TOWN OF BERNARDSTON, MA.

GENERAL BYLAWS

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As of June 22, 2016
Revised & Updated by the Town Clerk

TOWN OF BERNARDSTON, MA.
GENERAL BYLAWS

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TOWN OF BERNARDSTON, MA.
GENERAL BYLAWS

CHRONOLOGICAL ORDER

Bylaw	Enacted	Amended	Effective
Town Meeting - Rules of Order	ATM 03/03/1845		03/03/1845
Finance Committee	ATM 03/06/1950	STM 9/23/2013	12/05/2013
Unregistered Motor Vehicles	ATM 03/07/1966		03/15/1966
Solicitors and Canvassers	ATM 03/06/1967		03/21/1967
Entertainment	STM 06/28/1977		09/16/1977
Dogs	ATM 05/07/1979	ATM 6/17/1996 STM 6/21/2006 ATM 4/29/2009 STM 9/23/2013	12/05/2013
Disorderly Conduct	STM 10/22/1980		01/26/1981
Littering	STM 10/22/1980		01/26/1981
Open Container	STM 10/22/1980		12/05/2013
Contracts (Goods & Services)	ATM 06/20/1990		09/24/1990
Sidewalks	ATM 05/06/1991		06/10/1991
Street Numbers	ATM 05/06/1991		06/10/1991
Delinquent Taxes	ATM 06/17/1996		09/12/1996

TOWN OF BERNARDSTON, MA.
GENERAL BYLAWS

CHRONOLOGICAL ORDER
(Continued)

Bylaw	Enacted	Amended	Effective
Motor Vehicle Accident Response Fees	STM 06/21/2006		10/06/2006
Personnel Board	STM 10/23/2006		02/11/2013
Right to Farm	ATM 04/30/2008	STM 10/13/2010	10/22/2010
Roadside Memorials	ATM 04/29/2009		09/20/2009
Town Meetings Outside Town Boundaries	ATM 04/29/2009		09/20/2009
Winter Parking Ban	STM 09/23/2103		12/05/2013
Stretch Code	STM 10/08/2014		02/12/2015
False Burglar Alarms	ATM 04/27/2016		06/22/2016

TOWN OF BERNARDSTON, MA.

CONTRACTING (GOODS & SERVICES) BYLAW

Enacted: Article 12, Annual Town Meeting, June 20, 1990.

Approved by the Attorney General: September 24, 1990

Unless otherwise provided by a vote of Town Meeting, the Board of Selectmen or Chief Procurement Officer designated pursuant to MGL Chapter 30B is authorized to enter into any such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, the Board of Selectmen or Chief Procurement Officer shall not contract for any purpose, on any terms, or under any conditions inconsistent with any applicable provision or any general or special law.

TOWN OF BERNARDSTON, MA.

DELINQUENT TAXES BYLAW

Enacted: Article 29, Article 29A, Annual Town Meeting, June 17, 1996.

Approved by the Attorney General: September 12, 1996

Accepted Massachusetts General Laws Chapter 40 Section 57, adopting a bylaw that may deny any application for, or revoke or suspend any local license or permit, including any 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.

a) The Tax Collector shall annually furnish to each 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 neglected or refuses to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period, and that such party has not filed in good faith a pending application for abatement of such tax, or a pending petition before the appellate tax board.

b) The licensing authority may deny, revoke to suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector as required by applicable provisions of law, and the

party is given a hearing to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation, 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 by the licensing authority with respect to such 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 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 municipality at the date of said certificate.

c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner its officers or stockholders if any, or members of his immediate family as defined by Massachusetts General Laws Chapter 288 Section 1, in the business or activity conducted in or on said property.

This bylaw shall not apply to the following licenses and permits: open burning (MGL Ch. 48 Sec 13); bicycle permits (MGL Ch. 85 Sec 11A); sales of articles for charitable purposes (MGL Ch. 101 Sec 33); children's work permits (MGL Ch. 149 Sec 69); clubs, associations dispensing food or beverage licenses (MGL Ch. 140 Sec 21E); dog licenses (Ch. 140 Sec 137); fishing, hunting, trapping licenses (MGL Ch. 131 Sec 12); marriage license (MGL Ch. 207 Sec 28); and theatrical events, public exhibition permits (MGL Ch. 140 Sec181.)

TOWN OF BERNARDSTON, MA.

DISORDERLY CONDUCT BYLAW

Enacted: Article 6, Special Town Meeting, October 22, 1980.

Approved by the Attorney General: January 26, 1981.

By-law relative to prohibiting disorderly conduct on a public way or otherwise public property.

1. No person, within the Town of Bernardston, whether on a public Town way, County highway, State highway, a private way open to the public, or in any other place where the public has access to, in violation of Massachusetts General Laws Chapter 272 Section 59, shall behave in a disorderly manner, use any indecent, profane, or obscene language or gesture or make or cause to be made any loud noise or music to the annoyance or disturbance of any other person.

2. No person, in violation of Massachusetts General Laws Chapter 272 Section 59, shall continue to linger, sit, stand, or occupy any part of a public street, public place, public building, or any private property not his own or under his control, so as to obstruct or impede the free passage of, or in any manner annoy or disturb any other person, after being told or directed by a police officer to leave or move on.

3. A violation of this by-law shall constitute a breach of peace. Any police officer of the Town or State police officer may arrest any person who violated the provisions of paragraph 1 or 2 and may cause such person to be detained or held in custody until he can be taken before a court having

jurisdiction over the offense to be detained or held in custody until he can be taken before a court having jurisdiction over the offense, with normal provisions of bail or bond available to such person. If the person cooperates and ceases his illegal activity and makes himself known, the police officer may instead seek complaints in the district court on the next available day following the offense that said court is open for normal business. Furthermore, use of a vehicle in violation of paragraph 1 or shall also be prohibited.

TOWN OF BERNARDSTON, MA.

DOG BYLAWS

Enacted: Article 29, Annual Town Meeting, May 7, 1979.

Amended: Article 30, Annual Town Meeting, June 17, 1996; Article 9, Special Town Meeting, June 21, 2006; Article 39, Annual Town Meeting, April 29, 2009. Article 4, Special Town Meeting, September 23, 2013

Approved by the Attorney General: June 21, 2006. August 20, 2009. November 29, 2013.

Posted: December 5, 2013

Section 1:

All persons residing in the Town of Bernardston and keeping or maintaining a dog in said Town shall be obligated to register or license each dog on an annual basis. Proof of current rabies vaccination will be required at registration as required under Massachusetts General Laws Chapter 140, Section 137 and Section 145B, or any amendments thereto. Registration or licensing will be held between February 1st and March 31st of each year. Residents acquiring new dogs six (6) months or over, or new residents who bring dogs six (6) months or over into the Town of Bernardston, will have 30-days from the date of acquiring the dog, or in the case of a new resident, from the date when such person begins residency, in which to comply with this By-law. Violations of the Section may be enforced by a non-criminal disposition pursuant to Massachusetts General Laws Chapter 40, Section 21D. Penalty $15.00. Enforcing Persons: Dog Officer, Town Clerk.

Section 2:

The Select Board is hereby authorized to set a schedule of fees for the licensing of dogs and kennels and to amend said schedule from time to time, as the Board deems appropriate. The Select Board shall post in the Town Clerk's office any amendment to the fee schedule.

Until such time as the Select Board takes action to amend the schedule of fees, the following schedule shall apply:

Male…….. $10.00
Female…….. $10.00
Neutered Male….$5.00
Spayed Female….$5.00

Kennel License

a) Four (4) dogs or less…….$15.00
b) Five (5) to Nine (9) dogs…..$30.00
c) Ten (10) or more dogs……..$50.00

Section 3:

No dog shall be permitted to run at large or go beyond the confines of his or her property unless the animal is effectively restrained by a leash. No person shall keep a dog which by biting, barking, howling, or in any manner disturbs the peace and quiet of a neighborhood or endangers the safety of any person; nor shall any person permit to roam unleashed any dog that wantonly or without provocation worries or attacks any dog or other animal. Violations of this Section may be enforced by non-criminal disposition pursuant to Massachusetts General Laws Chapter 40, Section 21D. Penalty $25.00. Enforcing Person: Dog Officer.

Section 4:

The owner or keeper of any dog permanently moved into the Town of Bernardston from another municipality shall apply to the Town Clerk for transfer of the dog's original license, as set forth in Section 146 of Chapter 140 of the Massachusetts General Laws. In applying for the license transfer, the owner or keeper of the dog shall notify the Town as to whether the dog has ever been determined to be a nuisance by reason of vicious disposition in another city or town and whether said dog has ever been ordered permanently removed or banished from another city or town. Any animal banished from another city or town anywhere shall be banned from Bernardston and shall not be licensed by the Town. Violations of the Section may be enforced by a non-criminal disposition pursuant to Massachusetts General Laws Chapter 40, Section 21D. Penalty $50.00. Enforcing Persons: Dog Officer or any Police Officer of the Town. Each day of violation shall constitute a separate offense.

TOWN OF BERNARDSTON, MA.

ENTERTAINMENT BYLAW

Enacted: Article 2, Special Town Meeting, June 28, 1977.

Approved by the Attorney General: September 16, 1977.

All corporations, partnerships, religious organizations, benevolent organizations, clubs, Veterans' organizations, and individuals that are going to hold meetings, get togethers, or other gatherings of 100 or more people in the Town of Bernardston, at which entertainment, either theatrical, musical, either by individuals or groups, or by bands, is a part, shall be required not only to comply with the licensing requirements by the Commonwealth of Massachusetts, but shall also be required to obtain from the Selectmen of the Town of Bernardston the various licenses of the Town to hold such entertainment in the Town of Bernardston. Violation of this Town by-law is subject to a penalty of $500.00 for failure to obtain each license required.

TOWN OF BERNARDSTON, MA.

FALSE BURGLAR ALARMS BYLAW

Enacted: Article 29, Annual Town Meeting, April 27, 2016

Approved by the Attorney General: June 21, 2016

Posted: June 22, 2016

The Chief of Police shall cause an investigation to be made into all burglar alarms and keep a record of false alarms. For such false alarms, the following fees may be imposed:

A. For the first and second false alarms in any given calendar year, a warning may be issued.

B. For the third and fourth false alarm in the same calendar year, a fee of $50.00 may be paid to the Town of Bernardston.

C. For the fifth and subsequent false alarms in the same calendar year, a fee of $100.00 for each occurrence may be paid to the Town of Bernardston.

TOWN OF BERNARDSTON, MA.

FINANCE COMMITTEE BYLAW

Enacted: Article 29, Annual Town Meeting, March 6, 1950.

Amended (Section 1): Article 6, Special Town Meeting, March 23, 2013

Approved by the Attorney General: January 12, 1951. November 29, 2013

Posted: December 5, 2013

Section 1: There shall be a Finance Committee consisting of five (5) members who shall reside in the Town and shall be registered voters therein. No officers or employees of the Town shall be eligible to serve on said committee. The Finance Committee shall consist of the five (5) members serving on the effective date of this amendment who shall continue to serve during the remainder of their terms which shall end on October 31, two (2) members in 2014, one (1) member in 2015, two (2) members in 2016. Because existing terms expire on April 30th, the Moderator shall appoint the existing members to an extension of their terms from May 1 to October 31 so that new appointments will commence on November 1. Thereafter, the moderator shall appoint two (2) members in 2014, one (1) member in 2015, and two (2) members in 2016 each for a term of three years to commence on November 1. All appointments to fill a vacancy caused by expiring terms thereafter shall be made by the Moderator for the term of three (3) years commencing on November 1st.

Section 2: In the event of a vacancy upon said committee the Moderator shall forthwith make an appointment to fill said vacancy for the unexpired term.

Section 3: The Finance Committee shall elect its own Chairman and Secretary.

Section 4: The Finance Committee shall consider all municipal questions involving the appropriation of money and may consider any municipal question. The Committee may hear members of the Departments and citizens of the Town relative to subjects considered by it and shall submit its recommendations and report to each Town Meeting. Regular or special, and shall in any event submit a budget at each Annual Town Meeting in accordance with the provisions of Section 16 of Chapter 39 of the Massachusetts General Laws.

TOWN OF BERNARDSTON, MA.

LITTERING BYLAW

Enacted: Article 5, Special Town Meeting, October 22, 1980.

Approved by the Attorney General: January 26, 1981.

By-law relative to depositing rubbish, snow, farm produce, etc. on a public way or otherwise public property.

1. No person, in violation of Massachusetts General Laws Chapter 272, Section 60, shall deposit, place, throw or otherwise cause to be deposited on any public way, public property, public park, public building or any place or building the public has access to, any rubbish, garbage, dirt, stone, oil, gasoline, vegetable, farm produce or any other substance without the express consent or written permission of the Board of Selectmen, Highway Superintendent or the person having control over said property.

2. Any person who violated the provisions of paragraph 1 and being requested by a police officer to remove such substance and refuses or neglects to do so, may be arrested by said officer if his identity is unknown, and be detained until his identity can be ascertained at which time he shall be released from arrest unless a warrant has been issued against him.

3. The penalty for any violation of the Provisions in paragraph 1 of this by-law shall be a fine (of $10 minimum) not to exceed $35.

TOWN OF BERNARDSTON, MA.

MOTOR VEHICLE ACCIDENT RESPONSE FEES BYLAW

Enacted: Article 8, Special Town Meeting, June 21, 2006.

Approved by the Attorney General: October 6, 2006.

The Emergency Management Director, Fire Chief, and Police Chief may, with the approval of the Board of Selectmen, establish fees to reimburse the Town for services rendered and associated costs incurred in response to motor vehicle accidents. A schedule of such fees, as it may be amended from time to time, shall be posted in a conspicuous location at the Fire and Police Departments, and shall also be placed on file with the Town Clerk.

TOWN OF BERNARDSTON, MA.

OPEN CONTAINER BYLAW

Enacted: Article 4, Special Town Meeting, October 22, 1980.
Amended: Article 4, Special Town Meeting, January 31, 2012.
Approved by the Attorney General: January 26, 1981. November 29, 2013.

Amended: Article 21, Annual Town Meeting, May 19, 2015.
Approved by the Attorney General: August 14, 2015
Posted & became effective: August 17, 2015

By-law relative to prohibiting the consumption of alcoholic or intoxicating beverages or the use or possession of illegal drugs or narcotics on a public way or otherwise public property.

1. No person shall, within the Town of Bernardston, whether on a public way, Town way, County highway, State highway, a private way open to the public or on any public property, consume, use or possess any alcoholic or intoxicating beverage or any drug or narcotic not prescribed by a physician or in violation of any law in the Commonwealth. This shall also prohibit the consumption, use or possession of any alcoholic or intoxicating beverage, or any drug or narcotic not prescribed by a physician by any person within any vehicle whether parked or moving, while sitting, standing, walking or running, or otherwise present within such way or on public property.
2. No person shall consume, use or possess any alcoholic or intoxicating beverages or any drug or narcotic not prescribed by a physician or in violation of any law in the Commonwealth in any public building, on any public property including but not limited to parks, cemeteries, school buildings, school grounds or any private way or parking area to which the public has a right of access.

3. Smoking Marijuana in public in any of the locations listed above shall be a violation of this bylaw.
4. A violation of this bylaw shall constitute a breach of peace. Any police officer of the Town or State police officer may arrest any person who violated the provisions of paragraph 1, 2 and 3 and may cause such person to be detained or held in custody until he can be taken before a court having jurisdiction over the offense.
5. The penalty for any violation of the provisions of paragraph 1, 2 and 3 shall be a fine of no less than $50.00 and no more than $100.00.
6. The foregoing paragraph shall not apply to any activity duly approved or licensed by the Board of Selectmen under the applicable provisions of the General Laws of the Commonwealth of Massachusetts.

TOWN OF BERNARDSTON, MA.

PERSONNEL BOARD BYLAW

Enacted: Article 9, Special Town Meeting, October 23, 2006.

Approved by the Attorney General: February 11, 2013.

Personnel Board

1. There shall be established in the Town a Personnel Board, which shall have all the duties and responsibilities set forth in Massachusetts General Laws, Chapter 41, Section 108N.

2. The Board of Selectmen shall serve as the Personnel Board and shall have the authority to adopt rules and regulations relating to the administration of the Town's personnel consistent with any applicable state or federal laws.

TOWN OF BERNARDSTON, MA.

RIGHT TO FARM BYLAW

Enacted: Article 44, Annual Town Meeting, April 30, 2008.

Amended: Article 7, Special Town Meeting, October 13, 2010.

Approved by the Attorney General: June 16, 2008. October 22, 2010.

Section I. Legislative Purpose and Intent

The purpose and intent of this bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws, Chapter 40A, Section 3, Paragraph 1; Chapter 90 Section 9; Chapter 111 Section 125A and Chapter 128 Section 1A. We the citizens of Bernardston restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment".)

This general bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands with the Town of Bernardston by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This bylaw shall apply to all jurisdictional area with the Town.

Section II. Definitions

For the purpose of this bylaw a "Farm" shall include any any parcel of land used for the primary purpose of commercial agriculture. This may include, but is not limited:

a) farming in all its branches and cultivation of tillage of the soil;
b) dairying and orchards;
c) production, cultivation, growing, and harvesting of any agricultural, floricultural, viticultural, or horticultural commodities;
d) growing and harvesting of forest products, including the production of maple syrup and other forestry or lumbering operations;
e) breeding, raising, keeping, and/or selling of livestock, e.g. cattle, sheep, swine, goats, llamas, and alpacas;
f) breeding, raising, keeping, and/or selling of horses as a commercial enterprise, e.g. boarding, training or as an adjunct to farming;
g) breeding, raising, keeping, and/or selling of fowl, rabbits, bees, fur-bearing animals and other domesticated animals for food, fiber, fur, or other agricultural purposes.

For the purposes of this bylaw "Farming" or "Agriculture" shall include but not be limited to the following activities:

a) operation and transportation of slow-moving farm equipment over the roads within town;
b) control of pests, including insects, weeds, predators, and disease organisms or plants and animals under generally accepted management practices;
c) application and storage of manure and fertilizers under generally accepted management practices;
d) conducting agriculture-related educational and farm-based recreational activities including agri-tourism that are related to marketing the agricultural output or services of the farm;
e) processing and packaging of the agricultural output of the farm;
f) operation of a farm stand to sell products of the farm;

g) maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager and used expressly for the purpose of propagation, harvesting, processing, managing or marketing the farm's agricultural products;
h) on-farm relocation of earth and the clearing of ground for farming operations;
i) constructing and maintaining farm buildings used for shelter, feed and storage;
j) revitalizing drainage or irrigation ditches; picking stone, constructing, repairing or maintaining fences, and clearing, rejuvenating and maintaining pastures.

Section III. Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Bernardston. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of the bylaw are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with the general accepted agricultural practices. Moreover, nothing in this Right to Farm bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulations, which is properly the subject of state statute, regulation, or local zoning bylaw. This bylaw does not supersede local, state or federal laws or regulations.

Section IV. Disclosure Notification

Within 30-days after this bylaw becomes effective, the Selectboard shall prominently post in the Town Hall and make available for distribution the following disclosure:

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

In addition to the above, copy of this disclosure notification shall be provide by the Town to residents annually.

Section V. Dispute Resolution

Any person who seeks to complain of a farm may file a grievance with the Selectboard, Zoning Board, Planning Board, Conservation Commission, or Board of Health, depending on the nature of the grievance. Whichever board receives the complaint may forward a copy of the grievance to the Bernardston Agricultural Commission which may review and facilitate the resolution of the grievance and report its findings and recommendations to the referring Town authority within an agreed upon timeframe. This bylaw does not prevent an aggrieved party from pursuing other remedies.

Section VI. Severability

The provisions of this bylaw are severable. If any part of this bylaw is for any reason unconstitutional or invalid, that provision can be severed from the bylaw without affecting the remaining provisions.

Agricultural Commission

The purpose of the Commission will be to address, represent and promote agricultural interests in the Town of Bernardston. This Commission would be wholly advisory; it would not have any permitting or enforcement authority. The Commission shall serve as facilitators for encouraging the pursuits of agriculture in Bernardston; shall promote agricultural-based economic opportunities in Town; shall act as mediators, advocates, educators, and/or negotiators on farming issues; shall work for the preservation of prime agricultural lands; shall advise the Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Historical Commission, Board of Assessors, and the Open Space and Recreation Committee on issues involving agriculture; and shall pursue all initiatives appropriate to creating a sustainable agricultural community. Five (5) members of the Commission must be owners and farmers of agricultural property within the town and eioter derive their principal income from agriculture or annual receive at least $500.00 of verifiable income from agriculture, and two (2) members shall be at large and must be Town of Bernardston residents. Initially, three (3) members shall be appointed for a term of three (3) years, two (2) members shall be appointed for a terms of two (2) years, and three (3) years thereafter, and two (2) members shall be appointed for a term of one (1) year, and three (3) years thereafter. The appointing authority shall fill a vacancy based on the unexpired term of the vacated position in order to maintain the cycle of appointments, based on the recommendations of the Commission.

TOWN OF BERNARDSTON, MA.

ROADSIDE MEMORIALS BYLAW

Enacted: Article 38, Annual Town Meeting, April 29, 2009.

Approved by the Attorney General: August 20, 2009

In cases where a death is caused by a fatal accident or occurrence in or along a public street, sidewalk, or walkway, a temporary "roadside memorial" may be left by members of the deceased's immediate family for a period of not more than sixty (60) days from the date of the accident or occurrence. "Immediate family" is defined for the purposes of this bylaw as the deceased's spouse, mother, father, sister, brother, or child. The temporary memorial shall be within the boundary of the Town's property abutting the street, sidewalk, or walkway, and shall not obstruct or hinder persons or vehicles traveling on the roadway, sidewalk or walkway. At the end of the sixty (60) day period authorized herein, those erecting said memorial shall dismantle and remove it, provided, however, that if such action is not taken, the Town may dismantle and dispose of such material. The Board of Selectmen shall hereby be authorized to promulgate regulations to implement the provisions of this Bylaw.

TOWN OF BERNARDSTON, MA.

SIDEWALKS BYLAW (*regarding Snow Removal*)

Enacted: Article 27, Annual Town Meeting, May 6, 1991.

Approved by the Attorney General: June 10, 1991

Property owners with sidewalks adjacent to their property shall be required to remove snow and ice from the sidewalks, and sand if necessary, within 24-hours of a snow or ice storm. Violators will be subject to a $25.00 per day fine.

TOWN OF BERNARDSTON, MA.

SOLICITORS AND CANVASSERS BYLAW

Enacted: Article 32, Annual Town Meeting, March 6, 1967.

Approved by the Attorney General: March 21, 1967

Solicitors and Canvassers

Section 1.

It shall be unlawful for any person to engage in business as a canvasser or solicitor calling at residences without the previous consent of the occupants for the purpose of soliciting orders, sales, subscriptions or business of any kind, or seeking for information, or soliciting alms or contributions for any person, cause or organization without having first registered in the office of the Chief of Police, or in his absence, with the Town Clerk. The registrant shall give his complete identification, his signature, the name of his employer, the nature of the products or services in which he is interested, the names of the manufactures of such products or the organization which he is representing, and the proposed method of operation in the Town, and such other information as be requested of him. The Chief of Police or the Town Clerk shall thereupon, if satisfied with the honesty and good character of the registrant, issue a written permit for a period not exceeding twelve (12) months. Each person shall at all times while soliciting or canvassing in Town carry upon his person the permit and the same shall be exhibited by such registrant whenever he is required to do so by any police officer or by any person solicited.

Section 2.

The Chief of Police may, however, authorize the directors of any religious organization, veteran's group, hospital, Community Chest, Red Cross, YMCA, or other organization engaged in social, charitable or educational services, to solicit contributions without having each solicitor under their direction register. The provisions of this by-law shall not apply to officers or employees of the Town, County, State or Federal government or any subdivision thereof when on official business.

Section 3.

Any such registration may be revoked by the Board of Selectmen or the Chief of Police because of any violations by the registrant of this by-law or of any other by-law of the Town or of any State or Federal law, or whenever the registrant shall cease to possess the qualifications and character required in this by-law for the original registration.

Section 4.

Anyone failing to register under this chapter or anyone who solicits after his registration has been revoked as herein provided shall be required to pay a forfeit or Twenty Dollars ($20.00) for each offense.

TOWN OF BERNARDSTON, MA.

STREET NUMBERS BYLAW

Enacted: Article 26, Annual Town Meeting, May 6, 1991.

Approved by the Attorney General: June 10, 1991

Street numbers shall be attached to each dwelling, business, industry and other buildings which are not accessory in nature in the Town of Bernardston.

A. The number shall be made of permanent, weather-proof materials, shall be at least three (3) inches in height, in a contrasting color, and shall be clearly visible from the public way upon which the structure fronts.

B. Any structure which is not visible from the street or roadway shall have the assigned number posted on a suitable support at the entrance to the driveway that services such structure.

C. The numbers posted shall be those assigned to each structure as filed in the office of the Board of Selectmen; they shall advise the owners of the property assigned or reassigned number in writing at the property's tax address.

D. It shall be the responsibility of each property owner in the town to obtain, display and maintain the assigned street number within ninety (90) days of the adoption of this by-law at the Town Meeting.

E. This by-law shall be enforced by the Police Department. Failure to comply with this by-law shall subject property owners to a fine of not more than twenty-five dollars ($25.00) for each offense daily after a warning by the Police Department.

TOWN OF BERNARDSTON, MA.

STRETCH ENERGY CODE (*regarding building code*)

Enacted: Articled 4, Special Town Meeting, October 8, 2014

Approved by the Attorney General: February 10, 2015

Posted: February 12, 2015

The Town accepted Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code", including amendments or modifications thereto, regulating the design and construction of buildings for the effective use of energy, a copy of which is on file with the Town Clerk.

TOWN OF BERNARDSTON, MA.

TOWN MEETINGS OUTSIDE TOWN BOUNDARIES BYLAW

Enacted: Article 37, Annual Town Meeting, April 29, 2009.

Approved by the Attorney General: August 20, 2009

The Town of Bernardston may hold its Annual and Special Town Meeting and any adjournments thereof at the Pioneer Valley Regional School in the Town of Northfield.

TOWN OF BERNARDSTON, MA.

TOWN MEETING – RULES OF ORDER BYLAW

Enacted: Annual Town Meeting, March 3, 1845.

1. All persons present in the meetings of the Town shall be seated as far as is practicable except when speaking or voting, and no person shall stand in the space around the Moderator's platform, except when an oath is administered to them.

2. No person shall speak except upon a question or motion before the meeting.

3. No person shall speak upon the same question more than twice, except by leave of the meeting.

4. No person shall interrupt another when speaking unless it be to call him to order, to explain, or to move an adjournment.

5. No call shall ever be made for the question while a person is speaking.

6. When several motions are made in regard to the same subject, relating to sums of money, numbers, or time, the question shall be first put upon the highest sum or number, and the longest time.

7. In all other cases no new motion shall be made while one in pending, except as an amendment or for an adjournment.

8. A motion for reconsideration of a vote shall be made only by a person who voted with the majority.

9. Any person proposing to move for the reconsideration of a vote, shall give notice of his intention in open Town Meeting and shall announce the time when he will make said motion.

10. A second motion for the reconsideration of the same vote shall not be received.

11. When a vote, declared by the Moderator, is doubted, it shall be made certain by the persons on either side rising at the call of the Moderator, and standing uncovered till they are counted; and the Moderator may call upon the Selectmen or Constable to assist him in such count.

12. All persons in the meeting shall be uncovered and silent while an oath is administered.

13. When more than one person rises at the same time to speak on any question he who is first heard by the Moderator shall be entitled to the floor.

14. The reports of all Committees, relating to money or property shall be made in writing.

15. Every person making a motion in Town Meeting shall reduce it to writing when required by the Moderator.

16. In the election of Town Officers, the names of all persons voted for, where the same office is to be filled by more than one person, shall be written and put in upon one ballot.

17. The Constable of the Town shall be present during all meetings of the Town.

18. These By-Laws shall not be altered except by a vote of two-thirds present and voting thereupon, unless the same be inserted in the previous warrant for calling the meeting.

TOWN OF BERNARDSTON, MA.

UNREGISTERED MOTOR VEHICLES BYLAW

Enacted: Article 21, Annual Town Meeting, March 7, 1966.

Approved by the Attorney General: March 15, 1966

Section 1:

The keeping of more than one unregistered motor vehicle, assembled or dis-assembled, except by a person licensed under Massachusetts General Laws Chapter 140 Section 59, on any premises shall not be permitted unless said motor vehicles are stored within an enclosed building.

Section 2:

A special permit to keep more than one unregistered motor vehicle on any premises not within and enclosed building, after a duly called public hearing at which all abutters to the premises have received notice, may be granted by the Board of Selectmen, if it finds that such keeping; (1) is in harmony with the general purposes and intent of this by-law; (2) will not adversely affect the neighborhood; and (3) will not be a nuisance.

Section 3:

All such special permits granted shall limit the number of unregistered motor vehicles to be kept on the premises by the permit holder, shall not run with the land, and shall be limited to a reasonable length of time.

Section 4:

This by-law shall not apply to motor vehicles which are designed and used for farming purposes or to contractors' equipment, not to landowners or tenants who store motor vehicles out of sight of abutters and public ways.

Section 5:

Whoever violates any provisions of this by-law shall be liable to a penalty of $5.00 per day for each day of violation, commencing ten days (10) following date of receipt of written notice from the Board of Selectmen.

TOWN OF BERNARDSTON, MA.

WINTER PARKING BAN BYLAW

Enacted: Article 5, Special Town Meeting, September 23, 2013.

Approved by the Attorney General: November 25, 2013

The Board of Selectmen is authorized to order a No Parking Ban on the streets of the Town, when it is necessary in order to facilitate the winter treatment of roads including but not limited to snow plowing, sanding, ice removal or to improve the movement of traffic in an emergency. Vehicles in violation of this bylaw shall be towed at the owner's expense.