

**GENERAL
BY-LAWS
of the
TOWN OF
PETERSHAM
MASSACHUSETTS
1952, as amended,
2022**

10/22/2022

\$7.50

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GENERAL BY-LAWS 1952, AS AMENDED

ARTICLE I GENERAL PROVISIONS

SECTION 1. The following provisions shall constitute the general by-laws of the Town of Petersham, and may be referred to as the "General By-laws of the Town of Petersham, Massachusetts, 1952, as amended". These By-laws, to the extent approved by the Attorney General, shall take effect after such approval and after publication and posting or distribution as required by law.

Revised STM 1/25/2001 - Approved AG 5/9/2001

Any words used throughout these By-laws which indicate the masculine gender shall, unless the context requires otherwise, be interpreted to include also the feminine gender.

Accepted STM 1/25/2001 - Approved AG 5/9/2001

SECTION 2. The adoption or repeal of these By-laws shall not affect any act done or begun, any right accrued or established, any penalty or liability incurred, or any suit, prosecution, or proceedings heretofore taken or instituted or that shall be pending at the time these By-laws take effect.

Revised STM 1/25/2001 - Approved AG 5/9/2001

SECTION 3. These By-laws may be added to, altered, amended, or repealed at any town meeting by a vote of a majority of the voters present and voting at such meetings, unless otherwise provided by law, providing the warrant for such meeting shall contain an article or articles for that purpose.

SECTION 4. When a By-law prohibits any act from being done or condition maintained without a license or permission of a certain officer, officers or board, such officer, officers, or board shall have the power to issue a license or permit therefor.

SECTION 5. If the Board of Selectmen shall be informed or have reason to believe that any provision of these By-laws is being violated, it shall make or cause to be made an investigation of the facts, including the inspection of the premises where the violation may exist, and, if it finds any violation, it shall give immediate notice in writing to the owner or his duly authorized agent and to the occupant of the premises. Unless otherwise provided in these By-laws, violation of any provision hereof shall be subject to a fine of not more than fifty dollars (\$50.00) for each offense.

Each day that such violation continues after issuance of an order by the Board of Selectmen to conform to the provision of these By-laws shall constitute a separate offense. The Board of Selectmen shall forthwith take such action as is necessary to enforce the By-law.

Accepted 3/11/1973

Revised STM 1/25/2001 - Approved AG 5/9/2001

ARTICLE II TOWN MEETINGS

SECTION 1. ANNUAL TOWN MEETINGS

- a. The annual town meeting shall be held on the first Monday in March in each year, on which day shall be held the annual election of Town officers and the determination of such matters as by law are required or permitted to be determined by ballot.
- b. The annual town meeting for the election of Town officers shall be called to order at ten o'clock A.M. and the polls shall be opened immediately thereafter, and shall be kept open until eight o'clock P.M.

Accepted 11/21/1973

Revised 5/6/1985

Revised STM 1/25/2001 – Approved AG 5/9/2001

- c. All business of the annual town meeting, other than the election of Town officers and the determination of such matters as by law are required or permitted to be determined by ballot, shall be considered at an adjournment thereof to the first Monday in June each year at 7:30 P.M.

Accepted STM 1/13/1992 - Approved AG 2/21/1992

Revised STM 1/25/2001 - Approved AG 2/28/2001

TOWN OFFICERS AND APPOINTEES AND THE ELECTION OR APPOINTMENT OF SAME

- d. Elected Officers – Moderator for a term of three years; Town Clerk for a term of three years; Board of Selectmen to consist of three members, one to be elected each year for a term of three years; Town Treasurer for a term of three years; Tax Collector for a term of three years; Board of Assessors to consist of three members, one to be elected each year for a term of three years; Board of Health to consist of three members, one to be elected each year for a term of three years; School Committee to consist of three members, one to be elected each year for a term of three years; one member to the Mahar Regional School Committee for a term of three years; Trustees of the Public Library to consist of three members, one to be elected each year for a term of three years; three Constables to be

elected for a term of three years; Planning Board to consist of five members, each elected for a term of three years and to vote 1) that this amendment shall be implemented starting with 2002 annual town meeting for the election of Town officers; 2) that at that election and each subsequent annual election until all five-year terms have been eliminated, the expiring five-year term of a Planning Board member be replaced by a new three-year term; and 3) that all subsequent terms of Planning Board members be for three years.

Paragraph d. includes amendments voted 3/10/1969 and amendment voted 6/22/1981.
Revised STM 1/25/2001 - Approved AG 5/9/2001

- e. Appointed Positions – Police Chief, Fire Chief, Director of Town Agriculture, Inspector of Animals, Director of Veterans’ Services and Veterans’ Agent, Sexton, Gas Inspector, Plumbing Inspector, Electrical Inspector, Town Accountant for three years, Animal Control Officer, Director of Civil Defense, Town Counsel, Board of Appeals to consist of three members, one to be appointed each year for a term of three years, Personnel Board, Tree Warden, Building Inspector, Conservation Commission, Superintendent of Streets.

Revised STM 1/25/2001 - Approved AG 5/9/2001
Revised ATM 6/6/2022 – Approved AG 9/14/2022

- f. The Selectmen shall make such additional appointments as are statutorily authorized to those positions they deem necessary and appropriate.

Accepted STM 1/25/2001 – Approved AG 5/9/2001

SECTION 2. NOTICE OF TOWN MEETINGS

- a. Notice of every Town meeting shall be given by posting an attested copy of the warrant therefor at the Post Office and at not less than two other public places in the Town seven (7) days, at least, before the day named in the warrant for the meeting. All special Town meetings must be posted as above for fourteen (14) days, at least, before the day named in the warrant for the meetings.

Last sentence approved at STM 1/12/1981 to meet State laws.
Revised STM 1/25/2001 - Approved AG 5/9/2001

- b. Whenever a Town meeting is adjourned to a time certain, the Town Clerk shall cause a notice of the adjournment, stating the time and place to which the meeting has been adjourned, to be posted at the Post Office and at not less than two other public places in the Town as soon as practicable after the adjournment. Such notice shall state briefly the business to be acted upon at such adjourned meeting.
- c. In addition to such other notice as is provided in this Section, notice of every special town meeting shall be given by the Town Clerk and/or the Town Secretary

by mailing of a postcard notice of the day, time and place of such meeting to every voting household in the Town seven (7) days, at least, before the day fixed for such meeting.

Accepted 5/21/1979

Revised 5/6/1985

SECTION 3. WARRANTS

The warrant for the annual town meeting shall be closed on such date as the Selectmen may determine, but in any event no later than (30) thirty days or earlier than (45) forty-five days previous to the day of the meeting. The Selectmen shall post a notice of the day upon which the warrant shall be closed in the Post Office (3) three days at least before the day upon which the warrant shall be closed.

Revised ATM 6/6/2005 - Approved AG 10/6/2005

SECTION 4. PROCEDURE AT TOWN MEETINGS

- a. The number of voters necessary to constitute a quorum at any Town meeting shall be (10) ten per cent of the voters registered as of the previous January 1, but any number may adjourn any meeting to a stated time and place. The Moderator shall determine and announce the presence of a quorum, and his determination shall be conclusive upon the question unless his determination be doubted by a registered voter, in which case a count shall be taken and recorded in the records by the Town Clerk.
- b. If the Moderator, or the meeting by vote, so orders, only registered voters shall be admitted to the place of meeting, or to a defined portion thereof. The check list of registered voters shall be used in the enforcement of such an order.
- c. The procedure in Town meeting, when not prescribed by the law of the Commonwealth or by the by-laws, shall be determined by the rules of practice contained in TOWN MEETING TIME edited by Johnson, Trustman & Wadsworth, a Committee of the Massachusetts Moderators Association.

Revised STM 1/25/2001 - Approved AG 5/9/2001

- d. All articles in the warrant shall be acted upon in their numerical order, unless the meeting by vote shall otherwise determine.
- e. All motions, resolutions and reports submitted to the meeting involving the expenditure of money shall be in writing. Any motion, resolution, or report shall be reduced to writing before being submitted to the meeting, if the Moderator so directs.

- f. All votes, unless otherwise provided by law, shall be taken in the first instance by a show of hands. If the Moderator is in doubt as to the result of the vote, or if a registered voter immediately doubts the vote, the Moderator shall call either for a standing vote or for a vote by ballot or by use of the check list, as the Moderator may determine.
- g. No vote may be reconsidered except after a two-thirds vote on a motion to reconsider such vote. A vote may not be reconsidered a second time or after a motion to reconsider it has failed to pass. A vote adopted at one session of the Town meeting may not be reconsidered at a later (adjourned) session of the meeting unless the mover has given notice of intention to make such a motion either at the session of the meeting at which the vote was passed or by written notice to the Town Clerk not less than twelve (12) hours before the hour to which adjournment has been voted.

Revised STM 1/25/2001 - Approved AG 5/9/2001

- h. No action shall be taken on a committee report other than to accept as a report in progress or for the purpose of discharging the committee, or to recommit or refer, unless the subject matter of the proposed action is contained in the warrant.
- i. No person shall address the meeting unless recognized by the Moderator.
- j. No person shall remain standing during a Town meeting except when addressing the Moderator or in a case of disability with the permission of the Moderator.

Accepted STM 1/25/2001 – Approved AG 5/9/2001

- k. When a question is under debate, motion may be received:
 - (1) To adjourn.
 - (2) To lay the matter on the table.
 - (3) For the previous question.
 - (4) To postpone to a certain time.
 - (5) To commit or refer.
 - (6) To amend or substitute.
 - (7) To postpone indefinitely.

These motions shall have precedence in the order in which they are enumerated, and the first three (1), (2), and (3) shall be decided without debate.

Accepted STM 1/25/2001 - Approved AG 5/9/2001

1. Any Town meeting member who is employed as an attorney by another interested party in any matter under discussion at a Town meeting shall disclose the fact of his/her employment before speaking thereon.

Accepted STM 1/25/2001 - Approved AG 5/9/2001

ARTICLE III TOWN FINANCES

Accepted ATM 6/7/2004 – Approved AG 9/24/2004

ADVISORY COMMITTEE

SECTION 1. ADVISORY COMMITTEE

There shall be an Advisory Committee for the Town consisting of five (5) qualified voters of the Town who shall hold no other Town office, except as provided for by the By-laws of the Town of Petersham. The members of the Committee shall be initially appointed by the Moderator for terms not exceeding three years from the date of the appointment. Thereafter the Moderator shall appoint one or two members as needed to fill the terms expiring in that year. Each term shall commence on August 1 and expire on July 31. Whenever a vacancy shall occur in this Committee, the vacancy shall be filled for the unexpired term by the Moderator. The members of the Advisory Committee shall serve without pay.

Accepted 6/6/1974

Revised 6/19/1995 - Approved AG 10/18/1995

Revised STM 1/25/2001 - Approved AG 5/9/2001

Revised ATM 6/7/2010 - Approved AG 10/8/2010

SECTION 2. DUTIES OF ADVISORY COMMITTEE

The Advisory Committee shall consider all questions of Town finance and, in the discharge of its duties, shall have free access to all Town books of account and books of record and all accounts, bills and vouchers on which money has been or may be paid from the Town treasury, except as otherwise provided by law. The Advisory Committee shall review the proposed Town budget and submit such recommendations thereon to each annual Town meeting as it may deem advisable, and may submit further reports and recommendations as in its judgment should be brought to the attention of the Town. On request of the Selectmen prior to any Town meeting, the Advisory Committee shall consider any article in a warrant for a Town meeting contemplating, directly, the expenditure of funds and shall make its recommendation as to any such article or articles to the Town Meeting.

SECTION 3. CAPITAL IMPROVEMENT PLANNING COMMITTEE

- a. The Selectboard shall establish and appoint a committee to be known as the Petersham Capital Improvement Planning Committee (PCIP), composed of the Town Treasurer and one member from each of the Selectboard, the Advisory Finance Committee, the Petersham Center School Committee, the Planning Board, and two (2) citizens who are not elected officials of the Town of Petersham, said citizens to be appointed by the Moderator. The PCIP shall choose its officers.
- b. The PCIP shall study all proposed projects and improvements involving major non-recurring tangible assets and projects which 1) are purchased or undertaken at intervals of not less than three (3) years; 2) have a useful life of at least three (3) years; and/or 3) cost over \$5,000 ("Capital Improvements"). All officers, boards, and committees including the Selectboard and Petersham Center School Committee, shall, by February 1 of each year, give the PCIP, on forms prepared by it, information concerning all anticipated Capital Improvements requiring Town Meeting action during the ensuing six (6) years. The PCIP shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the Town. No appropriation shall be voted for any Capital Improvement unless said Capital Improvement is included in the PCIP's Capital Improvement budget and Capital Improvement Program, or the PCIP shall first have submitted a report to the Selectboard explaining the omission.
- c. The PCIP 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 (5) years. The PCIP shall submit an annual report to the Selectboard and Advisory Finance Committee for approval. If the Capital Improvement Program is approved by the Selectboard, then the Selectboard will present the Capital Budget to the Annual Town Meeting for adoption by the Town.
- d. Such Capital Improvement Program, after its adoption, shall authorize the expenditure for 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 a prior year. Planning expenses for capital improvements beyond the time frame of the Capital Improvement Program shall be considered as a Capital Improvement, shall be listed in the Capital Improvement Program as such and shall be approved by Town Meeting prior to expenditure of funds.
- e. The PCIP's approved report shall be published and made available with the distribution of the Advisory Finance Committee report. The PCIP shall provide the Town Clerk with its original report.

Accepted ATM 6/7/2004 - Approved AG 9/24/2004

SECTION 4. DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This By-law establishes and authorizes revolving funds for use by Town departments, and boards 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 General Laws Chapter 44, Section 53E ½.

2. Expenditure Limitations. A department head or board may incur liabilities against and spend monies from a Revolving Fund established and authorized by this By-law without appropriation subject to the following limitations:

A. Fringe benefits of full-time employees whose salaries or wages are paid from the Fund shall also be paid from the Fund.

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 not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectboard and Advisory Finance Committee.

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

4. Procedures and Reports. Except as provided in General Laws Chapter 44, Section 53E ½. and this By-law, the laws, By-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a Revolving Fund established and authorized by this By-law. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund, and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency, or officer on appropriations made for its use.

5. Authorized Revolving Funds:

5.1.1 Fund Name. There shall be separate accounts, each called a Revolving Fund, identified as and authorized for use by the following departments and boards:

Electrical Inspector, Gas Inspector, Plumbing Inspector Revolving Fund

Fire Chief Inspections Revolving Fund

Town Clerk Revolving Fund

Tax Collector Revolving Fund

Petersham School Building Use Revolving Fund

Grave Openings Revolving Fund

Board of Health Revolving Fund

Conservation Commission Revolving Fund

Planning Board Revolving Fund

Zoning Board of Appeals Revolving Fund

Cultural Council Revolving Fund

5.1.2 Revenues. The Town Accountant shall establish the specified Revolving Funds as separate accounts and credit to the funds the specific fees, charges, or other receipts charged and received by the applicable department or board in connection with the respective programs and activities described in subsection 5.1.5 below.

5.1.3 Purposes and Expenditures. During each fiscal year, the specified department or board may incur liabilities against and spend monies from their specified Revolving Funds in connection with the respective programs and activities described in subsection 5.1.5 below.

Fiscal Year. The Revolving Fund accounts herein stated shall operate for fiscal years beginning on or after July 1, 2018.

Specified Revolving Fund Accounts are as follows; in all cases annual expenditures are not to exceed the amount authorized by Annual Town Meeting:

Electrical Inspector, Gas Inspector, Plumbing Inspector Revolving Fund: For deposit of inspection fees to be used for payment of fees to inspectors so as to carry out their inspection duties.

Fire Chief Inspections Revolving Fund: For deposit of inspection fees to be used for payment of fees to the Fire Chief so as to carry out his inspection duties.

Town Clerk Revolving Fund: For deposit of Town Clerk's fees to be used for costs related to applications and activities for which fees are charged.

Tax Collector Revolving Fund: For deposit of Tax Collector's fees to be used for costs of tax collection duties.

Petersham School Building Use Revolving Fund: For deposit of rental fees for use of the Petersham School building to be used for Committee expenditure on building repairs and replacement of equipment associated with the use of the facility.

Grave Openings Revolving Fund: For deposit of grave opening fees to be used by the Selectboard and Cemetery Commission for costs of grave openings.

Board of Health Revolving Fund: For deposit of Board inspection fees to be used for costs of consulting services in connection with Board of Health duties.

Conservation Commission Revolving Fund: For deposit of Commission fees to be used for costs of Commission duties under the Wetlands Protection Act.

Planning Board Revolving Fund: For deposit of Board fees to be used for costs of Planning Board application review duties, including the hiring of professional consultants.

Zoning Board of Appeals Revolving Fund: For deposit of Board fees for public hearings to be used for costs of Zoning Board of Appeals application review duties.

Cultural Council Revolving Fund: For deposit of program and event fees from local events to be used for costs of Council events and related activities in carrying out its duties.

Accepted ATM 6/5/2017 - Approved AG 7/21/2017

ARTICLE IV PROVISIONS WITH RESPECT TO CERTAIN TOWN OFFICERS

SECTION 1. BOARD OF SELECTMEN

- a. Except as otherwise provided by law or by vote of the Town, the Selectmen shall have full and exclusive authority to attend to the legal affairs of the Town, including the institution, defense and other participation in legal action, suits in equity and other proceedings, the compromise and settlement of claim by and against the Town, the appointment of a Town counsel and determination of his term of office, duties and compensation, and the employment of special counsel; provided, however, that no claim or action against the Town, unless reduced to the form of an execution or decree of court, shall be compromised or settled by the payment of any amount in excess of seven hundred and fifty (\$750.00) dollars without a special vote of the Town.
- b. The Board of Selectmen shall submit to each Annual Town Meeting a proposed budget showing in detail the appropriations it recommends that the Town should make for the year and shall submit said budget to the Advisory Committee seven (7) days before the Annual Town Meeting.
- c. Whenever it shall be necessary to execute any deed conveying land or other instrument required to carry into effect any vote of the Town, the same shall be executed by the Selectmen in behalf of the Town, unless the Town shall otherwise vote in any particular case.
- d. The Selectmen shall cause to be printed and made available each year before the Annual Town Meeting an annual town report containing all material required to be included therein by law or by direction of the Town from time to time, and also the annual reports of the Town officers, boards, and committees; a copy of the warrant for the forthcoming Annual Town Meeting; a copy of the records of the town meetings, annual and special, held during the preceding year including the warrant for such meetings and the action taken on the various articles therein; a statement of all devises, bequests and donations to the Town during the preceding year; a list of all laws of the Commonwealth accepted by the Town, which shall state the date of acceptance of each such law; all by-laws or changes in existing By-laws adopted by the Town since the preceding annual report; copies of the laying out, alteration, locating anew or discontinuance of any highway or townway within the limits of the Town during the preceding year; and a statement

of all outstanding bonds, notes, and obligations of the Town for the payment of money. The Selectmen may include such other material as they see fit in the annual town report or publish such material separately.

- e. The Selectmen shall insert in the warrant for the Annual Town Meeting articles requested in writing by ten (10) or more registered voters, and for special town meetings articles requested by one hundred (100) or more registered voters or 10% of the total number of registered voters whichever number is the lesser. All signatures shall be certified by the Town Clerk.

Accepted STM 1/25/2001 - Approved AG 5/9/2001

SECTION 2. TOWN CLERK

- a. The Town Clerk shall furnish all boards, committees, and officers with a certified copy of any vote affecting their respective powers or duties within six (6) days after the date of such vote. The Clerk shall also, within six (6) days after any election, in addition to the notices he may be directed to give to officers who are required to take any oath of office, issue a written notice to all persons who have been elected to any other office or chosen to serve on any committee, stating the office to which such person has been elected, or the duties which such committee was chosen to perform.

Revised STM 1/25/2001 - Approved AG 5/9/2001

- b. The Town Clerk shall see that every conveyance to the Town of any interest in land, except as otherwise provided by law, is duly recorded in the proper registry therefor, and the Clerk shall have the custody of all such recorded instruments after the same are returned from the registry. The Clerk shall keep a true copy of all deeds for conveyances executed in behalf of the Town. The Clerk shall keep an index of all such instruments.

Revised STM 1/25/2001 - Approved AG 5/9/2001

- c. The Town Clerk shall not allow original papers or documents of the Town to be taken from the office of the Clerk except by authority of law or as they remain in the Clerk's custody.

Revised ATM 1/25/2001 - Approved AG 5/9/2001

- d. Whenever a regulation, rule or order of general application or an amendment thereto, is passed by a Town board or office, a copy thereof duly certified shall be filed in the Town Clerk's office where it shall be available for public reference.
- e. The Town Clerk shall keep and cause to be permanently bound one or more files of the Town Reports.

SECTION 3. TOWN TREASURER

- a. Except as otherwise provided by law, the Town Treasurer shall have custody of bonds, contracts, insurance policies, and other similar documents owned by the Town, except that the bond given by the Treasurer to the Town shall be in the custody of the Selectmen.
- b. The Town Treasurer shall make an annual report which shall contain a statement of the amount of money received and paid out by him during the year; a full exhibit of all monies, properties, and securities which may be placed in his charge by virtue of any statute or by-law, or by virtue of any gift, devise, bequest or deposit; a list of all notes issued during the year, showing the purposes for which the money was borrowed, and giving the date, term rate of interest, time of maturity, and the premium if any received thereon; a list of all notes paid during the year; and a list of all outstanding notes, with the dates on which they will mature. His report, however, need not contain such details as are required by law to be shown in the report of the Town Accountant.

SECTION 4. TAX COLLECTOR

- a. The Tax Collector shall have stated hours for the transaction of business.
- b. The Tax Collector shall collect, under the title of Town Collector, all accounts due the Town which are committed to him.
- c. The Tax Collector shall be required to advertise the names of parties who are delinquent in payment of taxes for a period of not less than twelve (12) months and to file liens when indicated.

Accepted STM 1/25/2001 - Approved AG 5/9/2001

SECTION 5. ANNUAL REPORTS

All officers, boards and committees of the Town shall file their annual reports with the Board of Selectmen or its designee in form suitable for printing on or before January 25 in each year.

Revised STM 1/25/2001 - Approved AG 5/9/2001

SECTION 6. ASSESSORS

Beginning with the year 1954, and every three years thereafter, the Assessors shall cause to be printed and made available in the annual town report for that year, or in a separate pamphlet, a complete list of both real and personal property, other than motor vehicles taxed during the year covered by said annual report, together with the valuation thereof as determined by the Assessors.

SECTION 7. TOWN EMPLOYEES

All full-time Town employees under the direction of the Board of Selectmen shall (when they have been in continuous service of the Town for one year from the date of hire) be granted after one year of service, ten workdays (80 hours) vacation; after five years, fifteen workdays (120 hours); and after ten years, twenty workdays (160 hours); and further all shall be entitled to the following holidays with pay: New Year's Day, Martin Luther King Day, Presidents' Day, Patriots' Day, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Day after Thanksgiving; and Christmas Day provided such employee works the work day following the recognized holiday, except upon certification by his supervisor that his absence was unavoidable. Should a holiday fall on a Saturday, the holiday will be observed on the Friday immediately prior to the holiday. If a holiday should fall on a Sunday, the holiday will be observed on the following Monday.

Accepted ATM 6/15/1998

Revised STM 1/25/2001 - Approved AG 5/9/2001

SECTION 8. TOWN ACCOUNTANT

- a. The Town Accountant shall segregate within each budget appropriated at a Town Meeting an item specified as salary and an item for other expenses which together comprise the entire appropriation for such budget. The Town Accountant shall not authorize any expenditures from a budget in excess of the amount so segregated as salary or other expenses.

Accepted 5/10/1976

Revised STM 1/25/2001 - Approved AG 5/9/2001

- b. The Town Accountant shall provide biweekly accounting of all wages and expense accounts for all departments.

Accepted STM 1/25/2001 - Approved AG 5/9/2001

ARTICLE V TOWN CONTRACTS

SECTION 1. No contract involving an obligation of the Town exceeding Two Thousand (\$2,000.00) dollars shall be binding upon the Town unless it is in writing and is signed by the Board of Selectmen, or by a member of a board or committee duly authorized by statute or by-law or by the Board or committee having control of the appropriation against which such obligation is incurred, and such officer, board or committee shall make a record of every such contract in a book which shall be the property of the Town and kept by the Treasurer.

Accepted 3/5/1973

Revised ATM 6/6/2005 - Approved AG 9/16/2005

SECTION 2. Any Board or officer in charge of a department of the Town may, with the approval of the Selectmen, sell any personal property of the Town within the possession or control of the department which has become obsolete or is not required for further use by the department, or trade the same in part payment for replacements for which funds have been provided. Town owned land may not be sold, transferred, or otherwise removed from Town ownership without the approval of a Town meeting vote.

Accepted 3/12/1973

Revised STM 1/25/2001 - Approved AG 5/9/2001

ARTICLE VI TOWN SEAL

SECTION 1. The design of the Town Seal shall be: A circle, in the border the words "Town of Petersham, Massachusetts", Incorporated April 1754.

SECTION 2. The Town Clerk shall have the custody of the Town Seal.

ARTICLE VII POLICE REGULATIONS

SECTION 1. The provisions of this Article VII shall be in addition to, and not in lieu of, those specified by the laws of the Commonwealth. If a Court of competent jurisdiction finds any provision specified herein invalid, the remainder of that provision shall not be affected thereby.

SECTION 2. Every person operating or in charge of an automobile, motorcycle, or other vehicle within the limits of any public way, park, or other public property in the Town shall, upon request of a police officer, forthwith move the same as directed by said officer. Failure to comply may result in removal at owner's expense coupled with a fine of \$50.00.

SECTION 3. No person shall fire or discharge any firearms or explosives of any kind within the limits of any public way, park, or other public property, or fireworks on private property, without first obtaining a written permit therefor from the Police Chief or Fire Chief as applicable State regulations require; provided, however, that this By-law shall not apply to the lawful defense of life or property, nor to any discharge of firearms in accordance with law.

SECTION 4. No person shall place, or cause or allow to be placed, any poster, handbill, notice, drawing, writing, or advertising matter of any nature on or otherwise deface any wall, fence, tree, pole, utility pole, post, sidewalk, building or structure within the limits of any public way, park, or other public property in the Town, without first obtaining a written permit therefor from the Selectmen.

SECTION 5. No person shall distribute or display advertising matter of any nature, including in this term handbills, placards, and pamphlets within the limits of any public way, park, or other

public property in the Town, without first obtaining a written permit therefor from the Selectmen.

SECTION 6. No person shall sell, or display or advertise for sale, any services, articles, goods, wares, or merchandise of any description whatsoever including tag sales within the limits of any public way, park, or other public property in the Town, without first obtaining a written permit from the Selectmen.

SECTION 7. No person shall cut, prune, or trim any trees, shrubs, or plants within the limits of any public way, park, or other public property whether for the purpose of erecting poles and wires thereon or otherwise, without the consent in each instance of the Tree Warden, or on any private property without the consent of the owner thereof.

SECTION 8. The Superintendent of Streets or Police Department will have authority, for the purpose of removing or plowing snow or removing ice from any public way, to remove, or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work, and the owner of such vehicle shall be liable for the cost of such removal and storage charges, if so notified. Furthermore, no person other than an employee in the service of the Town or an employee in the service of an independent contractor acting for the Town shall pile, push, or plow snow or ice onto a public way so as to impede the flow of traffic on such way. Whoever violates this section shall be punished by the penalty so stated in this Article VII.

Revised ATM 6/6/2005 - Approved AG 10/6/2005

SECTION 9. No person shall remove, extinguish, injure, or destroy any street light, or any light placed to warn the public against an obstruction or defect in any public street or way, without authorization from those having charge thereof.

SECTION 10. No person shall obstruct the free and convenient use for travel of any public way or sidewalk without a written permit therefor from the Superintendent of Streets or Police Chief.

SECTION 11. No person, except when acting under orders of the Superintendent of Streets in the lawful performance of his duties, shall break or dig up the ground in any public street or way without first obtaining a written permit therefor from the Selectmen. All persons acting under such permit shall maintain a suitable barrier or guard around the part of the street or way so broken up and shall keep suitable lights exposed every night from sunset to sunrise so long as such street or way shall remain unsafe for travelers. Upon the completion of such work the surface of such street or way shall be restored to the satisfaction of the Superintendent of Streets.

SECTION 12. No person shall cause or suffer the water from any building owned, or cared for by him, to be discharged upon any public way or sidewalk without the approval of the Superintendent of Streets.

SECTION 13. No person shall give or cause to be given, any show or exhibition within the limits of any public way, park, or other public property in the Town or solicit or receive any compensation or contribution therefor from by-standers or the public without a written permit therefor from the Selectmen.

SECTION 14. No person shall be permitted to maintain a dump or accumulation of used metal, glass, or rubber, or of junk or rubbish of any sort, or to maintain an automobile graveyard or place for the storage of more than two (2) unregistered or junked automobiles or automotive parts in the open air within view of a public way or of an adjoining lot, or within three hundred (300) feet of either such public way or adjoining lot unless the area so used is surrounded by a six-foot (6) high opaque fence or wall, and unless a permit therefor, to be renewed annually, is first obtained from the Board of Selectmen. For the purposes of this paragraph, the open-air storage of more than two (2) unregistered or junked vehicles shall constitute an automobile graveyard or place for the storage of junked automobiles or parts.

SECTION 15.

- a. No person shall keep, use, consume or have in his/her possession any alcoholic beverage as defined in Chapter 138, Section 1 of the Massachusetts General Laws, without a permit issued by the Selectmen, in any building or structure or on any property owned by the Town of Petersham and used for municipal purposes.
- b. No person shall consume or have in his/her possession any open container or other vessel containing any alcoholic beverage as defined in Section a., without a permit issued by the Selectmen, in any portion of any structure in the Town of Petersham leased, rented, or otherwise used by said Town for municipal purposes.
- c. No person shall consume, or have in his/her possession, any open container or other vessel containing any alcoholic beverages as defined in Section a. while in or upon any public way in the Town of Petersham.
- d. No person shall consume, or have in his/her possession, any open container or other vessel containing any alcoholic beverage as defined in Section a. upon any way, place, or building in the Town of Petersham to which members of the public have access as invitees or licensees without permission of the owner or person in control thereof.
- e. No person shall keep, use, consume or have in his/her possession any alcoholic beverage as defined in Section a. in any public park or playground in the Town of Petersham, except as may be provided in Section d.
- f. All alcoholic beverages being used in violation of this By-law shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the

person entitled to lawful possession. Any person who violates the above By-laws shall be subject to a fine of not more than fifty dollars (\$50.00) for each offense.

Accepted STM 6/29/1 - Approved AG 9/12/1987

SECTION 15.1 PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in M.G.L. Chapter 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. Chapter 40, Section 21, or by noncriminal disposition pursuant to M.G.L. Chapter 40, Section 21D, by the Board of Selectmen or their duly authorized agents, or any police officer. The fine for violation of this bylaw shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under M.G. L. Chapter 94C, Section 32L.

Accepted: ATM 6/6/2011 - Approved AG 9/12/2011

SECTION 16. No person, except the holder of a special permit granted under Article XVI, Section 5, of the By-laws of the Town of Petersham issued by the Zoning Board of Appeals, and also holder of a license granted under Massachusetts General Laws Chapter 140, Section 58, shall keep or permit to be kept exposed on his premises, unused or unregistered motor vehicles within 500 feet of a public way or within 300 feet of a property line, unless authorized to do so by a permit issued by the Board of Selectmen, who before issuing any permit shall determine that the keeping of said motor vehicle will not depreciate property value in the area, will not create a hazard to the public safety, and will not become a public nuisance. This By-law shall not apply to agricultural vehicles.

This would be the same as SECTION 14, for more than two (2) vehicles. Motor Vehicles as per Mass Gen. Laws, Chapter 90, Section 1.

SECTION 17. All Burglar and Fire Alarms are required to be registered with the Police and Fire Departments with a one-time (1) registration fee of \$10.00 per installation.

Accepted: ATM 5/6/1991 - Approved AG 9/13/1991

SECTION 18. FALSE BURGLAR ALARM. When the Chief of Police determines that the Police Department has responded to a false alarm, he shall impose a charge on the responsible alarm users according to the following schedule:

- A. For the fourth, and subsequent such alarms, \$25.00 per false alarm within the twelve-month (12) period, payable to the Town of Petersham, Town Treasurer. The twelve-month (12) period shall begin with the first false alarm and extend for 11 months thereafter.
- B. This charge shall be payable within twenty-one (21) days from the date of the notice. Failure to pay shall resort in the institution of civil proceedings for failure to obey the terms of this By-law.
- C. All appeals will be made to the Chief of Police. After which, a hearing will be requested. This request must be made in writing to the Board of Selectmen within fourteen (14) days after the date of the notice.
- D. The entire Alarm By-law is on display in the Selectmen's office between the hours of 8 a.m. to 4 p.m.

Accepted ATM 5/6/1991 - Approved AG 9/13/1991

SECTION 19. FALSE FIRE ALARM. When the Fire Chief determines that the Fire Department has responded to a false fire alarm, he shall impose a charge on the responsible alarm users according to the following schedule:

- A. For the fourth, and subsequent such alarm, \$100.00 per false alarm within the twelve-month (12) period, payable to the Town of Petersham, Town Treasurer. The twelve-month (12) period shall begin with the first false alarm and extend for 11 months thereafter.
- B. This charge shall be payable within twenty-one (21) days from the date of the notice. Failure to pay shall resort in the institution of civil proceedings for failure to obey the terms of this By-law.
- C. All appeals will be made to the Fire Chief. After which, a hearing will be requested. This request must be made in writing to the Board of Selectmen within fourteen (14) days after the date of the notice.

Accepted ATM 5/6/1991 - Approved AG 9/13/1991

SECTION 20. Pursuant to the implementation of 911 service within the Town of Petersham, every property owner shall be required to post his or her building number in a location prominent from the roadway. Failure to comply with this posting requirement by July 31, 1994, shall result in a fine of \$25.00, and subsequent fines of \$1.00 per day until compliance has been achieved.

The Building Inspector shall have final determination of whether compliance of posting in a reasonable location has been achieved; further that such posting shall not be placed on living trees or on Town property.

SECTION 21. TRANSFER STATION BY-LAW

For benefit of the Town of Petersham and in the best interest of the health and welfare of the people of Petersham, the Transfer Station on New Salem Road shall be used by the residents located within the geographical limits of the Town of Petersham. Each vehicle entering the Transfer Station shall have affixed a bumper sticker on the front left corner valid for one year from October 1 until September 30. The cost of this sticker will be \$25.00. All trash will be placed in the plastic bags available from the Town at a cost of \$2.00 per bag. All stickers and bags must be purchased at the Town Office Building or an outlet assigned by the Selectboard. Any non-resident found using the Transfer Station will be fined \$100.00 per offense. Any person using the Transfer Station without the bumper sticker and official bags will be fined \$25.00 per offense.

Accepted ATM 6/20/1994

Amended ATM 6/3/2002 - Approved AG 8/30/2002

Amended ATM 6/2/2008 - Approved AG 12/16/2008

SECTION 22. The provisions of these By-laws shall be enforced by the Police Department who shall give written notice to the violator notifying him of the violation and directing him to appear before the clerk of the District Court or Housing Court in Worcester County having jurisdiction, pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 21D. Each day in which a violation exists shall be deemed a separate offense. The penalty for violating any provision of these By-laws, pursuant to this article, unless otherwise stated, shall be \$50.00 for the first offense; \$75.00 for the second offense; \$100.00 for the third and each subsequent offense, or act in relation thereto.

Accepted ATM 6/20/1994

Article amended ATM 6/2/2003 - Approved AG 11/6/2003

Article amended ATM 6/6/2011 - Approved AG 9/12/2011

ARTICLE VIII DELETED AND REPLACED BY ARTICLE XVI

Accepted 11/24/1969 - Approved AG 12/29/1969

ARTICLE IX
TRAILERS, TENTS, OR MOBILE HOMES

SECTION 1. The use of trailers for the purpose of permanent housing is prohibited in the Town of Petersham.

SECTION 2. For the purposes hereof the words "temporary housing" shall mean any tent, trailer, mobile home, or other vehicle, designed or used for habitation, whether on wheels, rigid supports, or otherwise.

SECTION 3. No temporary housing shall be used in the Town of Petersham unless first inspected and approved by the Building Inspector and a permit therefor has been obtained from the Board of Selectmen. Any temporary housing used for habitation shall be considered a building and shall conform to the By-law regulations of the town of Petersham governing buildings set forth in Article XVI of the Town By-laws.

SECTION 4. No temporary housing shall be located within one (1) mile of the Petersham Town Hall.

SECTION 5. No temporary housing shall be located within two (2) miles of the Petersham Town Hall on a location within three hundred (300) feet of the highways now numbered thirty-two (32) and alternate thirty-two (32A), one hundred and twenty-two (122) and one hundred and one (101), except as provided by Statute.

SECTION 6. Temporary housing may be used temporarily for habitation, provided there is no payment for the use of such land, for a period not exceeding four (4) weeks in any calendar year. A permit must first be obtained from the Board of Selectmen for each occasion upon which temporary housing is to be located and used, except as provided by Statute.

SECTION 7. Temporary housing may be used temporarily as an office or dwelling incidental to continuous construction on a site, provided permits have first been obtained from the Board of Selectmen and the Building Inspector. No permit issued pursuant to this section shall be valid for more than one (1) year from the date of issuance, but may be renewed for a period or periods of more than six (6) months each, extending no more than three (3) years from the date of the original permit, except as provided by Statute.

SECTION 8. Temporary housing shall be removed when the purpose for which the permit was granted has lapsed or otherwise terminated.

SECTION 9. For the purposes hereof, a "Trailer Park" shall mean any plot, parcel, or premises where three (3) or more trailer sites are made available for hire or for rent.

No trailer park as so defined shall be established or maintained within the Town of Petersham.

The foregoing By-law, submitted by the Planning Board, was adopted at the Special Town Meeting of July 12, 1960. It was sent to the Attorney General of the Commonwealth, approved by him, returned for filing on September 15, 1960; and subsequently posted as legally required.

Amended ATM 6/2/2003 - Approved AG 11/6/2003

**ARTICLE X
EARTH REMOVAL BY-LAW
MOVED TO ZONING BY-LAW**

Accepted ATM 6/3/2002 - Approved AG 8/30/2002

**ARTICLE XI
SUBDIVISION REGULATIONS
DELETED**

Accepted ATM 6/1/2015 - Approved AG 10/5/2015

ARTICLE XII:

Historic District, Historic District Commission and Historical Commission By-law

SECTION 1. PURPOSE

The purpose of this By-law is to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings, places, and districts of historic and architectural significance in the Town of Petersham, through the maintenance of appropriate settings for such buildings, places, and districts as a tangible reminder of the historic tradition of the Town of Petersham.

SECTION 2. ESTABLISHMENT OF THE HISTORIC DISTRICT

There is established in the Town of Petersham an Historic District according to the provisions of Chapter 211 of the Massachusetts Acts of 1966, and subject to amendment by Town Meeting vote as provided for in Chapter 211 and this By-law. The boundaries of the Historic District are shown on a map entitled "Petersham Historic District," dated May 26, 2016, which is on file with the Town Clerk of the Town of Petersham and recorded in the Registry of Deeds. A copy of this map can be found at the end of this By-law.

The Historic District extends from a public way in the Historic District, as defined in this By-law, to the rear bounds of a lot or 200 feet, whichever is the less.

SECTION 3. DEFINITIONS

As used in this By-law, the following words and terms shall have the following meanings:

Altered - includes rebuilt, reconstructed, restored, removed, and demolished;

Building - is a combination of materials having a roof and forming shelter for persons, animals, or property;

Commission - refers to The Historic District Commission established by Section 4;

Erected - includes built, constructed, reconstructed, restored, altered, enlarged, and moved;

Exterior Architectural Feature - means the architectural style and general arrangement of such portion of the exterior of a building or structure as is open to view from a public way in the Historic District, including the kind and texture of the building materials of such portion, and the type and style of windows, doors, and other fixtures appurtenant to such portion of the exterior;

Historic District - refers to the district established by Section 2 and any other district established pursuant to Section 11;

Person - includes an individual, a partnership, a corporation, an unincorporated organization, association, or other entity;

A Public Way in the Historic District - North Main Street, South Main Street, Common Street, and North Street comprise the Public Ways in the Historic District;

Structure - a combination of materials assembled at a fixed location to give support or shelter or for other purposes, including a building, framework, swimming pool, shed, platform, tower, or similar object;

Capitalized terms not defined in this By-law shall have the meaning given in Chapter 40C of the Massachusetts General Laws.

SECTION 4. CREATION AND ORGANIZATION OF HISTORIC DISTRICT COMMISSION

An Historic District Commission in the Town of Petersham is hereby established that shall consist of seven unpaid members, at least four of whom shall be residents and property owners of the Town, who shall be appointed by the Selectboard for terms of five years in the manner and for the terms of office as herein provided, and who shall serve until their successors are appointed and qualified:

- one member shall be a registered architect, or, in the event that none is available to serve, a person who has had architectural training and background;
- one member shall be appointed from two nominees of the Petersham Historical Society;
- one member shall be appointed from two nominees of the Planning Board of the Town of Petersham;

- one member shall be appointed from among the residents and property owners of the Historic District;
- one member shall be appointed who, in the opinion of the Selectboard, is qualified by reason of his experience in the building trades;
- two members will be chosen from Petersham residents at large.

If within thirty days after submission of a written request for nominees to an organization entitled to submit nominations for membership on the Commission, or search for an individual meeting the above qualifications, no such nominations have been made, or no such qualified individual can be found, the Selectboard may proceed to make the appointment to the Commission without nomination by such organization, or to an individual without such qualification.

As the term of office of each of the members shall expire, his successor shall be appointed in the same manner for a term of five years. All nominations for appointment of members of the Commission shall be submitted to the Selectboard by a letter that includes a statement of the qualifications of the nominees. A member of the Commission may be removed from office for cause by the Selectboard after a public hearing. A vacancy in the membership of the Commission shall be filled by appointment for the unexpired term in the manner specified for the original appointment to the term vacated. The Commission shall elect annually a Chairperson, a Vice-Chairperson, and a Clerk from its membership. In the case of absence of the Chairperson from any meeting the Vice-Chairperson shall preside, and in his absence the Commission shall elect a temporary Chairperson for such meeting.

SECTION 5. REQUIRED CERTIFICATES AND PERMITS

Except as provided in Section 6, any person who desires to erect, build, construct, reconstruct, restore, alter, move, demolish, remove, or change any building or structure within the Historic District shall file with the Commission an application for a Certificate of Non-applicability; or a Certificate of Appropriateness, together with such plans, elevations, specifications, material and other information as shall be deemed necessary by the Commission to enable it to make a determination with respect to the application.

1) No building or structure, except as provided in Section 6, shall be erected within the Historic District unless and until either a Certificate of Appropriateness or a Certificate of Non-applicability has been issued by the Commission.

2) No building or structure within the Historic District, except as provided in Section 6, shall be changed as to exterior features until either a Certificate of Appropriateness or a Certificate of Non-applicability has been issued by the Commission.

3) No building or structure within the Historic District, except as provided in Section 6, shall be demolished or removed unless and until an application for a Certificate of Appropriateness has been filed with the Commission, and such Certificate has been issued by the Commission.

4) No occupational, commercial or other sign or billboard, except as provided in Section 6, that is subject to view from a public way in the Historic District, shall be erected within the Historic District unless and until either a Certificate of Non-applicability or a Certificate of Appropriateness has been issued by the Commission.

5) Except in cases excluded by Section 6.

a) No building permit shall be issued by the Town of Petersham for any building or structure to be erected within the Historic District until a Certificate of Appropriateness or a Certificate of Non-applicability has been issued by the Commission.

b) No permit shall be issued by the Town of Petersham for the demolition or removal of any building or structure within the Historic District until a Certificate of Appropriateness has been issued by the Commission.

c) No building permit shall be issued by the Town of Petersham for a change in an architectural feature within the Historic District until a Certificate of Appropriateness has been issued by the Commission.

SECTION 6. EXCLUSIONS, LIMITATIONS, AND EXCEPTIONS

1) The powers and authority of the Historic District Commission shall be limited to exterior architectural features within the Historic District that are visible from a public way within the Historic District as defined in Section 3.

2) The Historic District Commission shall have no authority over the following:

a) The color of paint on all exterior surfaces;

b) The materials used on roofs;

c) Walls, fences, terraces, storm doors and storm windows, lighting fixtures, antennae;

d) Temporary structures or signs for use in connection with any official celebration or parade, or any charitable drive in the Town; provided, that any such structure or sign shall be removed within seven days following the termination of the celebration, parade or charitable drive for which such structure or sign shall have been erected or displayed; and any other temporary structure or signs which the Commission shall determine from time to time may be excluded from the provisions of Section 5 without substantial derogation from the intent and purposes of this By-law;

e) Real estate signs of not more than six square feet in area advertising the sale or rental of the premises on which they are erected or displayed and which are not illuminated provided not more than two such signs are displayed in connection with each such premises;

f) Occupational signs in connection with a residence of not more than one square foot in area, provided only one such sign is displayed in connection with each residence, and one sign in connection with each non-residential use that is not more than twelve square feet in area,

consists of letters painted on wood without symbol or trademark and if illuminated is illuminated only indirectly;

g) The reconstruction, substantially similar in exterior design, of a building or structure damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

3) Nothing in this By-law shall be construed to prevent the ordinary maintenance, repair, or replacement of any exterior architectural feature of any building or structure within the Historic District; nor shall anything in this By-law be construed to prevent landscaping changes; nor shall anything in this act be construed to prevent the erection, construction, reconstruction, restoration, alteration, or demolition of any such feature which a duly authorized public officer shall certify is required by the public safety because of an unsafe or dangerous condition; nor shall anything in this By-law be construed to prevent any construction, reconstruction, alteration, or demolition under a permit issued prior to the effective date of said Chapter 211 of the Acts of 1966.

4) The Commission may determine from time to time that certain categories of architectural features, structures, or signs may be erected or installed without review by the Commission provided there is no substantial derogation from the intended purposes of this By-law; and while any such determination by the Commission is in effect, any such categories so enumerated by the Commission may be erected or installed without the filing of an application for, or the issuance of, a Certificate of Appropriateness.

SECTION 7. MEETINGS, HEARINGS, TIME FOR MAKING DETERMINATIONS

Meetings of the Commission shall be held at the call of the Chairperson and shall be called at the request of three members of the Commission and in such other manner as the Commission shall determine in its rules. Four members of the Commission shall constitute a quorum.

The Commission shall determine, promptly, and within fourteen days after the filing of an application for a Certificate of Appropriateness, whether the application involves any features that are subject to approval by the Commission. If the Commission determines that the application involves such features, the Commission shall hold a public hearing on the application unless the hearing is waived as herein provided. The Commission shall also hold a public hearing on all other applications required to be filed with it under this By-law, or under any other by-law enacted by the Town.

The Commission shall fix a reasonable time for the hearing on any application and shall give public notice thereof at least fourteen days before said hearing by posting notice of time, place, and purpose of the hearing in two public places in the Town; and by mailing postage prepaid, a copy of said notice to the applicant, to the owners of all property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board of the Town, and to such other persons as the Commission shall deem entitled to notice.

As soon as convenient after such public hearing but in any event within forty-five days after the filing of the application, or within such further time as the applicant may allow in writing, the Commission shall make a determination on the application. If the Commission shall fail to

make a determination within said forty-five days, or within such further time allowed by the applicant, the Commission shall be deemed to have approved the application, and the Commission shall thereupon issue a Certificate of Appropriateness.

SECTION 8. POWERS, FUNCTIONS AND DUTIES OF COMMISSION

The Commission shall have the following powers, functions and duties:

- 1) The Commission shall have the duty of implementing this By-law by receiving and reviewing applications in connection with construction, demolition, and alteration of architectural features of any building or structure within the Historic District and of issuing Certificates of Non-applicability and Certificates of Appropriateness;
- 2) The Commission shall not consider interior arrangements or building features not subject to public view;
- 3) The Commission shall not make any recommendation or requirement except for the purpose of preventing developments obviously incongruous to the historic aspects and the architectural integrity of the Historic District. In deciding on appropriateness the Commission shall consider, among other things, the historic value and significance of the site, building, or structure; the general design, arrangement, texture, and material of the features involved; and the relation of such factors to similar factors of sites, buildings, and structures in the immediate surroundings. The Commission shall also consider the applicable zoning and other by-laws of the Town;
- 4) If a proposal is determined to be inappropriate, the Commission shall determine whether, owing to conditions especially affecting the Historic District generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application could be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this By-law. If the Commission determines that the features, demolition or removal involved will be appropriate or, although inappropriate, owing to conditions as aforesaid, failure to approve an application will involve substantial hardship to the applicant and approval thereof could be made without substantial detriment or derogation as aforesaid, the Commission shall approve the application; but if the Commission does not so determine, the application shall be disapproved;
- 5) In approving an application the Commission may impose conditions that, if the Certificate of Appropriateness is acted upon, shall be binding upon the applicant, the owner of the property, and his successors in title. Prior to approving an application subject to conditions the Commission may notify the applicant of its proposed action and permit the applicant to express his opinion thereon;
- 6) In the case of a determination by the Commission that an application for a Certificate of Appropriateness does not involve any exterior architectural feature, or is excluded by Section 6, the Commission shall cause a Certificate of Non-applicability, dated and signed by its Chairperson or Vice-Chairperson, to be issued forthwith to the applicant;

7) In the case of an approval by the Commission of an application for a Certificate of Appropriateness or in the event an application is deemed approved through failure to make a determination within the time specified in Section 7, the Commission shall issue a Certificate of Appropriateness, dated and signed by its Chairperson or Vice-Chairperson, to the applicant;

8) In the case of disapproval of an application for a Certificate of Appropriateness, the Commission shall issue a notice of its determination, dated and signed by its Chairperson or Vice-Chairperson, to the applicant, setting forth therein the reasons for its determination. The Commission may make recommendations to the applicant with respect to the appropriateness of design, arrangement, texture, material, and similar factors. Prior to the issuance of any disapproval the Commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal that, if made, would make the application acceptable to the Commission. If within ten days of the receipt of such notice the applicant files a written modification of his application in conformity with the recommended changes of the Commission, the Commission shall issue a Certificate of Appropriateness, dated and signed by its Chairperson or Vice-Chairperson;

9) The Commission shall keep a permanent record of its resolutions, transactions, and determinations, and may make such rules and regulations consistent with this By-law and prescribe such forms as it shall deem desirable and necessary;

10) The Commission shall file with the Town Clerk and Town Building Inspector a notice of all determinations made by it, and approvals of application through failure of the Commission to make a determination within the time allowed under Section 7;

11) The Commission may, subject to appropriation, employ technical assistants or consultants and incur other expenses necessary to the carrying on of its work and may accept money gifts and expend the same for such purposes. The Commission may accept gifts of easements or other interests in real property that the Commission may determine will protect the Historic District or otherwise carry out the purpose of this By-law;

12) The Commission shall have, in addition to the powers, authority and duties granted to it by this By-law, such powers, authority and duties as may be delegated to it from time to time by vote of a Town Meeting.

SECTION 9. APPEALS

Any person aggrieved by a determination of the Commission, whether or not previously a party to the proceeding, or any officer or board of the Town may, within twenty days after the filing of a notice of such determination with the Town Clerk, appeal to the Worcester County Superior Court.

SECTION 10. ENFORCEMENT

Any person who violates any of the provisions of this By-law shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than two hundred dollars. The Worcester County Superior Court, upon the petition of the Selectboard, shall have jurisdiction to enforce the provisions of this By-law and any by-law enacted hereunder and the

determinations, rulings and regulations issued pursuant thereto and may restrain by injunction violations thereof and issue such other orders for relief of violations as may be required.

SECTION 11. CHANGES IN HISTORIC DISTRICT

The district established by Section 2 may be enlarged or reduced and new districts may be created by a two thirds vote of any regular or special Town Meeting, the warrant for which shall contain an article or articles for the purpose. Prior to any such action the Planning Board of the Town shall hold a public hearing thereon and shall report its recommendations to the Town Meeting. The Planning Board shall give due notice of such hearing at least fourteen days prior thereto by posting in the Town and by mailing, postage prepaid, a copy of said notice to the owners of all properties to be included in or removed from an historic district.

SECTION 12. HISTORICAL COMMISSION

The Historical Commission may:

An Historical Commission in the Town of Petersham is hereby established under the provisions of the Massachusetts General Laws, Chapter 40, Section 8D, for the purposes and with the rights and duties provided by law. The Historical Commission is concerned with the preservation, protection, and development of the historical and archeological assets of the town. The Historical Commission shall conduct researches for places of historic or archeological value, shall cooperate with the State Archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print, and distribute books, maps, charts, plans, and pamphlets that it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the Selectboard and, subject to their approval, to the Massachusetts Historical Commission, that any such place be certified as an historical or archeological landmark. It shall report to the state archeologist the existence of any archeological, paleontological, or historical site or object discovered in accordance with Massachusetts General Laws Chapter 9, Section 27C, and shall apply for permits necessary pursuant to said Section 27 C. Any information received by the Historical Commission with respect to the location of sites and specimens, as defined in said Chapter 9, Section 26B, shall not be a public record.

The Historical Commission may:

hold hearings;

enter into contracts with individuals, organizations and institutions for services furthering the objectives of the Historical Commission's program;

enter into contracts with local or regional associations for cooperative endeavors furthering the Historical Commission's program;

accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state, or other governmental bodies for the purpose of furthering the Historical Commission's program;

make and sign any agreements and may do and perform any and all acts that may be necessary or desirable to carry out the purposes of this By-law.

The Historical Commission shall keep accurate records of its meetings and actions and shall file an annual report, which shall be printed in the annual Town report.

The Historical Commission shall consist of seven members, those members being the same as those appointed to the Historic District Commission. Four members of the Historical Commission shall constitute a quorum.

Approved ATM 6/16/2016 - Approved AG 09/27/2016

ARTICLE XIII DOG BY-LAW

Regulation of Dogs

DEFINITION OF TERMS

SECTION 1. As used in this By-law, unless the context shall otherwise require:

- a. "Dog" shall mean all animals of canine species, regardless of sex.
- a. "Owner" shall mean any person or persons, firm, association, or corporation owning, keeping, or harboring a dog, as herein defined.
- b. "Public nuisance" – Any dog shall be deemed a public nuisance when attacking persons or domestic animals while said dog is on property other than that of the dog owner; when destroying property; or on a public ground, when not under restraint; or it is persistently and prolongedly barking or howling between the hours of 10:00 o'clock p.m. and 7:00 o'clock a.m. for more than two consecutive days. Each twenty-four hour period thereafter shall constitute a separate violation. Further, any unspayed female dog, while in season, shall be deemed a public nuisance when not confined indoors by the owner thereof, or housed in a veterinary hospital or registered kennel.
- c. "Run at large" shall mean free of restraint and permitted to wander on private or public way at will.

Accepted ATM 5/7/1990 - Approved AG 10/5/1990

- d. "Keeper" shall mean any person, corporation, or society, other than the owner, harboring, or having in his possession any dog.

Accepted ATM 5/7/1990 - Approved AG 10/5/1990

- e. "Licensing Period" – The licensing period for all dogs in the Town of Petersham shall be January 1 through December 31. Every dog in the Town of Petersham shall be licensed each year. The owner of any dog not licensed during the licensing period will be subject to the penalties set forth in Section 9 hereof.

Accepted ATM 6/17/1996 - Approved AG 7/30/1996

SECTION 2. PERMITTING A DOG TO BECOME A PUBLIC NUISANCE PROHIBITED

No owner or keeper of any dog shall permit such dog, whether licensed or unlicensed, to become a public nuisance within the Town of Petersham at any time.

SECTION 3. IMPOUNDING

It shall be the duty of the Animal Control Officer to apprehend any dog found to be a public nuisance and to impound such dog in a suitable place or to order the owner thereof to restrain said dog.

Revised 6/6/2022 – AG 9/14/2022

SECTION 4. NOTICE TO OWNER AND RELEASE

If such dog is so impounded and has upon it the name and address of the owner thereof, or if the name of said owner is otherwise known, then the Animal Control Officer shall immediately notify the owner of such impounding, and if the owner is not known then no such notice is necessary. The owner of any dog so impounded may reclaim such dog upon payment of the sum of \$25.00 for the reclaiming, for the first 24-hour period, or any part thereof, that the dog is held thereafter, and \$10.00 per day thereafter, provided, however, if the dog is not licensed, that before releasing to any person, a license as required by the Town of Petersham shall be secured.

Accepted ATM 5/7/1990 – Approved AG 10/5/1990

Amended ATM 6/3/2002 – Approved AG 8/3/2002

SECTION 5. DISPOSITION OF UNCLAIMED DOGS

Any dog which has been impounded and has not been redeemed by the owner within ten (10) days shall be disposed of as provided by Section 152, Chapter 140 of the General Laws of the Commonwealth of Massachusetts and any amendments thereto.

SECTION 6. DISPOSITION OF FUNDS

The sums collected pursuant to the provisions of this By-law shall be accounted for and paid to the Town Treasurer; however, under the provisions of the State Law, the Animal Control Officer shall be entitled to all fees paid to him for the care of the impounded dogs by the owners thereof.

Accepted ATM 5/7/1990 – Approved AG 10/5/1990

Accepted ATM 6/6/2022 – Approved AG 9/14/2022

SECTION 7. PERMITTING A DOG TO RUN AT LARGE

No owner or keeper of a dog shall permit such dog, whether licensed or unlicensed, to run at-large within the Town of Petersham, except that a dog may for the purpose of sporting events such as hunting, field trials or training purposes, be exempt from the restraining order during such period of time as the dog is actually engaged in the event or sport.

Accepted ATM 5/7/1990 - Approved AG 10/5/1990

- a. Dogs may be taken from the owner's premises provided that such dogs are on a leash and under the control of the owner or keeper.

Accepted ATM 5/7/1990 - Approved AG 10/5/1990

SECTION 8. PENALTY

Any owner or keeper found in violation of any of the provisions of this By-law shall be subject to a fine of \$10.00 for the first offense, \$25.00 for the second offense, and \$50.00 for the third and any subsequent offenses in any calendar year. Further, if the owner or keeper of a dog be a minor, the parent or guardian of such minor shall be held liable for any violation of this By-law.

Accepted ATM 5/7/1990 - Approved AG 10/5/1990

Amended ATM 6/3/2002 - Approved AG 8/30/2002

SECTION 9. ALTERNATIVE PROCEDURES UNDER GENERAL LAWS CHAPTER 140, SECTION 173A

- A. Notwithstanding any provisions of the General Laws to the contrary, any Animal Control Officer who takes cognizance of a violation of:
 - 1. Pertains to dogs running at large;
 - 2. Failure to license dogs pursuant to General Laws, Chapter 140, Section 137; failure to acquire kennel license pursuant to General Laws, Chapter 140, Section 137A;
 - 3. Failure to vaccinate against rabies pursuant to General Laws, Chapter 140, Section 145B;

may issue or mail a notice of complaint of violation of Town Dog Control Law to the owner or keeper of such dog or dogs, and if the owner or keeper of such dog or dogs is a minor, the parent or guardian of such minor shall be liable for any violation of this ordinance.

Accepted ATM 6/6/2022 – Approved AG 9/14/2022

- B. Any owner or keeper found in violation of the above-mentioned procedure shall be subject to a fine of \$10.00 for the first offense, \$25.00 for the second offense, and \$50.00 for the third

and any subsequent offense in any calendar year. If the owner or keeper of a dog is a minor, the parent or guardian of such minor shall be held liable for any violation of this By-law.

Amended ATM 6/3/2002 – Approved AG 8/30/2022

- B. The procedures set forth above shall also include the provisions of paragraph 2 through 4 of the General laws, Chapter 140, Section 137A as amended.

Accepted ATM 5/7/1990 – Approved AG 10/5/1990

SECTION 10.

The General Laws of the Commonwealth of Massachusetts Chapter 140, Sections 136A–174E shall serve as the Town's general Animal Control Law. If an Animal Control Officer determines there are violations to Chapter 140, they may invoke pertinent Sections of General Laws Chapter 272 and the General Laws pertaining to animal cruelty shall be necessitated.

Accepted ATM 6/6/2022 – Approved AG 9/14/2022

ARTICLE XIV BOARD OF HEALTH REGULATIONS SEWAGE DISPOSAL AND WELL LOCATION

SECTION 1. Purpose – Because Petersham has neither a central sewage or water system and a large part of the soil in Town has a high ground-water level or impeded drainage, therefore special care is needed in designing water and sewage systems to service individual dwellings.

SECTION 2. No building permit for a new dwelling unit will be issued until the Board of Health has issued a Disposal Works Construction Permit and a Private Well Permit.

Accepted ATM 3/10/1969 - Approved AG 5/29/1969

Amended ATM 6/3/2002 - Approved AG 8/30/2002

SECTION 3. No Disposal Works Construction Permit will be issued until the Board of Health is satisfied that the plans for both a sanitary sewage system and a water supply system meet the Minimum Standards for the Disposal of Sanitary Sewage in Unsewered Areas, Title 5 (310 CMR 15.000), The State Environmental Code. Depth to high groundwater level and soil percolation tests will be made as specified in the Code.

Accepted ATM 3/10/1969 - Approved AG 5/29/1969

Amended ATM 6/3/2002 - Approved AG 8/30/2002

Soil Stabilization. Soil stabilization shall be accomplished immediately following construction or repair of a sanitary sewage system on the area that has been disturbed. Stabilization during the growing season shall be by seeding, and after October 1 by heavy mulching. Other methods must be approved by the Petersham Board of Health. No "Certificate of Compliance" shall be issued until this work is satisfactorily completed and inspected.

Accepted ATM 6/7/2010 - Approved AG 10/8/2010

SECTION 4. In addition to the State Environmental Code, the following standards shall be met:

- A. No well shall be located less than ten (10) feet from a property boundary, except along a public road where the distance shall be not less than twenty (20) feet.

Accepted ATM 3/10/1969 - Approved AG 5/29/1969

Amended ATM 6/3/2002 - Approved AG 8/30/2002

- B. No seepage pit, cesspool or privy shall be located less than fifty (50) feet from a property boundary; or from watercourses and wetlands as defined in the Mass. Wetlands Protection Act and Regulations (310 CMR 10.00).

Accepted ATM 3/10/1969 - Approved AG 5/29/1969

Amended ATM 6/3/2002 - Approved AG 8/30/2002

- C. The entire land in any new building site must be so situated or graded that its surface and subsurface drainage can be run off in a manner not detrimental to adjacent or other land or property.

Accepted ATM 3/10/1969 - Approved AG 5/29/1969

SECTION 5. The costs of any tests, surveys and plans necessary under this regulation shall be borne by the landowner or prospective buyer.

Accepted 3/10/1969 - Accepted AG 5/29/1969

SECTION 6. RECYCLING. All users of the Transfer Station shall separate waste materials into the following categories and shall recycle said waste material, in accordance with any State law requirements at the Transfer Station or through a Town-approved collector:

- A. Recyclables
 1. Glass – clear, green, amber
 2. Aluminum, steel and tin cans, and scrap metal
 3. All numbered plastics
 4. Newsprint, cardboard, and other acceptable paper
 5. Other recyclable materials approved by the Selectboard and the Board of Health

- B. The Transfer Station Monitor will clarify the acceptability of specific or questionable recyclable items.
- C. All separated recycling materials deposited at the Transfer Station shall become the sole property of the Town of Petersham.
- D. All separated recycling material being brought to the Transfer Station shall be brought at hours designated for the Transfer Station.
- E. The Transfer Station Monitor shall be responsible for the oversight of the recycling program and shall make recommendations for amendments to the Selectboard and the Board of Health.

Accepted ATM 5/6/1991 - Approved AG 9/13/1991
 Amended STM 11/17/2008 - Approved AG 1/16/2009

ARTICLE XV
(Deleted and replaced by Article XVI, Section 9)

ARTICLE XVI
(Replaced by a separate document)

ARTICLE XVII
PROCEDURES FOR USES OF TOWN PROPERTY

SECTION 1. TOWN COMMON

The area known as the North Common shall be designated as the Petersham Memorial Park and Common and that the Petersham Memorial Park and Common Committee, Petersham Tree Warden, Petersham Forest and Shade Tree Committee acting in accordance shall be the approving body for all material planted on the North Common.

Accepted ATM 6/21/1999
 Accepted ATM 6/2/2014 - Approved AG 9/4/2014

ARTICLE XVIII
STRETCH ENERGY CODE

SECTION 1 – Definitions

International Energy Conservation Code (IECC).

The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and local governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle.

Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115. AA, the Stretch Energy Code is an appendix to the Massachusetts Building Code, based on the International Energy Conservation Code (IECC) and amendments thereto to improve the energy efficiency of buildings.

SECTION 2 – Purpose

The purpose of 780 CMR 115. AA is to provide a more energy-efficient alternative to the base energy code applicable to the relevant sections of the Building Code for both new construction and existing buildings.

SECTION 3 – Applicability

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

SECTION 4 – Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including amendments or modifications, is hereby incorporated by reference into the Town of Petersham General By-laws.

The Stretch Code is enforceable by the Building Inspector.

Accepted ATM 6/4/2012 - Approved AG 9/23/2012

ARTICLE XIX

LOCAL LICENSES AND PERMITS; DENIAL, REVOCATION, OR SUSPENSION

SECTION 1 As provided for herein, the Town of Petersham may deny any application for, or revoke or suspend a building permit, or any local license or 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 section twenty-one D of Chapter 40 of the General Laws 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.

SECTION 2 The tax collector or other Town official responsible for records of all municipal taxes, assessments, betterments, and other municipal charges, hereinafter referred to as the tax

collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

SECTION 3 The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector 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 from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes 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 tax 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 Town as the date of issuance of said certificate.

SECTION 4 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.

SECTION 5 The Selectboard 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, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A of the General Laws in the business or activity conducted in or on said property.

SECTION 6 This bylaw shall not apply to the following licenses and permits: open burning; section thirteen of G.L. chapter forty-eight; bicycle permits; section eleven A of G.L. chapter eighty-five; sales of articles for charitable purposes, section thirty-three of G.L. chapter one hundred and one; children work permits, section sixty-nine of G.L. chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of G.L. chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of G.L. chapter one hundred and forty; fishing, hunting, trapping license, section twelve of G.L. chapter one hundred and thirty-one; marriage licenses, section twenty-eight of G.L. chapter two

hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of G.L. chapter one hundred and forty.

SECTION 7 Except as stated in the preceding section, no local license or permit shall be excluded from the provisions of this by-law.