

TOWN OF SHEFFIELD

CODIFICATION OF
BY-LAWS & LEGISLATION



With Amendments through December 2020

Division of Compilation

The Compilation is divided into two major parts, named as "Divisions." Division 1 contains the Special Acts of the General Court applicable to the Town of Sheffield. Division 2 contains the By-Laws adopted by Town Meeting. This Division is further broken down into Parts I and II. Part I, Administrative Legislation, contains all By-Laws of an administrative nature, namely, those dealing with the administration of government, establishing or regulating Town departments and affecting officers and employees of the Town and its departments. Part II, General Legislation, contains all By-Laws of a regulatory nature.

Grouping of Legislation and Arrangement of Chapters

The various items of legislation are organized into chapters based upon alphabetical order. Wherever there are two or more items addressing the same subject, they are combined into a single chapter. Thus, for example, all By-Laws pertaining to the regulation of streets and sidewalks may be found in Part II, in the chapter entitled, "Streets and Sidewalks." Note, further that space has been reserved for later enactments under the title, "Reserved".

Histories

At the end of some chapters appears the legislative history, including any relevant general or special Act, or date of adoption.

Editor's Notes

A table of General References is included where appropriate to direct the reader's attention to related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters. Neither the General References nor the Editor's Notes are part of the By-Laws.

Appendix

The Appendix lists special acts and local acceptances relevant to the form of Town government.

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FORM OF ADMINISTRATION

AN ACT ESTABLISHING A BOARD OF SELECTMEN-ADMINISTRATOR FORM OF ADMINISTRATION IN THE TOWN OF SHEFFIELD¹

Upon the effective date of this act, as hereinafter provided, the Town shall be governed by the provisions of this act. To the extent that the provisions of this act modify or repeal existing general laws and special laws or the body of law which constitutes the Town Charter under section 9 Article LXXXIX of the Amendments to the Constitution of the Commonwealth, this act shall govern.

SECTION 1. The Town of Sheffield shall, in accordance with any applicable laws, bylaws, votes of the Town, or interlocal agreements elect the following:

- a. Moderator
- b. Board of Selectmen
- c. Library Trustees
- e. Planning Board
- f. Members of the Regional School Committee²

Unless otherwise provided in this act, this act shall not affect the term of office of any such elected official or elected member of such board or committee, commission, or authority. Every other elective office, board, committee, commission of the Town shall be terminated or shall become appointive as hereinafter provided, any other provision of the law to the contrary notwithstanding. Unless otherwise provided by this act, the term of office of any person elected to any office, board, committee or commission existing as an elected office at the time of the effective date of this act and having become appointive hereunder, shall continue until the term for which that person was elected shall have expired, and until the appointment and qualification of a successor. The term of office for the town clerk shall be up to three years.

The offices of Tax Collector and Town Treasurer shall be abolished at the next annual town Meeting after the effective date of this act and the new office of Treasurer-Collector established to succeed to all the powers, duties and responsibilities of the office of Tax Collector and Treasurer. The office of Treasurer-Collector shall be appointed by the Board of Selectmen in accordance with section 4 of this act.

The powers, duties and responsibilities of elected officials shall be as now or hereafter provided by the applicable provisions of general laws, special laws, bylaws and votes of the Town, except as otherwise expressly provided herein.

SECTION 2. The executive powers of the Town shall be vested in the Board of Selectmen who shall serve as the chief policy-making board of the Town. The Board of Selectmen shall continue to have and to exercise all the powers and duties vested in Boards of Selectmen under the general laws or by vote of the Town, except as otherwise provided herein. To aid the Board of Selectmen in the conduct of its official business and duties the Board of Selectmen shall appoint a Town Administrator as provided in section 5 of this act.

SECTION 3. The Board of Selectmen shall appoint a Town Counsel, a Treasurer-Collector, Tree Warden, the Constables, election officers and all department heads, employees and subordinates except those persons serving under officers and multiple member bodies elected directly by the voters of Sheffield. The Board of Selectmen shall also appoint all multiple member boards, committees, and commissions except those appointed by the Moderator.

SECTION 4. The Board of Selectmen shall appoint a Town Administrator for a term to be specified by the Board of Selectmen. The Town Administrator shall be especially fitted by education, training and experience in public or business administration to perform the duties of the office. Any vacancy in the office of Town Administrator shall be filled as soon as possible by

¹ Editor's Note: The town voted at the 12-15-1988 STM, Art. 4, to petition the General Court to enact special legislation establishing a Board of Selectmen-Town Administrator form of administration in the Town of Sheffield. Such legislation was adopted as Chapter 15 of the Acts of 1989.

² The Members of the Regional School District became appointive in 1998 by order of U.S. District Court (Stanton et al v. Southern Berkshire Regional School District et al).

the Board of Selectmen. Pending the appointment of a Town Administrator or the filling of any vacancy, the Board of Selectmen shall appoint a suitable person to perform the duties of the office. In the event of temporary absence or disability of the Town Administrator, the Board of Selectmen may designate a qualified Officer of the Town to perform the duties of the Town Administrator during such temporary absence or disability.

SECTION 5. The Town Administrator shall receive such compensation for services as the Board of Selectmen shall determine, but such compensation shall not exceed the amount appropriated therefor by the Town.

SECTION 6. The Town Administrator shall act as the agent for the Board of Selectmen and shall have the powers, duties and responsibilities enumerated in this section:

- a. The Town Administrator shall act as or perform the duties of the Town Accountant or insure that the powers, duties and responsibilities of a Town Accountant are performed in the Town.
- b. The Town Administrator, under the direction of the Board of Selectmen, shall supervise and be responsible for the efficient administration of all offices and departments under jurisdiction of the Board of Selectmen.
- c. The Town Administrator, unless excused, shall attend all regular and special meetings of the Board of Selectmen and attend all sessions of the Town Meeting.
- d. The Town Administrator shall keep the Board of Selectmen fully informed as to the needs of the Town and shall recommend to the Selectmen for adoption, measures requiring action by the Board or by the Town as may be deemed necessary or expedient.
- e. The Town Administrator shall be responsible for compiling the annual operating and capital budget for all Town departments and submitting the budget to the Finance Committee.
- f. The Town Administrator shall be responsible for assisting the Board of Selectmen in the recruitment of department heads and employees.
- g. The Town Administrator shall be responsible for the administration of the Town's personnel system.
- h. The Town Administrator shall be the agent for the Board of Selectmen for collective bargaining and may employ special counsel to assist in the performance of these duties.
- i. The Town Administrator shall insure that a complete and full record of the financial and administrative activities of the Town are maintained and render reports to the Board of Selectmen as may be required.
- j. The Town Administrator may investigate or inquire into the affairs of any Town department or office under the supervision of the Board of Selectmen.
- k. The Town Administrator shall perform such other duties as necessary or as may be assigned by this act, bylaw, Town Meeting vote or vote of the Board of Selectmen.

SECTION 7. Subject only to the express prohibition in a General Law or this act, the Town Meeting may, by bylaw, reorganize, consolidate or abolish, create, merge, or divide, alter the term of office, the manner of selection, or the number of members of any town multiple member body, in whole or part, and may establish new agencies and may prescribe the functions, powers, duties and responsibilities of any such agency.

SECTION 8. All laws, bylaws, votes, rules and regulations, whether enacted by authority of the Town or any other authority, which are in force in the Town of Sheffield on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue to be in full force and effect until otherwise provided by other laws, bylaws, votes, rules and regulations, respectively. All other laws, votes, rules and regulations so far as they refer to the Town of Sheffield, are hereby suspended but such suspension shall not revive any preexisting enactment. Nothing contained herein shall impair contractual rights established prior to the adoption of this act or any amendment hereto.

SECTION 9. Any person holding a Town Office or employment under the Town shall retain such office or employment and shall continue to perform their duties until provisions shall have been made in accordance with this act for the performance of said duties by another person or agency. No person in the permanent full-time service or employment of the Town shall forfeit

pay grade for time in service. Each person shall be retained in a capacity as similar to their former capacity as is practical.

SECTION 10. A committee consisting of at least five and no more than seven members -- part but not all to be members of the existing government study committee, is to be appointed by the selectmen in conjunction with the existing study committee. This new committee is to perform a detailed study of any unmentioned elected officers in regard to staffing, workload and operation; and to prepare a report to the selectmen in sufficient time to initiate actions in the warrant for the annual town meeting in 1989.

SECTION 11. This act shall take effect upon its passage.

HISTORY

Amended 5-3-1993 Annual Town Meeting: [Deleted f. Board of Assessors from Section 1]

Amended 5-5-1997 Annual Town Meeting and by Chapter 124 of the Acts of 1998:

- [Deleted d. Town Clerk from Section 1]
- [inserted the last sentence of Section 2]
- [Deleted the words "(except the Town Clerk)"]
- [The words ", if a multiple member body, the number of members of any Town body, in whole or in part," were replaced with " the number of members of any town multiple member body, in whole or part, and may"]

RECALL OF ELECTED OFFICIALS

AN ACT TO AUTHORIZE THE TOWN OF SHEFFIELD TO ESTABLISH PROVISIONS FOR THE RECALL OF ELECTED OFFICIALS ³

SECTION 1. Any holder of an elective office in the town of Sheffield may be recalled therefrom by the qualified voters of said town, as herein provided, for the following reasons: lack of fitness (insobriety while performing official functions, involuntary commitment to a mental health facility, being placed under guardianship or conservatorship by a probate court); neglect of duties; corruption (conviction of a felony involving moral turpitude, conviction of bribery or extortion); misfeasance (willful performance of official acts in an unlawful manner); or violation of oath. In no case shall the exercise of discretion in voting or acting on matters before the office holder constitute grounds for recall.

SECTION 2. Any one hundred (100) registered voters of the town of Sheffield may file an affidavit with the Town Clerk containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to said voters copies of printed form petition blanks addressed to the selectmen demanding such recall. The blanks shall be issued under the signature and official seal of the town clerk. They shall be dated, and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, and the grounds of recall as stated in the affidavit. In addition, the petitions shall demand the election of a successor to the said office. A copy of the petition shall be entered in a record book to be kept in the office of town clerk. The recall petition shall be returned and filed with the town clerk within twenty days after the filing of the affidavit, with signatures, names and street addresses of at least twenty-five percent (25%) of the registered voters of the town. Within forty-eight hours of receipt, the town clerk shall submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town. If the petition shall be found and certified by the town clerk to be sufficient, it shall be submitted with his certificate to the selectmen without delay.

SECTION 3. The Board of Selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within five days thereafter, the board of selectmen shall order a recall election to be held on a date fixed by them not less than sixty nor more than seventy-five days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is scheduled to occur within ninety days after the date of the certificate, the Board of Selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. An officer whose recall is sought may be candidate to succeed himself in the event the question of recall is voted in the affirmative. The number of signatures of qualified voters required to place the name of a candidate on the official ballot for use at a recall election shall not be less than twenty-five. The publication of the warrant for the recall election and the conduct of the same shall be in accordance with the provisions of law regulating elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected, the officer shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, he shall be deemed recalled upon the qualification of the successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of election, the incumbent shall thereupon be deemed recalled, the office vacant.

SECTION 6. Ballots used in a recall election shall submit the following propositions in the order indicated:

³ Editor's Note: The town voted at the 5-2-1994 Annual Town Meeting, Article 16, to petition the legislature to enact special legislation authorizing the town to establish provisions for the recall of elected officials. Such legislation was adopted as Chapter 320 of the Acts of 1994. The town voted at the 5-4-1998 Annual Town Meeting, Article 26, to amend Section 1 and to petition the legislature under the Home Rule amendment to the Massachusetts Constitution. Such action was reapproved at the 3-30-99 Special Town Meeting, Article 3. Such Home Rule amendment was adopted by the legislature as Chapter 77 of the Acts of 2000.

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said propositions. Under the proposition shall appear the word "Candidates", the directions to voters required by section forty-two of chapter forty-four of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided. If the majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative the ballots for candidates need not be counted.

SECTION 7. No recall petition shall be filed against an officer of said town within six months after he takes office nor in the case of an officer subjected to a recall election and not removed thereby, until at least six months after that election.

SECTION 8. No person who has been recalled from an office in said town, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two years after such removal by recall or resignation.

SECTION 9. All holders of elective office as of the effective date of this act shall be subject to the provisions set forth herein.

LIST OF SPECIAL LEGISLATION
(since 1900)

- Chapter 178 of the Acts of 1912: An Act to Authorize the Inhabitants of the Town of Sheffield to Sell a Tract of Land [Parade Grounds]
- Chapter 212 of the Acts of 1933: An Act Authorizing the Conveyance to the Town of Sheffield, by the Trustees of Public Reservations, of Pine Knoll Reservation in Said Town
- Chapter 156 of the Acts of 1941: An Act Authorizing the Pine Grove Cemetery Association to Acquire and Administer the Property of the Curtiss Additional Cemetery Association in the Town of Sheffield, and Further Authorizing Said First-Named Association to Acquire and Hold Additional Property
- Chapter 638 of the Acts of 1951: An Act Establishing the Southern Berkshire Regional School District
- Chapter 422 of the Acts of 1953: An Act Relating to the Regional School District Consisting of the Towns of Egremont, Monterey, New Marlborough and Sheffield
- Chapter 474 of the Acts of 1970: An Act Authorizing the Conveyance of Certain Land to the Town of Sheffield by the Trustees of Reservations [Rannapo Road Bridge]
- Chapter 711 of the Acts of 1983: An Act Authorizing the Town of Sheffield to Add Omitted Property to the Tax List for Fiscal Year 1983
- Chapter 491 of the Acts of 1984: An Act Relative to the Issuance of Alcoholic Beverage Licenses by Certain Local Licensing Authorities
- Chapter 15 of the Acts of 1989: An Act Establishing A Board Of Selectmen-Administrator Form Of Administration In The Town of Sheffield
- Chapter 483 of the Acts of 1993: An Act Authorizing the Town of Sheffield to Convey Certain Park Land
- Chapter 320 of the Acts of 1994: An Act To Authorize The Town Of Sheffield To Establish Provisions For The Recall Of Elected Officials
- Chapter 257 of the Acts of 1995: An Act Exempting The Sale Or Lease Of Certain Land In The Town Of Sheffield From The Bidding Laws
- Chapter 124 of the Acts of 1998: An Act Relative to the Form of Government of the Town of Sheffield
- Chapter 77 of the Acts of 2000: An Act Relative to Recall Elections in The Town of Sheffield

Chapter 2 PERSONNEL BY-LAW

§2-1. Personnel By-Law.

§2-1. Purpose and intent.

§2-2. Application.

§2-3. Personnel Administration.

§2-4. Personnel System.

§2-5. Adoption of Policies.

[HISTORY: Adopted by the Town of Sheffield 8-3-2015 Special Town Meeting, Article 2. Amendments noted where applicable.]

§2-1. Purpose and intent.

In accordance with G.L. c.41, §108C, the purpose of this chapter is to establish fair and equitable personnel policies and a system of personnel administration based on merit principles that ensure uniform, efficient application of those policies.

§2-2. Application.

All employees of the Town, including employees of the public library and all employees of appointed or elected boards, shall be subject to the provisions of this chapter and personnel policies adopted pursuant thereto. To the extent that the terms of any collective bargaining agreement conflict with any provision of this chapter or personnel policies adopted pursuant thereto, the provisions of the collective bargaining agreement shall prevail.

§2-3. Personnel Administration.

The Town Administrator shall serve as the Town's Personnel Officer responsible for the administration of the personnel system and development of a human resources system which meets the needs of the Town. In this capacity, the Town Administrator, upon approval by the Select Board, shall have the authority to carry out the following functions, including, but not limited to:

- a. Appointment and removal of employees (excluding employees who by statute are elected or are appointed by officials other than the Select Board), with appointments subject to approval of the Select Board
- b. Annual review of compensation and benefits
- c. Development of methods and standards for selection and appointment of personnel
- d. Development and administration of performance standards
- e. Supervision of performance appraisals
- f. Other functions as may be appropriate and necessary.

In the event the Town hires a human resources officer, the Town Administrator may delegate to such officer any of the powers and duties set forth herein other than those in section 2-3(a), provided, however, that the human resources officer will report to and be supervised by the Town Administrator

§2-4. Personnel System.

The personnel policies adopted pursuant to this chapter shall establish a personnel system which shall include, but need not be limited to, the following elements:

- Method of administration: a system which assigns responsibility for the personnel system, including maintenance of personnel records, implementation of effective recruitment and selection processes, maintenance of the classification and compensation plans, oversight of the application of policies, and periodic review and evaluation of the personnel system
- Recruitment and selection policies
- Central record keeping system
- Rights and obligations of employee
- Other elements of a personnel system as deemed appropriate and necessary

§2-5. Adoption of Policies.

The Personnel Officer shall be empowered and authorized by this chapter, following consultation with the Select Board, to adopt personnel policies that modify the rights, benefits and obligations of employees subject to this chapter.

Editor's Note: The Personnel By-law was adopted in accordance with the provisions of G.L. c.41, §108C.

Chapter 4
BILLS AND FEES, UNPAID

§4-1. Accrual of interest after certain time.

[HISTORY: Adopted by the Town of Sheffield 2-15-1989 Annual Town Meeting, Art. 3. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits of delinquent taxpayers -- See Ch. 132, Art. II.

§4-1. Accrual of interest after certain time.

Municipal bills and fees unpaid after thirty (30) days from the date the tax was due and through the date of the payment, shall accrue interest at a rate at which interest may be charged under the provisions of G.L. c.59, §57.

DRAFT - NOT APPROVED

Chapter 10
AGRICULTURAL COMMISSION

- §10-1. Purpose.**
- §10-2. Activities.**
- §10-3. Membership.**
- §10-4. Terms.**
- §10-5. Vacancy.**

[HISTORY: Adopted by the Town of Sheffield 5-1-2006 Annual Town Meeting, Art. 24. Amendments noted where applicable.]

§10-1. Purpose.

The purpose of the Agricultural Commission is to represent agricultural interests and address agricultural issues in Sheffield. Said Commission, once appointed, shall develop a work plan to guide its activities.

§10-2. Activities.

The activities of the Agricultural Commission shall include, but are not limited to, the following:

- encouraging the pursuit of agriculture in Sheffield;
- promoting agricultural-based economic opportunities, and educational and community programs in Sheffield;
- mediating, advocating, educating, and/or negotiating on agricultural issues in conjunction with the Select Board;
- working for preservation and conservation of farms, farm and forest land, and working landscapes and associated traditions;
- advising the Select Board and other Town boards, departments, commissions and committees on activities and issues involving agriculture
- pursuing all initiatives appropriate to creating a sustainable agricultural community;
- providing a voice and visibility for Sheffield's farmers and agricultural businesses;
- preserving, revitalizing and sustaining Sheffield's farming and forestry industries and traditions;
- encouraging the pursuit of agriculture as a career opportunity and lifestyle.

§10-3. Membership.

The Commission shall consist of five (5) or seven (7) members as declared by the Select Board when making annual appointments and two (2) alternates appointed by the Select Board. A majority of the members shall be engaged in the business of farming or related agricultural activities in Town, the rest who are interested in agriculture. Members should represent the diversity and scale of agriculture in Sheffield and should encourage the participation of next-generation farmers. The overall intent is to be inclusive not exclusive. Alternates shall be engaged in the business of farming or related agricultural activities. Members shall be residents.

§10-4. Terms.

Members shall each serve staggered three-year terms and alternates shall each serve for a term of one (1) year.

§10-5. Vacancy.

The Select Board shall fill any vacancy for the remainder of the unexpired term after consultation with the Commission.

Chapter 12
BOARD OF HEALTH

§12-1. Establishment; Purpose, Terms.

[HISTORY: Adopted by the Town of Sheffield 5-2-1994 Annual Town Meeting, Art. 14. Amendments noted where applicable.]

GENERAL REFERENCES

Election of members -- See Form of Administration.

§12-1. Establishment; Purpose, Terms.

There shall be a Board of Health for the purposes of and with the rights and duties provided by Massachusetts laws and regulations to promote community health, safety, and welfare. The Board shall be composed of five (5) members to be appointed by the Select Board, three (3) of whom may be any or all of the members of the Select Board, all of whom shall serve for three-year staggered terms.

DRAFT - NOT APPROVED

Chapter 13
CEMETARY COMMISSION

§13-1. Establishment; Terms.

[HISTORY: Adopted by the Town of Sheffield 5-2-2016 Annual Town Meeting, Art. 25. Amendments noted where applicable.]

§13-1. Establishment; Terms.

The Cemetery Commission shall consist of three (3) members to be appointed by the Select Board and shall serve staggered three-year terms. Vacancies shall be filled by the Select Board for the remainder of the unexpired term.

Editor's Note: The Cemetery Commission By-law was adopted in accordance with the provisions of G.L. c.41, §21.

DRAFT - NOT APPROVED

Chapter 14
COMMISSION ON DISABILITIES

§14-1. Establishment.

§14-2. Duties.

§14-3. Membership; appointment of members.

§14-4. Terms; removal for cause.

§14-5. Filling a vacancy; election of officers.

[HISTORY: Adopted by the Town of Sheffield 5-4-2009 Annual Town Meeting, Art. 26. Amendments noted where applicable.]

§14-1. Establishment.

There is hereby established a permanent Commission on Disabilities to cause the full integration and participation of people with disabilities in Sheffield.

§14-2. Duties.

The Commission on Disabilities shall:

1. Research local problems of people with disabilities;
2. Advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities;
3. Coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability;
4. Review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of said city or town as they affect people with disabilities;
5. Provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability;
6. Coordinate activities of other local groups organized for similar purposes.

§14-3. Membership; appointment of members.

Said commission shall appointed by the Select Board and shall consist of not less than five (5) nor more than nine (9) members as declared by the Select Board when making annual appointments. A majority of the commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member shall be either an elected or appointed official of the Town.

§14-4. Terms; removal for cause.

Members shall serve for staggered three-year terms. Any member of said commission may, after a public hearing, if so requested, be removed for cause by the Select Board.

§14-5. Filling a vacancy; election of officers.

A vacancy occurring other than by expiration of a term shall be filled by the Select Board for the remainder of the unexpired term in the same manner as the original appointment. The chairperson and other officers shall be chosen by the commission by majority vote.

Editor's Note: This By-law was adopted in accordance with the provisions of G.L. c.40, §8J, which was adopted by the Town under Article 26 of the 2009 Annual Town Meeting.

Chapter 15
COUNCIL ON AGING

§15-1. Establishment; membership; purpose.

§15-2. Appointment of members; terms; vacancy.

§15-3. Officers

[HISTORY: Adopted by the Town of Sheffield 5-12-1975 ATM, Art.30. Amended by the Town of Sheffield 12-4-2006 STM, Art.1, as follows: G.L. c.26, §15-1 Establishment; purpose and §15-2. Appointment of members; terms. Changed name to Council on Aging. Amended by the Town of Sheffield 5-2-2011 ATM, Art. 30 to expand the Council's membership. Amended by the Town of Sheffield STM 7-18-2016 to decrease number of members.]

§15-1

There is hereby established a Council on Aging of at least 5 and no more than 7 members, as declared by the Select Board when making annual appointments, for the purpose of coordinating and carrying out programs designed to meet the challenges of aging in coordination with the programs of the department of elder affairs all as enumerated in G.L. c.40, §8B, and as may be amended from time to time.

§15-2. Appointment of members; terms; vacancy.

Members of the Council on Aging shall be appointed by the Select Board for staggered three-year terms. In the event of a vacancy, the Select Board may appoint a new member for the remainder of the unexpired term.

Editor's Note: This By-law was adopted in accordance with the provisions of G.L. c.40, §8B but was not included in the codified By-Laws until the 2022 recodification.

Chapter 18
FINANCE COMMITTEE

§18-1. Formation; membership; terms; duties; compensation.

[HISTORY: Adopted by the Town of Sheffield 3-3-1947 Annual Town Meeting, Art. 41.]

GENERAL REFERENCES

Receipt of budget -- See Form of Administration.

Disposal of town property -- See Ch. 40, Art. I.

Town Meeting -- See Ch. 52.

Treasurer -- See Ch. 55.

§18-1. Formation; membership; terms; duties; compensation.

There shall be a Finance Committee to consist of five (5) members serving for three year staggered terms. The members of the Finance Committee shall be appointed by the Moderator, with the approval of the Select Board, within two (2) weeks following the Annual Town Meeting. The Finance Committee shall provide a recommendation to Town Meeting on all appropriations and shall further be authorized, in accordance with G.L. c.40, §6 as it may be amended from time to time, to make transfers from the Reserve Fund when needed. Said Committee shall serve without compensation.

Editor's Note: This By-law was adopted in accordance with the provisions of G.L. c.39, §16.

Chapter 22
FOREST COMMITTEE

§22-1. Membership; terms; vacancies.

§22-2. Powers and duties.

[HISTORY: Adopted by the Town of Sheffield 3-3-1958 Annual Town Meeting, Art. 20. Amendments noted where applicable.]

§22-1. Membership; terms; vacancies.

There shall be a Town Forest Committee consisting of three (3) members of the Town appointed by the Select Board for staggered three-year terms. The Committee shall choose its own Chair and the members shall serve without compensation, as provided by G.L. c.45, §21. Any vacancies on the Committee shall be filled by the Select Board for the remainder of the unexpired term.

§22-2. Powers and duties.

The Forest Committee shall advise the Select Board on the management and care of such land as the Town has acquired or may acquire for use as Town forest land. The Forest Committee shall identify and designate timber and/or other forest products that may be derived from such Town forest land and make recommendations to the Select Board for the Select Board's approval regarding cutting and selling such timber and/or forest products as the Committee deems proper to improve said lands.

Editor's Note: The town established within the town a town forest and authorized the Board of Selectmen of the town to appoint a Town Forest Committee at the 3-4-1957 Annual Town Meeting, Art. 30.

Chapter 25
HISTORICAL COMMISSION

§25-1. Establishment; purpose.

§25-2. Appointment of members.

[HISTORY: Adopted by the Town of Sheffield 3-5-1973 Annual Town Meeting, Art. 40. Amendments noted where applicable.]

GENERAL REFERENCES

Historic District and Commission -- See Ch. 121.

§ 25-1. Establishment; purpose.

The Town hereby establishes an Historical Commission of seven (7) members under the provisions of G.L. C. 40, § 8D, for the preservation, promotion and development of the historical assets of the Town.

§ 25-2. Appointment of members.

Members shall be appointed by the Select Board for three-year staggered terms. Vacancies shall be filled by the Board for the remainder of any unexpired term.

DRAFT - NOT APPROVED

Chapter 26
HOUSING COMMISSION

§26-1. Establishment.

§26-2. Primary tasks.

§26-3. Membership; appointment of members.

§26-4. Terms.

§26-5. Filling a vacancy.

[HISTORY: Adopted by the Town of Sheffield 5-5-2008 Annual Town Meeting, Art. 30. Amendments noted where applicable.]

§26-1. Establishment.

The Town hereby establishes a permanent Housing Commission to support and encourage the creation of sufficient workforce housing in Sheffield.

§26-2. Primary tasks.

The Housing Commission shall develop a work plan to carry out the following primary tasks:

- Review existing By-Laws and provide recommendations that promote workforce housing in Sheffield;
- Identify and prioritize appropriate areas for new housing to complement the recommendations of the Open Space Five Year Action Plan;
- Utilize a regional approach to meeting housing needs in Sheffield in order to access resources and funding not readily available to small towns.

§26-3. Membership; appointment of members.

The Commission shall consist of five (5) members and two (2) alternates appointed by the Select Board. Members should represent a variety of different interests including beneficiaries of the Commission's efforts, community members with relevant expertise, civil engineer, landscape designer, land use planner, Select Board, Planning Board, Conservation Commission, or real estate agent. Members shall be residents of the Town.

§26-4. Terms.

Members shall serve staggered three-year terms and alternates shall serve for terms of one (1) year.

§26-5. Filling a vacancy.

The Select Board, following consultation with the Commission, shall fill any vacancy for the remainder of the unexpired term.

Chapter 37
PLANNING BOARD

§37-1. Establishment; powers and duties.

§37-2. Appointment of members; terms.

§37-3. Filling of vacancies.

[HISTORY: Adopted by the Town of Sheffield 3-2-1964 Annual Town Meeting, Art. 29. Amended 5-3-1993 Annual Town Meeting, Art. 29.]

GENERAL REFERENCES

Election of members -- See Form of Administration.

Zoning -- See Ch. 215.

§37-1. Establishment; powers and duties.

The Town hereby establishes a Planning Board of five (5) members under the provisions of G.L. c.41, §81A, with all of the powers and duties thereof.

§37-2. Appointment of members; terms.

Said five (5) members shall be elected for staggered three-year terms. One (1) alternate member shall be appointed by the Select Board for a one-year term, in accordance with Section 9.3.2 of the Zoning By-law, who may be authorized by the chair to act in the event of a vacancy or conflict of interest, to replace the Board member whose term has expired.

§37-3. Filling of vacancies.

Any vacancy occurring on the Planning Board shall be filled by the Select Board and the Planning Board, in accordance with the provisions of G.L. c.41 §81A and G.L. c.41, §11, to serve until the next annual election, at which time a new member shall be elected to fill the unexpired term. The Select Board shall fill any vacancy occurring in the position of alternate member for the remainder of the one-year unexpired term.

Chapter 39
MULTIPLE MEMBER BODIES

§139-1 Authority

§139-2 Duties

§139-3 Removals –Appointed Multiple Member Bodies – Terms found in Law

§139-4 Removals –Appointed Multiple Member Bodies – Terms not found in Law

139-1 Authority

Multiple member bodies shall act consistently with the Open Meeting Law, G.L. c.30A, §§18-25, as it may be amended, pursuant to a vote of that body, and within the scope of any respective applicable statute, law, rule or regulation.

139-2 Duties

No individual member of an elected or appointed multiple member body, nor a majority of members of such body, shall be involved in the day-to-day operation and administration of the Town, except as otherwise authorized by statute, law, rule or regulation.

139-3 Removals –Appointed Multiple Member Bodies Whose Terms are Found in Law

No appointed member of a multiple member body whose term is found in law may be removed during that term, other than as provided by law.

139-4 Removals –Appointed Multiple Member Bodies Whose Terms are Not Found in Law

An appointed member of a public body whose term is not found in law may be removed by the appointing authority. Unless the circumstances require otherwise, the person whose removal is sought shall receive written notice and the opportunity for a hearing, and, if applicable, the removal process shall follow any requirements established in a personnel By-law, rule or regulation.

Chapter 40
PROPERTY, TOWN

ARTICLE I
Disposal

§40-1. Authorization; requirements.

[HISTORY: Adopted by the Town of Sheffield: Art. I, 5-11-1981 Annual Town Meeting, Art. 37. Amendments noted where applicable.]

GENERAL REFERENCES

Finance Committee -- See Ch. 18.

§40-1. Authorization; requirements.

The Select Board is authorized to dispose, by sale or otherwise, of the Town's tangible personal property and equipment, which has become no longer serviceable or is obsolete, upon such terms and conditions as it shall deem proper in accordance with M.G.L.A. C. 40, § 21(11). Pursuant to G.L. c. 30B, §15, as it may be amended from time to time, if such property has resale or salvage value it shall be disposed of through competitive sealed bids, public auction or established markets, or, if its value is under the established threshold set forth in said G.L. c.30B, §15(f), consistent with written procedures adopted by the Select Board.

DRAFT - NOT APPROVED

Chapter 52
TOWN MEETINGS

ARTICLE I
Warrants

§52-1. Service; posting.

§52-2. Counting of Votes.

[HISTORY: Adopted by the Town of Sheffield: Art. I, 7-11-1935 Special Town Meeting, Art. 2. Amended at 5-7-2007 Annual Town Meeting, Art. 23. Amendments noted where applicable.]

§52-1. Service; posting.

Warrants for annual Town meetings and annual and special Town elections, called in the manner provided by the General Laws, shall be served by the constables or police officers of the Town, to whom directed, and notices of said meetings and elections shall be given by posting one or more attested copies of said Warrants in different public places within the Town seven (7) days at least before the time of said meetings or elections. For special Town meetings, notice shall be provided in the same manner, but shall be posted no less than fourteen (14) days before the time of said meeting.

ARTICLE II

Counting of Votes

[Adopted 5-7-2007ATM, Art. 23]

§52-2. Counting of Votes

The Moderator shall decide all votes at Town Meeting. If a two-thirds vote is required, the Moderator may declare and record the vote as meeting the requirement, providing however, that if a vote so declared is immediately questioned by seven (7) or more voters, the Moderator shall take a counted vote of the meeting. If a vote of four-fifths or nine-tenths is required and the vote is unanimous, the Moderator need not take a counted vote.

Chapter 55
TREASURER-COLLECTOR

§55-1. Authorization to act as Collector.

§55-2. Minimum Value of Personal Property Subject to Taxation.

[HISTORY: Adopted by the Town of Sheffield 5-14-1990 Annual Town Meeting, Art. 8. Amended at 5-5-2008 Annual Town Meeting, Article 26. Amendments noted where applicable.]

GENERAL REFERENCES

Establishment of office -- See Form of Administration.

Finance Committee -- See Ch. 18.

§55-1. Authorization to act as Collector.

The Treasurer-Collector shall hereby be authorized to act as Town Collector consistent with the provisions of G.L. c.41, §38A.

§55-2. Minimum Value of Personal Property Subject to Taxation.

The Town hereby establishes the minimum value of personal property subject to taxation at \$1,000 consistent with the provisions of G.L. c.59, §5, Clause 54.

DRAFT - NOT APPROVED

Chapter 59
ALARM SYSTEMS

§59-1. Definitions.

§59-2. Dialing devices; permits; limitations; compliance.

§59-3. Alarm System Monitoring.

§59-4. Mandatory delay on transmission of signal; exceptions; compliance.

§59-5. Timing devices.

§59-6. Filing requirements.

§59-7. Annual permit required; fee; revocation.

§59-8. False alarm fee

§59-9. Alarm disconnection.

[**HISTORY: Adopted by the Town of Sheffield 5-12-1980 Annual Town Meeting, Art. 35. Amendments noted where applicable.**]

GENERAL REFERENCES

Unpaid fees -- See Ch. 4.

Licenses and permits of delinquent taxpayers -- See Ch. 132, Art. II.

§59-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALARM SYSTEM -- Any device, which when activated, transmits a signal to the Police Department, Fire Department, or their dispatch center, or transmits a signal to a person or company who relays information to the Police Department, Fire Department, or dispatch center, or produces an audible or visible signal to which the Police Department and/or Fire Department is expected to respond.

EMERGENCY NUMBERS -- Any telephone number designated by the Chief of Police or Fire Chief as a telephone number through which members of the public may report an emergency or request public assistance.

FALSE EMERGENCY ALARM -- Any signal transmitted by an alarm system to which the Police Department or Fire Department responds, which is not the result of an emergency.

§59-2. Dialing devices; permits; limitations; compliance.

- A. All dialing devices operated by automatic means shall transmit messages only to such numbers as may be designated for that purpose by the Police and/or Fire Department of the Town.
- B. No person shall use, operate, or install any device that will, upon activation by automatic means, initiate the dialing, calling or other connection with the Police and/or Fire Department of the Town, either at its regularly constituted telephone number or any other number which may be designated by said Police or Fire Department as a police/fire emergency number, without a permit issued by the Police Department.
- C. No person shall use, operate, or install any dialing device that will, upon activation, automatically dial, call, or connect with the telephone number designated by the Chief of Police and/or Fire Chief for the purpose of receiving such alarm messages more than twice for anyone (1) incident.
- D. Any system installed on or after the effective date of this chapter shall comply with this Chapter. Preexisting installations must comply within 90 days of the effective date of this article.
- E. All alarm systems are required to be serviced once a year.

§59-3. Alarm System Monitoring.

Alarm systems shall be connected to a central station or similar monitoring system that shall then notify the Sheffield Berkshire County Sheriff's Dispatch Center by a dedicated telephone number or other approved method. No alarm shall be automatically transmitted to the Police Department, Fire Department or Dispatch Center without prior written consent from the applicable department. Preexisting installations must comply within 90 days of the effective date of this article.

§59-4. Mandatory delay on transmission of signal; exceptions; compliance.

- A. Upon the activation of a burglary (break-in) alarm, there shall be a mandatory delay of at least fifteen

(15) seconds before the transmission of a signal to the Police Department, Fire Department or Dispatch Center to enable the user to abort the signal in the event the alarm was triggered inadvertently.

- B. This delay shall not be applicable to a robbery (holdup), fire or medical emergency alarm.
- C. Any system installed on or after the effective date of this chapter shall comply with this Chapter. Preexisting installations must comply within 90 days of the effective date of this article.

§59-5. Timing devices.

The user of every alarm system emitting an audible, visual, or other response shall, at the time such system is installed, install or cause to be installed an automatic timing device which shall deactivate such alarm so that it will be activated for no more than fifteen (15) minutes.

§59-6. Filing requirements.

- A. The user of every alarm system maintained in the Town, except those installed in motor vehicles, shall within ten (10) days of the installation thereof file the following information with the Police Department of the Town:
 - (1) The type of alarm system.
 - (2) The street address and the nearest cross street of the building which houses the alarm.
 - (3) In the case of a commercial premises, the name, address, and telephone number of an authorized representative and/or an alternate who will be able to respond when called by police to deactivate the alarm system, if necessary.
 - (4) In the case of a private residence, the name, address, and telephone number of a person who is not a resident of the private residence in question and who will be able to deactivate the alarm system. An external shutoff to the alarm system shall be available to the Police Department to deactivate the alarm.
- B. Such filing requirements are not applicable to all alarm systems, whether the same are or are not directly connected to the Police and/or Fire Department or are merely audible alarms. Such filing must be made within the time period specified above even though there shall have been previous notification of the existence of such alarm systems to the Police and/or Fire Department or another department of the Town.

§59-7. Annual Permit required; fee; revocation.

- A. The Select Board is hereby authorized to grant a revocable permit to any owner, lessee or occupant of property located in the town to operate, maintain, install or modify a police or fire alarm device, and no such device shall be operated unless such permit shall have first been issued.
- B. The Select Board shall charge a fee for the issuance of such permits, which are to be renewed annually by January 1st of each year and shall expire on December 31st of each year. [Amended 5-9-1983 ATM, Art. 22; 5-14-1990 ATM, Art. 28]
- C. Revocation.
 - (1) A permit issued pursuant to this Chapter may be revoked at any time or from time to time by the Select Board upon the giving of ten (10) days' notice, in writing, by registered or certified mail, to the permittee, sent to the address shown on the permit.
 - (2) The violation of this Chapter shall constitute grounds for the revocation of the permit, in addition to such other enforcement as shall be appropriate, either in law or in equity.

§59-8. False alarm fee. [Amended 5-9-1983 ATM, Art. 22; 5-14-1990 ATM, Art. 28]

A fee established consistent with the provisions of §140 shall be charged for each false alarm response by the Fire Department or Police Department to an alarm malfunction or accidental activation. The Police Chief and/or Fire Chief or senior officer to an alarm response shall determine whether the alarm was a malfunction by the alarm system or accidental activation. After the third response within a twelve-month period to an alarm malfunction or accidental activation, the permit shall be revoked by the Select Board until the alarm system has been recertified by a reputable installer of alarms.

§59-9. Alarm disconnection.

In the event that an alarm system emitting an audible, visual or other similar response shall fail to be deactivated within the time limitation specified in §59-5 above, the Town shall have the right to take such action as may be necessary in order to disconnect any such alarm.

Chapter 63
ANIMALS

ARTICLE I
Dogs Running at Large

§63-1. Dogs required to be leashed.

§63-2. Enforcement; violations and penalties.

[HISTORY: Adopted by the Town of Sheffield: Art. 1, 3-4-1968 Annual Town Meeting, Art. 32. Amended at 5-3-2010 Annual Town Meeting Art.27, by deleting §63-1. Restraint authorized and §63-2. Enforcement; violations and penalties in their entirety and replacing with new §63-1. Dogs required to be leashed and §63-2. Enforcement; violations and penalties. Amendments noted where applicable.]

GENERAL REFERENCES

Hunting -- See Ch. 126.

§63-1. Dogs required to be leashed.

A. No owner or keeper of a dog shall permit such dog, whether licensed or unlicensed, to run-at-large within the Town. No person shall permit such dog beyond the confines of the property of the owner or keeper unless such dog is on a leash and under physical control of said owner or keeper, other than as permitted by the provisions of subsections B through D.

B. This By-law shall not apply to private property for which the owner or keeper of a dog has permission to have such dog off-leash, provided the dog is under the direct supervision of a person who has the ability to properly control the dog's actions.

C. A dog that is working, hunting or at such events as field trials or training is exempt from this by-law for the period of time the dog is engaged in the work, hunting or event, provided the dog is under the direct supervision of a person who has the ability to properly control the dog's actions.

D. This by-law shall not apply to property owned and/or controlled by the Commonwealth of Massachusetts or to state or local law enforcement officials in the exercise of their official duties.

E. The owner or keeper of a dog shall be responsible for cleaning up the dog's feces in any place other than their own property.

§63-2. Enforcement; violations and penalties

See §140 of these By-laws.

Chapter 72
BUILDINGS, NUMBERING OF

§72-1. Uniform system adopted.

§72-2. Use of system required; completion of conversion.

§72-3. Front entrance to determine number; multiple entrances.

§72-4. Posting of numbers.

§72-5. Maintenance and enforcement of system; numbers for new buildings.

§72-6. Violations and penalties.

[HISTORY: Adopted by the Town of Sheffield 5-6-1991 Annual Town Meeting, Art. 8. Amendments noted where applicable.]

§72-1. Uniform system adopted.

A uniform system of numbering dwellings and principal buildings, as shown on maps to be on file with the Selectmen's office, Town Hall, Sheffield, Massachusetts, is hereby adopted and incorporated herein by reference.

§72-2. Use of system required; completion of conversion.

All properties or parcels of land within the corporate limits of Sheffield shall hereafter be identified by reference to the uniform numbering system adopted herein.

§72-3. Front entrance to determine number; multiple entrances.

- A. Each building shall bear the number assigned to the frontage on which the front entrance is located.
- B. In case a building is occupied by more than one (1) business or dwelling unit, each separate front entrance of such building shall bear a separate number.

§72-4. Posting of numbers.

Numerals indicating the official numbers for each building or each front entrance to such building shall be placed immediately above, on or at the side of the main entrance of each building so that the number can be seen clearly from the street line. If a building is situated more than fifty (50) feet from a street line, the number shall be placed near the driveway or common entrance to the building or upon a gate post, fence, tree, post or other appropriate place so as to be clearly discernible from the street line. Numerals shall be not fewer than three (3) inches in height and made of a durable and clearly visible material.

§72-5. Maintenance and enforcement of system; numbers for new buildings.

- A. The Police Department shall be responsible for maintaining the numbering system and shall keep a record of all numbers assigned under this chapter and shall enforce the provisions of this chapter.
- B. The Assessor's Office shall, at the request of a property owner, assign numbers for any new buildings constructed in town in accordance with §§72-1 and 72-2 of this chapter.

§72-6. Violations and penalties.

See §140 of these By-laws.

Chapter 77
BURNING, OUTDOOR

§77-1. Burning of leaves near public highways.

§77-2. Violations and penalties.

[HISTORY: Adopted by the Town of Sheffield 3-2-1970 Annual Town Meeting, Art. 28. Amendments noted where applicable.]

§77-1. Burning of leaves near public highways.

No burning of leaves shall be permitted within fifty (50) feet of a public highway in the Town of Sheffield, or undertaken in violation of the provisions of 310 CMR 7.07, entitled "Open Burning".

§77-2. Violations and penalties.

See §140 of these By-laws.

DRAFT - NOT APPROVED

Chapter 89
COMMUNITY RESIDENCES

§ 89-1. Definitions.

§ 89-2. Number of residents limited.

§ 89-3. Yard requirements.

§ 89-4. Off-street parking.

§ 89-5. Special permit required; public hearing; required information.

[HISTORY: Adopted by the Town of Sheffield 5-10-1982 Annual Town Meeting, Art. 27. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses -- See Ch. 132.

Zoning -- See Ch. 215.

§ 89-1. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

COMMUNITY RESIDENCE or GROUP HOME -- A residential facility which is designed to house five (5) or more persons under supervision and licensed by the appropriate agency of the Commonwealth of Massachusetts.

§ 89-2. Number of residents limited.

The number of residents, including live-in staff, in all group homes shall not exceed in total one percent (1%) of the population of the town as determined by the most recent federal census.

§ 89-3. Yard requirements.

A community residence or group home housing five (5) persons must have frontage of at least one hundred (100) feet, setback of at least fifty (50) feet and side lines of at least fifty (50) feet. Side lines shall be increased five (5) feet for every individual beyond five (5) living in the facility.

§ 89-4. Off-street parking.

There shall be ample off-street parking to accommodate the staff and guests of the facility.

§ 89-5. Special permit required; public hearing; required information.

A community residence or group home shall be authorized only by special permit issued by the Board of Selectmen after a public hearing duly called and held with written notice to the abutters, at which hearing the applicant for a community residence or group home shall submit an informational statement including the following:

- A. The probable effect of attendance at public school.
- B. The increase in vehicular traffic.
- C. Changes in numbers of legal residents.
- D. The increase in municipal service and usage costs.
- E. The effect on public utilities.
- F. The requirements of fire and police protection.
- G. Changes in tax revenue.
- H. A list of all required licenses and permits.
- I. Compliance with Title V, General Laws, Chapter 21A (State Environmental Code).

Chapter 90
DEMOLITION DELAY

- §90-1. Intent and Purpose.**
- §90-2. Definitions.**
- §90-3. Required Review Procedure.**
- §90-4. Administration.**
- §90-5. Emergency Demolition.**
- §90-6. Enforcement and Remedies.**
- §90-7. Historic District Act.**
- §90-8. Appeal.**

[HISTORY: Adopted by the Town of Sheffield 5-4-2014 Annual Town Meeting, Art. 26. Amendments noted where applicable.]

§90-1. Intent and Purpose.

This By-law is adopted to protect and preserve significant structures which constitute or reflect distinctive features of the history, architecture, and/or the character of the Town of Sheffield. Through this By-law the Town desires to encourage owners, and others, to preserve, rehabilitate, or restore such significant structures rather than demolish, remove or alter them.

§90-2. Definitions.

For the purpose of this By-law, the following words and phrases shall have the following meanings:

- A. Structure: any edifice, object or building of any kind that is constructed or erected and requires permanent location on the ground, or attachment to an object with permanent location on the ground, not including wheels.
- B. Commission: the Sheffield Historical Commission.
- C. Demolition: any act of pulling down, destroying, removing or razing a structure, or portion thereof, or commencing the work of destruction with the intent of completing the same.
- D. Demolition Permit: the permit issued by the Building Commissioner, (herein after Building Inspector), as required by the State Building Code for the demolition or partial demolition or removal of a structure from its lot, or moving the structure on its lot.
- E. Preferably Preserved: any significant structure which the Commission determines is in the public interest, (architectural, cultural or economic), to be preserved or rehabilitated rather than demolished. A preferably preserved structure is subject to the demolition delay period of this By-law.
- F. Permit: written authorization from the Building Inspector that will allow or disallow a particular action with respect to construction and/or demolition.
- G. Significant Structure: The Commission shall determine that a structure be designated as a significant structure if it meets one or more of the following:
 - 1. *National Register of Historic Places*: the structure is listed on, is within an area listed on or is the subject of a pending application for listing on the National Register of Historic Places.
 - 2. *Historical Importance*: the structure meets the criteria of historical importance if it meets one or more of the following:
 - a. has character, interest or value as part of the development, heritage or cultural characteristics of the town of Sheffield, the Commonwealth of Massachusetts or the nation;
 - b. is the site of an historic event;
 - c. is identified with a person or group of persons who had some influence on society; and
 - d. exemplifies the cultural, political, economic, social or historic heritage of the community.
 - 3. *Architectural Importance*: the structure meets the criteria of architectural importance if it meets one or more of the following:

- a. portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
 - b. embodies those distinguishing characteristics of an architectural type; is the work of an architect, master builder or craftsman whose individual work has influenced the development of the Town; contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.
4. *Geographic Importance*: the structure or site meets the criteria of geographic importance if either:
- a. the site is part of, or related to, a square, park or historically distinctive area, or,
 - b. the structure, as to its unique location or its physical characteristics, represents an established and familiar visual feature of the neighborhood, village center, or the community as a whole.
5. *Age*: the structure is known or estimated by the Commission to be at least one hundred, (100), years old in whole or in part.

§90-3. Required Review Procedure.

No permits for demolition of a significant structure, as determined under §90-2, Definitions, shall be issued without following the provisions of this By-law.

An applicant proposing to demolish a structure subject to this By-law shall file with the Building Inspector an application containing the following information:

- a. address of the structure to be demolished.
- b. owner's name, address and telephone number.
- c. description of the structure.
- d. reason(s) for requesting a demolition permit,
- e. brief description of the proposed reuse, reconstruction or replacement.
- f. photograph(s) of the structure.

The Building Inspector, upon receipt of an application for demolition of a structure subject to this By-law, shall within the next seven (7) business days forward a copy of each such application for a demolition permit, or confirm that a duplicate of such application has been submitted, to the Historical Commission. No demolition permit shall be issued at that time.

Within the next ten (10) business days from receipt of the application for a permit from the Building Inspector, the Commission shall make a determination as to whether the structure is significant. The Commission shall make its determination either in a public meeting of members or through use of a predetermined Significant Structures List developed and maintained through processes determined by the Commission. If the Commission determines the structure to not be significant, the Commission shall notify the Building Inspector in writing within five (5) business days and the permit may be granted. If the Commission determines the structure to be significant, the permit will be held in abeyance until the Commission holds a public hearing and determines if the significant structure is preferably preserved.

Within thirty (30) days of determination by the Commission that a structure for which a demolition permit has been requested is a significant structure, a public hearing shall be held by the Commission to determine if the structure is preferably preserved. Notice of the public hearing shall be published in a local newspaper two (2) weeks in advance of the hearing and all abutters notified in writing at the same time.

If, after such hearing, the Commission determines that the demolition of the structure would not be detrimental to the historical, geographical or architectural heritage or resources of the Town, the Commission shall so notify the Building Inspector within ten (10) business days of such determination. Upon receipt of such notification, or after the expiration of ten (10) business days from the date of the conclusion of the hearing if the Building Inspector has not received notification from the Commission, the

Building Inspector may, subject to the requirements of the State Building Code and any other applicable laws, By-Laws, rules and regulations, issue the demolition permit.

If the Commission determines that the demolition of the structure would be detrimental to the historical, geographical or architectural heritage or resources of the Town, such structure shall be considered a preferably preserved significant structure. Upon such determination by the Commission, no permit for demolition, new construction or alterations to the subject structure shall be issued for a period of twelve (12) months from the date of receipt of the permit request by the Building Inspector unless otherwise agreed to by the Commission.

No permit for demolition of a structure determined to be a preferably preserved structure in order to build a new structure(s) shall be granted until all approvals necessary for the issuance of permits for new structure(s), including any necessary zoning variances or special permits, are granted and all appeals concluded.

The Building Inspector may issue a demolition permit for a preferably preserved structure within the twelve (12) months delay only if the Commission notifies the Building Inspector in writing that the Commission finds the intent and purpose of this By-law is served even with the issuance of the demolition permit.

Following the twelve (12) month delay period, the Building Inspector may issue the demolition permit. If demolition does not occur within twenty-four (24) months of the permitted date, the permit will expire.

§90-4. Administration.

The Commission may adopt such rules and regulations as are necessary to administer the terms of this By-law. The Commission is authorized to adopt a schedule of reasonable fees, pursuant to §140 of these By-laws, to cover the costs associated with the administration of this By-law. The Commission may delegate authority to make initial determinations of significance to no fewer than 2 members of the Commission or to a municipal employee. The Commission may develop a list of significant structures that will be subject to this By-law. Structures proposed for the significant structure list shall be added following a public hearing.

§90-5. Emergency Demolition.

If after an inspection, the Building Inspector finds a structure subject to this By-law to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the structure, the Building Inspector may issue an emergency demolition permit to the owner of the structure. The Building Inspector shall then prepare a report explaining the condition of the building and the basis for the Building Inspector's decision which shall be forwarded to the Commission within seven (7) days.

§90-6. Enforcement and Remedies.

The Commission and/or the Building Inspector each are specifically authorized as enforcing persons to institute any and all actions and proceedings, in law or equity, as they may deem necessary. Any owner of a structure subject to this By-law who demolishes a structure without first obtaining a demolition permit in accordance with the provisions of this By-law shall be subject to a fine of Three Hundred Dollars (\$300.00) for each day on which the violation exists and until a faithful restoration of the demolished structure is completed, or unless otherwise agreed to by the Commission.

If a structure subject to this By-law is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two (2) years from the date of the demolition on the subject parcel of land unless the building permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.

§90-7. Historic District Act.

Following a determination that a structure is significant and preferably preserved, the Commission may recommend to Town meeting that the structure be protected through the provisions of G.L. c.40C, the Historic Districts Act. The steps required under G.L. c.40C shall be followed prior to the establishment of a local historic district. Nothing in this By-law shall be deemed to conflict with the provisions of the Historic District Act, G.L. c.40C. If any of the provisions of this By-law do so conflict, that act shall prevail. Structures included within the boundaries of a local historic district established under G.L. c.40C shall not be subject to this By-law so long as the proposed demolition is regulated by the local historic district By-law.

§90-8. Appeal.

Appeals from decisions or determinations of the Commission following a Public Hearing may be made by the applicant(s) or the abutter(s) to the courts under the certiorari statute, G.L. c.249, §4.

DRAFT - NOT APPROVED

Chapter 102
EXCAVATIONS

- §102-1. **Permit required for certain operations.**
- §102-2. **Select Board to be permit issuing body; procedure.**
- §102-3. **Operations exempt from permit requirements.**
- §102-4. **Violations and penalties.**
- §102-5. **Application for permit.**
- §102-6. **Performance bond or security required.**
- §102-7. **Responsibility of Select Board.**
- §102-8. **Additional information may be required.**
- §102-9. **Imposition of conditions.**
- §102-10. **Inspection of operation.**
- §102-11. **Standards of operation.**
- §102-12. **Restoration.**
- §102-13. **Duration of permit; renewal.**
- §102-14. **Transferability of permits.**
- §102-15. **Revocation of permit.**
- §102-16. **Rules and regulations.**

[HISTORY: Adopted by the Town of Sheffield 5-6-1991 Annual Town Meeting, Art. 10. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits of delinquent taxpayers -- See Ch. 132, Art. II.
Driveways -- See Ch. 181, Art. I.
Wells -- See Ch. 210.
Zoning -- See Ch. 215.

§102-1. Permit required for certain operations.

No person, firm or corporation shall excavate in any one (1) year more than thirty (30) cubic yards of soil, sand, gravel, stones or other earth material from any land in the town without first obtaining a permit from the Select Board as provided in the following sections.

§102-2. Select Board to be permit-issuing body; procedure.

A permit shall be granted only by an affirmative vote of a majority of the Select Board. Upon receipt of an application for a permit for removal of earth from any land, the Board shall appoint a time and a place for a public hearing, not later than forty-five (45) days after receipt of a completed application, notice of which shall be given to the applicant. The Board's decision shall be issued within ninety (90) days of receipt of the completed application.

§102-3. Operations exempt from permit requirements.

A. A permit shall not be required under this chapter for the following:

- (1) Excavation incidental to the construction of buildings or other accessory uses and expansions thereto for which all permits required by the Town By-laws and state building codes have been issued; nor the installation of walks, driveways, septic systems or swimming pools; nor the removal of spoils from any pond approved by the Sheffield Conservation Commission, provided that the quantity of material removed does not exceed the quantity of material displaced.
- (2) Excavation in the course of customary agricultural use of land for a farm, garden or nursery; this does not permit removal of soil, sand, gravel, stones or other earth material for profit.

B. Any and all earth removal and/or permanent screening and washing operations in existence as of the passage of this chapter are exempt from this chapter.

§102-4. Violations and penalties.

See §140 of these By-laws.

§102-5. Application for permit.

An application for an earth removal permit shall be submitted, in writing, to the Town Clerk's office. The application shall contain an accurate description of the portion of land in which the excavation will take place, state the purpose of the excavation, include the application fee and include plans submitted by a registered surveyor or engineer providing the following information:

- A. Property lines, along with the names and addresses of all abutters and property owners within three hundred (300) feet of the property, including those across any street or way.
- B. The existing grades, at ten-foot (or closer) contour intervals, of the area from which the material is to be removed and of surrounding areas within one hundred (100) feet of the removal operations. This plan shall show all structures, vegetative cover, average topsoil depth, natural waterways and wetlands within one hundred (100) feet of operations, roads and access to operations. (The plan may be an enlargement of the most recent United States Geological Survey topographical map of the area showing the property lines of the parcel and all of the information listed above.)
- C. Natural features such as wetlands, the one-hundred-year-floodplain, ground cover and surface water locations and groundwater levels. Water table elevation shall be determined by test pits and soil borings during spring high water. A log of soil-boring results shall be included, taken to the depth of the proposed excavation, congruent with the size and geological makeup of the site.
- D. A topographical map showing drainage facilities, final grades and proposed vegetation and trees.
- E. An erosion and sediment-control plan.
- F. The amount and source of proposed restoration materials.

§102-6. Performance bond or security required.

The Select Board shall require, as a condition of granting the permit, that the applicant furnish a performance bond or other security satisfactory to the Board in an amount sufficient to insure satisfactory performance of the requirements of this chapter and of such other conditions as may be imposed in the permit. The security shall not be released until the surveyor or engineer has filed with Board an as-built plan and has also certified that the restoration has been completed in compliance with the permit approval and the approved plans.

§102-7. Responsibility of Select Board.

The Select Board shall exercise its powers with due regard to:

- A. The health, safety and general welfare of the inhabitants of the town.
- B. The detriment to the neighborhood.
- C. The effect on natural resources, including but not limited to the recharge of the water table or the condition of the surface water.

§102-8. Additional information may be required.

The Select Board may require as a prerequisite for approval information regarding and relevant to methods of removal; type and location of structures; hours of operation; area, location and depth of excavation; steepness of slopes; drainage; disposition of boulders and stumps; site reclamation; and plantings.

§102-9. Imposition of conditions.

The Select Board may impose conditions, including but not limited to requirements for landscaping, screening, fencing and/or other barriers to provide against nuisances and hazards to the public safety and welfare and to protect the area.

§102-10. Inspection of operation.

Every permit shall provide for the inspection of the operation at any reasonable time by the Select Board or its designated agent(s) to determine if the conditions of the permit are being enforced.

§102-11. Standards of operation.

The following standards of operation shall apply to every permitted operation, in addition to conditions imposed under §102-9.

- A. No excavation not intended for approved building purposes nor any other activity or building will be within fifty (50) feet of an existing public way or an adjacent property line and at not closer than one hundred fifty (150) feet to any dwelling.
- B. All applicants shall comply with the requirements of the Wetland Protection Act.
- C. No area shall be excavated so as to cause accumulation of freestanding water. Permanent drainage shall be provided in accordance with current conservation practices. Runoff shall not lead directly into streams or ponds.
- D. No excavation may occur within four (4) feet above the annual spring high-water table, as established from test pits or soil borings. The spring high-water table shall be established at a time and location determined by the Board of Health from a test pit or well and the level related to a permanent monument on the property. Observation well(s) shall be monitored for one (1) year to establish this elevation, with periodic reports supplied by a hydrologist, as may be required by the Board of Health. The information shall be recorded on the topographic plan and on the permanent monument on the property.
- E. All topsoil and subsoil to be used for restoration which is stripped from operations areas shall be stockpiled and seeded with an erosion-control seed mixture approved by the Select Board.
- F. The active excavation operation area shall not exceed a total of six (6) acres at any one (1) time. Natural vegetation shall be left in place and maintained on undisturbed land for screening and noise reduction purposes.
- G. Operation hours shall be only between 7:00 a.m. and 5:00 p.m., Monday through Saturday, excluding legal holidays defined as New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day. Trucks and/or equipment may enter and leave the premises only within such hours.
- H. Trucking routes and methods shall be subject to the approval of the Chief of Police.
- I. All access roads shall be treated with suitable material to reduce dust and mud.
- J. Access roads shall be constructed at an angle to the public way or with a curve so as to maximize screening of the operation from public view.
- K. The permit holder shall clean up any spillage on public ways. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing.
- L. Crushing and washing operations and permanent screening operations shall not be permitted unless the operation(s) were in existence as of passage of this chapter.

§102-12. Restoration.

Every permit shall further state that restoration shall be carried out according to the plans submitted, the conditions of approval and the following minimum conditions:

- A. Restoration shall be carried on simultaneously with excavation so that when any six-acre area has been excavated, at least two (2) acres shall be restored before work (including building haul roads) commences on the additional acreage. Final restoration of the entire project shall be complete within thirty (30) days after expiration or withdrawal of a permit or within nine (9) months of cessation of operations.
- B. No slope shall be steeper than two to one (2:1).
- C. All debris, stumps, boulders, etc., shall be disposed of in accordance with state and local regulations.
- D. Retained subsoil and topsoil shall be spread over the disturbed area to a minimum depth of four (4) inches. In areas where the original conditions were less than four (4) inches, retained subsoil and topsoil shall be spread over the disturbed area to a minimum depth of the original condition.
- E. An erosion plan shall be submitted to the Select Board addressing issues, including but not limited to vegetation type, erosion barriers and fertilizer. Trees and/or shrubs of suitable species to provide screening and to reduce erosion during the establishment period may also be required.

- F. Upon compliance of the operation, the land shall be left so that natural storm drainage leaves the property at the original natural storm drainage points and so that the area of drainage to any one (1) point is not increased.
- G. All equipment, temporary buildings and temporary structures shall be removed from the property.

§102-13. Duration of permit; renewal.

- A. No permit shall be issued for a period of more than three (3) years. The permit issued under the provisions of this chapter shall expire on the completion date specified on the permit issued.
- B. Permit renewal requests must be submitted, in writing, to the Town Clerk's office at least thirty (30) days prior to the expiration date of the current permit. Permits may be renewed without a public hearing after a site inspection by the Select Board determines that the operation is complying with the provisions of this chapter and the conditions imposed on the current permit. The Select Board shall review the performance bond or security furnished to the town and may require a change to assure that the amount is sufficient to secure performance as required by this chapter and by the conditions imposed on the current permit. A permit may be renewed twice, with Select Board approval, for a term set by the Select Board.

§102-14. Transferability of permits.

Earth removal permits may be transferable only after approval by the Select Board.

§102-15. Revocation of permit.

The Select Board may revoke any permit which it has issued for good cause, provided that it shall offer to the operator an opportunity for a hearing within fourteen (14) days after written notice of the violation.

§102-16. Rules and regulations.

The Select Board may establish rules and regulations to implement this chapter, including a permit application fee schedule, and may charge an amount to be determined by the Board to cover the permit application process and for an annual license fee.

Chapter 116
HAZARDOUS MATERIALS

ARTICLE I
Radioactive Waste

§116-1. Collection, treatment, storage, burial, incineration or disposal prohibited.

[**HISTORY: Adopted by the Town of Sheffield: Art. I, 5-10-1982 Annual Town Meeting, Art. 26. Amendments noted where applicable.**]

GENERAL REFERENCES

Solid waste -- See Ch. 176.

Water Supply Protection District -- See Ch. 215.

§116-1. Collection, treatment, storage, burial, incineration or disposal prohibited.

No land in the Town of Sheffield, Massachusetts, may be used for collection, treatment, storage, burial, incineration or disposal of radioactive waste, including but not limited to waste classified as low-level radioactive waste.

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Chapter 121
HISTORIC DISTRICTS AND COMMISSIONS

Part 1
Ashley Falls

ARTICLE I
General Provisions

- § 121-1. Statutory authority.
- § 121-2. Purpose.
- § 121-3. Alteration and construction of buildings in district.
- § 121-4. Severability.
- § 121-5. Conflicts with other laws.

ARTICLE II
District Boundaries

- § 121-6. Establishment.
- § 121-7. Alteration of lines; creation of new districts.

ARTICLE III
Historic District Commission

- § 121-8. Membership.
- § 121-9. Terms; alternates; compensation; officers.
- § 121-10. Meetings; quorum; majority vote required on certain matters.
- § 121-11. Powers and duties.
- § 121-12. Limitations.

ARTICLE IV
Definitions; Administration; Enforcement

- § 121-13. Terms defined.
- § 121-14. Application for certificate.
- § 121-15. Public hearings; determination.
- § 121-16. Certificate of appropriateness.
- § 121-17. Certificate of non-applicability.
- § 121-18. Certificate of hardship.
- § 121-19. Filing of certificate and disapprovals.
- § 121-20. Certificates required for issuance of permits.
- § 121-21. Enforcement.
- § 121-22. Violations and penalties.

ARTICLE V
Appeals

- § 121-23. Filing; decision.

ARTICLE VI
Amendments

- § 121-24. Procedure to be followed.

ARTICLE VII

§121-25 Ashley Falls Historic District Boundaries

[HISTORY: Adopted by the Town of Sheffield: Part 1, 5-8-1988 Annual Town Meeting, Art. 24. Amendments noted where applicable.]

GENERAL REFERENCES

Historical Commission -- See Ch. 25.

Signs -- See Ch. 168.

Zoning -- See Ch. 215.

Part 1 Ashley Falls [Adopted 5-8-1988 ATM, Art. 24]

ARTICLE I General Provisions

§121-1. Statutory authority.

This Part 1 is enacted by the Town of Sheffield under the authority of Chapter 40C of the Massachusetts General Laws, hereinafter referred to as the "Historic Districts Act."

§121-2. Purpose.

The purpose of this Part 1 is to promote the educational, cultural, economical and general welfare of the public through the preservation and protection of the distinctive characteristics of the buildings and places significant in the history of Ashley Falls or significant for their architecture and the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

§121-3. Alteration and construction of buildings in district.

Buildings or structures within the Ashley Falls Historic District shall not be constructed or altered in any way that affects exterior architectural features unless the Ashley Falls Historic District Commission shall have issued a certificate in accordance with §§121-16 through 121-18 hereof or unless such construction or alterations are exempt from review in accordance with §121-12, Limitations, hereof.

§121-4. Severability.

The provisions of this Part 1 shall be deemed to be severable. If any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

§121-5. Conflicts with other laws.

A. In case of any conflict between wording of this text and the Massachusetts General Laws, the Massachusetts General Laws shall govern.

B. Where this Part 1 imposes a greater control upon setback or other external features than is imposed by other by-laws of the Town of Sheffield, the provisions of this Part 1 shall govern.

ARTICLE II District Boundaries

§121-6. Establishment.

The location, boundaries and extent of this Ashley Falls Historic District are hereby established as shown

on a plan entitled "Historic District Plan of the Village of Ashley Falls," which plan is incorporated herein by reference.¹ Whenever any uncertainty exists as to the exact location of a district boundary line, the location of such line shall be fixed and determined by the Ashley Falls Historic District Commission.

§121-7. Alteration of lines; creation of new districts.

The district may be enlarged or reduced or additional historic districts may be created in accordance with the Historic Districts Act, Section 3.²

ARTICLE III
Historic District Commission

§121-8. Membership.

The Ashley Falls Historic District Commission shall consist of five (5) members and two (2) alternate members appointed by the Board of Selectmen. The majority of members must be residents of or property owners in the district. Not more than one (1) member may be a nonresident or nonproperty owner of Sheffield. The Commission shall include, if possible, one (1) member from two (2) nominees submitted by the Sheffield Historical Society, one (1) member from two (2) nominees submitted by the Board of Realtors covering the area and one (1) member from two (2) nominees submitted by the Chapter of the American Institute of Architects covering the area. If within thirty (30) days of submission of a written request for nominees to an organization entitled to submit nominations for membership on the Commission no such nominations have been made, the Board of Selectmen may proceed to make an appointment to the Commission without nomination by such organization.

§121-9. Terms; alternates; compensation; officers.

- A. The appointments to membership in the Commission shall be arranged so that the term of the member nominated by the Board of Realtors and the term of the member nominated by the American Institute of Architects shall originally be for a period of one (1) year. The term of the member nominated by the Sheffield Historical Society and the term of one (1) member at large shall originally be for a period of two (2) years, and the term of the remaining member at large shall be for a period of three (3) years. Thereafter, all appointments shall be for periods of three (3) years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. Alternates shall be appointed annually.
- B. In case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the Commission, the member's place shall be taken by an alternate member designated by the Chairman.
- C. Each member and alternate shall continue in office after expiration of the member's or the alternate's term until a successor is duly appointed and qualified. All members shall serve without compensation.
- E. The Commission shall elect annually a Chairman and a Vice Chairman from its own number and a Secretary from within or without its number.

§ 121-10. Meetings; quorum; majority vote required on certain matters.

- A. Meetings of the Commission shall be held at the call of the Chairman or shall be called at the request of two (2) members of the Commission or in such other manner as the Commission shall determine in its rules.
- B. A majority of the members of the Commission shall constitute a quorum.
- C. The concurring vote of a majority of the members of the Commission present shall be necessary to issue a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship.

¹Editor's Note: The boundary description of the Ashley Falls Historic District is included at the end of this chapter. The Map depicting such boundaries is on file.

²Editor's Note: See M.G.L.A. C. 40C, ~ 3.

§121-11. Powers and duties.

- A. In passing upon matters before it, the Commission shall consider, among other things, the historic and architectural 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 features to similar features of buildings and structures in the surrounding area. In case of new construction or additions to existing buildings or structures, the Commission shall consider the appropriateness of the size, scale and shape of the same in relation to the land area upon which the building or structure is situated to adjacent buildings and structures and to buildings and structures in the surrounding area.
- B. The Commission may, in appropriate cases, impose dimensional and setback requirements in addition to those required by applicable by-laws.
- C. The reconstruction of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster should be begun within one (1) year and carried forward with due diligence. Before reconstruction, a certificate of appropriateness must be obtained from the Commission.
- D. The Commission may determine, from time to time, after public hearing, that certain categories of exterior architectural features or structures may be constructed or altered without review by the Commission without causing substantial derogation from the intent and purposes of this chapter.
- E. The Commission may, after public hearing, set forth in such a manner as it may determine materials and appurtenances which will meet the requirements of an historic district, but no such determination shall limit the right of the applicant to present other designs or colors to the Commission for its approval.
- F. The Commission shall require appropriate drawings to show the nature and extent of proposed construction or alterations.
- G. The Commission may, subject to appropriations, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work and may accept money gifts and expend the same for such purposes. The Commission may administer on behalf of the town any properties or easements or restrictions or other interests in real property which the town may have or may accept as gifts or otherwise and which the town may designate the Commission as the administer thereof.
- H. The Commission shall have, in addition to the powers, authority and duties granted to it by this chapter, such other powers, authority and duties as may be delegated or assigned to it, from time to time, by vote of a Town Meeting.
- I. The Commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein and may adopt and amend such rules and regulations not inconsistent with the provisions of the Historic District Act¹ and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The Commission shall file a copy of any such rules and regulations with the Town Clerk.

§ 121-12. Limitations.

- A. The Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the district.
- B. The Commission shall not extend its review to:
 - (1) Ordinary repair, maintenance or replacement of any exterior feature which does not result in change of design, material or exterior appearance thereof.
 - (2) Landscaping, except where made a condition of granting a certificate.
 - (3) Interior arrangements.
 - (4) Architectural features not subject to public view from an elevation of five (5) feet from public

¹Editor's Note: Chapter 40C of the Massachusetts General Laws.

ways within the district when deciduous foliage is off.

- (5) Temporary signs, banners or placards nor temporary events, such as art shows, church fairs or bazaars nor temporary structures approved by special permission of the Selectmen.
- (6) Temporary structures or seasonal decorations which are removed within thirty (30) days of installation.
- (7) Painting or paint color, unless the existing color is to be changed.
- (8) Storm doors, screen doors, storm windows or window screens.
- (9) Air conditioners installed in existing openings.
- (10) Replacement of roofing materials, provided that the appearance of the new material is substantially similar to the existing in color and texture.
- (11) Resurfacing of sidewalks, terraces, driveways or parking areas if the appearance of the new material is substantially similar to the old in texture and color.
- (12) Any construction or alteration under a permit duly issued prior to the effective date of this Part 1.
- (13) Buildings or structures used for agriculture on a working farm, except that buildings on such farms used for personal residence are subject to Commission review.

ARTICLE IV **Definitions; Administration; Enforcement**

§ 121-13. Terms defined.

As used in this Part 1, the following terms shall have the meanings indicated:

ALTERED -- Includes the words "rebuilt," "reconstructed," "restored," "removed" and "demolished."

BUILDING -- A combination of materials forming a shelter for persons, animals or property.

COMMISSION -- The commission acting as the Ashley Falls Historic District Commission.

CONSTRUCTED -- Includes the words "built," "erected," "installed," "enlarged" and "moved."

DISTRICT -- The Ashley Falls Historic District.

EXTERIOR ARCHITECTURAL FEATURE -- Such portion of the exterior of a building or structure as is open to public view, including but not limited to the architectural style and general arrangement and setting thereof, the kind and texture of exterior materials and the type and style of windows, doors, lights and other exterior appurtenances.

STRUCTURE -- A combination of materials other than a building, including but not limited to a sign, fence, wall, terrace, walk, driveway, parking area or swimming pool.

§ 121-14. Application for certificate.

Any person who desires to obtain a certificate from the Commission shall file with the Commission an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, in such form as the Commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including, in the case of demolition or removal, a statement of the proposed condition and appearance of the property thereafter as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

§ 121-15. Public hearings; determination.

- A. The Commission shall determine promptly and in all events within fourteen (14) days after the filing of an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the Commission. If the Commission determines that such

application involves such features, the Commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.

- B. The Commission shall fix a reasonable time for the hearing on any application and shall give public notice of the time, place and purposes thereof at least fourteen (14) days before said hearing in such manner as it may determine and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other 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, to any person filing written request for notice of hearings, such request to be renewed yearly in December and to such other persons as the Commission shall deem entitled to notice.
- C. As soon as convenient after such public hearing, but in any event within sixty (60) days after filing of such 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 such a period of time, the Commission shall thereupon issue a certificate of hardship.
- D. A public hearing on an application need not be held if such hearing is waived, in writing, by all persons entitled to notice thereof. In addition, a public hearing on an application may be waived by the Commission if the Commission determines that the change to the exterior architectural feature involved is so insubstantial in its effect on the historic district that it may be reviewed by the Commission without public hearing on the application; provided, however, that if the Commission dispenses with a public hearing on an application, notice shall be given to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby, as above provided, and ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application.

§ 121-16. Certificate of appropriateness.

If the Commission determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the historic district, the Commission shall cause a certificate of appropriateness to be issued to the applicant. In the case of disapproval of an application for a certificate of appropriateness, the Commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in the records of the Commission, to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material and similar features. 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 which, if made, would make the application acceptable to the Commission. If, within fourteen (14) 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 cause a certificate of appropriateness to be issued to the applicant.

§ 121-17. Certificate of non-applicability.

In the case of a determination by the Commission that an application for a certificate of appropriateness or for a certificate of non-applicability does not involve any exterior architectural features or involves an exterior architectural feature which is not then subject to review by the Commission in accordance with the provisions of Article III, the Commission shall cause a certificate of non-applicability to be issued to the applicant.

§ 121-18. Certificate of hardship.

If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate or in the event of an application for a certificate of hardship, the Commission shall determine whether, owing to conditions especially affecting the building or structure involved but not affecting the district generally, failure to approve an application shall involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes

of this Part 1. If the Commission determines that, owing to such conditions, failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation or in the event of failure to make a determination on an application within sixty (60) days after the filing of an application, the Commission shall cause a certificate of hardship to be issued to the applicant.

§ 121-19. Filing of certificate and disapprovals.

The Commission shall file with the Town Clerk and with the Building Inspector a copy or notice of all certificates and determinations of disapproval issued by it. Each certificate issued by the Commission shall be dated and signed by its Chairman or such other person designated by the Commission to sign such certificates on its behalf.

§ 121-20. Certificates required for issuance of permits.

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within the district and no demolition permit for demolition or removal of a building or structure within the district shall be issued by the town or any department thereof until the certificate required by this Article has been issued by the Commission.

§ 121-21. Enforcement.

The Berkshire Superior Court sitting in equity shall have jurisdiction to enforce the provisions of this Part 1 and the determinations, rulings and regulations issued pursuant thereto and may, upon the petition of the Board of Selectmen or of the Commission, restrain, by injunction, violations thereof; and without limitation, such Court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof or the substantial restoration of any building, structure or exterior architectural feature altered or demolished in violation thereof and may issue such other orders for relief as may be equitable.

§ 121-22. Violations and penalties.

Whoever violates any of the provisions of this Part 1 shall be punished by a fine of not less than ten dollars (\$10.) nor more than five hundred dollars (\$500.). Each day during any portion of which a violation continues to exist shall constitute a separate offense.

ARTICLE V
Appeals

§ 121-23. Filing; decision.

- A. Any applicant aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the Town Clerk, file a written request with the Commission for a review by a person or persons of competence and experience in such matters, designated by the regional planning agency of which the town is a member. The finding of the person or persons making such a review shall be filed with the Town Clerk within forty-five (45) days after the request and shall be binding on the applicant and the Commission unless a further appeal is sought in the Superior Court, as provided in the following Subsection.
- B. Any applicant aggrieved by a determination of the Commission or by the finding of a person or persons making a review may, within twenty (20) days after the filing of such determination with the Town Clerk, appeal to the Berkshire Superior Court sitting in equity. The Court shall hear all pertinent evidence and shall annul the determination of the Commission if it finds the decision of the Commission to be unsupported by the evidence or to exceed the authority of the Commission, or it may remand the case for further action by the Commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive, but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the Commission unless it shall appear to the Court that the Commission acted with gross negligence, in bad faith or with malice in the matter for which the appeal was taken. Costs shall not be allowed

against the party appealing from such determination of the Commission unless it shall appear to the Court that the appellant acted in bad faith or with malice in making the appeal to the court.

ARTICLE VI Amendments

§ 121-24. Procedure to be followed.

This Part 1 creating the Ashley Falls Historic District may, from time to time, be amended in any manner not inconsistent with the provisions of the Historic District Act¹ by a two-thirds vote of a Town Meeting, provided that the substance of such an amendment has first been submitted to the Historic District Commission having jurisdiction over such district for its recommendation and that its recommendation has been received or sixty (60) days have elapsed without such recommendation.

Ashley Falls Historic District Boundaries

The Ashley Falls Historic District shall be bounded as follows:

Beginning at a point in the north/east corner of the Sackett Cemetery on Clayton Road and proceed westerly on the southerly side of said Clayton Road to a point opposite the easterly line of the school property;

Thence northerly crossing Clayton Road and along the easterly line of said school property to the north/east corner of said property, thence westerly along the northerly line of said school property to the north/westerly corner, thence southerly along the westerly line of said school property and crossing said Clayton Road to a point in the southerly line of Clayton Road;

Thence westerly along the south side of Clayton Road crossing East Main Street and continuing westerly along the southerly side of School Street;

Thence crossing United States Route 7A to the southerly line of Schneck;

Thence westerly, southerly, westerly, southerly, westerly and northerly along line of Schneck;

Thence northerly and westerly along the easterly line of Dellert to the center line of the Housatonic River;

Thence northerly along center line of said Housatonic to a point opposite the south/easterly corner of Howden;

Thence westerly along the southerly line of said Howden and crossing Rannapo Road to a point in the westerly line of Rannapo Road;

Thence northerly along the westerly line of said Rannapo Road to the south/easterly corner of said Howden;

Thence westerly along the southerly line of said Howden to a point in the south/westerly corner of Howden;

Thence southerly along the westerly line now formerly of Feist and crossing Bull Hill Road to a point in the southerly line of said Bull Hill Road and the land of Hutzler;

Thence north/westerly along the southerly line of Bull Hill Road to the north/westerly corner of said Hutzler;

Thence southerly along the westerly line of Hutzler, crossing land of Frisch and continuing southerly along the westerly land of the Trustees of Reservations and crossing Cooper Hill Road;

Thence easterly along the southerly line of said Cooper Hill Road to the corner of the Trustees of Reservations;

Thence southerly, westerly and southerly along land of said Trustees to the Connecticut State line;

Thence easterly along the Connecticut State line to the Conklin;

Thence northerly, easterly, northerly and easterly along line of said Conklin;

Thence crossing Weatogue Road to a point in the easterly line of said Weatogue Road;

¹Editor's Note: Chapter 40C of the Massachusetts General Laws.

Thence south/easterly along the easterly line of said Weatogue Road to the Connecticut State line;

Thence easterly along said Connecticut State line to the center of the Housatonic River;

Thence north/westerly along the center line of said Housatonic River to the intersection of the Konkapot River;

Thence in a northerly and easterly direction along the center line of said Konkapot River to a point opposite the north/westerly corner of Welch;

Thence easterly along the northerly line of said Welch to the westerly line of Route 7A;

Thence north/westerly along the westerly line of Route 7A to the center line of the said Konkapot River;

Thence north/easterly along the center line of said Konkapot River and crossing the railroad right-of-way to a point opposite the easterly line of Ellis and westerly line of Dellert;

Thence northerly, westerly, northerly, easterly and northerly along land of said Dellert to the southerly line of Smith;

Thence easterly along the northerly line of Dellert to the south/easterly corner of the Sackett Cemetery;

Thence northerly along the easterly line of said cemetery to the point of beginning.

DRAFT - NOT APPROVED

Chapter 126
HUNTING

§126-1. Permission of property owner required.

§126-2. Violations and penalties.

§126-3. Enforcement.

[HISTORY: Adopted by the Town of Sheffield 5-4-1992 Annual Town Meeting, Art. 32. Amendments noted where applicable.]

§126-1. Permission of property owner required.

No person shall hunt on any town-owned or private property in the Town of Sheffield without written permission of the owner of the land upon which hunting will take place. The written permission must be carried while hunting and be renewed on an annual basis.

§126-2. Violations, penalties and enforcement.

See §140 of these By-laws.

DRAFT - NOT APPROVED

**Chapter 132
LICENSES**

**ARTICLE I
Licensing Board**

§132-1. Select Board to be licensing board.

**ARTICLE II
Licenses and Permits of
Delinquent Taxpayers**

§132-2. Tax Collector to furnish list of delinquencies.

§132-3. Denial, revocation or suspension of license or permit; notice; hearing.

§132-4. Payment agreements.

§132-5. Waiver of denial, revocation or suspension.

§132-6. Exceptions.

[HISTORY: Adopted by the Town of Sheffield: Art. I, 5-11-1981 Annual Town Meeting, Art. 36; Art. II, 11-19-1990 Special Town Meeting, Art. 3. Amendments noted where applicable.]

GENERAL REFERENCES

Alarm systems -- See Ch. 59.

Excavations -- See Ch. 102.

Peddling and soliciting -- See Ch. 151.

Secondhand dealers -- See Ch. 162.

**ARTICLE I
Licensing Board
[Adopted 5-11-1981 ATM, Art. 36]**

§132-1. Select Board to be licensing board.

The Select Board shall be the licensing board of the town for all purposes, except those for which other provision is made by general or special statutes.

**ARTICLE II
Licenses and Permits of Delinquent Taxpayers
[Adopted 11-19-1990 STM, Art. 3]**

§132-2. Tax Collector to furnish list of delinquencies.

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Tax Collector," shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

§132-3. Denial, revocation or suspension of license or permit; notice; hearing.

- A. 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, renewal or other matter which is the subject of such license or permit and which activity is to be 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 by 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 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.
- B. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing 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 as of the date of issuance of said certificate.

§132-4. Payment agreements.

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 is given notice and a hearing, as required by applicable provisions of law.

§132-5. Waiver of denial, revocation or suspension.

The Select Board 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 the party's immediate family, as defined in G.L. c.268,§1, in the business or activity conducted in or on said property.

§132-6. Exceptions.

This section shall not apply to the following licenses and permits: open burning, G.L. c.48, §13; bicycle permits, G.L. c.85, 11A; Sales of articles for charitable purposes, G.L. c.101, §33; children's work permits, G.L. c.49, §69; clubs or associations dispensing food or beverage licenses, G.L. c.140,§21E; dog licenses, G.L. c.140, §137; fishing, hunting or trapping licenses, G.L. c.131, §12; marriage licenses, G.L. c.207, §28; and theatrical events or public exhibition permits, G.L. c.140, §181.

Chapter 136
LITTERING

- §136-1. Fine for littering; removal of refuse required.**
- §136-2. Failure to remove refuse.**
- §136-3. Effect of permission of landowner to deposit refuse.**
- §136-4. Exempted land.**
- §136-5. Enforcement.**

[HISTORY: Adopted by the Town of Sheffield 5-8-1989 Annual Town Meeting, Art. 28. Amendments noted where applicable.]

GENERAL REFERENCES

Hazardous waste -- See Ch. 116.
Solid waste -- See Ch. 176.

§136-1. Fine for littering; removal of refuse required.

Whoever places, throws, deposits, discharges or causes to be placed, thrown, deposited or discharged any trash, bottles or cans, refuse, rubbish, garbage, debris, scrap, waste or any other material of any kind (hereinafter called "refuse") on any public or private land shall be punished by a fine set under the provisions of §140 of these By-laws, and the enforcement officer shall require, in addition thereto, that such person remove said refuse at their own expense.

§136-2. Failure to remove refuse.

Should such person not remove said refuse within fifteen (15) days of a notice of violation, the town shall cause said refuse to be removed and legally disposed of and the violator to be charged by the Town for all costs incurred for such removal.

§136-3. Effect of permission of landowner to deposit refuse.

The permission of any landowner to place, throw, deposit or discharge refuse on such owner's land shall not nullify the effect of this chapter.

§136-4. Exempted land.

The provisions of this chapter shall not be applicable to any dumping ground approved under G.L. c.111, §150A, or by other appropriate public authority.

§136-5. Enforcement.

See §140 of these By-laws.

Chapter 140
FINES AND FEES

ARTICLE I
Enforcement in Law and in Equity

§140-1. Scope and authority.

§140-2. Enforcing person.

§140-3. Fines.

§140-4. Principles governing establishment of charges, fees, fines, and penalties

§140-5 Authorization to fix reasonable fees

[HISTORY: Adopted by the Town of Sheffield 5-4-2014 Annual Town Meeting, Art. 25. Amendments noted where applicable.]

§140-1. Scope and authority.

The By-Laws of the Town and/or any rule or regulation of any Town officer, board or department may be enforced through any means in law or in equity, including through non-criminal disposition in accordance with G.L. c.40, §21D.

§140-2. Enforcing person.

“Enforcing Person,” for purposes of non-criminal disposition, shall mean any Police Officer of the Town of Sheffield with respect to any offense; the Fire Chief and the Chief’s designee; the Building Inspector and the Inspector’s designee; the Board of Health and the Board of Health’s designee; the Highway Superintendent and the Highway Superintendent’s designee; the Animal Control Officer and the Officer’s designee and such other officials as the Select Board or the By-Laws may from time to time designate, each with respect to violations of the By-Laws or regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

§140-3. Fines.

Prior to enforcement, any new or revised fine shall be posted in the office of the Town Clerk for no less than two weeks. Notwithstanding any other provisions of these By-laws, when a violation of these By-laws, or of any rule or regulation of any Town officer, board or department occurs, it may be enforced pursuant to non-criminal disposition procedures in accordance with G.L. c.40, §21D.

Unless otherwise specifically provided in such By-law, rule or regulation, the following fines shall be applicable:

First Violation: \$100

Second Violation: \$200

Third and each Subsequent Violation: \$300

Each day a violation exists shall constitute a separate violation.

§140-4 Principles governing establishment of charges, fees, fines, and penalties.

A. Determinations as to amounts of charges and fees shall take into consideration the costs to the Town of the service(s) provided.

B. Determination as to amounts of fines and penalties shall take into consideration the costs to the Town related to the situation, and the potential impact of such fine.

§140-5 Authorization to fix reasonable fees

The Town hereby accepts the provisions of G.L. c.44, §22F. Other than as specifically set forth herein, any Town board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of

the fee remain with the Town, and may fix reasonable charges to be paid for any services rendered or work performed by the Town or any department thereof, provided, however, that in the case of a board or officer appointed by an elected board, the fixing of such fee shall be subject to the review and approval of such elected board, and in the case of any other board or officer, the fixing of such fee shall be subject to the review and approval of the Select Board or its designee. All fees in effect immediately prior to the effective date of this by-law shall continue to be applicable until revised as provided hereunder. Fee schedules shall be posted in the office of the Town Clerk and in the office of the officer or board imposing the fee.

DRAFT - NOT APPROVED

Chapter 151
PEDDLING AND SOLICITING

§151-1. License required.

§151-2. License fee.

§151-3. Violations and penalties.

[HISTORY: Adopted by the Town of Sheffield 5-11-1981 Annual Town Meeting, Art. 39. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits of delinquent taxpayers -- See Ch. 132, Art. II.
Secondhand dealers -- See Ch. 162.

§151-1. License required.

No person shall act as a commercial door-to-door hawker, peddler or transient vendor within the Town of Sheffield without having obtained a license for such purpose from the Select Board. The fee for such license shall be established in accord with §140 of the General By-laws.

§151-2. Regulations authorized

The Select Board, following consultation with the Police Chief, shall be authorized to promulgate regulations to implement the provisions of this section. Such regulations shall establish an application process providing for efficient review and approval or disapproval of the license application, and shall set forth the information that must be provided in connection therewith. The fee for such license shall be established in accord with §140 of the General By-laws.

§151-3. Violations and penalties.

See §140 of these By-laws.

Chapter 155
RIGHT TO FARM BY-LAW

§155-1. Purpose and Intent.

§155-2. Definitions.

§155-3. Right to Farm Declaration.

§155-4. Notification to Real Estate Buyers.

§155-5. Resolution of Complaints.

[HISTORY: Adopted by the Town of Sheffield 5-2-2005 Annual Town Meeting, Art. 24. Amendments noted where applicable.]

§155-1. Purpose and Intent.

The Town of Sheffield finds that farming is an essential and valued activity, which provides fresh food, clean-air, economic diversity, local employment, and open spaces to all the citizens of our town. This by-law is intended to encourage the pursuit of agriculture, promote agricultural-based economic and employment opportunities, and protect farmland within the Town of Sheffield. The purpose is to allow agricultural uses and related activities to function in harmony with the community, town agencies and others. This By-law shall apply to all jurisdictional areas within the Town.

This by-law re-states with emphasis the Right to Farm accorded to all citizens of the Commonwealth of Massachusetts as stated under the Constitution and General Laws and Regulations including but not limited to Article 97, of the Constitution, G.L. c.40A, §3, Paragraph 1; (The Zoning Act) c.90, §9, c.111, §125A and c.128, §1A.

§155-2. Definitions.

"Farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto. Commercial shall be defined by the minimum acreage requirement or the gross sales and program payment requirement specified in G.L. c.61A, §3, as amended. "Farm" shall include youth related agricultural activities, such as but not limited to 4-H, irrespective of minimum acreage or gross sales and program payment requirements.

"Farming" or "agriculture" shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- orchards;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, sheep, goats, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

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

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-

tourism, provided that the activities are related to marketing the agricultural output or services of the farm;

- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
- on-farm relocation of earth and the clearing of ground for farming operations;
- revitalizing drainage or irrigation ditches, picking stone, erecting, repairing or maintaining fences, and clearing, rejuvenation and maintaining pastures; and
- herding of livestock from area to area, including along roads.

§155-3. Right to Farm Declaration.

The Right to Farm is hereby recognized to exist within the Town of Sheffield. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, consideration shall be given to both traditional customs and procedures as well as to new practices and innovations. Moreover, nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land. The protections contained in this by-law do not replace any applicable zoning or legal restrictions associated with agricultural operations.

§155-4. Notification to Real Estate Buyers.

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

“It is the policy of the Town of Sheffield to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers that the property they are about to acquire lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Purchasing, and henceforth occupying land within Sheffield means that one should expect and accept such conditions as a norm and necessary aspect of living in Sheffield.

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

The Select Board shall prominently place in the town hall the above disclosure and the Tax Collector shall include a copy of the above disclosure with responses to requests for Municipal Lien Certificates.

§155-5. Resolution of Complaints.

Any person having a complaint about a farm activity or practice is encouraged to seek an amicable resolution to the complaint, including talking directly with the involved farmer. Such person may, notwithstanding pursuing any other available remedy, request resolution assistance from the Select Board. Such a request does not suspend the time within which to pursue any other available remedies. The Select

Board may appoint a panel of at least three individuals, to include representation from farmers, or refer such request to a Sheffield Agricultural Commission, should one exist. Said panel or Agricultural Commission shall review and facilitate the resolution of such a request, and report its recommendations to the Select Board within the agreed upon time frame.

DRAFT - NOT APPROVED

Chapter 162
SECONDHAND DEALERS

- §162-1. License required.**
§162-3. License fees.
§162-2. Revocation of license; term of license.

[HISTORY: Adopted by the Town of Sheffield 5-11-1981 Annual Town Meeting, Art. 38. Amended 5-3-1993 Annual Town Meeting.]

GENERAL REFERENCES

Licenses and permits of delinquent taxpayers -- See Ch. 132, Art. II.
Peddling and soliciting -- See Ch. 151.

§162-1. License required.

No person shall act as a dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, secondhand articles or antiques without first obtaining a license from the Select Board.

§162-2. Revocation of license; term of license.

Said license shall be subject to revocation for just cause only by the Select Board and shall run from January 1st of each year and shall expire on December 31st of the same year.

§162-3. License fees.

License fees shall be established in accord with §140 of these By-laws and the provisions of G.L. c.140, §202.

Chapter 176
RECYCLING AND SOLID WASTE

ARTICLE I
Recycling

§176-1. Authorization of Select Board to adopt rules and regulations.

§176-2. Definitions.

§176-3. Violations and penalties.

ARTICLE II
Transfer Station Use Fees

§176-4. Authority to assess; determination.

§176-5. Unpaid fees.

§176-6. Exemptions.

[HISTORY: Adopted by the Town of Sheffield: Art. I, 5-9-1988 Annual Town Meeting, Art. 19; Art. II, 5-9-1988 Annual Town Meeting, Art. 20. Amendments noted where applicable.]

GENERAL REFERENCES

Hazardous materials -- See Ch. 116.

Littering -- See Ch. 136.

Junk vehicles -- See Ch. 203.

Hazardous Flood Plain -- See Ch. 215.

ARTICLE I
Recycling

[Adopted 5-9-1988 ATM, Art. 19]

§176-1. Authorization of Select Board to adopt rules and regulations.

The Town, in order to recycle as much of the solid waste generated within the Town as possible, authorizes the Select Board to adopt rules and regulations to require everyone disposing of solid waste at a Town facility, such as the Transfer Station, to separate recyclable material from solid waste and to dispose of such recyclable material in designated areas so that it may be recycled. General hauler regulations, which also require recycling, shall be under the jurisdiction of the Board of Health.

§176-2. Definitions.

For the purposes of this Article, the following terms shall have the meanings indicated:

RECYCLABLE -- Glass, paper and metal, as well as any other material that the Select Board may determine can be recycled, consistent with standards as they may be determined from time to time by the Massachusetts Department of Environmental Protection,.

§176-3. Violations and penalties.

See §140 of the General By-laws.

ARTICLE II
Transfer Station Use Fees
[Adopted 5-9-1988 ATM, Art. 20]

§176-4. Authority to assess; determination.

The Select Board shall have the authority to assess an annual fee for solid waste disposal and recycling on every household in the Town of Sheffield. Such fees shall be determined annually in accordance with §140 of this By-law, and, for purposes of §140-5 of this By-law, factors to consider when setting the fee include the costs of solid waste disposal and recycling charges for the previous fiscal year, plus estimated changes

in said costs for the coming fiscal year, as well as administrative costs of the Town. The Select Board shall also have the authority, at its discretion, to establish an annual fee for a recycling sticker, in accord with §140 of these bylaws, for those who qualify as exempt under §176-5.

§176-5. Unpaid fees.

Fees unpaid after thirty (30) days shall be a lien to be imposed and enforced as provided in G.L. c.40, §58.

§176-6. Exemptions.

Exemptions from said fees shall be granted to anyone providing written proof that they are disposing of their solid waste and recycling in a legally approved solid waste/recycling facility not operated by or for the Town of Sheffield.

DRAFT - NOT APPROVED

**Chapter 181
Public Ways**

**ARTICLE I
Driveways**

§181-1. Abutters to construct and maintain; exceptions.

§181-2. Notification and approval required for construction.

[HISTORY: Adopted by the Town of Sheffield: Art. 1, 3-1-1971 Annual Town Meeting, Art. 27. Amendments noted where applicable.]

§181-1. Abutters to construct and maintain; exceptions.

Property owners abutting any public way shall assume all costs and responsibility of construction and maintenance of driveways to their property, including culverts, surfacing, if deemed necessary, and construction to grade as designated in the field by the Highway Superintendent, except when such construction or maintenance is necessitated by action of the Town, state or other government agencies affecting the public way.

§181-2. Notification and approval required for construction.

No curb cut shall be constructed unless the applicant first files with the Select Board a written application for a Street Curb Cut Permit, and the Select Board has approved such permit.

Chapter 187
PARKING

§187.1. Restricted Parking On All Streets

§187.2. Parking In Fire Lanes Prohibited

§187.3. Handicapped Parking Areas

[HISTORY: Adopted by the Town of Sheffield 5-1-2000 Annual Town Meeting, Art. 20. Amendments noted where applicable.]

§187.1. Restricted Parking On All Streets.

It shall be unlawful for the operators or owner of a motor vehicle to park on any street for a period longer than one hour between the hours of 1:00 am and 6:00 am, or at other times if streets are snow covered, from November 1st through April 1st inclusive. Any vehicle so parked may be removed at the owner's expense. Penalty for a violation shall be thirty five dollars (\$35.00) per offense and be enforceable under the provisions of G.L. c. 90, §20A.

§187.2. Parking In Fire Lanes Prohibited.

Other than authorized emergency vehicles, no vehicle shall be parked, whether attended or unattended, within the limits of private ways or ways in which the public has access or ~~or are invitees~~ that furnish a means of access for fire apparatus to or from a building. Vehicles so parked may be removed by the Town at the owner's expense. A schedule of fines for each violation of this By-law shall be established by the Select Board in accordance with §140 of these By-laws and shall also be enforceable under the provisions of G.L. c.90, §20A. The Select Board, upon the recommendation of the Fire Chief, shall designate "fire lanes" and the type of sign or markings to designate same.

§187.3. Handicapped Parking Areas

No unauthorized person shall park in places specified for handicapped parking, as that term defined in G.L. c.90, §20, in the following areas: 1) public parking areas; 2) private parking areas. The fine for parking in designated handicapped areas shall be established in accord with §140 of the General By-laws and shall also be enforceable under the provisions of G.L. c. 90, §20A.

Any vehicle parked in a designated handicapped parking space which does not have the proper distinguishing plates or placards as required by Massachusetts General Laws Chapter G.L. c.90, §20A , or a permit issued by the Select Board may be removed under the direction of a police officer. This section shall apply to both public and private parking areas.

Chapter 199
VEHICLES AND TRAFFIC

§199.1. Acceptance of state provisions; applicability on town roads.

[HISTORY: Adopted by the Town of Sheffield 5-14-1990 Annual Town Meeting, Art. 26. Amendments noted where applicable.]

§199.1. Acceptance of state provisions; applicability on town roads.

The Town hereby establishes a By-law regulating driving on town roads through the acceptance of the provisions of the Massachusetts Department of Public Works 720 CMR 9.00 regulating driving on state highways, for enforcement on town roads.

DRAFT - NOT APPROVED

Chapter 203
VEHICLES, JUNK

§203-1. Exposure to open view prohibited.

§203-2. Time limit for removal; determination by Select Board.

§203-3. Violations and penalties.

§203-4. Enforcement.

[HISTORY: Adopted by the Town of Sheffield 3-6-1972 Annual Town Meeting, Art. 31. Amendments noted where applicable.]

GENERAL REFERENCES

Solid waste -- See Ch. 176.

§203-1. Exposure to open view prohibited.

No person shall keep or allow to stand exposed to open view from public ways or neighboring property on any premises unlicensed under G.L. c.140, §59, any abandoned, wrecked, junked or dilapidated motor vehicle and/or parts thereof.

§203-2. Time limit for removal; determination by Select Board. [Amended 5-8-1989 ATM, Art. 29; 5-6-1991 ATM, Art. 11]

Such motor vehicle and/or parts thereof must be effectively concealed or permanently removed from the premises within fourteen (14) days if a written complaint is received by the Select Board, whose judgment shall be final, determine that the motor vehicle and/or parts thereof is or are abandoned, wrecked, junked or dilapidated and detrimental to the general appearance of the neighborhood.

§203-3. Violations and penalties. [Amended 5-8-1989 ATM, Art. 29; 5-4-1992 ATM, Art. 26]

See §140 of these By-laws.

Chapter 210
WELLS

§210-1. Covering or filling required.

§210-2. Violations and penalties.

[HISTORY: Adopted by the Town of Sheffield 5-4-1992 Annual Town Meeting, Art. 23. Amendments noted where applicable.]

GENERAL REFERENCES

Excavations -- See Ch. 102.

§210-1. Covering or filling required.

Every person owning or possessing land or having such land under their control whereon is located an abandoned well or a well in use shall provide a covering for such well capable of sustaining a weight of three hundred (300) pounds or shall fill the same to the level of the ground.

§210-2. Violations and penalties.

Any person who shall violate this chapter shall be punished by a fine of not less than one hundred dollars (\$100.) and not more than five hundred dollars (\$500.) for each violation, and by noncriminal disposition in accordance with G.L. c.40, §21D and §140 of the By-Laws.

DRAFT - NOT APPROVED

**Chapter 211
REVOLVING FUNDS**

- §211-1. Establishment**
- §211-2. Fringe Benefits**
- §211-3. Liability**
- §211-4. Fiscal Year Spending**
- §211-5. Interest**
- §211-6. Authorized Revolving Funds**
- §211-7. Procedures and Reports**

[HISTORY: Adopted by the Town of Sheffield 5-1-2017 Annual Town Meeting, Art.18. Amendments noted where applicable.]

§211-1. Establishment.

There are hereby established in the Town of Sheffield pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds, from which the specified department head, board, committee, or officer may incur liabilities against and spend monies from without appropriation in accordance with the limitations set forth in this By-law.

§211-2. Fringe Benefits.

Fringe benefits of full-time employees whose salaries or wages are paid from the designated revolving fund.

§211-3. Liability.

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

§211-4. Fiscal Year Spending.

The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting or any increase therein as may later be authorized by the Select Board and Finance Committee in accordance with G.L. c.44, §53E½.

§211-5. Interest

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

§211-6. Authorized Revolving Funds.

REVOLVING FUND PROGRAM OR PURPOSE	DEPARTMENT RECEIPTS TO BE CREDITED TO FUND	REPRESENTATIVE OR BOARD ENTITY AUTHORIZED TO SPEND
<i>Plumbing Inspector</i> to pay costs of plan review, engineering services and related expenses for permitting and inspection of plumbing systems and installations	Fees for permits and inspections	Town Treasurer
<i>Gas Inspector</i> to pay costs of plan review, engineering services and related expenses for permitting	Fees for permits and inspections	Town Treasurer

and inspection of gas systems and installations		
Electrical Inspector to pay costs of plan review, engineering services and related expenses for permitting and inspection of electrical systems and installations	Fees for permits and inspections	Town Treasurer
Fire Safety Inspector to pay costs of plan review, engineering services and related expenses for fire safety inspections	Fees for reviews, permits, and inspections	Town Treasurer
Board of Health to pay costs of plan review, engineering services and related expenses for inspection and permitting of septic systems, food establishments, housing, and other properties and establishments subject to Board of Health jurisdiction	Fees for reviews, permits, and inspections	Town Treasurer
Senior Transportation to pay costs associated the provision of transportation of seniors to various programs	Fees and other receipts received in connection with the transport of seniors	Town Treasurer
Senior Center Programming to pay for various recreation programs provided at the Senior Center	Fees and other receipts received in connection with programs offered to seniors	Town Treasurer
Tax Title Fees to pay for costs arising from title review registry recording, attorney fees, and related expenses	Fees and other receipts collected in connection with tax title processing	Town Treasurer

§211-7. Procedures and Reports.

Except as provided in General Laws Chapter 44, §53E½ and this By-law, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established and authorized by this By-law.

Chapter 215
FLOOD HAZARD ZONE

ARTICLE I
RESERVED

[EXCEPT FOR PROVISIONS LISTED BELOW, ALL PREVIOUS PROVISIONS REPEALED MAY 23, 1994 – CURRENT ZONING BY-LAW IS PUBLISHED SEPARATELY.

ARTICLE 25, ATM 5-1-2006: 1) REPLACED WATER SUPPLY PROTECTION DISTRICT BY-LAW, §215-19 THROUGH §215-26, IN ITS ENTIRETY WITH A WATER SUPPLY PROTECTION DISTRICT ZONING BY-LAW; 2) AMENDED THE SHEFFIELD ZONING MAP TO INCORPORATE THE WATER SUPPLY PROTECTION DISTRICT AS SHOWN ON THE MAP LABELED “WATER SUPPLY PROTECTION DISTRICT– TOWN OF SHEFFIELD” DATED MARCH 16, 2006 ON FILE WITH THE TOWN CLERK.]

ARTICLE II
Flood Hazard Zone
[Added 5-13-1977 ATM, Art. 30]

§215-11. Applicability.

When an application is made for a building permit to construct, modify or rebuild a structure in a flood hazard area, the following conditions shall apply.

§215-12. Definitions.

For the purpose of this Article, the following terms shall have the meanings indicated:

FLOOD HAZARD AREA -- Any area within the boundaries of the one-hundred-year flood as shown on the Floodplain Map prepared for the Federal Insurance Agency and on file in the Sheffield Town Clerk's office, which will become a part of this Article.

ONE-HUNDRED-YEAR FLOOD -- Refers to a hypothetical flood of such severity as can reasonably be expected every one hundred (100) years, and not any specific flood on record.

SUBSTANTIAL MODIFICATION OR REBUILDING -- Is considered to take place when the cost of such modification or rebuilding shall exceed one-half (1/2) the current cost of the structure.

§215-13. Construction not to affect flood levels in neighboring areas.

No construction or improvement will be allowed which will affect flood levels in neighboring areas.

§215-14. Requirements for dwelling units.

- A. No building designed or intended for use as a dwelling unit shall be constructed or moved into a flood hazard area. Existing structures substantially rebuilt must have their lowest floors, including basement, above the level of the one-hundred-year flood. Any constructed or existing structure substantially modified or rebuilt in the flood hazard area must:
- (1) Be protected against flood damage.
 - (2) Be designed or, in the case of an existing structure, be modified and anchored to prevent flotation, collapse or lateral movement of the structure.
 - (3) Use construction materials and utility equipment that are resistant to flood damage.
 - (4) Use construction methods and practices that will minimize flood damage.
 - (5) Have its lowest floor, including basement, above the one-hundred-year flood level.
 - (6) Have its utilities and sanitary facilities floodproofed to the one-hundred-year flood level.
- B. Approval of building permits for construction, modification or rebuilding in flood hazard areas shall be granted only upon certification by the Sheffield Building Inspector that all the above requirements have been met.

§215-15. Subdivision proposals.

In the case of subdivision proposals where all or part of the subdivision lies in the flood hazard area, all the above shall apply, and the subdivider shall provide assurance that:

- A. The subdivision layout is consistent with the need to minimize flood damage.
- B. Utilities are located and constructed to minimize flood damage.
- C. Adequate drainage is provided to reduce flood hazards.

§215-16. Water supply and sewage systems.

New and replacement water supply systems and sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into the floodwaters. On-site disposal systems must be located so as to avoid impairment of them or contamination from them during flooding. Design of such systems must be certified by the Board of Health at the time of the approval of the building permit.

§215-17. Requirements to be additional to those in effect.

It shall be understood that all provisions of existing regulations shall remain in force in flood hazard areas and that these requirements are in addition to those now in force.

§215-18. Changes to flood level or floodplain.

No use, including landfill, shall be allowed which measurably increases the water surface elevation of the one-hundred-year flood. Where fill is required for elevation of a structure above the level of the one-hundred-year flood in compliance with the above, such fill must be taken from an adjacent area of the floodplain. Any use which may affect the integrity of the floodplain or the level of the one-hundred-year flood must have the approval of the Sheffield Conservation Commission.

DRAFT - NOT APPROVED

Chapter 218
GENERAL PROVISIONS

§218-1 Definitions

“Select Board” - For purposes of these by-laws, the Select Board shall be referred to as the "Select Board" , have all the powers and duties granted to Boards of Selectmen by the Constitution and General Laws of the Commonwealth of Massachusetts and such additional powers and duties as may be provided by these by-laws, the Zoning By-laws or Town Meeting vote.

§218-2 Severability

The provisions of these General By-Laws, and the various articles, chapters, sections, sentences and clauses thereof, as may be amended from time to time, are severable. If any provision of these General By-Laws is held invalid by a court of competent jurisdiction, the other provisions shall not be affected by such holding. If the application of these By-Laws, or any of its provisions, to any particular person or circumstance is held invalid, the application of the By-Laws and their provisions to other persons and circumstances shall not be affected thereby.

DRAFT - NOT APPROVED

**APPENDIX
Chapter A219**

ACCEPTANCE OF GENERAL LAWS

The following is a listing of General Laws accepted by the Town of Sheffield:

Date Accepted	Statutory Reference	Subject
3-30-1891	Ch. 386, Acts of 1890	Printing and distribution of ballots
3-30-1891	Ch. 347, Acts of 1890	Establishing public libraries
3-30-1891	Ch. 431, Acts of 1888	Provision for School Superintendent
7-5-1915	Ch. 503, Acts of 1912	Rates for pension laborers
11-14-1913	Ch. 807, Acts of 1913	Workers compensation
3-30-1914	Ch. 514, Acts of 1913	Eight-hour workday
11-4-1914	Ch. 790, Acts of 1914	Abolition of party enrollment
11-4-1919	Ch. 311G, Acts of 1919	Instruction for employed minors
11-5-1946	Ch. 166, Acts of 1946	Contributory retirement system
3-2-1953	Ch. 638, Acts of 1949	Regional school district
3-11-1968	G.L. c.32B	Group health, accident and dismemberment insurance
3-4-1968	Ch. 401, Acts of 1966	Workers compensation
3-1972	Ch. 846, Acts of 1971	Beano
3-5-1973	G.L. C 41, §97A	Establish Police Department
3-5-1973	G.L. c.40, §8G	Mutual aid programs
3-5-1973	G.L. c.44, §53C	Off-duty police work details
6-22-1973	G.L. c.40, §8D	Historical Commission
5-13-1974	Ch. 952, Acts of 1973	Tenure for Director of Veterans Services
5-12-1975	G.L. c.40, §8B	Council on Ageing
5-12-1975	G.L. c.131, §39A	Berkshire Scenic Mountains Act
5-19-1980	G.L. c.258, §13	Indemnification of officers
2-1-1982	G.L. c.16, §32A	Inspector of wires working as electrician; inspection by assistant inspector (as per statute, acceptance by vote of Select Board)
5-10-1982	G.L. c.40, §13	Building and Insurance Fund
5-10-1982	G.L. c.40, §22D	Illegal parking; towing and storing of vehicles
5-10-1982	G.L. c.59, §5	Tax exemptions for elderly
5-10-1982	G.L. c.32B	Contributory Retirement
5-10-1982	Ch. 339, Acts of 1981	Allocation of Anticipated Receipts
5-9-1983	G.L. c.40, §4G	Increase in exemption for public bidding
8-8-1983	G.L. c.60A, §1	Tax exemption for former prisoners of war
1-13-1986	G.L. c.71, §40	Minimum teachers' salaries
5-12-1986	G.L. c.40, §15C	Scenic road

Date Accepted	Statutory Reference	Subject
5-9-1988	Ch. 168, Acts of 1975	Ashley Falls Historic District
5-16-1988	G.L. c.258, §13	Indemnification of officers
12-15-1988	G.L. c.71, §12	Equal Education Opportunity Grant
5-8-1989	G.L. c.40, §21D	Noncriminal disposition of violations
5-14-1990	G.L. c.41, §41B	Direct deposit of wages and salaries
5-14-1990	G.L. c.44, §53E	Offset town board fees by estimated receipts from user fees
5-14-1990	G.L. c.41, §45A	Selectmen to act as Commissioners of Trust Funds
5-14-1990	G.L. c.40, §57	Denial of permits to persons owing fees or taxes
5-14-1990	Ch. 188, §12, Acts of 1985	Equal Education Opportunity Grant
5-14-1990	G.L. c.32B, §7A	Payment of health insurance premiums
5-14-1990	G.L. c.40, §7	Snow and ice removal
5-14-1990	G.L. c.40, §6J	Storm clothes for employees
5-14-1990	G.L. c.40, §6B	Fire and police uniforms
5-14-1990	G.L. c.30, §13A	Workers Compensation Fund (acceptance rescinded 5-3-1992)
5-14-1990	G.L. c.40, §8C	Conservation Commission
5-14-1990	G.L. c.40, §8H	Recycling program
5-14-1990	G.L. c.40, §4G	Uniform Procurement Act
5-6-1991	Ch. 291, Acts of 1990	Enhanced 911
5-4-1992	G.L. c.44, §53 1/2	Enterprise Fund for Transfer Station
5-3-1993	G.L. c.41, §25	Appointment of Assessors
5-3-1993	G.L. c.40, §8A	Establishment of Development and Industrial Commission
5-2-1994	G.L. c.138, §12	Paragraph allowing Selectmen to permit holder of Wine and Malt Alcoholic Beverages License to serve liqueurs and cordials
5-1-1995	G.L. c.59, §5, Clause 41C	Providing increased property tax exemptions to persons seventy years of age or older
5-1-1995	G.L. c.59, §57C	Billing of real estate taxes on a quarterly basis
5-1-2000	G.L. c.140, §147A	By-Laws relative to the regulation of Dogs
5-1-2000	G.L. c.40, §22F	Authority to fix license fees
5-1-2000	G.L. c.90, §20A	Parking By-law and Regulation Enforcement
4-23-2001	G.L. c.32B, §16	Optional insurance for services of health care organizations (by vote of Select Board)
5-7-2001	G.L. c.48, §42A	Organization structure of Sheffield Fire Department (Art.15)
5-7-2001	G.L. c.32B, §9E	In addition to payment of 50% premium, to pay a subsidiary or additional rate for health insurance for retired employees and dependents. (Art.19)
5-7-2001	G.L. c.143, §3Z	Allows part-time Building Inspector to engage in the business for which they are certified within the Town.

		(Art. 22)
5-5-2003	G.L. c.59, §2A,	Third sentence of the first paragraph, subsection (a), which determines dates of real property for taxation purposes. (Art. 12)
5-3-2004	G.L. c.59, §5, Clause 41C	Additional language in C.184, §51 of the Acts of 2002. Expansion of eligibility for senior citizen property tax exemptions. (Art. 16)
5-1-2006	G.L. c.40, §8G	Selectmen authorized to enter into mutual aid agreements in accordance with an intermunicipal mutual aid agreement between the Town and governmental units. (Art.23)
12-4-2006	G.L. c.40, §23D	Adoption of the “Mullen Rule”. (Art.6, STM)
5-7-2007	G.L. c.32B, §18	Requirement specified for mandatory enrollments in Town’s Medicare health benefits supplement Plan. (Art.22)
5-5-2008	G.L. c.59, §5, Clause 54	Establish minimum value of personal property subject to taxation at \$1,000. (Art.26)
5-5-2008	G.L. c.32B, §18	Clarification of requirements for mandatory enrollments in Town’s Medicare health benefits supplement Plan; retires prior to 7/1/2008 excluded. (Art.27)
5-4-2009	G.L. c.40, §8J	Establish permanent Commission on Disabilities (Art.26)
5-4-2009 transfer	G.L. c.32B, §18A	Establishment of eligibility and requirement for to Medicare extension plan offered by Town. (Art.27)
1-11-2010	§8, Article 89 of the Amendments to the Constitution (Home Rule)	Petition to the legislature to authorize the Town of Sheffield to continue the employment of Police Chief James M. McGarry. (Art. 1)
5-5-2014	G.L. c.40, §21D	Non-Criminal Disposition. (Art.25)
5-4-2015	G.L. c.59, §5K	Authorization for Select Board to establish a program to exchange volunteer services of persons over age 60 for reduction in real property tax obligations; additional provisions. (Art.29)
5-4-2015	§8, Article 89 of the Amendments to the Constitution (Home Rule)	Petition to the legislature for authority for Select Board to appoint two associate members of the Conservation Commission, in absence of a quorum or vacancy, for terms not to exceed one year, per provisions of G.L. C.40,§8C. Authority of

		Conservation Commission Chairman specified. (Art. 30)
5-2-2016	G.L. c.41, §21	Establish permanent Cemetery Commission. (Art.25)
5-1-2017	G.L. c.44, §53E1/2	Establish Revolving Funds; Authorize Revolving Funds. (Art.18)
5-29-20	G. L. c.60, §3D	Establish a voluntary fund for taxpayers to contribute defraying real estate taxes of elderly and disabled persons of low income. (Art.22)

DRAFT - NOT APPROVED

DISPOSITION LIST

The following is a chronological listing of legislation of the Town of Sheffield adopted and reviewed for inclusion in the Compilation, indicating its inclusion in the Compilation or its reason for exclusion. Information regarding legislation which is not included in the Compilation or on this list is available from the office of the Town Clerk. (NOTE: Chapter (C.) citations refers to the General By-Law chapter.)

Adoption

Enactment	Date	Subject	Disposition
STM Art. 2	7-11-1935	Town Meetings	C.52, Art. I
ATM Art. 9	3-1-1937	Littering	Repealed 5-8-1989 ATM, Art. 28
ATM Art. 41	3-3-1947	Finance Committee	C.18
ATM Art. 30	3-3-1957	Forest; Forest Committee	C.22
ATM Art. 20	3-4-1958	Forest Committee	C.22
ATM Art. 29	3-2-1964	Planning Board	C.37
STM Art. 1	7-18-1966	Zoning	C.215
ATM Art. 32	3-4-1968	Dogs running at large	C 63, Art. I
ATM Art. 28	3-2-1970	Outdoor burning	C.77
ATM Art. 27	3-1-1971	Driveways	C.181, Art. I
ATM Art. 31	3-6-1972	Junk vehicles	C.203
ATM Art. 32	3-6-1972	Zoning amendment	C.215
ATM Art. 33	3-6-1972	Zoning amendment	C.215
ATM Art. 34	3-6-1972	Zoning amendment	C.215
ATM Art. 40	3-5-1973	Historical Commission	C.25
ATM Art. 31	5-13-1974	Zoning amendment	C.215
ATM Art. 32	5-13-1974	Zoning amendment	C.215
ATM Art. 30	5-12-1975	Council on Aging	C. 15
ATM Art. 35	5-12-1975	Finance Committee (amendment)	C.18
ATM Art. 36	5-12-1975	Non-Accessory signs	C.168, Art. I
ATM Art. 30	5-13-1977	Zoning amendment	C.215
ATM Art. 35	5-12-1980	Alarm systems	C.59
ATM Art. 36	5-11-1981	Licensing Board	C.132, Art. I
ATM Art. 37	5-11-1981	Disposal of town property	C.40, Art. I
ATM Art. 38	5-11-1981	Secondhand dealers	C.162
ATM Art. 39	5-11-1981	Peddling and soliciting	C.151
ATM Art. 26	5-10-1982	Radioactive waste	C.116, Art. I
ATM Art. 27	5-10-1982	Community residences	C.89
ATM Art. 22	5-9-1983	Alarm systems (amendment)	C.59
ATM Art. 24	5-9-1983	Dogs running at large (amendment)	C 63, Art. I
ATM Art. 22	5-14-1984	Dogs running at large (amendment)	C.63, Art. I
ATM Art. 18	5-11-1987	Zoning amendment	C.215
ATM Art. 19	5-11-1987	Zoning amendment	C.215
ATM Art. 19	5-9-1988	Recycling	C.176, Art. I
ATM Art. 20	5-9-1988	Transfer station use fees	C.176, Art. II
ATM Art. 24	5-9-1988	Ashley Falls Historic District	C.121, Part I
STM Art. 4	12-15-1988	Administration	See Form of Administration
STM Art. 3	2-15-1989	Unpaid bills and fees	C.4
ATM Art. 25	5-8-1989	Zoning amendment	C.215
ATM Art. 28	5-8-1989	Littering	C.136
ATM Art. 29	5-8-1989	Junk vehicles amendment	C.203
ATM Art. 8	5-14-1990	Treasurer-Collector	C.55
ATM Art. 26	5-14-1990	Vehicles and traffic	
ATM Art.27	5-14-1990	Hazardous waste	
ATM Art. 28	5-14-1990	Alarm systems (amendment)	C.59
ATM Art. 29	5-14-1990	Dogs running at large (amendment)	C.63, Art I

Adoption Enactment	Date	Subject	Disposition
ATM Art. 8	5-14-1990	Treasurer-Collector	C.55
ATM Art. 26	5-14-1990	Vehicles and traffic	
ATM Art. 27	5-14-1990	Hazardous waste	
ATM Art. 28	5-14-1990	Alarm systems (amendment)	C.59
ATM Art. 29	5-14-1990	Dogs running at large (amendment)	C.63, Art. I
STM Art. 3	11-19-1990	Delinquent payment of taxes	C.132, Art. II
ATM Art. 8	5-6-1991	Numbering of buildings	C.72
ATM Art. 10	5-6-1991	Excavations	C.102
ATM Art. 11	5-6-1991	Junk vehicles (amendment)	C.203
STM Art. 3	8-19-1991	Zoning amendment	C.215
ATM Art. 23	5-4-1992	Abandoned wells	C.210
ATM Art. 26	5-4-1992	Junk vehicles (amendment)	C.203
ATM Art. 28	5-4-1992	Zoning amendment	C.215
ATM Art. 32	5-4-1992	Hunting	C.126
ATM Art. 14	5-2-1994	Board of Health	C.30
ATM Art. 16	5-2-1994	Recall elections	See Recall of Elected Officials
ATM Art. 21	5-5-1997	Administration (amendment)	See Form of Administration
ATM Art. 26	5-4-1998	Recall elections (amendment)	See Recall of Elected Officials
ATM Art. 3	3-30-1999	Recall elections (amendment)	See Recall of Elected Officials
ATM Art. 18	5-1-2000	Dog Regulations and License Fees	
ATM Art. 19	5-1-2000	Parking Enforcement	C.187
ATM Art. 20	5-1-2000	Parking	C.187
ATM Art. 25	5-2-2005	Right to Farm	C.155
ATM Art. 24	5-1-2006	Agricultural Commission	C.10
ATM Art. 25	5-1-2006	Zoning; Water Supply Protection District (amendment)	C.215
STM Art. 1 C.15	12-4-2006	Council on Aging (amendment)	
STM Art. 5	12-4-2006	Deletion of Chapter 215 in entirety	
ATM Art. 23	5-7-2007	Town Meetings (amendment)	C.52
ATM Art.26	5-5-2008	Treasurer-Collector	C.55
ATM Art. 30	5-5-2008	Housing Commission	C.26
ATM Art. 26	5-4-2009	Commission on Disabilities	C.14
ATM Art. 27	5-3-2010	Dog Regulations (amendment)	C. 63
ATM Art. 30	5-2-2011	Council on Aging (amendment)	C. 15
ATM Art. 25	5-4-2014	Non-Criminal Disposition	C.140
ATM Art. 26	5-4-2014	Demolition Delay	C. 90
STM Art. 2	8-3-2015	Personnel By-law	C. 2
STM Art. 2	7-18-2016	Council on Aging (amendment)	C. 15
ATM Art. 18	5-1-2017	Revolving Funds	C.211