

TOWN OF GILL
M A S S A C H U S E T T S



Gill Bylaws

Updated through May 9, 2011

TABLE OF CONTENTS

GILL BYLAWS **Copy of accepted bylaws through May 9, 2011**

Agricultural Commission.....1

 Alcoholic Beverages.....1

 Capital Improvement Planning Committee.....2

 Council of Aging Bylaw.....2

 Disposal of Equipment.....3

 Dog Control.....3

Energy Commission.....5

 Entertainment License.....6

 Finance Committee.....6

 Hazardous Materials.....6

 Mandatory Recycling.....8

Noise Bylaw.....9

 Non Payment of Taxes: #1.....9

 Non Payment of Taxes: #2.....10

 Omnibus Articles.....11

 Procurement Act (Chapter 30B).....11

Public Gathering.....11

Right to Farm.....12

Screening.....14

 Snow Removal.....15

 Snow Plowing.....15

 Street Numbering Bylaw.....15

 Street Opening Bylaw.....16

Stretch Energy Code.....16

 Underground Storage Tanks.....17

Unregistered Motor Vehicle.....19

Warrant Articles.....19

GILL BYLAWS

AGRICULTURAL COMMISSION

Passed May 1, 2006
Passed May 9, 2011

The purpose of the Agricultural Commission will be to support agriculture and other farming activities in the Town of Gill. The Commission's duties shall include but will not be limited to the following: serve as facilitators for encouraging the pursuits of agriculture in Gill; promote agricultural-based opportunities in Town; act as mediators, advocates, educators, and/or negotiators on farming issues; work for the preservation of prime agricultural lands; advise the Board of Selectman, or any other appropriate Town Boards on issues involving agriculture; and shall pursue all initiatives appropriate to creating a sustainable agricultural community.

The Commission shall consist of **seven** members appointed by the Moderator, of which the majority of the membership shall be substantially engaged in the pursuit of agriculture. All members of the Commission must either be residents of the town, or owners and farmers of agricultural property within the town. There may be up to three alternates appointed to the Commission by the Moderator that will serve to fill any vacancies at a meeting of the Commission.

In making appointments, the Moderator is asked specifically to consider the intent of the Commission to represent the agricultural interests of the Town.

The terms will be as follows: Two members for a term of three years; two members for a term of two years and three thereafter; and one member for a term of one year and three years thereafter.

The Moderator shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based upon the recommendations of the Commission.

Approved by the Attorney General August 7, 2006
Approved by the Attorney General July 18, 2011

ALCOHOLIC BEVERAGES

Passed August 21, 1979
Amendment passed June 9, 1997

No person shall consume alcoholic beverages on any town-owned grounds in the Town of Gill unless a permit is issued by the Board of Selectmen which designates a specific time and purpose.

This bylaw shall be enforced by the police of the Town of Gill and violators shall be prosecuted in the Franklin County District Court. Whoever violates any provision of this bylaw shall be liable to a penalty not to exceed \$100.00 for each offense which may be recovered by a complaint brought in District Court in accord with Chapter 20, Section 21 of the General Laws of Massachusetts as amended.

Approved by Attorney General November 21, 1979
Amendment approved by Attorney General August 12, 1997

CAPITAL IMPROVEMENT PLANNING COMMITTEE

Passed June 21, 2010

Section 1. The Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Planning Committee (the "Committee"), composed of one member of the Board of Selectmen, one member of the Finance Committee, one member of the Planning Board, one member of the School Committee, and three members at large, for a total of seven members. The terms of the members first appointed to the Committee shall be for one, two or three years and so arranged that the terms of approximately one-third of the members will expire each year, and their successors shall be appointed for terms of three years each. The Committee shall choose its own officers.

Section 2. The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Board of Selectmen for its consideration and approval. The Board shall submit its approved Capital Budget to the Annual Town Meeting for adoption by the town.

Section 3. The Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering services, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future, unless the omission of the proposed capital improvement shall first have been explained by the Committee or the Selectboard has waived this requirement for just cause.

Section 4. The Committee's report and the Selectmen's recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Finance Committee report. The Committee shall deposit its original report with the Town Clerk.

Approved by the Attorney General November 9, 2010

COUNCIL OF AGING BYLAW

Passed November 14, 2005

Move that the town vote in favor of a Town Bylaw to establish a Council of Aging, consisting of five members, the terms of the members to be one, two or three years, and, their successors appointed for terms of three years each for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with programs of the department of elder affairs, as stated on MGL Chapter 40, Section 8B.

Approved by the Attorney General January 12, 2006

DISPOSAL OF EQUIPMENT

Passed May 7, 1988

Any board or officer in charge of a department of the Town, may, with notice of the intent to dispose posted two weeks in advance of the request for approval by Selectmen, with approval by a vote of the Selectmen, sell any personal property of the Town within the possession or control of the department which has become obsolete or is not required for further use by the department, or trade the same in part payment for replacement for which funds have been provided.

Approved by Attorney General May 19, 1988

DOG CONTROL

Passed August 21, 1979

Amendment passed April 10, 1990

Amendment passed June 9, 1997

Amendment passed May 1, 2006

(Amendment May 9, 2011)

No person shall keep any dog which by biting, barking, or in any other manner disturbs the peace and quiet of the neighborhood or endangers the safety of any person.

No person owning or keeping a dog shall permit such dog to be at large elsewhere than on the premises of the owner or keeper; except if it be on the premises of another person with the permission of such other person, or while hunting on unposted land providing the dog is under the owner's control. A dog not on the premises of the owner, or keeper, shall be under the control of the owner, or keeper, of said dog at all times.

In any prosecution hereunder, the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog, when the owner or keeper is not present to control the dog, shall be prima facie evidence that such permission was not obtained. Any dog found to be at large in violation of this bylaw shall be confined by the dog officer who shall notify forthwith the licensed owner or keeper of said dog giving the owner or keeper a period of seven (7) days within which to recover the dog.

The licensed owner or keeper of said dog confined by the dog officer shall be fined **\$10.00** for the first offense, **\$25.00** for the second offense, and **\$50.00** for any further offense. Following the third offense, said dog may be subject to removal from the town, adoption, or any other action necessary to insure compliance with this by-law. The above fines shall be in addition to any fees or charges for board assessed by a kennel or other person or entity authorized by the dog officer to board dogs.

Return of the dog to the licensed owner or keeper shall be dependent on admission of ownership or the assumption of responsibility by the licensed owner or keeper. The dog officer shall enter and prosecute a complaint against the owner or keeper of any dog taken into custody under the section provided, however, if within the twelve months preceding this offense the owner or keeper has not been convicted for violation of this bylaw or dog owned or kept by him, has not been taken into custody for violation of the bylaw, the dog officer may waive prosecution.

The town accepts the provision of MGL Chapter 140, section 147A to empower the town to enact by-laws and ordinances relative to the regulation of dogs.

Move the Town vote to authorize a revolving account pursuant to Massachusetts General Laws, Chapter 44, Section 53E 1/2 for which revenues from fees or fines related to the licensing and care of dogs will be deposited into the fund and expended to purchase dog tags, pay for various expenses in relation to licensing, care and other related dog control expenses under the direction of the Town Clerk, and total expenditures for the fiscal year beginning July 1st next will be limited to \$2000, with all money remaining in the fund at the end of each fiscal year. This revolving fund to be re-established annually.

Move the town vote to establish the following bylaw pursuant to Massachusetts General Laws, Chapter 140, Section 140: The registering, numbering, description and licensing, pursuant to the provisions of MGL chapter 140, of all dogs and kennels in the Town of Gill shall be conducted in the office of the Town Clerk. Said licensing period is from April 1 to March 31. All dogs six months of age or older shall be licensed and have a current rabies inoculation as required under MGL chapter 140, sections 137 and 145B as amended.

The fees shall be as prescribed in MGL chapter 140, except that the annual fee for the licenses shall be:

<i>Male.....</i>	<i>\$10</i>
<i>Female.....</i>	<i>\$10</i>
<i>Neutered Male.....</i>	<i>\$ 5</i>
<i>Spayed Female</i>	<i>\$ 5</i>
<i>Kennel license</i>	
<i>a. Not more than four dogs.....</i>	<i>\$15</i>
<i>b. Five to nine dogs.....</i>	<i>\$30</i>
<i>c. Ten or more dogs.....</i>	<i>\$50</i>

An additional late fee of \$10 for every dog shall be assessed to a dog owner who fails to properly license his dog by (April 1) of any year.

The Select Board as deemed necessary will approve any future changes (which will require a future vote at town meeting) to the fee structure of the dog licensing program. Kennel fees shall be set from time to time by the Selectboard and shall reflect the cost for boarding and care of a dog on a daily basis.

No fee shall be charged for a license for a service dog specifically trained and certified as such. No license fee or part thereof shall be refunded because of a subsequent death, loss, spaying, neutering, removal from the Town or any other disposal of the dog.

Any payments made for damages are subject to Chapter 140, section 161A and in no case shall exceed \$500.

Approved by Attorney General November 21, 1979

Amendment approved by Attorney General June 8, 1990

Amendment approved by Attorney General August 12, 1997

Approved by Attorney General July 18, 2011

ENERGY COMMISSION

Passed September 14, 2009

Replaced earlier bylaw at Attorney General's recommendation- Passed June 21, 2010

The Gill Energy Resources Commission, hereinafter called the Commission, has been established pursuant to Chapter 40, Section 8I, of the General Laws of Massachusetts for the promotion and development of the energy resources of the Town of Gill.

The Commission shall: (1) develop and administer programs relating to energy conservation, nonrenewable energy supply and resource development, recycling, energy information, emergency heating assistance, and energy emergencies; (2) advise, assist, and cooperate with state, regional, and federal agencies in developing appropriate programs and policies relating to energy planning and regulation in the commonwealth including assistance and advice in the preparation of loan or grant applications with respect to energy programs for local agencies; (3) develop local energy data and information management capabilities to aid energy planning and decision-making; (4) promote the development of sound local energy education programs; (5) with the approval of the city or town, apply for, receive, expend, represent and act on behalf of the city or town in connection with federal grants, grant programs or reimbursements, or private grants, keep accounts, records, personal data, enter into contracts, and adjust claims; (6) accept gifts, grants, bequests, and devises, whether real or personal, from any source, whether public or private, for the purpose of assisting the Commission in the discharge of its duties; (7) subject to appropriation, acquire real or personal property; (8) promulgate rules and regulations necessary to carry out their statutory responsibilities; and (9) seek to coordinate the activities of governmental or unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work and it shall keep an index of all energy resources within such city or town with the objective of obtaining information pertinent to proper utilization of such resources.

The Commission shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the annual Town report. The Commission may, subject to appropriation, appoint such clerks and other employees as it may from time to time require.

The Commission shall consist of not less than three nor more than seven members who shall be appointed by the Selectboard. The terms of the members first appointed to the Commission shall be for one, two or three years and so arranged that the terms of approximately one-third of the members will expire each year, and their successors shall be appointed for terms of three years each.

Any member of the Commission may, after a public hearing if requested by the member, be removed for cause by the Selectboard. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term by the Selectboard and the remaining members of the Commission in the manner provided in Section eleven of Chapter forty-one.

Approved by the Attorney General November 9, 2010
Amendment approved by Attorney General September 19, 2006

ENTERTAINMENT LICENSE

Passed October 24, 1978

No individual, group of people or corporation shall conduct, hold or participate in any gathering of more than three hundred people at which entertainment, either theatrical, musical, either by individuals or groups or by bands is provided unless said individual, group of people or corporation has complied with the licensing requirements of the Commonwealth of Massachusetts and has obtained from the Selectmen of the Town of Gill the various licenses of the Town to hold such entertainment in the Town of Gill. Violation of this town bylaw is subject to a penalty of \$500.00 for failure to obtain each license required.

Approved by the Attorney General January 12, 1979

FINANCE COMMITTEE

Passed July 2, 1985

Passed June 7, 2004

Passed June 25, 2011

The Finance Committee shall consist of seven members, appointed by the Moderator for three year overlapping terms. ~~Eight members shall be appointed by the Moderator for three year overlapping terms except that in the first year, two members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed three years.~~ All appointments are to be made within 30 days after annual election.

Approved by Attorney General August 19, 1985

Approved by Attorney General July 16, 2004

Approved by the Attorney General July 15, 2011

HAZARDOUS MATERIALS

Passed May 5, 1990

Authority

The Town of Gill adopts the following measures under its home rule powers, its police powers to protect the public health and welfare, and its authority under M.G.L. Ch. 40, Sec. 21.

Purpose

To ensure the public health and safety of the residents of Gill, their air, and water supplies. In particular, we seek to ensure that discharges of hazardous materials which may contaminate our environment and present health risks do not occur, and that if they do, timely notice of such discharge is taken and remedial action pursued.

Definitions

DISCHARGE: the spilling, leaking, pumping, emitting, or dumping of toxic or hazardous materials upon or into any land or water of the Town of Gill.

HAZARDOUS MATERIAL: any substance with such physical, or infectious characteristics as to pose a potential hazard to existing or potential water supplies or to human health. Hazardous materials include,

but are not limited to toxic chemicals, heavy metals, radioactive or infectious wastes, acids and alkalis, pesticides, petroleum products, herbicides, organic solvents, and thinners.

Prohibitions

The discharge of hazardous materials within the Town of Gill is prohibited with the following exceptions:

- a. Disposal of sanitary sewage to subsurface sewage disposal systems approved under Title 5 of the Massachusetts Environmental Code.
- b. Application of fertilizers and pesticides in accordance with label recommendations and with regulations of the Massachusetts Pesticide Control Board.
- c. Application of road salts or other de-icing chemicals provided that such use is minimized and consistent with public highway safety standards.
- d. Proper disposal of acceptable materials at a facility or site which has received and maintained all legal approvals as specified in the Massachusetts Hazardous Waste Management Act, M.G.L. Ch 21C, Sec. 7, or for household hazardous wastes and materials, disposal at a designated household hazardous waste collection site.

Hazardous Material Registration and Controls

1. All filings of Material Safety Data Sheets (MSDS) under the Massachusetts Right-To-Know Law will also be filed with the Gill Fire Department and Board of Health within 15 days of such filings.
2. The Fire Department may require that an inventory of hazardous materials be maintained on the premises and be reconciled with purchase, use, sales, and disposal records on a monthly basis.
3. Hazardous materials shall be stored in product-tight storage containers, where possible, and shall be removed and disposed of in accordance with the Massachusetts Hazardous Waste Management Act, M.G.L. Ch. 21C.
4. Any container of more than ten (10) gallons of hazardous material must be stored on an impervious, chemical-resistant surface, and the storage area must be enclosed with an impermeable dike or within an impermeable basement. The containers must be protected from weather, vandalism, corrosion, and leakage.

Report of Leaks or Spills

Any person who is aware of any spill, leak, or loss of a toxic or hazardous material shall report such spill, leak, or loss immediately to the Fire Department and Board of Health, as well as the state Department of Environmental Protection.

Enforcement

1. The Fire Department, Board of Health or their agents may, with twenty-four (24) hour notice to occupants, enter upon publicly or privately-owned property for the purpose of performing their duties under this bylaw.
2. Any person who violates any provision of this by-law shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense. Upon request of the Fire Department or Board of Health, the Board of Selectmen shall take such legal action as may be necessary to enforce this bylaw.

Costs

In every case the owner shall assume responsibility for costs incurred necessary to comply with this by-law. The owner shall be responsible for all costs of recovering and properly disposing of any product that has leaked and for all costs of restoring the environment, including ground water and surface water to an acceptable condition. The Fire Department and/or Board of Health may charge the owner for expense incurred in the enforcement of the by-law.

Severability

The invalidity of any provisions of this by-law shall not affect the validity of the remainder.

Approved by the Attorney General July 24, 1990

MANDATORY RECYCLING

Passed May 7, 1988

1. In order to implement a recycling program in conjunction with ordinary solid waste collection, residents of every household whose trash is collected by the Town shall separate waste materials before depositing same for collection.
2. Recyclable materials and collection schedules shall be periodically defined by the Board of Health. Recyclable materials may include the following: A) Glass and cans; B) Newspapers and corrugated cardboard; C) Other wastes.
3. The Board of Health is responsible for determining the method of recyclables collection.
4. Any household owner or tenant who fails to separate all recyclable materials designated by the Board of Health or otherwise violates any of the provisions of these Recyclables Collection Regulations may be excluded from any future collections of refuse from that same household, until recyclables are separated or violations are corrected.

These regulations may be amended from time to time by Town Meeting. A public hearing shall precede any meeting at which amendments to these regulations are proposed. This bylaw shall not take effect until such time as the Town begins participating in the Pioneer Valley Recycling Program, and plans for the implementation of the bylaw are established by the Town's Board of Health, and the Town's Board of Health adopts the bylaw.

Approved by Attorney General May 19, 1988

NOISE BYLAW

Passed June 26, 2006

Because excessive noise can interfere with the public health, safety, welfare and peace and quiet of the inhabitants of the Town of Gill, it shall be unlawful for any person or persons occupying, having the charge of, or being present in or about any buildings, structure, premises, shelter, vehicle, or conveyance or any part thereof, in the Town of Gill, due to undue or extreme acceleration of off road recreational vehicle, snowmobile, ATV, or skidding or spinning of the wheels of such vehicle on the pavement or road surface.

Assessment of the noise shall be as follows: if after a complaint to the police the noise is plainly audible from the building or structure or premises or shelter or lot line thereof, in which or from which the noise is produced, interfering with the public health, safety, welfare, peace and quiet of complaints, the fact that the noise is plainly audible by a law enforcement officer shall constitute prima facie evidence of a violation of this bylaw.

Whoever is found in violation of any of the provisions or requirements of this by-law may be punished by a fine of not more than two hundred dollars (\$200.00) for each offense. All prosecutions of any violations shall begin within six (6) months from the date of any citation for said offense. Police Officers are empowered to enforce violations of this bylaw.

Approved by the Attorney General August 7, 2006

NON PAYMENT OF TOWN TAXES: #1

Passed May 5, 1990

Any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges may have its application, local license, permit (including renewals and transfers issued) denied or revoked or suspended by the issuing board, officer, or department.

Approved by Attorney General July 24, 1990

NON PAYMENT OF TOWN TAXES: #2

Passed May 5, 1990

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

(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 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 a 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 of 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 Ch. 268 Sec. 1 in the business or activity conducted in or on said property.

This by-law shall not apply to the following licenses and permits: open burning (Ch. 48, Sec. 13), bicycle permits (Ch. 85, Sec 11A), sales of articles for charitable purposes (Ch. 101, Sec. 33), children work permits (Ch. 149, Sec. 69), clubs, associations dispensing food or beverage licenses (Ch. 140, Sec. 21E), dog licenses (Ch. 140, Sec 137), fishing hunting, trapping license (Ch. 131, Sec. 12), marriage licenses (Ch. 207, Sec. 28), and theatrical events, public exhibition permits (Ch. 140, Sec. 181).

Approved by Attorney General July 24, 1990

OMNIBUS ARTICLES

Passed June 17, 1991

No item listed under Departmental Appropriations (the Omnibus Article) shall be reconsidered once the enumerated items of the particular department or classification and that of the next particular department or classification following has been considered and acted upon.

Approved by Attorney General September 5, 1991

PROCUREMENT ACT (Chapter 30B)

Passed July 10, 1990

Unless otherwise provided by vote of the town meeting, the Chief Procurement Officer, who shall be the Chairman of the Board of Selectmen, is authorized to enter into contracts for the purchase of supplies and services pursuant to MGL C. 20B. In addition, the Board of Selectmen is authorized to enter into any other contracts for the exercise of the Town's general corporate powers.

Approved by Attorney General October 5, 1990

PUBLIC GATHERING

Passed October 24, 1978

Amendment Passed May 12, 1979

Amendment passed November 6, 1989

(Amendment passed April 10, 1990)

No individual, group of people, or corporation shall conduct or participate in any gathering of more than three hundred people unless a permit for such gathering has been obtained from the Board of Selectmen. A written application for a permit shall be made at least thirty days prior to the proposed gathering on a form provided by the Selectmen. (Payment of ten dollars (\$10.00) shall accompany the application.)

The Selectmen shall send a copy of the application to the Board of Health, Highway Superintendent, Fire Department, Police Department and Building Inspector for their review and comment. The Board of Selectmen shall hold a public hearing on the application within 14 days of the receipt thereof and shall grant the permit unless it determines that the proposed gathering would threaten the public health, safety or welfare.

The Selectmen shall give written reasons for any permit application that is denied by them and shall have the right to revoke any permit if the applicant does not abide with the conditions attached to it or if the application failed to completely and accurately describe the proposed activity and its effect on the public health, safety, and welfare. Whoever violates any provisions of this bylaw shall be punished by a fine of \$200.00 for each offense. Each day that an individual, group of people, or corporation violates this bylaw shall constitute a separate offense.

The Selectmen shall have the authority to issue a permit to an applicant which authorizes the applicant to conduct a limited or unlimited number of gatherings during a period not to exceed four (4) months in duration.

Approved by Attorney General January 12, 1979
Amendment approved by Attorney General July 3, 1979
Amendment approved by Attorney General February 6, 1989
(Amendment approved by Attorney General June 8, 1990)

RIGHT TO FARM

Passed January 7, 2009

Section 1 Legislative Purpose and Intent

The purpose and intent of this by-law is to explain the existing Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A. We the citizens of Gill 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 By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Gill by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Existing Definitions

The word 'farm' shall include any parcel or contiguous parcels of land or water bodies used for the primary purpose of commercial or non-commercial agriculture or accessory thereto.

The words 'farming' and '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 or lumbering operations;

- Keeping and raising of poultry, horses, swine, cattle, bees, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes.

‘Farming’ shall encompass activities including but not limited to the following:

- Operation and transport of slow-moving farm equipment over roads within the Town;
- Control of pests, including but not limited to insects, weeds, predators and disease organism of plants and animals;
- Application of manure, fertilizers and pesticides;
- Conducting agriculture-related educational and farm-based recreational activities including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- Processing and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand including signage thereto;
- Maintenance, repair or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- On-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right to Farm Declaration

The Right to Farm is hereby recognized to exist in the Town of Gill. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and may 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 protection of this By-law are intended to apply exclusively to these commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, local zoning law or other local by-laws or regulations.

Section 4 Disclosure Notification

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

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

In addition this disclosure notification will be made by the Agricultural Commission to the town residents each fiscal year via a town mailing or newsletter.

Section 5 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 appropriate body depending upon the nature of the grievance, which may include the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health. 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 Select Board shall forward a copy of the grievance to

the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance involving all concerned parties and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance involving all concerned parties and report its recommendation to the Board of Health within an agreed upon time frame, except in cases of imminent danger or public health risk, wherein the Board of Health shall act immediately under its own authority.

Section 6 Severability Clause

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

Approved by the Attorney General February 11, 2009

SCREENING

Passed July 2, 1985

Section 1. Any accumulated or scattered junk, unregistered cars, trash, debris or scrap materials shall be adequately screened by the occupant, or owner of the property away from view of public lands and ways in all cases, and similarly screened from the lands of any adjacent property owners. This law shall be enforced by the Board of Selectmen, and whoever violates any provisions of this section shall be liable to a penalty of five (\$5.00) dollars per day for each day of violation, and each day of violation shall constitute a separate offense hereunder, commencing ten (10) days following date of receipt of written notice from the Board of Selectmen in accord with Chapter 40, Section 21, of the General Laws of Massachusetts as amended.

Section 2. Any item which constitutes a hazard to safety shall be adequately fenced, covered, marked or otherwise secured to prevent injury. This includes, but is not limited to, such things as dilapidated buildings, old refrigerators, machinery, inground swimming pools and wells (in use or abandoned). This law shall be enforced by the Board of Selectmen, and whoever violates any provisions of this section shall be liable to a penalty of five (\$5.00) dollars per day of violation, and each day of violation shall constitute a separate offense hereunder, commencing ten (10) days following date of

receipt of written notice from the Board of Selectmen in accord with Chapter 40, Section 21, of the General Laws of Massachusetts as amended.

Approved by Attorney General May 19, 1988

SNOW REMOVAL

Passed October 24, 1978

No person shall throw or put or cause to be thrown or put any snow or ice from any privately owned property into any street, public way, or town-owned land. Whoever violates this bylaw shall be punished by a fine of \$25.00 for each offense.

Approved by Attorney General January 12, 1979

SNOW PLOWING

Passed October 24, 1978

The Highway Superintendent may, for the purpose of removing or plowing snow, or removing ice from any way, remove or cause to be removed to some convenient place, any vehicle which interferes with such work, and in the event of the removal of any vehicle in accordance with the terms hereof, the actual cost of removing said vehicle and any storage charges that may be incurred as a result thereof, may be enforced by the Town in any manner provided by law for the collection of a debt based upon contract.

Approved by Attorney General January 12, 1979

STREET NUMBERING BYLAW

Passed June 12, 1993

Move that Town accept the following bylaw: Street numbers shall be attached to each dwelling, business, industry, and other buildings which are not accessory in nature in the Town of Gill.

- a) The numbers shall be made of permanent, weatherproof materials, shall be at least three (3) inches in height in a contrasting color, and shall be clearly visible from the public way upon which the structure fronts.
- b) Any structure that is not visible from the street or roadway shall have the assigned number posted on a suitable support at the entrance to the driveway that services such structure.
- c) The numbers posted shall be those assigned to each structure as filed in the office of the Town Clerk. The Town Clerk shall advise the owners of the property of the assigned or reassigned number in writing at the property's tax address.
- d) It shall be the responsibility of each property owner in the Town to display and maintain the assigned street number within 90 days of adoption of this bylaw at the Town Meeting. This bylaw shall be enforced by the Police Department. Failure to comply with this bylaw shall subject property owners to a fine of not more than \$25.00 per day for each offense. Each day shall be a separate offense.

Approved by Attorney General August 18, 1993

STREET OPENING LICENSE

Passed December 2, 1980

Section 1. No person except the Superintendent of Streets in the performance of his duties, or in cases of emergency shall break or dig up, or cause to be broken or dug up the pavement or ground in any public street or any sidewalk or common in the Town, or erect or cause to be erected any building, or other structure thereon, or place or cause to be placed any materials, rubbish, goods, wares or merchandise or other articles of substance thereon first obtaining from the Board of Selectmen a written license stating the space in the street or other public place that may be occupied and the time allowed for such occupancy and such other provisions as they deem best and filing with the Superintendent of Streets a written agreement under seal and approved by the Board of Selectmen to comply strictly with the terms of the license and to indemnify the Town from all loss, cost or expense that it may suffer by reason of such occupancy.

Section 2. The Board of Selectmen shall make such regulations in furtherance of this bylaw as they shall deem necessary.

Section 3. Whoever violates this bylaw shall be punished by a fine of \$25.00 for each offense.

Approved by Attorney General March 6, 1981

STRETCH ENERGY CODE

Passed June 21, 2010

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

Approved by Attorney General November 9, 2010

UNDERGROUND STORAGE TANK

Passed May 5, 1990

Authority

The Town of Gill adopts the following measures under its home rule powers, its police powers to protect the public health and welfare, and its authority under M.G.L. Ch. 40, Sec. 21

Purpose

To ensure the public health and safety of the residents of Gill, their air, and water supplies, In particular, we seek to ensure that discharges of hazardous materials which may contaminate our environment and present health risks do not occur, and that if they do, timely notice of such discharge is taken and remedial action pursued.

Definitions

UNDERGROUND STORAGE: storage below ground level but not including storage in a freestanding container within a building. Septic systems are NOT considered to underground storage.

Reporting of Existing Consumptive Heating Oil Underground Storage Tanks

1. Within 6 (six) months of the passage of this bylaw all owners or users of underground storage tanks used exclusively for consumptive heating use must register those tanks with the Fire Department. Even tanks no longer in use, but previously used for home heating purposes must be registered. The Fire Department will provide a form for the purpose of registration which will request such information as age of installation, type of construction and design, contents, testing and repair history, and other pertinent information. All requested information must be completed to the best of the owners' or users' ability. There shall be a ten dollar (\$10) fee for registration. This registration shall be in addition to any permits previously applied for. As of the date of passage of this bylaw any permit application filed subsequent to that date with the Fire Department for the installation of a new or replacement underground storage tank will serve as the registration form required in this paragraph.

2. Upon registration, the Fire Department will provide the owner or user a "flag" with which to identify the tank as duly registered. This "flag" must be prominently displayed at the fill pipe.

3. As of six (6) months after the Attorney General's approval, any party that delivers materials into an underground storage tank which does not display a flag certifying that the tank has been duly registered with the Fire Department must notify the Fire Department within 48 hours of such delivery. Such notification will include the name of owner of tank, street address, size of tank, and substance provided.

Testing of Underground Storage Fuel Oil Tanks Used Exclusively for Consumptive Use (Home Heating Oil)

1. The owner of every existing storage facility which does not satisfy the design and /or construction requirements of 527 CMR 9.08 -9.10 shall have each tank and its piping tested, at the owners expense, during the 10th, 13th, 15th, 17th, and 19th year after installation, and annually thereafter.

2. The owner of an underground storage tank used exclusively for home heating oil, which was installed after January 1, 1989, and permitted by the Fire Department, shall NOT be required to submit to the testing schedule required above.

3. If no satisfactory evidence of the installation date, design or construction of the storage facility exists, annual testing shall begin upon order of the Fire Department.

4. It is strongly recommended that underground tanks be removed following expiration of the manufactures's warranty or 20 years after installation, to ensure the safety of the tank.

5. All testing of all underground storage containers shall be done according to the standards outlined in 527 CMR 9.13. A permit for testing shall be obtained from the Fire Department at least 48 hours prior to administering the test. There shall be a fee of ten dollars (\$10) for this permit. The owner of an underground storage tank shall, within one week of their receipt, supply to the Fire Department and Board of Health, certified copies of all test results. The Fire Department and Board of Health shall keep this copy with the records of that storage facility.

6. The Fire Department or Board of Health may require the owner of any existing tank to have the tank and its piping tested at the owner's expense, in any case in which the owner has failed to make a timely application for a permit to test the tank as required in paragraph 1, above.

7.If any owner fails or refuses to complete a required test, the Fire Department or Board of Health may require the removal of the tank.

Enforcement

1. The Fire Department, Board of Health or their agents may, with twenty-four (24) hours notice to occupants, enter upon publicly or privately-owned property for the purpose of performing their duties under this by-law.

2. Any person who violates any provision of this by-law shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense. Upon request of the Fire Department or Board of Health, the Board of Selectmen shall take such legal action as may be necessary to enforce this bylaw.

Costs

In every case the owner shall assume responsibility for costs incurred necessary to comply with this by-law. The owner shall be responsible for all costs of recovering and properly disposing of any product that has leaked and for all costs of restoring the environment, including ground water and surface water to an acceptable condition. The Fire Department and/or Board of Health may charge the owner for expense incurred in the enforcement of the bylaw.

Severability

The invalidity of any provisions of this by-law shall not affect the validity of the remainder.

Approved by Attorney General July 24, 1990

UNREGISTERED MOTOR VEHICLE

Passed August 21, 1979

Amendment underlined passed May 7, 1988

Amendment double underlined passed April 10, 1990

"The keeping of more than two unregistered motor vehicles assembled or disassembled, except by a person licensed under General Laws, Chapter 140, Section 59, on any premises shall not be permitted in a residential or residential-agricultural district. The keeping of more than one unregistered motor vehicle, assembled or disassembled except by a person licensed under General Laws, Chapter 140, Section 59, on any premises shall not be permitted in the Village Residential District.

This article shall not apply to motor vehicles which are designed and used for farming purpose, contractor's equipment or vehicles which are considered antique motor vehicles. This article shall not apply to landowners who store motor vehicles out of sight of abutters and public ways.

Whoever violates any provisions of this article of the bylaws shall be liable to a penalty of twenty-five dollars (\$25.00) per day for each day of violation, and each day of violation shall constitute a separate offense hereunder, commencing ten (10) days following date of receipt of written notice from the Board of Selectmen in accord with Chapter 40, Section 21 of the General Laws of Massachusetts as amended.

Approved by Attorney General Nov. 21, 1979

Amendment underlined approved by Att. General May 19, 1988

Amendment double underlined approved by Att. General June 8, 1990

WARRANT ARTICLES

Passed June 17, 1991

No article in the Warrant of the meeting shall be reconsidered once two succeeding articles have been acted upon, unless such reconsideration is moved for the sole purpose of reconsidering the method of financing an appropriation as voted under said article.

Approved by Attorney General September 5, 1991