laws. The question whether the powers of the sewer commissioners and water commissioners shall be so combined shall be placed upon the ballot for the next Annual Town Meeting after the General Court approves this by-law or a bill substantially similar hereto.

ARTICLE 13 – DOG REGULATIONS:

Section 1. No person shall own, keep, harbor, or have control over any dog in the Town of Monson, nor obtain a license from the Town Clerk or a temporary license from the dog officer for any dog over the age of six months, unless such dog shall have been vaccinated within thirty-six months of the first day of April next prior thereto with an anti-rabies vaccine approved by the Monson Board of Health and administered by a duly-licensed veterinarian. An unlicensed dog shall be dealt with according to Chapter 140, Sec. 151-A of the Massachusetts General Laws. The provision of the regulation shall not apply to any person not a resident of Monson who remains in Monson less than thirty days.

Section 2. The Board of Selectmen may order the owner or keeper of a dog that has bitten any person to impound the dog, at the owner or keeper's expense, at a Veterinary Clinic or Hospital for a period not exceeding ten days to determine whether the dog has any communicable disease. The refusal or failure of an owner or keeper of such dog to impound such dog shall be punishable by a fine of Ten Dollars. Each day of continued refusal or failure shall be punishable as a separate offense. (M.G.L. Ch. 140, Sec. 173).

Section 3. No person owning or keeping a dog in the Town shall allow such dog to roam at large upon the land 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 the owner or keeper or upon the premises of another person with the knowledge and permission of such person shall be restrained by a chain or leash not exceeding six (6) feet in length. The presence of any dog on the land of any person other than the owner or keeper of such dog when such dog is not restrained as above mentioned shall be prima facie evidence of a violation of the by-law.

- A. Violation of this section may be punishable by a fine of Ten Dollars (\$10.00) for each offense, subject to the provisions of Chap. 140, Sec. 173A.
- B. If any person shall make a complaint in writing to the Board of Selectmen that any dog owned or harbored within the Town is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Board shall take action as provided in General Laws, Chap. 140, Sec. 157, and any amendments thereto. Such other disturbances causing a nuisance shall include but not be limited to the following:
 - 1. Chasing cars.
 - 2. Running in packs.
 - 3. Breaking or damaging shrubbery.
 - 4. Damaging gardens.
 - 5. Biting of persons.
 - 6. Running at large in violation of this by-law.

Said written complaint to the Board of Selectmen shall include the name and address of the owner or keeper of said dog. A fine for each violation of Sec. B, Nos. 1-5 of this by-law of Ten Dollars (\$10.00) may be assessed against the owner or keeper of said dog under the provisions of Chap. 140, Sec. 157.

- C. No fee shall be charged for a license issued under this section for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder. No fee shall be charged for a license for a dog owned by a person aged 70 years or over in a city or town that accepts this provision. No license fee or portion thereof shall be refunded because of the subsequent death, loss, spaying or removal from the commonwealth or other disposal of the dog, nor shall a license fee or portion thereof paid by mistake be paid or recovered after it has been paid over to a city or town under section 147. (Amended ATM May 14, 2018)

Section 4. The Town Dog Officer is hereby authorized to issue a temporary dog license valid for a period of one week from the time of issue, only during non-business hours of the Town Clerk's office, only to allow release of the dog from the custody of said officer, only if proof of ownership and rabies vaccination within the prior thirty-six (36) months is submitted to said officer and only upon payment of a fee pursuant to the following schedule:

Male/Female	- \$15.00
Neutered/Spayed	- \$ 5.00

ARTICLE 14 – PUBLIC SAFETY:

Section 1. In the interests of public safety, practice shooting and the possession of leaded firearms in the out-of-doors, except by police officers and persons authorized by the Police Department, is expressly forbidden in the following described area of the Town of Monson: the area bounded:

- On the east by Bethany Road and Toby Road.
- On the west by Main Street and Route 32.
- On the south by State Street.

Any person violating this by-law shall be subject to a fine not to exceed \$20.00 for each offense in accordance with Monson by-law provisions.

Section 2. Any member of the police department may remove or cause to be removed to a convenient place, including a public garage, any vehicle from any public way parked in violation of any parking ban, rule or regulation adopted by the Selectmen, the cost of such removal and storage charges, if any to be assessed to the owner of the vehicle.

ARTICLE 15 – BOARD OF APPEALS:

The Board of Selectmen of the Town of Monson is hereby authorized, pursuant to Chap. 41, Sec. 81-Z of the General Laws of Massachusetts, or any amendment thereto or substitution therefore, to appoint a Board of Appeals or at least three members for terms of such length and so arranged that the term of one member shall expire each year. The Board of Selectmen is also authorized to appoint in like manner associate members of the Board of Appeals.

ARTICLE 16-TOWN TREASURER:

Section 1. Notwithstanding any general or special law to the contrary, the Town Treasurer of the Town of Monson shall be appointed by and serve at the will of the Board of Selectmen. The provisions of the law relative to treasurers shall, except insofar as the same may be inconsistent with the provisions of this act, apply to such Town Treasurer.

Section 2. Notwithstanding the provisions of section one, the incumbent in the office of Town Treasurer upon the effective date of this act shall continue to hold said office and to perform the duties thereof until the

expiration of the term for which he was elected and the appointment and qualification of such Town Treasurer.

Section 3 This act shall take effect upon its acceptance by the Town of Monson at the next Town Meeting.

ARTICLE 17-LOW LEVEL WASTE AND HAZARDOUS WASTE DUMP

No dump for low level waste or hazardous waste, including without limitation low level radio active waste, shall be established within the Town unless the proposed developer of the dump shall first secure a permit for same from the Board of Health. The Board of Health may consider the general location of the site, the soil and water conditions, assess to the site, the measures proposed for containing waste materials, and the potential hazard to persons, property and the environment. The Board may establish a fee for permit, applications, and may require the developer to provide such information, including testing, studies and reports as it deems necessary to determine the safety of the proposed dump. The Board may, subject to appropriations, hire consultants and may require the proposed developer to pay the cost of such consultants by indemnification agreement, bond, prepayment or some combination thereof.

ARTICLE 18 – DRIVEWAY, PRIVATE WAY OR OTHER LAND ALTERATIONS:

No alteration of any land within the boundaries of a public way shall be made for driveways, private ways, or otherwise, except by the Town of Monson upon authorization of the Highway Surveyor. Any owner or occupant of land abutting a public way who desires any alteration of land within a public way shall file with the Highway Surveyor a written proposal specifying the location, dimensions, and purposes of the desired alteration. The Highway Surveyor shall, within ten days of such filing, deny same, request further information, or approve same. The Highway Surveyor shall direct the Highway Department, land owner, or occupant filing to effect the alteration at the owner or occupant's expense. The owner or occupant shall be responsible for any debris or material that comes from such access onto Town property. The Town shall not be responsible for any run-off of water or material that may be allowed to enter the owner or occupant's land because of such access or alteration.

The Inspector of Buildings, before issuing a new building permit, shall first ascertain that the above by-law has been complied with.

ARTICLE 19 – PUBLIC DRINKING:

No person shall consume any alcoholic beverages, as defined by the General Laws, Chapter 138, Section 1, in any public way, Town park, Town cemetery, public school building or land or any recreation area under public control except during such times as a special license may be issued for such places. Any person violating this by-law shall be subject to a fine of not more than twenty-five (\$25.00) and may be arrested without a warrant by a police officer.

ARTICLE 20 – WATER USE RESTRICTION:

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 M.G.L. c. 40, ss 21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, ss 69B. This by-law also implements the Town's authority under M.G.L. c. 40, ss 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 M.G.L. c. 21G, § 15-17.

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 Water & Sewer Commissioners, 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 Sec. 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 Sec. 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 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.

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 Sec. 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 Water & Sewer Commissioners, 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 Sec. 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 Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end of the State of Emergency.

Section 9. Penalties:

Any person violating this by-law shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation which shall inure to the Town for such uses as the Board of Water & Sewer Commissioners may direct. Fines shall be recovered by indictment, or on the complaint before the District Court or by non-criminal disposition in accordance with Sec. 21D of Chapter 40 of the General Laws. Each day of violation shall constitute a separate offense.

The Water/Sewer Superintendent or his/her designee shall be the enforcing agent for this bylaw in accordance with MGL Chapter 40, Section 21D.

Section 10. Severability:

The invalidity of any portion of provision of this by-law shall not invalidate any other portion of provision thereof.

ARTICLE 21 – THE PRIVATE POLICY PROTECTION ACT OF 2007:

The authority of the Town of Monson and its agencies of local government, as reserved to localities under Chapter 79 of the Massachusetts General Laws to seize privately owned parcels against the expressed will of the owner through the use of eminent domain procedures shall, in light of Kelo vs. New London, be specifically limited as follows:

- 1a). To only those proposed taking actions incorporating the transfer of private parcel(s) to the Town of Monson or any of its authorized agencies of local government and under no circumstances to another private party, and;
- 2a). To only those proposed taking actions whose purpose is the creation of a facility for actual public use and ownership to include public open spaces, parks, and watershed protection districts and never for the purposes of economic development or the enhancement of the local tax base.

Nothing in the by-law shall limit the authority of the Town of Monson or its authorized agencies of local government to seize property that is endangering the health and safety of its residents or which could otherwise be seized or foreclosed upon for tax delinquency in accordance with the provisions of Chapter 60 of the Massachusetts General laws.

ARTICLE 22-COMMUNITY PRESERVATION COMMITTEE:

Chapter 1. Establishment:

(1) There is hereby established a Community Preservation Committee consisting of seven voting members pursuant to Massachusetts General Laws Chapter 44B. The Committee shall consist of the following members:

- One (1) member of the Historical Commission as designated by the Commission for a term of three (3) years.

One (1) member of the Conservation Commission as designated by the Commission for a term of three (3) years.

One (1) member of the Parks and Recreation Commission as designated by the Commission for an initial term of two (2) years and thereafter for a term of three (3) years.

One (1) member of the Housing Authority as designated by the Authority initial term of two (2) years and thereafter for a term of three (3) years.

One (1) member of the Planning Board as designated by the Board initial term of one (1) year and thereafter for a term of three (3) years.

Two (2) additional at-large members to be designated by the Board of Selectmen. One (1) for an initial term of two (2) years and thereafter for a term of three (3) years and one (1) for an initial term of one (1) year and thereafter for a term of three (3) years.

(2) The term for the first-appointed Community Preservation Committee will begin on July 1, 2007, ending on June 30 at end of said term. Subsequent terms will begin on July 1 of each year and will be for 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.

(3) Should any commission, authority or board designating a member for the Community Preservation Committee cease to exist for whatever reason the Board of Selectmen will determine the appropriate alternative designating commission, authority or board.

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 conservation commission, the historical commission, the planning board, the parks and recreation committee 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, including on the Town's web page and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. The Committee will file an annual report on its activities to the Town Clerk.

(2) The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, rehabilitation, restoration and preservation 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 such 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 recommendations 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 funds are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside for later spending funds for general purposes that are consistent with community preservation.

Chapter 3. Requirements for a quorum and cost estimates:

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. 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. Meetings will be held in accordance with the open meeting law. Recommendations to the Town Meeting shall include their anticipated costs.

Chapter 4. Amendments:

The Community Preservation Committee shall, from time to time, review the administration of this by-law, making recommendations, as needed, for changes in the by-law and in administrative practice to improve the operations of the Community Preservation Committee. This by-law may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

Chapter 5. Severability:

In case any section, paragraph or part of this by-law 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:

Following Town Meeting approval of this by-law and acceptance of the Community Preservation Act at Town Election, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the Selectmen shall make the appointment.

ARTICLE 23-DEPARTMENT of MUNICIPAL FINANCE:

Section 1. There is hereby established in the town of Monson a Department of Finance and Budget. The department shall be managed by a Director of Finance and Budget who shall be appointed by the Board of Selectmen for a term of three (3) years.

Section 2. The Director of the Department of Finance and Budget shall have all the powers and duties presently vested in the office of the Town Accountant. The offices of the Collector, the Treasurer, and the Assessors shall become part of the department and the Collector, the Treasurer, and the Assessor shall be under the supervision of the Director.

Section 3. The Director of the Department of Finance and Budget shall be responsible for coordinating the fiscal management practices of the Accountant's department, Collector's department, Assessing department, Treasurer's department, and administering budgeting including financial reporting, accountability and control, financial and programmatic implications on current and future policies to all town departments and Board of Selectmen.

The powers and duties of the Finance Director shall include, but not be limited to, the following:

(1) To coordinate with all town departments and manage the collection of all budget and financial information, including the forecasting of revenues for the forthcoming fiscal year in order to prepare an annual budget for the annual town meeting;

(2) To set policies and procedures for the collection of all revenues due and owing to the town of Monson as a result of tax levies, and the issuance of licenses and permits;

(3) To review and oversee, on a yearly basis, the various town trust funds, and to insure that funds are prudently invested, and when any such trust fund fails due to the extinction of the purpose for which said fund was created, the Department of Budget and Finance shall, with the advice and consent of the Board of Selectmen, seek appropriate relief in a court of competent jurisdiction from the duties of investment and distribution imposed by the trust fund instrument;

(4) The Town Administrator shall be the Chief Procurement Officer for the town of Monson;
(Amended ATM May 11, 2015)

(5) To report to the Board of Selectmen and Finance Committee concerning all financial matters affecting town government;

(6) To coordinate with the Department of Revenue pertaining to all matters on their municipal calendar; and

(7) To coordinate and manage all financial information received from the Board of Assessors to forecast future financial growth and anticipated revenues and advise the Board of Selectmen, Finance Committee and town meeting accordingly.

Section 4. The Board of Assessors shall be retained as an elective body, with each member serving a three-year term, with such terms so arranged that the term of office of one member shall expire each year. The Board of Assessors shall maintain the powers and duties of the board directed by statute, provided however, that the Director of finance and Budget shall supervise all employees assisting in the performance of assessing functions. Any incumbent Assessor, upon acceptance of this act by the voters of the town of Monson, shall continue to hold said office and perform the duties thereof until the expiration of his term or an earlier vacating of office.

Section 5. Pursuant to all state, federal and municipal statutes, laws, regulations and by-laws, the Department of Finance and Budget shall make detailed estimates of all money necessary to maintain the proper operation of government.

Section 6. The Department of Finance and Budget shall report to the Board of Selectmen.

Section 7. Upon the establishment of the Department of Finance and Budget, the person holding the office of Town Accountant may become Director of Finance and Budget. All incumbents in the offices of the Collector and the Treasurer and the Assessors and all present employees of any of the departments or offices referenced in this act shall be transferred to the Department of Finance and Budget, to serve under the direction of the Director of Finance and Budget and shall not forfeit pay grade or time in service.

Section 8. The Board of Selectmen may delegate or assign administrative and personnel duties to the Director of the Department of Finance and Budget.

Section 9. Notwithstanding any general or special law to the contrary, the Board of Selectmen may establish an employment contract for the Director of Finance and Budget for a period not to exceed three (3) years to provide for the salary, fringe benefits and other conditions of employment including, but not limited to, severance pay, relocation expenses, reimbursement of expenses incurred in the performances of duties or office, liability insurance and leave.

The contract shall prevail over any conflicting provision of any local personnel by-law, rule or regulation. In addition to the benefits provided municipal employees under chapters 32 and 32B of the General Laws, the contract may provide for supplemental retirement and insurance benefits.

Nothing contained in this section shall affect the appointment or removal power of the Board of Selectmen over any position hereinbefore mentioned, nor shall it grant tenure to such officer, nor shall it abridge Section 67 of Chapter 44 of the General Laws.

ARTICLE 24-TRENCH PERMITTING:

The Board of Selectmen shall designate the trench permitting authority for the Town of Monson as required by M.G.L. Chapter 82 A et.seq. and as codified in 520 C.M.R. 14.00, et.seq.

ARTICLE 25-BRUSH FIRE PERMITS:

Section 1:

Pursuant to statutory and other authority given to a fire chief, the chief may issue a permit authorizing the permittee to burn certain material, on the permittee's property, as set forth on the permit. No permit may authorize burning of any material other than that generated on the property.

Section 2:

A fee, in an amount set by the Board of Selectmen from time to time, shall be paid prior to the issuance of such permit. Any permit issued prior to payment in full, including one issued for a check returned for insufficient funds, shall be null and void. Any person burning under a permit issued prior to payment in full, or otherwise erroneously, shall be considered to be burning without a permit.

Section 3:

It is the sole responsibility of the permittee to insure that the burning done pursuant to the permit is in conformance with any conditions set forth in the permit, and is done in a safe and controlled manner. A permittee, in requesting such permit, agrees to use such permit in conformance with this by-law and all applicable statutes and regulations, and expressly agrees to reimburse the Monson Fire Department for all expenses and costs, both direct and indirect, of any nature whatsoever, incurred as a result of a fire started pursuant to such permit. This liability shall also expressly be applicable to such a fire even if the permit was issued prior to payment in full or was otherwise issued erroneously.

This section does not in any way limit other recourse which the Monson Fire Department or Town of Monson may have as a result of such fire.

Section 4:

Any request for a permit under this by-law shall be made in person at the Monson Fire Department. At the time of request and prior to issuance of the permit, the person so requesting a permit must sign a copy of this bylaw, acknowledging that he has read the bylaw and understood it, and expressly agreeing to comply with it, particularly the reimbursement of provisions.

ARTICLE 26-COUNCIL ON AGING (amended STM 11/04/2019):

Section 1: Establishment; powers and duties

- A. There is hereby established a Council on Aging consisting of seven (7) citizens of this town, appointed by the Board of Selectmen for terms not to exceed three (3) years for any member. Said terms shall be staggered so that not more than three appointments shall be made in any calendar year. Members can be reappointed for consecutive terms.
- B. The duties of said Council on Aging shall be to:

1. Identify the total needs of the community's elderly population;
 2. Educate the community and enlist support and participation of all citizens concerning these needs;
 3. Design, promote or implement services to fill these needs, or coordinate present existing services in the community; and
 4. Promote and support any other programs which are designed to assist elderly programs in the community.
- C. Said Council on Aging shall cooperate with the Commonwealth of Massachusetts Department of Elder Affairs and shall be cognizant of all state and federal legislation concerning funding, information exchange, and program planning which exists for better community programming for the elderly.
- D. Said Council on Aging shall give an annual report to the Board of Selectmen with a copy of that report directed to the Commonwealth of Massachusetts Department of Elder Affairs.

Section 2: Council funds:

- A. The Council on Aging is hereby authorized to accept grants or gifts from the state and federal government, from charitable corporation, from a private corporation, or from an individual. Such funds as may from time to time be received shall be deposited with the Town Treasurer and held as a separate account.
- B. The Council on Aging is further authorized to deposit to said account all sums received in connection with the conduct of programs or activities it is authorized to conduct.
- C. The Council on Aging may, with the approval of the Board of Selectmen, expend funds from the said account for any purpose it is authorized to perform without further appropriation.

ARTICLE 27-RECYCLING:

In order to implement a program of Recycling in conjunction with ordinary waste disposal, residents of every household shall separate waste materials into the following categories before depositing same for disposal:

1. Glass and cans
2. Newspapers and corrugated cardboard
3. Other waste

If no separating takes place, waste materials shall not be accepted at the disposal location.

ARTICLE 28-RIGHT TO FARM:

Section 1. Legislative Purpose and Intent:

The Right to Farm by-law is for the purpose of stating with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Massachusetts Constitution, and all state statues and regulations there under including but not limited to M.G.L. Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A and Chapter 128, Section 1A.

We the citizens of Monson restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

This general by-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Monson by allowing agricultural uses and related

activities to function with minimal conflict with abutters and local agencies. This by-law shall apply to all jurisdictional areas within the Town.

Section 2. Definitions:

The word “farm” shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agricultural, or accessory thereto. The words “farming” or “agriculture” or their derivatives shall include, but not limited to the following:

- Farming in all its branches and the cultivation and tillage of the soil;
- Dairying;
- Production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities.
- Growing and harvesting of forest products upon forest land, and any other forestry, lumbering or tree growing operations;
- Raising of livestock including horses;
- Keeping of horses as a commercial enterprise;
- Keeping and raising of poultry, swine, cattle, sheep, ruminants (such as emus, ostriches and rheas) and camelids (such as llamas, alpacas, and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

“Farming” shall encompass activities, but not limited to, the following:

- Operation and transportation of slow-moving farm equipment over roads within the town;
- Control of pests including, but not limited to, insects, weeds, predators, and disease organisms of plants and animals;
- Application of manure, fertilizers, and pesticides;
- Conducting agriculture-related educational, agri-tourism and farm-based recreational activities, provided that the activities are related to marketing the agricultural output or services of the farm;
- Processing and packaging of the agricultural output of the farm and the operation of the farmer’s market or farm stand including signage thereto;
- Maintenance, repair, or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of agricultural products;
- On-farm relocation of earth and the clearing of ground for farming operation;
- Construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the processing of animal wastes and agricultural products, for the sale of agricultural products, and for the use of farm labor, as permitted by state building codes and regulations; including construction and maintenance of fences.
- Harvest of livestock that fall within Massachusetts General Law guidelines.

Section 3. Right to Farm Declaration:

The Right to Farm is hereby recognized to exist with the Town of Monson. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community and society in general. The benefits and protections of this by-law are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm by-law shall be deemed as acquiring any interest in land, or imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning by-law.

Section 4. Effective Date:

This by-law becomes effective upon approval by the Massachusetts Attorney General and publishing by the Town Clerk as required by M.G.L. Chapter 40 § 32.

Section 5. Disclosure Notification to Real Estate Buyers:

In order to allow prospective purchasers to make informed decisions prior to real estate transaction and to promote understanding between farmers and their new neighbors after a transaction, the Town of Monson will include with all municipal lien certificates the following:

“It is the policy of the Town of Monson to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers that the property they are about to acquire lies within a town where farming activities occur. Such farming activities may include, but are limited to, activities that cause noise, dust and odors. Purchasing, and henceforth occupying land within Monson means that one should expect and accept such conditions as a normal and necessary aspect of living in Monson.”

Within 30 days after this by-law becomes effective the Board of Selectman shall make available for use by selling landowners or their agents (and assigns) copies of example written notifications.

Within 30 days after this by-law becomes effective the Board of Selectman shall prominently place in the town hall the above disclosure.

Section 6. Resolution of Disputes:

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectman, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. Upon receipt of said complaint, the Zoning Enforcement Officer or Board of Selectman shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed-upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed-upon time frame.

Section 7. Severability Clause:

If any part of the by-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this by-law. The Town of Monson hereby declares the provisions of this by-law to be severable.

ARTICLE 29-STRETCH ENERGY CODE:

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.

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.

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.

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 prescribe by-law. Updated 2/18/10

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 Monson General By-laws.

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

ARTICLE 30-SECONDHAND ARTICLES, PAWN SHOP, DEALERS AND COLLECTORS

Section 1-LICENSE REQUIRED

All dealers in and keepers of shops for the purchase, sale or barter of junk, old or precious metals or secondhand articles in this Town shall be licensed by the Selectmen. The fee for such license shall be established by the Board of Selectmen. For the purpose of this by-law, the term "precious metals" shall include any precious metal such as gold, silver or platinum without regard to the form or amount.

Section 2-GENERAL RULES AND REGULATIONS

A). Every licensed dealer of a shop for the purchase, sale or barter of junk, old or precious metals or secondhand articles within this Town shall keep a book in which shall be written at the time of every purchase of any such article a description thereof and the name, age and residence of the person from whom and the day and hour when such purchase was made, and such book shall at all times be open to the inspection of the Selectmen, or any person by them authorized to make such inspection, and every licensed dealer of such shop shall put in some suitable and conspicuous place on his or her shop a sign having his or her name and occupation legibly inscribed thereon in large letters.

B). Such shop and all articles of precious metals therein may at all times be examined by the Selectmen, or their designee, to make such examination and no precious metals purchased or received by such licensed dealer shall be sold or altered or removed from premises until a period of at least thirty days has elapsed from the date of its purchase or receipt.

C). All licensed dealers shall produce a receipt identifying the business name, address, and license number. It shall contain an accurate and detailed description of all items including but not limited to: all distinguishing marks, model names or numbers, serial numbers, etchings or engravings. Jewelry items shall include a complete description including the material, ring size, weight, chain length, shapes, karat weight and color.

D). All licensed dealers shall refrain from paying cash for precious metals and articles purchased that will be liquidated, melted down, or resold. The preferred method of payment should be a business check which can be traced back to the recipient.

Section 3. All junk collectors, jewelers, pawnbrokers, secondhand dealers and auctioneers, who collect, by purchase or otherwise, junk, jewelry, old metals or secondhand articles from place to place in this Town shall be licensed by the Selectmen.

Section 4. Whoever violates this section shall be liable to a penalty of \$50.00-\$100.00 for each offense.

Section 5. For all jewelry and precious metal transactions, the licensed dealer shall obtain a government issued identification, make a color copy of, and record the full name, address, date of birth, and who shall be required to sign documentation avowing to the accuracy of the information listed, and ownership of said items being sold.

Section 6.

No person shall purchase or receive by way of barter or exchange any article of a minor (a child under the age of 17) unless the minor is accompanied by a parent or guardian. In such case, the name, date of birth, and address of both minor and parent or guardian shall be recorded and the identification of the parent or guardian will be kept on file.

ARTICLE 31-PARKING BAN:

The Board of Selectmen or its designee may declare a parking ban on all ways within the Town for the purposes of snow and ice removal or any other state of emergency and shall be responsible for lifting the ban when determined that it is no longer necessary.

Snow/Ice Removal:

In the event of a parking ban declaration for snow and ice removal, no motor vehicle, other than a Town vehicle acting in an emergency shall be parked on any way within the Town.

Between the hours of 6AM-1AM, parking will be permitted on Main Street between Hampden Avenue and Washington Street. Any legally operating business outside of this area that requires on street parking during a ban shall contact the police department for permission, which shall be granted unless substantial public safety is a risk.

State of Emergency:

In the event of a parking ban declaration for a state of emergency, no motor vehicle, other than one acting in an emergency, shall be parked on any way within the Town.

Motor Vehicle Removal:

The Chief of Police and/or the Highway Department Superintendent or their designee may remove or cause to be removed any motor vehicle parked in violation of the parking ban.

Owner Responsible for Charges:

The owner or operator of a motor vehicle removed pursuant to this by-law shall be fully responsible for all charges and expenses incurred for removal and storage of such motor vehicle as well as the payment of any fines imposed under this by-law.

Penalty for Violation of this By-law:

In addition to any other legal remedies that may be available, whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Monson By-law.

ARTICLE 32-NO SNOW/DEBRIS DEPOSITED IN, ON OR ACROSS PUBLIC WAY:

No person, other than an employee or other person in the service of the Commonwealth of Massachusetts or the Town of Monson shall direct, discharge, dump, shovel, pile, push, blow, plow or deposit snow, ice, water under conditions where water would be subject to freezing, leaves, debris or any other matter onto, into or across any public way, including sidewalks or public property, or cause, direct, sanction or authorize any such activity involving snow, ice, water leaves, debris or any other matter onto a public way or public property.

Penalty:

In addition to any other legal remedies that may be available, whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Monson by-law.

ARTICLE 33-GRANT OR RENEWAL OF LICENSES AS AFFECTED BY NON-PAYMENT OF LOCAL TAXES, FEES, etc.

In accordance with Massachusetts General Laws, Chapter 40, Section 57, the Board of Selectmen, hereinafter referred to as the Board, may revoke or suspend any local license or permit including renewals and transfers issued by the Board for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges provided that:

- a.) The Town Collector shall annually furnish to the Board 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 has not filed in good faith a pending application for an abatement of such tax or pending petition before the appellate tax board.
- b.) The Board 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 Board from the Town Collector; or any license or permit including renewals and transfers with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or other matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges; provided however that written notice is given to the party and the Town Collector as required by applicable provisions of the law, and the party is given a hearing to be held not earlier than fourteen 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 Board with respect to such license denial, revocation or suspension shall be made only for the purposes 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 Board 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 Board to issue a certificate indicating said limitations to the license or permit and 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 may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Mass. Gen. Laws, Chapter 268A, Section 1 in the business or activity conducted in or on said property.

ARTICLE 34 - DEPARTMENTAL REVOLVING FUND BYLAW (amended 11/04/19):

Section 1. Purpose.

This by-law establishes and authorizes revolving funds for use by the town, departments, boards, committees, agencies and 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 M.G.L. c. 44, §53E1/2.

Section 2. Expenditure Limitations

A department or department manager, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriate subject to the following limitations:

1. Full-time employee salaries shall not be charged to the fund unless fringe benefits associated with full-time employees are also charged to the fund.
2. No liability shall be incurred in excess of the available balance of the fund.
3. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1, of that fiscal year, or any increased amount of that authorization is later approved during the fiscal year by the Select Board and Finance Committee,

Section 3. Interest

Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the General Fund.

Section 4. Procedures and Reports

Except as provided in M.G.L. c. 44, §53E1/2 and this by-law, the laws, rules, 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 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 the expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

Section 5. Authorized Revolving Funds

The Table establishes:

- A. Each Revolving Fund authorized for use by a Town department, board, committee, agency or officer,
- B. The Department or agency head, board, committee or officer authorized to spend from each fund,
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant,
- D. The expenses of the program or activity for which each fund may be used,
- E. Any restrictions or conditions on expenditures from each fund,
- F. Any reporting or other requirements that apply to each fund, and
- G. The fiscal years each fund shall operate under this by-law.

Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Limit on Spending
1. Collectors' Report	Town Collector	\$9,000
2. Driveway Inspector	Board of Selectmen	\$2,500
3. Gas Inspector	Board of Selectmen	\$8,000
4. Plumbing Inspector	Board of Selectmen	\$14,000
5. Electrical Inspector	Board of Selectmen	\$37,000
6. Cross-Alter Inspector	Board of Selectmen	\$9,000
7. Forest Fire Equipment	Fire Chief	\$13,000
8. Recycling & Hazardous Waste Materials	Board of Health	\$16,000
9. Apartment Inspections	Board of Health	\$1,000
10. Title V Inspector	Board of Health	\$21,000
11. Summer Theatre	Parks & Recreation Commissioners	\$22,000
12. P & R Pool Program	Parks & Recreation Commissioners	\$90,000
13. School Transportation	School Committee	\$45,000
14. Transportation for outside activities and out of district students	School Committee	\$95,000
15. Community Garden	Board of Selectmen	\$3,000

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or other receipts credited to fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/Reports	Fiscal Years
16. School Technology Revolving Fund	Monson Public Schools	Fees and charges and other receipts paid for damage, repair, replacement and insurance	Repairs, parts, replacement and insurance and training and materials	Existing software contracts not paid for from account	None	On or after July 1, 2019

Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Limit on Spending
16. School Technology Revolving Fund	Monson Public Schools	\$50,000.00