

GENERAL BYLAWS

TOWN OF BUCKLAND

as amended

Special Town Meeting, January 9, 1996

Annual Town Meeting, May 6, 1998

Annual Town Meeting, May 7, 2001

Annual Town Meeting, May 9, 2007

Annual Town Meeting, May 5, 2010

Annual Town Meeting, May 4, 2011

Annual Town Meeting, May 9, 2018

Annual Town Meeting, May 8, 2019

Special Town Meeting, Oct. 21, 2019

Special Town Meeting, Sept. 26, 2020

Annual Town Meeting, June 5, 2021

Annual Town Meeting, May 7, 2022

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GENERAL 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 The repeal of a by-law shall not thereby have the effect of reviving any by-laws, theretofore repealed.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 Select Board and furnished such other information as may be required of him.

The Select Board 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 Select Board 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 Select Board.
- B. A summary of minutes shall be prepared and approved by the Moderator.
- C. Said summary shall be presented orally to the Select Board at a weekly of Select Board 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 Saturday 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.

Sec. 4. The annual town election of town officers shall be held on the first Tuesday after the first Monday of June each year. **(amended 5/7/22)**

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 ten o'clock A.M., or adjournment to another day.

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.

Sec. 6a. Consistent with the Town's acceptance of the provisions of Massachusetts General Laws Chapter 44, section 110a, Saturdays shall be treated as legal holidays for purposes of calculation of elected-related dates. **(New 5/7/22)**

Notice of Meeting

Sec. 7. Provisions may be made to allow for early voting on at least one day prior to election day. Such date or dates will be at the discretion of the Town Clerk.

Sec. 8. At least five (5) days before the day fixed in the warrant for Annual Town Meeting, the Select Board 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 Select Board, or take any action relating thereto. **(Amended 4/2/92)**

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.

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.

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.

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.

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.

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.

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.

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.
- Sec. 17. No secret ballot shall be used unless use of such vote counting process has been first approved by the majority vote of the town meeting. **(amended 5/7/22)**

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.
- 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.

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.

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.

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.

CHAPTER III TOWN OFFICERS

Sec. 1 (New 5/7/22)

- A. The following offices shall be elected by the voters of the Town, each for a term of three years. Members of multiple member bodies shall be elected on a staggered basis, with no more than one third of the members being elected in any one year. Any vacancy shall be filled in accordance with law.

Office	Number of positions
Clerk	1
Select Board	3
Assessors	3
Board of Health	3
Moderator	1
School Committee	2
Finance Committee	5
Library Trustee	3

- B. The following offices shall be appointed by the Select Board and the appointees thereto shall serve at the discretion of the Board. Members of multiple member bodies shall be appointed on a staggered basis, with no more than one third of the members being appointed in any one year.

Office	Number of positions
Treasurer	1
Collector of Taxes	1
Auditor	1
Constables	3
Highway Superintendent	1
Sewer Commissioners	3
Tree Warden	1

Powers of Select Board

- Sec. 1. The Select Board 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.

Select Board

Sec. 3. No member of Select Board 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 Select Board member. (prev. S4)

Sec. 4. **(New 5/7/22)** Each elected official may be sworn following the election in the manner set forth in Massachusetts General Laws Chapter 41, Section 107, and shall take office on the date following such election or such later time as they may be sworn, and shall hold office until their successors are elected and sworn; provided, however, that the term of the Town Clerk shall not begin until seven days after the date of the election

CHAPTER IV FINANCE COMMITTEE

Finance Committee

Sec. 1. There shall be a Finance Committee consisting of five registered voters of the town. No elective or appointive town officer or town employee shall be eligible to serve on said committee. **(amended 5/7/22)**

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 Finance Committee for its consideration. The Select Board 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 Finance Committee annually to consider the expenditures in previous years and the estimated requirements for the ensuing year of the several boards, officers and committees of the town, as prepared by them or by the town accountant in

such form and detail as may be prescribed by said committee. The said committee shall add to such statement of expenditures and estimates another column, giving the amounts which in its opinion 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 Finance Committee to make an annual report of its doings, with recommendations relative to financial matters and the conduct of town business, to be contained in the annual town report.

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 Select Board, 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 Select Board 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

Submission of Bills

Sec. 1. 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. 2. The Tax Collector shall, at least once in each week, pay over to the Town Treasurer all money received by him.

Custody of Certain Documents

Sec. 3. 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 Select Board.

Disposition of Departmental Receipts

Sec. 4. Notwithstanding any General Law to the contrary, every town officer shall pay all fees received by them by virtue of their office into the treasury of the town and shall make a true return thereof to the Town Treasurer, stating the accounts upon which such amounts were received. **(Amended 6/5/21)**

Licenses

Sec 5 (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 Select Board 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.

Revolving Funds (Added 6/5/2021, 5/7/22)

Sec. 6 A. There are hereby established in the Town of Buckland pursuant to the provisions of G.L. c.44, §53E½, 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 by-law.

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 Select Board and Finance Committee in accordance with G.L. c.44, §53E½.

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

ACCOUNT NAME	PURPOSE	SOURCE OF FUND	AUTHORITY
Board of Health	Paying costs associated with Board of Health Inspections	Board of Health Fees	Board of Health
Animal Control / Dog Fund	Paying costs associated with Animal Control expenses	Fines Collected	Town Clerk and/or Animal Control Officer
Town Hall Maintenance	Paying costs associated with Town Hall Maintenance	Town Hall Rental & Janitorial Fees	Select Board
Parking Tickets	Paying costs associated with payment and collection of Parking Tickets and Fees	Parking Ticket Fees	Parking Clerk
Recreation Summer Camp	Paying the costs to run the Recreation Summer Camp	Camper Fees	Recreation Committee
Recreation Area Repairs and Maintenance	Paying costs associated the Recreation Area	Rental Fees	Recreation Committee
Zoning Board of Appeals	Paying costs associated with ZBA Hearings	Fees for postage and advertising	Chair, Zoning Board of Appeals
Conservation Commission	Paying costs associated with Conservation Commission Hearings	Fees for postage and advertising	Chair, Conservation Commission
Planning Board	Paying costs associated with Planning Board Hearings	Fees for postage and advertising	Chair, Planning Board
Filming & Media Location Maintenance	Paying for repairs and maintenance of Town Media or Filming License Locations	Fees received from the licensing and use of Town property and facilities for media or film locations	Select Board

Solid Waste and Recycling Program	Operation of the town's solid waste and recycling programs, membership in and services of the Franklin County Solid Waste Management District, and the purchase of recycled content or environmentally preferable products	Solid waste and recycling fees	Select Board
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G. Procedures and Reports. Except as provided in General Laws Chapter 44, §53E½ and this by-law, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established and authorized by this by-law.

And, further, to establish the following fiscal year spending limit for such funds:

Authorized Revolving Funds	Fiscal Year Expenditure Limit
Board of Health	\$20,000
Animal Control / Dog Fund	\$15,000
Town Hall Maintenance	\$ 2,000
Parking Tickets	\$ 1,000
Recreation Summer Camp	\$20,000
Recreation Area Maintenance	\$20,000
Zoning Board of Appeals	\$ 2,000
Planning Board	\$ 2,000
Filming & Media Location Maintenance	\$20,000
Solid Waste & Recycling Program	\$50,000

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. Unless otherwise provided by a vote of Town Meeting, the Select Board 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 Select Board 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)
(AMENDED 5/9/90)

Competitive bidding

Sec. 5. 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. **(AMENDED 5/9/90)**

CHAPTER VII LEGAL AFFAIRS

Sec. 1. The Select Board 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 Select Board 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 Select Board 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 Select Board, 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.

Non-Criminal Disposition

Sec. 5. Any bylaw of the Town of Buckland, or rule or regulation of its officers, boards or departments, the violation of which is subject to a specific penalty, may in the discretion of the Town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. The non-criminal fine for each such violation, if not specified, shall be \$50.00. **(ATM 5/7/01)**

Sec. 6. "Enforcing Person" as used in this bylaw, shall mean: any Town of Buckland, police officer with respect to any offense; as well as the Building Inspector and his designee, the members of the Conservation Commission and its designee, the members of the Board of Health, its Health Agent or other designee, and such other officials as the Select Board may from time to time designate, each with respect to violation of bylaws and rules and regulations 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.

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 Select Board, 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 Select Board.

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 Select Board. 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 Select Board 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 Select Board under the discretion granted them by law.

CHAPTER IX RECYCLING (Amended 5/2/88)

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 recyclables' 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 (Amended 5/7/22)

Recyclables are the discarded materials which may be reclaimed or considered saleable by the Town of Buckland. For the purpose of this ordinance, such materials are defined in the categories established by the Franklin County Solid Waste Management District, and

may from time to time be amended, and shall be separated as specified by the District.

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 recyclables shall not be collected by the town.

Sec. 4. OWNERSHIP OF RECYCLABLES - 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 recyclables illegally removed.

Sec. 5. EFFECTIVE DATE

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

Sec. 6. ENFORCEMENT

The Select Board 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

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

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 Select Board. **(Amended 5/3/06)**

CHAPTER XI DOG BYLAWS – Amended 6/5/21

Administration

- A. Severability: If any provision of this By-Law should be found invalid, the remainder of this By-Law shall remain in force.
- B. Definitions for this by-law shall be adopted and defined by MGL c. 140 §136A.

Dog Licensing

1. In accordance with MGL c. 140 § 137, the owner or keeper of a dog over the age of (6) six months shall annually obtain a license for the dog from the licensing authority, who shall issue dog licenses and tags.
2. Annual dog licenses must be obtained by March 31st for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1st through March 31st of each year.
3. In accordance with MGL c. 140 § 138, any person who during any licensing period becomes the owner or keeper of a dog which is duly licensed in the town or city where it is to be kept shall forthwith give notice, in writing, to the Town Clerk that they have become such owner or keeper. The Town Clerk shall change the record of such license to show the name and address of the new owner or keeper.
4. In accordance with MGL c. 140 § 138, any person bringing or causing to be brought from another state or country any dog licensed under the laws thereof which is 6 months old or over or will be 6 months old before the expiration of (30) thirty days shall, on or before the expiration of thirty days following the arrival of such dog within the commonwealth license the dog with the Town Clerk.
5. No License fee shall be charged for a license issued under MGL c. 140 § 139, for a service dog as defined by the Americans with Disabilities Act and MGL c. 272 §98a.
 - a. Application shall be made for a dog license as provided in this bylaw, and license tags issued must be worn by any such service dog.
6. No License fee or portion thereof shall be refunded because of subsequent death, loss, spaying, neutering, removal from town or other disposal of the dog for which the license

has been issued, nor shall any fee for a license issued to a new resident be prorated.

7. Any person (70) seventy years of age or older, upon proof of age, shall be exempt from the annual fee for one dog, per household, per licensing year.
 - a. The owner of a kennel license, age (70) seventy years of age or older, shall be excluded from this exemption.
8. All license fees collected shall deposited as defined in MGL c140 § 147.

Kennel Licensing

1. Annual kennel licenses must be obtained by March 31st for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1st through March 31st of each year.
2. A Kennel license shall be in lieu of individually licensing the dogs kept on the subject premises.
3. The fee for Kennel licensure shall be set by the Select Board and may be adjusted at their discretion during an open meeting. Any adjustments shall not become effective until the start of the next licensing period.
4. Kennels may be established where allowed and permitted by the Town of Buckland Zoning Bylaw.
5. Issuance: Upon receipt of the completed application packet and appropriate fee, the Town Clerk shall issue the kennel license valid through March 31st of the following calendar year.
6. Renewals: A kennel license shall be renewed by March 31st annually, upon completion of an annual inspection and payment of the appropriate fee, provided that the license holder has not been in violation of this bylaw as it relates to dog control or any of the Massachusetts General laws pertaining to dogs in the past (12) twelve months as determined by the Animal Control Officer or Hearing Authority.
7. Inspection or complaints of kennels or revocation, suspension and reinstatement of kennel licenses shall be handled in accordance with MGL c. 140 §137C.
8. In accordance with MGL c. 140 § 137A, an owner or keeper of less than 4 dogs, 3 months old or older, who does not maintain a kennel may elect to secure a kennel license in lieu of licensing the dogs under section 137 and shall be subject to this section, sections 137B and 137C and so much of section 141 as it relates to violations of this section to the same extent as though the owner or keeper were maintaining a kennel.
9. All license fees collected shall deposited as defined in MGL c140 § 147.

Dogs Running-At-Large; Unrestrained

1. For the purpose of this section, the term restrained shall be defined as: A dog that is secured with a chain or leash of sufficient material and strength as necessary to restrain the dog and which is held by a person capable of controlling the movements of the dog or at heel beside a competent person and/or obedient to the commands of that person.
 - a. Any dog that is found to be causing damage to public or personal property, or acting in such a way that a reasonable person would consider it to be a nuisance shall be considered in violation of this section, regardless of the restraint method used.
2. No owner or keeper of any dog within the town limits shall allow any dog, whether licensed or unlicensed, to wander or roam-at-large on private property without permission of the owner thereof, or on any public property within the Town, including but not limited to public ways, school grounds, recreation areas and cemeteries, unless the dog is properly restrained.
 - a. Any public property that is owned by the Town of Buckland, shall not be posted or signed to require a dog to be restrained by a leash or chain only, unless such posting or signage is approved by the Buckland Selectboard, during a public hearing at a scheduled and posted Selectboard meeting.
 - i. The Buckland Selectboard may set time and or calendar limits for enforcement during the approval process.
 - ii. The Buckland Selectboard may make the posting or signage of public property temporary.

Note: This shall be defined as **Temporary Order of Leash Restraint (TOLR)**. A TOLR can be issued for up to 4 weeks, the purpose of a TOLR is to allow the town to issue a temporary order to support events or activities on public lands.

 1. The maximum period of time a TOLR can be valid is for 4 weeks.
 2. The Selectboard must set the date and time that the TOLR starts and vacates at the time of approval. The TOLR will automatically vacate at the specified termination time and no public hearing will be required for termination. The TOLR time period may only be extended during a public hearing at a scheduled and posted Selectboard meeting. However, the Selectboard may vacate the TOLR earlier then the specified termination date/time during a regular scheduled and posted Selectboard meeting.
 - b. Any signed or posted public property issued on 2b above shall remain in affect year round until such approval is revoked by the Buckland Selectboard during a public hearing at a scheduled and posted Selectboard meeting. Unless such order was a temporary order, which will automatically vacate at the date/time specified.
3. Any dog being used for lawful hunting, training, sporting, working purposes and accompanied by its master, who must accept full responsibility for the dog's behavior, shall not be considered running unrestrained.
4. Any dog, whose owner or keeper is found to be in violation of this bylaw, and not under the immediate control of the owner or keeper, may be picked up by any law enforcement officer and either returned to the owner or keeper or deposited in a dog pound or similar

facility. The owner or keeper shall be responsible for paying all costs of maintaining and keeping the animal at the dog pound or similar facility. Except as otherwise permitted by this bylaw, unrestrained or unlicensed dogs may be sought out, caught and confined by the Animal Control Officer or any police officer of the Town and impounded pursuant to MGL c. 140, §§ 151A and 167.

5. This by-law shall remain in force year-round. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 173A.

Removal of Waste

1. No person owning or keeping a dog shall suffer, permit, or allow such a dog to leave feces in any public or private property of someone other than that of the dog's owner or keeper within the Town of Buckland, without the approval of said property owner. Any person having custody and control of a dog in any such area shall carry with him or her proper equipment for the removal of feces. For purposes of this section, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces. No person shall leave or dispose of said feces in any catch basin, drainage structure, waterway or on any public property or street except in an approved trash receptacle.
 - a. This section shall not apply to a dog licensed under MGL c.140 § 139 and/or accompanying a person whom is handicapped as defined in MGL c272 §98A. If by reason of their handicap they are physically unable to comply with the requirements of this section.

Complaint of Nuisance and Dangerous Dogs

1. Any person may make a written complaint to the Animal Control Officer that any dog owned or kept within the Town is a nuisance dog or a dangerous dog, as those terms are defined in MGL c. 140, § 136A.
2. The provisions of MGL c. 140, §§ 161 and 161A shall apply to whoever suffers the loss of livestock or fowl in a manner described in said § 161.
3. The Animal Control Officer shall investigate or cause to be investigated such complaint, which may include an examination under oath of the complainant at a public hearing in Town to determine whether the dog is a nuisance dog or a dangerous dog, and shall submit a written report of his/her findings and recommendations to the Select Board concerning the restraint or disposal of such dog as provided in MGL c. 140, § 157.
4. The Animal Control Officer, after his investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed 14 days to enable the Select Board to issue their order following receipt of the report of the Animal Control Officer. If the Select Board fails to act during the period of the interim order, upon expiration of the interim period, the order shall automatically be vacated.
5. The Select Board, after credible evidence and testimony is presented at the public hearing, shall (A) dismiss the complaint; (B) deem the dog a nuisance dog and order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior; or (C) deem the dog a dangerous dog and make such order concerning the restraint, muzzling, or euthanization of such dog, or such other action as may be deemed necessary; provided, however, that the Selectmen shall not order the banishment

and tethering.

6. Violations of such orders shall be subject to the enforcement provisions of MGL c. 140, §§ 157 and 157A.

Humane Treatment

1. Any person owning, possessing or controlling a domesticated animal shall provide his or her animal with sufficient potable water and wholesome food, proper shelter and protection from the weather, including extremes of heat and cold, veterinary care sufficient to prevent suffering and the spread of disease and shall provide humane care and treatment for the animal.
2. Any person owning, possessing or controlling a dog in the town shall not allow or permit said dog to be harbored, confined, chained or tethered in violation of MGL c. 140 § 174E.
 - a. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 174E.
 - b. Clarification Note: MGL 140/174E defines rules and requirements related to dogs. This includes but is not limited to: Shelters, cable runs, tethering, kenneling, and dogs being outside during weather advisory/warnings/watches.
3. In accordance with MGL c. 140, § 174F, it shall be a violation of this bylaw to confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.
 - a. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 174F.

Impoundment and Kenneling

1. Impoundment:
 - a. The Animal Control Officer or Police Officer shall immediately notify the owner or keeper of any animal impounded by him/her under the provisions of this bylaw, if such owner is known by him/her.
 - b. If the animal is not licensed or the owner or keeper is not known by the Animal Control Officer or Police Officer, no notice shall be necessary.
 - c. The animal shall be secured in the town kennel or other such approved holding facility.
2. Kenneling:
 - a. The Kenneling period shall start at the time of impoundment and shall accrue until the owner presents the required documentation, signs a release form and removes the animal from the facility.
 - i. Required Documentation, shall be considered: Proof of Ownership, Valid Rabies Certificate, and Valid Town License.
 - b. The Town may contract with the Franklin County Regional Dog Shelter or any other licensed suitable public or privately owned facility, approved by the Animal Control Officer and the Massachusetts Department of Agriculture to provide care

and kenneling services to dogs impounded by the Animal Control Officer, Police Officer, or turned in by a citizen.

- i. All associated fees and costs related to the kenneling of a dog shall be set and collected by the owner or operator of the kennel.
 - c. In the event that the Kennel Facility is not adequate for the animals, is overpopulated, or is not adequate for the conditions, animals may be boarded at a boarding facility approved by the Animal Control Officer.
 - ii. If an animal is required to be boarded at another facility, payment to the facility shall be made by the Town upon receipt of bill or invoice. The Town may then seek restitution for the costs from the owner of the animal.
3. Disposition of Animals:
 - a. Animal Surrenders shall be done at the discretion of the Animal Control Officer.
 - b. Unclaimed Animals: In accordance with MGL c. 140 § 151A, any dog unclaimed after (7) seven days from pickup/confinement shall be come property of the town and shall be handled at the discretion of the Animal Control Officer.
 - iii. This bylaw shall be extended to cover all animals taken into custody by the Animal Control Officer, with the exception of livestock which shall be handled on a case-by-case basis.

Rabies Control

1. All dogs, cats and ferrets owned by a resident of the town shall be properly vaccinated against rabies in accordance with MGL c. 140 § 145B.
2. The town shall annually nominate a minimum of (1) Animal Inspector as defined in MGL c. 129 § 15.
3. All bites by dogs, cats or other domestic animals or wild or exotic animals shall be reported to the Animal Inspector and the Animal Control Officer as soon as possible by the person bitten or by the owner or keeper of the animal, or both.

Cats

1. Stray Cats:

Any rescue group, humane society or other person or organization picking up stray cats shall notify the Animal Control Officer with all relevant information of each cat and the location found.
2. Feral Cats:

Any person or organization that traps and releases feral cats shall report such activity to the Animal Control Officer including information of description and numbers of cats trapped and name and contact information of the caretaker. The caretaker is expected to take full responsibility for the duration of the cat's life. All feral cats shall be spayed or neutered and ideally be ear tipped to signify their alterations at the expense of the organization trapping the cats.

Fees; Enforcement, Violations and Penalties

- A. In addition to police officers, who shall in all cases be considered enforcement personnel for the purposes of non-criminal enforcement, a duly appointed Animal Control Officer shall be the enforcement officer with respect to the provision set forth in this bylaw.
- B. A violation of any provision of this article may be dealt with as a non-criminal offense in accordance with the provision of General law, Chapter 40, Section 21D, and shall be subject to the specific fine or penalty listed in each provision.
- C. Violation of Dog Control Laws:
Shall utilize the following schedule of fines as defined in MGL c.140 §173A .
 - a. First Offense: \$50 (fifty dollars)
 - b. Second Offense: \$100 (one hundred dollars)
 - c. Third Offense: \$300 (three hundred dollars)
 - d. Fourth/Subsequent Offense: \$500 (five hundred dollars)
 - i. The town may require a dog to be spayed/neutered if applicable.
- D. Chaining/Tethering; Housing:
Shall utilize the following schedule of fines as defined in MGL c.140 §174E.
 - a. First Offense: \$50 (fifty dollars)
 - b. Second Offense: \$200 (two hundred dollars)
 - c. Third/Subsequent Offense: \$500 (five hundred dollars)
- E. Confinement in a Motor Vehicle:
Shall utilize the following schedule of fines as defined in MGL c.140 § 174F.
 - a. First Offense: \$150 (one hundred fifty dollars)
 - b. Second Offense: \$300 (three hundred fifty dollars)
 - c. Third/Subsequent Offense: \$500 (five hundred dollars)
- F. Other violations:
If no specific fine is listed for a specific provision, the following fine schedule shall apply:
 - a. First Offense: Verbal Warning
 - b. Second Offense: \$25 (twenty-five dollars)
 - c. Third Offense: \$50 (fifty dollars)
 - d. Fourth Offense/Subsequent: \$100 (one hundred dollars)
- G. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated may constitute a separate offense.
- H. Unless specified within a specific provision, a separate offense is not limited to an offense within a calendar year from the first offense.
- I. Except where otherwise required by law, all fines collected pursuant to the enforcement of this bylaw shall be deposited into the Animal Control/Dog Fund revolving account.

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 RIGHT TO FARM BYLAW

Sec. 1 Purpose and Intent

The purpose and intent of this Bylaw is to reaffirm the Right to Farm accorded all citizens of the Commonwealth of Massachusetts. The Town of Buckland finds that farming is an essential and valued activity, which provides fresh food, economic diversity and open spaces to all the citizens of our town. This bylaw is intended to encourage the pursuit of agriculture, promote agricultural-based economic opportunities and protect farmland within the Town of Buckland. The purpose is to allow agricultural uses and related activities to function with minimal conflict with citizens, town agencies and others.

Reaffirmation of the Right to Farm under Article 97 of the Constitution, and all state statutes and regulations thereunder, including but not limited to Massachusetts General Laws, Chapter 40A, Section 3. Paragraph I; Chapter 90; Section 9, Chapter 111, Section 125A; and Chapter 128, section 1A. We, the citizens of Buckland, restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

Sec. 2 Right to Farm Declaration

The Right to Farm by all its citizens is hereby recognized to exist within the Town of Buckland. Agricultural activities may occur on holidays, weekdays and weekends by day or night, at any time when necessary, and may include the attendant incidental noise, odors, dust and fumes associated with normal generally acceptable agricultural practices. The benefits and protections of this Bylaw are intended to apply exclusively to those commercial and non-profit, 501(c) (3) agricultural and farming operations and activities conducted in accordance with normal generally accepted agricultural practices. Nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation or local zoning law.

Sec. 3 Definitions

"Farm" shall include any parcel or contiguous parcels of land or water bodies used for the primary purpose of commercial and non-profit 501(c) (3) agriculture, or accessory thereto. The operator of a commercial farm must be able to demonstrate commercial intent, such as with a farm business plan, Schedule F IRS form, sales tax ID number or other means.

"Farming" or Agriculture", or their derivatives shall include, but not be limited to, the following:

- Farming in all its branches and the cultivation and tillage of the soil;
- Dairying
- Production, cultivation, growing and harvesting of any agricultural, aqua cultural, floricultural, viticultural, or horticultural commodities;
- Growing and harvesting of Christmas trees.
- Orchards
- Cultivation of sugar maple trees for the production of maple products;

- Growing and harvesting of forest products and any other forestry or lumbering operations.
- Raising of livestock including horses or keeping of horses as a commercial enterprise;
- Keeping and raising of poultry, swine, cattle, sheep, rabbits, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels) and other domesticated animals for food and other agricultural purposes, including fiber and fur bearing animals;
- Keeping of honey bees.

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

- Operation and transportation of slow-moving farm equipment over the roads within the Town;
- Control of pests, including insects, weeds, predators, and disease organisms of plants and animals under best management practices;
- Application of manure and fertilizers and pesticides under best management practices;
- Conducting agricultural related educational and farm based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output of services of the farm or meet the mission of the non-profit 501(c) (3);
- Processing and packaging of the agricultural output of the farm and the operation of a farm stand, farmers market, including signage thereto;
- Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager and used expressly for the purpose of propagation, processing, managing or marketing of the agricultural products;
- On-farm relocation of earth and the clearing of ground for farming operations;
- Constructing and maintaining farm buildings used for shelter, feed, storage and other agricultural needs or activities; and
- Revitalizing drainage or irrigation ditches, picking stone, erecting, repairing or maintaining fences, and clearing, rejuvenating and maintaining pastures.

Sec. 4 Disclosure Notification

In order to ensure that prospective owners and prospective tenants are aware of the policy of the Town of Buckland expressed in this Bylaw regarding agricultural uses, the following notification of this policy shall be prominently posted in the Buckland Town Hall in the Assessor’s Office and in the Tax Collector’s office within 30 days of this bylaw becoming effective. The following notification shall also be printed in the Annual Town Report.

It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a community where farming activities occur and are encouraged. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers and occupants are informed that any property located within the Town of Buckland may be impacted by commercial agricultural and farming activities.

In addition, copies of this Bylaw will be made available at the Buckland Town Hall for distribution.

Property owners should make efforts to inform prospective tenants or buyers that Buckland is a Right to Farm community.

Sec. 5 Dispute Resolution

Any person(s) having a complaint about a farm activity or practice is encouraged to seek an amicable resolution to the complaint, including talking directly with the involved farmer. Such person(s) may, notwithstanding pursuing any other available remedy, request resolution assistance from the Select Board. Such a request does not suspend the time within which to pursue any other available remedies. The Select Board may refer such a request to the Buckland Agricultural Commission or any other appropriate Town Board, depending on the nature of a complaint. Said Town Board or Commission shall review and facilitate the resolution of such a request and report its recommendations to the Select Board within the agreed upon time frame.

Sec. 6 Severability

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

CHAPTER XIV STRETCH ENERGY CODE (Adopted 5/4/11)

- Section 1 Definitions
- Section 2 Purpose
- Section 3 Applicability
- Section 4 Authority
- Section 5 Stretch Code

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

CHAPTER XV Single Use Plastics (Adopted 5/8/19)

ATTACHMENT B

Sec. 1 Purpose and Intent

The purpose of this bylaw is to eliminate the sale of single use plastic products and to limit the type of products that may be furnished in the Town of Buckland. The use and disposal of single use plastic products have significant impacts on the environment, including but not limited to: contributing to pollution of the land environment and waterways; contributing to the potential death of marine and other wildlife through the ingestion and entanglement: littering streets, parks, public places and local waterways; creating a burden to solid waste collection and recycling facilities; requiring the use of non-- renewable fossil fuel in their manufacture and composition.

Sec. 2 Definitions

"ASTM Standard Specifications" means Standard Specifications for Compostable Plastics D6400 or Standard Specifications for Biodegradable Plastics D6868, as adopted or subsequently amended by the American Society for Testing and Materials (ASTM).

"Beverage provider" means any business, organization, entity, group, or individual located in the town of Buckland that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

"Town facility" means any building, structure, park or vehicle owned and operated by the town of; Buckland.

"Town facility food provider" means an entity that provides, but does not sell, prepared food at any town facility.

"Town Administrator" means the town administrator and/or designees.

"Town-sponsored event" means any event organized or sponsored by the town of Buckland or any department of the Town of Buckland.

"Compostable" means material that can be broken down into, or otherwise become part of usable compost in a safe and timely manner. "Compostable" also includes a plastic-like material if the material meets the ASTM Standard Specifications for composability.

"Customer" means any person obtaining food or beverages from a restaurant or retail food vendor. "Distribute" means the sale, offer for sale, or other transfer of possession of an item for compensation, either as a separate transaction or as part of the sale, offer for sale, or other transfer of possession of another item for compensation.

"Food packager" means any person, located within the city of Buckland, who places meat, eggs, baked products, or other food in packaging materials for retail sale of those products.

"Food packaging" means all bags, sacks, wrapping, containers, bowls, plates, trays, cartons, cups, straws and lids which are made from polystyrene foam, on or in which any foods or beverages are placed or packaged on a restaurant's or retail food vendor's premises.

"Food service ware" means all containers, bowls, plates, trays, cups, lids, napkins, and other like items that are designed for one-time use for prepared foods, including, without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by food vendors. The term "food service ware" does not include items composed of aluminum.

"Food vendor" means any restaurant or retail food vendor located or operating within the town.

"Meat and fish tray" means any tray for raw meat, fish, or poultry sold to consumers from a refrigerator case or similar retail appliance.

"Non-profit food provider" means a recognized tax-exempt organization which provides food as a part of its services.

"Packing material" means material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage.

"Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.

"Plastic beverage straw" means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. "Plastic beverage straw" includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

"Plastic cutlery" means any utensil, such as a fork, spoon, spork, or knife, made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, intended for only one-time use. "Plastic cutlery" includes compostable and biodegradable petroleum or biologically based polymer forms of cutlery, but does not include forms of cutlery that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

"Plastic stirrer" means a device that is used to mix beverages, intended for only one-time use, and made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources. "Plastic stirrer" includes compostable and

biodegradable petroleum or biologically based polymer stirrers, but does not include stirrers that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

“Polystyrene foam” means blown polystyrene and expanded and extruded foams which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion polymer spheres (expanded bead polystyrene), injection molding, foam-molding, and extrusion-blown molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, and egg cartons.

“Prepared food” means food or beverages which are served on the food vendor’s premises and are prepared on the food vendor’s premises or within the town of Buckland by packaging, cooking, chopping, slicing, mixing, brewing, freezing or squeezing. Prepared food does not include any uncooked meat or eggs. Prepared food may be eaten either on or off the premises.

“Recyclable” means material that can be sorted, cleansed, and reconstituted using the city’s available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

“Restaurant” means any establishment located within the city that sells prepared food for consumption on, near, or off its premises. The term includes a restaurant operating from a temporary facility, cart, vehicle, or mobile unit.

“Retail food vendor” or “vendor” means any store, shop, sales outlet or other establishment, including a grocery store or a delicatessen, located within the town of Buckland, which provides prepared food.

Sec. 3 Use Regulations

Sale or distribution of non-compliant food service ware prohibited

- A. No person may sell, offer for sale, or otherwise distribute within the town:
 - 1. Any food service ware that is not either compostable or recyclable.
 - 2. Any food service ware made, in whole or in part, from polystyrene foam.

Use of non-compliant food service ware prohibited

- A. Food vendors may not sell, offer for sale, or otherwise distribute prepared food:
 - 1. In food service ware made, in whole or part, from polystyrene foam; or
 - 2. In food service ware that is not compostable or recyclable.
- B. Town facility food providers may not provide prepared food to town facilities:
 - 1. In food service ware made, in whole or part, from polystyrene foam; or
 - 2. In food service ware that is not compostable or recyclable.
- C. Town departments may not purchase, acquire, or use food service ware for prepared food:
 - 1. Where the food service ware is made, in whole or in part, from polystyrene foam;
 - 2. Where the food service ware is not compostable or recyclable.
- D. Town contractors and lessees may not use food service ware for prepared foods in town facilities or while performing under a town contract or lease:
 - 1. Where the food service ware is made, in whole or in part, from polystyrene foam;

2. Where the food service ware is not compostable or recyclable

E. The use or distribution of non-compliant food service ware at special events sponsored or co-sponsored by the town of Buckland shall be prohibited. This prohibition shall apply to the event organizers, agents of the event organizers, event food vendors and any other party (including non-profit organizations) who enter into an agreement with one or more of the co-sponsors of the event to sell prepared food at the event or otherwise provide an event related service.

F. All facilities rental agreements for any town owned property or facility shall include a provision requiring contracting parties to assume responsibility for preventing the utilization and/or distribution of non-compliant food service ware. The facility rental agreement shall indicate that the violating contractor's security deposit will be forfeited if the town administrator determines that non-compliant food service ware was utilized in the violation of the rental agreement.

G. It shall not be a violation of this section to sell, provide, or purchase prepared food packaged in food service ware otherwise prohibited by subsections A through D if the prepared food is packaged outside the town and is sold or otherwise provided to the consumer in the same food service ware in which it is originally packaged. Businesses packaging prepared food outside the town are encouraged to use food service ware that is compostable or recyclable and is not made, in whole or in part, from polystyrene foam.

Other Polystyrene Foam Products

A. No person may sell, offer for sale, or otherwise distribute within the town the following materials if they are made in whole or in part from polystyrene foam, unless they are wholly encapsulated or encased within a more durable material:

1. Coolers, ice chests, or similar containers.
2. Cups
3. Containers of any other type

Sale and Commercial Distribution of Plastic Beverage Straws, Stirrers, and Cutlery Prohibited.

A. No restaurant, including fast food restaurants, beverage provider, or vendor shall use, provide, distribute, or sell plastic beverage straws, plastic stirrers, or plastic cutlery.

B. Nothing in this section precludes restaurants, including fast food restaurants, beverage providers, or vendors from using or making non-plastic alternatives, such as those made from paper, sugar cane, or bamboo, available to customers. Non-plastic alternative straws, stirrers, or cutlery shall only be provided upon request by the customer.

C. No person shall distribute plastic beverage straws, plastic stirrers, or plastic cutlery at any city facility or any city-sponsored event.

Provided Bags

A. If any retail establishment provides a checkout bag to customers, the bag shall comply with requirements of being a Reusable Bag, a Recyclable Paper Bag, or a Compostable Plastic Bag

Sec. 4 Exemption and Alternatives

A. The following are exempt and not subject to the provisions of this bylaw:

- (1) Bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste, or yard waste
- (2) Town Pay-As-You-Throw trash bags
- (3) Laundry or dry-cleaning bags
- (4) Thin plastic bags used to protect newspapers upon delivery

B. Nothing in this chapter prohibits customers from using bags of any type that they bring into an Establishment themselves or from carrying away goods that are not placed in a bag. Customers are encouraged to bring their own reusable to the aforesaid establishments

C. Establishments may and are strongly encouraged to distribute reusable bags and boxes to customers. With or without charge and educate their staff to promote Reusable Bags and post signs encouraging customers to use washable Reusable Bags.

D. The Selectboard may waive the provisions of above Sections

E. The Selectboard may grant a waiver if:

1. The applicant demonstrates a feasibility-based hardship. The person seeking the waiver must demonstrate to the Select board's satisfaction that no reasonably feasible alternative exists to a specific non-compliant product.
2. The applicant demonstrates compliance is unreasonably financially prohibitive. The person seeking the exemption must demonstrate to the Select board's satisfaction that with respect to each specific non-compliant product, there is no suitable and reasonably affordable alternative product available.
3. Strict application of the specific requirement would create an undue hardship, or practical difficulty, not generally applicable to other persons in similar circumstances, and good cause is shown.
4. A person seeking a waiver under subsection E must submit a written application on a form approved by the Selectboard. The Selectboard may require the applicant to submit additional information or documentation to decide regarding the waiver requested. The Selectboard shall review requests for waivers on a case-by-case basis and may grant the waiver in whole or in part, with or without conditions, for a period of up to six (6) months. The Selectboard shall review each application anew and base his or her determination on the most current information available. In no case shall a waiver be retroactive or continue past July 1, 2020.
5. Any determination made by the Selectboard pursuant to this section shall be not appealable.

F. The following groups are excluded from this bylaw:

1. All publicly funded schools
2. Non-profit organizations that do not hold either a liquor or victualers license

Sec. 5 Enforcement

A. The Board of Health shall have primary responsibility for enforcement of this chapter. The Board of Health is authorized to promulgate regulations and to take all other actions reasonable and necessary to enforce this chapter, including, but not limited to, inspecting any vendor's premises to verify compliance.

B. In addition to any criminal, civil or other legal remedy established by law that may be pursued to address violations of the municipal code, violations of the provisions of this chapter are

subject to the administrative penalty (see fine table below).

C. The town attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.

D. The remedies and penalties provided in this section are cumulative and not exclusive of one another.

Fine Table

First Infraction - Warning

Second Infraction - \$100.00 fine

Third Infraction - \$200.00 fine

Subsequent Infractions - \$300.00 or loss of victualers license

All fines must be paid in full to apply for licenses

Sec. 6 Severability

If any one or more of the provisions contained herein, or the application thereof in any circumstances, is held invalid, illegal or unenforceable, the validity legality and enforceability of any such provision in every other respect and of the remaining provisions contained herein shall not be affected or impaired thereby.

Sec. 7 Effective Date

This bylaw shall go into effect on Jan. 1, 2020