

GENERAL BYLAWS

TOWN OF BUCKLAND

as amended

Special Town Meeting, January 9, 1996

Annual Town Meeting, May 6, 1998

Annual Town Meeting, May 5, 2010

Annual Town Meeting, May 4, 2011

TABLE OF CONTENTS

CHAPTER I GENERAL PROVISIONS.....3
 Title.....3
 Effect of Repeal3
 Power to License3
 Solicitation By-Law.....3
 Manner of Repeal.....4
 Penalty.....4

CHAPTER II TOWN MEETING.....4
 Parliamentary Procedure4
 Date of Meetings.....4
 Notice of Meeting5
 Quorum.....5
 Division of Question.....5
 Priority of Motions.....5
 Manner of Voting.....6
 Limit of Debate.....6
 Reconsideration.....6
 Committee Reports6
 Completion of Business6

CHAPTER III TOWN OFFICERS7
 Powers of Selectmen.....7
 Notice of Action of Meeting.....7
 Assessors Rescinded.....7
 Selectmen7

CHAPTER IV ADVISORY COMMITTEE7
 Finance Committee7

OTHER COMMITTEES8
 Council on Aging By-Law8
 Personnel Committee8
 Harassment9
 Just Cause9

CHAPTER V FINANCIAL AFFAIRS10
 Audit of Account10
 Submission of Bills11
 Town Collector10
 Custody of Certain Documents.....10
 Disposition of Departmental Receipts.....10

LICENSES.....	11
CHAPTER VI CONTRACTS BY TOWN OFFICERS	12
Participation by Town Officers	12
Security for Performance	12
Duration of Contracts.....	12
Competitive bidding.....	12
CHAPTER VII LEGAL AFFAIRS.....	13
UNREGISTERED MOTOR VEHICLES	13
CHAPTER VIII RECORDS AND REPORTS	14
Custody of Records	14
Annual Town Report	14
CHAPTER IX RECYCLING	14
Recycling program.....	14
Definitions.....	15
Separation of recyclables and placement for removal	16
Ownership of recyclables - offenses	16
CHAPTER X PUBLIC SAFETY	16
Non-Motorized Conveyances.....	17
Off Duty Police Details.....	17
CHAPTER XI - DOG BYLAWS.....	17
Licensing	18
Dogs running at large	18
Rabies wildlife policy	19
Fees	19
CHAPTER XII – TOBACCO USE/SALES – NON-CRIMINAL DISPOSTION.....	19
Use or possession of tobacco products on school property.....	19
Tobacco products sales.....	19
CHAPTER XII – STRETCH ENERGY CODE.....	20

BY-LAWS FOR TOWN OF BUCKLAND

CHAPTER I GENERAL PROVISIONS

Title

Sec. 1. The following provisions shall constitute the General By-Laws of the Town of Buckland, which shall be in lieu of all by-laws heretofore in force.

Effect of Repeal

Sec. 2. The repeal of a by-law shall not thereby have the effect of reviving any by-laws, theretofore repealed. Effect of Change of Titles of Boards, etc...

Sec. 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.

Power to License

Sec. 4. When in a by-law 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.

Solicitation By-Law

Sec. 5. No person shall go from house to house selling or offering to sell by sample, lists, catalogue or otherwise for future delivery, nor shall any person go from place to place within the town begging or soliciting alms or contributions for any person, cause or organization either on foot or from any animal or vehicle, without first having recorded his name and address with the Selectmen and furnished such other information as may be required of him.

The Selectmen shall thereupon, if satisfied with the honesty of the applicant, issue a written permit for a period not exceeding twelve months, which must be shown on request, and shall state that said person has duly registered and is entitled to go from place to place within the town during reasonable hours, for the purpose specified.

The Selectmen may, however, authorize the directors of any religious organization, veterans group, hospital, Community Chest, Red Cross, Y.M.C.A., or other organization engaged in social, charitable or educational service to solicit contributions without having each solicitor under direction registered during reasonable hours.

Manner of Repeal

Sec. 6. Any or all of these by-laws may be repealed or amended or other by-laws may be adopted at the annual town meeting, an article or articles for that purpose having been inserted in the warrant for such meeting.

Penalty

Sec. 7. Whoever violates any of the provisions of these by-laws whereby any act or thing is enjoined or prohibited, shall, unless other provisions is expressly made, forfeit and pay a fine not exceeding twenty dollars for each offense.

CHAPTER II TOWN MEETING

Parliamentary Procedure

Sec. 1. The order of parliamentary procedure for town meetings shall be under the authority of the Town Meeting Time, a handbook of parliamentary law, Second Edition, by Richard B. Johnson, Benjamin A. Trustman and Charles Y. Wadsworth. This order of procedure shall not supersede any town by-law.

Sec. 2. It was voted to adopt a by-law requiring that:

- A. Twice yearly the Moderator shall call and moderate a combined meeting of all elected officials, all appointed officials, and representatives from each board, each commission, each department, each committee, and from the Board of Selectmen.
- B. A summary of minutes shall be prepared and approved by the Moderator.
- C. Said summary shall be presented orally to the Board of Selectmen at a weekly Board of Selectmen meeting.
- D. Said summary shall be available to the public within the Buckland Town Office.

Date of Meetings

Sec. 3. The Annual Town Meeting shall be held on the first Wednesday of May, following the annual election of town officers. If elections and the business meeting are held on different days, two sections should be used. (prev. S1)

Sec. 4. The annual town meeting for the election of town officers shall be held on the first Monday of May of each year. (prev. S1)

Sec. 5. All business at an annual town meeting, except the election of such officers and the determination of such matters as by law are required to be elected or determined by

ballot, shall be after eight o'clock P.M., or adjournment to another day. (prev. S2)

Sec. 6. The polls shall be opened by 10 o'clock in the morning and shall not close before 8 o'clock in the evening. (prev. S3)

Notice of Meeting

Sec. 7. Notice of every town meeting shall be given by posting attested copies of the warrant therefore in at least three public places in the town, not less than fourteen days before the day fixed for a Special Town Meeting and 7 days for an Annual Town Meeting. (prev. S4)

Sec. 8. At least five (5) days before the day fixed in the warrant for Annual Town Meeting, the selectmen shall make available to all Town residences a copy of the Annual Town Report including a copy of the Advisory Committee's report in location (s) authorized by the Board of Selectmen, or take any action relating thereto. (Amended 4/2/92) (prev. S5)

Quorum

Sec. 9. The number of voters necessary to constitute a quorum at any town meeting shall be 7; provided, however, that a number less than a quorum may from time to time adjourn the same. This section shall not apply to such parts of meetings as are devoted exclusively to the election of town officers. (prev. S6)

Sec. 10. Copies of the warrant and of the report of the Advisory Committee thereon shall be made available to the voters at all town meetings. (prev. S7)

Sec. 11. Articles of the warrant shall be acted upon in the order in which they appear unless otherwise determined by vote of the meeting. (prev. S8)

Division of Question

Sec. 12. If a motion is susceptible of division, it shall be divided and the question shall be put separately upon each part thereof, if 7 voters so request. (prev. S9)

Priority of Motions

Sec. 13. When a question is before the meeting, the following motions, namely: to adjourn; to lay on the table; for the previous question; to postpone to a time certain; to commit, recommit or refer; to amend; to postpone indefinitely; shall be received and shall have precedence in the foregoing order; and the first three shall be decided without debate. (prev. S10)

Sec. 14. On proposed amendments involving sums of money, the larger or largest amount shall be put to the question first, and an affirmative vote thereon shall be a negative vote on any smaller amount. (prev. S11)

Sec. 15. Any person who is employed as an attorney by another interested in any matter under discussion at a town meeting shall disclose the fact of his employment before speaking

thereon. (prev. S12)

Manner of Voting

Sec. 16. When a question is put, the sense of the meeting shall be determined by a show of hands and the Moderator shall declare the vote as it appears to him. If the decision of the chair is doubted, or a division of the house is called for, the Moderator shall request all persons in the house to be seated, and may appoint tellers. The question shall then be distinctly stated, and those voting in the affirmative and negative respectively, shall rise and stand in their places until they are counted by the Moderator or Tellers, if any. No person shall be counted who does not comply with the request to occupy a seat, if seats in the hall are available. If there are not available seats, those standing shall be counted separately by a show of hands. (prev. S13)

Sec. 17. Upon request of a voter the vote on any motion shall be taken by a "Yes" and "No" ballot. (prev. S14)

Limit of Debate

Sec. 18. No person shall speak more than twice on any question to the exclusion of any other person who may desire to speak thereon, nor more than twice without first obtaining leave of the meeting, except, in either case, for the brief correction of an error in or misunderstanding of his previous statement. (prev. 15)

Sec. 19. No person shall speak for more than ten minutes on any question unless his time shall be extended by vote of the meeting. (prev. S16)

Reconsideration

Sec. 20. No vote of the meeting shall be reconsidered unless notice of intention to ask for reconsideration shall have been given within one hour after the vote to which such notice related has been passed. When a motion of reconsideration is decided, that decision shall not be reconsidered, and no question shall be reconsidered more than once; nor shall any vote be reconsidered on a motion to adjourn, to lay on the table, or for the previous question. (prev. S17)

Committee Reports

Sec. 21. All committees shall report as directed by the Town. If no report is so made a committee shall be discharged unless, in the meantime, the town shall have granted an extension of time. (prev. S18)

Completion of Business

Sec. 22. No motion the effect of which would be to dissolve the meeting shall be in order until every article in the warrant therefore has been duly considered and acted upon, but this shall not preclude the postponement of consideration of any article to an adjournment of the meeting at stated time and place. (prev. S19)

CHAPTER III TOWN OFFICERS

Powers of Selectmen

Sec. 1. 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 or these by-laws.

Notice of Action of Meeting

Sec. 2. It shall be the duty of the Town clerk immediately after every town meeting to notify in writing all members of committees who may be elected or appointed at such meeting, stating the business upon 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 votes passed at such meeting in any way affecting them.

Assessors Rescinded

Selectmen

Sec. 3. No Selectman shall serve any other elective office or be appointed to fill a vacancy in an elective office except Moderator during his term of office as Selectman. (prev. S4)

CHAPTER IV ADVISORY COMMITTEE

Finance Committee

Sec. 1. There shall be an Advisory Committee consisting of six legal voters of the town. No elective or appointive town officer or town employee shall be eligible to serve on said committee.

Sec. 2. At each annual meeting the town shall in every year when the term of office of any incumbent expires, choose by ballot from its registered voters two members of said committee for terms of three years. The terms of office of said members shall commence immediately upon qualifications and shall expire at the close of final adjournment of the annual town meeting at which their successors are elected. Said committee shall choose its own officers and shall serve without pay, and it shall cause to be kept a true record of its proceedings.

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

Sec. 4. All articles in any warrant for a town meeting shall be referred to the Advisory Committee for its consideration. The Selectmen after drawing any such warrant shall transmit immediately a copy thereof to each member of said committee. A public hearing

may be held, at least 7 days before such town meeting upon all such articles, unless a public hearing by some other tribunal is required by law, and a notice of such hearing shall be given by posting a copy thereof in at least 3 public places in the town. Said committee shall, after due consideration of the subject matter of such articles, report thereon to the town meeting, in writing, such recommendations as it deems best for the interests of the town and its citizens.

Sec. 5. It shall be the duty of the Advisory Committee annually to consider the expenditures in previous years and the estimated requirements for the ensuing year of the several boards, officers and committees of the town, as prepared by them or by the town accountant in such form and detail as may be prescribed by said committee. The said committee shall add to such statement of expenditures and estimates another column, giving the amounts which in its opinion should be appropriated for the ensuing year, and shall further add thereto such explanations and suggestions relating to the proposed appropriations as it may deem expedient, and report thereon as provided in Sec. 4.

Sec. 6 In the discharge of its duty, said committee shall have free access to all books of record and accounts, bills and vouchers on which money has been or may be paid from the town treasury. Officers, boards and committees of the town shall, upon request, furnish said committee with facts, figures and any other information pertaining to their several activities.

Sec. 7. It shall be the duty of the Advisory Committee to make an annual report of its doings, with recommendations relative to financial matters and the conduct of town business, to be contained in the annual town report.

OTHER COMMITTEES

Council on Aging By-Law

Sec. 1. A city by ordinance or a town by-law may establish a council on aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with programs of the commission on aging established under Section Seventy-three of Chapter six. The council shall submit an annual report to the city or town and shall send a copy thereof to the commission on aging. The commission on aging from time to time shall review and evaluate such reports and make recommendations as to any required or needed changes in said local programs. The council may appoint such clerks and other employees as it may require.

Personnel Committee

Sec. 2. The Personnel Committee shall consist of three members, one of whom shall be a member of Finance Committee. Initially, one member shall be appointed for a term of two years by the Selectmen, one member shall be appointed for a term of three years by the Moderator, and one member shall be appointed for a term of one year by the Finance Committee. Subsequently, the Selectmen and Moderator shall each appoint a member for a two-year term. No Personnel Committee member shall serve more than two full consecutive terms. All terms shall begin on July 1 and end on June 30. All members of the Personnel Committee shall be residents of the town and shall serve without

compensation.

Sec. 3. PERSONNEL COMMITTEE AS PERSONNEL RELATIONS REVIEW BOARD

The Personnel Committee shall serve as the Personnel Relations Review Board. In that capacity, it shall have all the powers and duties assigned to such Personnel Relations Review Board by MGL c. 40 Sec. 21 B. It shall also be subject to the limitations imposed by MGL c. 40 Sec. 21 B.

The Personnel Relation Review Board shall fulfill its role in the Grievance Procedure as described in Section D of this By-Law.

The Personnel Relations Review Board shall keep a record of its proceedings, which shall not be open to public inspection, except as required by state law.

Sec. 4. GRIEVANCE PROCEDURES - An employee may file a grievance with the Personnel Relations Review Board based on disciplinary action or termination within twenty working days after receipt of notice of the action taken by the appointing authority. The Personnel Relations Review Board shall meet and render a written decision within twenty working days after receipt of the grievance, and its decision shall be final. The aggrieved employee shall be notified in writing of the Personnel Relations Review Board's decision within five working days of its meeting,

Harassment

Sec. 5. No Town employee shall be subjected to any unwelcome conduct or communications that have the purpose or effect of unreasonably interfering with an individual's job performance. An employee may file a grievance for harassment with the Personnel Relations Review Board within twenty working days after the harassment has occurred. The Personnel Relations Review Board shall meet and render a written decision within twenty working days after receipt of the grievance, and its decision shall be final. The aggrieved employee shall be notified in writing of the Personnel Relations Review Board's decision within five working days of its meeting, and a copy of the employee's grievance and the Personnel Relations Review Board's decision shall be kept permanently in the employee's personnel file. No Town employee shall be subjected to any form of intimidation, coercion, retaliation, and interference or discrimination for filing a Harassment Grievance.

Just Cause

Sec 6. An employee may only be removed by the appointing authority, and said appointing authority may only remove an employee for cause, with proper documentation. Such causes for dismissal may include but are not limited to the following:

1. refusal to perform job as outlined in accepted job descriptions
2. habitual tardiness
3. inaccurate time sheets
4. use or possession of illegal substance or alcohol while on the job
5. disclosure of confidential information

6. abuse of sick time
7. violation of safety rules
8. harassment of other employees

An employee who has been removed may file a grievance with the Personnel Relations Review Board within twenty working days after the removal has occurred. The Personnel Relations Review Board shall meet and render a written decision within twenty working days after receipt of the grievance, and its decision shall be final. The aggrieved employee shall be notified in writing of the Personnel Relations Review Board's decision within five working days of its meeting, and a copy of the employee's grievance and the Personnel Relations Review Board's decision shall be kept permanently in the employee's personnel file.

No Town employee shall be subjected to any form of intimidation, coercion, retaliation, interference or discrimination for filing a grievance unjust removal.

CHAPTER V FINANCIAL AFFAIRS

Audit of Account

- Sec. 1. An audit of the accounts of the town shall be made annually under the supervision of the State Director of Accounts, as provided by Section 35 of Chapter 44 of the General Laws. **REPEALED 5/04/94**

Submission of Bills

- Sec. 2. Each officer, board or committee authorized to spend money shall, on or before June 30th of each year, transmit to the Town Accountant all unpaid bills outstanding as of that date. **AMENDED 5/04/94**

Town Collector

- Sec. 3. The Tax Collector shall, at least once in each week, pay over to the Town Treasurer all money received by him. (prev. S8)

Custody of Certain Documents

- Sec. 4. Except as otherwise provided by law, the Treasurer shall have custody of deeds, bonds, contracts, insurance policies, and other similar documents owned by the town, excepts that the bonds given by the treasurer and the collector of taxes to the town shall be in the custody of the Selectmen. (prev. S9)

Disposition of Departmental Receipts.

- Sec. 5. Every officer shall pay into the treasury of the town all amounts received by him on behalf of the town, except as otherwise provided by law, and shall make a true return thereof to the Town Treasurer, stating the accounts upon which such amounts were received. (prev. S10)

LICENSES

Sec 6 (a) The tax collector or other municipal official responsible for 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 issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter 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 license or permit, including renewals and transfers of 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 to such license denial, revocation or suspension shall be made only for the purpose 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 permits denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standings 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 permits 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 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 in direct business interest by the property owner, its officers or stockholders, if any, or members of his/her immediate family, as defined in section one of chapter two hundred and sixty-eight in the business or activity conducted in or on said property. 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 forty nine; clubs, associations, dispensing food or beverage licenses, section twenty-one E 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 eighty-one of chapter one hundred and forty.

CHAPTER VI CONTRACTS BY TOWN OFFICERS

Participation by Town Officers

- Sec. 1. No officer of the town shall in his official capacity make or pass upon or participate in making or passing upon, any sale, contract or agreement or the terms or amount of any payment in which the town is interested and in which such officer has any personal financial interest, direct or indirect.
- Sec. 2. No town officer and no salaried employee of the town, or any agent of any such officer or employee, shall receive any compensation or commission for work done by him for the town, except his official salary and fees pressed in a vote which shall appear on their records with the reasons therefore.

Security for Performance

- Sec. 3. Every contract exceeding \$1,000 shall be accompanied by a suitable bond for the performance of the same, or by the deposit of money or security to the amount of such bond if so requested by the officer or board authorized to make the contract. (prev. S4)

Duration of Contracts

- Sec. 4. AMENDED 5/9/90 AS FOLLOWS:
Unless otherwise provided by a vote of Town Meeting, the Board of Selectmen or procurement officer designated pursuant to G.L. c. 30 B is authorized to enter into any contract for the exercise of the Town's corporate powers on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, the Board of Selectmen or procurement officer shall not contract for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law. (prev. S5)

Competitive bidding

- Sec. 5. AMENDED 5/9/90 AS FOLLOWS:
Repealed to accept Chapter 30 B of the General Laws that is in accordance with the uniform Procurement Act of Chapter 687 of the Acts of 1989, or take any action relating thereto. (prev. S6)

CHAPTER VII LEGAL AFFAIRS

- Sec. 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 are or may be involved.
- Sec. 2. The Selectmen may at their discretion compromise or settle any claim or suit to which the town is a party, which does not require the payment by the town of an amount in excess of five hundred dollars. No settlement of a claim or suit obligating the town in an amount in excess of one thousand dollars shall be made, except as authorized by law, without the

consent of the town meeting.

- Sec. 3. The Selectmen in their annual report shall state what actions have been brought against and on behalf of any town, what cases have been compromised or settled, and the current standing of all suits at law involving the town or any of its interests.
- Sec. 4. It shall be the duty of the Town Counsel to conduct the prosecution, defense or compromise of claims, actions and proceedings to which the town is a party, and the prosecution 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 officer, board or committee as such when the Selectmen, having determined that any right or interests of the town are or may be involved therein, shall so request; to conduct proceedings brought by or against the Assessors before the Board of Tax Appeals; to assist in the prosecution of complaints for violation of any by-law of the town, when requested so to do by the board or officer enforcing the same; to examine and report upon titles to all land to be acquired by the town; to prepare or approve contracts, bonds, deeds and other legal instruments in which the town is a 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.

UNREGISTERED MOTOR VEHICLES

- Sec. 1. The keeping of more than one unregistered motor vehicle, assembled or disassembled, except by a person licensed under General Laws, Chapter 140, Section 59, on any premises shall not be permitted, unless said motor vehicles are stored within an enclosed building.
- Sec. 2. A special permit to keep more than one unregistered motor vehicle on any premises not within an enclosed building, after a duly called public hearing to which all abutters to the premises have received notice, may be granted by the Board of Selectmen, if it finds that such keeping (1) is in harmony with the general purposes and intent of this By-Law; (2) will not adversely affect the neighborhood and (3) will not be a nuisance.
- Sec. 3. All such special permits granted shall limit the number of unregistered motor vehicles to be kept on the premises by the permit holder, shall not run with the land, and shall be limited to a reasonable length of time.
- Sec. 4. This article shall not apply to motor vehicles which are designed and used for farming purposes, nor to land owners or tenants who store motor vehicles out of sight of abutters and public ways.
- Sec. 5. Whoever violates any provisions of this article of the By-Laws shall be liable to a penalty of five (\$5.00) per day for each day of violation "not to exceed \$20.00 for each offense" commencing ten days following date of receipt of written notice from the Board of Selectmen.

CHAPTER VIII RECORDS AND REPORTS

Custody of Records

Sec. 1. All officers, boards and committees of the town shall cause records of the doings and accounts to be kept in suitable books. Said books shall be kept in their respective places in the town offices, and shall not be removed there from, except for the binding and maintenance and with the approval of the Selectmen. Said books shall, unless otherwise provided by law, be open to public inspection under supervision of the officer, board of committee having custody thereof.

Annual Town Report

Sec. 2. All officers, boards, standing committees and special committees of the town having charge of the expenditure of town money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, referring, however, to the report of the Town Treasurer 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 20th of January of each year.

Sec. 3. The annual town report shall contain, in addition to the reports of officers, boards and committees as hereinbefore provided, a detailed report of all moneys 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; statements of the liabilities of the town on bonds, notes, certificates of indebtedness, or otherwise, and of indebtedness authorized but not incurred, and the purposes thereof; a statement of transfers made to and from any appropriation; and may contain abstracts of the records of the meetings of the town held since publication of the last annual report; and such other matters as the said report is required by law to contain, or as may be inserted by the Selectmen under the discretion granted them by law.

CHAPTER IX RECYCLING Amendment to By-Laws May 2, 1988

WHEREAS, The Commonwealth of Massachusetts has instituted a regional recycling program pursuant to which a recycling materials processing facility will be constructed and the town shall collect recyclable's and promote recycling activities; and

WHEREAS, Landfill capacity, environmental, and financial benefits associated with recycling can only be realized if the residents of the town participate in a program of collection of recyclable's separated from unusable solid waste.

NOW THEREFORE BE IT ORDAINED by the Town Meeting of the Town of Buckland... and hereby enacted by the authority of the same as follows:

Sec. 1. RECYCLING PROGRAM

There is hereby established a program for the mandatory separation of certain recyclable

material from garbage or rubbish by the residents of the Town of Buckland.

Sec. 2. DEFINITIONS

Recyclables are the discarded materials described below which may be reclaimed and are considered saleable by the Town of Buckland. For the purpose of this ordinance, they are defined in the following categories:

- a. Aluminum: cans made from aluminum, aluminum foil, aluminum wrappers, and containers or trays used in the packaging, preparation or cooking of prepared dinners, pies, cakes or other foods.
- b. Glass: all unbroken jars and bottles, or similar products made from silica or sand, ash, soda, and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all other material commonly known as glass, excluding:
 1. blue and flat glass commonly known as window glass
 2. dished and crockery
- c. Ferrous Metal Cans: all containers, composed in whole of iron or steel and so called "tin" cans used for the packaging or storing of various food and non-food items, EXCEPT containers which contained paint or petroleum based solvents and any pressurized aerosol cans.
- d. Clean and UNSOILED NEWSPAPER: including newsprint, all newspaper advertisements, supplements, comics and enclosures. Newspapers shall be considered clean and uncontaminated if they have not been exposed to substances or conditions rendering them unusable for recycling. Persons may wrap solid waste in used newspapers and discard same with regular solid waste even if such wrapping does not render the newspapers unusable for recycling.
- e. Corrugated Paper: corrugated boxes, cardboard, cardboard cartons, pasteboard and similar corrugated and craft paper materials.

Sec. 3. SEPARATION OF RECYCLABLE'S AND PLACEMENT FOR REMOVAL

- a. Recyclable newspapers and corrugated paper shall be placed in the recycling receptacle/container in a manner to prevent the scattering of the paper.
 1. Newspapers shall either be packed in standard grocery paper shopping bags, placed in corrugated boxes or securely tied flat bundles, none of which shall weigh more than fifty (50) pounds.
 2. If not used for packing paper recyclable's, corrugated boxes and cardboard cartons shall be collapsed and tied in bundles not weighing more than fifty (50) pounds and they are to be placed in the recycling receptacle/container.
- b. Recyclable's shall not be placed in plastic garbage bags for collection, removal, or

disposal. Recyclable's shall not be placed in the same refuse container as, otherwise mixed with, other forms of solid waste for collection, removal or disposal. Any refuse containers containing such recyclable's shall not be collected by the town.

Sec. 4. OWNERSHIP OF RECYCLABLE'S - OFFENSES:

- a. Upon collection by the Town of Buckland, pursuant to the program established hereby and the rules and regulations issued hereunder, such materials shall become and be the property of the Town of Buckland. It shall be a violation of this By-Law for any person, other than authorized employees of the town or contractors hired by the town, to collect or pick up or cause to be collected or picked up any recyclable material. Any and each collection or pick up in violation hereof from one (1) or more locations shall be a separate and distinct offense punishable as hereinafter provided.
- b. Any violation of this section, or any part hereof, shall be punishable by a fine not to exceed three hundred dollars (\$300.00) and the violator shall make restitution to the town for the value of any recyclable's illegally removed.

Sec. 5. EFFECTIVE DATE

This By-Law shall be in effect after the Board of Selectmen has published a public notice detailing the procedures and starting date(s).

Sec. 6. ENFORCEMENT

The Board of Selectmen will be charged with the responsibility of enforcing this By-Law.

Sec. 7. The landfill property and landfill site are to be reserved for the exclusive use of Buckland inhabitants. Section 7 was rescinded May 3, 1995 at the Annual Town Meeting.

CHAPTER X PUBLIC SAFETY

PUBLIC SAFETY – Non-Motorized Conveyances

Sec. 1. Skateboards, scooters and other non-motorized conveyances (NMC).

- a. In order to protect the public safety, persons coasting, coursing, sliding on, riding or otherwise operating a sleigh, sled, skis, skateboard, roller skates, roller blades or other non-motorized conveyance in any of the streets or sidewalks shall use proper care and shall not travel at a speed or in a manner which is inconsistent with public safety or convenience under the conditions then existing.

When riding NMC, riders shall yield the right of way to pedestrians and motorized vehicles, use care at all times and give an audible sign before overtaking and passing any pedestrian.

The operator of NMC emerging from any alley, driveway or building shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on said sidewalk or sidewalk area and

upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

No person shall operate any NMC on the following streets; State Street, William Street from the Fire Station to State Street, Clement Street from Sears Street to State Street, Ashfield Street from Franklin Street to State Street, North Street, Depot Street, Birch Street, and Elm Street. The Board of Selectmen, after a public hearing reserve the right to add or delete streets to this By-Law.

All devices used by disabled persons or for the transportation of infants and young children are exempted from the provisions of this section.

- b. The use and operation of NMC upon the sidewalk of the Iron Bridge.

Sec. 2. Non-motorized (NMC).

- a. Any wheeled object which holds a person (s) and which is propelled by foot or batteries. This shall include vehicles known as tricycles with wheel size under sixteen inches (16") big wheels, scooters, sleds, sleighs, skis, roller blades, skateboards and roller skates. NMC'S shall not include bicycles, carriages, strollers, wagons, wheelchairs, or tricycles over the size of sixteen inches.

Sec. 3. Fine of \$20.00 for each offense.

- a. Fine for violations of Section 1, to be recovered by the Town Clerk in accordance with Mass General Law Chapter 20 / Section 21 D

Sec. 4. Off –Duty Paid Details - Amendment to By-Laws Annual Town Meeting, May 3, 2006

The hourly rate and method of calculating compensation for so-called ‘paid details’ assigned to off-duty police officers shall be identical to those in use from time to time by the Massachusetts State Police for paid details worked by State Troopers on state highways in the town. The procedure for assigning such details shall be on a revolving basis, giving priority to full-time officers (including the Chief) and then to part-time officers, unless and until a different procedure is established by any applicable collective bargaining agreement or, in default thereof, by mutual agreement of the Police Chief and the Selectboard.

CHAPTER XI - DOG BYLAWS

Sec. 1 Licensing: Every dog must be licensed individually or under a kennel license.

- a. The annual fee for individual licenses shall be set for the following categories
 - i. Dogs neutered or spayed
 - ii. Dogs not neutered or spayed
- b. The annual kennel licenses fees shall be set for the following categories:
 - i. 4 dogs or less

- ii. 5 to 10 dogs
 - iii. more than 10 dogs
- c. Annual dog licenses must be obtained by March 31st. When licensing a dog for the first time, proof of spay or neutering should be presented in order to be eligible for neutered or spayed license fee.
- d. There will be a late charge per dog for licensing after March 31st. There will be no exceptions to this regulation.
- e. New residents have thirty days to license their dogs.
 - i. With proof that their dog(s) are licensed for the current year at their latest residence, a transfer fee per dog will be required.
- f. The registering, numbering, describing, and licensing of dogs in the Town of Buckland shall be conducted in the office of the Town Clerk during regular hours.
- g. Proof of Rabies vaccination is mandatory before license(s) will be issued.

NOTE

A copy of the rabies certificate must be presented at time of licensing.

Sec. 2 Dogs Running At Large:

- a. No person owning or keeping a dog in the Town shall allow such dog to roam at large upon the land of another, except if it be on the premises of another person with the knowledge and permission of such other person, nor allow such dog to roam at large on any portion of any public highway.
- b. Exceptions: Animals which are classified as hunting or sporting dogs, as well as working dogs, while used in such capacity.
- c. This by-law shall remain in force year round.
- d. Fines for unrestrained dogs who are found to be running at large will be imposed and shall be:
 - \$10.00 per offense for Dog Officer pick-up
 - \$10.00 per offense for running unrestrained first offense
 - \$20.00 per offense for running unrestrained second offense
 - \$30.00 per offense for running unrestrained third and subsequent offenses
- e. Fee for holding per day (up to 10 days) to be set annually by the Board of Selectmen.
- f. Enforcement: the enforcing person for this article is the dog officer or his/her designee.

- g. Dogs found to be running at large will be held for up to (10) ten days. All fines and holding fees must be paid in full before any dog will be released. These fines and fees imposed are issued in accordance with M.G.L. chapter 140, Section 173.

Sec. 3 Compliance with M.G.L. c.140, sec.136A-175

- a. Notwithstanding anything contained herein dog owners are required to comply with all other Massachusetts General Laws regarding the keeping of dogs.
- b. In the event that any provisions or section of this by-law is deemed invalid or unenforceable, all other provisions shall remain in force and in effect.

Sec. 7 The rabies wildlife policy pertaining to dogs is found in the Town of Buckland's Selectmen's Policy. Copy is available at the Town Hall for viewing or for purchase.

Sec. 8 All fees are set by the Board of Selectmen annually, and they are subject to change by the Board of Selectmen.

CHAPTER XII – TOBACCO USE/SALES – NON-CRIMINAL DISPOSTION

Sec. 1 Use or Possession of Tobacco Products on School Property

- a. Non-criminal Disposition

Whoever violates any provision of the Board of Health's "Regulations Affecting the Use or Possession of Tobacco Products on School Property" the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in MGL chapter 40, section 21D.

For the purpose of this provision, the penalty to apply in the event of a violation shall be as follows:

Section 4, Part 1-3 – Student Use or Possession of Tobacco Products

Penalty: \$50 fine

Section 5 – Tobacco Use by School Employees

Penalty: \$50 fine

Section 6 – Tobacco Use by Visitors

Penalty: \$50 fine

- b. Enforcement.

School officials at Mohawk Trail Regional School designated by the Buckland Board of Health to be their agents for this purpose shall be responsible for the enforcement of this regulation

Sec. 2 Tobacco Products Sales

- a. Non-criminal Disposition

Whoever violates any provision of the Board of Health's "Tobacco Products Sales Regulations" the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in MGL chapter 40, section 21D.

For the purpose of this provision, the penalty to apply in the event of a violation shall be as follows:

Section 10, Part C – Second Violation of any Provision of the Regulations

Penalty: \$100 fine

Section 10, Part D– Third Violation of any Provision of the Regulations

Penalty: \$200 fine

b. Enforcement.

Enforcement of this bylaw shall be implemented by the Board of Health or its designated agent. Any citizen who desires to register a complaint of non-compliance under this bylaw may do so by contacting the Board of Health or its designated agent.

CHAPTER XIII STRETCH ENERGY CODE

(Adopted 5-4-2011 ATM)

Section 1 Definitions

Section 2 Purpose

Section 3 Applicability

Section 4 Authority

Section 5 Stretch Code

Section 1 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. Since July 1, 2010, the baseline energy conservation requirements of the MA State Building Code defaulted to the latest published edition, currently the IECC 2009, 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 8th edition 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.

Section 2 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 both new construction and existing buildings.

Section 3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

Section 4 Authority

A municipality seeking to ensure that construction within its boundaries is designed and built

above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 115.AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

Section 5 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 the Town of Buckland General Bylaws, Chapter XIII.

The Stretch Code is enforceable by the inspector of buildings or building commissioner.