

# TOWN OF BECKET



## BY-LAWS

(Revised 5/13/2017; effective 10/5/17)

TOWN OF BECKET BY-LAWS

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## ARTICLE 1--TOWN MEETINGS

SECTION 1. The Annual Town Meeting shall be held on the second Saturday in May at the Becket Town Hall, or elsewhere as determined by the Board of Selectmen.  
(Amended 9/28/73, 6/13/81, 5/21/83, 1/20/96)

SECTION 1A. The Annual Town Meeting for the election of officers and the determination of such matters as are required by law to be determined by ballot, shall be considered at an adjournment of such meeting to be held on the third Saturday in May. The polls shall be opened during the hours prescribed by the Board of Selectmen and in compliance with the applicable provisions of the Massachusetts General Laws. (Amended 6/15/82, 5/21/83)

SECTION 2. Special Town Meeting[s] may be called by the Selectmen, as needed from time to time to facilitate Town government. (Amended 6/13/81)

SECTION 2A. The Board of Selectmen shall ascertain the availability of the Moderator and Town Clerk before scheduling a Special Town Meeting. (Amended 4/5/14, effective 3/4/15)

SECTION 3. No Town Board, Committee, Commission, Department, or Officer shall hold a meeting outside of Town Meeting while a Town Meeting is in session. (Amended 4/5/14; effective 3/4/15)

SECTION 4. Notice of every Town meeting shall be given by posting an attested copy of the Warrant, calling the same in the Post Office in Becket, the Main Entrance to Sherwood Forest, Mountain Grove Club, Town Offices bulletin board, Becket Center Guild Hall, Becket Transfer Station, and other locations as designated by the Selectmen. This posting shall occur not less than seven days before the day appointed for the Annual Town Meeting, or not less than fourteen days for a Special Town Meeting. (Amended 9/28/73, 5/11/91, 1/20/96, 5/13/06 & effective 7/29/06)

SECTION 4A. No less than seven days before the Annual or any Special Town Meeting the Board of Selectmen shall post on the Town website and mail to all full-time and part-time households copies of the warrant. In all cases the Board of Selectmen shall provide an explanation in plain language to accompany each article and line item in the warrant. Monies for this mailing shall be set aside by means of a separate line item in the Town's budget. No less than seven days before the Annual Town Meeting the Board of Selectmen shall mail a post card to all residents as a reminder that the town report is on the website and to request in writing if one would like a town report mailed to him or her. Warrants for the Annual Town Meeting and reminders of the availability of town reports may be contained in the same mailing. The Board of Selectmen shall issue a press release notifying voters of each Town Meeting to be published in a newspaper of general circulation within the Town. The requirements provided in this subsection shall not be deemed to be a part of the legal notification of such meeting or the legal service of such warrant and the failure to comply with the provisions of this subsection shall not serve to invalidate the proceedings of any Town Meeting. (Adopted 4/5/14; effective 3/4/15)

SECTION 4B. The Constable or other person duly appointed to serve the warrant for a Town Meeting or Election shall, within twenty-four (24) hours, deliver to the Town Clerk the original warrant with his return endorsed thereon stating fully the manner in which he served the same. (Adopted 4/5/14; effective 3/4/15)

SECTION 5. The Selectmen shall insert in the warrant for the annual Town Meeting all subjects the insertion of which shall be requested of them in writing by ten or more registered voters of the Town and in the warrant for every Special Town Meeting by one hundred registered voters or by ten percent of the total number of registered voters of the Town, whichever number is the lesser. The Selectmen shall call a Special Town Meeting upon request in writing, of two hundred registered voters or twenty percent of the total registered voters of the Town, whichever number is the lesser; Such meeting

to be held not later than forty- five days after the receipt of such request, and shall insert in the warrant therefore all subjects the insertion of which shall be requested by said petition. (MGL Chapter 39, Section 10) (Adopted 6/13/81) (Amended 1/20/96)

SECTION 5A. The Town Clerk shall prepare forms for petitions to call a Special Town Meeting or to insert a subject in the warrant for any Annual or Special Town Meeting which form shall meet the following requirements:

- (1) The subject to be inserted in the Warrant shall be prepared by the petitioner(s) and shall appear on the front page of each petition. If space is insufficient the text shall begin on the front page of each petition and be continued on the back page of each petition before signatures are gathered.
- (2) Each petition shall include boxes for the gathering of signatures, with residence, street and number, of registered voters of the Town on the front and/or the back of the petition. Separate signature pages shall not be accepted for filing, nor shall they be stapled or otherwise attached to a petition. All signatures submitted for certification must appear on the petition with the text of the subject to be inserted in the warrant. The petitioner(s) may submit as many petitions as necessary to meet the required number of signatures. (Adopted 4/5/14; effective 3/4/15)

SECTION 5B. All petitioned articles, when received by the Board of Selectmen, shall be filed with the Board of Registrars for certification of signatures. (Adopted 4/5/14; effective 3/4/15)

SECTION 5C. Each article submitted to the Town Meeting for vote shall at the conclusion thereof state the identity of its sponsor. In the case of a town board or committee: its name shall be so stated, in the case of a town official: his or her name and title or position shall be so stated, in the case of a private petition on behalf of a firm, organization or other entity: its name shall be stated: and in all other cases, the first signatory to the petition shall be considered the sponsor thereof. (Adopted 4/5/14; effective 3/4/15)

SECTION 5D. The warrant for that part of the Annual Town Meeting for the transaction of business shall close for the acceptance of petitioned Articles on April 1, and for all other articles as determined by the Board of Selectmen. (Adopted 4/5/14; effective 3/4/15)

SECTION 5E. The Finance Committee shall prepare for each Annual Town Meeting a report, to be delivered orally or in writing, that shall provide a succinct summary of the financial condition of the Town, including the amount available in free cash and the status of the stabilization funds, the anticipated impact of the budget on the tax rate, reasons for its budget recommendations in the context of its fiscal policy, and an updated capital plan detailing estimated future major purchases and expenditures and the anticipated sources of funding for those purchases and expenditures. (Adopted 4/5/14; effective 3/4/15)

SECTION 6. At all Town Meetings, the Town Clerk shall be directed to use a checklist of registered voters for admission of all persons to said meeting.

Upon check in, voters shall be issued a voting card for that meeting which must be held up for all hand votes on articles, whenever a hand count is required. Only those voters holding cards shall be included in the count.

It shall be the duty of every official body, by a member thereof, to be in attendance at all Town Meetings for the information thereof while any subject matter is under consideration affecting such official body. (Adopted 4/5/14; effective 3/4/15)

SECTION 6A. Twenty voters shall constitute a Quorum. This section shall not apply to such parts of meetings as are devoted to the election of Town officers.  
(Amended 6/15/82)

SECTION 7. All informational materials relating to articles on the warrant and other information of interest to voters shall be placed on a table or other suitable location outside of the meeting hall. Copies of the warrants and town reports may be placed at the registration table, however the provisions of this section may be waived if the physical layout of the meeting space makes such arrangements difficult to obtain.  
(Adopted 4/5/14; effective 3/4/15)

SECTION 8. The Moderator shall preserve decorum and order and, per Massachusetts General Law Chapter 39 Section 15, shall decide all questions of order and make any ruling of parliamentary law without appeal. Parliamentary motions shall be regulated by the then-current edition of Town Meeting Time, A Handbook of Parliamentary Law. It shall prevail in such matters not covered by law or in Section 8A of these Bylaws.  
(Adopted 4/5/14; effective 3/4/15)

Voters and non-voters may speak at a town meeting only by permission of the Moderator. Every motion, comment and question asked of any person shall be directed to the Moderator. The Moderator may impose limits on the number of times a person may speak and the length of remarks. (Adopted 4/5/14; effective 3/4/15)

SECTION 8A.

1-A motion to "take no action" on an article contained in the warrant shall not be entertained until a motion incorporating the substance of said article is before the meeting and at least one voter has spoken in favor thereof, unless, after a reasonable opportunity to do so, no voter makes such motion or speaks in favor thereof. A motion to "take no action" shall be debatable as to its merits, but not to the merits of the article itself. Such a motion shall require a two-thirds vote. (Adopted 4/5/14; effective 3/4/15)

2- Any motion to increase an appropriation more than five percent of the Finance Committee's recommendation shall be out of order. (Adopted 4/5/14; effective 3/4/15)

3- A motion to reconsider any prior votes at a town meeting shall not be accepted, except when, in the best judgment of the Moderator, a significant error or omission occurred in the language or process of the original action on the article, or a significant change of circumstances has occurred, such that there is a substantial likelihood that the outcome could change upon reconsideration or that reconsideration would be in the Town's best interest. Such error, omission or change of circumstances shall be brought to the Moderator's attention as soon as it is known and the Moderator shall determine if and when the matter will be taken up. The Moderator shall announce this decision to the Town Meeting. If the Moderator determines that the matter may be taken up pursuant to this Section, a two-thirds vote shall be necessary in order to proceed with reconsideration. No motion shall be reconsidered more than once. (Adopted 4/5/14; effective 3/4/15)

SECTION 9. When a question is put, the sense of the meeting shall be determined by a show of voter cards, and the Moderator shall declare the vote as it appears to him.  
(Adopted 4/5/14; effective 3/4/15)

No person's vote shall be counted unless the voter occupies a seat, provided that the tellers, under the direction of the Moderator, may count the voters of those who are unable to obtain seats. (Adopted 4/5/14; effective 3/4/15)

On matters requiring a two-thirds vote by statute, a count need not be taken unless the vote so declared is immediately questioned by seven or more voters as provided in General Laws Chapter 39, Section 15 or as otherwise provided in the Town of Becket By-laws. (Adopted 8/2/05; effective 10/20/05)

SECTION 10. Any report, resolution or motion, shall be reduced to writing if the Moderator so directs. (Adopted 6/13/81)

SECTION 11. All committees shall be appointed by the Moderator unless the Town otherwise directs, and shall report as directed to the Town. If a committee does not report as directed by the Town or at the Annual Town Meeting, it shall be deemed discharged, unless an extension of time be granted by the Town.  
(Adopted 6/13/81)

SECTION 12. The Moderator shall hold no other elective or appointive Town office except for serving as an ex-officio, non-voting member of any committee or board.

Any person having a monetary or equitable interest in any matter under discussion at any Town Meeting and any person employed by another having such an interest shall disclose the fact of his interest or employment before speaking thereon.  
(Adopted 4/5/14; effective 3/4/15)

SECTION 13. No Annual or Special Town Meeting shall be dissolved until all of the Articles contained in the warrant for such meeting shall be considered.

Town meetings may be adjourned to a date certain from time to time without the presence of a quorum. (Adopted 4/5/14; effective 3/4/15)

SECTION 14. It shall be the duty of the Town Clerk within 30 days after every Town Meeting to furnish the Town Administrator, Treasurer, Accountant, Board of Assessors, Board of Selectmen and Finance Committee with a certified copy of the minutes of the Town Meeting noting the funds appropriated by the Town at such meeting, and of the purposes for which monies were respectively appropriated.

The Town Clerk shall prepare minutes of each Town Meeting and these minutes shall be published in the next annual town report. (Adopted 4/5/14; effective 3/4/15)

## **ARTICLE 2--ELECTED TOWN OFFICIALS**

SECTION 1. There shall be three (3) SELECTMEN, one (1) to be elected each year for a term of three (3) years. If a vacancy occurs during the term of office, a special election shall be held to fill the unexpired term of office.  
(Adopted 2/29/64) (Amended 6/13/81)

SECTION 2. By vote of a Town meeting called for the purpose at least (60) sixty days before an Annual Meeting, or upon request by petition of ten (10%) percent of the qualified voters filed with the Selectmen at least sixty (60) days before an Annual Town Meeting, asking the Selectmen act as Board of Public Works, Board of Health, (or other functions listed in MGL Chapter 41, Section 21), the Selectmen shall include in the Warrant for such Annual Town Meeting, for submission to the voters, such question or questions on the Official Ballot. (Adopted 6/13/81)

SECTION 3. A MODERATOR shall be elected on the Official Ballot for a term of three (3) years. (Adopted 6/13/81) (Amended 4-5-14; effective 3-4-15, see, Article 3, section 1A)

SECTION 4. TOWN CLERK shall be elected for a term of three (3) years. Upon the election of a Town Clerk, the chairman of the Board of Selectmen shall execute and file with the State Secretary a certificate of such election, which shall specify the date thereof and the date of the expiration of the term of office, and which shall have appended thereto a statement signed by the person elected that he has entered upon the duties of such office. (Adopted 6/13/81)

SECTION 5. A BOARD of HEALTH shall consist of three (3) members, one (1) to be elected each year for a term of three (3) years.

SECTION 6. A PLANNING BOARD shall consist of five (5) members, one (1) to be elected each year for a term of five (5) years.

SECTION 7. The two (2) Becket Representatives to the REGIONAL SCHOOL DISTRICT COMMITTEE shall be elected for a term of three (3) years, in accordance with the rules of this Regional School System. (Amended 1/20/96)

SECTION 8. The FINANCE BOARD shall consist of five (5) members, two (2) to be elected each year and one (1) on the third (3rd) year, for a term of three (3) years.

SECTION 9. There shall be two (2) CONSTABLES elected for a term of three (3) years.

SECTION 10. There shall be three (3) CEMETERY COMMISSIONERS, one (1) to be elected each year for a term of three (3) years. (Amended 1/20/96)

SECTION 11. Appointment to fill a vacancy in Town Office. As used in this section, the term "vacancy" includes a failure to elect. If a vacancy occurs in any town office, other than the office of selectmen, town clerk, treasurer, or collector of taxes, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, the remaining members of such board shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining member or members of such board, shall after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the town and shall perform the duties of the office until the next annual meeting or another is qualified. (MGL Chapter 41, Section 11) (Amended 6/6/87, 1/20/96)

SECTION 12. When the Town elects a new board or officer to perform the duties of an existing board or officer, the office of such existing board or officer shall terminate upon the qualification of the new board or officer. (Adopted 6/13/81) (Amended 1/20/96)

SECTION 13. All other Town Officers shall be appointed by the Selectmen or the Administrator unless other provision is made by law or by vote of the Town. (Adopted 6/13/81) (Amended 1/20/96)

#### **ARTICLE 2A--RECALL ELECTIONS**

(Adopted 12/19/89)

SECTION 1. Any holder of elective office in the Town of Becket may be recalled therefrom by the registered voters of Becket as herein provided.

SECTION 2. Any one hundred (100) registered voters of the Town 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 the recall. The Town Clerk shall thereupon deliver to said voters a sufficient number of 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 for the recall as stated in the affidavit. In addition, the petitions shall demand the election of a successor to said office. A copy of the petition shall be entered in the record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk on or before the first (1st) work

day following twenty (20) days after the filing of the affidavit. Said petition, before being returned and filed with the Town Clerk shall be signed by a least thirty (30%) percent of the registered voters of the town, who shall add to their signatures the street and number, if any, of their residences. Within twenty-four (24) hours of receipt of the petition the Town Clerk shall submit the petition to the registrars of voters in the town and the registrars shall within fourteen (14) days certify thereon the number of signatures which are names of registered voters of the Town. If their certification shows the petition to be insufficient, the Town Clerk shall return the petition to the voters seeking the recall, without prejudice, however, to the filing of a new affidavit for the same purpose.

SECTION 3. If the petition shall be found and certified by the Town Clerk, to be sufficient, he shall submit the same with this certification to the Board of Selectmen within seven (7) days and the Board shall within seven days give written notice of the receipt of the certificate to the officer sought to be recalled, and shall, if the officer does not resign within seven (7) days thereafter, order an election to be held on a date to be fixed by them not less than sixty (60) nor more than ninety (90) days after the date of the Town Clerk's certification that a sufficient petition has been filed, provided, however, that if any other town election is scheduled to occur within one-hundred (100) days of said certificate, the Board of Selectmen may, in its discretion, 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 elections shall nevertheless proceed as provided herein.

SECTION 4. Any officer sought to be recalled may be a candidate to succeed himself and, unless he specifically request otherwise in writing, the Town Clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of same shall be in accordance with the provisions of law relating to 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 reelected he shall continue in the office for the remainder of his unexpired term, subject to recall as before, except as provided in section 7. If not re-elected in the recall election, he shall be deemed removed from office upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within seven (7) days after receiving written certified notification of his election, the incumbent shall thereupon be deemed recalled and the office vacant.

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

For the recall of (Name 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 such propositions. Under the proposition shall appear the word "candidates", the direction to voters required by MGL Chapter 54, Section 42, and beneath this the names of candidates nominated as herein before provided.

If a two-thirds majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be deemed elected. If a majority of votes on the question is in the negative, the ballot for the candidates need not be counted.

SECTION 7. No recall petition shall be filed against an officer of the Town within six (6) months after he takes office, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least twelve (12) months after that election.



SECTION 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him shall be appointed to any town office within one (1) year after such recall or such resignation.

SECTION 9. This Act shall be submitted for acceptance to the voters of the Town of Becket at the Annual Town Meeting to be held in the year Nineteen Hundred and Ninety in the form of the following question, which shall be placed upon the official ballot to be used for the election of Town Officers at said meeting: "Shall an Act passed by the General Court in the year Nineteen Hundred and Ninety, entitled, An Act Establishing Recall Elections in the Town of Becket, be accepted?" If the majority of votes in answer to said question is in the affirmative, said act shall take effect but not otherwise. If this act is not accepted in the year Nineteen Hundred and Ninety, it shall again be submitted at the Annual Town Meeting in the year Nineteen Hundred and Ninety One, and if accepted shall take full effect but not otherwise.

**ARTICLE 2B--BOARD OF SELECTMEN-ADMINISTRATOR FORM OF GOVERNMENT  
IN THE TOWN OF BECKET**

Chapter 662 of the Acts of 1989

(Adopted 1/8/90) (Amended 10/22/93, 1/13/95, 7/8/96, 8/6/2000, 1/10/2009)

SECTION 1. Upon acceptance of this act by the Town of Becket, as hereinafter provided, the Town shall be governed by the provision of this Act. To the extent that the provisions of this Act modify or repeal existing General Laws and special acts or that body of law which constitutes the Town Charter under Section 9 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth, this Act shall govern.

SECTION 2. Following the acceptance of this Act as hereinafter provided, the voters of the Town of Becket shall, in accordance with any applicable general or special law or bylaw or vote of the Town, continue to elect the following:

- (a) Moderator
- (b) Board of Selectmen
- (c) Representatives to the Regional School District Committee
- (d) Town Clerk
- (e) Board of Health
- (f) Cemetery Commission
- (g) Planning Board
- ~~(h) Treasurer~~ (amended 1/10/2009 Chapter 475 of the Acts of 2008)
- ~~(i) Tax Collector~~ (amended 1/10/2009 Chapter 475 of the Acts of 2008)
- (j) Finance Committee
- (k) Constables

The acceptance of this Act shall not affect the term of office of any such elected official or elected member of such board, committee or authority. Every other elective office, board, committee or commission of the Town shall become appointive as hereinafter provided, any other provision of law to the contrary notwithstanding. 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 acceptance to 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 his successor. The powers, duties and responsibilities of elected officials shall be as now or hereinafter provided by applicable provisions of any general law or special law or by-law or vote of the Town, except as otherwise expressly provided herein. Notwithstanding the election by the voters of the Town of the officers named in this section, such officers shall be available to this administrator for consultation, conference and discussion on matters relating to their respective offices.

SECTION 3. There shall be a Board of Selectmen elected as provided for in Section 2. (approved 8/6/2000 Chapter 184 of the Acts of 2000)

SECTION 4. The Board of Selectmen shall appoint:

- (a) Town Administrator
- (b) Animal Inspector
- (c) Zoning Board of Appeals
- (d) Arts Lottery Council
- (e) Board of Assessors
- (f) Alternate to the Berkshire County Regional Planning Commission
- (g) By-Law Review Committee
- (h) Civil Defense Director
- (i) Conservation Commission
- (j) Council on Aging
- (k) Farmington River Study Commission
- (l) Harbor Master
- (m) Historical Commission
- (n) Parks Commission
- (o) Poll Workers
- (p) Recreation Committee
- (q) Registrars of Voters
- (r) Representative to the Southern Berkshire Solid Waste District
- (s) Town Counsel
- (t) Alternate Town Counsel
- (u) Special Committees
- (v) Zoning Enforcement Officer (approved 8/6/00 Chapter 184 of the Acts of 2000)
- (w) Treasurer, for a term of three years (approved 1/10/2009 Chapter 475 of the Acts of 2008)
- (x) Tax Collector, for a term of three years (approved 1/10/2009 Chapter 475 of the Acts of 2008)

SECTION 5. The Selectmen elected as provided herein shall appoint, as soon as practicable, for a three year term, a Town Administrator either on a full time or part time basis who shall be especially fitted by education, training and experience to perform the duties of said office. The Town Administrator shall be a citizen of the United States and shall be appointed without regard to his political affiliation and beliefs. He shall possess at least a bachelor's degree provided, however, the Selectmen may accept experience in lieu of such degree at their discretion, and shall have had three years experience in a supervisory administrative position. The Town Administrator will not be eligible to hold any other appointed or elected office within the Town of Becket except that he may be appointed as the Zoning Enforcement Officer (approved 8/6/00 Chapter 184 of the Acts of 2000). The Town Administrator may be appointed for successive terms of office. Before entering upon the duties of his office, he shall be sworn, to the faithful and impartial performance thereof by the Town Clerk.

SECTION 6. Any person appointed by the Town Administrator to any Town office under the provisions of this act or any general or special law shall be eligible during the term of said office to be appointed to any other Town office.

SECTION 7. Any vacancy in the office of Town Administrator shall be filled as soon as possible by the Board of Selectmen. Pending the appointment of a Town Administrator said Board of Selectmen shall, within thirty days, appoint a suitable person to perform the duties of the office.

SECTION 8. The Town Administrator may designate, subject to the approval of the Board of Selectmen, by letter filed with the Town Clerk, a qualified officer of the

Town to perform his duties during his temporary absence or disability. In the event of failure of the Administrator to make such designation, said Board of Selectmen may, by resolution, designate an officer of the Town to perform the duties of the Administrator until he shall return or his disability shall cease.

SECTION 9. The Board of Selectmen, by a two-thirds vote may remove the Town Administrator. At least thirty days before such proposed removal shall become effective, said Board of Selectmen shall file a written preliminary resolution of removal with the Town Clerk setting forth in detail the specific reasons for the proposed removal, a copy of said resolution shall be delivered to said Town Administrator. The Administrator may, within ten days of service of such resolution reply in writing to the resolution and may request a public hearing. Service shall be deemed to have been accomplished by leaving a copy of such resolution at said Administrator's last known abode. If said Administrator so requests, said Board of Selectmen shall hold a public hearing not earlier than twenty nor later than thirty days after filing of such request. After such public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, and after full consideration, said Board of Selectmen, by a two-thirds vote of the full membership of said Board, may adopt a final resolution of removal. In the preliminary resolution, said Board of Selectmen may suspend said Administrator from duty but shall in any case, cause his/her salary to be paid during the period of consideration of the preliminary resolution and until the vote on the final resolution.

SECTION 10. The Town Administrator shall receive such compensation for his services as the Board of Selectmen shall determine but it shall not exceed the amount appropriated therefore by the Town.

SECTION 11. The Town Administrator with the approval of the Board of Selectmen shall appoint, upon merit and fitness alone, all other Town officials whose appointment is not specifically provided for herein. Said Town Administrator shall appoint with majority approval of said Board of Selectmen, and may remove with the majority approval of said Board of Selectmen, with ten day notice, in writing, to appointee and the Board of Selectmen, setting forth the cause of such removal, subject to the provision of MGL Chapter Thirty-One where applicable, all department heads, all officers and all subordinates and employees for whom no other method of appointment is provided in this act, except persons serving under other elected agencies and appointments made by representatives of the commonwealth.

SECTION 12. In addition to the specific powers and duties provided in this act, the Town Administrator shall have the general powers and duties enumerated in this section as follows:

- (a) The Town Administrator shall supervise and be responsible for the efficient administration of all departments, commissions, boards and offices, except the Board of Selectmen; provided, however, that said Town Administrator shall not exercise any control over the discretionary power vested by statute in any such board, committee, commission or officer.
- (b) Said Town Administrator, with the approval of the Board of Selectmen and in accordance with the provisions of this Act and the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under his direction and supervision, in whole or in part, may establish such new departments, commissions, boards or offices as he deems necessary, and may transfer the powers and duties of one department, commission, board or office to another.
- (c) Said Town Administrator shall attend all regular meetings of the Board of Selectmen except meetings at which his removal is being considered, and

shall attend all town meetings and shall be permitted to speak when recognized by the moderator.

- (d) Said Town Administrator shall keep full and complete records of his office and shall render, as often as may be required by the Board of Selectmen, a full report of all operations during the period reported on.
- (e) Said Town Administrator shall keep the Board of Selectmen fully advised as to the needs of the Town and shall recommend to the Board of Selectmen for adoption such measures requiring action by them or by the Town as he may deem necessary or expedient.
- (f) Said Town Administrator, with the approval of the Board of Selectmen, shall have jurisdiction over the rental and use of all Town property and shall be responsible for the maintenance and repair of all Town buildings. He shall be responsible for the preparation of plans and the supervision of construction, reconstruction, alterations, improvements and other undertakings authorized by the Town unless otherwise assigned by the Town meeting.
- (g) Said Town Administrator shall be responsible for the purchase of all supplies and materials and equipment, except books and other media for the library. The Town Administrator shall approve the award of all contracts for all departments of the Town pursuant to Chapter 30B, section 4. The Board of Selectmen shall open and award all bid contracts exceeding the amounts provided for under Chapter 30B, section 4. He shall make purchases for departments not under his supervision only upon and in accordance with requisitions duly signed by the heads of such departments.
- (h) Said Town Administrator shall administer either directly or through a person or persons appointed by him in accordance with this act, all provisions of general and special laws applicable to the Town, all by-laws and votes of the Town and all regulations established by the Board of Selectmen.
- (i) Said Town Administrator shall, with the approval of the Board of Selectmen, have authority to prosecute, defend or compromise all litigation to which the Town is party and shall be the executive officer of a public employer in the Town as defined in Section One of Chapter Two-Hundred and Fifty-Eight of the General Laws pertaining to the processing of claims against the Town.
- (j) Said Town Administrator shall be the agent for the Board of Selectmen for collective bargaining and may employ special counsel to assist him in the performance of these duties.
- (k) Said Town Administrator shall be responsible for the implementation of Town meeting votes and shall report annually in writing to the Town meeting on the status of prior Town meeting votes on which implementation is not complete.
- (l) Said Town Administrator shall be accessible and available for consultation to chairmen of boards, committees and commissions of the town, whether appointed or elected, and shall make accessible and available to them all data and records of his office as may be requested in connection with their official duties.
- (m) Said Town Administrator shall perform such other duties consistent with his office as may be required of him by the By-Laws of the Town or by the vote of the Board of Selectmen or Town meeting.

SECTION 13. The Town Administrator may without notice cause the affairs of any division or department under his supervision or the job related conduct of any officer or employee thereof to be examined. Said Town Administrator shall have access to all Town books and papers for information necessary for the proper performance of his duties.

SECTION 14. The Town Administrator shall be the chief fiscal officer of the Town. Warrants for the payment of Town funds prepared by the Town Treasurer in accordance with the provisions of MGL Chapter 41, Section 56 shall be submitted to said Town Administrator. The approval of any such warrant by said Town Administrator, following review by the Board of Selectmen, shall be sufficient authority to authorize payment by the Town Treasurer but the Board of Selectmen shall approve all warrants in the event of a vacancy in the office of Town Administrator.

SECTION 15. At least ninety days prior to the Annual Town Meeting, the Town Administrator shall submit to the Finance Committee a detailed estimate, in writing, of the probable expenditures of the Town government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the Town, and showing specifically the amount necessary to provided for each fund and department, together with a statement of the expenditures of the Town for the same purposes in the preceding year and an estimate of the expenditures for the current year. Further, he shall submit a statement showing all revenues received by the Town in the preceding fiscal year together with an estimate of the receipts of the current year and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year. He shall report the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the Town together with an estimate of the tax rate necessary to raise said amount. For the purpose of enabling the Town Administrator to make up the annual estimates of expenditures, all boards, officers and committees of the Town shall, at least one hundred and twenty days prior to the Annual Town Meeting, furnish all information in their possession and submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the next fiscal year.

SECTION 16. The Finance Committee shall consider the tentative budget submitted by the Town Administrator and make such recommendations relative thereto as it deems expedient and proper in the interests of the Town. On or before the forty-fifth day prior to the Annual Town Meeting, the Finance Committee shall transmit a copy of the budget, together with their recommendations relative thereto, to the Board of Selectmen.

SECTION 17. All laws, by-laws, votes, rules and regulations, whether enacted by authority of the Town or any other authority, which are in force in the Town of Becket on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this Act, shall continue in full force and effect until otherwise provided by other laws, by-laws, votes, rules and regulations respectively. All other laws, by-laws, votes, rules and regulations so far as they refer to said Town of Becket, are hereby suspended but such suspension shall not revive any pre-existing enactment.

SECTION 18. No contract existing and no action at law or suit in equity, or other proceeding pending at the time this act is accepted, or at the time of revocation of such acceptance, shall be affected by such acceptance or revocation except that, upon revocation, any contract made by the Town with the Town Administrator then in office shall be terminated immediately upon such vote.

SECTION 19. Any person holding a Town office or employment under the Town shall retain such office or employment and shall continue to perform his 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 his pay grade or time in service. Each such person shall be retained in a capacity as similar to his former capacity as is practical.

SECTION 20. This Act shall be submitted for acceptance to the voters of the Town of Becket at the Annual Town Meeting to be held in the year Nineteen Hundred and Ninety in the form of the following question, which shall be placed upon the official ballot to be used for the election of Town officers at said meeting: "Shall an Act passed by the General Court in the year Nineteen Hundred and Eighty-Nine, entitled 'An Act Establishing a Board of Selectmen-Administrator Form of Government in the Town of Becket', be accepted?". If the majority of votes cast in answer to said question is in the affirmative, said act shall take effect but not otherwise. If this act is not accepted in the year Nineteen Hundred and Ninety by the voters of the Town at said Town meeting, it shall again be submitted at the Annual Town Meeting in the year Nineteen Hundred and Ninety-One and, if accepted, shall take full effect but not otherwise.

### **ARTICLE 3--APPOINTED TOWN OFFICIALS**

(Amended 1/20/96, 5/11/96)

SECTION 1. The Selectmen shall appoint the Town officials listed in Article 2B, Section 4 in the Town Charter. List of Town Officials to be appointed by Town Administrator, for terms of one year, unless otherwise provided for at a Town meeting:

- a. Ambulance Chief
- b. Fire Chief or Fire Warden
- c. Director of Civil Defense
- d. Highway Superintendent
- e. Police Chief and members of the Police Department
- f. Moth Superintendent
- g. Animal Control Officer and Assistant Animal Control Officer  
(Adopted 6/13/81)
- h. Tree Warden (Amended 5/19/89)
- i. Fence Viewer (Adopted 5/11/96)
- j. Commissioner of Weights and Measures (Adopted 5/11/96)
- k. Inspector of Buildings to be appointed for 3 years (Amended 10/29/91)
- l. A Wiring Inspector, a Plumbing Inspector, and a Gas Inspector, after consultation with the Inspector of Buildings (Adopted 6/13/81),
- m. Any other officials, as Massachusetts General Laws may provide for, who are not appointed by the Selectmen.

SECTION 1A. The Moderator shall appoint by May 1 a Deputy Moderator for a one year term. The Deputy Moderator shall preside in the absence of the Moderator, or when the Moderator recuses himself for reason of conflict of interest, or to assist the Moderator when the number in attendance or physical layout of the room(s) requires and additional Moderator. In the absence of the Moderator or Deputy Moderator one shall be elected from the voters for that meeting only. (Adopted 4/5/14-effective 3/4/15)

SECTION 2. The Town Administrator shall appoint, pursuant to Article 2B, Section 11 of these Bylaws, all other Town officials whose appointment is not specifically provided for in Article 2B.

SECTION 3. The Board of Appeals shall consist of five (5) members and two (2) alternates, who shall be appointed by the selectmen, for terms of such length and so arranged that the term of one (1) member shall expire each year; and said

Board shall elect annually a chairman, vice-chairman and clerk from its own members. (Amended 6/13/81)

**ARTICLE 4--GENERAL PROCEDURE**

(Adopted 2/29/64) (Amended 5/17/75, 6/13/81)

SECTION 1. All meetings of Boards and Committees shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided in the so-called Open Meeting Law, Chapter 303, Acts of 1975, as amended. The limitations on "executive sessions", shall be as directed in that statute.

SECTION 2. All Boards and Committees, in the conduct of all duly advertised Public Hearings, shall cause to be made a detailed record of its proceedings, showing the vote of each member upon each question, or, if any member is absent or fails to vote, indicating such fact, and setting forth clearly the reason or reasons for its decisions, and of its other official acts, copies of all which shall be immediately filed with the Town Clerk, and shall thereby become a public record.

SECTION 3. Any commitment of the Town not a matter of record can never be alluded to by anyone as having given them permission, absolution or license to do or conduct some action or business that is not specifically a right as defined in the Protective By-Laws or these Town By-Laws.

SECTION 4. All municipal personnel shall, in the conduct of Town business and deliberations, refrain from such policies or behavior which would be contrary to the spirit, and standards of conduct, outlined in the Conflict of Interest Law, MGL Chapter 268A.

SECTION 5. Any Board or Committee shall ask for bids on any purchase or contract of \$10,000 or more, or as otherwise determined by MGL Chapter 30B, and they shall be opened and read in public. Said request for bids shall be advertised at least fourteen (14) days prior to date of opening. Said request for bids shall be advertised in the local press pursuant to MGL Chapter 30B.  
(Amended-5/19/84, 6/21/90)

SECTION 6. Any Board or Committee shall give at least fourteen (14) days public notice by advertising in the local press, asking for bids on any article to be sold by the Town, and all bids shall be opened and read in public. (Amended 6/13/81)

SECTION 7. The Town of Becket hereby accepts MGL Chapter 40, Section 8B, establishing a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging, and in coordination with programs of the Department of Elder Affairs. (Amended 6/13/81)

SECTION 8. The Town Report shall be available to the voters no later than ten (10) days before the date of the Annual Town Meeting. (Amended 6/13/81)

**ARTICLE 5--SELECTMEN**

(Adopted 6/13/81) (Amended 5/10/86)

SECTION 1. This Town is a corporate entity, and the selectmen are the chief administrative officers.

SECTION 2. The Selectmen shall have full authority as agents of the Town, acting upon the advice of counsel, to settle any claims or suits against the Town, or for bringing suits for or in behalf of the Town.

SECTION 3. The Selectmen shall make suitable regulations governing the Police Department and the Officers thereof. In the absence of a duly appointed Police

Chief, the chairman of the Selectmen shall assume the office of the Chief of Police.

SECTION 4. The Board of Selectmen, in accordance with MGL Chapter 40, Section 8G, may enter into contracts with other Towns for the purpose of establishing mutual aid agreements for Police Departments.

SECTION 5. The Selectmen shall in suitable bound ledgers keep a complete and permanent record of all expenditures authorized by said Board, and such yearly expenditures shall be itemized and entered in the annual Town Report.

SECTION 6. All Town insurance policies shall be in the custody of the Board of Selectmen. Since the General Court has voted to deny "Sovereignty" protection to Town Officials, the Selectmen shall negotiate a group insurance contract designed to prevent significant personal monetary loss to a Town Official whose acts are challenged in a court of law.

SECTION 7. The Selectmen are the recognized licensing authority for the Town. However in the interests of Health, Welfare and Safety, the Selectmen shall consult with the Board of Health, and the Inspector of Buildings, where public assembly is involved, or standards of sanitation may be in jeopardy.

SECTION 8. The Selectmen may make an investigation into the conduct and operations of any Town Department. Upon completion of such investigation a report shall be submitted to the Town Clerk and such report shall be printed in the Annual Town Report.

SECTION 9. The bonds of all Town Officers required to be bonded shall be in the custody of the Selectmen.

#### **ARTICLE 6--TOWN CLERK**

(Amended 6/13/81)

SECTION 1. The Town Clerk shall, immediately after Town Meeting, notify or cause to be notified, any person elected or chosen or appointed to any Town Office or to serve on any Town Board or Committee of the Town, of his or her election, choice or appointment.

SECTION 2. The voting list shall be used and the name of every person voting shall be checked thereon, in the election of all Town Officers whose election is by law required to be by ballot.

SECTION 3. The Town Clerk shall record all votes passed at Town Meetings held during his term of office. He shall administer the oath of office to all Town Officers who apply to him to be sworn, and shall make a record thereof and of the oaths of office taken before justices of the peace of which certificates are filed. He shall, immediately after every annual election of Town Officers, transmit to the Secretary of State, on blanks to be furnished by him a complete list of Town Officers elected and qualified and shall promptly report to the Secretary any changes in such Officers. He shall make and keep an index of instruments entered with him required by law to be recorded, which shall be divided into five (5) columns, with appropriate headings for recording the date of reception, the names of parties and the book and page on which each instrument is recorded. It shall be open to public inspection.

SECTION 4. The Town Clerk shall record all vital statistics as they pertain to the Town and shall publish such data in the annual Town Report.

SECTION 5. After each election, the Clerk shall certify and transmit to the Register of Deeds the names of those who collectively will make up the membership of the



Planning Board. This is a specific request of the Central Berkshire Register of Deeds and is part of the procedure required to insure that the Town remains operative under the Subdivision Control Law.

**ARTICLE 7--TAX COLLECTOR**  
(Amended 6/13/81, 5/10/86, 1/20/96)

- SECTION 1. The Collector of Taxes, receiving a tax list and warrant from the Assessors shall collect the taxes therein set forth, with interest, and pay over said taxes and interest to the Town Treasurer according to the warrant.
- SECTION 2. Personal and real property taxes become due and payable in two installments, due November 1st and May 1st. Excise bills are billed separately.
- SECTION 3. Taxes may be paid at the Town Hall, during normal working hours. Checks or Money Orders may be mailed in, if more convenient.
- SECTION 4. The Collector shall keep successive annual tax lists in bound volumes.
- SECTION 5. The Tax Collector shall in the collection of taxes, have all the authority and remedies provided by Sections 24 through 61A of MGL Chapter 60.
- SECTION 6. The Town Treasurer shall reimburse the Town Tax Collector for certificate fees collected under MGL Chapter 60 Section 23.

**ARTICLE 8--BOARD OF ASSESSORS**  
(Amended 6/13/81, 1/20/96)

- SECTION 1. The Commissioner of Revenue has board powers to direct and regulate; and a substantial responsibility to instruct and advise the Assessors.
- SECTION 2. It is specifically provided by statute that no assessor shall also hold an office involving the collection of taxes.
- SECTION 3. The Board of Assessors must value all real and personal property at its full and fair cash valuation as of January 1st, of each year.
- SECTION 4. Subsequent to the determination of the total assessment the Board of Assessors shall annually fix the tax rate pursuant to the provisions of MGL Chapter 59, Section 23.
- SECTION 5. Subsequent to listing the valuations and assessments upon the valuation books and prior to the commitment of the taxes the assessors must deposit the books, or an attested copy, in their office for public inspection. If the Board does not have an office, the books must be deposited with the chairman of the Board.
- SECTION 6. The Assessors may not commit a tax list to the Collector of Taxes until the bonds of the Collector and Treasurer have been approved. The alternative is to commit the list and warrants to a Constable, and if no Constable to the Sheriff or his deputy. (MGL Chapter 59 Section 53.)
- SECTION 7. The Board of Assessors retain full power and authority to act despite a vacancy in the Board.
- SECTION 8. The Board of Assessors shall consist of 3 members, each to serve a term of 3 years, so arranged that the term of one member shall expire each year, and said Board of Assessors shall elect annually a chairman and a clerk from its own members.

**ARTICLE 9--TOWN TREASURER**

(Amended 6/13/81)

SECTION 1. All financial transactions of and for the Town shall, directly or indirectly pass through the hands of and be accounted for by the Town Treasurer.

SECTION 2. The Town Fiscal year shall begin with July 1st of each calendar year.

SECTION 3. The Treasurer shall be the custodian of all deeds to Town property.

SECTION 4. The Treasurer shall be the custodian of all deeds to property taken by the Town for non-payment of taxes.

SECTION 5. The Treasurer shall prepare, for the Annual Town Report, a statement of moneys received and paid out during the fiscal year.

SECTION 6. The Treasurer shall keep in suitably bound ledgers permanent records of all moneys received and expended.

SECTION 7. The Treasurer may solicit loans on behalf of the town for moderate periods and in anticipation of revenue from taxes.

SECTION 8. The Treasurer shall prudently invest moneys that accrue in certain standing accounts, using proper judgment in the maintenance of a degree of fluidity.

**ARTICLE 10--BOARD OF HEALTH**

(Amended 6/13/81, 10/11/88, 9/5/89, 1/20/96)

SECTION 1. The Board of Health shall have all the powers and duties given to it under the Massachusetts General Laws and the rules and regulations of state agencies, including but not limited to MGL Chapter 111, 105 CMR and 310 CMR (Title V), MGL Chapters 40A and 41 and its own rules and regulations.

SECTION 2. The Board of Health shall submit an annual report to the Town of all permits and licenses issued, fees collected, inspections made and orders issued for the year.

**ARTICLE 11--INSPECTOR OF BUILDINGS**

(Adopted 6/13/81) (Amended 1/20/96)

SECTION 1. The Town shall employ and designate an Inspector of Buildings, for a term of 3 years, who shall have the essential qualifications listed in the State Building Code. He shall report directly and shall be solely responsible for his administration to the Selectmen.

SECTION 2. The Inspector of Buildings shall have all the powers and duties assigned to the Inspector under the Massachusetts General Laws and the Town of Becket By-Laws and Zoning By-Laws, including but not limited to MGL Chapters 139 and 143, and 780 CMR.

SECTION 3. The Zoning By-Laws of the Town may be enforced by the Inspector, at the request of the Selectmen, as provided for in Section 10 of said Zoning By-Laws.

SECTION 4. The Inspector shall submit an annual report to the Town of all permits and certificates issued, fees collected, inspections made and notices and orders issued for the year.

**ARTICLE 12--PLANNING BOARD**  
(Adopted 6/13/81) (Amended 1/20/96)

SECTION 1. The Planning Board shall have all the duties and powers given to it under the Massachusetts General Laws and the Town of Becket By-Laws and Zoning By-Laws, including but not limited to MGL Chapters 40 and 41.

SECTION 2. The Planning Board shall meet a minimum of twelve (12) times per year to review planning and shall hold public hearings as required for zoning amendments, special permits, applications and changes in subdivision rules and regulations, or for the resolution of complaints from citizen groups.

SECTION 3. The Planning Board has functioned for a number of years under the authority of the Subdivision Control Law. The nature of this authority and the duties of the Board thereunder are described in MGL Chapter 41, Sections 81K through 81GG.

SECTION 4. The Planning Board shall report annually in the Town Report, the condition of the Town and any plans or proposals for its development and estimates of the cost thereof; and to enumerate any Special Permits granted or denied to petitioners during the year.

SECTION 5. The Board shall make available the most recently approved version of the Protective (Zoning) By-Laws.

**ARTICLE 13--BOARD OF APPEALS**  
(Adopted 6/13/81)

SECTION 1. Meetings of the Board shall be held at the call of the Chairman.

SECTION 2. Such Chairman, or in his absence the acting Chairman, may administer oaths, summon witnesses and call for the production of papers. All hearings of the Board shall be open to the public, and in full compliance with Section 1, and 2 of Article 4 as recorded in these by-laws.

SECTION 3. This Board will consider the appeals of property owners who may be aggrieved by zoning restrictions that are embodied in the Town's protective By-Laws, or by failure to acquire a Permit from the Inspector of Buildings because of said Protective By-Law restrictions. A Variance may then be granted upon evidence of a specific and material hardship.

SECTION 4. This Board has no jurisdiction over grievances or alleged hardships because of the imposition of Building Code restrictions by the Inspector of Buildings. Such matters must be referred to the appeals Board associated with the Code Commission in Boston.

**ARTICLE 14--CEMETERY COMMISSIONERS** (  
Adopted 6/13/81)

SECTION 1. The Commissioners shall keep ledger accounts of all fees, when collected, and when transmitted to the Town Treasurer.

SECTION 2. A record shall be kept of all sales of burial plots and the deeds thereto.

SECTION 3. Perpetual Care contracts and all deeds to plots shall be deposited with the Town Treasurer for safe keeping in the vault. Only in this manner, can the Treasurer properly invest funds for maximum return to the Town.

**ARTICLE 15--CONSERVATION COMMISSION**

(Adopted 12/19/89) (Amended 1/20/96, 5/11/96, 5/2016)

SECTION 1. The Commission shall have all the duties and powers given to it under Massachusetts General Laws and the rules and regulations of the state agencies, including but not limited to MGL Chapter 131, Section 40 and MGL Chapter 40, Section 8C.

SECTION 2. The Commission shall submit an annual report to the Town of all permits issued, fees collected, inspections made, and notices and orders issued for the year.

SECTION 3. The Commission shall consist of seven members to be appointed to staggered 3 year terms.

SECTION 4. A quorum of the Conservation Commission is defined as a majority of the members then in office.

**ARTICLE 16--HISTORICAL COMMISSION**

(Adopted 1/20/96)

SECTION 1. The Historical Commission shall consist of five to seven members.

**ARTICLE 16A--FINANCE COMMITTEE**

(Adopted 5/12/07; effective 9/24/07)

SECTION 1. The Finance Committee shall have all duties and powers given to it under Massachusetts General Laws and the Town of Becket By-Laws, including but not limited to MGL Chapter 39, Section 16.

SECTION 2. The Finance Committee shall consider any and all municipal questions for the purpose of making reports or recommendations to the town. It shall be the duty of the committee to investigate all proposals in the articles of the warrant for any town meeting that shall in any way affect the finances of the town and to recommend to the town at the time of said meeting a course of action thereon, and in general to make recommendations to the town in regard to any financial business of the town. The committee shall make recommendations on each warrant article involving an appropriation. The committee may or may not endorse warrant articles, as it deems appropriate, where there is no appropriation requested.

SECTION 3. The committee shall have the authority to vote transfers from the Reserve Fund per MGL Chapter 40, Section 6. The Treasurer and the Town Accountant are to be notified of any action or transfer of fund requests.

SECTION 4. The Committee shall annually elect its own chairman, clerk and other necessary officers. All vacancies in the membership shall be filled by a majority vote of the combined Select Board and Finance Committee; the term to be until the next election.

SECTION 5. The Finance Committee shall report annually in the Town Report, the financial condition of the town.

**ARTICLE 16B--BYLAW REVIEW COMMITTEE**

(Adopted 4/5/2014; effective 3/4/15)

Section 1. Membership.

There shall be a Bylaw Review Committee consisting of three members, all of whom shall be registered voters of the Town of Becket, appointed by the Board of Selectmen. The Town Clerk and Moderator shall be ex officio, non-voting members of the committee.

Section 2. Terms.

The terms of each appointment, after the initial terms shall be for three (3) years each or until their successor has been appointed and qualified and shall be so arranged that as nearly an equal a number of terms as is possible shall expire each year. The initial appointments shall be of one, two and three years. Appointments shall be for three years and shall begin on the first business day in July (except for the initial terms which shall begin at their first meeting following the annual town election and run until June 30<sup>th</sup> of the following appropriate years). If a vacancy occurs, the Board of Selectmen shall appoint a new member who shall serve for the balance of the term of the member replaced. Members may be eligible for reappointment.

Section 3. Powers and Duties.

- A. The Committee shall review the Town's General Bylaws on a regular basis to ensure their consistency with any applicable law and the Town Charter.
- B. The Committee may propose to the Selectmen for inclusion in the warrant for the next Annual or Special Town Meeting any amendments or additions to the General Bylaws that the Committee determines should be made so as to resolve inconsistencies within the Bylaws or with applicable law or the Town Charter.
- C. The Committee shall assist any Town board, officer, administrator, or member of the public, if requested, in drafting amendments or additions to the General Bylaws that will be proposed for inclusion in a Town Meeting warrant.
- D. Whenever practicable, the Selectmen shall submit to the Committee all proposed amendments or additions to the General Bylaws prior to their inclusion in the warrant for any Town Meeting. The Committee shall meet and review all such proposed amendments and additions and shall report to the Selectmen its recommendations as to their form and consistency with existing provisions of the General Bylaws and the Town Charter and as to their placement in the General Bylaws.
- E. The Committee chair or some members of the Committee designated by the Committee shall report to the Town Meeting its recommendation on any article in the Warrant that proposes an amendment or addition to the General Bylaws. The Moderator shall call upon the Committee for such report prior to the discussion or vote on such article.
- F. The Committee shall assist in preparing from time to time the publication of the General Bylaws including all amendments and additions thereto.
- G. The Bylaw Review Committee shall hold one or more public hearings which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town. The purpose of these hearings is to provide a forum for interested parties to engage in discussion and clarification of all proposed amendments or new additions to existing Bylaws. These hearings shall

be held prior to Town Meeting in conjunction with a representative(s) of any group or individual planning to propose a new or amend an existing Bylaw and submit said proposed bylaw changes for inclusion in the Town Meeting Warrant.

H. On an annual basis, the Bylaw Review Committee will present a report of its actions in the Town Report.

Section 4. Meetings and Proceedings.

The Committee shall meet on a regular basis, as established by it, but not less frequently than once a quarter. Special meetings may be called by the Board of Selectmen, Chairman of the Committee or majority vote of the Committee. Minutes shall be kept of all meetings. The Committee may establish its own rules of procedure including those governing the conduct of its meetings.

Section 5. Quorum Requirements.

The Committee shall not meet or conduct business without the presence of a quorum. A majority of two voting members shall constitute a quorum. The Committee shall approve its actions by a majority vote of those members present and voting.

Section 6. Election of Officers.

The Committee shall annually, at its first meeting of each fiscal year, elect a chairman, vice-chairman and secretary for the ensuing year. Annually the Committee shall provide the Board of Selectmen with the names of the officers for the upcoming year.

Section 7. Special Employees.

Committee members shall be special municipal employees.

Section 8. Failure to Observe Provisions.

Failure to observe any provision of this Bylaw shall not affect the validity of any change in the General Bylaws that has been duly adopted by vote of the Town Meeting.

ARTICLE 16C--PARKS AND RECREATION COMMITTEE (Adopted 4/5/2014; effective 3/4/15)

Section 1. Membership.

There shall be a Parks and Recreation Committee consisting of five (5) members, all of whom shall be residents of the Town, appointed by the Board of Selectmen.

Section 2. Terms and Compensation.

The terms of each appointment, after the initial terms shall be for three (3) years each or until their successor has been appointed and qualified and shall be so arranged that as nearly an equal a number of terms as is possible shall expire each year. The initial appointments shall be of one, two and three years. Appointments shall be for three years and shall begin on the first business day in July (except for the initial terms which shall begin at their first meeting following the annual town election and run until June 30<sup>th</sup> of the following appropriate years). If a vacancy occurs, the Board of Selectmen shall appoint a new member who shall serve for the balance of the term of the member replaced. Committee members shall serve without compensation. Members may be eligible for reappointment.

Section 3. Powers and Duties.

The Committee shall act in an advisory capacity to the Board of Selectmen under their supervision and control. The Parks and Recreation Committee shall have the duties to investigate and recommend and carry out improvements in town sponsored recreation, sports, social and cultural opportunities for youth, establish policies governing the provision of recreation and parks services, develop goals and objectives and long range plans for the provision and future development of playgrounds, athletic facilities, parks and park amenities, such programs and activities that allow citizens to make the best possible use of present and future recreation facilities and services, and oversee the long term maintenance and improvements of the parks and recreation facilities under its jurisdiction. It shall set reasonable fees as appropriate and as approved by the Board of Selectmen. The Parks and Recreation Committee will work with the Town Administrator and Highway Department regarding the maintenance of park and recreation facilities. On an annual basis, the Parks and Recreation Committee will present a report of its actions in the Town Report.

Section 4. Meetings and Proceedings.

The Committee shall meet on a regular basis, as established by it, but not less frequently than once a quarter. Special meetings may be called by the Board of Selectmen, Chairman of the Committee or majority vote of the Committee. Minutes shall be kept of all meetings. The Committee may establish its own rules of procedure including those governing the conduct of its meetings.

Section 5. Quorum Requirements.

The Committee shall not meet or conduct business without the presence of a quorum. A majority of three (3) voting members shall constitute a quorum. The Committee shall approve its actions by a majority vote of those members present and voting.

Section 6. Election of Officers.

The Committee shall annually, at its first meeting of each fiscal year, elect a chairman, vice-chairman and secretary for the ensuing year. Annually the Committee shall provide the Board of Selectmen with the names of the officers for the upcoming year.

Section 7. Special Employees. Committee members shall be special municipal employees.

**ARTICLE 17--TOWN BETTERMENT BY-LAWS**

(Adopted 6/13/81) (Amended 5/11/85, 6/21/90, 9/8/95, 5/13/06, 5/14/2016)

- SECTION 1. These By-Laws as adopted, shall constitute specific policing powers of the Town. (Adopted 6/13/81)
- SECTION 2. The enforcement of the By-Laws contained in this article shall be the responsibility of the Board of Selectmen. They shall chair any public meetings that may result from such enforcement; and may appoint an enforcing officer, or officers, as they deem necessary. (Adopted 6/13/81)
- SECTION 3. No public or private utility and/or construction company shall work on any public way within the town without notifying the Police Chief or his/her designee. All road details shall be assigned by the Police Chief or his/her designee. Article approved subject to the following restriction as per the Attorney General's office: State highways and any other way, maintained by the Commonwealth as provided in MGL c. 81 and c. 85, and elsewhere in the General Laws, are not subject to this article. (Adopted 5/13/95)
- SECTION 4. (This section deleted in its entirety at the Annual Town Meeting of May 10, 2008 & replaced by Article 20 - Dog Control By-Law, effective 7/14/08.)
- SECTION 5. Any person(s) who intends to conduct a logging operation or to engage in a construction project which will involve the use of paved or unpaved Town ways, to transport loads of more than twenty-five (25) tons gross vehicle weight for a period of five (5) consecutive days or more, shall obtain a permit from the Town Administrator, who may require that the applicant post a bond to assure that the road will be restored to its prior condition after the proposed activity is completed. (Adopted 8/14/84) (Amended 6/25/85, 1/20/96)
- SECTION 6. The Town of Becket hereby accepts MGL Chapter 40, Section 22D, to authorize the Board of Selectmen to establish traffic regulations by removing to some convenient place any vehicle parked or standing on any part of any traveled way under the control of the Town of Becket, such as to impede in any way the removal or plowing of snow or ice, or in violation of any rule or regulation which prohibits the parking or standing of all vehicles on such ways or portions thereof. Whoever violates traffic regulations as established by the Board of Selectmen, shall be liable to charges for the removal and storage of the vehicles as well as subject to punishment by a fine of ten (10) dollars.
- SECTION 7. No person other than an employee in the service of the Town or an employee in the service of an independent contractor acting for the Town shall pile, push, or plow snow or ice onto a Town way so as to impede the flow of traffic on such way. (Adopted 5/11/85)
- SECTION 8. The keeping of more than one unregistered automobile or truck assembled or disassembled, except by a person licensed under MGL Chapter 140, Section 59, on any premises shall not be permitted unless said automobiles or trucks are stored within an enclosed building. A permit to keep more than one unregistered automobile or truck any premises not within an enclosed building may be granted by the Board of Selectmen, if it finds that such keeping is (1) in harmony with the general intent of this bylaw; (2) will not adversely affect the neighborhood; and (3) will not be a nuisance. All such permits granted shall limit the number of unregistered automobile and trucks to be kept on the premises by the permit holder, shall not run with land and shall be limited to a reasonable length of time. This article shall not apply to motor vehicles which are designed and used for farming. Who ever violates any provision of this bylaw shall be liable to a penalty of five (\$5.00) dollars per day for each day of violation commencing ten



(10) days following receipt of written notice from the Board of Selectmen.  
(Adopted 5/11/85)

SECTION 9. The abutters to any Town public way shall assume all costs and responsibility of construction of all driveways to their property. This is to include culverts, surfacing if deemed necessary, and construction to grade as designated in the field by the Highway Superintendent. Applications are to be submitted to the Highway Superintendent with appropriate fee. A permit must be issued prior to construction. (Adopted 6/13/81) (Amended 1/20/96)

SECTION 10. Whoever shall violate any provisions of these By-Laws or fails to comply with any of their requirements, shall upon conviction thereof, if a fine is appropriate, be fined not more than \$25.00 for each offense, except as otherwise provided. Each day such violation continues shall constitute a separate offense. (Adopted 6/13/81) (Amended 5/11/85)

SECTION 11. In order to implement a program of recycling in conjunction with ordinary waste disposal, residents of every household shall separate waste material into the following categories before disposal of same at the Town's Transfer Station: 1-Glass and Cans, 2-Paper, 3-Other Waste. If no separation takes place, waste materials shall not be accepted at the transfer station. Offenders shall suffer a fine of \$15.00 per incident for residents and \$75.00 per incident for commercial haulers. Enforcement of said bylaw to take effect upon the openings of and acceptance into the materials recovery facility in Springfield and the placement of proper containers at the Town's Transfer Station. (Adopted 5/20/89)

SECTION 12. Littering within the Town of Becket is prohibited. Violations of this section shall be enforced by a non-criminal disposition in the manner provided in MGL Chapter 40, Section 21D by the Board of Selectmen. The fine schedule shall be: first offense: \$100; second offense: \$200; third and each successive offense: \$300. Each day on which a violation exists after notice shall be deemed a separate violation of this section. (Adopted 5/20/89)

SECTION 13. The Town of Becket may deny any application for, or revoke or suspend any local license or permit including renewals and transfers issued by any board, officer, department to any person, corporation or business enterprise who plans to conduct or is conducting the licensed activity on the property of a person, corporation or business entity who has neglected or refused to pay any local taxes, fees, betterments or any other municipal charges.  
(Adopted 6/16/90) (Amended 1/20/96)

(a) 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 furnish to each department, board, commission, or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period, and that such party has not filed in good faith a pending application for an abatement or such tax or a pending petition before the appellate tax board.

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the 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. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

- (c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- (d) The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL Chapter 268A, Section 1, in the business or activity conducted in or on said property.
- (e) This section shall NOT apply to the following licenses and permits:
  - 1. MGL 48, Section 13---Open burning permits
  - 2. MGL 85, Section 11A--Bicycle permits
  - 3. MGL 101, Section 33---Sales of articles for charitable purposes
  - 4. MGL 149, Section 69---Children work permits
  - 5. MGL 140, Section 21E--Clubs, associations dispensing food or beverage licenses
  - 6. MGL 140, Section 137 and 137A--Dog licenses and kennel licenses.  
(The owner or keeper of a dog six months old or over shall cause the dog to be licensed. The owner or keeper of more than one and less than four dogs, three months old or over may elect to secure a kennel license in lieu of licensing each dog individually. The owner or keeper of more than three dogs three months old or over, on a single premises shall have a kennel license. Dog licenses and kennel licenses may be obtained from the Town Clerk.)
  - 7. MGL 131, Section 12---Fishing, Hunting, Trapping license
  - 8. MGL 207, Section 28---Marriage licenses
  - 9. MGL 140, Section 181--Theatrical events, Public exhibition permits
  - 10. Residential Transfer Station Permits
- (f) Unless specifically excluded by MGL Chapter 40, Section 57, this section SHALL APPLY to any and all permits, permits of, permits to go forth, certificates, certificates of, certificates for, approvals of, approvals to go forth, and licenses of any description or form allowed by law, including those issued by and for the following specifically:

- Conservation Commission
- Planning Board
- Board of Health
- Board of Appeals
- Fire Chief
- Inspector of Buildings
- Recreation Commission
- Highway Superintendent

Selectmen  
Town Clerk  
Plumbing Inspector  
Electrical Inspector  
Smoke Detector Inspection Certificate  
Driveway Permit  
Building Permit New or Replacement, Addition to, and Repair  
Certificate of Occupancy  
Well Permit  
Septic Permit New, Replacement, Repair, or Additions, Beach Permit  
Junk Car Special Permit  
Plumbing Permit  
Electrical Permit

SECTION 14. Regulations and Control of Fire Detection and Alarm Systems. By definition, "Fire Detection and Alarm Systems", are those installed in privately owned structures, residential, education, religious, commercial, industrial, which, when activated, result in an alarm of fire or illegal entry being transmitted. Alarm transmittal may be by the sounding of an external alarm, alerting the general public; by automatic telephone call; by personal telephone call; by direct connection, or by any other means. This section shall consist of the following paragraphs: (Adopted 6/6/87)

1. No fire detection and alarm system, as defined, shall be installed without prior notice to the Fire Chief and/or Police Chief for review and approval.
2. The owner of the property in which the system is installed shall furnish, in writing, to the Fire Chief/Police Chief telephone numbers (other than the protected premises) with the names of responsible individuals, who are authorized to respond to emergency calls and provide access to the structure. Enough names and numbers shall be furnished to insure availability of at least one such individual at any hour of the day, or night. This listing shall be revised, as required, to be kept current and accurate.
3. No testing, repairing, altering, or other actions, which might result in the transmittal of an alarm to the Fire Department/Police Department shall be performed without prior notification to the Fire Department/Police Department.
4. Failure to comply with any of the requirements of Paragraph 1 through 3 may be punishable by a fine of, but not to exceed \$25.00 assessed to the property owner and payable to the Town Treasurer, for deposit in the General Fund.
5. False Alarms of fire/illegal entry are those transmitted, when no fire/illegal entry condition exists, and are the result of negligence, or defective equipment.
6. The owner of any property in which a Fire Detection and Alarm system is installed, which transmit false alarms per Paragraph 5, shall be penalized in accordance with the following schedule: (Amended 1/19/93)

FIRST FALSE ALARM - A warning, in writing from the Fire Chief or Police Chief to the property owner, including this section.

SECOND FALSE ALARM - (Within twelve (12) months of the date of the first false alarm) A fine of \$50.00 will be assessed to the property owner payable to the Town Treasurer to deposit in General Fund.

THIRD & SUBSEQUENT FALSE ALARMS - (Within twelve (12) months of the date of the first false alarm shall be fined \$100.00 for each false alarm. A false alarm beyond twelve (12) months from the date of the first false alarm shall be considered a first false alarm, as defined in this schedule.

7. When the Fire Department/Police Department responds to an alarm of fire/illegal entry transmitted by a Fire Detection and Alarm System, where the premises are unoccupied; the department is unable to gain access to the structure; and is unable to contact any of the individuals listed, for access; the Fire Officer/Police Officer in command, may if he has reasonable concern, or suspicion that a fire/illegal entry exist within the structure - make a forcible entry to determine whether or not fire conditions exist. If this action becomes necessary, the Fire/Police Officer shall:
  - a. Notify the Fire/Police Department of this action.
  - b. Secure the premises insofar as feasible.
  - c. Continue efforts to contact the individuals listed as responsible for the structure.
  - d. Enter the action taken in the Fire Department/Police Department Log
8. All installations will be inspected and tested prior to the permit being validated. Upon validation the installation may be connected.
9. Devices shall have lightning surge protection.
10. Devices shall not activate on account of power interruptions. Voice message shall not exceed 15 seconds in duration. Devices shall not dial more than twice for the same alarm.
11. Equipment shall be serviced by a competent serviceman at least once every two years. Reports of such services shall be made to the Department Head.

SECTION 15. (This section deleted in its entirety at the Annual Town Meeting of May 13, 2006 & effective 7/29/06.)

SECTION 16. (This section deleted in its entirety at the Annual Town Meeting of May 13, 2006 & effective 7/29/06.)

SECTION 17. Uniform System of Numbering Dwellings and Principal Buildings within the Town. Address numbers for every building within the Town of Becket have been assigned. It shall be the responsibility of the owner to obtain and install the numbers in compliance with this bylaw. The owner of any property seeking a building permit for a new building or structure shall apply for and receive a building number designation from the Highway Superintendent, unless the lot already has a designated number. A building permit will not be issued until a number is designated. Numerals indicating the official number for each principal building of 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 plainly from the street line. Whenever any building is situated more than fifty (50) feet from the street line, or is not visible from the street, the number should be placed to the right of the driveway or common entrance to such building, or upon a gate post, fence, tree, post or other appropriate place so as to be clearly discernible from the street curb line in both directions of travel. Said numbers shall not be less than four (4) inches in height and made of a durable and clearly visible material. This Bylaw shall be enforced by the Building Inspector of the Town. Failure to comply with this Bylaw shall subject the offending property owner to a fine not exceeding twenty-five dollars (\$25.00) per day. The provisions of this section may be penalized by indictment or on complaint brought in the district court or by non-criminal

disposition as provided in M.G.L. Chapter 40, Section 21D. (Amended 5/13/06 & effective 7/29/06)

SECTION 18. Excavation within a Town public way shall require a Street Excavation Permit. All costs associated with street excavation shall be the responsibility of the applicant/owner/contractor. Permits will be granted after receiving application with appropriate fee. Applicants shall be required to adhere to all conditions listed on the permit. (Adopted 1/20/96)

SECTION 19. A campfire, which is a small occasional fire, which may be used for cooking, warming or small social gatherings, is allowed. Wood should be no longer than 24 inches and no more than 6 inches in diameter. The campfire shall be no more than three feet in diameter in a cleared area at least 6 feet in diameter, surrounded by a stone barrier, cement blocks or any other suitable non-flammable material. The area must be free from overhanging trees and wires and a safe distance from buildings. Wood for campfires shall be from fallen or sawn trees. No construction material or demolition debris may be burned. Campfire may not be left unattended and must be completely extinguished after use. Smoke from fire must not cause a nuisance or problem for neighbors. Barrels for burning rubbish and garbage are not considered campfires or fireplaces, and are not allowed. Variations of the above rules may be approved or disapproved upon inspection by the Fire Chief or his designee. (Adopted 1/20/96)

SECTION 20. The Harbor Master of the Town of Becket may authorize by permit the mooring on a temporary basis of floats or rafts held by anchor moorings within the territorial jurisdiction of the Town of Becket upon such terms, conditions, and restrictions as he shall deem necessary. He/she shall act on applications for such permits within a period of fifteen days from receipt thereof. (Adopted 1/20/96)

SECTION 21. No person shall drink or possess in an open or partially consumed container any alcoholic beverages as defined in MGL Chapter 138, §1, while on, in or upon any public way, or place to which the public has a right to access, excluding premises licensed under said chapter 138, or in, on or upon private lands without the consent of the owner or person in control thereof. A police officer may arrest without a warrant any person who commits a violation of this bylaw in his presence and may seize the alcoholic beverages, which shall be kept by him and destroyed upon adjudication or returned to the person entitled to lawful possession. The penalty for any violation hereof shall be a fine not exceeding fifty dollars (\$50.00) for each offense. The provisions of this section may be penalized by indictment or on complaint brought in the district court or by non-criminal disposition as provided in M.G.L. Chapter 40, Section 21D. (Adopted 5/13/06 & effective 7/29/06)

SECTION 22. Section 22. Per MGL 40:21 (20), owners of land whereon is located an abandoned well or a well in use shall either provide a securely fastened covering for such well capable of sustaining a weight of three hundred (300) pounds or fill the same to the level of the ground. Violation of this bylaw shall be punishable by a fine of one hundred dollars (\$100.) for each violation. (Adopted 5/14/2016 & effective 10/17/2016)

**SECTION 23 - VACANT PROPERTIES**

Registration and Maintenance

1. Purpose.

The purpose of this bylaw is to protect the health, safety and welfare of the Town and its residents by preventing blight, protecting property values and neighborhood integrity, protecting the Town's resources, avoiding the creation

and maintenance of nuisances and ensuring the safe and sanitary maintenance of all properties. Inadequately maintained vacant buildings are at an increased risk for fire, unlawful entry, and other public health and safety hazards. This by law will help secure the welfare of the Town's residents and neighborhoods by requiring all property owners, as well as lenders, trustees, service companies and management entities, to properly maintain vacant properties. Definitions relating to this bylaw are contained in Section 7.

## 2. Registration.

A. All owners of vacant and/or foreclosed properties shall register such properties with the Commissioner on a form provided by the Commissioner. An owner shall file said registration with the Commissioner within 14 days following the occurrence of a vacancy or foreclosure, whichever first occurs. If the owner is an out-of-state corporation, person, or other entity, the owner shall appoint an in-state agent authorized to accept service of process and other documents under this article.

(1) Each registration must state both the owner's and agent's (if any) name, telephone number, street address and mailing address.

(2) Each registration must also certify that the property has been inspected by the owner and must identify whether the property is vacant. Each registration must designate a local individual or local property management company responsible for the maintenance and security of this property. This designation must state the individual or company's name, direct telephone number, and local mailing address; the mailing addresses shall not be a post office box.

B. All property registrations pursuant to this section are valid for one calendar year from the date when the registration is received by the Commissioner. An annual registration fee must accompany the registration form. Subsequent registrations and fees are due no later than the date of the expiration of the previous registration. Subsequent registrations must certify whether the property remains vacant and/or remains in foreclosure, as the case may be.

(1) The fee for the registration of ownership of a vacant property shall be \$25.00 per property. Any request by the Commissioner for a change in the registration fee shall require approval by the Board of Selectmen.

(2) The Commissioner shall submit a copy of each completed registration or renewal form to the Police Department, Fire Department and Board of Health.

C. Any owner that has registered a property pursuant to this section shall report in writing to the Commissioner any change in information contained in the registration within 10 days of the change.

D. Once the property is no longer vacant or has been sold, the owner shall provide the Commissioner with written notice of legal occupancy or proof of sale, as the case may be.

## 3. Maintenance and security requirements.

A. Owners of vacant properties must fulfill the following minimum adequate maintenance and security requirements for any such property they own:

(1) Maintain vacant properties subject to this section in accordance with the relevant sanitary, building and fire codes and in a manner to prevent blight.

(2) Secure vacant properties subject to this section to prevent unauthorized entry and exposure to the elements.

(3) Maintain vacant properties subject to this section, including but not limited to maintaining and keeping in good repair any building(s), structure(s) and improvements, the removal of trash and debris, and the regular mowing of lawns, pruning and/or trimming of trees and shrubbery, and upkeep of other landscape features.

(4) Repair or replace broken windows or doors within 30 days. Boarding up any doors or windows is prohibited except as a temporary measure for no longer than 30 days.

B. Properties vacant for six months or more shall have utilities shut off, removed, or cut and capped to prevent accidents unless the property owner certifies in writing to the Commissioner that such action would be detrimental to the proper maintenance and security of the property.

C. Compliance with this section shall not relieve the owner of any applicable obligations set forth in any other codes, regulations, covenants, conditions, or restrictions, and/or homeowner or condominium association rules and regulations.

#### 4. Inspections.

The Commissioner or his designee shall have the authority and the duty to periodically inspect visually (per Building Code and Health Code regulations) properties for compliance with this article, respond to complaints, and issue citations for any violations. The Commissioner or his designee shall have the discretion to determine when and how such inspections are to be made, provided that such determination is reasonably calculated to ensure that this article is enforced.

#### 5. Enforcement and penalties.

A. In addition to any other means of enforcement available to the Commissioner, the Commissioner may enforce this article by means of noncriminal enforcement pursuant to M.G.L.

c. Chapter 40, § 21D. In addition to the Commissioner, the Police and Fire Chiefs and their respective designees, and the Health Agent shall each have authority to enforce this article.

The following penalties are established for purposes of said noncriminal disposition:

(1) A failure to initially register or to reregister with the Commissioner: \$300.

(2) A failure to properly designate the name of the local individual or local property management company responsible for the maintenance and the security of the property: \$300 for each violation.

(3) A failure to maintain and/or to secure the property: \$300 for each day during which the property is not maintained and/or not secured in compliance with said section.

B. The penalties provided in this section shall not be construed to restrict the Town from pursuing other legal remedies available to the Town. Violation of

any other provision of this article shall be subject to a fine of \$300 for each violation; each day shall be considered a separate violation.

C. All fees collected shall be designated to the town demolition fund.

#### 6. Appeals; applicability; severability.

A. Appeals. Any persons aggrieved by the requirements of this article or by a decision issued hereunder may, within twenty-one days after the date of receipt of written notice, seek relief in district court by requesting a hearing in writing. Such hearing shall be held before a district court judge, clerk, or assistant clerk, as the court shall direct as provided by M.G.L. c. Chapter 40, §21D.

B. Applicability. If any provisions of this article impose greater restrictions or obligations than those imposed by any general law, special law, regulation, rule, ordinance, order or policy, then the provisions of this article shall control.

C. Severability. If any provision of this article is held to be invalid by a court of competent jurisdiction, then such provisions shall be considered separately and apart from this article's remaining provisions, which shall remain in full force and effect.

#### 7. Definitions.

BLIGHT - Any property in which at least one of the following conditions exist:

- a. It is becoming dilapidated as documented by the Building Inspector
- b. It is attracting illegal activity as documented by the Police Department
- c. It is a fire hazard as documented by the Fire Department

d. It is determined by the Building Inspector that the property is in a condition which poses a serious threat to the safety, health and general welfare of the Town.

- e. It is determined by the Health Agent to be unfit for human habitation

COMMISSIONER - The Building Inspector of the Town of Becket or his designee who shall be the Police Chief, Fire Chief, Health Agent or Assistant Building Inspector.

DAYS - Consecutive calendar days.

FORECLOSED - A property, placed as security for a real estate loan, as to which all rights of the mortgagor or his grantee in the property have been terminated as a result of a default of the loan.

LOCAL - Within 100 miles of the property in question.

MORTGAGEE - The creditor, including but not limited to service companies and lenders under a mortgage agreement, or any successor in interest of the mortgagee's rights, interests or obligations under the mortgage agreement.

OWNER - Every person, entity, service company, property manager or real estate broker, who alone or severally with others:



- a. has legal or equitable title to any dwelling, dwelling unit, or parcel of land, vacant or otherwise; or
- b. has care, charge or control of any dwelling, dwelling unit, parcel of land, vacant or otherwise, in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate or the holder of legal title; or
- c. is a mortgagee in possession of any such property; or
- d. is an agent, trustee or other person appointed by the courts and vested with possession or control; or
- e. is an officer or trustee of the association of unit owners of a private community or condominium; each such person is bound to comply with the provisions of these minimum standards as if he were the owner; or
- f. Is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated a foreclosure process.

PROPERTY - Any real property or portion thereof, located in the Town of Becket, which contains a building, structure, or other improvement.

TOWN - The Town of Becket.

VACANT - A property which is not being actively used or occupied and which has not been actively used or occupied within the preceding 90 days. This definition shall not apply to property which is undergoing renovations or repairs due to fire or other casualty or a property where a valid building or zoning permit is pending or approved by the appropriate issuing authorities. For purposes of this bylaw, "vacant" also includes abandoned and/or foreclosed property(ies). Excepted from this definition is residential property that is temporarily vacant due to seasonal absences but is otherwise properly maintained and secured per Section 3.A. of this bylaw.

Properties already vacant prior to this bylaw will be deemed in violation if owner does not bring property into compliance within 90 days. The commissioner shall notify the last known owner per Tax Collector records.

#### **ARTICLE 18-BECKET RIGHT-TO-FARM BY-LAW**

(Adopted 5/13/06 & effective 7/29/06)

##### SECTION 1. Legislative Purpose and Intent

The purpose and intent of this Bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Articles of Amendment of the Massachusetts Constitution and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A. We the citizens of Becket restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment"). This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Becket by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

##### SECTION 2. Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture. The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

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

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

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

### SECTION 3. Right to Farm Declaration

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

SECTION 4. Effective Date

This Bylaw becomes effective upon filing with the Massachusetts Attorney General.

SECTION 5. Disclosure Notification to Real Estate Buyers

In order to allow prospective purchasers to make informed decisions prior to a real estate transaction and to promote harmony between farmers and their new neighbors after a transaction, the Town of Becket 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 Becket 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 Becket means that one should expect and accept such conditions as a normal and necessary aspect of living in Becket."

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.

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

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

SECTION 6. Resolution of Disputes

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

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed-upon time frame.

SECTION 7. Severability Clause

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of Becket hereby declares the provisions of this Bylaw to be severable.

**ARTICLE 19— SIGNIFICANT BUILDINGS OR STRUCTURES: PERMITS FOR  
DEMOLITION OR RELOCATION**

(Adopted 7/24/07; effective 11/15/07)

SECTION 1. Intent and Purpose.

This bylaw section is adopted for the purpose of protecting the historic and aesthetic qualities of the Town of Becket by preserving, rehabilitating or restoring, whenever possible, buildings or structures which constitute or reflect distinctive features of the architectural or historical resources of the town, thereby promoting the public welfare and preserving the cultural heritage of the town.

SECTION 2. Definitions.

For the purpose of this section, the following words and phrases have the following meaning:

Commission: The Becket Historical Commission.

Inspector: The Becket Building Inspector.

Demolition or Relocation Permit (the permit): The permit issued by the Inspector as required by the State Building Code for the demolition, partial demolition or for the removal of a building or structure or its/their relocation to another site.

Abutter(s): Owner(s) of record located within 300 feet of the boundary line of the owner/applicant's property, including any located across any public or private way, at the time of the permit or plan application.

Historically significant building or structure: Any building or structure which is (1) importantly associated with historic persons or events, or with the architectural, cultural, political, economic or social history of the Town of Becket, the Commonwealth of Massachusetts or the United States; or (2) is historically, architecturally important by reason of style, method of construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

Preferably preserved: Any historically significant building or structure, which because of the important contribution made by such building or structure to the town's historical and/or architectural resources, is in the public interest to preserve, rehabilitate or restore.

SECTION 3. Regulated Buildings and Structures.

The provisions of the section shall apply only to any building or structure: (1) listed in the National Register of Historic Places or the State Register (2) located within one hundred and fifty (150) feet of the boundary line, documented with maps, of any federal, state or local historic district.

SECTION 4. Procedure.

(1) The Inspector shall forward a copy of each demolition or relocation permit application for a building or structure identified in (3) to the Commission within seven days of the filing of the application; and shall also record such copy with the Becket Town Clerk at which date the application is deemed to have been received by the Commission. The applicant may include a presentation to the Commission.

(2) Within forty five (45) days from receipt of the permit application, the Commission shall determine whether the building or structure is historically significant. The Commission shall make its determination at a public meeting of its members, a quorum being present, and record the vote of each of its members.

Negative Determination. If the Commission determines that the building or structure is not historically significant, the Commission shall so notify the Inspector, the applicant and the Town Clerk in writing. A 20-day appeals period shall apply during which time any interested person may request that the Commission shall require a Demolition/Relocation Plan Review. After the 20-day appeals period has lapsed and the Town Clerk so certifies, the Inspector may issue the permit.

Failure to make a Determination. If the Commission fails to notify the Inspector and/or Town Clerk of its determination within the forty five (45) days of receipt of the application, then the building or structure shall be deemed not historically significant and the Inspector may issue the permit.

Positive Determination. If the Commission determines that the building or structure is historically significant, the Commission shall notify the Inspector, the Town Clerk and the applicant in writing that the demolition/relocation plan review must be made prior to the issuance of the permit.

(3) Demolition/Relocation Plan Review (the Plan):

(a) Within sixty (60) days after the Commission's determination that a building or structure is historically significant, the applicant shall submit to the Town Clerk one (1) and to the Commission ten (10) copies of the Plan which shall include the following:

(i) A map showing the location of the building to be demolished, or removed for relocation elsewhere, if applicable, on its property and with reference to neighboring properties, including a list of abutters with location and mailing addresses.

(ii) A description of the building or structure, or part thereof, to be demolished, or relocated.

(iii) The reason for the proposed demolition and data supporting said reason, including, where applicable, data sufficient to establish any economic justification for demolition, or relocation.

(iv) A brief description of the proposed reuse of the property on which the structure to be demolished is located.

(v) If relocation to another site is proposed, a reasonable estimate of feasibility of the relocation; map of the proposed relocation site with reference to neighboring properties, including a list of abutters with location and mailing addresses.

(vi) The cost of any public postings, advertising and notification of abutters shall be paid by the Town of Becket.

(b) After public notice made at least fourteen (14) days prior to a scheduled hearing, by public posting, advertising in newspaper(s) of general circulation in the area and notification of abutters by certified mail, the Commission shall hold a public hearing with respect to the Plan. Within sixty (60) days from submission of the Plan [(3) (a)], the Commission shall file a written report with the Inspector and the Town Clerk on the Plan which shall include the following:

(i) A description of the age, architectural style, historical associations and importance of the building or structure to be demolished or relocated;

(ii) A determination, made by majority vote of the Commission at a public meeting, as to whether or not the building or structure should be preserved.

(c) Negative Determination or Failure to Act. If the building or structure is not determined to be preferably preserved; or if the Commission fails to

file its report with the Inspector and the Town Clerk within the 60-day time period set out above [see (3) (b)] and the Town Clerk so certifies, then the Inspector may issue the permit.

(4) Positive Determination. If the building or structure is to be preferably preserved, then the Inspector shall not issue a demolition (relocation) permit for a period of six (6) months from the date the Commission's report is filed with the Inspector and with the Town Clerk.

During this 6-month period the applicant shall present evidence that a bona fide and reasonable effort to locate a purchaser or grantor who is either willing to preserve, rehabilitate or restore the building or structure or who agrees to accept a demolition or relocation permit on specified conditions approved by the Commission.

At the end of the 6-month period, the Commission shall certify to the Town Clerk and to the Inspector that the Commission is satisfied with the applicant's bona fide effort as outlined in the paragraph above; and the Inspector may then issue the demolition (or relocation) permit.

#### SECTION 5. Emergency Demolition.

If a building or structure poses an immediate threat to the public health or safety due to its deteriorated condition, the owner/applicant may request issuance of an emergency demolition order from the Inspector.

As soon as practicable after receipt of such request, the Inspector shall arrange to have the property inspected by a board consisting of himself, the Fire Chief or his designee, and one disinterested person chosen by the Inspector. After inspection of the building or structure and consultation with other members of the board, the Inspector shall determine whether the condition of the building or structure represents a serious and imminent threat to public health and safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect the public health and safety.

If the Inspector finds that the condition of the building or structure poses a serious and immediate threat to public health and safety and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Inspector may issue an emergency demolition permit to the owner of the building or structure.

#### SECTION 6. Non-Compliance.

Anyone who demolishes a building or structure identified in this section (Regulated Building and Structures) without first complying with the provisions for a demolition (or relocation) permit of this by-law shall be subject to a fine of not more than three-hundred dollars (\$300.00). In addition, unless a demolition (or relocation) permit was obtained for such demolition, and unless such permit was fully complied with, the Inspector shall not issue a building permit pertaining to any property on which a building or structure identified and regulated by this section has been demolished for a period of two(2) years from the date of demolition.

#### SECTION 7. Severability.

In case any section, paragraph, or part of this by-law is declared invalid or unconstitutional by any court or competent jurisdiction, every other section, paragraph, and part of such by-law shall continue in full force and effect.

**ARTICLE 20 - DOG CONTROL BY-LAW**  
(Adopted 5/10/2008; effective 7/14/2008)

These regulations are intended to guide those persons owning or keeping dogs within the Town of Becket in their role as responsible pet owners. It must be understood, however, that enforcement of same is necessary to protect the rights and safety of the public. Any owner/keeper seeking relief from any portion of these regulations may file or appeal for same with the Board of Selectmen.

**SECTION 1. Licenses and tags.**

1. The owner or keeper of a dog kept within the Town of Becket, said dog being six months of age or older, shall cause that dog to be licensed annually. The license year shall be from April 1 to the following March 31, inclusive.
2. The Town Clerk shall issue dog licenses and tags. The Town Clerk shall record for each license issued, the name, address and telephone number of the owner or keeper of each dog so licensed, the tag number issued, date of expiration of last rabies vaccination, breed, age, color, or other description of the dog. Each tag shall contain the tag number, the name "BECKET" and the year of issue.
3. The owner or keeper shall cause said dog to wear around its neck or body a collar or harness to which he/she shall securely attach the tag issued. In the event that any tag is lost, defaced or destroyed, substitute tags shall be obtained by the owner or keeper from the Town Clerk, at a cost of \$2.00 each.
4. The fee for each dog licensed shall be \$11.00, unless a certificate of a veterinarian stating that the dog has been spayed or neutered has been presented to the Town Clerk, in which case the fee shall be \$5.00. Any owner or keeper of four or more dogs, six months of age or over, may elect to secure a kennel license as follows:
  - a. 4 dogs - \$21.00
  - b. Up to 10 dogs - \$41.00
  - c. Over 10 dogs - \$100.00

No license fee or part thereof shall be refunded because of a subsequent death, loss, spaying or neutering, or removal from the Town of such dog. A late fee of \$5.00 per dog will be charged for late renewals after April 15. A late fee of \$10.00 per dog will be charged for late renewals after June 15. This does not apply for newly acquired dogs or for individuals who have moved into Town less than 30 days prior to licensing. All dogs must be licensed every year.

5. A license shall not be issued for any dog unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying that the dog is currently vaccinated against rabies or indicating that, because of infirmity, other physical condition or regimen of therapy, said vaccination is deemed inadvisable. The rabies vaccination expiration date shall be recorded on the license record.
6. No fee shall be charged for a dog specially trained to lead or serve a disabled person, upon presentation of certification of said training.
7. The owner or keeper of any dog shall provide proof of said license upon request of the Animal Control Officers, police officers or other authorized officials.
8. The penalty for violation of this section, in addition to any other penalties provided by law, shall be \$50.00. The penalty for failure to license said dog within 30 days of notification of violation of this section shall be \$75.00.

**SECTION 2. Leashing and restraint of dogs.**

1. No owner or keeper of a dog shall permit such a dog whether licensed or unlicensed to run at large within the Town of Becket. No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless the dog is physically restrained by a leash and under the control of its owner/keeper.
2. No person shall permit a dog owned or kept by him to run freely outside the confines of the property of the owner or keeper unless leashed or as to restrain the dog in such manner that the dog will not go beyond the property of the owner or keeper by fencing or appropriate barriers.
3. No person shall permit a dog owned or kept by him to be unaccompanied by a person of adequate age and discretion to properly control its actions.
4. Any dog found to be at large in violation of this section may be caught and confined by an officer authorized to do so, or returned to the owner or keeper of record forthwith. The Animal Control Officer, or authorized agent, shall attempt to notify the owner/keeper of record of a confined dog. The owner/keeper of said dog shall have a period of time, not to exceed 10 days, within which to recover said dog. Return of the dog to the owner/keeper of record shall be dependent upon admission of ownership or the keeping of said dog, and assumption of responsibility by the owner or keeper. If said dog is unlicensed, a current license shall be obtained and all impound fees paid prior to release of the dog. In addition to fees charged for boarding, medical or other care costs, there shall be an impound fee paid to the Town of Becket of \$20.00 for licensed dogs and \$30.00 for dogs unlicensed at time of impound.
5. This section shall not be construed to limit or prohibit the use of hunting dogs during the hunting season, the conducting of field trials for hunting dogs or the training or use of police K-9 units.
6. The penalty for violations of this section shall be \$25.00 for each offense.

**SECTION 3. Nuisances committed by dogs; removal by owner; exception.**

No person owning or having the care, custody or control of any dog shall permit such dog to soil or defile or commit any nuisance upon any sidewalk, street, thoroughfare, beach or wetland, in or upon any public property, or in or upon the property of persons other than the owner or persons having the care, custody or control of such dog, unless said person picks up any such waste and disposes of same in a sanitary manner. This section shall not apply to physically disabled persons in sole custody or control of said dog. The penalty for violation of the section shall be \$15.00 per offense.

**SECTION 4. Disturbing the Peace and Endangering Safety**

Whoever shall own or keep any dog which, by biting, barking, howling or any other manner, commits a nuisance or disturbs the peace and quiet of any neighborhood or endangers the safety of any person after having been warned by a Police Officer or an Animal Control Officer shall be punishable by a fine not exceeding \$25.00

**SECTION 5. Property damage; appraisal; reimbursement.**

1. Whoever suffers loss by the worrying, killing or maiming of his livestock or fowl by dogs shall inform the Animal Control Officer who shall forthwith proceed to the scene to view the damage, who shall determine if the damage was done in fact by dogs and, if so, appraise the amount of damage if it does not exceed \$50.00.
2. If in the opinion of the Animal Control Officer the damage exceeds \$50.00, the damage shall be appraised on oath by three persons, one of whom shall be the



Animal Control Officer, one shall be appointed by the person alleged to have suffered the loss and the third appointed by the other two.

3. Said appraisers shall consider and include in such damages the number and kind of animals damaged, the extent of the damage and the approximate weight of the killed animals. The appraisers will also note in their report whether or not any animals were sent for medical treatment in an effort to save them, the number and kind of such animals. Such report shall be filed with the Board of Selectmen within 10 days of said appraisal. The Board of Selectmen may require the appraisers to provide any additional information that they deem appropriate. The appraisal will be reviewed and submitted for payment as deemed appropriate. Reimbursement may be denied or limited in accordance with Chapter 140, § 161A, of the Massachusetts General Law.

**SECTION 6. Liability of dog owner.**

1. The owner or keeper of a dog which has done damage to livestock or fowl shall be liable for such damage, and the Board of Selectmen may order the owner or keeper to pay such damages after an investigation by the Animal Control Officer of the facts of the matter and appraisal conducted as outlined in Section 5.
2. In the event that the owner or keeper of such dog known to have done damage to livestock or fowl refuses to pay upon the order of the Board of Selectmen, the Animal Control Officer shall enter or cause to be entered a complaint in District Court for the enforcement of the order.

**SECTION 7. Vaccination against rabies.**

1. The owner or keeper of a dog six months of age or older, housed or sheltered in the Town of Becket, shall cause such animal to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Massachusetts Department of Public Health. Such owner or keeper shall procure a veterinarian's certification that such animal has been so vaccinated and setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued, or a metal rabies tag bearing an expiration date indicating that such certification is still in effect.
2. Vaccinated animals shall be revaccinated periodically in accordance with rules and regulations adopted and promulgated by the Massachusetts Department of Public Health.
3. The owner or keeper of a dog shall present certification of rabies vaccination upon demand of the Animal Control Officers, police officers or other authorized officials of the Town.
4. The penalty for violation of this section shall be \$50.00 for each offense. The penalty for failure to vaccinate said animal within 30 days of notification of a violation of this section shall be \$75.00.

**SECTION 8. Quarantine of dogs suspected of having contagious disease.**

1. The Board of Selectmen, or his authorized agent, may order any dog which said person has reason to believe is affected with a contagious disease, to be quarantined or isolated for at least 10 days upon the premises of the owner or of the person in whose charge it is found, or in such other place as the Board of Selectman or agent may designate.
2. A dog which has been quarantined or isolated by order of the Board of Selectmen or his agent shall, during the continuance of such quarantine or isolation, be deemed to be affected with a contagious disease. The owner or keeper shall be responsible for any fees incurred for any off-premises quarantine. Whoever

knowingly breaks or authorizes or causes to be broken a quarantine so imposed; or whoever contrary to such order of quarantine or isolation knowingly removes a dog or authorizes or causes it to be removed from a building, place or enclosure where it is quarantined or isolated; or whoever contrary to an order or notice of quarantine knowingly places or causes or authorizes to be placed any other animals within a building, place or enclosure where a dog is quarantined or in contact therewith; or knowingly causes or authorizes to be concealed, sold, removed or transported a dog, knowing or having reasonable cause to believe that it is affected with a contagious disease; or whoever knowingly authorizes or permits such dog to go at large within the Town of Becket shall be punished by a fine of \$200.00. Any such dog found at large by the Animal Control Officer, or other authorized agent of the Town, shall be captured and confined at the expense of said owner or keeper. This section shall not apply to authorized Town officials in the performance of their duties.

**SECTION 9. Complaint investigation; order to restrain or remove.**

If any person shall make a complaint in writing to the Board of Selectmen that a dog owned or kept in the Town of Becket is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Board of Selectmen shall cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within 10 days after such order the owner or keeper of such dog may petition for relief of said order in accordance with the provisions of Massachusetts General Law, Chapter 140, § 157. Any person owning or keeping a dog subject to any order of the Board of Selectmen, who shall fail to comply with said order of the Board of Selectmen, shall be punished by a fine of \$100.00 for each offense. The owner/keeper of any dog subject to an order of the Board of Selectmen shall be responsible for any and all costs of carrying out said order.

**SECTION 10. Violations and penalties.**

Unless otherwise stated, violation of any provision of these regulations shall be punished by a fine not to exceed \$300.00. The provisions of these regulations may be enforced by the Animal Control Officer utilizing the procedures contained in Massachusetts General Law Chapter 40, § 21D, as a non-criminal disposition of the violation. The fine for violations pursued utilizing the provisions of Chapter 40, § 21D, shall be \$50.00 unless otherwise specified within the regulation.

**ARTICLE 21 - COMMUNITY PRESERVATION COMMITTEE**

(Adopted 4/5/2014; effective 3/4/2015)

Section 1. Membership, Terms.

The Community Preservation Committee shall consist of seven (7) voting members, pursuant to G.L. c. 44B, the Community Preservation Act and the Committee shall act pursuant to G.L. c. 44B, § 5. The terms of each appointment, after the initial terms, shall be for three (3) years each or until their successor has been appointed and qualified and shall be so arranged that as nearly an equal a number of terms as is possible shall expire each year. The initial appointments shall be of one, two and three years. Appointments shall be for three years and shall begin on the first business day in July (except for the initial terms which shall begin at their first meeting following the annual town election and run until June 30<sup>th</sup> of the following

appropriate years). The composition of the committee and the method of selecting its members are as follows:

- One member of the Conservation Commission as designated by the Conservation Commission.
- One member of the Historical Commission as designated by the Historical Commission.
- One member of the Planning Board as designated by the Planning Board.
- One member of the Parks & Recreation Committee, as designated by the Parks and Recreation Committee.
- Three members to be appointed by the Board of Selectmen, one for an initial term of three years and two members for an initial term of two years and thereafter for a term of three years.

Any member who serves as a representative of an appointing committee who ceases during his or her term to be a member of the appointing committee shall also cease to be a member of the Community Preservation Committee. Any member may be removed with or without cause by the appointing committee. Any vacancy during the term of office shall be filled by the appointing committee for the remainder of the term. Members may be eligible for reappointment.

Should any of the Commissions, Boards, or Committees who have appointment authority under this by-law chapter be no longer in existence for any reason, the appointment authority for that Commission, Board, or Committee shall devolve upon the persons acting in the capacity of or performing the duties of the former Commission, Board or Committee. If there are no such persons acting in the capacity of or performing the duties of any such Commission, Board, or Committee, then the appointment shall be the responsibility of the Board of Selectmen.

All vacancies, whether at the end of a member's term or otherwise, shall be filled within twenty days of the creation of the vacancy.

## Section 2. Powers and Duties.

- A. The Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including but not limited to the Conservation Commission, the Historical Commission, the Planning Board, the Parks and Recreation Committee, the Affordable Housing Committee and the Open Space Committee, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.
- B. The Committee shall make recommendations to the town meeting for the: acquisition, creation and preservation of open space; for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this by-law. With respect to community

housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

- C. The Committee may include in its recommendation to the town meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation. Recommendations for the expenditure of funds shall include the Committee's anticipated administrative and operating expenses.
- D. The community preservation committee shall keep a full and accurate account of all of its actions, including its recommendations and the action taken on them and records of all appropriations or expenditures made from the Community Preservation Fund. The committee shall also keep records of any real property interests acquired, disposed of or improved by the town upon its recommendation, including the names and addresses of the grantor's or grantees and the nature of the consideration. The records and accounts shall be public records.
- E. The Committee shall submit an annual report to the Town of its recommendations and the financial condition of the town's Community Preservation Fund.

### Section 3. Meetings and Proceedings.

The Committee shall meet on a regular basis, as established by it, but not less frequently than four times a year. Special meetings may be called by the Board of Selectmen, Chairman of the Committee or majority vote of the Committee. Minutes shall be kept of all public meetings. The Committee may establish its own rules of procedure including those governing the conduct of its meetings.

### Section 4. Quorum Requirements.

The Committee shall not meet or conduct business without the presence of a quorum. A majority of four voting members shall constitute a quorum. The Committee shall approve its actions by a majority vote of those members present and voting.

### Section 5. Election of Officers.

The Committee shall annually, at its first meeting of each fiscal year, elect a chairman, vice-chairman and secretary for the ensuing year. Annually the Committee shall provide the Board of Selectmen with the names of the officers for the upcoming year.