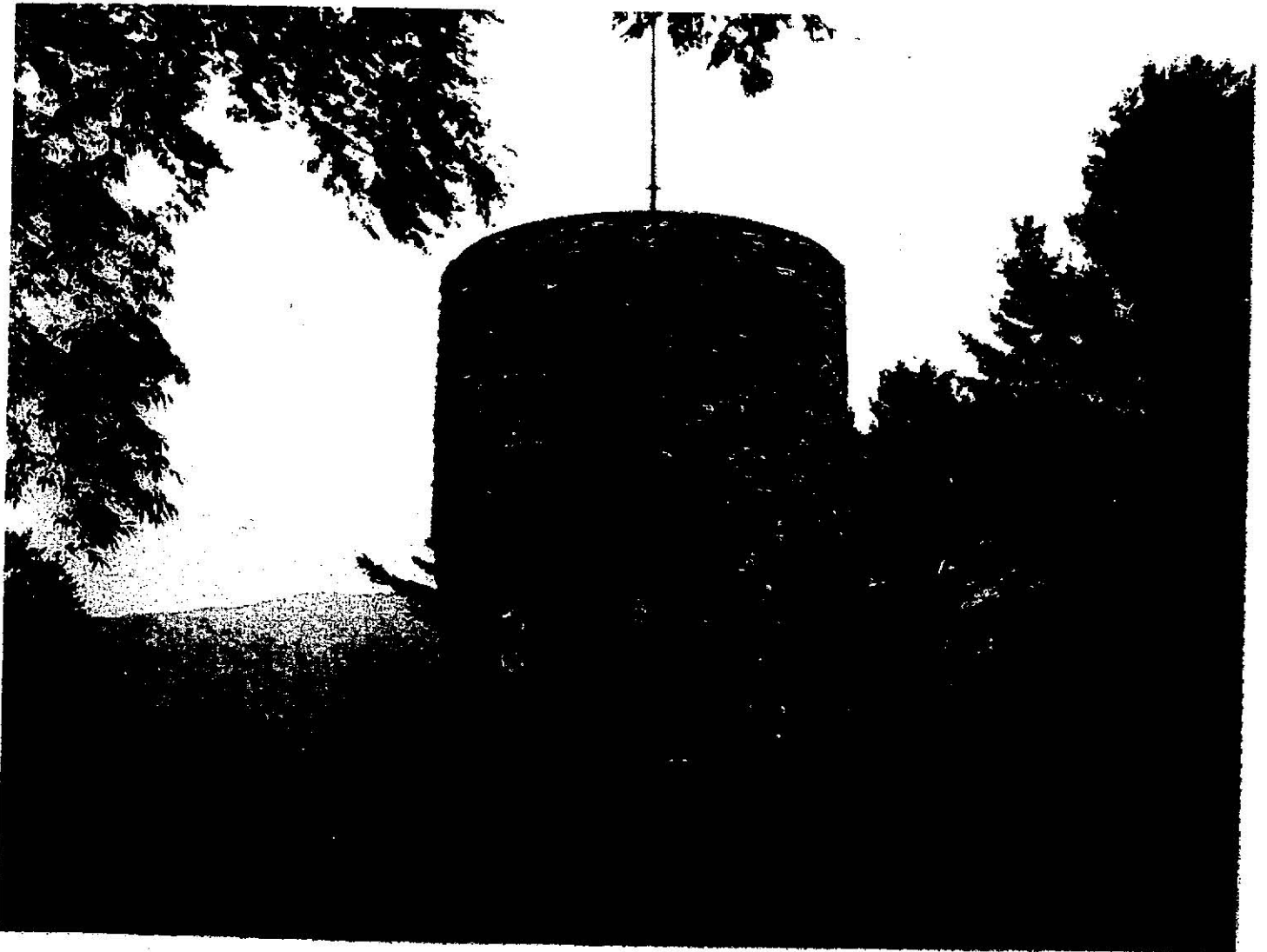


Town of Chelsea



BY-LAWS



The Town of Cheshire By-Laws are not indexed.

ARTICLE 1

Town Meeting and rules for government thereof.

Annual Meeting

Section 1. The Annual Town Meeting for the election of Town officers shall be held on the First Monday in May each year, for the following purposes to wit:

- 1. To choose by ballot the officers to be elected,
 - (a) For the purposes the polls shall be opened at 9:00 A.M. and closed at 7:00 P.M.
 - (b) The meeting for other Town Business shall be held on the second Monday in May at 7:30 P.M.
 - (c) In all meetings for the election of National, State, County, and District Officers, the polls shall be opened no later than 9:00 A.M. in the forenoon.
 - (d) See Article 27

Section 2. All Warrants for Town Meetings shall be served by posting attested copies thereof in three or more public places in the Town, seven days at least before the day appointed for said meeting.

Section 3. At any Annual Town Meeting at least fifty (50) legal voters of the Town will be necessary for a quorum. All reports of Town Officers shall be made at this time.

At any Special Town Meeting at least (50) fifty legal voters will be necessary for a quorum.

May 14, 2001

In accordance with the Town's unanimous vote accepting the amendment to the Town By-laws with new language.

"Annual Reports: All officers, boards, departments, committees, and commissions shall prepare an annual report on fiscal year basis. Such fiscal year reports shall be printed within ninety days of the close of the fiscal year."

Amended: May 11, 2009

Article 1. subsection 1 (b) of the Town of Cheshire By-Laws to read as follows:

"(b) The meeting for other Town business shall be held on the second Monday of June at 7:00 pm."

Unanimously voted.

ARTICLE 2

Government of Town Meetings

Section 1. The Moderator shall preserve decorum and order, may speak to points of order in reference to others, and shall decide all questions of order.

Section 2. Articles in the Town Warrant shall be acted upon in their order unless otherwise directed by vote of the Town.

Section 3. Any motion or question submitted for consideration of the Town involving the expenditure of money, shall be in writing when so required by any legal voter, or by the Moderator.

Section 4. A motion to pass over an article shall be datable.

ARTICLE 3

Financial Affairs

Section 1. No money shall be paid from the Town Treasury, except for State and County Taxes and for other payments required by law to be made from the Town Treasurer, without a warrant thereof signed by the Selectmen or a majority of them, which warrant shall state the appropriation from which such money shall be paid.

Section 2. No bill, draft, order, charge or account against the Town shall be paid without first being approved in writing by the person, board or other Town Officer incurring the same.

Section 3. It shall be the duty of the Selectmen to require detailed accounts showing items and dates in all bills against the Town.

Section 4. The Town Clerk shall as soon as an order or vote appropriating money becomes effective, certify to the Selectmen and to the Board of Assessors, each appropriation in detail, and the provision made for the meeting the same if so specified in the appropriation order or vote.

Section 5. The Treasurer shall have the custody of all receipted bills, and the receipts from all notes, bonds and coupons which have been paid, and of all bonds running to the Town, except his own official bond which shall be in the custody of the Town Clerk.

ARTICLE 4

Legal Affairs

Section 1. The Selectmen shall have the authority to prosecute, defend or compromise all claims, actions, suits and controversies to which the Town shall be a party, and to employ counsel therefore, unless specifically ordered by a vote of the Town.

Section 2. The Selectmen may appear (either personally or by counsel before any committee of the legislature, or board of commission to protect the interest of the Town, but are not authorized by this By-Law to commit the Town to any course of action.

Section 3. The Town Clerk shall keep a true copy (in a book to be kept for such purpose alone) of all deeds and conveyances executed in behalf of the Town by any Town Officer. It shall be the duty of the Town Clerk to see that every conveyance to the Town of any interest in real estate is property recorded in the Registry of Deeds.

Section 4. The Selectmen shall have the care of all property owned by the Town and not by law under the control of some other Town Officer, and be responsible for the same.

ARTICLE 5

Advisory Committee

Section 1. There shall be an advisory Committee consisting of seven voters of the Town to be appointed by the Moderator of each annual Town Meeting as increasing the number from six to seven voters and to change the term of appointment, three to be appointed every third year and two to be appointed on each of the other years. (Voted February 28, 1966 - Approved March 9, 1966)

Section 2. Such Advisory Committee shall consider all appropriations recommended by the Selectmen and other Town Officers and Committees for the financial year, and also the articles in the warrant calling for expenditures of money, and shall recommend amounts to be appropriated for the expenditures of the Town, and in the discharge of its duties shall have free access to all books of account, books of record, and all accounts, bills, and vouchers on which money has been or may be paid from the Treasury.

Section 3. Said Advisory Committee shall report its findings and recommendations at the next Annual Town Meeting, and at each and every Town Meeting held during the term of its office.

Section 4. Such Advisory Committee shall have the authority to transfer such sums of money as may be necessary during the year from the Reserve Fund to other accounts in which there is a shortage of funds to properly carry out the work of the year.

Section 5. Any vacancies occurring in said Advisory Committee shall be filled by the Moderator.

ARTICLE 6

Duties and Power of Town Tax Collector

The Collector of Taxes shall have the same power and shall use all means and processes provided by law which Town Treasurers may use when Collector of Taxes.

ARTICLE 7

Report of Tax Collector

The Annual report of the Collector of Taxes shall contain a statement of the amount of taxes and assessments committed to him for collection, the amount collected thereon with interest, the amounts abatements, and the amount of uncollected taxes, and the amount paid over to the Treasurer.

ARTICLE 8

Cemeteries and Cemetery Committee - How Constituted

Section 1. At each Annual Meeting there shall be chosen one (1) member of the Cemetery Committee for three (3) years; vacancies in said committee to be filled at the next Annual Meeting after such vacancy occurs, and persons chosen to fill such vacancy shall hold office during the unexpired term of the person whose place he fills.

Section 2. The Cemetery Committee shall meet annually in April, and shall organize by the choice of a Chairman and a Secretary. It shall be the duty of the Secretary to keep the record of the doings, receipts and expenditures of the Committee and render report thereof to the Town annually. (Amended May 11, 1987 ARTICLE 25)

Section 3. The Cemetery Committee shall direct the expenditures of all general cemetery funds in the Cemetery Account which it has received, and of all specific appropriations unless otherwise ordered by the Town; also the income of all Trust Funds held by the Town for Cemetery purposes, agreeable to the direction of the depositor.

Section 4. Said Committee shall keep a complete record of all interments in the cemeteries of the Town, including the name of the deceased and the location of the grave.

Deposits for Care and Preservation of Burial Lots

Section 1. All sums of money hereafter deposited with the Town Treasurer in accordance with the provisions of Chapter 82, Section 17, of the Public Statutes, shall be credited to the amount of "Cemetery Fund" and the Town Treasurer shall keep in his office a book which shall contain a record of all funds deposited, the date of such deposit, name of depositor, name of cemetery, containing the lot in connection with which the deposit is made, and the location and number of said lot.

ARTICLE 9

Duties of the Board of Health

Section 1. The Board of Health shall Annually make a report to be printed in the Annual Town Report, showing in detail the statistics of the health and sanitary condition of the Town, with recommendations for its improvements, together with a full and comprehensive statement of its work and that of its appointees during the previous year; such report shall also contain a detailed statement of the amounts expended by the Board of Health during this fiscal year.

10

ARTICLE 10

(No longer applies)

11

ARTICLE 11

Town Counsel

Section 1. The Selectmen shall annually on or before the first day of March and whenever a vacancy exists, choose some competent lawyer to act as Town Counsel, who shall be paid such salary as they may determine.

Section 2. The Selectmen shall have authority to prosecute, defend and compromise, through Town Counsel, all litigation to which the Town is a party, and to employ special counsel whenever, in their judgment, necessity therefore arises.

12

ARTICLE 12

These By-Laws shall not be repealed or amended, except at an Annual Meeting, Acting under an Article in the Warrant for the purpose, and by Two-Thirds of those present and voting.

ARTICLE 13

These By-Laws shall take effect from and after their approval by the Attorney-General of the Commonwealth of Massachusetts.

ARTICLE 14

Zoning By-Law

On June 3, 1972 the Town voted to adopt the Zoning By-Law for the Town of Cheshire as amended, prepared and recommended by the Planning Board.

The effective date January 6, 1972 (Approved July 7, 1972)

ARTICLE 15

Council on Aging

There shall be a Council on Aging in the Town of Cheshire for the purpose of coordination or carrying out programs designed to meet the problem of the aging in coordination with programs of the Commission on Aging, established under Section 73 of Chapter 6 of the General Laws. The Council shall consist of 7 (seven) members, residents of Cheshire, 3 (three) of which shall be over 62 years of age. The members of the Council shall be appointed by the Board of Selectmen. The Council shall submit an Annual Report to the Town and shall send a copy thereof to the Commission on Aging. The Council may appoint such Clerks and other employees as it may require.

(Approved July 31, 1972)

ARTICLE 16

Quarterly Meeting for Town Officers, elected and appointed

"A meeting of all elected and appointed Town Officials shall be held at 7:30 P.M. in the Town Hall the second Wednesday of July, October, January and April for the purpose of communication between Town Boards. Those present at the July meeting each year shall elect a Chairman, Vice-Chairman and a Secretary for the fiscal year."

(Approved June 24, 1977)

ARTICLE 17

By-Law Relative to the Restraining of Dogs

Restraint of Dogs:

1. Definition of Terms.

Section 1. As used in this By-Law unless the context otherwise indicates,

- (a) "Dogs shall mean all animals of the canine species, both male and female.
- (b) "Owners" shall mean any person or persons, firm, association or corporation owning, keeping, or harboring or having in his possession any dog.
- (c) "Keeper" shall mean any person, corporation, or society other than the owner, harboring or having in his possession any dog.
- (d) "Run-at-large" shall mean free from physical restraint off of owners' property and permitted to wander on public or private ways.

Section 2. Permitting a dog to Run-at-large.

No owner or keeper shall permit such dog, whether licensed or unlicensed to run-at-large within the Town of Cheshire, except that a dog may for the purpose of sporting events such as hunting, field trials, training purposes or working farm dog be exempt from the restraining order during such period of time as the dog is actually engaged in the event, sport or work. Dog must be provided with at least 15 feet of rope or chain on which to run when on owners' property. Dog may also be on a wire run, in a pen, or in a fenced area. Owner must provide dog with adequate shelter from the elements and provide dog with water.

- (a) Dogs may be taken from the owners' premises provided that such is on a leash of not more than 8 (eight) feet and is under control of owner or keeper.

Section 3. Impounding.

It shall be the duty of the dog officer, assisted by all Police Officers to apprehend any dog found unrestrained or running-at-large and to impound such dog in a place suitable for the detention of dogs and kept in a sanitary condition. And dog so confined and impounded shall be confined for a period of ten days and may be redeemed by the owner or keeper thereof upon payment to the Town Clerk or the Dog Officer the sum of Two Dollars (\$2.00) for each day so confined or impounded.

Section 4. Enforcement.

Whenever a complaint is sought in the District Court for a violation of this By-Law, the procedure established by the General Laws, Chapter 140, Section 173 A shall be followed except that any offense committed by such a person shall require the payment to the Clerk of the Courts a fine of Ten Dollars (\$10.00) for the first offense, Fifteen Dollars (\$15.00) for the second offense, and Twenty-Five Dollars (\$25.00) for each subsequent offense, which shall operate as a final disposition of the case.

(Approved May 8, 1978)

**TOWN OF CHESHIRE BY-LAWS
PERTAINING TO DOGS**

**ARTICLE XVII: By-law relative to
Restraining of dogs**

Restraint of Dogs:

1. Definition of Terms.

Section 1. As used in this by-law unless the context otherwise indicates.

- (a) "Dogs" shall mean all animals of the canine species, both male and female.
- (b) "Owners" shall mean any person or persons, firm, association or corporation owning, keeping, or harboring or having in his possession any dog.
- (c) "Keeper" shall mean any person, corporation or society other than the owner harboring or having in his possession any dog.
- (d) "Run-At-Large" shall mean free from physical restraint off of owner's property and permitted to wander on public or private ways.

Section 2. Permitting a dog to run-at-large.

No owner or keeper shall permit such dog, whether licensed or unlicensed to run-at-large within the Town of Cheshire except that a dog may for the purposes of sporting events such as hunting, field trials, training purposes or working farm dog be exempt from the restraining order during such period of time as the dog is actually engaged in the event, sport or work. The dog must be provided with at least 15 (fifteen) feet of rope or chain on which to run when on owner's property. Dog may also be on a wire run, in a pen, or in a fenced area. Owner must provide dog with adequate shelter from the elements and provide dog with water.

- (a) Dogs may be taken from the owner's premise provided that such is on a leash or not more than 8 (eight) feet and under control of owner or keeper.

Section 3. Impounding

It shall be the duty of the dog officer, assisted by all police officers to apprehend any dog found unrestrained or running-at-large and to impound such dog in a place suitable for the detention of dogs and

kept in a sanitary condition. Any dog so confined and impounded shall be confined for a period of 10 (ten) days and may be redeemed by the owner or keeper therefore upon payment to the Town Clerk or the dog officer the sum of \$2 (two dollars) a day for each day so confined or impounded.

Section 4. Enforcement

Whenever a complaint is sought in District Court for violation of this By-law, the procedure established by the General Laws of Massachusetts, Chapter 140, Section 173A shall be followed except that any offense committed by such person shall require the payment to the Clerk of Courts a fine of \$10 (ten dollars) for the first offense, \$15 (fifteen dollars) for the second offense and \$25 (twenty-five dollars) for each subsequent offense, which shall operate as a final disposition of the case.

APPROVED BY THE ATTORNEY GENERAL, May 8, 1978

ARTICLE DXK:

DOG LICENSE LATE FEE CHARGE

Approved by the Attorney General, June 22, 1983.

ARTICLE XXI:

DOG LICENSE LATE FEE CHARGE

There shall be assessed a late fee of \$15 (fifteen dollars) with respect to any dog that is not licensed within 60 (sixty) days after the time it is required to be licensed.

APPROVED BY THE ATTORNEY GENERAL, August 29, 1984.
This by-law rescinds By-law Article DXK.

**MASSACHUSETTS GENERAL LAWS, CHAPTER 140,
SECTION 147A, ACCEPTED BY THE TOWN, June 1999.**

The Town of Cheshire now regulates the licensing of dogs, not Berkshire County Government.

Under this Chapter the Fine of \$25 (twenty-five dollars) goes into effect 90 (ninety) days after April 1st. The fine and the late fee then total \$40 (forty dollars).

ARTICLE IV:

**TO AMEND THE TOWN BY-LAWS PERTAINING TO
DOGS (ARTICLE XVII) AS FOLLOWS:**

- (a) Under the existing Section 3 (Impounding), insert the

following language (hereinafter referred to as Article xv section 3-1.

Town By-law XVII, Section 3-1: (This by-law pertains to dogs that are out-of-doors.)

"It shall also be the duty of the dog officer, assisted by all police officers to apprehend and impound any dog in order to restore peace when the owner or keeper of a dog is otherwise unavailable, unwilling, or physically unable to restrain his/her dog from causing a nuisance by continuous barking or howling or to ensure the safety and well being of that particular dog. A sustained period of (20) twenty minutes or more shall constitute continuous barking or howling."

(b) By adding the following language (hereinafter known as Article XVII, Section 5):

Town By-Law Article XVII, Section 5:

Removal of Animal Litter:

If any animal shall defecate upon any property or area, as hereinafter defined, then the owner, keeper and person then walking or otherwise in charge of said animal shall immediately remove or cause to be removed from said property or area all feces so deposited by said animal. Unless said feces are removed, the owner, keeper and the person then walking or otherwise in charge of said animal (or if owner, keeper or person shall be under the age of 18, then the parent or guardian shall be deemed to have committed the punishable offense.)

As used in this section, the following terms shall have the meaning indicated:

Property or Area: Any public property or any private owned or occupied by any person or persons who are members of the family of the owner or otherwise in charge of said animal.

The provision of this by-law shall not apply to a guide animal, hearing animal or service animal while actually engaged in the performance of its trained duties with a disabled person.

PENALTIES:

The commission of any offense punishable under this section shall be punishable as set forth in Article XVII, Section 4, a fine of \$10 (ten dollars) for the first offense, \$15 (fifteen dollars) for the second offense and \$25 (twenty-five dollars) for each subsequent offense.

THE BY-LAW AMENDMENT WAS APPROVED BY
THE ATTORNEY GENERAL, October 2002.

ARTICLE 18

Open Beverage Container By-Law

"No person shall drink any alcoholic beverage as defined in Chapter 138, Section 1 of the MASSACHUSETTS General Laws while on, in, or upon any public way to which the public has a right to access, or place to which members of the public have access as invitees or licensees, park or playground, or private land or place without consent of the owner or person in control thereof. All alcoholic beverages being used in violation of this section shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession.

Any person violating this section shall be subject to a fine not exceeding fifty dollars (\$50.00) for any one violation thereof."

ARTICLE 19

Dog License Late Fee Charge

There shall be assessed a late charge of three (\$3.00) with respect to any dog that is not licensed within sixty days after the time that it is required to be licensed.

(Approved June 22, 1983)

ARTICLE 20

Quorum for Special Town Meetings

The quorum required for a Special Town Meeting has been reduced from fifty (50) registered voters to thirty-five (35).

(Approved August 29, 1984)

ARTICLE 21

Dog License Late Fee Charge

With respect to dog license fees, that in addition to the license fees required by the General Laws, there shall be assessed a late charge of fifteen dollars (\$15.00) with respect to any dog that is not licensed within sixty days after the time that it is required to be licensed. (This By-Law rescinds By-Law ARTICLE 19)

(Approved August 29, 1984)

ARTICLE 22

By-Law to Provide a Uniform System for Numbering Dwellings and Principal Buildings in the Town of Cheshire

Section 1. Uniform Numbering System

A uniform system of numbering dwellings and principal buildings, as shown on maps prepared by C.T. Male Associates to be on file in the Assessor's Office, Town Hall, Cheshire, Massachusetts, are hereby adopted and incorporated herein by reference and made a part of this By-Law.

Section 2. Assignment of Numbers

- A. All properties or parcels of land within the corporate limits of Cheshire shall hereafter be identified by reference to the uniform numbering system herein and such conversion to the numbering system must be completed within thirty (30) days from the effective date of this by-law, or as soon thereafter as the above mentioned maps are completed.
- B. A separate number shall be assigned for each ten (10) feet of frontage.
- C. Numerals indicating the official numbers for each principal building or each front entrance to such building shall be placed immediately above, on, or at the side of the main entrance of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than fifty (50) feet from the street line, the number should be placed near the walk, driveway or common entrance to such building, or upon a gate post, fence, tree, post or other appropriate place so as to be clearly discernible from the sidewalk or street line. Such numerals shall be not less than three (3) inches in height and made of a durable and clearly visible material.

Section 3. Administration

- A. The Town Assessors shall be responsible for maintaining the numbering system. In the performance of this responsibility, they shall be guided by the provisions of Section 2 of this by-law.
- B. The Town Assessor shall keep a record of all numbers assigned under this by-law and shall enforce the provisions of this by-law.
- C. The Town Assessors shall, at the request of the property owner, assign numbers for any new buildings constructed in the Town.

Section 4. Penalties

Violation of this by-law shall be a misdemeanor and may be punished by a fine of \$1.00 per day. Each separate day such violation is continued shall constitute a separate offense.

Voted May 13, 1985

Approved August 5, 1985

ARTICLE 23

The Town of Cheshire adopted as a local by-law the provisions of Chapter 60, Section 23 of the General Laws which states that the Collector of Taxes shall charge \$15.00 for a certificate of Lien so issued, and may keep such certificate fee for his/her personal services.

Voted May 12, 1986

Approved July 1, 1986

ARTICLE 24

The Town of Cheshire voted to rescind its prior acceptance of Section 121 of Chapter 53 of the General Laws, which was approved by Town Meeting vote of February 4, 1935. This is the Elimination of the Annual Town Caucus.

Voted May 12, 1986

Approved July 1, 1986

ARTICLE 25

The Town of Cheshire voted to amend ARTICLE 7, Section 2 of the By-Laws for the Town of Cheshire to read: The Cemetery Committee shall meet annually in May after elections, and shall organize by the choice of the Chairman. It shall be duty of the Chairman to keep record of the doings, receipts and expenditures of the Committee and render reports thereto to the Selectmen monthly and the Town annually.

Voted May 11, 1987

Approved August 27, 1987

ARTICLE 26

Mobile Home Park Rent Control By-Law

Section 1. Establishment, Terms, Membership

(a) **Composition.** There is hereby established a "MOBILE HOME PARK RENT CONTROL BOARD" consisting of five (5) members representing the public interest, none of whom to be a Mobile Home Park tenant or Mobile Home Park land owner, to be appointed by the Board of Selectmen. The members in the first instance shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years. Upon expiration of a term of office, the subsequent term shall be for a period of five (5) years.

Any action taken by the BOARD shall require a majority vote thereof. Within seven (7) days after the appointment and confirmation of the BOARD as aforesaid, the BOARD shall meet and elect one of its members as Chairperson to serve in that capacity for a term of one (1) year.

(b) Members of the MOBILE HOME PARK RENT CONTROL BOARD shall receive no compensation for their services.

Section 2. Definitions.

For the purpose of this by-law, the following terms, phrases, words and their derivations, shall have the meaning given herein, unless the context in which they are used clearly requires a different meaning.

- (a) "Rent Board" and "Board" means the MOBILE HOME RENT CONTROL BOARD as established herein.
- (b) "Mobile Home" shall mean a dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or a permanent foundation for permanent living quarters, but shall not include modular homes set upon permanent foundations.
- (c) "Mobile Home Park" means a park licensed by the Board of Health pursuant to Massachusetts General Laws, Chapter 140, Section 32B.
- (d) "Capital Improvement" shall mean any substantial rehabilitation, addition or improvement which appreciably adds to the value of the property or prolongs its life, or both, but not including ordinary maintenance and repairs.
- (e) "Rules and Regulations" means rules and regulations as promulgated by the Board.
- (f) "Shall" is mandatory; "May" is permissive.

Section 3. Duties and Powers, Generally.

- (a) The BOARD shall regulate rents, and shall promulgate such policies, rules and regulations as will further the provisions of Chapter 392 of the Acts of 1987, and shall recommend to the Town Meeting for adoption such by-laws as may be necessary to carry out the purposes of said Chapter 392.
- (b) The BOARD may make rules and regulations, compel attendance of persons and production of papers and information, and issue appropriate orders which shall be binding on both the owner and tenant of such Mobile Home Park accommodations.
- (c) The BOARD may refer any relevant matter to the appropriate Town department or agency for further action. The BOARD may, at the request of any Mobile Home Park owner, render a binding opinion as to the impact of proposed capital improvements on the rents.

Section 4. Standards for Adjusting Rents.

- (a) The BOARD may make individual or general adjustments, either upward or downward, as may be necessary to assure that rents for Mobile Home Park accommodations are established at levels which yield to owners a fair net operating income for such units.
- (b) Fair net operating income shall be that income which will yield a return after all reasonable operating expenses, on the fair market value of the property, equal to the debt service rate generally available from institutional first mortgage lenders or such other rates of return as the BOARD, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.
- (c) Fair market value shall be the assessed valuation of the property or such other valuation as the BOARD, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.
- (d) No rent adjustment shall be effective without the prior approval of the BOARD.

Section 5. Summary Process.

The BOARD shall regulate standards for use or occupancy of Mobile Home Park accommodations, and shall regulate eviction of tenants at Mobile Home Parks, and may issue orders which shall be defenses to actions of Summary Process for possession.

Section 6. Review.

- (a) The BOARD and its actions shall be subject to the provisions of Massachusetts General Laws, Chapter 30A (Administrative

Procedures Act) as if the BOARD were an agency of the Commonwealth of Massachusetts.

(b) (1) The District Court of Berkshire County shall have original jurisdiction, concurrently with the Superior Court, of all petitions for review brought pursuant to Section 14 of Chapter 30A of the General Laws.

(2) The Superior Court and the District Court of Berkshire County shall have concurrent jurisdiction to enforce the provisions of the Act, and any violations thereof.

Section 7. Penalties.

Violations of this by-law or any order of the BOARD shall be punished by a fine of not more than One Thousand Dollars (\$1,000) for any one offense.

Section 8. Severability.

If any provision of the Act of the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Voted May 9, 1988.

Approved by the Massachusetts Attorney General July 28, 1988

*A*RTICLE 27

ARTICLE 28

It was voted the Town adopt the following by-law in accordance with the provisions of Section 2, Chapter 85 of the General Laws, as amended:

ARTICLE IV OPERATION OF VEHICLES

- Section 1. Drive within marked lanes----When any roadway is divided into lanes, the driver of a vehicle shall so drive that the vehicle shall be entirely within a single lane, and he shall not move from the lane in which he is driving until he has first ascertained is such movement can be made with safety.
- Section 2. Use Right Lane----Upon all roadways the driver of a vehicle shall drive in the lane nearest the right side of the roadway when said lane is available for travel, except when overtaking another vehicle or when preparing for a left turn.
- Section 3. Overtaking Other Vehicles----The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not cut in ahead of such other vehicle until safely clear of it.
- Section 4. Overtake Only When There is a Space Ahead----The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any vehicle ahead or without causing the driver of any such vehicle to change his speed or alter his course, except as provided in the following section.
- Section 5. Driver to Give Way to Overtaking Vehicle----The driver of a vehicle when about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right when practicable in favor of the overtaking vehicle, on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- Section 6. Obstructing Traffic---- (a) No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any highway. Officers are hereby authorized to require any driver who fails to comply with this section to drive to the side of the roadway and wait until such traffic as has delayed has passed. (b)

No driver shall enter an intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalks and on the right half of the roadway to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

- Section 7. **Following Too Closely**----The driver of a vehicle shall not follow another vehicle than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the highway.
- Section 8. **Slow Vehicles to Stay 200 Feet Apart**----Upon roadways less than twenty-seven feet wide and upon which vehicular traffic is permitted to operate in both directions, the driver of any slow-moving commercial vehicle when traveling outside of a business or residential district shall not follow another slow-moving commercial vehicle within two hundred feet, but this shall not be construed to prevent such slow-moving commercial vehicle from overtaking and passing another slow-moving commercial vehicle. This section shall not apply to funerals or other lawful processions.
- Section 9. **Care in Starting, Stopping, Turning or Backing**----Except as otherwise provided in Article VI, Section 2A, The driver of any vehicle before starting, stopping, turning from a direct line, or backing shall first see that such movement cannot be made in safety or if it interferes with unduly with normal movement of other traffic, said driver shall wait for a more favorable opportunity to make such a movement. If the operation of another vehicle should be affected by a stopping or turning movement, the driver of such other vehicle shall be given a plainly visible signal, as required by Chapter 90, Section 14B of the General Laws (Ter. Ed.).
- Section 10. **Obedience to Isolated Stop Signs**----Every driver of a vehicle, railway car or other conveyance, approaching an intersection of ways, where there exists facing him an official sign bearing the word "STOP", or a flashing red signal, said sign or signal having been erected in accordance with the written approval of the Department and such approval being in effect shall, in the case of a flashing red signal, before proceeding through the intersection, bring such vehicle, railway car or other conveyance to a complete stop at the nearer line of the street intersection and in the case of a stop sign at a point is not so marked, then a place between the said "STOP" sign and near the line of the street intersection. In the case of a line of two or more vehicles approaching such "STOP" sign or

flashing red signal indication, the drivers of the second and third vehicles in line in any group shall not be required to stop more than once before proceeding through the intersection. This section shall not apply when the traffic is otherwise directed by an Officer or by a lawful traffic-regulating sign, signal or device or as provided in Section 21(c) of Article IV of these rules.

Section 11.

Section 12. **Sound Horn When Necessary**---The driver of a vehicle shall give an audible warning with his horn or other suitable warning device whenever necessary to insure safe operation.

Section 13.

Section 14.

Section 15. **Driving on Road Surface Under Construction or Repair**---No operator shall enter upon the road surface of any highway or section thereof when, by reason of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road surface is closed to travel, and one or more signs, lights or signals have been erected to indicate that all or party of the road surface of the highway is not to be used, or when so advised by an officer, watchman, member of a highway crew or employee of the Department, either audibly or by signals.

Section 16. **No Driving on Sidewalks**---The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

Section 17. **Emerging from Alley or Private Driveway**---The driver of a vehicle emerging from a private road, driveway or garage shall stop such vehicle immediately prior to driving upon the sidewalk area extending across such driveway or garage, and where no such sidewalk exists the stop shall be made at the building or property line as the case may be and upon entering the roadway shall yield the right of way to vehicles approaching on the roadway.

Section 18. **Certain Turns Prohibited**---The driver of a vehicle or other conveyance shall not make a turn from the way in which he is driving into another way or driveway, at any point in the highway, where such movement is prohibited by signs.

Section 19. **Driving or Parking on Channelizing Island**---No person shall drive a motor vehicle upon any channelizing island, as defined in these rules, unless directed to do so by a police officer.

- Section 20. **Obedience to Traffic Signs, Signals and Markings**----The driver of any vehicle or of any street car shall obey the instructions of any official traffic control sign, signal, device, marking or legend unless otherwise directed by a police officer.
- Section 21. **Rights and Duties of Drivers in Funerals or other Procession**---- (a) It shall be the duty of each driver in funeral or other procession to keep as near to the right edge of the roadway as is feasible and to follow the vehicle ahead as closely as practical and safe. (b) At an intersection where a traffic control signal is operating the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red or red and yellow indication. (c) At an intersection where a lawful isolated stop sign or signal exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.
- Section 22. **Men and Equipment in Highway**----Whenever traffic signs are erected or warning lights are displayed in or adjacent to a highway to notify of the presence of men and equipment, in such highway every motorist shall regulate the speed of his vehicle in a manner and to a degree consistent with the particular condition.
- Section 23.
- Section 24. **Vehicle Operation at Crosswalks**---- (a) When traffic control signals are not in place or not in operation the driver of a vehicle, which for the purpose of this Article shall be include bicycles, shall yield the right of way, slowing down or stopping if need be so to yield, to a pedestrian crossing the roadway upon which the vehicle is traveling or when the pedestrian approaches from the opposite half of the roadway to within 5 feet of that half of the roadway upon which the vehicle is traveling. (b) No operator of a vehicle shall pass any other vehicle which has been stopped at a marked crosswalk to permit a pedestrian to cross a way, nor shall any operator enter a marked crosswalk until there is sufficient space on the other side of the crosswalk to accommodate the vehicle he is operating notwithstanding any traffic control signal indication to proceed.
- Section 25. **Operators to Exercise Due Care**----The provisions of Article VII shall in no way abrogate the provisions of Chapter 90, Sections 14 and 14A of the General Laws (Ter. Ed.) which provide: "Precautions for Safety of Other Travelers" and for the "Protection of Blind Persons Crossing Ways." Furthermore, notwithstanding the provisions of these regulations every operator of a vehicle shall

exercise due care to avoid colliding with any pedestrian upon the roadway and shall give warning by sounding the horn when necessary and shall exercise proper precautions which may become necessary for safe operation.

[Note: the article references made in Sections 9, 10, and 25 refer to the article numbers as they were written and appear in the Annual Town Warrant for the year that this **ARTICLE 28** was passed.]

ARTICLE 29

Section 1. Exemptions----The provisions of these rules shall not apply to persons acting in conformity with the direction of an officer, to persons or drivers actually engaged in work upon a highway closed to travel or under construction or repair when the nature of their work necessitates a departure from any part of these rules, to officers when engaged in the performance of their public duties which necessitates a departure from any part of these rules, nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties which necessitate a departure from any part of these rules. These exemptions shall not, however, protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others.

The provisions of Article VI section 3 (a) shall not apply to persons operating federal, state or municipality owned vehicles carrying such dangerous as may be required during an existing or impending emergency nor shall they apply to any vehicle carrying a flammable liquid of a type which is required for the propulsion of the vehicle and is in a portable container in a quantity not exceeding fifteen (15) gallons or in a tank which is an integral part of the vehicle, no shall it apply to devices in a quantity not exceeding 12 devices to be used for the sole purpose of warning other motorists of an emergency condition. The provisions of Article VI Section 3 (a) shall not apply to persons operating a vehicle transporting radioactive material when such radioactive material is such that it is exempt from all I.C. specification packaging, marking, and labeling because of type and quantity nor shall they apply to persons operating a vehicle transporting radioactive material which consists solely of manufactured articles, other liquids, when the gross weight of such radioactive material and its container does not exceed 500 pounds per vehicle.

Section 2. Owner Prima Facie Responsible for Violations----If any vehicle is found upon any street or highway in violation of any provision of these rules and orders and the identity of the driver cannot be determined, the owner or the person in whose name such a vehicle is registered shall be held prima facie responsible for such violations.

Section 3. Obedience to Police----No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer in regard to the direction, control or regulation of traffic. Any person acting in conformity with any such order or direction shall be

relieved from the observance of any provision of these rules with which the order of direction may conflict.

Section 4. No person shall disobey the instructions of any official sign, signal, marking or marker.

Section 5. Penalties---Any person convicted of a violation of any of the provisions of Article VII of these Rules and Regulations shall be punished as provided in Chapter 90, Section 18 A of The General Laws (Ter. Ed.). Any person convicted of a parking violation of any provision of these rules shall be punished as provided in Chapter 90, Section 20A of the General Laws (Ter. Ed.). Any person convicted of a violation of any other rule made hereunder shall be punished by a fine of not more than twenty dollars for each offense except that a person convicted of a violation of the provisions of Article VI, Section 3 a, b, c and d of these Regulations shall be punished by a fine of not more than five hundred dollars for each offense.

This article was accepted and will become a by-law for the Town
Hand vote taken Yes 49 No 3

[Note: ARTICLE 29 is a continuation of ARTICLE 28. Also, the reference to Article VI, sections 3 (a), (b), (c), and (d), along with Article VII, as mentioned in ARTICLE 29 Sections 1 and 5 were part of the Annual Town Warrant but were not included in the Town By-Laws.]

ARTICLE 30

The Town of Cheshire adopted as a General By-Law to implement a program of recycling in conjunction with ordinary waste disposal, residents and businesses of the Town of Cheshire shall separate waste material into the following categories before depositing same for disposal.

1. Glass and Cans
2. Paper
3. Other waste

If no separation takes place, waste material shall not be accepted at the disposal location. Violators shall be subject to fines not exceeding \$300.00 per violation. The Board of Health will be responsible for promulgation of regulations and enforcement consistent with these provisions and shall have the authority to add, alter or delete items to be separated.

This by-law shall be implemented by the Board of Health by posting and publishing a notice detailing procedures and the starting date when separation shall commence.

[This was written as Article XXVII in the Town Warrant for the year that it was passed.]

Voted June 27, 1989

Approved by the Massachusetts Attorney General October 5, 1989

ARTICLE 31

AMENDED BY-LAW Section 1 (d)

For all other elections the polls shall be open for such time as the Selectmen shall set, but in no event shall the time be less than six (6) hours.

Voted May 14, 1990

Approved by the Massachusetts Attorney General August 13, 1990

[This by-law amends ARTICLE 1, section 1(d). Where it is written "See Article 27," the article on the Town Warrant for that year is the article mentioned. Also, this amendment was listed as Article XXVIII on the Town Warrant for that year.]

ARTICLE 32

Amendment to ARTICLE 20, Quorum for Special Town Meetings. 50 registered voters to 35. (Approved August 29, 1984)

[The amendment reads as follows:]

Reduce quorum at Special Town Meetings from thirty-five (35) to twenty-five (25) registered voters.

Annual Town Meetings Monday, June 21, 1993.

Approved by the Attorney General, August 20, 1993.

ARTICLE 33

[Note: the following language is as written in the Annual Warrant for the year this by-law was passed. This warrant article was voted on and did pass.]

Article XI: To see if the Town will vote to amend the Town of Cheshire By-Laws by deleting in its entirety Section 3 and Section 4 of ARTICLE 17 entitled "By-Laws Relative to the Restraining of Dogs" and by substituting therefore the following new language:

Section 3 Impounding

It shall be the duty of the Animal Control Officer, assisted by all Police Officers to apprehend any dog found unrestrained or running-at-large and to impound such dog in a place suitable for the detention of dogs and kept in a sanitary condition. Any dog so confined and impounded shall be confined for a period of ten days and may be redeemed by the owner of keeper upon payment to the Town Clerk of the Animal Control Officer, the sum of five dollars (\$5.00) for each day so confined or impounded.

Section 4 Enforcement

For any violation of the By-Law, the Animal Control Officer or any Police Officer shall utilize the civil infraction procedure established by the General Laws, Chapter 90G, by issuing a written citation to the violator, said citation notifying the violator that within twenty days of the date of citation the violator must either pay the scheduled assessment, or contest responsibility for the infractions by requesting a noncriminal hearing before a magistrate of the district court. For the first violation of this By-Law within a calendar year, the payment to the Town Clerk of a fine of ten dollars (\$10.00) shall operate as a final disposition of the case. For the second violation within a calendar year, the payment of fifteen dollars (\$15.00) to the Town Clerk shall operate as a final disposition of the case. For the third and each subsequent offense within a calendar year, the payment of twenty-five dollars (\$25.00) to the Town Clerk shall operate as a final disposition of the case, or take any other action in relation thereto.

Approved by the Attorney General, August 20, 1993

ARTICLE 34

Fee Schedule for Town Clerk

Birth, Marriage and Death Certificates (Certified Copies)	\$ 3.00
Abstract of Birth, Marriage and Death Records	\$ 1.00
Entering Amendments to Birth, Marriage or Death Records	\$ 2.00
Copies of records pertaining to Birth, Marriage or Death	\$ 2.00
Marriage Intentions (Filing intentions, Certificate of Marriage and Marriage Certificate)	\$ 10.00
Fees Town Receives	\$ 1.00
Voter Card	\$ 2.00
Business Certificates	\$ 2.00
Additional Copies each	\$ 1.00
Gasoline Permits	\$ 5.00

Approved by the Attorney General, August 20, 1995

ARTICLE 35

[Note: the following language is as written in the Annual Warrant for the year this by-law was passed.]

To see if the Town will vote to amend ARTICLE 16 of its By-laws concerning meetings for Town Officers by deleting the present language and substituting therefore the following language:

ARTICLE XVI: MEETINGS FOR TOWN OFFICERS, ELECTED AND APPOINTED. A Meeting of all elected and appointed Town officials shall be held in a Town building on the second Wednesday of April and October at 7:00 PM, for the purpose of communication between the various boards and departments of the Town. The Meeting shall be chaired by the Chairman of the Board of Selectmen.

Unanimously passed at Annual Town Meeting
June 24, 1996.

Approved by the Attorney General, July 17, 1998.

ARTICLE 36

To amend Section 1B of the Town By-Laws, changing the time of the Annual Town Meeting from 7:30 pm to 7:00 pm.

Unanimously passed at Annual Town Meeting
June 29, 1998

Approved by the Attorney General, July 17, 1998

ARTICLE 37

To amend the Protective and Planning Zoning By-Law for the Town of Cheshire as follows: by adding a Water Supply Protection District (Zone II) as an overlay district, all as set forth in the document entitled "Cheshire Water Supply Protection District" attached thereto.

Voice vote taken: Unanimous
Special Town Meeting June 29, 1998

Approved by the Attorney General, August 31, 1998

[The following is taken directly from "The Protective and Planning Zoning By-Law for the Town of Cheshire."]

5.9 Water Supply Protection District (approved June 29, 1998)

5.9.1 Purpose

To promote the health safety and welfare of the community by protecting, conserving and maintaining the quality and safe yield of the Town's public water supply resources from detrimental land uses and activities.

5.9.2 Scope of authority

The Water Supply Protection District is an overlay district superimposed on the existing zoning districts established in this bylaw. All regulations of the Town of Cheshire's Zoning Bylaw applicable to such districts shall remain in effect, except that where the Water Supply Protection District imposes additional regulations, such regulations shall prevail.

This bylaw shall not apply to structures or uses in existence or lawfully begun, or to a building permit or Special Permit issued before the first publication of the notice of the Public Hearing of this bylaw (May 2, 1998); nor shall it apply to the use of land for the Primary purpose of agriculture, horticulture, floriculture or viticulture consistent with M.G.L. Ch. 40A sec. 3 except where specifically addressed in this bylaw.

5.9.3 District Delineation

For the purpose of this bylaw, there is hereby established within the Town of Cheshire a Water Supply Protection District, which consists of the Zone I and II areas (DEP approved recharge area) for the Town of Cheshire Wellfield. This zone is delineated on the map entitled "Pumping Test

Report Hoosic River Area Cheshire, MA", dated June 1997. This map is hereby made a part of the town zoning bylaw and is on file in the Office of the Town Clerk.

5.9.4 District Boundary Disputes

The determination of the location and extent of the Water Supply Protection District (Zone II) shall be in conformance with the criteria set forth in 310 CMR 22.00 and in DEP's Guidelines and Policies for Public Water Systems:

5.9.5 Prohibited Uses

The following uses and activities are strictly prohibited within the Water Supply Protection District.

- 5.9.5.1** Landfills and open dumps as defined by 310 CMR 19.06, junkyards and automobile graveyards.
- 5.9.5.2** Landfilling or storage of sludge and septage.
- 5.9.5.3** The dumping and disposal of snow or ice removed from outside the Water Supply Protection District that contains sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for snow and ice removal.
- 5.9.5.4** Facilities that generate, treat, store, or dispose of hazardous wastes that are subject to M.G.L. c. 21C and 310 CMR 30.00, except for the following:
- a) very small quantity generators as defined by 310 CMR 30.00 (facilities that produce or handle 220 lbs or less of hazardous wastes per month);
 - b) household hazardous waste centers and events under 310 CMR 30.390;
 - c) waste oil retention facilities required by M.G.L. c. 21, sec. 52A;
 - d) water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters.
- 5.9.5.5** The removal of soil, loam, sand, gravel or any other mineral substances within four (4) feet of the historical high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey), unless the material is redeposited within forty-five (45) days of removal on site to achieve a final grading greater than four (4) feet above the historical high water table, except for excavations for the construction of building foundations or the installation of utility works.
- 5.9.5.6** Storage of liquid petroleum products with the following exceptions:
- a) Normal household, outdoor maintenance or structure heating uses.

- b) Waste oil retention facilities and emergency generators required by statute, rule or regulation.
- c) Treatment works approved under 314 CMR 5.00 for treating of ground and surface water.

For these exceptions the storage must be in freestanding containers within a building or above ground. An above ground storage container requires secondary containment to contain a spill equal to the container's total storage capacity.

5.9.5.7 Non-sanitary wastewater treatment facilities, except for the replacement or repair of existing systems which treat contaminated ground or surface water, and facilities approved by the Massachusetts Department of Environmental Protection (DEP).

5.9.6 **Conditional Uses**

The following uses are strictly prohibited from the Water Supply Protection District unless they are accomplished in accordance with the specified performance standards.

- 5.9.6.1** Storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- 5.9.6.2** Storage of commercial fertilizers and soil conditioners, as defined in M.G.L. c. 128, sec. 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- 5.9.6.3** Animal manure will be stored in a manner to prevent leaching of contaminants into groundwater in accordance with specifications of the Natural Resource Conservation Services.
- 5.9.6.4** Storage of liquid hazardous materials, as defined in M.G.L. c. 21E, unless such storage is either in a free standing container within a building, or in a free standing container above ground level with protection adequate to contain a spill the size of the container's total storage capacity.
- 5.9.6.5** The rendering impervious of more than fifteen (15) percent of a lot, or 2,500 sq. ft., whichever is greater, unless a system for artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality.

5.9.7 **Severability**

A determination that any portion or provision of this bylaw is invalid shall not invalidate any other portion or provision thereof.

*A*RTICLE 38

To accept the provisions of Massachusetts General Laws, Chapter 140, Section 147A, which will enable the Town to enact by-laws and ordinances relative to the regulation of dogs.

ARTICLE 39

To amend Town of Cheshire By-Laws by adding the following new language:

TOWN COMPACTOR

- Section 1. **Town Compactor Site.**
The Board of Health shall have control, supervision, and responsibility for the operation of the Town Compactor and related activities. Said compactor shall be operated in conformity with all applicable laws, rules and regulations.
- Section 2. **General requirements.**
All Town residents desiring to enter and utilize the Town Compactor shall be required to purchase a sticker from the Board of Health. No person shall deposit any trash at the Town Compactor site without purchasing a sticker from the Board of Health. All trash shall be put into bags issued by the Board of Health before being deposited at the Town Compactor site. No disposal of any kind shall be allowed when the Town Compactor is closed.
- Section 3. **Penalties.**
Violation of any section of the By-Law shall be punishable by a fine of one hundred dollars (\$100) for the first offense, a fine of two hundred dollars (\$200) for the second and subsequent offenses.
- Section 4. **Revocation of stickers.**
The Board of Health, with the approval of the Board of Selectmen, may revoke a person's sticker for repeated violations of this By-Law or the rules and regulations established by the Town's acceptance in 1990 of the Solid Waste Management Program, so-called.

Voice vote taken, Article VI [as it appeared on the Town Warrant] passed unanimously.
Annual Town Meeting June 26, 2000

Approved by the Attorney General October 14, 2000

ARTICLE 40

To amend the Town of Cheshire By-Laws by adding the following new language:

PASTURING OF ANIMALS ON PUBLIC WAYS

No person shall tie or tether horses, cattle or other animals, either with or without a keeper upon a public way. Any person violating this By-Law shall be subject to a fine of twenty (\$20.00) dollars for each violation thereof.

A card vote was taken.

Yes 90 No 8
Article passed.

Annual Town Meeting
June 26, 2000

ARTICLE 41

To amend the existing Town Bylaws pertaining to dogs (ARTICLE 17) as follows:

- (A) Under existing Section 3 (Impounding), insert the following language, (hereinafter referred to as ARTICLE 17, Section 3-1) (Approved 5-8-1978):

Town Bylaw XVII, Section 3-1: (This bylaw pertains to dogs that are out-of-doors.)

If the owner or keeper of a dog has previously received written notices from the dog officer or a Police officer concerning the continuous barking or howling of his/her dog, it shall be the duty of the dog officer assisted by any Police officer, to apprehend and impound any dog in order to restore peace when the owner or keeper of their dog is otherwise unavailable, unwilling, or physically unable to restrain their dog from causing a nuisance by continuous barking or howling or to ensure the safety and well-being of that particular dog. A sustained period of twenty (20) minutes shall constitute continuous barking or howling.

- (B) By adding the following language (hereinafter known as ARTICLE 17, Section 5):

Town Bylaw Article XVII, Section 5

Removal of Animal Litter.

If any animal shall defecate upon any property or area, as hereinafter defined, then the owner, keeper or person then walking or otherwise in charge of said animal shall immediately remove or cause to be removed from said property or area all feces so deposited by said animal. Unless said feces are removed, the owner, keeper or person then walking or otherwise in charge of said animal (or if owner, keeper or person shall be under the age of 18), then the parent of guardian shall be deemed to have committed a punishable offense.

As used in this section, the following terms shall have the meaning indicated:

Property or Area – any public property or any private property owned by any person or persons who are members of the family of the owner or keeper or the person then walking or otherwise in charge of said animal. The provision of this bylaw shall not apply to a guide animal, hearing animal or service animal while actually engaged in the performance of its trained duties with a disabled person.

Penalties - The commission of any offense punishable under this section shall be punishable as set forth ARTICLE 17, Section, a fine of \$10 (ten dollars) for the first offense; \$15 (fifteen dollars) for the second offense; and \$25 (twenty-five dollars) for each subsequent offense.

Card vote called for by the Moderator.

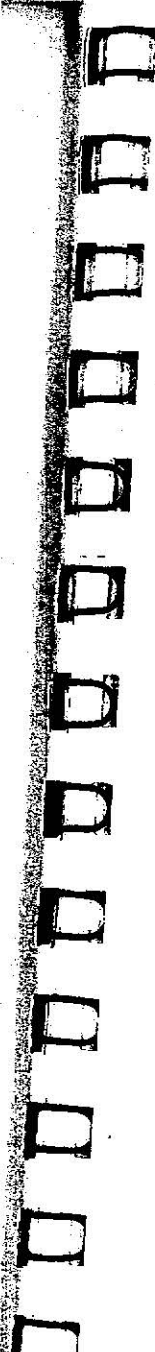
Yes 130 No 9

Section B pertaining to the dog by-laws passed.

ARTICLE 42

To amend the Town of Cheshire By-Laws by adding the following new language:

All officers, boards, departments, committees and commissions shall prepare an annual report on a fiscal year basis. Such fiscal year reports shall be printed within ninety (90) days of the close of the fiscal year.



ARTICLE 43

To amend the existing Bylaws by adding the following:

Unregistered or Junk Vehicles

No person or entity, corporate or otherwise, as owner or as one in control of premises, shall keep in the open in any zoning district of the Town of Cheshire, any junk or unregistered vehicle except as outlined in this Town Bylaw.

A vehicle is defined as an automobile, truck, van, snowmobile, all-terrain vehicle, or any other motorized vehicle requiring a State Registration to be operated on public ways or lands.

A junk vehicle is any vehicle that is inoperable, worn out, cast off, or discarded and is ready for dismantling or destruction, or that has been collected or stored for salvage, or for stripping, in order to make use of parts thereof.

Any unregistered vehicle is a vehicle that is operable and able to meet requirements for State registration, but currently not registered with the appropriate State Registry.

Any property owner may have no more than two (2) junk vehicles and they must be housed behind fencing or natural screening, or garaged out of view of the public and abutting property owners. No more than one (1) unregistered vehicle shall be kept in view of the public or abutting property owners. In addition, no more than two (2) unregistered vehicles shall be garaged or kept behind fencing, or natural screening.

Any property owner using the property for agriculture or horticulture may maintain up to six (6) operable vehicles used for servicing the property. These allowances are in addition to those afforded all other property owners. When not in use, all of the allowed vehicles shall be properly screened from public and abutters view.

Any property owner seeking relief from this by-law must file a written request for such to the Board of Selectmen and must prove financial hardship is relief is to be granted. The Board of Selectmen, by a simple majority will determine whether relief shall be granted. This determination will be in writing to the applicant. The Board of Selectmen shall hold a public hearing on the request no later than 80 days after the receipt of the written request. This hearing will be in accordance with Massachusetts

General Law. Any appeal by the applicant shall be in accordance with Massachusetts General Law.

In addition to any other remedies provided for in law or equity, a Police Officer may ticket any vehicle in violation of this article, and after a period of fourteen (14) days, shall enforce this By-law. Penalty for violation shall be \$50.00 for each day that the violation continues, constituting a separate offense. In the event of violation, a Police Officer may give to the offender a written notice to either appear before the Clerk of the District Court at any time during office hours, no later than twenty-one (21) days after the date of such notice, or to mail the stipulated penalty to said clerk, as provided under section 21D of Chapter 40, General Laws.

ARTICLE 44

To amend the existing Town Bylaws by adding the following:

Shoveling, throwing, plowing, or pushing snow into public way.

No person shall shovel, plow, push or throw snow out into a public way. After written notice by the Cheshire Highway Department, or by the Board of Selectmen or by the Cheshire Police Department, anyone violating this section shall be subject to a fine of \$50.00 for a first offense and a fine of \$100 for each subsequent offense. Prosecution of an offense under this section shall be pursuant to the provisions of Mass. General Laws, ch. 40, sec. 21D (non-criminal dispositions). The imposition of a penalty under this section shall not relieve the owner from any civil liability.

CERTIFIED COPY

Christine B. Emerson
Cheshire Town Clerk

Article 12: To see if the Town will vote to amend Article 17, Section 4 of the Town of Cheshire Bylaws relative to the restraining of dogs as follows: "Whenever a complaint is sought in the District Court for a violation of this By Law, the procedure established by the General Laws, Chapter 140, Section 173A, shall be followed except that any offense committed by such person shall require payment to the Clerk of Courts a fine of *Fifty Dollars (\$50.00) for the first offense, One-hundred dollars (\$100.00) for the second offense and Two-hundred dollars (\$200.00)* for each subsequent offense, which shall operate as a final disposition of the case, *or take any other action in relation thereto.*

[NOTE: proposed changes to the above referenced bylaw are shown in *italics.*]

Article 12 approved
At Town Meeting 6/10/2013
Attorney General Approval
10/17/2013

TOWN of CHESHIRE

Massachusetts Attorney General Approval of Annual

Town Meeting Article 13:

Article 13: Telecommunications By-law

Approved at ATM

Attorney General Approval

6-10-2013

12-17-2013

Posted at: Cheshire Town Hall, Town Hall Annex,
H.D. Reynolds, Cheshire Post Office, and Cheshire
Community/Senior Center.

Date: December 23, 2013

R. J. Beagrie Constable