

TOWN
OF
MIDDLEFIELD
REGULAR
BY-LAWS

Revised 2023

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Chapter 1: General Provisions

SECTION 1. The following provisions shall constitute the General By-Laws of the Town of MIDDLEFIELD, and shall be in lieu of all By-Laws heretofore in force. Additions may be made or the By-Laws changed by a 2/3 vote of any annual Town Meeting, provided the proposed changes are specifically stated in the Warrant.

SECTION 2. These By-Laws, and the repeal of all other By-Laws now in effect, shall not affect any legal act done, any penalty or liability incurred, or any pending suit, prosecution, or proceeding. The repeal of a By-Law shall not thereby have the effect of reviving any By-Law theretofore repealed.

SECTION 3. Words and phrases specifying or naming any officer, board or committee of the Town shall be construed as including the lawful successor, or the person or persons having the powers and performing the duties of such officer, board or committee.

SECTION 4. The invalidity of any Section of any Chapter hereof shall not affect the validity of any other Section.

SECTION 5. Any Town departments, commissions or functions not governed by these By-Laws are covered by pertinent provisions of the Massachusetts General Laws.

SECTION 6. Selectboard shall publish and distribute every five years the By-Laws of the Town in effect at that time.

Chapter 2: Town Meetings

SECTION 1. The Annual Town Meeting shall be held on the first Saturday in May.

SECTION 2. The Annual Town Meeting for the election of town officers and the determination of such matters as are required by law to be elected or determined by ballot shall be considered.

SECTION 3. The polls shall be opened during hours prescribed by the Board of Selectboard and in compliance with applicable provisions of the Massachusetts General Laws.

SECTION 4. At least seven days before the day fixed in the Warrant for the Annual Town Meeting, the Selectboard shall cause to be made available copies of the Annual Town Report. In case of a Special Town Meeting the regular legal notice shall be fourteen days.

SECTION 5. Only persons registered to vote in the Town shall have a vote at the Town Meeting. Any other person may be allowed to attend and speak at the discretion of the Moderator.

SECTION 6. The numbers of voters necessary to constitute a quorum at any Annual Town Meeting shall be twelve people, and at any Special Town Meeting, provided, however, that a number less than a quorum from time to time adjourn the same.

SECTION 7. Notice of every Town Meeting shall be given by posting an attested copy of the warrant calling the same of the Middlefield Post Office, another designated place in the center of Town on a bulletin board, outside the Middlefield Town Hall, a designated place in the Bancroft section of the town, a designated place in Smith Hollow, and the Official Town Web site not less than seven days before the appointed for the Annual Town

Meeting and not less than fourteen (14) days before the day appointed for a Special Town Meeting and the return of the officer stating the manner of notice shall be endorsed in the Warrant. [2013, Article 39.]

SECTION 8. Articles of the Warrant shall be acted upon in the order to which they appear unless otherwise determined by the Assembly.

SECTION 9. 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 10. When a question is put, the sense of the meeting shall be determined by a voice vote and the Moderator shall declare the vote as it appears to him. If his decision is doubted, or a division of the house is called for, the Moderator and Town Clerk count hands; if a ballot is called for, the Moderator appoints tellers to make and return the count.

SECTION 11. Any report, resolution or motion shall be reduced to writing if the Moderator so directs.

SECTION 12. All committees formed at the Town Meeting shall be appointed by the Moderator unless the town otherwise directs, and shall report as directed by the town. If a committee does not report as directed by the town or at the next annual town meeting, it shall be deemed discharged, unless an extension of time be granted by the town.

SECTION 13. 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 or articles to an adjournment of the meetings at stated time and place.

SECTION 14. To be included in the Warrant for the Annual Town Meeting of any year, articles must be presented to the Selectboard not later than 45 days prior to Town Meeting.

SECTION 15. A petition signed by ten (10) registered voters will automatically be placed on the Warrant. Selectboard must receive this petition 45 days prior to Town Meeting.

Chapter 3: Elected Town Officers

(1) Selectboard

SECTION 1. There shall be three **Selectpersons**, one to be elected each year for a term of three years. The Selectboard shall fill any vacancies on the Selectboard by calling for a special election.

SECTION 2. The Selectboard shall cause to be printed and distributed annual reports of the town officers, appointees and committees. This report shall contain a statement of the financial condition of the town, together with a detailed report of all receipts and expenditures incurred during the preceding year.

SECTION 5. The Selectboard shall make suitable regulations governing the police department and the officers thereof.

SECTION 6. The Selectboard shall in suitably bound ledgers keep a complete permanent record of all expenditures authorized by said board and such yearly expenditures shall be itemized and entered in the annual town report.

SECTION 7. The Selectboard shall appoint annually, or as specified, all Town Officers not required to be elected on the Official Ballot.

SECTION 8. If any member is absent from any **appointed** Town board or committee meeting for three (3) consecutive meetings without an excuse valid to the chairman thereof, his position shall be deemed to be vacant, that fact certified to the Selectboard and the vacancy filled as herein provided. **[Change to "appointed" at the direction of the AG, Nov. 1987]**

SECTION 9. The Selectboard shall also act as the Board of Health, Board of Public Welfare, and Fence Viewers.

SECTION 10. The Selectboard shall give a proposed budget to the Finance Committee by February 15 for their review and consideration.

SECTION 11. The Board of Selectboard is authorized to accept gifts of land and easements on behalf of the Town without a Town Meeting vote provided no appropriation of funds is necessary for the acquisition. The Board of Selectboard is also authorized to grant non-exclusive easements which the Board of Assessors has determined to have a fair market value of less than \$ 10,000 or are less than 43,000 square feet in size without a Town Meeting vote. [2000, Article 21]

(2) Town Clerk

SECTION 1. The Town Clerk shall be elected for a term of **three years**. **[2017, Article 31]**

SECTION 2. The Town Clerk shall keep and cause to be permanently bound one or more files of the town reports made up in a group for each decade.

SECTION 3. The Town Clerk shall not allow original papers or documents of the town to be taken from his office, except as they remain in his custody, or by authority of law.

SECTION 4. It shall be the duty of the Town Clerk as soon as possible after every Town Meeting, to notify in writing all members of committee who may be elected or appointed at such meeting stating the business on which they are to act and the names of the persons composing the committees, and also to notify all officers, boards and committees of all articles passed at such meeting that in any way affect them.

SECTION 7. The bonds of the Treasurer, the Assistant Treasurer, Tax Collector, and Town Clerk shall be in the custody of the Town Clerk.

(3) Finance Committee

SECTION 1. There shall be a Finance Committee consisting of five (5) members each elected for a term of three years on a rotating basis. The members of this Committee shall be sworn to the faithful performance of their duties, shall choose their own officers and shall serve without pay. A true record shall be kept of the Committee's proceedings.

SECTION 2. All articles in any Warrant referring to appropriation of money shall be referred to the Finance Committee for its consideration. The Committee may make its recommendations for the same to the Selectboard not later than 45 days prior to Town Meeting.

SECTION 3. The Finance Committee shall consider matters relating to the appropriation, the borrowing and the expenditure of money by the Town, its indebtedness, the administration of its various offices and departments, and may make recommendations to the Town or to any board, officers or committee relative to municipal fiscal affairs. It shall be the duty of the Committee to make an annual report of its activities, with appropriate recommendations to the Selectboard.

SECTION 4. The Finance Committee shall present a budget to the Selectboard for the annual Town Meeting by March 1.

SECTION 5. The Finance Committee shall present a report to the Town of a 3-year financial plan based upon school population changes, general population changes, building, equipment, and personnel needs.

(4) Moderator

SECTION 1. A Moderator shall be elected on the Official Ballot each year for a term of one year. The Moderator conducts all Town Meetings and is responsible for maintaining the order and decorum of the meetings and proceedings.

(5) Board of Assessors

SECTION 1. The Board of Assessors shall consist of three members, one to be elected each year for a term of three years. The Board is responsible for assessing all real property at full fair market value, they are also responsible for establishing the annual tax rate, and for providing a commitment for the collection of all taxes to the tax collector. They must maintain full and complete property tax records and guarantee access to all citizens of these records.

(6) The School Committee

SECTION 1. The School Committee shall consist of xx members in accordance with the regional agreement who will represent the Town on the Gateway Regional School Committee. They are to be elected in alternate years for a term of three years each. The Committee is responsible for representing the Town in determining the expenditures and educational policies of the Regional School District. The committee will monitor the intention of the District Administration regarding the Middlefield School building contracts and usage and advise the Selectboard of their findings.

(7) Planning Board

SECTION 1. A Planning Board of five members shall be elected on the Official Ballot, two each year for a term of three years and one for a term of three years., It shall be the duty of the Board to make a study of the future needs of the town and develop a long-range program subject to future change, having due regard to a balance between the liberties of the individuals and the welfare of the community. The Board shall make recommendations pertaining to the laying out of private and public roads; development of real estate subdivisions, future sites for schools, playgrounds, parks, water supplies, sewage disposal, police and fire protection, zoning and locations, and all other subjects of general interest which affect the welfare, health and safety of the inhabitants relative to the possibilities, resources and needs of the Town.

(8) Constable

SECTION 1. There shall be two constables elected for a term of three years. The Constables shall be responsible to serve all warrants and to attest that they are posted on a certain date.

Chapter 4: Appointed Town Officials

(1) Zoning Board of Appeals

SECTION 1. The Zoning Board of Appeals shall consist of three **appointed** members. The Board is responsible to hold hearings on all appeals for zoning variances and to determine the outcome. Alternates to the Zoning Board of Appeals will be appointed by the Board of Selectboard. **[Change to "appointed" at the direction of the AG, Nov. 1987]**

(2) Treasurer

SECTION 1. The Treasurer shall be **appointed** for a term of **one year**. **[July 13, 2005, Article 1]**

SECTION 2. The Treasurer shall be responsible for all deeds and insurance policies belonging to the town, except the bonds of the Treasurer which are the responsibility of the Town Clerk.

SECTION 3. The Treasurer shall make an annual report which shall contain a statement of the monies received and paid out by him/her during the year.

SECTION 4. The Treasurer shall keep in suitably bound ledgers permanent records of all monies received and expended.

(3) Collector of Taxes

SECTION 1. A Collector of Taxes, who shall be **appointed** for a term of **one year**, is responsible for the collection of taxes and must abide by the General Law of Mass. Chapter 60, "Collection of Local Tax". **[July 13, 2005, Article 1]**

(4) Library Trustee

SECTION 1. There shall be three library trustees, one to be elected each year for the term of three, years. The Trustees are responsible for appointing a librarian, and assisting in the duties of the library.

(5) Cemetery Commissioner

SECTION 1. There shall be three cemetery commissioners, one to be elected each year for the term of three years. The Commissioners are responsible for all operations and maintenance at the cemeteries.

(6) Conservation Commission

SECTION 1. There shall be a Conservation Commission consisting of five members each appointed by the Selectboard for a term of three years on a rotating basis. The commission will be responsible for all environmental issues as well as conserving the natural resources of the Town.

(7) Historical Commission

SECTION 1. There shall be a Historical Commission consisting of five members, each appointed by the Selectboard for a term of three years on a rotating basis. The Commission is responsible for special projects determined by the Commission and/or the Selectboard such as the restoration of Town property and special town events.

(8) Administrative Assistant to the Selectboard

SECTION 1. A Town Administrative Assistant will be appointed by the Selectboard for a one-year term, responsibilities will be defined by the Selectboard.

(9) Highway Superintendent

SECTION 1. The Superintendent of Streets will be appointed by the Selectboard for a term of up to 3 years. By mutual agreement a contract of employment may be signed for the specific term of this position. The Superintendent will receive directions from the Selectboard. The Superintendent is responsible for the use and maintenance of Town equipment. [2016, Article 33]

SECTION 2. The Superintendent of Streets shall be the Tree Warden. [2004, Article 21a]

(10) Police Chief

SECTION 1. A Police Chief will be appointed by the Selectboard for a one-year term. The Selectboard is responsible for the public safety administration activities. The Police Officers appointed by the Police Chief are subject to the approval of the Selectboard.

(11) Fire Chief/Forest Warden

SECTION 1. The Fire Chief/Forest Warden will be appointed by the Selectboard for a one-year term. Responsibilities include directing the fire department, its volunteers, and assuring that all firefighting equipment is in good working order.

(12) Council on Aging

SECTION 1. Council on Aging will consist of at least 5 members appointed by the Selectboard for a period of **three years on a rotating basis**. They are responsible for developing and coordinating any services and activities for the elderly including those supported by the Commonwealth. [2014, Article 27]

(13) Arts Council

SECTION 1. The Arts Council will consist of at least 5 members appointed by the Selectboard for a one year. The Council will encourage art-related projects by individuals.

Chapter 5: Legal Affairs

SECTION 1. The Selectboard 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 2. The Selectboard shall have full authority as agents of the town, acting upon the advice of counsel, to settle any claims or suits against the town which in their judgement cannot be successfully defended when the sum to be paid does not exceed one hundred dollars (\$100.00).

SECTION 3. The Selectboard may appear either personally or by the Town Counsel, or by Special Counsel duly employed, before any court, committee or legislative body, or any state or county board or commission, to protect the interest of the town, but are not authorized, except as otherwise provided by law, to commit the Town or any of its interests. No settlement of any claim or suit obligating the Town in excess of One Thousand Dollars (\$1,000) shall be made, except as authorized by law, without the consent of Town Meeting.

SECTION 4. The Selectboard may appear in the interests of the town, either personally or by counsel, before any court, committee of the legislature, or any state or county board or commission, they shall have full authority as agents of the town, acting upon the advice of counsel, to institute and prosecute any and all necessary suits and proceedings in favor of the town, and to appear and defend any and all suits and legal proceedings against or involving the town's interests.

SECTION 5. Authorization for Shared/Joint Legal Representation.

The official duties of Town Counsel, or special counsel so appointed, shall include simultaneously representing the Town, other municipalities and/or public entities in matters in which the Town has a direct or substantial interest, including but not limited to administrative and judicial proceedings in which the Town is also a party or wishes to be a party. Such representation may be undertaken in each particular matter in which dual or common representation is contemplated only upon the express written permission of the Selectboard and provided that Town Counsel or, as appropriate, special counsel, had complied with all applicable rules of professional responsibility. In granting such permission, the Selectboard shall make a separate finding that such dual or common representation furthers the interests of the Town, including, for example, to facilitate the pooling of resources for a common purpose, development of regional and mutual interests, or preservation of scarce municipal funds. [2016, Article 37]

Chapter 6: Zoning

(1) Building Code

See "Town of Middlefield, Massachusetts Zoning By-Law" Revised 1986 and printed in a separate booklet. Refer to State Building Code - effective 1/1/75.

SECTION 1. Fee schedule may be obtained from the Building Inspector or Selectboard.

SECTION 2. Disposition of fee. A fee for each building permit which requires a fee shall be paid to the Town of Middlefield in accordance with the established fee schedule.

SECTION 3. The Town enacts a general By-Law entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code", including amendments or modification thereto, a copy of which is on file with the Town Clerk. [2010, Article 34]

(2) Powers and Authority of Inspectors

SECTION 1. The Building Inspector, who will be appointed by the Selectboard, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this By-Law. All permits must be obtained from the Building Inspector.

SECTION 2. The Board of Health or its agent shall witness for percolation tests and septic systems. [2012, Article 37]

(3) Penalties

SECTION 1. Any person found to be violating any provision of these By-Laws shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SECTION 2. Any person who shall continue any violation beyond the time limit shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding twenty dollars (\$20.00) for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

SECTION 3. Any person violating any of the provisions of these By-Laws shall become liable to the Town for any expenses, loss, or damage occasioned the Town by research of such violation.

(4) Validity

SECTION 1. All By-Laws or parts of By-Laws in conflict herewith are hereby repealed.

SECTION 2. The invalidity of any section, clause, sentences or provision of this By-Law shall not affect the validity of any other part of this By-Law which can be given effect without such invalid part or parts.

(5) Town Responsibilities

SECTION 1. The Town of Middlefield, its Agencies and Departments must comply with all provisions of the Zoning By-laws. Relief can only be obtained through the processes described in said By-laws. [2017, Article 27]

Chapter 7: Financial Affairs

SECTION 1. An Audit of the accounts of the Town shall be made under the supervision of the State Division of Accounts, as provided by General Laws Section 35, Chapter 44.

SECTION 2. Each officer, board or committee authorized to spend money shall transmit to the Secretary of the Selectboard unpaid bills for the approval by the Selectboard.

SECTION 3. Except as otherwise provided by law, the Town Clerk shall have custody of Investment Bonds, Blasting Bonds, Deeds, Contracts, Bonds of Performance, Treasurer's, Tax Collector's, and Town Clerk's Bonds; Insurance Policies, and similar instruments in possession of the town.

SECTION 4. Every officer shall each month pay in to the Treasury of the Town all amounts received by him on behalf of the Town, except as otherwise provided by law. All departments shall make a true return of such funds to the Town Accountant, stating the accounts upon which said amounts were received.

SECTION 5. Any Board or Committee shall ask for three or more bids on any purchase or contract of two thousand dollars (\$2,000.00) or more, and they shall be opened and read in public.

SECTION 6. Any Board or Committee shall give at least fourteen days Public Notice asking for bids on any asset to be sold by the Town and all bids shall be opened and read in public.

Chapter 8: Contracts

SECTION 1. No officer of the Town shall, in his official capacity, except by and with the approval of the Selectboard, make or pass upon or participate in making or passing upon, any sale, contract, 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, direct or indirect.

SECTION 2. The awarding of contracts for any work or service to be performed for the town, and the purchase of materials, supplies, and equipment, shall be done in accordance with Massachusetts General Laws.

Any situation requiring solicited, written sealed bids shall be labeled and delivered directly to the Selectboard. All bids shall be opened and publicly read aloud at a time and date specified by the Selectboard at a regularly scheduled Selectboard meeting.

All such bids as previously defined and/or contracts must be approved by the Board of Selectboard. [2010, Article 29]

Chapter 9: Records and Reports

SECTION 1. All officers, boards and committees shall conduct all meetings in a public building and 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 moved therefrom. Said books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under supervision of the officer, board or committee having custody thereof.

SECTION 2. All officers, boards and committees of the Town having charge of the expenditure of Town money shall annually report thereon in writing in such manner as will give the citizens a fair and full understanding of the objects and methods of such expenditures. Such reports shall be submitted to the Selectboard for inclusion in the annual Town Report.

SECTION 3. Notice of every departmental meeting shall be posted no later than two (2) business days before the meeting, not including the day of the meeting. The posting of these meetings shall be at the Middlefield Post Office, The Middlefield Town Hall on the outside bulletin board and the Official Town Web site. [2013, Article 36]

SECTION 4. All Middlefield Town Departments will post all open meeting approved minutes as described in Mass General Laws, Chapter 30a, SECTION 18-25, to the Middlefield Web Site the next business day after their next meeting. [2013, Article 43]

Chapter 10: Recall of Elected Officials

SECTION 1. A holder of an elected office in the town of Middlefield may be recalled from such office by the registered voters of the town as provided in this act.

SECTION 2. Any 50 registered voters of the town of Middlefield may file with the town clerk a recall affidavit, using either a blank recall affidavit as prepared by the town clerk or a substantially similar affidavit, containing the name and position of the person holding an elected office whose recall is sought and a statement of the grounds for the recall. Upon certification of the required signatures, the clerk shall forthwith deliver to the first named voter on the affidavit copies of petition blanks addressed to the board of Selectboard demanding the recall, copies of which printed forms the town clerk shall keep available. The blanks shall be issued by the clerk with the signature and official seal of the clerk attached thereto. They shall be dated, shall contain the names of the first 50 registered voters whose names appear on the recall affidavit, the name and position of the person holding an elected office whose recall is sought and the grounds of recall, including but not limited to malfeasance or misfeasance, as stated in the affidavit and shall demand the election of a successor to the office. On the date the affidavit is filed, the clerk shall determine and inform the first named voter on the affidavit the number of signatures needed to achieve the 25 per cent of registered voters. A copy of the petition shall be entered in a record book to be kept in the office of the clerk. The recall petition shall be returned and filed with the clerk not later than a 35-day period from the date the affidavit is filed. The recall petition shall have been signed by at least 25 per cent of the registered voters of the town as of the date the affidavit is filed. To every signature shall be added the place of residence of the signer, giving the street and number, if any. The clerk shall, within 72 hours of receipt thereof, submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are the names of registered voters of the town.

SECTION 3. If the petition is certified by the town clerk to be sufficient, the town clerk shall submit the petition with the town clerk's certification to the board of Selectboard without delay. The board of Selectboard shall forthwith give written notice of the receipt of the certificate, either by hand or by certified mail, return receipt requested, to the person holding an elected office sought to be recalled. If the person holding an elected office does not resign within 5 days after receipt of the notice, the board of Selectboard shall forthwith order an election to be held on a date fixed by them not less than 64 days and not more than 70 days after the date of the town clerk's certificate; provided, however, that if a town election is scheduled to occur within 100 days after the date of certificate, the board shall postpone the holding of the recall election to the date of the other election and the question of recall shall appear on the ballot at the other election. The person holding an elected office may file with the town clerk, within 14 days of the receipt of the notice, an argument that shall contain no more

than 500 words explaining the elected officer's reasons for wanting to retain the position. If such argument is received, the town clerk shall make the argument, including related affidavits or petitions, open for public inspection at of the town clerk's office within 10 days of receipt and not less than 10 days before the date of the recall election. The board of Selectboard shall post the full text of any argument received, including related affidavits or petitions, in at least 1 location in the town and shall make the same available to the public upon a written request to the town clerk. If a vacancy occurs in the elected office after the recall election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. A person holding an elected office sought to be removed may be a candidate to succeed himself and, unless the person requests otherwise in writing, the town clerk shall place the person's name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent holding an elected office shall continue to perform the duties of the office until the recall election. If not recalled, the incumbent holding an elected office shall remain in office for the remainder of the unexpired term, subject to recall as before, except as provided in SECTION 7. If recalled, the incumbent holding an elected office shall be deemed removed. If the successor fails to qualify within 10 days after receiving notification of the successor's election, the office shall be deemed vacant.

SECTION 6. Ballots used in a recall election shall submit the following propositions in the order indicated:

"For the recall" of (name of officer)

"Against the recall" of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (x), may vote for either of the propositions. Under the propositions shall appear the word "Candidates" and the directions to voters required by SECTION 42 of chapter 54 of the General Laws and, beneath this, the names of candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes cast upon the question of recall is in the negative, the ballots cast for candidates to fill the potential vacancy shall not be counted.

SECTION 7. No recall petition shall be filed against a holder of an elected office within 6 months after the person takes office, nor in the case of a holder of an elected office subjected to a recall election and not recalled thereby, until at least 6 months after the election at which the recall was submitted to the voters of the town has elapsed.

SECTION 8. No person who has been recalled from an office or who has resigned from an office while proceedings were pending against him shall be appointed to a town office within 1 year after the recall or resignation.

[Approved by the Governor on October 8, 2013]

Chapter 11: Right to Farm

SECTION 1. Purpose and Intent

The purpose of this by-law is to re-assert the right to farm accorded to all the citizens of the Commonwealth under Article 97 of the General Laws and the Constitution of Massachusetts and all state statutes and regulations thereunder.

The intent of this by-law is to:

- A. Protect and promote the pursuit of agricultural enterprises and the benefits to the community provided by local agriculture by allowing agricultural uses and activities to function with minimal conflict with abutters and town agencies.
- B. Inform Middlefield property owners and buyers of this by-law through a notification process.
- C. Provide a dispute resolution process if a conflict should arise between a citizen or the town and a farmer.

SECTION 2: Definitions

For the purpose of this by-law a "Farm" shall include any parcel of land used for the primary purpose of commercial agriculture. This may include, but is not limited to:

- A. Farming in all its branches and the cultivation and tillage of the soil;
- B. Dairying and orchards;
- C. Production, cultivation, growing, and harvesting of any agricultural, floricultural, viticulture, or horticultural commodities;
- D. Growing and harvesting of forest products, including the production of maple syrup and other related forestry or lumbering operations;
- E. Breeding, raising, keeping, and/or selling of livestock, e.g. cattle, sheep, swine, goats, llamas, and alpacas;
- F. Breeding, raising, keeping, and/or selling horses as a commercial enterprise, e.g. boarding, training, or as an adjunct to farming;
- G. Breeding, raising, keeping, and/or selling fowl, rabbits, bees, fur-bearing animals and other domesticated animals for food, fiber, fur or other agricultural purposes.

For the purpose of this by-law "Farming" or "Agriculture" shall include but not be limited to the following activities:

- A. Operation and transportation of slow-moving farm equipment over the roads within the town;
- B. Control of pests, including insects, weeds, predators, and disease organisms of plants and animals under generally accepted management practices;
- C. Application and storage of manure and fertilizers under generally accepted management practices;
- D. Conducting agriculture-related educational and farm-based recreational activities including agri-tourism that are related to marketing the agricultural output or services of the farm;
- E. Processing and packaging of the agricultural output of the farm;
- F. Operation of a farm stand to sell products of the farm;
- G. Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager and used expressly for the purpose of propagation, harvesting, processing, managing, or marketing of the farm's agricultural products;
- H. On-farm relocation of earth and the clearing of ground for farming operations;
- I. Constructing and maintaining farm buildings used for shelter, feed and storage;
- J. Revitalizing drainage or irrigation ditches; picking stone; constructing, repairing or maintaining fences; and clearing, rejuvenating and maintaining pastures.

SECTION 3: Right to Farm Declaration

The right to farm is hereby recognized to exist within the town of Middlefield. It is acknowledged by the Town that the benefits of farming such as the positive contribution of agriculture to the local economy; the availability of fresh food, fiber, and forest products; and the maintenance of the rural character and agricultural heritage of Middlefield far outweigh incidental nuisances such as noise, lighting, odors, dust, and fumes associated with generally accepted agricultural practices which may occur on holidays, weekdays, and weekends during the day or evening. The benefits and protections of this by-law are intended to apply exclusively to the actual activities of farming. This by-law does not supersede local, state or federal laws or regulations.

SECTION 4: Notification to Current and Future Residents

The town clerk will send current landowners a copy of the disclosure notification* to be included in the mailing of the annual town census. Prior to conveyance the town assessor will send pending Middlefield property owners a copy of the disclosure notification to be included in the mailing of the apportionment of taxes to the new buyer.

Notification:

*This disclosure notification is to inform you as a current or future landowner in Middlefield that the property you own or are about to acquire is located in a town where farming activities occur and are valued by the community. To read the **Right to Farm By-Law** in full or acquire a copy, please write to the Middlefield Town Clerk, P.O. Box 265, Middlefield, MA 01243 or call 413-263-2079.*

SECTION 5: Dispute Resolution

Any person who seeks to complain about the operation of a farm may file a grievance with the Select Board, Zoning Board, Planning Board, Conservation Commission, or Board of Health, depending on the nature of the grievance. Whichever board receives the complaint shall forward a copy of the grievance to the Middlefield Agricultural Commission which shall review and facilitate the resolution of the grievance and report its findings and recommendations to the referring Town authority within 60 days. This by-law does not prevent an aggrieved party from pursuing other remedies.

SECTION 6: Severability

The provisions of this by-law are severable. If any part of this by-law is for any reason held to be unconstitutional or invalid, that provision can be severed from the by-law without affecting the remaining provisions. [2006, Article 25]

Chapter 12: Mandatory Recycling

SECTION 1. Purpose.

There is hereby established a program for the mandatory separation of certain recyclable material from solid waste by the residents and commercial haulers of the Town of Middlefield. This By-Law will significantly reduce the amount of municipal solid waste that will need to be land-filled thus reusing natural resources and preserving landfill space for non-reusable goods.

SECTION 2. Applicability.

The following by-law shall apply to all owners and tenants of all residential, multi-family and institutional structures and all commercial haulers in the Town of Middlefield.

SECTION 3. Definitions.

A. COMMERCIAL HAULER shall mean any person licensed by the Board of Health who, for a fee, collects and/or hauls solid waste that is generated within the Town of Middlefield to the Town Transfer Station.

B. SOLID WASTE shall mean any household, residential, or commercial solid waste not defined in this SECTION as recyclable material

C. COMPOSTING shall mean a process of accelerated biodegradation and stabilization of organic material under controlled condition yielding a product which can be safely used.

D. RECYCLABLE MATERIAL shall mean the following recyclable goods:

1. Recyclable Containers: Steel cans/lids and aluminum foil, cans, prepared pie pans Tin/Steel cans and lids. Glass bottles and jars (less than 2 gallons in size). Plastics tubs, jars and bottles (less than 2 gallons in size). Gable-top and aseptic containers. Clear plastic hinged containers (clamshells) Empty aerosol cans (health, beauty, laundry, food only)
2. Recyclable Paper: Newsprint - all the newsprint plus insert that come with daily papers. Mixed paper - magazines, junk mail, catalogs, used writing paper, brown paper bags, boxboard (cereal boxes), clean pizza boxes, and office paper. Corrugated Cardboard (flatten). Cards, tissue paper, gift bags (remove handles) and wrapping paper (no foils, metallic, or glitter) Paperbacks, phonebooks, calendars (covers, staples, and metal spirals ok) The Board of Health may from time to time, by regulation, re-designate the types of materials defined as Recyclable material under this by-law.

E. DISPOSAL shall mean the dumping, landfilling or placement of solid waste into or on any land or water or the incineration of solid waste for energy recovery or otherwise.

F. PERSON shall mean any individual, association, firm, company, corporations, department, agency, group or public body generating solid waste.

G. RECYCLE shall be construed to mean the diversion of material, product, or byproduct from disposal to: (a) reuse, or (b) employ as an ingredient or feedstock in an industrial or manufacturing process to make a marketable end product, or (c) employ in a particular function or application as an effective substitute for a commercial product priority, recycle does not mean to recover energy from the combustion of recyclable materials.

H. SOURCE SEPARATE shall be construed to mean the separation of recyclable material or compostable material from solid waste at the place where the materials or waste are generated through the use or consumption of goods.

SECTION 4. Recycling of Recyclable Materials.

- A. All recyclable material must be separated from all other solid waste delivered to the Transfer Station for disposal and must be clean. The following are acceptable standards for preparing recyclable materials for pick-up.

Recyclable Containers:

Recyclable containers must not be placed in plastic bags.
Containers must be empty, clean and kept separate from paper.
Glass beverage containers must be intact, excessive broken glass is not acceptable.
Must only include the containers listed in SECTION 3 D of this by-law. Ceramics, Pyrex, light bulbs, laundry baskets, containers greater than 2 gallons, planting pots, Styrofoam, window and auto glass, broken glass, and motor oil jugs are not acceptable.

Recyclable Paper:

All paper must be clean and dry. Paper recyclables should not be placed in plastic bags. No soda or beer holders/cartons. No paper goods such as plates, cups, napkins or paper towels No egg cartons. No waxed paper or waxed cardboard (i.e., take out containers) No Tyvek or padded envelopes No paper or cardboard should be bundled in string. Cardboard must be flattened. No metallic wrapping paper or gift cards. No hard cover books or blueprints No glossy boxes such as frozen food boxes or butter boxes. Paper must be free of solid waste and commingled containers.

- B. Incoming recyclable material that contains an unacceptable level of contamination which includes but is not limited to, the following: dirt, sand, food waste, toys, appliances, household and commercial trash, asphalt, wood, concrete, snow, water, hazardous waste, and any other nonrecyclables may be rejected.
- C. All separated recyclable materials shall be placed in the appropriate containers provided at the Town Transfer Station and shall become the sole property of the Town of Middlefield.

SECTION 5. Disposal.

No person who collects, transports, disposes or otherwise manages solid waste or recyclable materials shall mix, commingle, or otherwise contaminate source separated recyclable materials with solid waste or other contaminants.

SECTION 6. Enforcement and Penalties.

No person shall dispose of any recyclable materials other than as set forth in this By-Law. Persons in violation of this by-law shall be notified of such violation in writing by the Board of Health, which writing shall include the date of such violation; the nature of such violation, the penalty imposed thereby, and shall inform the violator of the right to request a hearing as set forth below. Anyone violating this by-law shall be fined \$25.00 for the first violation and \$50.00 for the second violation, and \$75.00 for any further violations. All such fines shall be paid within ten (10) days of receipt of said written notice.

Any person in receipt of a notice of violation may, within ten (10) days of receipt of the notice, request a hearing before the Board of Health. Such request shall be made in writing and shall state any reasons why the penalty set forth in the notice of violation should not be issued. Within fourteen (14) days of receipt of such request for hearing, the Board of Health shall schedule such hearing and notify the person requesting the hearing of the date and time thereof. The Board of Health shall have the authority to waive or reduce the penalty stated in the notice of violation if it finds good cause following such hearing. The Board of Health shall make its decision within fourteen (14) days of such hearing and shall notify the person requesting such hearing of its decision, in writing, within fourteen (14) days thereof. The Board of Health's decision shall be final.

This by-law may also be enforced through the non-criminal disposition procedures set forth in G. L. c. 40, §21D. The enforcing officer for non-criminal disposition shall be the Board of Health or its designee. [2017, Article 25]

SECTION 7. All residents shall separate ordinary waste materials into the following categories before depositing the same at the Transfer Station: 1). Glass and cans; 2). Paper and 3). Other waste. If no separation takes place, the Transfer Station will not accept the material. [1988, Article 32]

SECTION 8. No person shall deposit, cast or throw in or into any river brook or watercourse in the Town, or the bed thereof, or on or onto the banks adjacent thereto, any refuse, ashes, garbage, offal or any junked or discarded articles. Whoever violates this Section shall forfeit and pay to the use of the Town the sum of two hundred dollars (\$200.00) for each offense. [1987]

Chapter 13: Dog Control

[2018, Article 37]

SECTION 1: Purpose

To achieve the objectives of the Animal Control Officers responsibilities as contained in Chapter 140, sections 136A-174E of the Massachusetts General Laws, which includes the regulation of domestic animals, the licensing of dogs, and the establishment of fines for these By-Laws within the boundaries of the Town of Middlefield.

SECTION 2: APPLICATION

This By-Law shall apply to those persons owning or keeping dogs within the boundaries of the Town of Middlefield in their role as responsible pet owners. It must be understood, however, that enforcement of the same is necessary to protect the rights and safety of the public. Any owner/ keeper seeking relief from any portion of these regulations may file or appeal for same with the Selectboard.

SECTION 3: SEVERABILITY

Should any section, portion, or provision of this by-law be found invalid for any reason, that finding shall not affect the validity and force of any other section, portion, or provision of this By-Law.

SECTION 4: ANIMAL CONTROL OFFICER

The Selectboard shall annually appoint an Animal Control Officer. The salary shall be fixed by vote of Annual Town Meeting.

SECTION 5: LICENSES AND TAGS

1. The owner or keeper of a dog kept within the Town of Middlefield, said dog being six months of age or older, shall cause that dog to be licensed annually. The license year shall be from April 1 to the following March 31, inclusive.

2. The Town Clerk shall issue dog licenses and tags. The Town Clerk shall record for each license issued, the name, address and telephone number of the owner or keeper of each dog licensed, the tag number issued, date

of expiration of last rabies vaccination, breed, age, color, or other description of the dog. Each tag shall contain the tag number, the name "Middlefield" and the year of issue.

3. The owner or keeper shall cause said dog to wear around its neck or body a collar or harness to which he/she shall securely attach the tag issued. In the event that any tag is lost, defaced, or destroyed, substitute tags shall be obtained by the owner or keeper from the Town Clerk, at the cost of \$2.00 each.

4. The fee for each dog licensed shall be \$10.00 unless a certificate of a veterinarian stating that the dog has been spayed or neutered has been presented to the Town Clerk, in which case the fee shall be \$5.00. Any owner or keeper of four or more dogs, six months of age or older, may elect to secure a kennel license after inspection by the Animal Control Officer, as follows:

- a. 4 dogs - \$20.00
- b. Up to 10 dogs - \$40.00
- c. Over 10 dogs - \$75.00

No license fee or part thereof shall be refunded because of a subsequent death, loss, spaying or neutering, or removal from the Town of such dog. A late fee of \$10.00 per dog will be charged for late renewals after April 15. A late fee of \$50.00 per dog will be charged for late renewals after June 1. This does not apply for newly acquired dogs or for individuals who have moved into Town less than 30 days prior to licensing. All dogs must be licensed every year.

A license shall not be issued for any dog unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying that the dog is currently vaccinated against rabies or indicating that, because of infirmity, other physical condition or regimen of therapy, said vaccination is deemed inadvisable. The rabies vaccination expiration date shall be recorded on the license record.

No fee shall be charged for a dog specially trained to lead or serve a disabled person. No fee shall be charged for a license for a dog owned by a person aged 70 years or over.

The owner or keeper of any dog shall provide proof of said license upon request of the Animal Control Officers, Police Officers or other authorized officials.

The penalty of violation of this section, in addition to any other penalties provided by law, shall be \$50.00. The penalty for failure to license said dog within 30 days of notification of violation of this section shall be \$75.00.

SECTION 6: LEASHING AND RESTRAINT OF DOGS

1. No owner or keeper of a dog shall permit such dog whether licensed or unlicensed to run at large within the Town of Middlefield. No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless the dog is physically restrained by a leash and under the control of its owner/keeper.

2. No person shall permit a dog owned or kept by him to run freely outside the confines of the property of the owner or keeper unless leashed or as to restrain the dog in such manner that the dog will not go beyond the property of the owner or keeper by fencing or appropriate barriers.

3. No person shall permit a dog owned or kept by him to be unaccompanied by a person of adequate age and discretion to properly control its actions.

4. Any dog found to be at large in violation of this section may be caught and confined by an officer authorized to do so, or returned to the owner or keeper of record forthwith. The Animal Control officer, or authorized agent, shall attempt to notify the owner/keeper of record of a confined dog. The owner/keeper of said dog shall have a period of time, not to exceed 10 days, within which to recover said dog. Return of the dog to the owner/keeper of record shall be dependent upon admission of ownership or the keeping of said dog, and assumption of responsibility by the owner or keeper. If said dog is unlicensed, a current license shall be obtained and all impound fees paid prior to release of the dog. In addition to fees charged for boarding, medical, or other care cost, there shall be an impound fee paid to the Town of Middlefield of \$20.00 for licensed dogs and \$30.00 for dogs unlicensed at the time of impound.

5. This section shall not be construed to limit or prohibit the use of hunting dogs during the hunting season, the conducting of field trials for hunting dogs or the training or use of police K-9 units.

6. The penalty for violations of this section shall be \$25.00 for each offense.

SECTION 7: NUISANCE DOGS; DISTURBING THE PEACE; FINES

(Definition of a Nuisance Dog; a dog that: (i) by excessive barking or other disturbances, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal, or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.)

No owner or keeper of a dog shall allow such dog to soil or defile (unless picked up by owner or keeper), or dig, or commit a nuisance other than within the boundaries of its owner or keeper, or disturb the peace and quiet of any neighborhood with excessive barking or howling. Violators shall be warned by an Animal Control Officer. Fines within a one-year period:

First offense: warning

Second offense: \$20.00 and reported to Selectboard Third

offense: not to exceed \$50.00

Fourth offense: not to exceed \$100.00 and the Selectboard shall take action as allowed in section 13 of this By-Law.

SECTION 8: VICIOUS OR DANGEROUS DOGS; FINES

No owner or keeper of a dog shall allow such dog to endanger the safety of any person or other domestic or kept animals. Violators shall be warned by an Animal Control Officer and reported to the Selectboard and action may be taken as described in section 13 of this By-Law.

(Definition of a Dangerous dog; a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would

believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic owned animal)

First offense: warning and reported to the Selectboard

Second offense: \$50.00 and the Selectboard shall cause the dog to be restrained as provided in section 13 of this By-Law

Third offense: not to exceed \$100.00 and cause the Selectboard to take action, by removal or destroying, as described in section 13 of this By-Law.

SECTION 9: PERSONAL PROPERTY, LIVESTOCK/FOWL DAMAGE; APPRAISAL; REIMBURSEMENT

1. Whoever suffers loss by the worrying, killing or maiming of his livestock or fowl by dogs shall inform the Animal Control Officer who shall forthwith proceed to the scene to view the damage, who shall determine if the damage was done in fact by dogs and, if so, appraise the amount of damage if it does not exceed \$50.00.

2. If in the opinion of the Animal Control Officer the damage exceeds \$50.00, the damage shall be appraised on oath by three persons, one of whom shall be the Animal Control Officer, one shall be appointed by the person alleged to have suffered the loss and the third appointed by the other two.

3. Said appraisers shall consider and include in such damages the number and kind of animals damaged, the extent of the damage and the approximate weight of the killed animals. The appraisers will also note in their report whether or not any animals were sent for medical treatment in an effort to save them, the number and kind of such animals. Such report shall be filed with the Board of Selectman within 10 days of said appraisal. The Board of Selectman may require the appraisers to provide any additional information that they deem appropriate. The appraisal will be reviewed and submitted for payment as deemed appropriate. Reimbursement may be denied or limited in accordance with Chapter 140, Section 161A of the Massachusetts General Law.

SECTION 10: LIABILITY OF DOG OWNER

1. The owner or keeper of a dog which has done damage to livestock or fowl shall be liable for such damage, and the Board of Selectman may order the owner or keeper to pay damages after an investigation by the Animal Control Officer of the facts of the matter and appraisal conducted as outlined in Section 5.

2. In the event that the owner or keeper of such dog known to have done damage to livestock or fowl refuses to pay upon the order of the Board of Selectman, the Animal Control Officer shall enter or cause to be entered a complaint in District Court for the enforcement of the order.

SECTION 11: VACCINATION AGAINST RABIES

1. The owner or keeper of a dog six months or older, housed or sheltered in the Town of Middlefield shall cause such animal to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Massachusetts Department of Public Health. Such owner or keeper shall procure a veterinarian's certification that such animal has been so vaccinated and setting forth the date of such vaccination and

the duration of immunity, or a notarized letter from a veterinarian that a certification as issued, or a metal rabies tag bearing an expiration date indicating that such certification is still in effect.

2. Vaccinated animals shall be revaccinated periodically in accordance with rules and regulations adopted and promulgated by the Massachusetts Department of Public Health.

3. The owner or keeper of a dog shall present certification of rabies vaccination upon demand of the Animal Control Officer, police officers or other authorized officials of the Town.

4. The penalty for violation of this section shall be \$50.00 for each offense. The penalty for failure to vaccinate said animal within 30 days of notification of a violation of this section shall be \$75.00.

SECTION 12: QUARANTINE OF DOGS SUSPECTED OF HAVING CONTAGIOUS DISEASE

1. The Board of Selectman, or his authorized agent, may order any dog which said person has reason to believe is affected with a contagious disease, to be quarantined or isolated for at least 10 days upon the premises of the owner or of the person in whose charge it is found, or in such other place as the Board of Selectman or agent may designate.

2. A dog which has been quarantined or isolated by order of the Board of Selectman or his agent shall, during the continuance of such quarantine or isolation, be deemed to be affected with a contagious disease. The owner or keeper shall be responsible for any fees incurred for any off-premises quarantine. Whoever knowingly breaks or authorizes or causes to be broken a quarantine so imposed; or whoever contrary to such order of quarantine or isolation knowingly removes a dog or authorizes or causes it to be removed from a building, place or enclosure where it is quarantined or isolated; or whoever contrary to an order or notice of quarantine knowingly places or causes or authorizes to be placed any other animals within a building, place or enclosure where a dog is quarantined or in contact therewith; or knowingly causes or authorizes to be concealed, sold, removed or transported a dog, knowing or having reasonable cause to believe that it is affected with a contagious disease; or whoever knowingly authorizes or permits such dog to go at large within the Town of Middlefield shall be punished by a fine of \$200.00. Any such dog found at large by the Animal Control Officer, or other authorized agent of the Town, shall be captured and confined at the expense of said owner or keeper. This section shall not apply to the authorized Town officials in the performance of their duties.

SECTION 13: COMPLAINT INVESTIGATION; ORDER TO RESTRAIN OR REMOVE

If any person shall make a complaint in writing to the Board of Selectman that a dog owned or kept in the Town of Middlefield is a nuisance or dangerous dog as defined in Sections 7 & 8 of this By-Law, the Board of Selectman shall cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within 10 days after such order the owner or keeper of such dog may petition for relief of said order in accordance with the provisions of Massachusetts General law, Chapter 140, Section 157. Any person owning or keeping a dog subject to any order of the Selectboard, who fail to comply with said order of the Board of Selectman, shall be punished by a fine of \$100.00 for each offense. The owner/keeper of any dog subject to an order of the Selectboard shall be responsible for any and all costs of carrying out said order.

SECTION 14: VIOLATIONS AND PENALITES

Unless otherwise stated, violation of any provision of the regulations shall be punished by a fine not to exceed \$300.00. The provisions of these regulations may be enforced by the Animal Control Officer utilizing the procedures contained in Massachusetts General law Chapter 40, Section 21D, as a non-criminal disposition of the violation. The fine for violations pursued utilizing the provisions of Chapter 40 Section 21D, shall be \$50.00 unless otherwise specified within the regulation.

SECTION 15: BY-LAW SUPERIORITY

This By-Law supersedes any policies, directives, dog control, or dog restraint By-Laws now in effect. Unless otherwise provided for or mandated by law.

Chapter 14: Miscellaneous Provisions

SECTION 1. Buildings or structures shall not be moved on public ways without a permit from the Selectboard.

SECTION 2. No steel track tractor may be operated on any hard surfaced public way within the limits of the Town without a permit issued by the Board of Selectboard.

SECTION 3. No person, without first having obtained a written permit from the Board of Selectboard, shall:

- a) Operate a business, or
- b) Engage in door-to-door selling of merchandise, services or publications of a nonreligious nature, or
- c) Operate a sound truck on the streets, or
- d) Advertise upon the public ways by means of placards or so-called sandwich signs.

SECTION 4. No person shall remove any soil, sand or gravel from any land in the Town unless such removal is authorized by the Selectboard, except in conjunction with the construction of a building on the parcel and except for the continued operation on the same parcel of an existing sand and gravel pit. No such permit shall be issued until an application therefore is filed with Board of Selectboard who shall hold a public hearing which shall be advertised in a paper at least seven days before the public hearing. The above restriction shall not be construed to prevent any person from moving any soil, loam, sand, or gravel on his property for farming or horticultural purposes, in the course of ordinary use.

~~SECTION 5. Dog owners are required to restrain their dogs when they are not on the owner's property. Hunting dogs when being used for hunting or training shall be exempt. Violators of this provision shall be subject to a fine, the amount of which will be set by the Selectboard. [2018, Article 37]~~

SECTION 6. Owners of security systems that malfunction will be subject to fines, the amount of which will be set by the Selectboard.

SECTION 7. Restricted parking areas may be posted by sign following approval at a public hearing called by the Select Board. The Police shall have the authority to enforce these no-parking areas by requesting cars be moved, and then by ticketing any remaining cars. [2004, Article 34]

SECTION 8. No public or private utility and/or construction company shall work on any public way within the town without notifying the Police Chief or his/her designee. All road details shall be assigned by the Police Chief or his/her designee. [2004, Article 21d]

SECTION 9. No person shall hunt on any Town or private property in the Town of Middlefield without written permission by the property owner of the land upon which permitted hunting will take place. Local, State, and Environmental Police have power of enforcement and violators are subject to a fine of no more than \$25.00 for the first offense, and no more than \$50.00 for a second offense within a 24-month period. Written permission for hunting on Town or private property must be renewed on an annual basis. [1991, Article 25]

SECTION 10. The Selectboard to take all necessary and appropriate action to establish and to maintain, in accordance with the provisions of Chapter 164 of the general Laws and in accordance with the rules, regulations and orders of the Department of Public Utilities and the department of Telecommunications and Cable, a municipal lighting plant for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunications system and any related services. [Aug. 8, 2008 STM, Article 1, 2nd vote.]

SECTION 11. Change the word "Selectmen" to "Selectboard" wherever it appears in the Regular By-Laws. [2021, Article 31].

Chapter 15: Penalties

SECTION 1. Whoever violates any of the provisions of these by-laws whereby any act or thing is enjoined or prohibited, shall, unless other provision is expressly made, forfeit and pay a fine not exceeding twenty dollars (\$20.00) for each offense, and each continuing day of such violation may be considered a separate offense.

SECTION 2. The Town will deny any application for, or revoke or suspend a building permit, or any local license or permit including renewals and transfers issued by any board, officer, department 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. [2016, Article 36]