



# TOWN OF RICHMOND

## TOWN BYLAWS

(Updated through Oct 2018)

### CHAPTER I

#### General Provisions

**SECTION 1.** The following provisions shall constitute the General Bylaws of the Town of Richmond and shall be in lieu of all bylaws heretofore in force, provided, however, that the repeal of any bylaw may not be effected except by an affirmative vote thereon in a separate article in any Town Meeting.

**SECTION 2.** These bylaws, and the repeal of all other bylaws now in effect, shall not affect any legal act done, any penalty or liability incurred, or any pending suit, prosecution, or proceeding. The repeal of a bylaw shall not thereby have the effect of reviving any bylaw theretofore repealed.

**SECTION 3.** Words and phrases specifying or naming any officer, board, commission or committee of the Town shall be construed as including the lawful successor, or the person or persons having the powers and performing the duties of such officer, board, commission or committee.

**SECTION 4.** Any or all of these bylaws may be repealed or amended, or other bylaws may be adopted, at any Town meeting. The Zoning Bylaw is governed by Chapter 40A of the Massachusetts General Laws (MGL) and may be amended only by a two-thirds vote at a Town Meeting; the Planning Board must hold a public hearing on such amendments.

**SECTION 5.** The Selectmen shall publish the bylaws following their coming into effect, and thereafter every five years shall publish and distribute the bylaws then in effect.

**SECTION 6.** The invalidity of any section or any chapter hereof shall not affect the validity of any other section.

**SECTION 7.** Any Town departments or functions not governed by these bylaws are covered by pertinent provisions of the Massachusetts General Laws.

## **CHAPTER II**

### **Town Meeting**

**SECTION 1.** The Annual Town Meeting shall be held at 7:30 p.m. on the third Wednesday of May for consideration and action on articles in the Annual Warrant. The Town Caucus shall be held on the fourth Monday of March. The election of town officers will be held on the Saturday following the Annual Town Meeting. The polls shall be opened at 11 a.m. and closed at 7 p.m.

Pursuant to the provision of MGL, Chapter 53, a person seeking election to an office to be filled at a town election may file a nomination paper bearing signatures of twenty-five (25) registered voters with the office of the Town Clerk ten (10) days, at least, prior to the date on which the Town Caucus is to be held, and the Caucus Chairman shall accept additional nominations from the floor at the Caucus.

**SECTION 2.** Special town meetings may be called at any time by the Board of Selectmen. The Selectmen shall be required to call a special town meeting if requested in writing by 200 registered voters or 20% of the total number of registered voters, whichever number is the lesser, per MGL Chapter 39, Section 10. The warrant for an Annual or Special Town meeting may specify that the meeting is to be held in a suitable auditorium or other facility in any of the contiguous towns. Town Meeting may also vote to adjourn to such a facility if it deems appropriate.

**SECTION 3.** Thirty (30) registered voters at an annual town meeting and ten (10) registered voters at a special town meeting shall constitute a quorum. A number less than a quorum may from time to time adjourn a town meeting. The quorum requirements shall not apply to such parts of meetings as are devoted exclusively to the election of town officers. All Annual Town Meetings and Special Town Meetings shall be conducted in accordance with procedures outlined in Town Meeting Time, A Handbook of Parliamentary Law.

**SECTION 4.** The warrant for the Annual Town Meeting shall open on January 2 and all articles proposed for said warrant shall be in the hands of the Selectmen on or before the first Monday of March.

**SECTION 5.** All warrants for town meetings, whether annual or special, shall be served by posting attested copies thereof in at least three public places in different parts of town. The Annual Town Meeting shall be posted seven (7) days, at least, before the time of said meeting and special town meetings shall be posted fourteen (14) days, at least, before time of said meeting. Notice of the meeting, with a summary of the articles in the warrant, shall be distributed, by mail or otherwise, as determined from time to time by the Board of Selectmen.

**SECTION 6.** The Selectmen shall cause to be printed in the Annual Town Report the warrant for the Annual Town Meeting and the report and recommendations of the Finance Committee. Annual reports shall be made available five (5) days, at least, before the Annual Meeting. If the time provision cannot be carried out, the Town may, by a majority vote at the Annual Meeting, declare the meeting legal nevertheless.

**SECTION 7.** Any vote on a motion or proposal to raise, transfer or appropriate an amount in excess of that recommended by the Finance Committee for a particular purpose, or any amount for which the Finance Committee has made no recommendation shall be by written secret ballot.

**SECTION 8.** Only persons registered to vote in the Town shall have a vote at the Town Meeting. Any attorney representing the Town or a voter shall disclose the fact of his/her representation before speaking on any matter.

**SECTION 9.** Articles of the Warrant shall be acted upon in the order in which they appear unless otherwise determined by majority vote of the meeting.

**SECTION 10.** Any motion shall be put in writing if so directed by the Moderator.

**SECTION 11.** When a question is put, the sense of the meeting shall be determined by a voice vote and the Moderator shall declare the vote as it appears to him/her. On matters requiring a 2/3 vote by statute, a count need not be taken unless the vote so declared is immediately questioned by seven (7) or more voters, as provided in MGL Chapter 39, Section 15. If as many as ten (10) voters so request, any vote shall be taken by written secret ballot.

**SECTION 12.** No motion, the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant has been duly considered and acted upon, but this shall not preclude the postponement of consideration of any article or articles to an adjournment of the meeting at a stated time and place.

## **CHAPTER III**

### **Town Officers**

**SECTION 1.** The elected officers of the Town shall be three (3) Selectmen, three (3) School Committee members, five (5) Board of Health members, three (3) Library Trustees, a Moderator, five (5) members of the Finance Committee as provided by MGL Chapter 39, Section 16, and five (5) members of the Planning Board as provided by MGL Chapter 41, Section 81A. Members of the Planning Board shall be elected for five (5) year terms. Members of the Board of Selectmen, Board of Assessors, Board of Health, School Committee, Finance Committee, and Library Trustees shall be elected for three (3) year terms. All others shall be elected for one (1) year terms.

The Selectmen shall appoint the Town Administrator; a single individual to be both Treasurer and Collector in accordance with the Town Bylaws; the Town Clerk; the Fire Chief; such inspectors as it judges necessary to preserve the health, safety, and

welfare of the Town's citizens; the Superintendent of Public Works; and the Building Inspector. The Selectmen shall appoint a three (3) member Board of Assessors pursuant to the provisions of MGL Chapter 41, Section 25.

The Board of Selectmen may create such additional other offices and boards as may be required for the proper administration, health, or safety of the Town and may terminate the same at its discretion. Terms of office for all positions and the number of places on boards and commissions shall be determined by the Board of Selectmen, but in no event shall any appointment exceed a three-year term. Individuals who are appointed to offices and boards may be reappointed by the Selectmen as their terms expire. All offices and agencies granted powers by the Constitution and the Massachusetts General Laws shall retain and exercise those powers. The Selectmen may consolidate departments of Town government under their jurisdiction, and boards, commissions, committees, and offices whose members they appoint.

**SECTION 2.** The Librarian shall be appointed by the Library Trustees. All other appointments shall be made by the Selectmen, unless otherwise voted at Town Meeting.

**SECTION 3.** The Town Officers shall carry out the duties and perform the functions prescribed for them in the Massachusetts General Laws, Tercentenary Edition, and additions or amendments thereto, and any instructions voted at an Annual or Special Town Meeting.

**SECTION 4.** The Town Clerk, as soon as possible after every town meeting, shall notify in writing all members of committees who may be elected or appointed at such meeting, stating the business on which they are to act and the names of the persons composing the committees, and also shall notify all officers, boards, commissions and committees of all articles passed at such meeting that in any way affect them. All newly appointed, elected or re-elected officers and committee members must be sworn in by the Town Clerk prior to assuming their duties.

**SECTION 5.** The Finance Committee shall consider matters relating to the appropriation, the borrowing and the expenditure of money by the Town, and may make recommendations to the Town or to any officer, board, commission or committee relative to municipal affairs. It shall be the duty of the Finance Committee to make an annual report of its activities, with appropriate recommendations to the Selectmen, to be included in the Annual Town Report.

**SECTION 6.** Town officers and heads of departments, boards, commissions and committees charged with the expenditure of town money shall each year prepare detailed estimates of amounts deemed by them necessary for the administration of their respective programs for the fiscal year beginning the following July 1. These estimates shall be presented to the Board of Selectmen by February 15.

**SECTION 7.** All articles in any town meeting warrant referring to appropriation of money shall be referred to the Finance Committee for consideration. For the Annual Town Meeting such articles shall be received by the Finance Committee not later than March 15. The Finance Committee shall make its recommendations concerning these

articles to the Selectmen not later than April 1. In the discharge of its duties, the Finance Committee shall have free access to all books of records and accounts, bills and vouchers on which money has been or may be paid from the Town Treasury.

**SECTION 8.** The Selectmen shall appoint a Council on Aging of seven (7) members, pursuant to the provisions of MGL, Chapter 40, Section 8B<sub>1</sub>, for the purpose of coordinating and carrying out programs designed to meet the problems of the aging. The Council shall submit an annual report to the Town and shall send a copy thereof to the State Department of Elder Affairs.

**SECTION 9.** The Moderator shall appoint 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 because of conflict of interest, or to assist the Moderator when the number in attendance or physical layout of the room(s) requires an additional Moderator. In the absence of the Moderator or Deputy Moderator one shall be elected from the voters for that meeting.

## CHAPTER IV

### Financial Affairs

SECTION 1: This Section established the office of Tax Collector/Town Treasurer.

**Section 1.1 - Office established; powers and duties.** The office of Tax Collector/Treasurer of the Town of Richmond is hereby established. The Tax Collector/Treasurer shall act as the collector of taxes of the Town and shall exercise all the powers and duties of such office as well as the powers and duties of the treasurer. The office of the Tax Collector/Treasurer shall be under the direction and control of the Board of Selectmen.

**Sec. 1.2. - Custodian of funds; depositories.** The Tax Collector/Treasurer shall receive, receipt for, and have the care and custody of the current funds of the Town from the time the funds shall come into his or her possession, and also of all moneys, properties and securities which may be placed in his or her charge by virtue of any provisions of the general laws or ordinance, including custody of trust funds, or by virtue of any gift, devise, bequest or deposit; may deposit any portion of such current funds in such national bank or trust company, savings bank or banks organized under the laws of the state, and on such conditions and rates of interest as he or she shall deem best, subject to the provisions of G.L. c. 44, §55; shall, with the Board of Selectmen, sign all bonds and certificates of indebtedness issued by the Town; and shall preserve all rejected bids for loans, and all papers relating thereto.

**Sec. 1.3. - Custodian of tax deeds and tax properties.** The Tax Collector/Treasurer shall be the custodian of all tax deeds of land held by the

Town. He or she shall also be the custodian and shall have the care, custody, management and control of all property acquired by the Town through the foreclosure of tax titles or acquired under G.L. c. 60, §80.

**Sec. 1.4. - Receipt of gifts and bequests.** The Tax Collector/Treasurer shall, unless the donors have otherwise directed, receive all moneys, properties and securities given, devised or bequeathed to or deposited with the Town for any specific purpose; give a receipt and discharge therefor on behalf of the Town; sell the same except the real estate; invest the proceeds as provided in G.L. c. 44, §54, as a permanent fund; and shall hold the income thereof subject to expenditure for the purpose designated in the gift, devise, bequest or deposit.

**Sec. 1.5. – Appropriation by vote of town.** No payment shall be made by the Tax Collector/Treasurer without an appropriation by vote of the Town, or against any appropriation in excess of the same except as authorized or required by law.

**Sec. 1.6. - Bond.** The Tax Collector/Treasurer shall give a bond to the Town as surety for the faithful performance of his duties in such form as the Town counsel shall approve as required by law, and satisfactory to the Board of Selectmen, in a sum not less than \$60,000.00, with an incorporated surety company. Such bond shall be delivered and approved before entering upon the duties of the office and within ten days after appointment. If the Tax Collector/Treasurer fails to give the bond within the time required, the appointment shall be void, and a new appointment shall be made forthwith. The reasonable amount paid as a premium for the surety upon any bond shall be allowed and paid as an expense of the department.

**Sec. 1.7. - Sale for nonpayment of taxes.** The Tax Collector/Treasurer or Tax Title Custodian may sell property taken under Tax Title procedure, after other Town boards have been given notice of property available. In case of sale, such property will be advertised and sold at public auction.

**Sec. 1.8. - Distribution of tax bills.** The Tax Collector/Treasurer shall, as soon as possible after receiving any tax list bills and warrant, distribute bills to both residents and nonresidents, but an omission to make or distribute tax bills shall not invalidate a tax or proceedings for the collections or enforcement of the same.

**Sec. 1.9. - Demand for unpaid taxes.** On all taxes not paid before November 2 in each year, the Tax Collector/Treasurer shall forthwith issue a demand stating the amount due thereon, the rates of interest charged and to be charged, and demanding payment of the amount due, which demand shall be served forthwith upon each delinquent taxpayer by mailing the demand, postage prepaid, to each such delinquent taxpayer addressed to his or her last or usual place of abode, or by causing the demand to be delivered at his or her last place of abode; and unless such tax is paid within 14 days after the service of such demand, with \$1.00 additional for such demand, the Tax Collector/Treasurer shall then proceed to collect the tax according to law.

**Sec.1.10. - Power to collect taxes.** The Tax Collector/Treasurer is authorized and empowered to use any and all lawful means for collecting the taxes committed to the office.

**SECTION 2.** An independent audit shall be performed annually and at the expiration of the terms of office of the Tax Collector/Town Treasurer.

**SECTION 3.** Each officer, department head, board, commission or committee authorized to spend money shall, on or before June 30 of each year, transmit to the Tax Collector/Town Treasurer all unpaid bills outstanding as of that date.

**SECTION 4.** Except as otherwise provided by law, the Town Clerk shall have custody of investment bonds, blasting bonds, deeds, contracts, bonds of performance, Tax Collector/Treasurer's bond, and Town Clerk's bond, insurance policies and similar instruments in possession of the Town.

**SECTION 5.** Every officer shall every seven days pay to the Tax Collector/Treasurer of the Town all amounts received on behalf of the Town, except as otherwise provided by law. All departments shall provide the Tax Collector/Treasurer with a true accounting of such funds stating the accounts upon which said amounts were received.

**SECTION 6.** The Selectmen shall appoint a "Chief Procurement Officer" who shall perform the duties of the office as established in G.L. c. 30B. The Selectmen may in their discretion also appoint a person to serve as "Procurement Officer" as that term is defined in G.L. c. 30B §1.

**SECTION 7.** All Departments may draw on the Treasury of the Town for money appropriated at a special or the Annual Town Meeting. Any Town monies appropriated as aforesaid and unused at the end of the fiscal year shall become a part of the General Fund of the Town, unless otherwise encumbered.

**SECTION 8.** This Section established the process by which licensing authorities may deny, revoke or suspend any license or permit of any party neglecting or refusing to pay taxes, fees, assessments, betterments, or other municipal charges.

**Section 8.1 – List furnished by Tax Collector/Treasurer.** The Tax Collector/Treasurer shall annually furnish to each department, board, commission or officer, hereinafter referred to the licensing authority, that issues license 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 of such tax or a pending petition before the appellate tax board.

**Sec. 8.2 – Licensing authority power.** The licensing authority may deny, revoke, or suspend any license or permit, including renewals and transfers, of any party whose name on said list furnished to the licensing authority from the Tax Collector/Treasurer or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority by the Tax Collector/Treasurer; provided, however, that written notice is given to the party and Tax Collector/Treasurer, 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.

**Sec. 8.3 – Tax Collector/Treasurer right to intervene.** The Tax Collector/Treasurer shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension.

**Sec. 8.4 – Findings.** Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose 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.

**Sec. 8.5 - Reissuance or renewal of license or permit.** 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/Treasurer that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Town as of the date of issuance of said certificate.

**Sec. 8.6 – Payment agreement.** 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.

**Sec. 8.7 Board of Selectmen power to waive.** 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 G.L. c. 268A, §1 in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits:

Open burning, Section 13 of Chapter 48

Bicycle permits, Section 11A of Chapter 85

Sales of articles for charitable purposes, Section 33 of Chapter 101

Children work permits, Section 69 of Chapter 149

Clubs and associations dispensing food and beverages, Section 21E of Chapter 140

Dog licenses, Section 137 of Chapter 140  
Fishing, hunting and trapping licenses, Section 12 of Chapter 140  
Marriage licenses, Section 28 of Chapter 207  
Theatrical event and public exhibitions, Section 181 of Chapter 140

## **SECTION 9. DEPARTMENTAL REVOLVING FUNDS**

1. Purpose. This by-law establishes and authorizes revolving funds for use by Town, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

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

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

C. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectboard and Finance Committee.

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

4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds. The Table establishes:

A. Each revolving fund authorized for use by a Town department, board, committee, agency or officer,

B. The department or agency head, board, committee or officer authorized to spend from each fund,

C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant,

D. The expenses of the program or activity for which each fund may be used,

- E. Any restrictions or conditions on expenditures from each fund; and  
 F. The fiscal years each fund shall operate under this by-law.

<u>Revolving Fund</u>	<u>Authorized User</u>	<u>Revenue Source</u>	<u>Allowed Expenses</u>	<u>Restrictions/Conditions</u>	<u>Fiscal Years</u>
Inspectional Services	Electrical, Plumbing, and Gas Inspectors	Fees charged and received by the Electrical, Plumbing, and Gas Inspectors	Wages of Inspectors performing electric, plumbing, and gas inspections	Salaries or wages of full-time employees shall be paid from the annual budget appropriation and not from the fund	Fiscal year 2019 and subsequent years
Council on Aging	Council on Aging	Program participation fees received and other donations	Elder transportation programs, events, and classes	Salaries or wages of full-time employees shall be paid from the annual budget appropriation and not from the fund	Fiscal year 2019 and subsequent years
Board of Health	Board of Health/Board of Health Agent	Fees received for the sale of composting and recycling bins	Costs associated with the purchase of composting and recycling bins	Salaries or wages of full-time employees shall be paid from the annual budget appropriation and not from the fund	Fiscal year 2019 and subsequent years
Wetland Protection	Conservation Commission	Fees charged for conservation commission applications	Education associated with conservation	Salaries or wages of full-time employees shall be paid from the annual budget appropriation and not from the fund	Fiscal year 2019 and subsequent years
Municipal Building or Property Rental	Town Administrator, Treasurer, or Tax Collector	Fees and rents received from the rentals of municipal buildings	Upkeep and maintenance of rented facility	Salaries or wages of full-time employees shall be paid from the annual budget appropriation and not from the fund	Fiscal year 2019 and subsequent years

Expenditures from said funds shall not exceed the amount of funds received in the respective accounts or authorized below, shall come from any funds received by the respective boards and officers for performing services, shall be used solely for the purpose of coordinating and carrying out the programs delineated and shall be approved by a majority vote of the respective boards or officers.

**Inspectional Services - \$20,000**  
**Council on Aging - \$5,000**  
**Board of Health - \$2,500**  
**Wetland Protection - \$5,000**  
**Municipal Building or Property Rental - \$10,000**

## **CHAPTER V**

[THIS IS A NON-TEXT CHAPTER]

## **CHAPTER VI**

### **Legal Affairs**

**SECTION 1.** The Selectmen shall be the agents of the Town to institute, prosecute and defend any and all claims, actions and proceedings to which the Town is a party or in which the interests of the Town may be involved.

**SECTION 2.** The Selectmen may appear personally or by Town Counsel, or by Special Counsel duly employed, before any court, committee or legislative body, or any state or county board or commission, to protect the interest of the Town, but are not authorized, except as otherwise provided by law, to commit the Town or any of its interests. No settlement of any claim or suit obligating the Town shall be made, unless the money is appropriated by a Town Meeting.

**SECTION 3.** The Selectmen shall, by July 1, appoint a member of the bar in good standing to serve as Town Counsel for the term of one (1) year.

## **CHAPTER VII**

### **Records and Reports**

**SECTION 1.** All officers, boards, commissions and committees of the Town shall cause records of their doings and accounts to be kept in suitable books and/or computer files. Said records shall be kept in the Town Hall and shall not be removed therefrom. Said records shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under supervision of the officer, board, commission or committee having custody thereof.

**SECTION 2.** All officers, boards, commissions and committees of the Town shall annually report in writing on their activities. Such reports shall be submitted to the Selectmen for inclusion in the Annual Town Report on or before February 15 of each year and shall be in sufficient detail to give citizens a fair and full understanding of these activities.

## CHAPTER VIII

### Health & Safety

**SECTION 1.** The Selectmen shall annually appoint a chief of police pursuant to the provisions of MGL, Chapter 41, Section 97, and he/she shall make a report annually to the Selectmen. If the Selectmen, for any reason, fail to appoint a chief of police, the Chairman of the Selectmen shall serve as the chief of police. The Selectmen shall annually appoint as many constables as they deem necessary whose duties shall be performed in accordance with MGL, Chapter 41, Section 91A, and they shall make a report annually to the Selectmen.

**SECTION 2.** The Town shall establish a Richmond Volunteer Fire Department pursuant to the provisions of MGL, Chapter 48, Sections 42, 43 and 44, as follows:

Section 42. Towns accepting the provisions of this section and sections forty-three and forty-four, or which have accepted corresponding provisions of earlier laws may establish a fire department to be under the control of an officer to be known as the chief of the fire department. The chief shall be appointed by the Selectmen, and shall receive such salary as the Selectmen may from time to time determine, not exceeding in the aggregate the amount annually appropriated therefor. He/she may be removed for cause by the Selectmen at any time after a hearing. He/she shall have charge of extinguishing fires in the town and the protection of life and property in the case of fire. He/she shall purchase subject to the approval of the Selectmen and keep in repair all property and apparatus used for and by the fire department. He/she shall have and exercise all the powers and discharge all the duties conferred or imposed by statute on engineers in towns except as herein provided, and shall appoint a deputy chief and such officers and firemen as he/she may think necessary, and may remove the same at any time for cause and after a hearing. He/she shall have full and absolute authority in the administration of the department, shall make all rules and regulations for its operation, shall report to the Selectmen from time to time as they may require, and shall annually report to the town the condition of the department with his/her recommendations thereon; he/she shall fix the compensation of the permanent and call members of the fire department subject to the approval of the Selectmen. In the expenditure of money the chief shall be subject to such further limitations as the town may from time to time prescribe. The appointment of the chief of the fire department in any town or district having a population of five thousand or less may be for a period of three years.

Section 43. The chief of a fire department shall act as forest warden in all such towns which accept the provisions of either of the two preceding sections, and shall have authority to appoint deputy wardens and fix their compensation subject to the approval of the Selectmen.

Section 44. The three preceding sections shall not affect the tenure of office nor apply to the removal of permanent and call members of fire departments in

towns which have accepted chapter thirty-one or corresponding provisions of earlier laws. Said sections shall not apply to cities.

**SECTION 3.** All dwellings or business places shall be provided with sewage disposal facilities and maintained in a sanitary condition in compliance with 310 CMR 15.00, the State Environmental Code, Title 5.

**SECTION 4.** The disposal of trash shall be administered by the Board of Health, whose responsibility includes municipal collection, disposal of trash and supervision of a recycling program.

**SECTION 5.** An inspector of Electrical Wiring shall be appointed by the Selectmen and shall inspect all new and altered electrical wiring. Electrical wiring shall be in conformity with the regulations of the 1953 National Electrical Code, or revisions thereof, published by the National Board of Fire Underwriters, a certified true copy of which shall be filed in the office of the Town Clerk. The Inspector of Wiring shall annually make a report of his inspections to the Selectmen.

**SECTION 6.** The Selectmen shall appoint an Inspector of Plumbing who shall inspect all new and altered plumbing to see that it conforms with the regulations promulgated under the provisions of MGL Chapter 142, Section 13, as amended. The Inspector of Plumbing shall make a report annually to the Selectmen.

**SECTION 7.** The Selectmen shall appoint an Inspector of Oil Burners, who shall inspect all new oil burner installations as provided in 527 CMR 4.00. This inspector shall annually make a report of his/her inspections to the Selectmen.

**SECTION 8.** The Selectmen shall appoint a Gas Inspector who shall inspect all gas burners used for heating, water heating and cooking within buildings, as provided in MGL Chapter 142, Section 13, as amended, and who shall annually make a report on his/her inspections to the Selectmen.

**SECTION 9.** An Inspector of Buildings shall be appointed by the Board of Selectmen, in accordance with the provisions of MGL Chapter 143, Section 3 and Chapter 40A, Section 7, as most recently amended, and he/she shall administer and enforce the State Building Code. He/she shall make a report annually to the Selectmen concerning his inspections and other official activities.

**SECTION 10.**

(A) No person, other than an employee in the service of the Town, shall pile, push or plow snow onto a town way so as to impede the flow of traffic on such way.

(B) The Chief of Police shall have the authority to remove or cause to be removed from public ways any vehicle parked thereon, which interferes with the normal functions of removing snow or ice therefrom, or with the normal cleaning/maintenance of roadways, after reasonable effort to contact the owner thereof. Any such vehicle so removed shall be taken to a public garage

and stored. The owner of such vehicle shall be liable for payment of charges incurred in removing the vehicle and storing the same.

**SECTION 11.** Fees for inspections shall be established by the Board of Selectmen and shall be remitted to the Town Treasurer.

**SECTION 12.** Numbers shall be provided by the Board of Assessors for each dwelling, business and other building in Richmond, except for accessory buildings as defined in the Zoning Bylaw. It shall be the responsibility of each property owner to attach said assigned number or numbers to his/her affected building or buildings within three (3) months of the effective date of this Bylaw. The owner of any property seeking a building permit for a new building shall apply to and receive from the Building Inspector a number prior to applying for a building permit and no building permit shall be issued without the designation of a building number. Numbers, at least three (3") inches in height, shall be placed in a prominent place on each building or on a suitable support near the main entrance to the building so as to be easily visible from the road. This Bylaw shall be enforced by the Building Inspector and Zoning Enforcement Officer and violations shall be punishable by a ten dollar (\$10) fine.

**SECTION 13.**

(A) The Chief of the Volunteer Fire Department is authorized to grant a revocable permit for the installation, operation or modification of a fire alarm system. An alarm system is defined as any device that automatically emits an audible, visual or other signal upon the occurrence of a fire hazard or similar emergency and is intended to alert persons outside of the building to the existence of said hazard or emergency.

(B) It shall be a violation of this Bylaw to install, operate or modify an alarm system without first having obtained a permit from the Chief of the Volunteer Fire Department, said permit to cost ten dollars (\$10). Any person operating an alarm system without a permit shall be subject to a fine of one hundred dollars (\$100). Each day that such violation occurs may be considered a separate offense.

(C) It shall be a violation of this bylaw to falsely summon the Fire Department when no fire or medical emergency or similar hazard exists. Third time violations shall receive a fine of one hundred dollars (\$100). Fourth and subsequent violations shall receive a fine of three hundred dollars (\$300).

(D) After the third false alarm within one (1) year, the Chief of the Volunteer Fire Department, by service of a Constable, may revoke a permit unless the alarm system has been re-certified by a reputable installer of alarms.

(E) The provision of this section may be penalized by indictment or on complaint brought in the district court or by non-criminal disposition as provided in MGL Chapter 40, Section 21D.

## CHAPTER IX

### Zoning Bylaw

NOTE: Richmond's Zoning *Bylaw*, effective May 22, 1978, has been published separately, with amendments. Copies may be obtained from the Town Clerk.

## CHAPTER X

### Miscellaneous Provisions

**SECTION 1.** Buildings or structures shall not be moved on public ways without a permit from the Board of Selectmen.

**SECTION 2.** No steel-track tractor may be operated on any hard-surfaced public way within the limits of the Town without a permit from the Selectmen.

**SECTION 3.** No person, without first having obtained a written permit from the Selectmen shall:

- (A) Engage in door-to-door selling of merchandise, services or publications of a non religious nature, or
- (B) Operate a sound truck on the streets, or
- (C) Advertise upon the public ways by means of placards or so-called sandwich signs, or
- (D) Dig in or under, place obstructions in or over, or perform any activity so as to cause damage to or impede traffic within a town way.

**SECTION 4.**

(A) No person shall deposit or cause to be deposited refuse of any kind on any town way or town property except as directed by the Board of Health for the weekly municipal trash collection and removal service on the days designated and of the types permitted by the Board of Health.

(B) No person shall place, store or dump materials, equipment, junk or stockpiles, including, but not limited to soils or brush on his or her property within fifty (50) feet of a town way or adjacent private property for more than sixty (60) days after receiving a removal order by certified mail from the Board of Selectmen.

(C) No person shall keep any non-operating motor vehicle or more than one unregistered operating motor vehicle on his/ her property for more than thirty (30) days after receiving a removal order by certified mail from the Board of Selectmen, and provided, however, that no violation of this Bylaw be deemed to exist with respect to any such vehicles which are stored in a carport or an enclosed building.

(D) All residents shall separate their household wastes into three categories: (a) paper; (b) bottles, cans, and plastics; (c) all other household waste. Violations of this Bylaw may be enforced in the manner provided in MGL Chapter 40, Section 21D by any police officer. A penalty of twenty-five dollars (\$25) shall be imposed for each violation of this Bylaw. Each day on which a violation exists shall be deemed a separate violation of this Bylaw.

**SECTION 5.** No person shall construct or relocate a driveway or access road from private property to a public way, or from private property to a way shown on an approved subdivision plan, without first having obtained a written permit issued by the Board of Selectmen after approval by the Road Superintendent and the Tree Warden. Such permits shall be issued with due consideration of traffic hazards and drainage problems which may be created by the proposed driveway or access road. Any application for a driveway or access road of such length or grade that it may, in the judgment of the Selectmen, discharge a substantial volume of surface water on a public way or adjacent property, shall be accompanied by plans and specifications of the proposed drainage facilities as may be required by the Selectmen. Such facilities must be adequate for any anticipated storm runoff and so designed as to reduce, disperse and delay the runoff, or otherwise protect the traveled ways, drainage facilities and adjacent lands from flooding, erosion or siltation, and prevent the pollution of natural waterways.

**SECTION 6.** No person shall construct a swimming pool without first having obtained a permit therefor from the Building Inspector, who shall require that all pools constructed below ground level be fenced.

**SECTION 7.** Areas designated as the Richmond Town Beach and the Richmond Tennis Court shall be for the sole use of Town residents and the Selectmen may charge a fee or establish a no-fee system for stickers for use of the Town Beach and Tennis Court.

**SECTION 8.**

(A) The Selectmen shall annually appoint an Animal Control Officer, who shall enforce the provisions of this Bylaw and MGL Chapter 140, Sections 137 to 174D inclusive.

(B) Pursuant to the provisions of MGL Chapter 140, Section 173, the owner or keeper of a dog - whether such owner or keeper is a permanent or temporary resident of the Town - shall license and maintain such dog under his/her control and shall prevent such dog from running at-large at all times, ensuring that the dog shall not go beyond the property of its owner or keeper unless the animal is properly restrained.

A dog may be exempted from the restraining order while actively engaged in sporting events such as hunting, field trials or training purposes, provided that the dog is under proper supervision.

(C) All dogs and cats six (6) months of age or older must have current certification of vaccination against rabies, per MGL Chapter 140, Section 145B.

(D) Any owner or keeper of a dog may be ordered by the Animal Control Officer to muzzle said dog if the animal has bitten, injured or physically molested any person or has physically injured any other dog or animal.

(E) The owner or keeper of a dog that has done damage to or caused injury to property such as, but not limited to, livestock, fowl, pets or other possessions shall be liable for such damage; and the Selectmen may order the owner or keeper to pay such damages after an investigation, as set forth in said Chapter 140. If the owner or keeper of such dog refuses to pay the damages, the Selectmen shall seek enforcement of the order in the District Court.

(F) The owner or keeper of any animal injured or killed by a motor vehicle shall be responsible for the Town's cost for all rescue response, emergency care, treatment and/or disposal of said animal.

(G) The Animal Control Officer shall enforce all provisions of this Bylaw and attend to all complaints or other matters pertaining to animals in the Town of Richmond.

(H) Fines for violations of this Bylaw shall be as follows:

First offense in a calendar year -- Warning

Second offense in calendar year – Twenty (20) Dollars

Third offense in a calendar year -- Thirty-five (35) Dollars

Fourth or subsequent offenses in a calendar year -- Fifty (50) Dollars

Notwithstanding any other provision of the Bylaw, the Town shall charge a fine of ten (10) dollars per dog for failure to obtain a license and a late fee of five (5) dollars per dog to be paid by owners or keepers who license said dog or dogs on or after April 1.

All fines and fees for failure to license or restrain a dog or dogs under this Bylaw shall be remanded to the Town Clerk and shall be deposited in the General Fund.

## **SECTION 9.**

Any person or organization that seeks to conduct a special cultural, educational, or fund raising event, such as but not limited to, art shows, auctions, festivals, bazaars, community picnics, breakfasts, dinners, concerts, dance events, or similar events may be required to obtain approval from the Board of Selectmen if such event is to be held on or affect town streets, sidewalks, or property or require services beyond those the town provides its citizens under normal everyday circumstances. The Selectmen may require a public hearing to consider any application filed under this section and any permit issued may include conditions relating to hours of operation, attendance, public safety, traffic control, parking, noise, odor, lighting, impact on the neighborhood and on municipal facilities, and a requirement that the applicant post a bond. Any person or

organization granted a permit under this section shall comply with all other local, state, federal licensing or permitting requirements for said event. Failure to obtain any required licenses or permits shall result in the revocation of the permit granted under this section and a fine of \$100.

## **SECTION 10.**

**Purpose** The purpose of this section is to authorize the Town to make temporary repairs to private ways, as provided in MGL Chapter 40, Section 6N.

**Section 10.1** Type and Extent of Repairs. Repairs shall be limited to grading, patching, the laying of gravel sufficient to effect a uniform grade, and repairs necessary for drainage purposes. Repairs shall not include paving or repaving, reconstruction of the roadbed, or removal of existing material.

**Section 10.2** Public Necessity. There shall be a finding of public necessity for said repairs by the Board of Selectmen. Public necessity shall be defined as any matter where public safety and convenience, in the opinion of the Selectmen, require that such repairs be made.

**Section 10.3** Petition Process. A petition, including a waiver of liability, for temporary repairs of a private way must be signed by the abutters on fifty-one (51%) percent of the developed lineal frontage on said way or ways or if a majority of abutters to a private way or ways are members of an association of landowners specific to said ways, then a majority vote of that association's membership or board of directors shall also constitute a valid petition.

All petitions, sufficient under Sec. 10.3, shall be submitted to the Selectmen thirty (30) days, at least, before any special or Annual Town Meeting and shall be referred to the Road Superintendent and the Road Advisory Committee for their recommendations.

**Section 10.4** Scope of work. The scope of work shall be determined by the Road Superintendent, subject to approval by the Board of Selectmen.

**Section 10.5** Betterments. There shall be no betterment charges assessed to abutters for temporary repairs performed under this Bylaw.

**Section 10.6** Funding. Repairs funded under the provisions of this Bylaw shall be by appropriation at any special or Annual Town Meeting and shall be expended only upon the expenditure of an equal amount for care and maintenance of roadways by the petitioning abutters or their association. No cash deposit shall be required of the abutters and funds shall be kept in separate accounts: one to be maintained by the Town Treasurer and one to be maintained by the abutters. The Selectmen may accept contributions of volunteer labor in lieu of part or all of the required match, with the value of the contributions to be determined by the Selectmen.

**Section 10.7** Town's Liability. The liability to the town for work performed by town equipment or personnel under this Bylaw is limited to twenty-five hundred dollars (\$2,500.00).

**Section 10.8** Public Use. There shall be a finding by the Town Clerk that the private way or ways which are the subject of such petition shall have been opened to public use for five (5) years or more prior to the expenditure of funds under this Bylaw.

**Section 10.9** Density Requirement. No private way shall be eligible for temporary repairs under this Bylaw unless it serves four (4) or more dwellings under separate ownership.

## **CHAPTER XI**

### **Penalties**

**SECTION 1.** Whoever violates any of the provisions of these bylaws whereby any act or thing is enjoined or prohibited, shall, unless other provision is expressly made by the Massachusetts General Laws or otherwise herein, forfeit and pay a fine not exceeding fifty dollars (\$50) for each offense, and each continuing day of such violations shall be considered a separate offense.

## CHAPTER XII

### *Town of Richmond Local Wetland Bylaw*

#### **SECTION 1. Purpose**

The purpose of this Bylaw is to supplement the Wetlands Protection Act, MGL Chapter 131, Section 40 (the Act), and 310 Code of Massachusetts Regulations, Sections 10.01 through 10.60 (the Regulations), in order to better protect the quantity and quality of wetlands, related resources, and adjoining buffer areas in the Town of Richmond. Protection will require prior review and control of activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon wetland interests identified under the Act and including:

Groundwater	Historic Interests
Erosion and Sedimentation Control	Recreation
Agriculture/Aquaculture	Seasonal Pools
Rare/Endangered Plant Species	

These interests are to be known collectively as the “Wetland Values” protected by this Bylaw.

In determining whether activities will have a significant effect upon the Wetland Interests, the Commission may examine not only the effect of a particular activity, but the cumulative effect of all activities contained within a Resource Area or the Buffer Zone within the applicant’s proposal.

#### **SECTION 2. Jurisdiction**

##### **Section 2.1. Areas of Jurisdiction**

In addition to those resources delineated under the Act, the following Resource Areas are included for protection under this Bylaw. Except as permitted by the Conservation Commission or as provided otherwise in this Bylaw, no person shall remove, fill, dredge, or build upon or conduct any of the preceding activities within one hundred (100) horizontal feet from the boundaries of all Wetland Resources, including:

Isolated wetlands, seasonal pools (vernal pools), quarries, or any land under aforesaid waters; any land subject to flooding or inundation by groundwater, surface water, storm flowage, or within one hundred (100) feet of the 100-year storm line as shown on the Flood Insurance Rate Maps (FIRM), or as otherwise established by engineering/soils data; Areas of Critical Environmental Concern (ACEC) and land extending one hundred (100) feet horizontally upland from the boundary of an ACEC (hereinafter called the Upland Edge); all endangered plant species’ habitats listed by the Natural Heritage and Endangered Species program.

Richmond Pond shall be granted special protection by requiring Conservation Commission permission for any activity denoted in Section 2.2, Activities Subject to Regulation Under this Bylaw that takes place within two hundred (200) feet of the mean annual high water line of the pond. The mean annual high water line of the pond is that line which is apparent from visible markings or changes in the character of soils or vegetation due to the prolonged presence of water and which distinguishes between predominantly aquatic and predominantly terrestrial land.

### **Section 2.2. Activities Subject to Regulation Under this Bylaw**

Any activity proposed or undertaken in the Act or Section 2.1 which will remove, fill, dredge or alter that area or within one hundred (100) feet horizontally outward from the boundary of said Resource Area.

### **SECTION 3. Exceptions**

In addition to exceptions identified under the Act, the application and permit required by the Bylaw shall not be required for:

1. Maintaining or repairing, but not substantially changing or enlarging the following:
  - a. A utility structure or facility existing at the time of the adoption of this Bylaw, and used in the service of the public to provide electric, gas, water, telephone, telegraph, cable, or other telecommunication or rail services; or
  - b. A public or private way existing at the time of the adoption of this Bylaw; or
  - c. Existing subsurface sewage disposal systems, springs, wells, and storm drains serving a private or public building existing at the time of the adoption of this Bylaw;

provided with respect to the above, that written notice has been given to the Commission at least forty-eight (48) hours prior to commencement of work, and provided that the work conforms to performance standards and design specifications in Regulations adopted by the Commission or any other town board, as applicable.

2. Removal of debris by hand, from a Resource Area, provided that the work does not change width, depth, or direction of the flow of water, and that the work conforms to the performance standards adopted in this Bylaw and Regulations.

3. The following is a clarification of activities allowed when undertaken within the Buffer Zone:

- a. The planting, tending, maintaining and harvesting of commercial crops, household lawns and gardens;
- b. Installation or repair of fences;

- c. Mowing of fields;
- d. Grazing of animals;
- e. Removal of dead trees, trees endangering life or property, and selective harvesting;

provided that the work with respect to the above conforms to the performance standards as set forth under the Act and in this Bylaw;

- 4. Nor shall the application and permit required by this Bylaw apply to emergency projects necessary for the protection of the health and safety of the public and that within twenty-one (21) days of commencement of an emergency project, a permit application shall be filed with the Commission for review as provided in this Bylaw. Upon failure to meet the requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

#### **SECTION 4. Definitions**

The following definitions shall apply in the interpretation and implementation of this Bylaw:

- 1. Area of Critical Environmental Concern (ACEC) means areas so designated by the Executive Office of Environmental Affairs.
- 2. Cumulative means increasing in effect.
- 3. Hydric soils are defined as soils that in their undrained condition are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic vegetation. Hydric soils may be used in determining the existence of Freshwater Wetlands.
- 4. Quarry/quarries are historical, man-made areas of open water and groundwater that were created by limestone and/or iron mining in Richmond.
- 5. Rare or endangered plant species or species' habitats are species or species' habitats of rare, threatened, endangered or plant species of critical concern as listed by the Natural Heritage and Endangered Species Program.
- 6. Resource Area is an area identified as such under the Act and including Section 2.1 of this Bylaw.
- 7. Tree - a woody perennial plant with one main stem which at a height of five (5) feet is over two (2) inches in diameter.
- 8. Upland Edge is land ending one hundred (100) feet horizontally outward from the boundary of an ACEC.

Vernal pools shall have the same meaning as under the Act, and, in addition, shall include those vernal pools not associated with another Resource Area. All other words and phrases used, but not defined in this Bylaw, shall have the same meaning as

ascribed in the Act and the Regulations. The Conservation Commission may adopt in its Regulations additional definitions consistent with this Bylaw.

## **SECTION 5. Performance Standards, Presumption of Significance.**

1. When the commission allows work to be performed in an Area that it has determined to be significant to the interests identified by the Act or in Section 1 of this Bylaw, it will require the work to meet certain performance standards. Performance standards are intended to identify the standard of care to which the applicant must adhere in order to achieve the protection of the affected interests.
2. In addition to those resources protected under the Act, the Commission will presume that each of the Resource Areas identified in Section 2.1 are also significant to one or more of the interests identified in Section 1. The presumptions are rebuttable; i.e., the presumption may be overcome based on a clear showing by credible evidence that the activity in the Resource Area does not play a role in impacting said interests.
3. In making its determination as to a Resource Area and in establishing performance standards, the Commission will employ the standards and presumptions contained in the Act with the following amplification:
4. Where a proposed activity involves the alteration of any marsh, swamp, bog, or wet meadow, the Commission will presume that these areas are significant to the same interests as Bordering Vegetated Wetlands (BVW) and shall assign the same standard of performance. Such standards shall be considered minimum standards to protect interests identified. Where these standards are not sufficient, in the Commission's judgment, the Commission may impose such conditions as are necessary to provide the indicated level of protection.

## **SECTION 6. Burden of Proof**

1. Any person who files a Notice of Intent to perform any work within a Resource Area or Buffer Zone has the burden of demonstrating to the Commission:
  - a. That the area is not significant to the protection of any of the interests identified in Section 1; or
  - b. That the proposed work will contribute to the protection of these interests by complying with performance standards for the affected areas as established by Section 5 and the Regulations promulgated under this Bylaw; and
  - c. That the work proposed will not have significant or cumulative adverse effects upon the interests protected by this Bylaw.

2. Failure to provide adequate evidence to the Commission to support this burden of proof shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.
3. Any person who requests the Commission to regulate work taking place outside the Commission's jurisdiction has the burden of demonstrating to the Commission's satisfaction that the work is likely to alter a Resource Area.

## **SECTION 7. Requests for Determination of Applicability; Notices of Intent/Applications**

### **Section 7.1. Request for Determination**

The Commission may require additional information to be filed as an addendum to the State's Request for Determination of Applicability.

The Commission will determine whether an area is subject to jurisdiction or whether an activity will impact the interests protected by this Bylaw. The Commission reserves the right to require the applicant to file a Notice of Intent.

### **Section 7.2. Notice of Intent (Application for a Permit)**

Any person desiring to perform an activity subject to Section 2 of this Bylaw and not described in Section 4 (Exemptions) shall file a Notice of Intent with the Commission. The Commission shall accept the Notice of Intent filed pursuant to the Act as an application under this Bylaw, and may require additional information to be answered as an addendum to the state's Notice of Intent.

### **Section 7.3. Contents of Notices of Intent**

The Notice of Intent (application) shall include such information and plans as the Commission determines necessary to describe the proposed activity, its impact on the environment, and its effect on the interests protected by this Bylaw. When the Commission or its agent determines that an activity proposed in an application represents only a portion of a project, it may require information describing the entire project and its potential impact.

### **Section 7.4. Submittal of Notice of Intent**

Filing a Notice of Intent shall follow the same procedure and protocol as for filing under the Act.

### **Section 7.5. Fees**

Filing fees required under the Act for a Notice of Intent shall constitute the filing fee under this Bylaw. No filing fees shall be required for Requests for Determination under this Bylaw.

## **Section 7.6. Consultant Services**

If the Commission deems it necessary, the applicant shall be required to compensate the Town for reasonable consultant services incurred in considering the Notice of Intent. Said consultant services shall be limited to those necessary to adjudge the impact of the project and necessary mitigation measures in consideration of the purposes of this Bylaw and the Act. Representative rate schedules of such consultants shall be kept on file with the Commission at the Town Hall.

## **SECTION 8. Hearing on Permit Applications, Effect of Insufficient Information, Review and Coordination with other Boards**

### **Section 8.1. Public Hearings**

Public hearings for Notices of Intent filed under this Bylaw shall follow procedures established under the Act, with the following additions:

1. Notice shall also be provided to all abutters, including those across a traveled way, in another municipality and, if deemed appropriate, across a body of water.
2. Notices shall also be sent to the Board of Selectmen and Town Clerk.
3. If, after opening a public hearing, it becomes necessary to extend said hearing, new notices will not be mailed to abutters, unless so requested in writing.

### **Section 8.2. Effect of Insufficient Information**

If the Commission finds that the information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on identified Wetland Interests; or to sustain the burden of proof as to the protection of those interests, then this finding shall be sufficient cause for the Commission to deny a permit or, in the Commission's discretion, to continue the hearing to another date to enable the applicant or others to submit additional information. If a date for a continuation is not specified, the hearing shall reconvene within twenty-one (21) days after the submission of a specified piece of information or the occurrence of a specific action.

### **Section 8.3. Review and Coordination with other Boards**

When the Commission deems it necessary, applications described in Section 7 shall be transmitted to other town officials and boards and other municipalities for review and comment.

The applicant shall have the right to receive any such comments or recommendations, and to respond to them at a meeting or relevant hearing of the Commission, prior to final action. If a project applicant is required by the Executive Office of Environmental Affairs to prepare an Environmental Impact Report (EIR), and if the scope of said EIR includes potential impacts on any Resource Area, the Commission may consider the EIR in any decision pursuant to this Bylaw. The Commission shall have the authority to

continue its hearing until the final EIR is certified by the Secretary of Environmental Affairs as complying with the Massachusetts Environmental Policy Act.

## **SECTION 9. Permits, Issuance, Denial, Expiration, Modification Revocation, and Certificates of Compliance**

### **Section 9.1. Issuance of Permit**

The Commission will follow procedures for issuance of a Permit as for issuance of an Order of Conditions under the Act. If, after a public hearing, the Commission determines that the activities that are the subject of the application will or are likely to have a significant effect on the Interests protected by this Bylaw, the Commission shall, within twenty-one (21) days of the close of the hearing, issue or deny a Permit for the activities requested. The Commission shall issue an Order of Conditions, which it deems necessary or desirable to protect the Interests under this Bylaw or deny this project for reasons identified under Section 9.2.

### **Section 9.2. Denial of Permit**

The Commission is authorized to deny a Permit for the following reasons: failure to submit necessary information and/or plans requested by the Commission; failure to meet the design specifications, performance standards, and other requirements of the Regulations of the Commission; failure to avoid or prevent significant or cumulative adverse effects upon the Interests protected by this Bylaw; or when the Commission determines that no conditions are adequate to protect those Interests.

### **Section 9.3. Expiration**

A permit shall expire three (3) years from the date of issuance; all work under a permit must be completed within that time period. The Commission may extend an Order for one or more periods of up to three years each. The request for an extension shall be made to the Commission at least 30 days prior to expiration of the Order.

### **Section 9.4. Modification - Revocation**

The Commission may revoke or modify any permit issued under this Bylaw, for cause, after notice to the Permit holder and after a public hearing. The permit holder shall be afforded an opportunity to participate in the hearing. The Commission, at its discretion, may combine the permit or other disposition of an application issued under this Bylaw, with its action under the Act.

### **Section 9.5. Certificates of Compliance**

Upon completion of work permitted under the Wetlands Bylaw, as under the Act, the applicant must apply to the Conservation Commission for a Certificate of Compliance. If the Commission determines that the work has been completed in accordance with the Order of Conditions, it shall issue a Certificate of Compliance.

## **SECTION 10. Security for Permits**

As part of a permit issued under this Bylaw, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed by the Permit be secured wholly or in part by one or more of the methods described below:

1. By proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility, determined by the Commission to be sufficient and payable to the Town of Richmond upon default.
2. By a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land with the benefit to the Town of Richmond, whereby the Permit conditions shall be performed and observed before any lot may be conveyed.

### **SECTION 11. Appeal Subsequent to Commission Action**

A person aggrieved by the Commission's denial or issuance of a permit, with or without conditions, may pursue his/her remedies under MGL Chapter 249, Section 4.

### **SECTION 12. Enforcement**

The Commission, its agents, officers and employees shall have the authority to enter upon privately owned land for the purpose of ensuring that conditions contained within permits are met and to inspect for reported violations of this Bylaw, provided that such persons have not been denied access by the property owner or his or her representative.

### **SECTION 13. Violations and Penalties**

Whoever violates the provisions of this Bylaw, the conditions of a permit granted under this Bylaw, or any decision rendered by the Commission under this Bylaw, may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the violator shall be liable to a fine of not more than one hundred (\$100) dollars for each violation. Each day such violation continues shall be deemed a separate offense.

### **SECTION 14. Rules and Regulations Promulgated by the Commission to Implement Bylaws**

After due notice and public hearing, the Commission may promulgate Rules and Regulations to accomplish the purposes of this Bylaw.

## **SECTION 15. Severability**

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination previously issued.

## **SECTION 16. Interpretation**

In the event of any conflict between the provisions of this Bylaw and the Act and Regulations, the more protective measures shall prevail.

## **Chapter XIII Right to Farm**

### **SECTION 1. Declaration**

The Right to Farm is hereby recognized to exist within the Town of Richmond. The below-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 2. Definitions**

The word “farm” shall include parcels of land or water bodies used exclusively for 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.

## **Chapter XIV Stretch Energy Code**

### **Section 1. Definitions.**

International Energy Conservation Code (IECC) 2009 — The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments. Stretch Energy Code — Codified by the Board of Building Regulations and

Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

## **Section 2. Purpose.**

The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

## **Section 3. Applicability.**

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

## **Section 4. Authority.**

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 120 AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

## **Section 5. Stretch Code.**

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Richmond General Bylaws, Chapter XIV.

The Stretch Code is enforceable by the building inspector/municipal code official.

**LOCAL OPTION STATUTES ACCEPTED IN ACCORDANCE  
WITH PROVISIONS IN  
THE GENERAL LAWS OF MASSACHUSETTS (MGL)**

**Chapter 105B, Section 114A**

*Trapping of fur-bearing animals to be allowed  
September 20, 1934*

**Chapter 153**

*Worker's compensation system set up for Town employees  
June 7, 1939*

**Chapter 723**

*Districts and municipal departments established to provide information and  
advice for World War II veterans  
December 28, 1945*

**Chapter 66, Section 32**

*Wiring inspector position created  
February 20, 1950*

**Chapter 781**

*Pension system established  
February 18, 1952*

**Chapter 41, Section 81 A**

*Planning Board size set at five (5) members  
February 1954*

**Chapter 40, Section 8C**

*Establishment of Conservation Commission  
February 17, 1964  
Membership set at five (5) members  
February 2, 1966*

**Chapter 40B**

*Town to join Berkshire County Regional Planning Commission  
February 20, 1967*

**Chapter 40, Section 5**

*Establishment of Conservation Fund  
February 1967*

**Chapter 32B**

*Establishment of group health and life insurance plan for town employees  
Ballot question, February 25, 1967*

**Chapter 58, Section 57A**

*Installation of State assessment system  
March 13, 1972*

**Chapter 40, Section 8D**

*Establishment of the Historical Commission  
March 12, 1973*

**Chapter 40, Section 15**

*All town roads designated as scenic  
September 8, 1973*

**Chapter 161B**

*Establishment of Regional Transportation Authority  
April 22, 1974*

**Chapter 40, Section 5B**

*Establishment of stabilization fund  
April 26, 1976*

**Chapter 131, Section 39A**

*Acceptance of Scenic Mountains designation, authorizing Conservation Commission to adopt regulations about defined mountain regions.  
April 26, 1976*

**Chapter 586**

*Acceptance of law allowing direct deposit of paychecks for public employees  
April 25, 1977*

**Chapter 258, Section 13**

*Town to indemnify municipal officers, elected or appointed, against claims against them up to one million (\$1,000,000) dollars  
Ballot question, May 3, 1980*

**Chapter 40, Section 6L**

*Acceptance of law allowing Town to appropriate money for work clothes for employees and for laundering such clothing  
April 25, 1983*

**Chapter 44, Section 35**

*Establishment of an accounting system  
April 23, 1984*

**Chapter 32B, Section 7D**

*Town to pay an additional twenty-five (25%) percent on group life and health for employees  
Ballot question, April 1984*

**Chapter 743, Clause 17C**

*Acceptance of statutory tax exemption for surviving spouse, minor with parent deceased or persons over seventy (70) years of age.  
February 3, 1986*

**Chapter 188, Section 13**

*Establishment of Professional Development Program for teachers and educators  
February 3, 1986*

**Chapter 262, Section 34, Clause 1079**

*Acceptance of new schedule of Town Clerk's fees  
April 25, 1988*

**Chapter 743, Clause 17D (see February 3, 1986)**

*Total estate, real and personal, for statutory tax exemption would be  
forty thousand (\$40,000) dollars.  
May 15, 1989*

**Chapter 59, Section 57C**

*Quarterly tax billing established  
June 11, 1990*

**Chapter 40, Section 5, Clause 21A**

*Establishment of billing for ambulance service  
October 15, 1990*

**Chapter 44, Section 53D**

*Establishment of revolving account for Recreation Committee  
May 26, 1993*

**Chapter 143, Section 3Z**

*Allowing the Building Inspector to do construction work in the Town  
February 23, 1994*

**Chapter 48, Section 42, 43, 44**

*Official establishment of the Volunteer Fire Department  
June 28, 1995*

**Chapter 40, Section 57**

*Allowing revocation of permits and licenses for nonpayment of taxes and fees  
May 24, 1995*

**Chapter 41, Section 97**

*Establishment of Police Department  
January 17, 1996*

**Chapter 80, Section 13B**

*Establishment of deferred loan payments for low income seniors  
May 28, 1997*

**Chapter 140, Section 147A**

*Giving the Town the authority to adopt bylaws regarding dog control  
May 28, 1997*

**Chapter 40, Section 22D**

*Selectmen given authority to adopt traffic regulations  
May 28, 1997*

**Chapter 40, Section 22F**

*Authorizing boards to set fees for services, licenses and permits  
May 28, 1997*

**Chapter 266, Section 9**

*Penalize persons for negligently setting fires  
May 27, 1998*

**Chapter 60, Section 3D**

*Establish fund to help low income elderly and disabled persons to pay property taxes  
November 18, 1998*

**Chapter 448, Section 1 of the Acts of 1996**

*Allows a town meeting to be held in a contiguous community.  
February 16, 2000*

**Chapter 41, Sections 19K and 108P**

*Authorize additional annual compensation of \$1,000 for Town Clerk, Town Treasurer and Tax Collector for completing the necessary training to be certified by their respective state associations  
May 24, 2000*

**Chapter 44, Section 35**

*Vote to rescind the action of April 23, 1984 establishing an accounting system  
October 25, 2000*

**Chapter 59, Section 5 (54)**

*Establishes minimum fair cash value of \$3,000 for personal property taxation.  
May 23, 2001*

**Chapter 64G**

*Hotel/motel tax, to be effective July 1, 2002  
May 23, 2001*

**Chapter 32B, Section 9A**

*Town shall pay one-half of the health insurance premium to be paid by town retirees  
May 26, 2004*

**Chapter 83, Sections 16A-16F**

*Allows for the placement of sewer liens upon the failure to pay annual Operation and Maintenance bills  
May 26, 2010*

**Chapter 59, Section 5 Clause 56**

*Tax reduction for all military active members overseas in the fiscal year  
May 25, 2011*

**Chapter 59, Section 5 Clause 57**

*Tax reduction for all seniors who receive the "Circuit breaker" Tax Credit on their state taxes.*

*May 25, 2011*

**Chapter 39, Paragraph 23D**

*All boards/Committees holding adjudicatory provides for members not present to be able to vote*

*May Oct 30, 2018*