

**BY-LAWS OF THE TOWN OF WILLIAMSBURG
GENERAL GOVERNMENT**

SECTION 1.

All warrants for Town Meetings shall be served by posting attested copies thereof in three or more public places in said town at least seven days before the day of said meeting.

SECTION 2.

The annual Town Meeting shall be held on the first Monday in June of each year at such time and place as shall be stated in the warrant.

SECTION 2.a

All petitions to add articles to a town meeting warrant must be filed with the Board of Selectmen at least 35 days prior to a Special Town Meeting or at least 45 days prior to an Annual Town Meeting.

These requirements may be waived by the Board of Selectmen in its discretion

SECTION 3.

A quorum at any Annual or Special town meeting, except such parts of meeting as are devoted exclusively to the election of town officers, shall consist of sixty (60) registered voters, provided that a number less than a quorum may from time to time adjourn the same.

SECTION 4.

The moderator shall regulate the proceedings at town meetings in conformity with such rules and regulations for maintaining order, as the town shall adopt for that purpose.

SECTION 5.

The Annual Election shall be held on the first Monday in May of each year; the polls shall be open for the election of town officers from 10:00 a.m. to 7:00 p.m. with officials taking office effective July 1st of each year.

SECTION 6.

The town budget and all other articles in the warrant for the Annual Town Meeting, which in any way affect the finances of the town, shall not be considered at any hour prior to 1:00 P.M. of the day of said meeting.

TOWN OFFICERS AND COMMITTEES

BOARD OF SELECTMEN

The Board of Selectmen, consisting of three members shall be elected for a three-year term. However, at the Annual Meeting in 1948, one shall be elected for a term of one year, one for a term of two years, and one for a term of three years, and thereafter one shall be elected at the Annual meeting for a term of three years.

TREASURER

1. The Treasurer of the Town shall give no note as Treasurer unless authorized by vote of the Town to borrow money and under the certified approval of the Selectmen.
2. The Treasurer shall pay no money from the Treasury except upon a warrant signed by the Town Accountant and by the officer or by a majority of the Board or Committee authorized to make the expenditure.
3. The Treasurer shall, before entering upon the discharge of his duties, give bond for the faithful performance of his duties in a sum and with sureties approved by the Selectmen, which bond shall be paid for by the Town.

COLLECTOR

1. The Collector of Taxes shall, before entering upon the duties of his office give a bond in a sum and with sureties approved by the Selectmen, which bond shall be paid for by the Town.
2. The Collector shall, upon receipt of the taxes furnished him by the Assessors, prepare the bills and distribute same to the taxpayers not later than September of each year.

The office of Town Collector is hereby established.

1. The Town Collector will be appointed by the Board of Selectmen for a three- (3) year term.
2. The duties of the office are all of the duties assigned by statute, or by-law to the Tax Collector as well as the duty of collecting all other accounts due to the Town for water, or sewer services, and such other accounts as the Board of Selectmen may direct.
3. The Town Collector will keep office hours of at least thirty hours in a typical week.
4. Transition Rule: This by-law will take effect on the day after Annual Town Meeting in May 1989; the incumbent tax collector (which post is abolished by this by-law) will be automatically appointed to a three (3) year term as Town Collector.

ASSESSORS

The Assessors shall file the tax warrant of Poll, Real, and Personal Property with the Collector not later than September 1st of each year.

FINANCE COMMITTEE

A Finance Committee of nine members shall be APPOINTED by the Moderator of the Annual Town Meeting as follows: three for a term of three years, three for a term of two years, three for a term of one year, and annually thereafter three for a term of three years.

1. A Finance Committee of nine (9) members shall be ELECTED for a three-year term: three (3) members to be elected annually for a term of three years.

In order to provide for the orderly implementation of this by-law and an orderly transition from the appointive procedure in effect under the old by-law which this by-law superseded, those present members of said committee who have been appointed shall complete their term and as their term expires, shall be replaced by members to be elected as herein above provided.

3. This by-law shall become effective commencing with the calendar year 1971.

4. The Committee shall elect its own chairman and secretary.

5. It shall be the duty of the Finance committee to investigate all proposals in the articles of the warrant for any Town Meeting that shall in any way affect the finances of the Town and to recommend to the Town at the time of said meeting a course of action thereon, and in general to make recommendations to the Town in regard to any financial business of the Town.

6. The Finance Committee for the purpose of thoroughly investigating all estimated and proposed expenditures, shall hold hearings at such time and place as it may direct, at which hearing all Town officers, Boards, or Committees responsible for the expenditure of funds shall appear and make such explanations and suggestions in relation thereto as may be needed.

7. The Committee's recommendations shall be printed and distributed by the Selectmen at or before the Annual Town Meeting.

CAPITAL PLANNING COMMITTEE

1. A committee to be known as the Capital Planning Committee is hereby established under G.L. Ch. 41, Sec. 106B, composed of two members of the Finance Committee appointed by it and three additional members to be appointed by the Board of Selectmen. The members from the Finance committee shall be appointed for one-year terms. The appointees of the Board of Selectmen shall be appointed for three-year terms such that one will expire each year. No voting member of this committee shall be a town employee. The Town Treasurer shall be an ex-officio member without right to vote. A vacancy shall be filled for the unexpired term in the manner of the original appointment. The Committee shall choose its own officers. It may spend such sums as shall annually be appropriated for its use. A quorum shall be a majority of those in office. A majority of members present shall have power to act.

2. The committee shall study proposed capital outlays involving the acquisition of land or involving any expenditure for tangible assets of \$10,000. or more and having a

useful life of at least five years. All officers, boards and committees, including the Board of

Selectmen and the School Committee, shall by December 1st each year give to such committee, on forms prepared by it, information concerning all projects anticipated by them to need town meeting action during the ensuing five years. The Committee shall consider the relative need, timing, and cost of these expenditures and the effect each will have on the financial position of the Town. The Committee may undertake such investigations and hold such hearings, as it may deem necessary. The Board of Selectmen shall exclude warrant articles for such capital expenditures of \$10,000.00 or more from town meeting warrants if said expenditures have not first been presented to the Capital Planning Committee unless, by majority vote of the Board of Selectmen, a waiver is issued. Any such waivers issued shall be forwarded as soon as possible to the Capital Planning Committee for inclusion in the Capital Improvement Budget.

3. The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Finance Committee for its consideration and approval. The Finance Committee shall submit its approved Capital Improvement Budget and Capital Improvement Program to the Annual Town Meeting for adoption by the town.
4. Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.

BOARD OF HEALTH

There shall be created in the town, a Board of Health separate from the Board of Selectmen, consisting of three members, who shall be elected at the Annual Town Meeting, to serve for a term of three years, and until their successors are elected and qualified. However, at the Annual Town Meeting in 1946, one shall be elected for a term of three years, and thereafter one shall be elected at each Annual Town Meeting for a term of three years. The members of the Board of Health shall receive such compensation for their services as the Town by vote determines.

A. Non-criminal Disposition

Whoever violates any provision of the Board of Health's "Regulation Affecting the Sale of Tobacco Products", 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

Each day on which any violation exists shall be deemed to be a separate offense. For the purpose of this provision, the penalty to apply in the event of a violation shall be as follows:

Section 9, Part C – 2nd Violation of any Provision of the Regulations
Penalty \$100

Section 9m, Part D – 3rd Violation of any Provision of the Regulations
Penalty \$200

B. Enforcement

Enforcement of this by-law 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 by-law may do so by contacting the Board of Health or its designated agent.

COUNCIL ON AGING

Pursuant to the provisions of the General Laws, Chapter 40, Section 8B, there is hereby established a Council on Aging, whose members shall be appointed by the Board of Selectmen, said Council to consist of five persons, who shall be voters and residents of the Town.

1. Members shall be appointed as follows: two members for three years, two members to be appointed for two years, and one member to be appointed for one year, and annually thereafter members should be appointed for terms of three years. The Council shall annually elect its chairman and other officers, as it deems appropriate.
2. The duties of the Council shall be to: Identify the total needs of the community's elderly population; educate the community and enlist support and participation of all citizens concerning these needs; design, promote, or implement services to fill these needs, or coordinate present existing services in the community; promote, support any other programs designed to assist elderly programs in the community.
3. Said Council shall cooperate with the Commonwealth of Massachusetts, Department of Elder Affairs and shall be cognizant of all State and Federal legislation concerning funding, information exchange, and program planning which exists for better community programming for the elderly.
4. Such Council on Aging shall give an annual report to the Board of Selectmen with a copy of that report directed to the Commonwealth Department of Elder Affairs.

BOARD OF WATER AND SEWER COMMISSIONERS

There shall be a Board of Water and Sewer Commissioners whose duty it shall be to maintain, construct, reconstruct, administer and expand the water and sewer systems of the Town; to manage, acquire, and control lands designated town watershed or reservoir lands; and to levy and direct the collection of charges for services. All collections will be deposited with the Town Treasurer. The Commission will maintain separate sewer and water accounts funded by the fees of their respective services and insofar as is practicable the expenses of each service shall be met by the account for that service; joint expenses will be paid for jointly. The Commission will have all authority granted to water commissions and Sewer Commissions by the statutes of the Commonwealth. There shall be five Commissioners, each elected for a term of three years, two terms first expiring with the Annual Town Meeting 1989, two terms first expiring with the Annual Town Meeting 1990, and one term first expiring with the Annual Town Meeting 1991. The Commissioners shall appoint a Superintendent who shall oversee the operations of the water and sewer systems and all construction projects. The Superintendent shall receive compensation established by the Commission; not to exceed the sum appropriated by vote of a Town Meeting on a warrant article, which separately discloses such amount. Provided, however, that if the Commission appoint one of their number to be Superintendent, the Board of Selectmen shall fix the amount of compensation, subject to the same appropriation. Transition Provision: This by-law will take effect January 1, 1989. All elected members of the Sewer Commission and of the Water commission will be members of the Sewer and Water Commission. The meeting notes that as of the consideration of this article there are four persons occupying five seats and one vacancy between the two boards.

The Williamsburg Water and Sewer Commission is hereby authorized to promulgate regulations relative to the use of water in the Town's water distribution system and the use of the Town's sewer system. Violation of any regulations promulgated under the authority of this bylaw may be enforced through any lawful means in law or equity by the Water and Sewer Commission, or its designees, including but not limited to enforcement by non-criminal disposition in accordance with MGL Chapter 40, section 21D. Each day a violation exists shall constitute a separate violation. The regulations authorized by this section shall establish specific penalties for violation thereof in amounts not to exceed \$300 per violation; or to act in any other manner in relation thereto.

Be it enacted by the Senate and House of Representative in General Court assembled, and by the authority of the same, as follows;

SECTION I.

It is hereby declared essential that the Town of Williamsburg for the benefit of the people of the town, shall continue to maintain a means to improve its water and sewer services operated in a modern, efficient, financially self-sustaining, and environmentally sound manner; that just, equitable and sufficient fees, rates and charges for water and sewer service within the Town be established and all consumers, public and private, taxpayer and tax exempt, pay their fair share of the

costs of such services; all to the public benefit and good, as and to the extent and in the manner provided herein.

SECTION 2.

Words used in this act shall have the following meanings, unless a different meaning is clearly apparent from the language or context:

1. Sewer works system shall mean the existing sewer works system in the possession of and under the jurisdiction, ownership, control and regulation of the Town and its Sewer Commission, and all facilities, betterment's, extensions, improvements, enlargements thereto hereafter constructed or acquired.
2. Water works system shall mean the existing water supply and distribution system in the possession of and under the jurisdiction, ownership, control, and regulation of the town and its' Water Commission, and all facilities, betterment's, extension, improvements, and enlargements thereto hereafter constructed or acquired.

SECTION 3.

Except as otherwise provided in this act, the powers of the Commission shall be exercised by a Board consisting of five members who shall be the incumbent Water commissioners and Sewer Commissioners until the next annual election and until their successors as provided herein, are duly qualified to serve. Such persons shall be elected by ballot at the Annual Town election next after acceptance of this act, with two Commissioners to be elected for a term of three years, two Commissioners to be elected for a term of two years, and one commissioner to be elected for a term of one year. Upon the expiration of the initial terms, each of the said Commissioners shall be thereafter elected for three-year terms.

SECTION 4.

All existing acts pertaining to the Water Department including Chapter three hundred and forty-nine of the acts of nineteen hundred and one not in conflict with this act shall remain in effect. The Commission shall operate on the same fiscal year as the Town of Williamsburg and be subject to what sums of money the Town may vote, for such purposes as the town may vote, at an Annual or Special Town Meeting, to raise and appropriate or transfer from available funds to pay interest and principle on maturing debts; for charges, expenses, outlays; for a water stabilization fund and a sewer stabilization fund for future improvements and the stabilization funds shall be allowed to retain interest.

SECTION 5.

The Commission shall assume all the rights, duties and obligations of the Town of Williamsburg Sewer Commission and the Town of Williamsburg Water Commission. It shall assume the care, custody, and control of all property, personal or real, which as of that date resides in the care, custody, and control of the aforesaid Sewer and Water Commissions. The Water and Sewer Commission shall be allowed to set, commit and abate rates and charges for water and sewer. At any Town Meeting, the Water and Sewer Commission may cause by vote of the Town Meeting to be established stabilization funds for future improvements to each system to an amount to meet future needs of either system under the provisions of sections seven and eight of chapter forty four of the General Laws, and the Town Treasurer, with the approval of the Board of Selectmen, shall invest and reinvest said stabilization funds pursuant to the provisions of section one of chapter three hundred and sixty-eight of the acts of nineteen hundred and eighty-nine. The accounting officer of the town shall establish a water surplus revenue fund and a sewer surplus revenue fund for future operation and improvements to the water and sewer systems. Said Water and Sewer Commission shall not be subject to the provisions of section twenty-one C of chapter fifty-nine of the General Laws.

SECTION 6.

The Commission shall have all the rights and powers, which presently exist and reside in the Williamsburg Sewer and Water Commissions under the General Laws.

SECTION 7.

Upon the effective date of this act, except as otherwise provided herein, any provisions of any special laws and parts of special laws, and all bylaws and parts of bylaws pertaining to the sewer and water works system, which are inconsistent with the provisions of this act, shall be inoperative and cease to be effective.

SECTION 8.

This act, being necessary for the welfare any living conditions of the Town and its inhabitants, shall be liberally construed to effect the purposes hereof.

SECTION 9.

This act shall take effect upon its passage.

BOARD OF LIBRARY TRUSTEES

(1. CREATION AND PURPOSE: There is hereby created the Board of Library Trustees (hereinafter, "the Board"). It shall have and exercise responsibility for the care, custody, management, control, operation and maintenance, including the establishment of policy, of the Haydenville Library and the Meekins Library as free public libraries within and for the Town of Williamsburg (hereinafter, "the Town") and of all real and tangible property owned by the Town relating thereto, subject to and in accordance with Chapter 78 of the General Laws and other applicable laws and regulations of the Commonwealth of Massachusetts. Both said libraries shall be maintained in perpetuity as free public libraries for the permanent benefit of the inhabitants of the Town. The Board of Library Trustees shall keep the Meekins Library open a minimum of ten (10) hours per week and the Haydenville Library open a minimum of five (5) hours per week. Neither library shall be open fewer than those hours per week without the approval of town meeting barring environmental emergencies, repairs or renovations effective July 1, 2004, FY05.

2. MEMBERSHIP; TERMS; ELECTIONS

There shall be six (6) members of the Board, which shall designate one of its members as chair, one as secretary and one other as treasurer. The Treasurer shall give a bond similar to that given by the Town Treasurer, in an amount and with sureties to the satisfaction of the Selectmen. Other officers may be designated, as the Board shall deem expedient. The term of membership on the Board shall be three (3) years from election and qualification thereto. Upon the approval of this by-law, one seat shall be filled by the current trustee of the Haydenville Library Board of Trustees who has two years remaining in her term, and one seat shall be filled by the current trustee of the Haydenville Library Board of Trustees who has one year remaining in her term. The remaining four seats shall be filled at the May 1997, town elections, two for three-year terms, one for a two-year term, and one for a one-year term. At subsequent town elections, two trustees shall be elected annually. Upon the convening of the Board, the Haydenville Library Board of Trustees shall cease to exist. Nothing herein shall be construed to prohibit an incumbent trustee from seeking re-election.

3 MEEKINS LIBRARY CHARTER AGREEMENT

The Board may enter into a Charter Agreement with the Meekins Library Corporation, whereby sole authority for the care, custody, management, control and operation of the Meekins Library and title to the contents thereof are transferred by the Meekins Library Corporation to the Board, and accepted and held by the Board.

4. STAFF

The Board shall hire qualified staff for the two libraries, who shall thereby become town employees, subject to the personnel by-law and other applicable conditions of municipal employment by the Town.

5. REPAIRS AND MAINTENANCE

The Board shall have the responsibility for the care and custody of the Haydenville Library building and the Meekins Library building, and lands appurtenant thereto, and shall make such repairs and maintenance thereto as it shall deem prudent.

6. CAPITAL IMPROVEMENTS

Subject to the approval of the Selectmen and such other approval as may be required by law, the Board may undertake such major capital improvement projects to either or both library buildings, as it shall deem proper and in the best interests of the Town.

7. RECEIPT OF FUNDS

The Board is authorized to receive funds from the Meekins Library Corporation and any other source, including appropriation, grant, devise, bequest, gift or subscription, and to hold and expend same for the operation of free public libraries without reference to source, with all the powers and privileges and subject to all the duties, restrictions and liabilities imposed by law. The Board may refuse any gift it deems inappropriate.

8. BUDGETING

Upon request of the Town Finance Committee, the Board shall submit in timely fashion a detailed budget for the next fiscal year. The Board shall include in its budget four separate line items to support operations of the Meekins and Haydenville Libraries for (1) salary and labor; (2) maintenance; (3) books and supplies and (4) utilities.

9. ANNUAL REPORT

The Board of Library Trustees shall make an explicit report at each annual town meeting of its receipts and expenditures, including a statement of any unexpended balance of money it may have, and of any bequests or donations it may have received and is holding on behalf of the Town, with such recommendations in reference to the same as it may deem necessary for the Town to consider.

10. AMENDMENTS

This by-law may be amended only by a majority vote at any special or regular town meeting.

AGRICULTURAL COMMISSION

The purpose of the Agricultural Commission shall be to support agricultural practices and other farming activities in the Town of Williamsburg. The duties of the Commission shall include, but not be limited to, the following: serve as facilitators to encourage and promote agricultural-based economic pursuits; act as mediator, advocate, educator, and/or negotiators on farming issues; work for the preservation of open land; advise the Town and all its Boards and Commissions, on agrarian issues and shall pursue all initiatives appropriate to encourage and promote agriculture pursuits.

The Commission shall consist of five members appointed by the Board of Selectman, of which the majority of the membership shall be substantially engaged or experienced in the pursuit of agriculture. All members of the Commission must either be residents of the town, or owners and operators of agricultural property within the town.

There may be up to three alternates appointed to the Commission by the Selectman and will fill any vacancies at a meeting of the Commission.

The Board of Selectman is asked, in making appointments to the Commission, to specifically consider the intent of the Commission by appointing farmers or people strongly representing the agricultural interests of the town.

The terms will be as follows: Two members for a term of three years; two members for a term of two years and three thereafter; and one member for a term of one year and three years thereafter.

The Board of Selectman shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based upon the recommendations of the Commission.

The Commission shall elect annually a chairman from its own number and a clerk.

**Fire Department Safety Regulations:
Rapid Entry Key System:**

- 1.) Definitions
 1. Fire Chief: Williamsburg Fire Chief or his designee
 2. Fire Department: Williamsburg Fire Department
 3. Fire Alarm System: Fire, heat or smoke detection system with automatic notification of the Williamsburg Fire Department or notification to the Williamsburg Fire Department through a third party notification service.
 4. Rapid Entry Key System: Rapid entry key system, which will include an exterior, secure key box and may include an interior secure key safe.
- 2.) Key System Requirements
 1. The owner of any structure or property which is protected with a fire alarm system with automatic notification of the Williamsburg Fire Department shall install a rapid entry key system for fire department use. The key box shall contain keys for the main entry, all areas covered by the fire detection system, hazardous areas, mechanical areas and any other areas required by the Fire Chief.
 2. The rapid entry key system shall be of a type approved by the Fire Chief. Installation shall be in a location approved by the Fire Chief.

A rapid entry key system shall be in a place at the time of installation of any fire alarm system with automatic notification of the fire department, at the time any existing system is updated with automatic notification of the fire department or within one year of the adoption of this by-law by the Town Meeting.

HIGHWAYS AND SIDEWALKS

1. The tenant, occupant, and in the case there is no tenant, the owner or person having the care of any estate abutting upon any highway or town way within this town, where there is now or may hereafter be a sidewalk established or set apart as such, shall after the ceasing to fall of snow thereon, within twenty-four hours cause the same to be removed from the full-width of the sidewalk or be subject to a \$50.00 fine per storm.
2. Whenever any sidewalk in section one of this by-law shall be encumbered with ice, it shall be the duty of the tenant or occupant, or in case there is no tenant the owner or person having care of the estate abutting thereon, to cause such sidewalk to be made convenient for travel by removing the ice there from, or covering the same with sand or other substance full width of said sidewalk, within twenty-four hours after such sidewalk shall have become so encumbered or be subject to a \$50.00 fine per storm.
3. No person shall dig, cut down, climb, break, peel, cut, deface or destroy any ornamental or shade tree growing or being in any of the streets or highways or on any public grounds of said town without the consent of the Tree Warden or person having said grounds in charge permission first being obtained in writing.

4. No person shall course, coast, or slide down, across, in or along any of the streets in said town, upon any hand sled, board or otherwise, except in such places and under such restrictions as the Selectmen shall designate and require.
5. No owner or person having the care of any swine, sheep, goats, horses, mules, or neat cattle, shall suffer or permit the same to go at large in any street or highway, common, square, or other public place within said town.
6. Whoever violates any provision of the Highways and Sidewalks section of the By-laws, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in M.G.L. Chapter 40, section 21D. Any Town Police Officer and the Board of Selectmen of the Town are designated as the enforcing persons for non-criminal disposition enforcement of the Highways and Sidewalks Bylaw.

PUBLIC CONDUCT

1. No person shall use any indecent, profane, or insulting language in any street or public place in the town, near any dwelling house or other building therein, or be or remain upon any sidewalk, public way or way to any public hall or church, or upon any door-step, portico or other projection of any building, to the annoyance, disturbance or obstruction of any person lawfully entitled to pass or resort thereto.
2. Three or more persons shall not stand or be near each other in such a manner as to obstruct a free passage for passengers therein or over any foot bridge or sidewalk.
3. In observance of our national independence, the bells of the mills and churches shall not be rung before sunrise on the fourth of July or on the following day when the observance comes on that day, nor after 10:00 o'clock in the evening of said days. And in such observance, except by special permission of the Selectmen, no person shall fire any cannon, cracker, torpedo, gun or pistol, blow horn, beat drums, or ring bells before sunrise not after 10:00 o'clock in the evening of the day observed.
4. No minor under the age of sixteen shall discharge any firearms, air guns, bullet rifles or any dangerous weapon in the Town of Williamsburg except, or unless, such minor is at the time and place accompanied by and under the control and supervision of an adult.
5. No minor under the age of 14 shall loiter or remain upon any public way, public park or other place in the Town of Williamsburg to which the public has the right of access, after the hour of 10:00 PM unless accompanied by his parent, guardian or other adult persons.

In enforcing this section, a police officer may, in his discretion, warn and send home any minor who violates this section and notice thereof shall be sent by said police officer to the parent, guardian or other person having care, custody or control of such minor.

DOG BY-LAWS:

Accepted the provisions of Chapter 140, Section 147A which authorizes Town by-laws for the control of dogs and which provides for all dog moneys to remain the property of the Town and not to be transferred to the County Dog Fund.

Section I: Purpose

All dog owners shall keep their dogs under control at all times for the purpose of

1. Protecting people and animals from injury
2. Protecting property from damage
3. Preventing dog-related nuisances

Section II: Definitions

- A. Licensing Board – Board of Selectmen
- B. Dog Officer – the person or persons appointed by the Selectboard to enforce this by-law.
- C. Owner – any person who licenses a dog or keeps a dog for (30) thirty days or longer and in the absence of substantial evidence, shall be presumed to be the owner of record of the parcel where the dog is kept for such (30) thirty day period.
- D. Guard dog – dogs which meet the provisions of Chapter 129, Section 39b of the Massachusetts General Laws
- E. Residence – within the boundaries of the land where the owner sleeps

Section III: Licensing

- A. The Town Clerk shall make a list of all dogs owned by the inhabitants of the Town of Williamsburg. An owner or keeper of a dog who refuses to answer or answers falsely to persons directed or authorized to make a list of owners of dogs shall be punished by a fine established by the Licensing Board. Chapter 140, Section 150 MGL
- B. Any owner or keeper of a dog six (6) months old or older, or the owner or keeper of a dog that becomes six (6) months old during a license period, shall cause it to be registered, numbered, described and licensed between April first and the following March thirty first, both dates inclusive. Chapter 140, Section 137 MGL
- C. Rabies Vaccination: When applying for a license the applicant must show proof of rabies vaccination by a veterinarian certificate dated within the last three years, if the dog is (6) six months of age or older. Chapter 140, Section 145B MGL

Section IV: Kennel Licensing

- A. Every person maintaining a kennel shall have a kennel license. Any owner with four or more dogs six months old or older, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, may choose to obtain a kennel license. Kennel fees vary according to the maximum number of dogs kept. Kennel licensing dates shall be the same as for individual licensing. Chapter 140, Section 136A MGL

Section V: Fees and Fines

The licensing Board of the Town of Williamsburg shall determine licensing fees annually for a male dog, a female dog and a spayed female and a neutered male;

owners must provide a certificate of a registered veterinarian that said female dog has been spayed and said male dog has been neutered.

If a dog is not licensed before May 1, a late fee of \$25 per dog will be assessed to the owner in addition to the licensing cost. If a dog is not licensed before June 1, a late fee of \$50 per dog will be assessed to the owner in addition to the licensing cost. All assessed late fees and violation fines must be paid before any new license will be issued. Dogs not licensed by June 30 will be caught and confined by the dog officers as prescribed by MGL Chapter 140, Section 151A.

- A. No fee shall be charged for a license for a dog specially trained to lead or serve a blind person; provided, that the Massachusetts Commission for the Blind certifies that such dog is so trained and actually in the service of a blind person
- B. No fee shall be charged for a license for a dog professionally trained in the hearing dog business to serve a deaf person, provided that the Director of the Office of Deafness certifies that such dog is so trained and actually in the service of the deaf person. Chapter 140, Section 139 MGL
- C. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Commonwealth or other disposal of the dog. Chapter 140, Section 139 M.G.L.
- D. Whoever violates any provision of the Dog By-laws, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in M.G. L. Chapter 40 section 21D.
 - ❖ \$25.00/dog for Renewal licensing between May 1st to May 31st
 - ❖ \$50.00/dog for Renewal licensing after May 31st
 - ❖ \$25.00/dog for pick up fee
 - ❖ \$15.00/day per dog – daily care fee

Collected fines will be used to pay the dog control officer for enforcing this by-law. Dogs picked up for violations will be confined in a place suitable for detention and care of dogs and kept in a sanitary condition, or they may be placed in the care of the holder of a kennel license or of a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse. The owner prior to release of the dog must pay all fines.

Owners will pay the dog control officer \$15.00 per day for the care of the dog in addition to the fine for the offense. The daily care and detention money will be paid to the Dog Control Revolving Fund and will then be disbursed to the Dog Control Officer.

Under the provision of Chapter 140, Section 151A, unclaimed dogs may be disposed of after five (5) days.

Section VI: Violations

- A. Running at large – A dog running at large is a violation. A dog beyond the boundaries of the owner’s property is considered to be running at large unless the dog is in sight and under voice command of the owner in the act of walking, training, working, hunting or guarding. A dog on the premises of a property owner without the knowledge or permission of such owner is considered to be running at large and trespassing.
- B. Chasing – A dog chasing a pedestrian, bicycle, or any other vehicle is a violation.
- C. Barking – Excessive barking during the day or to bark between 10pm and 8am, so disturbing the reasonable quiet of the neighborhood is a violation.
- D. Worrying Livestock – To worry, injure, or kill another’s livestock, fowl or pet is a violation.
- E. Vicious Dog – To menace, attack, or bite a person, animal or fowl without provocation is considered vicious and a violation.
- F. Defecation – Permitting a dog to perform its natural body functions on the groomed and maintained areas of another’s property, a public sidewalk, public recreation areas, school property, the Town Memorial and Town Commons, and cemeteries is a violation. A dog owner shall be responsible for the removal of any fecal material deposited by his/her dog in these instances.
- G. Whoever violates any provision of the Dog By-laws, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in M.G.L Chapter 40, section 21D. The Dog Officer, any Police Officer and the Board of Selectmen of the Town are designated as the enforcing persons for non-criminal disposition enforcement of the Dog By-laws.

Violators of this section are subject to a fine according to the following schedule:

- \$25.00 first offense in a 365-day period
- \$50.00 second offense in a 365-day period
- \$75.00 third offense in a 365- day period

Section VII: Complaint and Hearing Process

- A. If any person shall make complaint in writing to the Selectmen of Williamsburg, or the Chief of Police, that any dog owned or harbored within his or their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other violation, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity, Selectmen or the Chief or Police shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant. Within fourteen days after such complaint is received a hearing will be scheduled with the owner or the keeper of such dog and the complainant. The Selectmen shall issue a decision with in seven (7) days to all parties concerned.

Any person owning or harboring such dog, who shall fail to comply with any order of the Selectmen or Chief of Police, shall be brought to District Court.

PENALTIES

Any citizen may and the Selectmen and Constables shall prosecute every violation of the by-laws and each violation of the by-laws shall upon conviction of the parties violating them, be punished by a fine not exceeding \$ 50.00 for each offense.

Restrictions:

“STATE HIGHWAYS AND ANY OTHER WAY, MAINTAINED BY THE COMMONWEALTH OF MASSACHUSETTS, AS PROVIDED IN G.L. C. 81, AND ELSEWHERE IN THE GENERAL LAWS, ARE NOT SUBJECT TO THIS ARTICLE”.

No public or private utility and/or construction company shall work on any public way within the town without notifying the Police Chief or his/her designee. All road details shall be assigned by the Police Chief or his/her designee.

Mandatory Recycling By-law

Section 1. Purpose.

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

Section 2. Applicability.

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

Section 3. Definitions.

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

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

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

D. **RECYCLABLE MATERIAL** shall mean the following recyclable goods:

Recyclable Containers:

1. Aluminum cans and foil.
2. Tin/Steel cans and lids.
3. Glass – green, brown and clear (less than 2 gallons in size).
4. Plastics tubs, jars and bottles #1-7 (less than 2 gallons in size).
5. Gable-top and aseptic containers.

Recyclable Paper:

1. Newsprint – all the newsprint plus insert that come with daily papers.
2. Mixed paper – magazines, junk mail, catalogs, used writing paper, brown paper bags, boxboard (cereal boxes), and office paper.
3. Corrugated Cardboard.

The Board of Health may from time to time, by regulation, re-designate the types of materials defined as Recyclable material under this by-law.

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

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

G. RECYCLE shall be construed to mean the diversion of material, product, or by-product from disposal to:

(a) reuse, or

(b) employ as an ingredient or feedstock in an industrial or manufacturing process to make a marketable end product, or

(c) employ in a particular function or application as an effective substitute for a commercial product priority, recycle does not mean to recover energy from the combustion of recyclable materials.

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

Section 4. Recycling of Recyclable Materials.

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

Recyclable Containers:

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

Recyclable Paper:

4. All paper must be clean and dry.
5. Paper should not be placed in plastic bags.
6. No soda or beer holders/cartons.
7. No pizza boxes, egg cartons, or wrapping paper.
8. No waxed paper or waxed cardboard.
9. No paper or cardboard should be bundled in string.
10. Cardboard must be flattened and strings must be removed.
11. Paper must be free of solid waste and commingled containers.

(B) Incoming recyclable material that contains an unacceptable level of contamination which includes but is not limited to, the following: dirt, sand, food waste, toys, appliances, household and commercial trash, asphalt, wood, concrete, snow, water, hazardous waste, and any other non-recyclables may be rejected.

(C) All separated recyclable materials shall be placed in the appropriate containers provided at the Town Transfer Station and shall become the sole property of the Town of Williamsburg.

Section 5. Disposal.

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

Section 6. Enforcement and Penalties.

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

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

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

WILLIAMSBURG RIGHT-TO-FARM BYLAW

Section 1. Purpose

The purposes of this Bylaw are to promote agriculture, educate citizens about agriculture and to encourage its acceptance in our community. Agriculture is a vital part of Williamsburg, past and present. The Town of Williamsburg is committed to do what it can to ensure the continuation of agriculture, despite our rapid residential development. Agriculture is important to our town for the local production of food and forest products and a source of local employment, and for environmental values that agricultural land provides, such as clean air, scenic beauty and open space. In order to accomplish the above-stated purposes, this Bylaw : 1) affirms the right to farm in Williamsburg, 2) provides a definition of agriculture, 3) provides a disclosure notice to educate potential buyers of

property in Williamsburg about our commitment to agriculture and 4) establishes a procedure for mediation of disputes involving agricultural practices.

Section 2. Legislative Intent and Authority

The intent of this Bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Articles of Amendment of the Massachusetts Constitution and all state statutes and regulations thereunder including, but not limited to, Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A. We, the citizens of Williamsburg, 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"). This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Williamsburg by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

Section 3. Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture. The words "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, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry, lumbering, or tree-growing operations;
- raising of livestock, including horses;
- keeping of horses as a commercial enterprise;
- keeping and raising of poultry, swine, cattle, sheep, ratites (such as emus, ostriches, and rheas), and camelids (such as llamas, alpacas, and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

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

- operation and transportation of slow-moving farm equipment over roads within the town;
- control of pests including, but not limited to, insects, weeds, predators, and disease organisms of plants and animals;
- application of manure, fertilizers, and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand, including signage thereto;
- maintenance, repair, or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
- on-farm relocation of earth and the clearing of ground for farming operation;
- construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the processing of animal wastes and agricultural products, for the sale of agricultural products, and for the use of farm labor, in accordance with applicable labor laws and regulations, as permitted by local and state building codes and regulations; including construction and maintenance of fences.

Section 4. Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Williamsburg. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through

the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this Bylaw are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or imposing any land use regulations, which are properly the subject of state statute, regulation, or local zoning bylaw. This Bylaw does not supersede local, state or federal laws or regulations, or private covenants.

Section 5. Disclosure Notification to Real Estate Buyers

In order to allow prospective purchasers to make informed decisions prior to a real estate transaction, and to promote harmony between farmers and their new neighbors after a transaction, the Town of Williamsburg requests selling landholders and/or their agents (and assigns) provide written notice to prospective purchasers substantially as follows:

“It is the policy of the Town of Williamsburg to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers that the property they are about to acquire lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors, for example, tractor traffic on roadways, noise associated with forest harvesting equipment, such as chainsaws, or occasional stray livestock. Purchasing, and henceforth occupying land within Williamsburg means that one should expect and accept such conditions as a normal and necessary aspect of living in Williamsburg.”

Written notification may occur in one of several ways including, but not limited to, a disclosure form or addendum to a Purchase and Sale Agreement, and should include an acknowledgement by the buyer that he or she has received notification.

Within 30 days after this Bylaw becomes effective, the Board of Selectmen shall make available for use by selling landowners or their agents (and assigns) copies of example written notifications.

Within 30 days after this Bylaw becomes effective the Board of Selectmen shall prominently place in the town hall the above disclosure.

Section 6. Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance, using the form made available for this purpose, with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Board of Selectmen may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within thirty days of being notified of the grievance.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance and report its recommendations to the Board of Health within thirty days of notification.

Section 7. Severability Clause

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 Williamsburg hereby declares the provisions of this Bylaw to be severable.

Stretch Energy Code

Section 1. **Adoption.** The Town of Williamsburg has adopted the provisions of 780 CMR 115.AA (*i.e.*, Appendix 115.AA of the State Building Code or the “Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00 and 51.00. Buildings not included within the scope of the Stretch Energy Code shall comply with the applicable provisions of the State Building Code.

Section 2. **Purpose.** The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code, otherwise set forth under the State Building Code.

Revolving Funds

1. **Purpose.** This By-law establishes and authorizes revolving funds for use by the Town Departments, Boards, Committees, Agencies or Officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Laws Chapter 44, Section 53E½.

2. **Expenditure Limitations.** A Department or Agency head, Board, Committee or Officer may incur liabilities against and spend monies from a revolving fund established and authorized by this By-law without appropriations subject to the following limitations:

A. Fringe benefits of full-time employees subject to the following limitations, except for those employed as school bus drivers.

B. No liability shall be incurred in excess of the available balance of the fund.

C. The total amount spent during a fiscal year shall be subject to the limitation established by Town Meeting or any increase therein as may be authorized in accordance with M.G.L. c.44, §53E½.

D. Interest. Interest earned on monies credited to a revolving fund established by this By-law shall be credited to the general fund.

3. The following is a list of authorized revolving funds setting forth the name of the fund, the entity authorized to expend such funds, the revenue source and the use of such fund.

Revolving Fund	Authorized to Spend Fund		Revenue Source	Use of Fund
Gas Inspector Revolving Fund	Gas Inspector		Fees charged for inspections required under the permit process	Salary of the Inspector and expenses related to the issuance of permits.
Electrical Inspector Revolving Fund	Electrical Inspector		Fees charged for inspections required under the permit process	Salary of the Inspector and expenses related to the issuance of permits.
Plumbing Inspector Revolving Fund	Plumbing Inspector		Fees charged for inspections required under the permit process	Salary of the Inspector and expenses related to the issuance of permits.
Transfer Station Open Box Revolving Fund	Board of Health		Fees and charges for services related to the Transfer Station and disposal areas.	Disposal costs of the open box and management of the Transfer Station and disposal areas.
Planning Board Revolving Fund	Planning Board		Fees charged specific to proposed subdivisions within Williamsburg and new construction	Expenses associated with proposed subdivisions within Williamsburg and other related expenses associated with new buildings
Animal Control Officer Revolving Fund	Town Clerk		Fees specific to dogs	Expenses associated with licensing and dogs and controlling animals and to pay the Animal Control Officer salary.
Recreation Commission Revolving Fund	Recreation Commission		Fees specific to recreation programs	Pay cost of operating recreation programs.
Council on Aging Revolving Fund	Council on Aging Executive Director		Fees specific to advertising in the Council on Aging newsletter	Pay for printing and distribution of the Council on Aging newsletter
Conservation Commission Revolving Fund	Conservation Commission		Fees specific to NOI/WPA filing fees	Pay expenses associated with WPA filing fees for administration and Enforcement of Wetlands Protection Act.
Board of Appeals Revolving Fund	Board of Appeals		Fees specific to applications	Pay expenses associated with processing of applications, purchase of laptop computer and software for record keeping
Fire Dept. Revolving Fund	Fire Chief		Fees specific to inspections (smoke, CO, etc.)	Salary of the Inspector and expenses related to the issuance of permits

LICENSE OR PERMIT RENEWALS

By-law Authorizing Denial or Revocation of Local License or Permit for Nonpayment of Local Taxes, Fees, or Other Charges in the Town of Williamsburg

Section 1. The Town may, as authorized under the provisions of G.L. Chapter 40, Section 57 and this By-Law, deny any application for, or revoke or suspend a building permit, or any local permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of G.L. Chapter 40, Section 21D or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

- (a) The Town Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Town Collector, shall annually, and may periodically, 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 referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, 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 Town Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the Licensing Authority; provided, however, that written notice is given to the party and the Town Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) 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 Town 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 permit denied, suspended or revoked under this section shall not be reissued or renewed until the License Authority receives a certificate issued by the Town Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.
- (c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

- (d) The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, or if any members of his/her immediate family, as defined in Section One of Chapter Two Hundred and Sixty-Eight A 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 and Forty-Nine; clubs, associations dispensing food or beverage licenses; Section Twenty-One E of Chapter One Hundred and Forty; dog licenses, Section One Hundred and Thirty-Seven of Chapter One Hundred and Forty; fishing, hunting, trapping licenses, Section Twelve of Chapter One Hundred and Thirty-One; marriage licenses, Section Twenty-Eight of Chapter Two Hundred and Seven; and theatrical events, public exhibition permits, Section One Hundred and Eighty-One of Chapter One Hundred and Forty.

Transient Lodger Bylaw

Section 1. Purpose

The purpose of this Bylaw is to ensure that Short-Term Rentals in Single-Family Dwellings, or in specific instances in Two-Family Dwellings, and Lodging Facilities, provide safe and healthy lodging for visitors to Williamsburg by requiring 1) registration and licensing of these facilities; 2) annual inspections; and 3) maintenance of a guest register.

Section 2. Legislative Intent and Authority

This Bylaw is adopted in accordance with General Laws c.64G, § 14, which authorizes municipalities to enact bylaws to regulate operators of Short-Term Rentals, and the Town's Home Rule authority under the Massachusetts Constitution. Nothing herein shall interfere with the independent authority of the Board of Health to enact its own health and safety regulations with respect to Short-Term Rentals and Lodging Facilities

Section 3. Definitions

- Short-Term Rentals in a Single-Family Dwelling is an accessory use to a Single-Family Dwelling. All or part of the Single-Family Dwelling may be used to provide overnight accommodations for transient guests, for a rental period not to exceed thirty-one (31) consecutive days. The Single-Family Dwelling must be the primary residence of the homeowner or leaseholder, and no more than four bedrooms in the dwelling, with or without access and use of other portions of the dwelling, may be offered for rental.
- Short-Term Rentals in a Two-Family Dwelling is an accessory use to a Two-Family Dwelling. In order to be used as a Short-Term Rental, both dwelling units must be owned or leased by the same homeowner or leaseholder with one dwelling unit being used as the homeowner's or leaseholder's primary residence, and the second dwelling unit being unoccupied by long-term renters and not presently subject to an ongoing long-term lease or sublease for rental occupation. All or part of the unoccupied second dwelling unit may be used as a Short-Term Rental to provide overnight accommodations for transient guests, for a rental period not to exceed thirty-one (31) consecutive days. No more than four bedrooms in the unoccupied dwelling unit, with or without access and use of other portions of the unoccupied dwelling unit, may be

offered for rental. Within a Two-Family Dwelling, Short-Term Rentals are not permitted in the dwelling unit that is the homeowner's or leaseholder's primary residence.

- For purposes of this Bylaw, a Bed and Breakfast Inn shall be considered a Short-Term Rental in a Single-Family Dwelling and shall, in all instances, be limited to the rental of not more than four bedrooms in a single-family dwelling.
- A Lodging Facility is a hotel, motel, inn, or other commercial establishment, with or without a dining room or restaurant, which offers sleeping accommodations for transient guests, for a period not to exceed thirty-one (31) consecutive days, and which does not otherwise qualify as a Short-Term Rentals in a Single-Family Dwelling, as defined in the bylaws for the Town of Williamsburg.
- A dwelling is considered the primary residence of a homeowner or leaseholder, if the homeowner or leaseholder resides in said dwelling for 183 days, or more, each year.

Section 4. Registration and Licensing

- Short-Term Rentals in Single-Family and Two-Family Dwellings must register annually with the Town Clerk with location, number of rooms available, and emergency contact information for the homeowner or leaseholder of the Short-Term Rental property.
- All Short-Term Rentals shall be licensed by the Board of Selectmen or its designee. Failure to obtain a license shall constitute a violation of this Section. The Board of Selectmen may adopt rules and regulations related to the issuance of such licenses, including the fees to be paid and the conditions to be satisfied by any applicant for such a license. Licenses shall be for a two-year term and are renewable at the discretion of the Board of Selectmen. Persons operating a Short-Term Rentals shall also comply with all Zoning and General Bylaws of the Town of Williamsburg, including Bylaws regulating signs.
- Lodging Facilities must register annually with the Town Clerk with emergency contact information. They must also comply with Massachusetts laws and regulations, including but not limited to, the Massachusetts State Building, Plumbing, Electrical, Fire and Sanitary Codes, and all Zoning and General Bylaws of the Town of Williamsburg, including Bylaws regulating signs.

Section 5. Inspections

Short-Term Rentals must pass the following inspections:

- Annual inspection and approval from the Health Department.
- Annual fire inspection demonstrating adequate egress, smoke detectors, and carbon monoxide detectors, as determined by the Fire Chief or designated fire inspector.

Section 6. Guest Registers

Short-Term Rentals, and Lodging Facilities must maintain, for a period of at least two (2) years, a guest register that includes the name and address of the guest(s) and the date and length of stay.

Section 7. Enforcement

The Board of Selectmen or its designee may issue orders as appropriate to aid in the enforcement of this Bylaw and may enforce these provisions in equity, including the request for injunctive relief in a court of competent jurisdiction or enforcement by noncriminal disposition pursuant to G.L. c. 40, §21D. Any failure to comply with any order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a

warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said final fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

ENFORCEMENT

The provisions of the Williamsburg General Government By-laws or any rule or regulation of any Town board, officer, commission, or committee, may be enforced by the Board of Selectmen or its designee, any Police Officer of the Town of Williamsburg or their designee, or any other enforcing authority specifically authorized by by-law, rule or regulation, by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D. Each day a violation exists shall constitute a separate violation. When enforced through noncriminal disposition, unless otherwise specifically provided for by by-law, rule or regulation, the penalties shall be as follows:

First violation:	\$100.00
Second violation:	\$200.00
Third and subsequent violations:	\$300.00

AMENDMENTS

These by-laws may be amended or added to by a majority vote at any Regular Annual Town Meeting or any Special Town Meeting provided notice of such amendments or additions has been published or posted by the Selectmen at least thirty days prior to date of said meeting.

Amendments:

Finance Committee - Amended to change officials from Appointed to elected on October 19, 1970: Approved by the Attorney General

Town Meeting Date - Section 2 - Amended from First Monday of March to First Monday in April on March 4, 1974: approved by the Attorney General May 28, 1974.

Council on Aging – established by Town Meeting Vote, April 7, 1975, approved by Attorney General October 2, 1975

Board of Water and Sewer Commissioners - established on December 5, 1988, approved by the Attorney General March 31, 1989 by adding thereto under the heading of Town Offices and Committees a new sub-heading – Board of Water and Sewer Commissioners. In the year one thousand nine hundred and ninety, an act establishing a water and sewer commission in the Town of Williamsburg was signed by Governor Michael Dukakis on August 2, 1990.

Public Conduct – section 5 : AMENDED OCTOBER 19, 1970:APPROVED BY THE ATTORNEY GENERAL,NOVEMBER 13, 1970. SECTION 5 ADDED:

Town Meeting Date – Section 2 - Amended from first Monday in April to first Monday in May on April 7, 1986 -

Town Collector – Office and guidelines (items 1-5) established at Town Meeting May 1, 1989: approved by the Attorney General June 13, 1989

Water and Sewer Commission - IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY, AN ACT ESTABLISHING A WATER AND SEWER COMMISSION IN THE TOWN OF WILLIAMSBURG WAS SIGNED BY GOVERNOR MICHAEL DUKAKIS ON AUGUST 2. (8/2/90)

Chapter 140, section 147a - Allocation of dog licensing money – September 24, 1991, Attorney General Approval December 2, 1991

Dog By-laws: Penalties – Amended May 1, 1995, approved by the Attorney General July 3, 1995

Capital Planning Committee – Established Cmte by Town Meeting vote on May 6, 1996, Approved by the Attorney General August 22, 1996

Penalties: (AMENDED MAY 1, 1995: APPROVED BY THE ATTORNEY GENERAL MAY 3, 1995 SUBJECT TO THE FOLLOWING RESTRICTION)

Restrictions:

“STATE HIGHWAYS AND ANY OTHER WAY, MAINTAINED BY THE COMMONWEALTH OF MASSACHUSETTS, AS PROVIDED IN G.L. C. 81, AND ELSEWHERE IN THE GENERAL LAWS, ARE NOT SUBJECT TO THIS ARTICLE”.

Replaced with above wording 5/1/95: Old Wording: Any citizen may and the Selectmen and Constables shall prosecute every violation of the by-laws and each violation of the by-laws, shall upon conviction of the parties violating them, be punished by a fine of not less than two nor more than twenty dollars. (AMENDED OCTOBER 19, 1970 APPROVED BY THE ATTORNEY GENERAL NOVEMBER 13, 1970.

Board of Library Trustees - #2 Membership; Terms: Elections amended on May 6, 1996, approved by the attorney General August 22, 1996.

Board of Library Trustee Section Amendments - section 10 was changed from a 2/3rds vote to a majority on May 6, 1996; approved by the Attorney General August 22, 1996.

Board of Library Trustees – May 5, 1997 Moved and supported to amend that by-law establishing the Board of Library Trustees, being Article 6 as passed at the Special Town Meeting held March 21, 1996, and approved, ratified and confirmed by acceptance of Article 22 at Annual Town Meeting with amendments thereto as set forth in Article 23 (both Articles 22 and 23 being accepted at the Annual Town Meeting held on May 6, 1996) by adding thereto the proviso that notwithstanding anything to the contrary as set forth in said Article 6, as amended, final implementation of the merger of the libraries and the transfer of assets are conditioned upon Legislative approval, court approval, and review and approval by the Public Charities Bureau of the Attorney General’s office

Dog By-Laws Section V - Fees and Fines, E – section E deleted, pickup fee added – 5/5/97, Attorney General approved 8/4/97

Dog By-laws: Section V – Fees and Fines – increase in kennel fee from \$5 to \$15/day. Amended STM on 6/28/99 approved by Attorney General on 10/12/1999.

Amendments continued:

Dog By-laws: Section V - Fees and Fines – Increase from \$1.00 a month to flat fee of \$25.00 for May 1 – May 31st, June 1st on \$50.00. - Amended at Special Town Meeting, June 28, 1999, approved by Attorney General on October 12, 1999

Dog By-laws: Section VI: Violations section A - Increase from \$1.00 a month to flat fee of \$25.00 for May 1 – May 31st, June 1st on \$50.00. - Amended at Special Town Meeting, June 28, 1999, approved by Attorney General on October 12, 1999

Rapid Entry Key System – voted at Special Town Meeting March 19, 2001, approved by Attorney General 4/20/2001.

Board of Health: Non-Criminal Disposition: - voted at Special Town Meeting June 28, 1999, approved by Attorney General August 21, 2001

Petitions - Section 2.a. voted at Annual Town Meeting May 7, 2001, approved by Attorney General August 15, 2001.

Dog By-Laws: section V.A – removed sentences 3 & 4 and added new, voted at Annual Town Meeting May 6, 2002 (typo on Warrant – article 18)., approved by AG's Office 6/28/2002

Dog by-laws: section VI. A – removed section A, renumbered violations, voted 5/6/02, approved by AG's Office 6/28/02.

Dog by-laws: section V.A – Annual Town Meeting, 5/6/02, approved AG's Office 6/28/02

Dog By-Laws: section VI. A.B.... (re-lettering) – Annual Town Meeting 5/6/02, approved AG's Office 6/28/02

Board of Library Trustees: section 1: addition mandated hours and section 8: line items – Special town meeting 01/04/2004

Capital Planning: Under section Town Officers and Committees: May 1, 2004 Article 15, approved by AG on 7/1/04 - changed the wording, no town employee and changed accountant ex-officio member to treasurer.

Dog By-laws: section V,D and VI G – Non Criminal Disposition – voted on May 2, 2005.

Highways and Sidewalks: November 14, 2005 (approved by AG 12/30/05)

- ❖ Section 1: Add “From the full-width of the sidewalk or be subject to a \$50.00 fine per storm”
- ❖ Section 2 Add “Full Width of said sidewalk” and “or be subject to a \$50.00 fine per storm”
- ❖ Section 6 Added entire section – Non Criminal Disposition Enforcement
 1. Whoever violates any provision of the Highways and Sidewalks section of the By-Laws, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in M.G.L. Chapter 40, Section 21D. The Highway Superintendent, and the Board of Selectmen of the Town are designated as the enforcing persons for non-criminal disposition enforcement of the Highways and Sidewalks By-Law.

Town Meetings/Elections: November 14, 2005 (approved by AG 12/30/05)

- ❖ Section 2: Changed the Annual town meeting from the first Monday in May TO the first Monday in June
- ❖ Section 5: The Election shall continue to be the first Monday in May with polls open 10 a.m. to 7 p.m. with officials taking office effective July 1 of the election year.

Agricultural Commission: June 5, 2006 (approved by AG 8/7/06)

- ❖ Added entire Agricultural Commission

Mandatory Recycling Bylaw: June 5, 2006 (approved by AG 8/7/06)

- ❖ Added entire recycling bylaw

Williamsburg Right-To-Farm Bylaw: June 2, 2008 (approved by AG 8/25/08)

- ❖ Added entire Right-To-Farm bylaw

Highways and Sidewalks: June 2, 2008 (approved by AG 8/25/08)

- ❖ Section 6 amended as follows:

2. Whoever violates any provision of the Highways and Sidewalks section of the By-laws, the violation of which is
Subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in M.G.L. Chapter 40, section 21D. Any Town Police Officer and the Board of Selectmen of the Town are designated as the enforcing persons for non-criminal disposition enforcement of the Highways and Sidewalks Bylaw.

Water and Sewer Commission: June 7, 2010

- ❖ At the Annual Town Meeting on 6/7/2010 voters approved by 2/3 Majority to add after the first paragraph:

The Williamsburg Water and Sewer Commission is hereby authorized to promulgate regulations relative to the use of water in the Town's water distribution system and the use of the Town's sewer system. Violation of any regulations promulgated under the authority of this bylaw may be enforced through any lawful means in law or equity by the Water and Sewer Commission, or its designees, including but not limited to enforcement by non-criminal disposition in accordance with MGL Chapter 40, section 21D. Each day a violation exists shall constitute a separate violation. The regulations authorized by this section shall establish specific penalties for violation thereof in amounts not to exceed \$300 per violation; or to act in any other manner in relation thereto.

Stretch Energy Code: June 6, 2011 (approved by AG 9/27/11)

- ❖ Added entire Stretch Energy Code bylaw

Revolving Funds: June 5, 2017 (approved by AG 9/6/2017)

- ❖ Added entire Revolving Funds Bylaw

Licenses & Permits Renewals: June 5, 2017 (approved by AG 9/6/17)

- ❖ New Bylaw-Accepted M.G.L. Chapter 40, Section 57 as amended by Section 38 of Chapter 218 of the Acts of 2016, otherwise known as the "Municipal Modernization Act"

Transient Lodger Bylaw: June 3, 2019

- ❖ Added entire Transient Lodger Bylaw

Enforcement: June 3, 2019

- ❖ Added entire Enforcement Bylaw