

**BYLAWS OF THE
TOWN OF SANDSFIELD, MASSACHUSETTS
WITH ALL AMENDMENTS TO May 18, 2019**

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**CHAPTER I
GENERAL PROVISIONS**

- Section 1** The following provisions shall constitute the general bylaws of the Town of Sandisfield and shall be in lieu of all bylaws heretofore in force and the same are hereby repealed.
- Section 2** The repeal of a bylaw shall not thereby have the effect of reviving any bylaw therefore repealed.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** When in a bylaw, anything is prohibited from being done without the license or permission of a certain officer, board or committee, such officer, board or committee shall have the right to license or permit such thing to be done.
- Section 5** Any and all of these bylaws may be repealed or amended or additional bylaws may be adapted at any town meeting, except any bylaw relating to zoning or any amendment or repeal of a zoning bylaw, by the article for the purpose having been inserted in the warrant for such meeting by the Selectmen or in the manner provided by law, such change to be effective after approval of the Attorney General and proper advertising.
- Section 6** All Town departments, commissions or functions not governed by those bylaws are covered by pertinent provisions of the General Laws.

**CHAPTER II
TOWN MEETING**

Section 1 The Annual Town Meeting for the election of such Town Officers or other officers required by law to be elected and for the determination of a matter to be voted for on a ballot as required by law, shall be held on the first Monday after the second Tuesday of May of each year, except when said Monday falls on a holiday, then the meeting shall be held on the following day.

Section 2 The Annual Town Meeting for the transaction of all business on the Warrant except the election of officers and the determination of such matters as are required to be elected or determined by ballot shall be held on the first Saturday after the second Tuesday in May.

**Section 1 and 2 Chapter II
Amended at Town Meeting March 9, 1974
Approved by the Attorney General March 25, 1974**

Section 3 Warning of every Town Meeting shall be given by the Town Clerk causing the posting of attested copies of the Warrant in at least three public places in the Town not less than seven days before the day fixed for such posting.

Section 4 The Selectmen shall cause the Annual Town Report to be printed and made available in the Library and Town Offices and also posted on the Town Website by March 1 of the following year. By the first business day following March 1, a mailer shall be sent to all residents as a reminder that the Annual Town Report is on the Website and in print at the Library and Town Offices, and may also optionally be mailed upon request in writing.

**Section 4 Chapter II
Amended at Town Meeting, May 14, 2022
Approved by the Attorney General, September 9, 2022**

Section 5 As soon as practicable after adjournment of any Town Meeting, on a vote to adjourn to another day, the Town Clerk shall cause a statement as to the day and hour and place to which such meeting was adjourned and shall give notice of the same by causing attested copies of said statement to be posted in the three public places in Town, and, if practicable, by publishing notice of the same in a newspaper printed within the county.

Section 6 The number of voters necessary to constitute a quorum of any Town Meeting shall be 15, provided, however, that a lesser number may, from time to time, vote to adjourn a meeting and set a time and place of Town Meetings as are devoted exclusively to election of town officers or other officials to be chosen by ballot or relating to questions which are to be determined by secret ballot.

**Section 6 Chapter 11
Amended at a Town Meeting, May 18, 1996
Approved by the Attorney General, July 30, 1996**

Section 7 The articles of the Warrant shall be acted upon in the order in which they appear unless otherwise determined by vote of the meeting and any article appearing in the Warrant requiring other than a majority vote for passage shall have the proportion of the vote required stated immediately following the article in the Warrant.

Section 8 Articles in the Warrant covering items that the Town is obliged to pay shall be listed in such manner that they may, if deemed practicable, be voted on as one.

Section 9 Motions shall be made in writing if so directed by the Moderator.

Section 10 If a motion is susceptible of division, in the opinion of the Moderator, It shall be divided and the question shall be put separately upon each portion thereof if ten voters so request.

Section 11 Town meetings shall be conducted in accordance with the provisions detailed in the handbook, "Town Meeting Time," unless otherwise required by the General Statutes and/or these bylaws.

Section 11 Chapter II
Amended at Town Meeting, May 14, 1983
Approved by the Attorney General, June 22, 1983

Section 12 When a question is put, the sense of the meeting shall be determined by the choice of the voters and the Moderator shall declare the votes as it appears to him. If the Moderator is unable to decide the vote by the sound of the voices, or his decision is immediately questioned by seven or more voters, he shall determine the vote by polling or division and he may appoint tellers to make and return the count.

Section 12a The Moderator shall decide all votes. If a two-thirds vote is require, he/she may declare and record the vote as meeting the requirement, provided however, that if a vote so declared is immediately questioned by three or more voters, he/she shall verify the vote by polling voters.

Section 12a Chapter II
Amended at a Town Meeting May 12, 2007
Approved by the Attorney General July 17, 2007

Section 13 The meeting may order that the vote upon any motion shall be taken by a Yes or No ballot.

Section 14 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, unless ten voters shall object thereto; if as many as ten voters so desire any such person shall be allowed to speak, anything in this section to the contrary notwithstanding, any attorney representing the Town or a voter shall disclose the fact of his representation before speaking on any matter.

Section 15 No person shall speak more than once on any question to the exclusion of any other person who may desire to or another person who may desire to speak thereon, nor more than twice without first obtaining leave of the meeting, except that, in either case, with the approval of the Moderator, a person may speak again briefly to correct an error or misunderstanding resulting from his previous statement.

Section 16 No person shall speak for more than seven minutes on any question unless his time shall be extended by vote of the meeting or unanimous consent.

- Section 17** All boards and committees shall, without delay, after the Town election, elect a chairman or clerk or secretary, and give notice in writing of such election to the Town Clerk.
- Section 18** All committees shall report as directed and, in no case, later than the Annual Town Meeting succeeding the meeting at which the committee was originally designated and all committees shall be dissolved at such succeeding Annual Meeting unless extended thereat by vote of the meeting or a later date for reporting was set in the original vote authorizing the committee.
- Section 19** 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 adjournment of meeting at a later stated time and place, or indefinite postponement tabling or passing over any matter.
- Section 20** To be included in the Warrant for the Annual Town Meeting of any year, articles must be presented to the Selectmen not later than five weeks before said meeting.

**CHAPTER III
TOWN OFFICERS**

- Section 1** There shall be three Selectmen, their terms of office so arranged that one expires each year on the date of the Annual Town Meeting at which time a successor shall be elected for a three year term.
- a) The Selectmen shall seven (7) days before the Annual Town Meeting of each year, 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.
 - b) The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law and/or these bylaws.
 - c) The Selectmen may from time to time establish traffic rules and regulations as they may deem advisable.
 - d) The Selectmen shall be responsible for presenting an annual operating budget to Town Meeting.

**Section 1 Chapter III
Amended at a Special Town Meeting June 28, 2017
Approved by the Attorney General Oct. 16, 2017**

- Section 2**
- a) The Planning Board, established under Chapter 41, Section 81A of the General Laws, shall have (5) permanent members. At the first Annual Town Meeting for the election of such members; one candidate for a term of five (5) years, one candidate for a term (4) years, one candidate for a term of three (3) years, one candidate for a term of two (2) years, one candidate for a term of one (1) year, and at each succeeding Town Meeting one member shall be elected for a term of five (5) years. Members shall serve without pay, shall choose their own officers, and shall be sworn to the faithful performance of their duties. Vacancies shall be filled by the Selectmen in accordance with Chapter 41, Section 11 of the General Laws, which appointees shall serve until the next annual Town Meeting at which time the vacancy shall be filled by election for the remainder of the term.
 - b) It shall be the duty of the Board to make a study of 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 individual and the welfare of the community. The Board shall make recommendation, by annual report, 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.

Section 2a Chapter III
Amended at Town Meeting, March 11, 1967
Approved by the Attorney General, March 21, 1967

Section 3

The following Town Officers, Boards or Committees not provided for theretofore, shall be elected at Annual Town Meeting for a term of three (3) years:

- a) The Town Clerk: It shall be the duty of the Town clerk as soon as possible after every Town Meeting, to notify in writing all members of the 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.
- b) Library Trustees: There shall be three Library Trustees to be elected for terms of five (5) years.
- c) The Constables
- d) Board of Health: There shall be a three-member Board of Health, their terms of office so arranged that one expires each year on the date of the Annual Town Meeting at which time a successor shall be elected for a three (3) year term.
- e) School Committee: There shall be a three (3) members of the School Committee, their terms of office so arranged that one expires each year on the date of the Annual Town Meeting at which time a successor shall be elected for a three year term.
- f) Board of Assessors: There shall be three(3) assessors, their terms of office so arranged that one expires each year on the date of the Annual Town Meeting at which time a successor shall be elected for a three year term.

Section 3 Chapter III
Adopted at Special Town Meeting Oct 16, 2018
Approved by the Attorney General January, 2019

Section 4

The following Town Officers, Boards or Committees not provided for heretofore, shall be elected at Annual Town Meetings for a term of one (1) year.

- a) Moderator – who shall not hold the office of Selectmen, or sit on any committee for which the Moderator holds the responsibility of appointment.

Section 4a Chapter III
Amended at Special Town Meeting, Oct 16, 2018
Approved by the Attorney General, Jan 23, 2019

Section 5

The following Town Officers, Boards or Committees not provided for Heretofore, shall be appointed by the Selectmen.

There shall be a Zoning Board of Appeals consisting of three (3) members to be appointed by the Board of Selectmen, who may also appoint two (2) associate members, as provided in Section 12, Chapter 40A of the General Laws. The Board shall act within its statutory powers as provided in Section 14, Chapter 40A (G.L.) and on matters within its jurisdiction under this bylaw in a manner prescribed in Section 15, Chapter 40A (G.L.). This Board of Appeals shall also serve as the Board of Appeals under the Subdivision Control Law as provided in Chapter 41, Section 81-Z of the General Laws.

Section 5 Chapter III
Amended at Town Meeting, May 13, 1978
Approved by the Attorney General, September 5, 1978

Tree Warden.

Council on Aging: There shall be a five (5) member Council on Aging. Beginning in 1988 and continuing every third year thereafter there shall be appointed one (1) member to the Council on Aging for a term of three (3) years. At all other years there shall be appointed two (2) members to the Council on Aging for a term of three (3) years.

Section 5C Chapter III
Adopted at the Town Meeting, May 16, 1987
Approved by the Attorney General, August 24, 1987

Historical Commission: There shall be a five (5) member Historical Commission . Beginning in 1989 and continuing every third year thereafter there shall be appointed one member to the Historical Commission for a term of three years. At all other years there shall be appointed two (2) members to the Historical Commission for a term of three (3) years.

Section 5D Chapter III
Amended at Town Meeting, May 13, 1989
Approved by the Attorney General, September 22, 1989

The Town Treasurer

The Collector of Taxes

Town Accountant

Section 5D,E,F Chapter III
Amended at Town Meeting, Oct 16, 2018
Approved by the Attorney General, Jan 23, 2019

Section 6

There shall be a five (5) member Finance Committee consisting of registered voters or taxpayers of the Town of Sandisfield, no more than one of which may not be a registered voter appointed by the Moderator of the Town for a term of three (3) years. The Town Manager, or designee, shall serve as a non-voting ex-officio member provided, however, that this person shall be seated as a voting member whenever the committee lacks a quorum. The Moderator shall fill all vacancies by appointment.

The Moderator may remove Finance Committee members for cause by submitting in writing to the Selectboard recommendations for the removal

of a finance committee member. At a regular meeting of the Board of Selectmen, said body will vote to accept/reject the Moderator's recommendation for removal. It shall be the duty of the Finance Committee to review the budget presented by the Selectmen and make recommendations to the town meeting relative to all appropriations. These recommendations should be developed, reviewed, approved, and presented in accordance with the Town budget timeline as follows:

The Finance Committee shall provide the Select Board with its comments and recommendations on the Town's budget in accordance with the Town's annual budget timeline. The Select Board shall vote on all appropriation requests with any modifications it deems necessary, and shall present a final budget to the finance committee, which shall vote on all appropriation requests and present its votes to the Town

Meeting. Appropriation-related articles in the Town Meeting warrant shall include a statement describing the votes of the Select Board and the Finance Committee on each such article (e.g., Select Board voted approval 2-1; Finance Committee voted disapproval 4-1)

The Finance Committee shall otherwise have the duties prescribed by statute (M.G.L 39 § 16).

Section 6 Chapter III
Amended at Town Meeting, Oct 16, 2018
Approved by the Attorney General, March 11, 2019

**CHAPTER IV
FINANCIAL AFFAIRS**

Section 1 Each officer, board or committee authorized to spend money shall, on or before July tenth of each year, transmit to the Town Accountant all unpaid bills outstanding as of June thirty.

Section 1 Chapter IV
Amended at Town Meeting, May 14, 1977

Section 2 The Collector of Taxes shall have all the means of collecting taxes that the Treasurer would have if he were appointed Collector of Taxes,

- a) The Collector of Taxes shall collect under the title of Town Collector all accounts due the Town, except interest on investments of trust funds, fees for licenses and permits issued or granted by the various departments of the Town, or other accounts otherwise provided for by law.
- b) The Collector of Taxes shall report to the Selectmen from time to time, as they may direct upon all uncollected accounts in his hands. The Selectmen shall take such action with respect to all such accounts as they deem expedient and consistent with the interest of the Town.
- c) The Collector of Taxes shall, at least once in every ten days, remit to the Town Treasurer all money received by him on every account.

Section 3 The Town Treasurer shall, at least once in every ten days, deposit in the bank all money in his possession, belonging to the Town.

- a) Except as otherwise provided by the law, the Treasurer shall have custody of the deeds, bonds, contracts, insurance policies, and other similar documents owned by the Town.

Section 4 Every officer shall turn over to the Treasurer 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 boards, committees, and disbursements, and shall provided that such methods and forms shall conform to the requirements prescribed by law or any rules or regulations made thereunder.

- Section 6**
- a) There are hereby established in the Town of Sandisfield, pursuant to the provisions of M.G.L. c.44, sec. 53 ½, the following Revolving Funds, from which the specified department head, board, committee, or officer may incur liabilities against and spend monies from without appropriation in accordance with the limitations set forth in this bylaw.
 - b) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

- c) No liability shall be incurred in excess of the available balance of the fund.
- d) The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting or any increase therein as may later be authorized by the Board of Selectmen and finance Committee in accordance with M.G.L. c.44, sec 53E ½.
- e) Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the General Fund
- f) Authorized Revolving Funds

Board of Health	Sanitary Inspector	Permits & inspections
Building Dept.	Plumbing Inspector	Permits & inspections
Building Dept.	Building Inspector	Permits & inspections
Building Dept.	Wiring Inspector	Permits & inspections
Building Dept.	Gas Inspector	Permits & inspections
Dog Licensing	Town Clerk	Fees & charges from dog licensing fees
Transfer Station Stickers	Board of Selectmen	Fees & charges from transfer station sticker fees
Legal Ad Fees	Town Accountant	Fees & charges related to hearings

Section 6 Chapter IV
Amended at Town Meeting May 13, 2017
Approved by Attorney General July 21, 2017

CHAPTER V CONTRACTS

Section 1 Any person performing services for or holding an office, position, employment or membership in a municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation on a full regular, part-time, intermittent, or consultant basis, but excluding elected members of a Town Meeting, shall comply with all provisions applicable to Municipal Employees as outlined in Chapter 268A Amended
(Conduct of Public Officials and Employees approved July 26, 1962, to take effect May 1, 1963.)

Section 2 No contract shall be awarded for any work or service to be performed for the Town, and no purchase of materials, supplies, or equipment shall be made, unless the contract is awarded in compliance with Massachusetts General Laws Chapter 30B.

**Section 2 of Chapter
Amended at Town Meeting May 15, 2005**

The Selectmen may exempt a purchase or contract from any or all of the provision of this section when, in their opinion, an emergency exists requiring immediate action to protect the health and safety of persons or property, or when no reasonable substitute can be obtained for the article or service to be purchased or contracted for. evidence indicating that such an emergency exists or that no reasonable substitute for a purchase or a service can be obtained, shall be furnished in writing by the Selectmen, and shall be kept on file with other records of such transactions.

**Section 2 Chapter V
Amended at the Town Meeting, May 13, 1995
Approved by the Attorney General, Nov. 13, 1995**

**CHAPTER VI
LEGAL AFFAIRS**

- Section 1** The Selectmen shall be 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 may be involved.
- Section 2** The Selectmen may at their discretion compromise or settle any claim to which the Town is a party, which does not require payment by the Town of an amount in excess of One Thousand Dollars(\$1,000.00) with the approval of the Town Meeting. No settlement of a claim or suit obligating the Town in an amount in excess of One Thousand Dollars (1,000.00) shall be made, except as authorized by law, without the consent of the Town Meeting.
- Section 3** The Selectmen in their annual report shall state what actions have been brought against the Town, what cases have been compromised or settled, and the current standing of all suits involving the Town or any of its interests.
- Section 4** The Selectmen shall annually in May after final adjournment of the Annual Town Meeting, appoint a resident or non-resident of the Town Who is a member in good standing or the Bar, to serve as Town Counsel for the term of one year from the first day of June following 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 un-expired term, and may employ Special Counsel whenever, in their judgment necessity arises.
- Section 4 Chapter VI**
Amended at Town Meeting, March 9, 1974
Approved by the Attorney General, March 25, 1974
- Section 5** It shall be the duty of the Town Counsel to conduct the prosecution, defense or compromise claims, actions and proceedings to which the Town is a party, and the prosecutions of actions, or 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 officers, board or committee as such when the Selectmen, having determined that any right or interest of the Town is 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 bylaw of the Town, when requested so to do by the board or office enforcing same; to examine and report upon titles to all land to be acquired by the Town; to prepare nor approve contracts, bonds, deeds and other legal instruments in which the Town is a party or in which any right or interest of the Town is involved; to appear at any and all hearings on behalf of the Town whenever his services may be required; and generally to advise and act for the Town officers, boards and committees upon and in legal matters touching the duties of their respective offices.

**CHAPTER VII
RECORDS AND REPORTS**

Section 1 All 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 authorized Town Offices, and shall not be removed there from. Said books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under the supervision of the officer, board or committee having custody thereof.

Section 2 All officers, boards, standing committees and special committees of the Town, having charge of the expenditures of Town money, shall annually report thereon in writing in such manner as to give the citizens a fair 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 15th day of March of each year.

**Section 2 Chapter VII
Amended at Town Meeting, March 9, 1974
Approved by the Attorney General, March 25, 1974**

Section 3 The Annual Town Report shall contain, in addition to the reports of the 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 liabilities of the Town on bonds, notes, certificates of indebtedness, or otherwise, and of indebtedness authorized; a statement of transfers made to or from any appropriations; abstract of 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 to contain, or as may be inserted under the discretion granted them by law.

**CHAPTER VIII
MISCELLANEOUS PROVISIONS**

- Section 1** All officers, boards or departments may dispose of such personal property of the Town (not real estate) in their custody when they deem it advisable and in the best interests of the Town, after such disposition shall be approved and authorized in writing by the Selectmen. It, in the judgment of any officer, board or department, the value of the property to be disposed of by sale exceeds One Hundred Dollars (\$100.00), the property shall be advertised in a newspaper published in the County and bids requested. Every officer, board or department shall include in its Annual Report a list of property so sold, the amount therefore and the name of the Purchaser.
- Section 2** All officers, boards or departments must submit annually to the Selectmen a list of all Town property in their custody; this list to reflect what purchases had been acquired during the current year. Said list to be filed in the Town Office.
- Section 3** No person shall make any excavation in any public way, or remove earth, or gravel there from, without first having obtained the written permit therefore from the Road Superintendent. No person shall deposit or sweep rubbish onto any public way.
- Section 4** The Selectmen shall cause copies of these bylaws to be kept in the Town Offices, where copies may be had upon application.
- Section 5** No person or corporation within the Town shall be a collector of, dealer in or keeper of a shop for sale or barter of junk, old metals, or second hand articles unless licensed by the Board of Selectmen as provided by statute, except that permits for fund raising sales of second hand articles by local religious, social or charitable organizations, may be issued by the Board of Selectmen.
- Section 6** Owners or keepers of unlicensed dogs as of June 1st of each license year, shall be subject to a fine of \$25.00 per dog. Owners or keepers of dogs whom have failed to vaccinate against rabies shall be subject to a fine of \$50.00 per dog. By order of the Board of Selectmen, dogs shall be restrained from running at large. The penalty for each violation of not restraining the dog/s shall be a fine of \$25.00 per dog. The penalty shall be separate from and in addition to any penalties or remedies at law provided under the Massachusetts General Laws.

Section 6 Chapter VIII
Adopted at Town Meeting, May 14, 1983
Approved by the Attorney General, June 22, 1983

- a) No person shall hunt on any Town owned or Private Property in the Town of Sandisfield without first obtaining written permission of the landowner on a form provided by the Town Clerk or Chief of Police. The written permission must be carried while hunting and must be renewed annually on a calendar year basis.
- b) Violators of this By Law may be penalized by indictment or on complaint brought in the district court or by a non-criminal disposition, as provided by Section 21D of Chapter 40 of the Massachusetts General Laws.

- c) Fine for a first offense shall be \$100.00 (One Hundred Dollars). Fine for a second or subsequent offense shall be a minimum of \$200.00 (Two Hundred Dollars) to a maximum of \$300.00 (Three Hundred Dollars).
- d) This By Law may be enforced by all state and local enforcement agents and may be administered by Massachusetts General Laws Chapter 40, Section 21D, but nothing in this By Law shall prevent the enforcement of any other provisions of the General Laws including, but not limited to, Massachusetts General Laws Chapter 131, Section 87.
- e) The owner of land shall enjoy all the protection afforded him under M.G.L. Chapter 21, Section 17C. In particular, the owner of land who permits the public to use such land for hunting purposes, without charge or fee therefore, shall not be liable for injuries or property sustained while on said land except for willful, wanton or reckless conduct by such owner.

Section 7 Chapter VIII
Adopted at the Town Meeting, May 13, 1995
Approved by the Attorney General, November 13, 1995

- Section 8** Under the authorization and direction of the Selectmen on behalf of the Town, all persons and businesses are required to separate unbroken glass, metal and paper in designated areas or containers at the transfer station.
- Section 9** No person shall act as a hawker, peddler, or transient vendor within the Town of Sandisfield until he has first obtained a license from the Board of Selectmen.
- Section 10** Sound trucks and other advertising sound wagons or vehicles shall not operate on the public highways with said sound or other noise apparatus or devices in operation, except in accordance with a written permit from the Board of Selectmen.
- Section 11** Upon complaint in writing to the Selectmen or Chief of Police, the owner of premises upon which unregistered and dilapidated motor vehicle and/or parts thereof has been allowed to stand thereon shall remove said unregistered and dilapidated motor vehicle and/or parts within four(4) weeks of being informed of said complain by the Selectmen or Chief of Police from any premises unlicensed under Chapter 140, Section 57 of the Massachusetts General Laws. The Selectmen's judgement shall be final as to determining whether or not a motor vehicle is junked or dilapidated.

Whoever violates any of the provisions of this bylaw shall pay a fine not to exceed \$20.00 for each offense. Each dilapidated motor vehicle or part thereof that has been allowed to stay on the premises beyond the four (4) week period may constitute a separate offense, and each continuing day of such violation may also be considered a separate offense.

Section 12 A non-resident property owner may receive a separate conspicuous statement with their property tax bill, stating that notice of hearings under Chapter 40A shall be sent by mail, postage prepaid, to any such owner who files an annual request for such a notice with the Town Clerk before January 1st, and pays a reasonable fee to be established by the Board of Selectmen.

Section 12. Chapter VIII
Amended at Town Meeting, May 13, 1978
Approved by the Attorney General, September 5, 1978

Section 13 Local Licenses and Permits; Denial, Revocation or Suspension for Failure to Pay Municipal Taxes or Charges.

- a) The tax collector or other municipal official responsible for the Records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority that licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, thereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.
- b) The licensing authority may deny, revoke or suspend any licensing or permit, including renewals and transfers or any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of 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 tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect so 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 bylaw shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.
- c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

- d) The board of selectmen 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 section one of chapter two hundred and sixty-eight A of the Massachusetts General Laws in the business or activity conducted in or on said property.
- e) This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes; section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one, marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eight-one of chapter one hundred and forty.

Section 13 of Chapter VIII
Adopted at the Town Meeting May 16, 2009
Approved by the Attorney General July 16, 2009

Section 14 Stretch Energy Code

a) Definitions

International Energy Conservation Code (IECC) – The International Energy Conservation Code (IECC) is a building energy 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, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code – Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

b) Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

c) Applicability

This code applies to residential and commercial building permits as of January 1, 2019, including alterations, renovations and additions. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

d) Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into this Bylaw. The Stretch Code is enforceable by the inspector of buildings or building commissioner and effective as of January 1, 2019.

Section 14 of Chapter VIII
Adopted at Special Town Meeting October 16, 2018
Approved by the Attorney General March 11, 2019

Section 15 Non-Criminal Disposition Scope and Authority This Bylaw provides for a non-criminal disposition of a violation of any Town Bylaw, the violation of which is subject to a specific penalty. This Bylaw is enacted in accordance with MGL c.40 §21D.

a) Enforcing Person

“Enforcing Person,” as used in this Bylaw, shall mean any Police Officer of the Town of Sandisfield with respect to any offence; the Fire Chief and his/her designee; the Building Inspector and his/her designee; the Public Health Director and his/her designee; the Director of Public Works and his/her designee; the Dog Officer and his/her designee and such other officials as the Bylaw may from time to time designate, each with respect to violations of the Bylaws within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

b) Fines

Notwithstanding any other provisions of this Section, when enforced pursuant to non-criminal disposition procedures of MGL c.40 §21D, the following shall be the fines applicable to the listed offenses, unless otherwise specifically provided by Bylaw.

- | | |
|-------------------------------------|-------|
| 1. First Violation: | \$100 |
| 2. Second Violation: | \$200 |
| 3. Third and Subsequent Violations: | \$300 |

Section 15 Chapter VIII
Adopted at Special Town Meeting February 25, 2019
Approved by the Attorney General on July 1, 2019

Section 16 False Fire and Police Alarm Bylaw and Related Regulations

a) Definitions

False Alarm: Activation of an emergency alarm system installed in or on property owned by an owner/operator other than the Town that signals directly to an emergency department, whether such alarm is activated through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or their employees or agents; provided, however, that alarms caused by power outages, hurricanes, tornadoes, earthquakes, and other similar weather or atmospheric disturbances shall not be deemed to be false alarms; further, repairing an alarm, when documentation is provided to the appropriate emergency department prior to the activation of such alarm in connection with the repair shall not be deemed to be a false alarm.

Emergency Department – Fire Department or Police Department, or dispatch center, as appropriate, with jurisdiction over the type of alarm installed.

Owner/Operator – Owner, lessee, operator, or other person in control of property at, in or on which an alarm system is installed, or owner or lessee of alarm system that signals directly to any emergency department.

- b) This bylaw may be enforced by any means available in law or in equity, including in accordance with the provisions of G.L. c.40, §21D, non-criminal disposition, with each day a violation exists constituting a separate violation.

For any false alarm that occurs, the enforcing official shall be the Police Chief or Fire Chief, as appropriate, or their designees, or the Board of Selectmen, and the following fine schedule shall apply:

- 1. First violation in a calendar year warning
- 2. Second violation in a calendar year \$150.00
- 3. Third and subsequent violation in a calendar year - \$300.00

For any other violation of this bylaw, the enforcing official shall be the Board of Selectmen or its designee, and the following fine schedule shall apply:

- 1. First offense in a calendar year warning
- 2. Second offense in a calendar year \$50.00
- 3. Third and subsequent offenses in a calendar year \$100.00

- c) All emergency alarm systems shall be registered and approved by the Police or Fire Department, as appropriate, upon installation. No later than 30 days following the effective date of this bylaw, all owners/operators of property with emergency alarm systems already installed, if they have not already done so, shall register their systems with the Sandisfield Police or Fire Department, as appropriate.
- d) The owner/operator of the property at which an alarm is installed shall ensure that Berkshire County Dispatch is provided with the 24/7 contact information for the owner/operator and at least one (1) other contact that has full access to the property during emergency situations, and to ensure that this contact information is kept current.
- e) The Fire Chief or Police Chief, as appropriate, shall determine that a false alarm has been transmitted. The Police or Fire Chief may waive any of the fines stated in this section if circumstances warrant such waiver. Reasons for any such waiver shall be attached to the violation notice issued to the owner/operator of the property.

Section 16 Chapter VIII
Adopted at Annual Town Meeting Feb 25, 2019
Approved by the Attorney General May 24, 2019

Section 17 Administration of Fines for Certain Violations

- a) The procedures for the payment and collection of unpaid municipal fines, as set forth in Chapter 40U of the Massachusetts General Laws, are hereby adopted.
- b) The Board of Selectmen shall appoint a Municipal Hearing Officer to conduct hearings of alleged violations of the Bylaws and Regulations specified in this Chapter.

- c) Notwithstanding the provisions of this Bylaw, the Town may enforce its bylaws and regulations or enjoin violations thereof through any lawful process, including but not limited to through Non-Criminal Disposition as set forth in Chapter VIII, Section 15 of the Town's General Bylaws, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.
- d) The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.
- e) Any rule, regulation, order or bylaw relating to housing, sanitary or municipal snow and ice removal requirements not specifically listed herein shall be penalized by a fine of \$200.

Section 17 Chapter VIII
Adopted at Special Town Meeting Nov 17, 2022