

THE TOWN OF HINSDALE

By-Laws

By-laws 1-19 were originally approved at some time prior to the printing of the 1889 Annual Town Report, possibly all on August 28, 1881, by Julius Rockwell, Justice of the Superior Court.

1. **TOWN MEETING POSTING OF NOTICE:** All town meetings shall be notified by the officer or other person to whom the warrant thereof should be directed, by posting attested copies of the warrant in three public places within the Town, one of which may be Post Office and the others may be stores in the village.
2. **ANNUAL TOWN MEETING:** The Selectmen at every Town Meeting for the choice of Town Officers shall make a full report of their proceedings, relative to the municipal affairs of the Town, and present a statement of the financial concerns of the Town, with an estimate of the sums of money necessary to be raised for the ensuing year.
3. **ANNUAL TOWN REPORT:** The Selectmen shall cause their own report of the Town together with the report of the Treasurer, School Committee, Road Commissioner, Collector of Taxes, and Finance Committee, and the articles contained in the Warrant for the Annual Town Meeting for the choice of Town Officers, to be printed and bound together in a convenient form and a sufficient number for the use of the voters of the town, and shall provide for the distribution of the same at least five days before the Annual Town Meeting for the choice of Town Officers; and the officers above named shall prepare their reports and present them to the Selectmen in season for publication as required above.
4. **ASSESSORS:** The Assessors shall complete the assessment of taxes and commit the same, with their warrant to the Collector, on or before the first day of July each year; provided the Collector shall have given a bond as required by law.
5. **ABATEMENT:** If the Collector shall be unable to collect any taxes assessed after full exercise of the powers conferred on him as Collector; he shall report the same to the Assessors, with his request for abatement, before the first Annual Town Meeting for the choice of Town Officers following the election.
6. **ASSESSORS ABATEMENT:** The Assessors shall annually recommend to the Town at the Annual Town Meeting for the choice of Town Officers such taxes as they may determine ought to be abated which the Collector has reported to them as uncollectible. In no case shall the Assessors abate a tax unless it shall be found by them to have wrongfully or erroneously assessed.
7. **TREASURER:** The collector shall pay to the Town Treasurer each week after he shall have received his tax list and warrant, all moneys by him collected and pay to the Town Treasurer, including payments on County and State taxes, one-half of the amount committed to him within four months from the time of such commitment, or by the first of November, and the residue by the first day of March following, excepting such sums as from his ability to collect the Assessors shall propose to report to the Town abatement, and excepting such discounts as may have been allowed in accordance with a vote of the town. He shall give a bond, with good and sufficient sureties for the faithful discharge of his duties; which bond shall embrace the conditions mentioned above, and shall be for such amounts as the Selectmen may require, and shall be approved in writing by the Selectmen.

Amended at Annual Town Meeting May 17, 2017

The Tax Collector is required to pay any fees collected into the Town treasury.

8. **TREASURER:** The Treasurer shall pay no money whatever, except upon the order of a majority of the Selectmen (except such payments as he may be by law required to make to the State and County Treasurers). He shall keep an accurate account of all receipts and payments, and exhibit the same, with his vouchers, to the Auditing Committee or the Selectmen when requested to do so, and shall annually, at the Annual Town Meeting for the choice of Town Officers, make a full and detailed report to the Town. He shall give a bond with good and sufficient sureties, for the faithful discharge of his duties, for such amount as the Selectmen may require, and said bond shall be approved in writing by the Selectmen.
9. **AUDIT COMMITTEE:** The town may choose at its annual meeting for the choice of Town Officers an Auditing Committee of three, whose duty it shall be to audit the accounts of the Treasurer and Collector, and in case such committee is not chosen by the Town, the Selectmen shall act as Auditing Committee. Said Auditing Committee shall report to the Town at its Annual Town Meeting for the choice of Town Officers following its election.
10. **TREASURER:** No person who is a Selectmen or Assessor shall at the same time hold office of Treasurer or Collector for Taxes.
11. **ELECTIONS:** All National, State, County and District Officers required to be elected at the annual election in November shall be voted for on one ballot.
12. **ELECTIONS:** In all meetings for the choice of Town Officers, all such officers are required by law to be elected by ballot (except Moderator of the meeting and Collector of Taxes) shall be voted for in one ballot.
13. **ANIMAL CONTROL:** No person shall be allowed to pasture cattle or other animals upon any street or highway in town, either with or without a keeper; provided that this By-law shall not affect the right of a person to use of land within the limits of such way adjoining his own land.
14. **SLEDDING/SNOWBALLS:** No person shall course, coast, or slide in, across, or along any of the streets or highways in town, upon any sled, board, or otherwise, or snowball in any place prohibited by the Selectmen.

(Amended: January 18, 2017)

Fine: \$20.00 first offense/ \$50.00 for subsequent offenses

15. **LOITERING:** Three or more persons shall not stand together, or near each other in any street or highway in the town in such a manner as to obstruct free passage therein; nor be or remain upon any sidewalk, street, corner, doorstep, or portico, nor in any church, meeting house, or public hall, or entrance thereto, to the annoyance of the public.

(Amended: January 18, 2017)

Fines: \$50.00

16. **LOITERING:** It shall be the duty of any sheriff, constable, policeman, or watchman having jurisdiction in the town to order any persons offending against provisions of the preceding section to "move on", and if said order is not forthwith obeyed, to arrest the person or persons offending.

(Amended: January 18, 2017)

Fines \$50.00

17. **FINES:** Any person violating the provisions of Article 13, 14, 15, or 16 of these by-laws shall be liable to a penalty not exceeding ten dollars (\$10.00), to be recovered to the use of the Town, as by law provided.

Amended January 18, 2017/ Article #2 (see individual sections that apply)

18. **CONSTABLES:** The number of constables to be annually chosen shall be four. The term of office of Constables shall be three years and the Town will provide for election of one Constable each year for two years, and two constables every third year.

Amended at February 11, 1963 Annual Town Meeting. Amendment approved April 5, 1963 by Edward W. Brooke, Attorney General

Deleted January 18, 2017/ Special Town Meeting/ Article #3

19. (The By-Laws for the Town shall be altered at an Annual Town Meeting for the choice of Town Officers and notice of any proposed alterations shall be given in the Warrant calling said meeting.)

(Replaced by #30 on May 7, 1979 Annual Town Meeting)

20. **TOWN CLERK:** The term of office of the Town Clerk is three years.

Voted at February 11, 1963 Annual Town Meeting. Approved April 5, 1963 by Edward W. Brooke, Attorney General

21. **TOWN MEETING QUORUM:** Be it enacted that 4% of registered voters in attendance at any annual or special Town Meeting shall constitute a quorum.

Voted at February 11, 1963 Annual Town Meeting. Approved April 5, 1963 by Edward W. Brooke, Attorney General.

The number of voters required by a quorum at Town Meetings is twelve (12).

Voted at February 8, 1965 Annual Town Meeting. Approved February 26, 1965 by Edward W. Brooke, Attorney General.

22. **SNOW REMOVAL, TOWING:** The Road Superintendent, Chief of Police, a Selectmen, or a Special Police Officer as a representative of the Board of Selectmen, for the purpose of removing or plowing snow, or removing ice from any public way, or from any private way open to public use, as has been duly designated by the Town under Section 6c of Chapter 40 of the General Laws, (Ter.Ed.) (provided that an appropriation has been duly made for such purposes in accordance with said section 6C) is hereby authorized to remove, or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work (between the hours of twelve o' clock midnight and eight o' clock in the morning); and to impose liability on the person in whose name such vehicle is registered, or any other owner thereof, for the cost of such removal and of the storage charges thereof, if any. If the owner of such vehicle or person in whose name it is registered does not, on demand, pay such cost of removal and storage charges, he shall be liable to a penalty in the sum of twenty dollars, to be applied in the first payment of such removal and storage charges, the balance to ensure to the Town to be applied against such cost or removal.

(Voted at February 11, 1963 Annual Town Meeting. Approved April 5, 1963 by Edward W. Brooke, Attorney General).

(Amended: January 18, 2017 Fine: First offense: warning/ Second offense - \$25.00/ Third offense - \$50.00/ Fourth + offense \$100.00

23. *Original By-law voted at July 29, 1964 Special Town Meeting. Approved September 29, 1964 By Edward W. Brooke, Attorney General.*

Amended December 10, 1965 Special Town Meeting. Approved on December 24, 1965 by Edward W. Brooke, Attorney General.

Repealed at June 23, 1982 Annual Town Meeting, and replaced with By-Law #31.

24. **BUILDING PERMIT:** No person shall construct any building to be used as a dwelling, nor add to any building to create additional tenements or apartments, nor move any building or trailer into the Town of Hinsdale which is to be used as a dwelling without obtaining from the Selectmen a permit. Violation of this section may be punished by a fine of \$10.00 per day for each day that such violation continues.

Voted at February 6, 1967 Annual Town Meeting. Approved February 10, 1967 by Elliot L. Richardson, Attorney General.

25. Chapter 41 provisions concerning the appointment of police officers.

THIS WAS VOTED AT THE FEBRUARY 13, 1965 TOWN MEETING, BUT IS NOT A BY-LAW. It is just an acceptance of a Massachusetts general law.

26. **DOGS:** *This By-Law was approved September 10, 1969 by Robert H. Orin, Attorney General. It was repealed at the August 29, 2001 Special Town Meeting and replaced with By-Law #51.*

27. **ZONING BOARD OF APPEALS:** There shall be a Board of Appeals consisting of three members who shall be citizens of the Town. The Selectmen shall appoint the members of such board. Their term shall be three years in length and so arranged that the term of one member shall expire each year. Such Board shall also elect annually a Chairman from their own members. The Selectmen shall also appoint two associate members of the Board of Appeals. The associate members shall be citizens of the town and shall each serve for the term of three years. An associate member shall act as a member of the Board in the consideration and determination of any matter in which he is requested in writing so to act by the Chairman or Acting Chairman of the Board, when and in the event that a member does not act by reason of illness, interest, absence or other capacity. A copy of such request, filed with the records of the Board, shall be conclusive evidence of the necessity of such associate member's acting as a member of the Board.

Voted at May 5, 1969 Special Town Meeting. Approved September 10, 1969 by Robert H. Orin, Attorney General.

28. **SWIMMING POOLS:** Any private in ground swimming pool shall be enclosed by an impassable four (4) feet high fence with self-latching gate or an equivalent or means of protection from access to the pool and all pools must have a self-latching gate or a removable ladder.

Voted at June 6, 1975 Special Town Meeting.

29. **DOGS:**
*Voted a June 11, 1976 Special Town Meeting
(Amended: January 18, 2017)
Repealed At Annual Town Meeting May 17, 2017.*

(See amended by-law #51)

30. **BY-LAW CHANGES:** The By-Laws of the Town of Hinsdale may be adopted, amended, or repealed at any Town Meeting in accordance with General Laws.

Voted at May 7, 1979 Annual Town Meeting. Replaced #19.

31. **JUNK CARS:** No person, except those duly licensed, shall store, maintain, or keep or permit the storage, maintenance or keeping of more than one (1) junked, dilapidated, or inoperable motor vehicle or parts thereof on premises owned or controlled by such person in Hinsdale. Any such vehicle stored, maintained, or kept on such premises shall be screened to the extent possible from public view by storage within a building or by suitable fencing or natural screening.

Whoever shall violate any provision of this By-law, upon conviction thereof be fined not more than one hundred dollars (\$100.00) for each offense. Each vehicle or parts so stored, maintained or kept in excess of one (1) shall constitute a separate offense and each day such violation continues shall constitute a separate offense. Nothing herein contained shall prevent the Town from taking such other and lawful action as it deems necessary to prevent or remedy any violation of this By-Law. This By-Law shall be enforced by the Board of Selectmen who shall make determinations as to whether a vehicle or part thereof is junked, dilapidated, or inoperable and the extent of screening possible in the circumstances, which determinations shall be inconclusive.

*Voted at June 23, 1982 Annual Town Meeting. Replaced #23. Approved October 15, 1982 by Francis X. Bellotti, Attorney General.
(Amended: January 18, 2017)*

Fine \$10.00 per day beginning after 10 calendar days from written notification

32. **LITTERING:** No person shall dump or deposit any trash, refuse, debris, or garbage anywhere in the Town except in the approved solid waste disposal facility operated by the Town. The Board of Health shall impose a fine of two hundred dollars (\$200.00) upon any person who violates this By-Law.

*Voted on May 18, 1988 Annual Town Meeting. Approved July 15, 1988 by James M. Shannon, Attorney General.
(Amended: January 18, 2017)*

33. **ANNUAL TOWN MEETING AND ELECTION:** Amended to read, "The Annual Town Meeting is to be held on the third Wednesday of May and the election of Town Officers is to be held three days thereafter. Any elected officers are to be sworn in on the following Saturday."

Voted on May 18, 1988 Annual Town Meeting. Approved July 15, 1988 by James M. Shannon, Attorney General

Further amended to read, "The Annual Town Meeting is to be held on any Wednesday in May or June, however no later than June 21st, and the election of Town Officers is to be held three (3) days thereafter. Any elected officers are to be sworn in on the following Saturday.

Voted at Annual Town Meeting, May 22, 2008. Approved July 15, 2008 by Martha Coakley, Attorney General.

34. **STREET ACCEPTANCE:** A three winter season minimum to be imposed prior to the Town of Hinsdale accepting from maintenance and care a new privately constructed roadway, the construction of which is commenced on and after the date of passage of this By-Law.

Voted at May 17, 1989 Annual Town Meeting. Approved August 23, 1989 by James M. Shannon, Attorney General.

35. **A BY-LAW TO PROVIDE A UNIFORM SYSTEM OF NUMBERING DWELLINGS AND PRINCIPAL BUILDINGS IN THE TOWN OF HINSDALE:**

Section 1: Uniform numbering system

A uniform numbering system of dwellings and principal buildings as shown on maps prepared by Cartographic Associates, Inc. to be on file in the Assessors' Office, Youth Center, Hinsdale, Massachusetts are hereby adopted and incorporated herein by reference and made part of this by-law.

Section 2: Assignment of numbers

- a. All properties or parcels of land within the corporate limits of Hinsdale shall hereafter be identified by reference to the uniform numbering system adopted herein and such conversion to the numbering system must be completed within thirty days (30) 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 feet (10') of frontage.
- c. Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case the principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.
- d. Numerals indicating the official number 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 such building so that the number can be plainly seen from the street line. Whenever any building is situated more than fifty feet (50') 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 inches (3") in height and made of 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 the By-Law.
- b. The Town Assessors 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 one dollar (\$1.00) per day. Each separate day such violation is continued shall constitute a separate offense.

Voted at October 4, 1989 Special Town Meeting. Approved January 8, 1990 by James M. Shannon, Attorney General.

(Amended: January 18, 2017)

Fine: \$5.00 per day

36. **WATER SUPPLY:**

Section 1: Authority:

This By-Law is adopted by the Town/District under its home rule powers to protect public health and welfare, and its specific authorization under Massachusetts General Laws, Chapter 40, Sections 21 and 21D.

Section 2: Purpose

The purpose of this By-Law is to protect, preserve and maintain the public health, safety, and welfare whenever there is in force a state of water supply emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions, or conditions imposed by the Town/District or by the Department and included in the Town/District's plan approved by the Department of Environmental Protection to abate the emergency.

Section 3: Definitions

For the purpose of this By-Law, enforcement authority shall mean the Town/District's Board of Water Commissioners or other Department or Board having responsibility for the operation and maintenance of water supply, the Health Department, Town Police, Special Police and any locally designated body having police powers. State of water supply emergency shall mean state of water supply emergency declared by the Department of Environmental Protection pursuant to General Laws, Chapter 21G, Section, General Laws Chapter 111, Section 160, or by the Governor.

Section 4:

The following shall apply to all users of water supplied by the Town/District

Following notification of the Town/District of the existence of a state of water supply emergency, no person shall violate any provision, condition, requirement, or restriction included in a plan approved by the Department of Environmental Protection which has as its purpose the abatement of a water supply emergency.

Notification of any provision, restriction, requirement or condition with which users of water supplied by the Town/District are required to comply to abate a situation of water supply emergency shall be sufficient by purposes of this By-Law if it is published in a newspaper of general circulation within the Town/District or by any such other notice as is reasonably calculated to reach and inform all users of the Town/District supply.

Section 5: Penalty

Any person or entity who violates this by-law shall be liable to the Town/District in the amount of fifty dollars (\$50.00) for the first violation and one hundred dollars (\$100.00) for each subsequent violation which shall inure to the Town/District for such uses as the Board of Water Commissioners may direct. Fines shall be recovered by an indictment or on complaint before the District Court or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. Each separate instance of non-compliance following the issuance of any warning or citation pursuant to this section shall constitute a separate violation.

(Amended: January 18, 2017)

Fine: First violation - \$200.00

Second and each subsequent violation - \$500.00

Section 6: Right of Entry

Agents of the enforcement authority may enter any property for the purpose of inspection or investigating any violation of this By-Law or enforcing against same.

Section 7: Severability

The validity or portion or provision of this By-Law shall not invalidate any other portion, provision or section thereof.

Voted at May 16, 1990 Annual Town Meeting.

Approved July 31, 1990 by James M. Shannon, Attorney General.

37. BY-LAW REGULATING GRAVEL, LOAM, SAND, AND STONE REMOVAL:

a. Purpose:

It is the intent of the following regulations and requirements to provide for the public safety; to control noise, air, and water pollution, erosion, vibration, and landslide; to protect neighboring properties from any adverse effects which may be caused by this use; to provide for the restoration of the land for its reuse at the termination of the extractive activity, and to protect the area from becoming unsightly.

b. Activities Affected

1. All removal of earth materials such as topsoil, burrow, sod, loam, peat, humus, clay, sand, and gravel, (but not rock) from land not in public use, anywhere in Town is hereby prohibited unless done in strict compliance with a permit granted hereunder by the Board of Selectmen. The term "removal" as used herein, shall mean stripping, digging, or excavating the earth materials from one lot or removal it away from said lot (see Section G).
2. This By-Law shall not apply to a removal operation which is subject of an official valid permit or license issued in writing prior to the effective date of this By-Law, by the Board of Selectmen or by the Board of Appeals, or which is being conducted in compliance with the requirements of a subdivision plan approved by the Planning Board.
3. Earth removal operations consisting of less than one hundred cubic yards (100 yd³) in any twelve month (12) period shall be exempt from any or all of the requirements as set forth herein; or for the erection of a building on a lot for which a permit has been properly issued.

c. Requirements

1. Any application to the Board of Selectmen for earth removal operation shall be accompanied by a detailed plot plan showing the existing grades in the area from which the above material is to be removed, and in surrounding areas, and together with the proposed finished grades at the conclusion of the operation, and the proposed cover vegetation and trees. (The detailed plot plan may be prepared from an enlarged topography map of the area.) Application will also include an Assessor's map of the property showing names and addresses of all the abutter, including those across the street or way.
2. A performance bond in the amount determined by the Board of Selectmen must be posted in the name of the Town assuring satisfactory performance in the fulfillment of the requirements of this By-Law and such other conditions as the Board of Selectmen may impose as conditions to the issuance of its permit.

Bond Consideration: For restoration of the property to a safe ecologically sound, nuisance free state. For restoration of Town ways damaged by egressing traffic.

3. Before granting a permit, the Board of Selectmen shall give due consideration to the location of the proposed earth removal, to the general character of the neighborhood surrounding the location and to the general safety of the public on the public ways in the vicinity. Permit may be issued upon conclusion of a public hearing which shall be conducted in accordance with Massachusetts General Laws, Chapter 40A.
4. Removal shall not take place at any grade less than one foot (1') above the grade level of any adjacent street or way, or below the grades specified on the plan and accompanying the permit application unless approved by a special permit and granting authority.
5. Earth removal plan must be registered with the "Bureau of Mines" and earth removal operations must adhere to Federal and State guidelines.
6. Provision shall be made for safe drainage of water and for the prevention of wind or water erosion carrying material onto adjoining properties, such as detention basins during and after cessation of operations, if required.
7. Soil shall not be disturbed within twenty-five feet (25') of the boundaries of the premises, excepting at the conclusion of operations, if required, in order to improve the overall grading.

d. Restoration

Forthwith following the expiration or withdrawal of a permit, or upon voluntary cessation of operations, or upon completion of removal on a substantial area, that entire area shall be restored as follows (The special permit granting authority can affix other conditions as to restoration if they deem it appropriate):

1. All land shall be so graded that no slope exceeds one foot (1') vertical rise in two feet (2') horizontal distance and shall be so graded as to safely provide for drainage without erosion.
2. All boulders less than one-half cubic yard (1/2 yd³) shall be removed or buried.
3. The entire area excepting exposed ledge rock shall be covered and planted with soil cover and vegetation adequate to prevent soil erosion. Cover and planting with the following specifications is recommended.
 - *3a. The entire area to be covered with not less than four inches (4") of quality top soil.
 - *3b. The entire area to be fertilized with a 10/10 mix at a rate of 1,000 pounds per acre.
 - *3c. The entire area to be limited at a rate of three tons (3 tons) per acre.
 - *3d. The entire area to be seeded and mulched with one of the following options:
 - Option 1: Switch grass and redtop grass mixture at a rate of twenty pounds (20 lbs.) per acre of the switch and two pounds (2 lbs) per acre for the redtop.
 - Option 2: A tall fescue grass and perennial rye grass mixture at a rate of forty pounds (40 lbs.) per acre of the tall fescue and fifteen pounds (15lbs.) per acre of the perennial rye.
 - *3e. Additional plantings of shrubbery and/or tall trees may be required depending on the area's erosion characteristics.
 - *These steps may be waived or altered upon proof that the soil characteristics and/or area's erosion characteristics require other proven methods of planting to promote growth or erosion control.
4. Bond shall not be released until sufficient time has elapsed to ascertain that the vegetation planted has successfully been established, that drainage is satisfactory, and if applicable, that Town ways are restored to original condition.

e. Additional Conditions

The Board of Selectmen may set conditions in addition to the above, including, but not limited to: duration of the permit, hours of the day which removal may take place, hours during which vehicles may leave the premises, and trees to be planted. Normal operation hours are from 6:00 a.m. to 6:00 p.m., or daylight hours only. Sunday and national holiday operation by special permit only.

f. **Removal or Revocation of Permit**

Permits will be issued for one year periods only, but a permit may be renewed upon application without a public hearing. Prior to renewal, inspection of the premises shall be made by the Building Inspector to determine that the provisions of the By-Law are being complied with. The Board of Selectmen, may, after hearing proof of violation of the By-Law, withdraw the permit, after which the operation shall be discontinued and the area restored in accordance with the provisions contained in sub-section D, herein.

g. **Removal Activities Prior to This By-Law**

Earth removal activities in lawful operation at the time this By-Law is adopted may continue for not more than nine (9) months. If such activities are to be continued beyond said nine (9) consecutive month period, the owners of such premises shall submit to the Board of Selectmen a plan and application as required in sub-section C, herein, nine (9) months after the effective date of this By-Law.

h. **Enforcement**

Whoever violates any provision of the By-Law, or any condition under which a permit is issued, shall be liable to the fines and penalties set forth in General Laws, Chapter 40, Section 21, Clause 17 and all amendments thereto. Each day that such violation continues constitutes a separate offense.

*Per amendment adopted by September 26, 1990 Special Town Meeting.
Approved January 9, 1991 by the Attorney General.*

i. **Permitted Areas**

Earth removal is not a permitted use in any zoning district. All earth removal operations must be granted a special permit by the Zoning Board of Appeals.

*Per amendment adopted at the May 20, 1998 Annual Town Meeting.
Approved September 1998 by Attorney General..*

j. **Incurred costs of Hearings**

Anyone filing application for a gravel bed permit will be responsible for the costs incurred for legal notices, notification of abutters and any other expenses related to the permit.

*Added by October 7, 1992 Special Town Meeting Vote.
Approved December 21, 1992 by Scott Harshbarger, Attorney General.*

*Original By-Law voted at May 16, 1990 Annual Town Meeting.
Approved by Attorney General James M. Shannon.*

38. ENFORCEMENT OF TOWN BY-LAWS:

a. **Criminal Complaint**

Whoever violates any provision of these By-Laws may be penalized by indictment or on a complaint brought in District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation or offense brought in such manner shall be three hundred dollars (\$300.00).

b. **Non-Criminal Disposition of Any Rule or Regulation of Any Municipal Officer,**

Board or Department

Whoever violates any provisions of these By-Laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in General Laws Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board, or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following By-Laws and sections of By-Laws are to be included within the scope of this subsection, that shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall be the enforcing persons for such section: each day on which any violation exists shall be deemed to be a separate offense.

General By-Laws

Number:

13. Pasturing Animals in the road		\$ 10.00
14. Sliding, etc. in street		10.00
15. Obstructing street		10.00
16. Refusal to "move on", etc.		10.00
22. Removal of vehicles blocking snow removal		20.00
24. Permit from the selectmen for building, etc.		10.00
29. Restraining dog, etc.	First	5.00
	Second	10.00
	Third	15.00
	Subsequent	25.00
31. Junk motor vehicle		100.00
32. Dumping trash		200.00
35. Street numbering		1.00
36. Water supply	First	50.00
	Subsequent	25.00
37. Gravel, loam, sand, and stone removal	First	50.00
	Second	100.00
	Subsequent	200.00

Voted at September 26, 1990 Special Town Meeting.

Approved January 9, 1991 by James M. Shannon, Attorney General.

(Amended: January 18, 2017)

37. Gravel, loam, sand and stone removal First offense - \$100.00

Second offense \$250.00

Subsequent violations - \$500.00

Restraining dogs # 29 was amended at the Annual Town Meeting, May 17, 2017

39. **SNOW PLOWING:** No person other than an employee in the service of the Commonwealth or the Town of Hinsdale, or an employee in the service of an independent contractor acting for Commonwealth or the Town, shall pile, push, plow or otherwise move snow or ice onto a public way in the Town so as to impede or obstruct the flow of traffic on such way. Whoever violates this By-Law shall be punished by a fine of not more than two hundred dollars (\$200.00).

Voted at September 26, 1990 Special Town Meeting.

Approved January 9, 1991 by James M. Shannon, Attorney General.

(Amended: January 18, 2017)

First violation - \$200.00/ Subsequent violations - \$400.00

40. **EXCAVATION IN PUBLIC WAYS:** No person shall, except as provided by law or in an emergency, make an excavation in a public way in the Town of Hinsdale, without first obtaining the written consent (Permit) of the Selectmen or their duly appointed agent for this purpose.
- A. Application for a permit under the preceding paragraph and the permit to perform such excavation shall be in such form and contain the information as the Selectmen require.
 - B. The Superintendent of the Highway Department is designated as the Selectmen's appointed agent to issue the permits as specified in paragraph 1.
 - C. All permits under paragraph 1 shall be issued subject to the following terms, conditions and restrictions:
 - 1) Whenever the word "Department is used herein, it shall mean the Highway Department of the Town of Hinsdale.
 - 2) Whenever The Word "Superintendent" is used herein, it shall mean the Superintendent of the Highway Department of the Town of Hinsdale.
 - 3) Whenever the word "Licensee" is used herein, it shall mean the person or persons, corporations, or organizations to whom a permit is granted, or legal representation.
 - 4) After any pipes, conduits, drains, or other underground structures are laid, or any excavation is made in the street, the trenches or openings shall be properly back-filled with suitable material. If the work is done in cold weather, no frozen material shall be used for backfill.
 - 5) Wherever the hardened surface of the street is disturbed, it shall be replaced in an as good condition as before it was disturbed, and if new materials are required, they shall correspond with those already in place on the street. In case of concrete pavement, the work shall be done by tunneling as much as possible.
 - 6) The licensee shall maintain the surface of the street over any pipes, conduits or other underground structures as long as the Department may deem necessary, until all signs of the trenches have been eliminated.
 - 7) In the erection of pole lines, unless otherwise provided, no trees located within the limits of the street shall be cut or trimmed. No guy wires shall be attached to trees without a special permit from the Tree Warden of the Town of Hinsdale, and in no event shall they be attached as to girdle the trees, or in any way interfere with their growth. Where the cutting and trimming of trees is authorized, same shall be done only as designated by said Tree Warden.
 - 8) During the progress of the work, all structures underground and above ground shall be properly protected from damage or injury; such barrier shall be erected and maintained as may be necessary for the protection of the travelling public; the same shall be properly lighted at night and the Licensee shall be responsible for all the damages to persons and property due to or resulting from any work done under the permit.

- 9) Except as specifically authorized, no exaction shall be made or obstacle placed within the limits of a town way in such a manner as to interfere unnecessarily with travel or other said way.
- 10) If any grading or sidewalk work is done which interferes with the drainage of the street in any way, such catch basins and outlets shall be constructed as may be necessary in the opinion of the Superintendent to take proper care of said drains.
- 11) Whenever the hardened surface of the roadway is disturbed and the Superintendent may consider it necessary or advisable to do so, said surface will be restored by the employees of said Department at such time as the Department may direct and the expense thereof shall be borne by the Licensee.
- 12) If the Licensee does any work contrary to the orders of the Superintendent, and after due notice, fails to correct such work or complete within the specified time the work authorized by the permit, the Department may, with or without notice, correct or complete such work in whole or in part, or remove such structures or material, and the Licensee shall reimburse the town for any expense incurred in correcting and/or completing the work or removing the structure around the material.
- 13) All of the work completed under any permit shall be done under the supervision and to the satisfaction of the Department, and the entire expense thereof shall be borne by the Licensee.
- 14) On the completion of the work contemplated by the permit, all rubbish and debris shall be removed and the street shall be left neat and presentable and satisfactory to the Superintendent.
- 15) Where lines and grades are needed in connection with the work, they may be provided by the Superintendent in which case notice must be given to the Department at least two days before the time needed.
- 16) The Department reserves the right to order the change of location or removal of any structures authorized by the permit at any time, said change or removal to be made at the expense of the Licensee or its Successor or Assigns.
- 17) Any permit may be modified or revoked at any time by the Department without rendering said Department of the Town of Hinsdale liable in any way.
- 18) All of the conditions set forth herein shall be applicable to the work authorized in any permit unless the same are inconsistent with the conditions on the face of the permit in which case the conditions written or printed on the face of the permit shall apply.
- 19) The acceptance of any permit or the doing of any work therein authorized shall constitute an agreement by the Licensee to comply with all conditions and restrictions printed or written on the face of said permit.

- D. The Selectmen may require all applicants for permits to furnish satisfactory evidence prior to the issuance of any permit that said applicant has in full force and effect liability and property damage insurance in such amounts as are satisfactory to the Selectmen. In addition to such insurance coverage, the Selectmen may require any applicant to furnish a performance bond in such amount as the Selectmen may determine.
- E. A non-refundable fee of fifty dollars (\$50.00) for each thirty day (30) period shall be charged for permits issued under paragraph A.

Voted at September 26, 1990 Special Town Meeting

Approved January 9, 1991 by James M. Shannon, Attorney General.

41. REGULATION AND CONTROL OF FIRE DETECTION AND ALARM SYSTEMS

A. DEFINITION: "Fire Detection and Alarm Systems" are those installed in privately owned structure, residential, education, religious, commercial, industrial, which when activated, result in an alarm of fire/illegal entry being transmitted to the Fire Department/Police Department. Alarm transmittal may be by the sounding of an external alarm, alerting the general public, by automatic telephone call, by personal telephone call, by direct communication, through a municipal system master fire alarm box, or by any other means.

B. BODY:

1. No fire detection and alarm system, as defined, shall be installed without a permit from the Fire Chief and/or the Police Chief. There shall be a fee of five dollars (\$5.00) for each permit.
2. The owner of the property or person in control of said property in which the system is installed, shall furnish, in writing, to the Fire Chief/Police Chief, telephone numbers (other than the protected premises) with the names of responsible individuals who are authorized to respond to emergency calls and provide access to the structure. Enough names and numbers shall be furnished to insure availability of at least one such individual at any hour of the day or night. This listing shall be revised as required, to be kept current and accurate.
3. No testing, repairing, altering, or other actions which might result in transmittal of an alarm to the Fire Department/Police Department shall be performed without prior notification to the Fire Department/Police Department.
4. Failure to comply with any of the requirements of Paragraph 1 through 3 shall be penalized in accordance with the provisions of Massachusetts General Laws, Chapter 40, Section 21D, Non-Criminal Disposition; and Article I of the Town of Hinsdale By-Laws as amended by Article 25 of the Town of Hinsdale Special Town Meeting of September 26, 199. A fine not to exceed twenty-five dollars (\$25.00) shall be assessed to the property owner.
5. False alarms of fire/illegal entry are those transmitted when no fire/illegal entry conditions exist, and are the result of negligence or defective equipment.
6. The owner of any property or any persons in control of said property, in which a fire detection and alarm system is installed which transmits false alarms per Paragraph, shall be assessed a fee in accordance to the following schedule:
 - First False Alarm- Warning citation issued.
 - Second False Alarm- (and all subsequent false alarms within one year of the date of first false alarm) ---a Fee of fifty dollars (\$50.00) per occurrence. A false alarm beyond one year from the date of the first false alarm shall be considered a first false alarm as defined in this schedule.
7. Any property owner or person in lawful control of said property who fails to pay a fee assessed under this paragraph shall have their permit revoked,
8. When the Fire Department/Police Department responds to an alarm of fire/illegal entry transmitted by a fire detection and alarm system where the premises are unoccupied, the Department is unable to gain access to the structure and is unable to contact any of the individuals listed for access, the Fire Officer/Police Officer in command may, if he has reasonable concern or suspicion that a fire/illegal entry exists within the structure, make a forcible

entry to determine whether or not fire conditions exist. If this action becomes necessary, the Fire/Police Officer shall:

- a. Notify the Fire Department/Police Department of this action.
- b. Secure the premises in so far as feasible.
- c. Continue efforts to contact the individual listed as responsible for the structure.
- d. Enter the action taken in the Fire Department/Police Department log.

Voted February 13, 1991 Special Town Meeting.

Approved April 22, 1991 by Scott Harshbarger, Attorney General.

42. **SOLID WASTE DISPOSAL FEES:** The town voted to adopt a By-Law pursuant to Massachusetts General Laws Chapter 44, Section 28G, authorizing the Board of Selectmen to set an annual solid waste disposal fee. Such fee will take effect one (1) week (seven days) (7) after publication in a newspaper of general circulation in the Town. The Board of Selectmen shall hold a public hearing with regards to the proposed fee.

Voted at May 15, 1991 Annual Town Meeting.

Approved July 17, 1991 by Scott Harshbarger, Attorney General.

43. **ALCOHOLIC BEVERAGES:** No person shall consume any beer, wine, malt, or alcoholic beverage, nor have in his possession any open containers thereof on any way under the control of the Town, sidewalk, or Town owned land. Violators of this provision shall be subject to a fine of not more than twenty-five dollars (\$25.00).

Voted May 8, 1979 Annual Town Meeting.

Approved August 1, 1979 by Francis X. Bellotti, Attorney General.

Special Town Meeting: March 10, 2010

Amended to read: No person shall consume any beer, wine, malt, or alcoholic beverage, nor have in his possession any open containers thereof, on any Town way, sidewalk, or property unless the Select Board has previously issued a Special Liquor License allowing such consumption on said premises. Violators of this provision shall be subject to a fine of not more than twenty-five dollars (\$25.00).

Approved March 16, 2010 by Martha Coakley, Attorney General.

(Amended: January 18, 2017)

Fine: \$50.00

44. **TRANSFER STATION:**

- A: Use of the Town dump for disposal of refuse and retrieval of salvageable materials shall be restricted to Town residents only.
- B: When an outside contractor removes refuse from a Town resident's premises, that contractor will be permitted to dispose of the refuse at the Town dump by obtaining a special, temporary permit from the Board of Selectmen.

Voted at May 8, 1978 Annual Town Meeting.

Approved August 1, 1978 by Francis X. Bellotti, Attorney General.

45. **TRANSFER STATION:** Any out of town persons using the town dump for any reason shall be prosecuted as violators.

*Voted at May 8, 1978 Annual Town Meeting.
Approved August 1, 1978 by Francis X. Bellotti, Attorney General.*

46. **SOLICITING:** Any person, persons, or organizations soliciting from door to door in the Town of Hinsdale shall register with the Police Department and show credential. Violations to be punishable by a one-hundred dollar (\$100.00) fine.

*Voted at October 13, 1993 Special Town Meeting.
Approved January 7, 1994 by Scott Harshbarger, Attorney.*

(Amended: January 18, 2017)

Fine: First violation - \$100.00

Second violation - \$200.00

Subsequent violations \$300.00

47. **WORK IN PUBLIC WAYS:** No public or private utility and/or construction company shall work on any public way within the town without notifying the Police Chief to his/her designee. The Police Chief shall determine the need for road detail on all such projects to ensure public safety.

*Voted at May 17, 1995 Annual Town Meeting.
Approved by*

48. **MAINTENANCE & REPAIR OF PRIVATE OR UNACCEPTED WAYS:** The Town of Hinsdale may expend funds specifically appropriated at Town Meeting from taxation for the repair and maintenance of private or unaccepted ways within the Town of Hinsdale as follows:

A. **Type and extent of repairs permitted:**

Paved roads may be patched but not entirely repaved, and unpaved roads may be regraded and scraped when and as needed, as determined by the Superintendent of highways and the Board of Selectmen.

B. **Drainage:**

Drainage installations may be maintained and repaired where necessary, in the judgement of the Superintendent of highways and the Board of Selectmen to provide for safe travel.

C. **Public Necessity:**

If the Superintendent of Highways and the Board of Selectmen determine in the exercise of their reasonable discretion that there exists a condition which the public necessity required repair with respect to a private way, funds appropriated by the Town may be expended to repair, maintain or correct such conditions as to alleviate the condition.

D. **Liability Limit:**

The liability limit of the Town of Hinsdale with respect to maintenance of private ways shall be the same as that provided by the statute with respect to public ways.

E. **Public Use:**

Only private ways which have been open to the public use for a period of six years or more may be repaired or maintained pursuant to this By-Law.

F. **Cash Deposit:**

There shall be no cash deposit required or betterments assessed with respect to such repairs.

*Voted at October 22, 1986 Special Town Meeting.
Approved November 6, 1986 by Francis X. Bellotti.*

(On the original typing of this By-Law, D, E, and F sections were labeled as F, G, and H. This is how it appears in the warrant for the Town Meeting).

49. FINANCE COMMITTEE:

Finance Committee By-Laws for the Town of Hinsdale

- A. **Composition; Qualifications; Appointment; Term; Vacancies-**The Finance Committee shall consist of 9 members who shall be registered voters in the Town. There will be three members elected by the registered voters of the Town at the Annual Town Election for a three-year term. If a member of the Finance Committee is a member of another Town Committee, that member must not participate in any issue pertaining to their other Committee. No member of the Finance Committee shall be an employee of the Town of Hinsdale. When a member vacates his/her position on the Committee, the following procedure shall be followed. The Finance Committee shall make it known to the community that a vacancy exists and thereby solicit interested party. The remaining members of the Finance Committee and the Selectpersons, as determined by M.G.L. Chapter 41, Section 11, shall vote on a new member. A member shall be dismissed from the committee if he/she request, either verbally or in writing, to be withdrawn and shall be replaced as soon as possible.
- B. **Election of Officers-**The Finance Committee shall elect a Chairperson, Vice-Chairperson and Secretary at the first meeting held after the Annual Town Meeting. The Chairperson shall preside at all committee meetings as required by law. The Chairperson shall call for a vote on all motions that have been seconded and discuss. The Vice-Chairperson is to preside over meetings and fulfill other duties in the absence of the Chair. The Secretary shall keep detailed records of the proceedings (including attendance) and conduct all correspondence required by the committee and maintain necessary files and records.
- C. **Meetings-**All meetings shall be run according to parliamentary rules of order. Meetings shall be held at the Town Hall monthly, or as otherwise deemed necessary by the Finance Committee. The Chairperson shall schedule additional meetings when required, which are to be posted at least two (2) days before the meeting.
- D. **Quorum-**The presence of fifty-percent of current members shall constitute a quorum. Approval of a motion shall require an affirmative vote of a majority of the members voting. The chair shall not vote except to make a difference in the outcome of a vote, as in to make or break a tie veto.
- E. **Powers and Duties-**
 - a. It shall be the duty of the Finance Committee to make an annual report with recommendations relative to financial matters and the conduct of Town business, to be contained in the Annual Town Report.
 - b. The Committee shall consider transfers from the reserve account. A vote is required to transfer funds from the reserve fund.
 - c. The Finance Committee shall consider all municipal questions relating appropriations and may consider any municipal question. It shall hear members of Town departments and citizens of the Town relative to any matter before the Committee and shall make such recommendations, as the Committee deems advisable upon all subjects considered by it.
 - d. The Finance Committee has a right to information regarding the expenditure of all Town funds.
 - e. The various Town Boards, Officers and Committees charged with expenditures of Town money shall prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices or departments for the ensuing fiscal year. These estimates shall include explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose

in the preceding year. They shall also prepare estimates of all the probable items of income, which may be received by them during the ensuing year in connection with the administration of their departments or office, and a statement of the amount of appropriations requested by them for the ensuing year. Such estimates and statements shall be filed with the Town Administrative Assistant, by the fifteenth of January of each year, who shall at once transmit the same to the Finance Committee.

- f. In the absence of a detailed financial report by a Town Officer, Department, or Committee, the Finance Committee shall make a recommendation based on their understanding of the needs of that office, department, or committee.

F. Amendments-The By-Laws of the Hinsdale Finance Committee may be amended by a majority vote of Hinsdale voters present at a Town Meeting.

*Voted at Special Town Meeting October 6, 1999.
Approved by Attorney General.*

50. CAPITAL IMPROVEMENT PLANNING COMMITTEE:

The Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Planning Committee, composed of seven (7) registered voters of the Town. Of these, one shall be a member of the Planning Board, one shall be a member of the Finance Committee and the remaining five shall be members at large. Each member shall serve a term of one year (to coincide with the fiscal year). The Tax Collector, Town Treasurer, Town Accountant, or Chief Administrative Official shall be an ex-officio Committee staff member without the right to vote. The Committee shall choose its own officers.

The Committee shall study proposed capital projects, improvements and long range planning projects involving major non-recurring tangible assets and projects which:

- Are purchased or undertaken at intervals of not less than five years;
- Have a useful life of at least five years;
- Cost over \$5,000.00
- Are listed in the Town's official strategic planning documents.

All Officers, Boards and Committees, including the Selectmen, shall by December 31 of each year, give to the Committee on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing six year period. The Committee shall consider the relative need, merit, impact, timing and cost of these expenditures and of items of strategic planning and the effect each will have on the financial position of the Town. No appropriation shall be voted for capital improvement request by a Department, Board or Commission unless the proposed capital improvement is considered in the Committee's report, or the Committee shall first have submitted a report to the Board of Selectmen explaining the omission.

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. Said program shall be consistent with the implementation program element of the Town's Master Plan documents. The report shall be submitted to the Board of Selectmen for its consideration and approval. The Board shall submit its approved Capital Budget to the Annual Town Meeting for adoption by the Town.

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 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.

The Committee’s report and the Selectmen’s recommendations shall be published and made available in a manner consistent with the distribution of the Finance Committee report. The Committee shall deposit its original report with the Town Clerk.

*Voted at Annual Town Meeting May 19, 1999.
Approved on August 3, 1999 by Thomas Reilly, Attorney General.
Repealed May 19, 2004.*

51. Animal Control By-Law:

Section 1: Administration

In addition to the requirements set forth in this by-law, the licensing, keeping and control of animals shall be in accordance with all applicable provisions of the Massachusetts General Laws, including but not limited to the provisions of G.L. c. 140 §§136A to 174E, inclusive, as may be amended from time- to -time.

The Select Board shall annually appoint an Animal Control Officer who shall be sworn in by the Town Clerk and shall be responsible for eth enforcement of this by-law and the General Laws relating to the regulation of animals.

For purposes of this by-law and G.L. c. 140, §§ 157, the Select Board will be the hearing authority.

Section 2: Definition

The terms used herein shall be as defined in G.L. 140, §136A.

Section 3: Licensing

Annual dog and kennel licenses, as required by M.G.L. c. 140, §§ 137 and 137A, must be obtained from the Office of the Town Clerk by March 1 for a licensing period of January 1 through December 31.

When licensing a dog for the first time, proof of spay or neutering should be presented in order to be eligible for eh spayed or neutered fees. There will be a late fee per dog for licensing after April1.

Applications for kennel licenses shall include the name, breed, age proof of fixing (if applicable), proof of rabies vaccinations, a photograph of each dog, and the telephone number where the licensee can be reached at all times.

In addition to meeting all the requirements of G.L. c. 140, §§ 137A to 137c and this By-law, no kennel license shall be issued unless the applicant demonstrates that the use of the subject property as a kennel is permitted under the Town’s Zoning By-laws.

The annual fee for individual and kennel licensees shall be as follows:

Individual dog, fixed.....	\$10.00
Individual dog, intact.....	\$20.00
Kennel, 2-8 dogs.....	\$50.00
Kennel, 9 or more dogs.....	\$100.00

Late fee.....\$25.00

Section 4: Restraint and Confinement

No person shall permit any dog, whether licensed or unlicensed, to wander on private property without the permission of the owner thereof, or on any public property with in the Town of Hinsdale, including but not limited to public ways, school grounds, recreation areas and cemeteries, unless the dog is properly restrained. A dog is under restraint for purposes of this by-law if it is accompanied by its owner or other person responsible for the dog, who is in full control of such dog and is held firmly on a leash.

Unrestrained or unlicensed dogs may be sought out, caught and confined by the Animal Control Officer or any police officer of the Town, and impounded pursuant to G.L.c. 140§§ 151A and 167.

The owner of keeper of any dog impounded under the provisions of M.G.L. c. 140, § 167 may claim such dog, provided he or she first procures from the Town Clerk a license and tag for any such dog that is not licensed and pays the cost of care provided to the dog per day during the period of impoundment (cost will reflect the current rates assessed by the impounding facility.)

Nothing in this By-law shall be deemed to prohibit the use of dogs for hunting, sporting or working purposes as long as said dogs are properly restrained.

Nothing in this By-law shall apply to a service animal, as that term is defined by the Americans with Disabilities Act 1990, as amended, 42 U.S. Code § 1201, et seq., and any regulations promulgated thereunder.

Section 5: Proper Disposal

No person shall fail to promptly remove and properly dispose of any feces left by any dog owned, kept or controlled by them on the property of another, included but not limited to any public property within the Town.

Section 6: Enforcement

The Animal Control Officer of the town shall be empowered to enforce provisions of this By-law.

In addition to the remedies set forth herein and in G.L. c. 140§§ 136A to 174E, inclusive, or any other applicable provision of the law, this By-law may be enforced through any lawful means in law or in equity, including, but not limited to, non-0criminal disposition pursuant to G.L. c. 40 §, 21D. If non-criminal disposition is elected, then any person who violates any provision of this by law shall be subject to the following penalties:

- First Offense.....\$25.00
- Second Offense.....\$50.00
- Third Offense.....\$75.00
- Fourth and Subsequent Offense.....\$100.00

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first notice offense. Each day of portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

Section 7: Property Damage

Any owner or keeper of a dog, if known, shall be liable for any damages caused to property, livestock, or fowl belonging to another resident. The Select Board may order the owner or keeper to

pay such damages after an investigation by the Animal Control Officer of the facts of the matter and an appraisal, not to exceed \$100.00.

Section 8: Nuisance and Dangerous Dogs

The Animal Control Officer shall investigate all complaints made to the Animal Control Officer, The Town of Hinsdale Police Department, The Select Board, or the Town Administrator, that any dog owned or kept within the Town is a Nuisance Dog or Dangerous Dog.

The animal control officer shall require that said complaints be in writing and is hereby empowered to make whatever inquiry deemed necessary to determine the accuracy of said complaint and may make orders as he or she deems necessary to ensure the protection of public safety and/or to eliminate said nuisance, as provided in G.L. c. 140, § 157.

Any person aggrieved by an order of the Animal Control Officer, may request a hearing before the Select Board. Said request shall be in writing and received by the Select Board within five business days of issuance of the Animal Control Officer's order. A copy of the hearing request shall also be delivered to the Animal Control Officer. If no such request is filed within the time specified herein, the order of the Animal Control Officer shall be final.

Upon receipt of a timely request, the Select Board shall convene a public hearing, which shall include an examination of the complaint under oath, to determine whether the dog is a Nuisance Dog or Dangerous Dog. Based on the credible evidence and testimony presented at said public hearing, the Select Board may affirm the Animal Control Officer's order, reverse and nullify the Animal Control Officer's order, or issue any such order as it deems necessary to ensure the protection of public safety and/or eliminate a nuisance. The determination of the Select Board after a hearing shall be final.

Nothing in this By-law is intended to limit or restrict the authority of the Select Board to act in accordance with G.L. c. 140§ 157

Section 9: Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this By-law shall not invalidate any other section, provision, paragraph, sentence, or clause hereof, nor shall it invalidate any license or determination that previously has been issued.

Voted at Special Town Meeting, August 29, 2001, with the exception of section 3.

Approved by Attorney General Thomas Reilly December 21, 2001.

Amended at Annual Town Meeting May 17, 2017 in its entirety

52. NOISE CONTROL BY-LAW:

A. Purpose

It is the intent of the following regulations and requirements to prevent the hazards of excessive noise that may jeopardize the health, welfare, safety, or degrade the quality of life for the citizens of the Town of Hinsdale. This By-Law shall apply to the control of sound originating from stationary and mobile sources as described herein within the limits of the Town of Hinsdale.

B. Unreasonable Noise Prohibited

It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any excessive, unnecessary, or unusually loud noise which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose, or health and safety of others within the Town of Hinsdale. The following acts are declared to be loud, disturbing, injurious, unnecessary and unreasonable noises in violation of this section but shall not be limited to:

1. **Radios, CDs, Tapes, Television or musical instruments**

The playing of any radio, CDs, television set, amplified musical instruments, or any electronic sound producing devices in such a manner that at any time or place, it disturbs the reasonable quiet, or comfort of persons of any dwelling, any other type of residence or in any office, school, church or persons in the vicinity of the above areas.

2. **Shouting and Whistling**

Yelling, shouting, hooting, whistling, singing, or the making of any other loud noises on public streets between the hours of 10:00 pm and 7:00 am or making the above noises in such a manner that at any time or place, it disturbs the reasonable quiet, or comfort of persons of any dwelling, any other type or residence or in any office, school, church or persons in the vicinity of the above areas.

3. **Animal Noises**

The keeping of any animal or bird, which, by causing frequent or long continuous noise that disturbs the reasonable comfort of any person.

4. **Devises to Attract Attention**

The use of any drum or any other instrument or device of any kind for the purpose of attracting attention by the creation of noise. This section shall not apply to any person who is a participant in a school band, duly licensed parade or who has been otherwise authorized by the Town to engage in such activity.

5. **Construction Noise**

The operation of vehicles, equipment, tools or machines used as a means of construction, maintenance, repair or demolition on a building sit, building, bridge, tower or road between the hours of 9:00 pm and 7:00 am.

6. **Power Tools and Equipment**

The use and operation between the hours of 9:00 pm and 7:00 am of any power tool, saw or other power tool or appliance such as a lawn mower, as well as any non-power tools such as a saw or hammer, so as to disturb the quiet or comfort of any persons in any dwelling, hotel, motel, apartment, or other type of residence.

C. **Exemptions**

The following uses and activities shall be exempt from the unreasonable noise prohibited as described in Section B of this By-Law:

1. Noises of safety signal, warning, devices and emergency pressure relief valves.
2. Warning devices: Any alarm, siren, bell, or whistle required by OSHA or other State or Federal regulations.
3. Noises resulting from any authorized emergency vehicle when responding to an emergency call, acting in a time of emergency, or in connection with official police or fire business.
4. Noises resulting from emergency work as necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger, such as the removal of snow or debris after a storm.

5. **Highway and Utility Maintenance and Construction: Necessary excavation or repair of bridges, streets, or highways, or any public utility installation by or on behalf of the Town, or any public utility installation by or on behalf of the Town, or any public utility or agency of the State of Massachusetts.**
6. **Noises caused by agricultural or farm related activities, including by not limited to the operation of farm equipment, sawmills, harvesting equipment, or noises from farm animals.**
7. **Noise from snow blowers, snow throwers, or snowplows when operated with a muffler for the purpose of snow removal or their maintenance.**
8. **Noises caused by lawful hunting or other lawful discharge of firearms.**
9. **Outdoor gatherings, public dances, shows, and sporting entertainment event, providing said events are conducted pursuant to a permit or a license issued by the appropriate jurisdiction relative to the staging of such event.**

D. Enforcement and Penalties:

The Hinsdale Police Department shall be responsible for the administration and enforcement of these By-Laws, including, but not limited to, the following duties and responsibilities:

1. **Investigation of complaints of unlawful noise.**
2. **Documentation of violations of this By-Law.**
3. **Issuance of a verbal warning to cease and abate the noise immediately, or within a reasonable time specified by the investigating officer.**
4. **If the order is not complied with, the person or persons responsible for the noise shall be charged with a violation of this By-Law. The first violation of this By-Law shall be punishable by a fine of not less than one hundred dollars (\$100.00). The second violation of this By-Law, within twelve months after the first violation, shall be punished by a fine of two hundred dollars (\$200.00). Further violations within twelve months after the last violation shall be punishable by a fine of three hundred dollars (\$300.00). Each such act which either continues or is repeated more than one-half (1/2) hour after issuance of written notice of violation of this By-Law shall be considered a separate offense. If the violation occurs on the premises of a rental property, which is owned by a non-resident, the owner must be notified in writing that a violation has occurred.**

E. Other Remedies

1. **If the person or persons responsible for an activity which violates this By-Law cannot be determined, than the person in lawful custody and/or control of the premises, including but not limited to, the owner, lessee, or occupant of the property on which the activity occurs may be deemed responsible for the violation.**
2. **If the person or persons responsible for the violation of this By-Law can be determined, and provided the violation continues in the presence or view of any officer authorized to serve criminal process, then, said person or persons responsible may be arrested without warrant.**

*Voted at Annual Town Meeting May 18, 2005.
Approved on June 2005, by Thomas Reilly, Attorney General.*

53. PARKING BY-LAW

It shall be unlawful for any operator to park a vehicle at any time on Jericho Road, or on Plunkett Lake as posted. Deleting the words “on South Street from the Town Hall to Main Street; on Longview Avenue at Plunkett Lake.”

It shall be unlawful at any time for an operator of a vehicle to park such vehicle in the same place for longer than two (2) hours at any one time on: Maple and Depot Streets around the Gazebo; the easterly side of Depot Street; or Maple Street adjacent to the property at 26 Maple Street.

Official signs shall be erected and maintained in each block or part of way specified by this By-Law, designating the provisions of this By-Law with respect thereto.

For the purposes of this By-Law parking shall be defined as the standing of a vehicle for any period of time, if not occupied by the operator thereof, or of a period longer than two consecutive minutes when occupied by the operator thereof, otherwise than temporarily for the purpose of and while actually engaged in loading, or in obedience to an officer or traffic signs or signals, or while making emergency repairs, or if disabled, while arrangements are being made to move such vehicle.

Violators of this By-Law shall be punished by a fine of Twenty-Five (\$25.00) dollars in accordance with the provisions of G.L.c.90&20A1/2.

Voted at Annual Town Meeting May 17, 2006.

Approved on July 31, 2006 by Thomas Reilly, Attorney General.

54. RIGHT TO FARM BY-LAW

The purpose and intent of the Right to Farm By-Law is to state with emphasis the right to farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations, including, but not limited to: Massachusetts General Laws, Chapter 40A §3, Paragraph 1; Chapter 90, §9, Chapter 111, §125A and Chapter 128 §1A. This By-Law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within a town by allowing agricultural uses and related activities to function with minimal conflict with abutters and town agencies. This By-Law may be adopted pursuant to a Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, known as the "Home Rule Amendment".

55. GRANT OR RENEWAL OF LICENSE/PERMIT FOR NON-PAYMENT OF TAXES:

The Town may , as authorized under the provisions of MGL 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 or department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or nay municipal charges, including amounts assessed under the provisions of MGL Chapter 40, Section 212D or with respect to any activity, event or other matter which is subject to the 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 neglected or refused to pay any local taxes, fees, assessments, betterments or any municipal charges.

- (a) The tax collector or other municipal officer responsible for the records of all municipal taxes assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each department, board, commission, or division, hereinafter referred to as the licensing authority, that issues licenses of 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 municipal charges for not less than a twelve

month period, and that 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 list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list is furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and to the tax collector as required by applicable provisions of law, and said party is given a hearing, to be held not earlier than fourteen days after said notice. Said list will be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any 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 tax collector that the party is in good standing with respect to any and local taxes, fees, assessments, or municipal charges payable to the municipality as of the date of the 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 or permit 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 Select Board may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of their immediate family, as defined in MGL Chapter 268A, Section 1 in the business or activity conducted in or on said property.

This By-law shall not apply to the following licenses: open burning (c.48 s.13); bicycle permits (c.85 s.11A); sales or articles for charitable purposes (c.101 s. 33); children's work permits (c.149 s.69); clubs, associations dispensing food or beverage licenses (c. 140 s. 21E); dog licenses (c. 140 s.137); fishing, hunting, or trapping (c. 131 s. 12); marriage licenses (c. 207 s. 28); and theatrical events, public exhibitions (c. 140 s. 181).

Approved by Attorney General Maura Healy June 1, 2016

56. HEAD TABLE POSITIONS

In addition to the Moderator, the following municipal officials/officers are to be positioned at the "head table" during town meetings: Select Board (3 members), Chair of the Finance Committee, Town Administrator, Town Clerk, and Town Counsel (attorney)

Proposed and voted at Special Town Meeting January 18, 2017

57. STRETCH ENERGY CODE:

The Town shall enact the Stretch Energy Code for the purposes of regulating the design and new construction of buildings for the effective use of energy, pursuant to Appendix 115 AA of the Massachusetts building code, 780 CMR, the Stretch Energy Code, including future additions, amendments or modifications thereto, with an effective date of July 1, 2017, a copy of which is on file in the Town Clerk's office.

Proposed and voted at Annual Town Meeting May 17, 2017

58. THE ESTABLISHMENT OF VARIOUS RELATED FUNDS:

Pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws, as most recently amended, the town establishes various revolving accounts, specifying the department receipts to be credited to each fund, the department purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such by law to provide as follows:

Program or Purpose	Representative or Board Authorized To Spend	Department Receipts
Grave Openings Revolving Account	Cemetery Commission, Town Administrator, or Select Board	This account is to be credited with fees from funeral homes for grave digging services and stone settings and to expend payments to gravediggers as approved by the Cemetery Commission
Plumbing Inspector's Fees Revolving account	Town Treasurer	This account is to be credited with fees from plumbing permit applicants, and to expend payments to the Plumbing Inspector to pay for inspection services as approved by the Town Accountant
Electrical Inspector's Fees Revolving account	Town Treasurer	This account is to be credited with fees from electrical permit applicants, and to expend payments to the Electrical Inspector to pay for inspection services as approved by the Town Accountant.
Animal Control Officer's Fees	Animal Control Officer, Police	This account is to be credited with fees from Dog owners; and to expend payments to meet the needs of the Animal Control

	Department, Town Administrator or Select Board	Department and/or reimburse the Animal Control Officer for related out-of-pocket expenses, as approved by the Town Accountant
Planning Board Fees revolving account	Planning Board	This account is to be credited with fees from permit applicants; and to expend payments to the Planning Board for legal ads and other expenses, as approved by the Town Accountant
Zoning Board of Appeals Fees revolving account	Zoning Board Of Appeals	This account is to be credited with fees from permit applicants; and to expend payments to the Zoning Board of Appeals for legal ads and other expenses, as approved by the Town Accountant
Library revolving account	Hinsdale Public Library	This account is to be credited with fees from overdue books to be used for book replacement; and to expend payments to the Hinsdale Public Library for legal ads and other expenses as approved by the Town Accountant.
Fire Department Revolving account	Fire Department	This account is to be credited with fees from Fire Department permit applicants; and to expend payments to the Fire Chief for inspection services, as approved by the Town Accountant.
Council on Aging Revolving account	Council on Aging	This account is to be credited with fees from individuals participating in Council on Aging administered/sponsored programs; and to expend payments to the Council on Aging, as approved by the Town Accountant.

Expenditures from each revolving fund set forth herein shall be subject to limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with Chapter 44, Section 53E1/2 of the Massachusetts General Laws.

Voted at Annual Town Meeting, May 17, 2017

NOTES:

Article #35 of the 4/12/76 Special Town Meeting concerned proposed by-laws regarding sewer use. It was reportedly never submitted to the Attorney General for approval, and was therefore never enacted as a by-law.

Article #12 of the October 13, 1993 Special Town Meeting concerning the Moderator was not written as a by-law, but is similar to our by-law #20 concerning the Town Clerk. The vote read as follows:

Voted pursuant to G.L.C 39, S. 14 or other lawful authority, to change the term of the office of Moderator from one year to three years, such change to be effective at the conclusion of the current term, or take any other action relative thereto.