

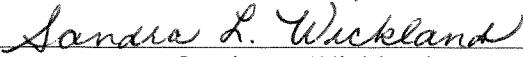
**TOWN
OF
CHESTERFIELD**

GENERAL BY-LAWS

TOWN OF CHESTERFIELD
THE GENERAL BY-LAWS
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I certify that the following is a true copy of the General By-laws of the Town of Chesterfield as of September 9, 2022.

Attest: 
Sandra L. Wickland, Town Clerk

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Article 1 – Town Meeting

1. The Annual Town Meeting for the election of officers shall be held on the first Monday in May, and the business meeting shall be held on the second Monday in May.
2. The hours of voting in town shall be determined by the Select Board, but the polls must be open for at least four hours.
3. Notice of every Town Meeting shall be given by posting attested copies of the Warrant to the official town web page and at the Chesterfield Post Office and the Town Office Building.
4. All votes or motions shall be taken by a show of hands, or a voice vote, but nothing in this section shall be construed to prevent the vote taking of a vote by ballot, if a motion to that effect shall be duly made and carried by a majority of the voters present and voting thereon. When a question is determined by ballot vote, every person voting shall have his or her name checked by the checklist of the Registrars of Voters before depositing the ballot in the receptacle provided.
5. The Moderator may decline to accept obviously frivolous motions. Motions shall be presented in writing upon request of the moderator. All questions asked of any person shall be asked through the Moderator.
6. 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 to an adjournment of the meeting at a stated time.
7. No person shall address the meeting until recognized by the Moderator, nor speak more than once on the same subject to the exclusion of any other who may desire to speak.
8. The Moderator may direct that only registered voters be admitted to the place of meeting or to a definite portion thereof.
9. All committees shall report as directed by the Town. If no report is made within a year after appointment, the committee shall be discharged unless the Town grants an extension of time.

10. No appropriation of funds shall be made under the report of any committee of the Town unless the report has been previously submitted to the Finance Committee.
11. A quorum for the transacting of business at any Special or Annual Town Meeting shall consist of at least 20 voters.
12. The Moderator shall be guided by **Town Meeting Time: A Handbook of Parliamentary Law** by Johnson, Trustman and Wadsworth, as from time to time amended, so far as the same is applicable to a Town Meeting.
13. The Annual Town Reports required by Chapter 40, Section 49 of the Massachusetts General Laws shall be made available to the residents of the Town at least ten days prior to the Annual Town Meeting.

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Article 2 – Elected Town Officers

Section 1. Officers to be Elected

The officers to be elected on the official ballot at the Annual Election shall include:

A Moderator, Town Clerk, Tax Collector, Treasurer, Tree Warden, each for a term of three years.

Section 2. Town Clerk: Duties

1. The Town Clerk shall keep and cause to be permanently bound one or more files of the Town Reports. He/she shall notify or cause to be notified all persons chosen or elected by the Town or appointed on committees of their election, choice or appointment. He/she shall furnish all boards and committees with a copy of all votes affecting them. He/she shall not allow original papers or documents of the Town to be taken from his/her office, except as they remain in his/her custody or by authority of law.
2. The Town Clerk shall furnish the various town officers and committees a copy of such action of the town as affects them respectively immediately after the meeting.

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Article 3 – Elected Town Boards

At the Annual Town elections, the Town shall elect one or more members of the following boards:

A Select Board of three members for overlapping three-year terms;

A Board of Health of three members, for overlapping three-year terms;

A Planning Board of seven members for overlapping three-year terms;

A Board of Assessors of three members for overlapping three-year terms;

A Board of Library Trustees of three members for overlapping three-year terms;

Three representatives to the Chesterfield/Goshen Regional School Committee for overlapping three-year terms;

Two representatives to the Hampshire Regional School Committee for overlapping three-year terms;

Three Constables, one each year, for overlapping three-year terms.

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Article 4 – Appointed Boards, Committee and Officers

Section 1. Appointed Boards

The Select Board shall appoint:

A Council of Aging consisting of an indefinite but odd number of members, as provided by Section 88 of the M.G.L. Chapter 40. Members shall serve for three-year terms.

A Cemetery Commission of three members, for overlapping three-year terms, as provided by sections 21-23 of the M.G.L. Chapter 41;

A Recreation Commission of seven members, for overlapping three-year terms;

A Historical Commission of seven members, for overlapping three-year terms, as provided by Section 8D of M.G.L. Chapter 40;

A Conservation Commission of five members for overlapping three-year terms, as provided in Section 8C of M.G.L. Chapter 40;

A Zoning Board of Appeals of three members and three associate members for overlapping three-year terms, as provided in Section 12 of M.G.L. Chapter 40A;

A Farm and Forest Commission of five members (voted 5/9/2005) for overlapping three-year terms

A Municipal Light Plant Board of five citizens each for an overlapping term of three years, per M.G.L. Chapter 164, with the Board to consist of one Select Board member, one Finance Committee member, one member with technical expertise and two members-at-large. (voted 5/9/2022)

Section 2. Appointed Committees

The Select Board shall also annually appoint:

A Committee to have custody of the Firemen's Room on the second floor of the Fire Station.

A Community Center Building Oversight Committee of five members for overlapping three-year terms. (voted 3/3/2003, name amended 5/11/2015)

A Chesterfield Emergency Planning Committee of six members for one-year terms, designated as follows:

Emergency Manager, serving as chair
Police Chief, or designee
Fire Chief, or designee
Highway Superintendent, or designee
Board of Health member
Select Board member. (voted 3/3/2003)

A Capital Improvement Planning Committee, as provided by M.G.L Section 106B, composed of a member of the Select Board for a one year term, a member of the Finance Committee for a one year term, and three members at large for overlapping three year terms; (new as of 5/12/03)

Any ad hoc committees that may be required from time to time. (new as of 5/12/03)

Section 3. Appointed Officers

The Select Board shall also appointment:

A competent attorney or legal firm to serve as Town Counsel. The person/legal firm appointed need not be a resident of the Town, but shall have an established address in the County;

A Police Chief, as provided by Section 97 of M.G.L. Chapter 41;

A Fire Chief, as provided by Section 42 of the M.G.L. Chapter 48;

A Plumbing Inspector, as provided by Section 9 of the M.G.L. Chapter 142;

A Wiring Inspector, as provided by M.G.L. Chapter 143;

A Town Accountant, as provided by Section 55 of M.G.L. Chapter 41;

A Superintendent of Streets.

TOWN OF CHESTERFIELD

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Article 5 – Select Board

1. For purposes of these bylaws and otherwise, the Board of Selectmen shall be referred to as the Select Board. Members of the Board shall be termed “Select Board Members”, and each year the Select Board shall select a Chair from among its members.
2. The Select Board shall have all the powers and duties of a Board of Selectmen under the general laws and any special laws applicable to the Town of Chesterfield, as well as such other powers and duties as are provided in these bylaws;
3. The Select Board shall be responsible for the general direction and management of the property and affairs of the town in all matters not otherwise provided by law or by these by-laws.
4. The Select Board may appear, either personally or by the Town Counsel or by a special counsel before any court, or any State or County board, or commission, to protect the interests of the Town, but are not authorized by these by-laws to commit the Town to any course of action.
5. The Select Board shall act as Almoners of the Whiting Street Fund.
- 6.. The Select Board shall be the custodians of all deeds, bonds, and insurance policies belonging to the Town.
7. The Select Board shall name all streets and highways of the Town.
8. The Select Board shall have the authority to establish rules and regulations for town-owned cemeteries.
9. The Select Board shall have the authority to establish traffic rules and regulations including setting up speed zones, so called, on certain sections of the Main Road.
10. The Select Board shall act as a Board of Highway Surveyors.

Amended: 6/20/2020

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Article 6 – The Finance Committee

Section 1. Composition

There shall be a finance Committee consisting of seven members. Appointments shall be made by the Moderator following the Annual Town Meeting and at other times to fill vacancies. All appointments shall be for a term of three years except that appointments to fill vacancies shall be for the remainder of the unexpired term.

Section 2. Powers

The Finance Committee shall consider matters relating to the appropriation, the borrowing, and the expenditure of money by the Town; the Town's indebtedness; the methods of administration of its various officers and departments; property valuation and assessments; and other town affairs; and make recommendations to the Town, to any Town board, officer or committee, relative to such matters.

Section 3. The Budget Process

On or before January 1 of each year, town officers, boards, and commissions planning to request appropriations from the Town Meeting shall prepare detailed estimates of the amounts deemed by them to be necessary for the administration of their respective offices for the ensuing fiscal year.

The committee shall duly consider said estimates and may confer with said officers, boards, commissions and committees, and may hold public hearing if deemed desirable.

After further deliberation, the Committee shall issue its recommendations to the Town Meeting either to approve or disapprove the amounts requested, in whole or in part, for all officers, boards, commissions and committees of the Town.

The Committee shall issue a report detailing the matters it has considered and include the recommendations or suggestions relative to the departmental requests.

The report shall be published and distributed at least three days before the business session of the Annual Town Meeting. This report shall also contain a statement of the doings of the Committee during the year and may include recommendations of any matter pertaining to the welfare of the Town.

The Committee shall also consider the proposed fiscal requests of all officers, boards, commissions and committees to be made at any Special Town Meeting. The Committee shall make a report on all said requests and issue recommendations relative thereto. Said report shall be published or distributed at least three days before any Special Town Meeting.

Any proposed article for any Town Meeting which anticipates an expenditure of town funds shall be referred to the Finance Committee at least 15 days before the posting of the Warrant. The Finance Committee shall consider all such articles and shall issue its recommendations to the Town Meeting to approve or disapprove in whole or in part of the proposed expenditures and shall notify the board, officer, committee or individual(s) which submitted the request.

When the expenditure or appropriation is sought by a department under the control of the Select Board the proposal for such expenditure or appropriation shall be submitted to the Finance Committee by the Select Board.

TOWN OF CHESTERFIELD

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Article 7 – Miscellaneous Provisions

1. All officers, boards, and committees shall notify the Town Clerk of their organization and time of stated meetings.
2. No contract involving an obligation of the Town exceeding the sum of one hundred dollars shall at any time be made, except by vote of the committee or board thereunto duly authorized having supervision of the department to which the same relates. Such vote shall be recorded and such records shall be open to inspection.
3. The Superintendent of Streets or other officers having charge of ways of the Town shall have the authority, for the purpose of removing or plowing snow, or removing ice, from any way in Town, to remove or cause to be removed to some convenient place for the Town, any vehicle interfering with such work.
4. The Library Trustees shall have the care and custody of the Chesterfield Public Library and shall expend such amounts as the Town may appropriate or that may be contributed from any source, and shall adopt such rules and regulations as are consistent with the law.

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Article 8 – Highway Department

Article 8 This article was rescinded on May 10, 1999 relative to vacations, holidays and sick leave for the Town Highway Department employees.

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Article 9 – Dog Control

Section 1: Purpose

All dog owners shall keep their dogs under control at all times for the purpose of:

Protecting people and animals from injury
Protecting property from damage
Preventing dog related nuisances

Section 2: Animal Control Officer (name amended 5/11/15)

- a. The Select Board shall annually appoint an Animal Control Officer to enforce this by-law.
- b. The rate of compensation shall come out of the Animal Control Officer's account, which shall be subject to the approval of the voters at the annual town meeting.
- c. The Animal Control Officer shall have the full power and authority to enforce laws under M.G.L. Ch. 140 Sections 136A through 174D and Ch. 272 Sections 77 to 80B.

Section 3: Licensing

- a. Any person owning, keeping, harboring or having custody of any dog over six (6) months of age within the Town of Chesterfield must obtain a license as herein provided.
- b. The Licensing Board (Select Board) shall determine licensing fees annually for a male dog, a female dog, a spayed female and a neutered male. (Owners must provide a certificate from a registered veterinarian that says the dog has been spayed or neutered.)
- c. A license must be obtained within 2 months of obtaining a dog over 6 months old. When applying for a license the applicant must show proof of a current/valid rabies vaccination.
- d. Licenses shall be renewed annually before May 1st of each year.
- e. Upon receiving all necessary information and receiving the appropriate fee for the license, the Town Clerk will issue the owner a durable tag stamped with an identification number. This tag must be worn by the dog when off the premises of the Owner.
- f. No person may use any license for any dog other than the one for which it was issued.

Section 4: Kennel Licenses

- a. Every person maintaining a kennel shall have a kennel license and meet all requirements of the Zoning By-Laws.
- b. Any owner of four or more dogs six months old or older, whether maintained for breeding, boarding, sale, training, hunting, personal, or other purposes, shall obtain a kennel license. Kennel fees vary according to the maximum number of dogs kept. Licensing dates shall be the same as for individual licenses.

Section 5: Fees and Fines

- a. The Licensing Board shall set licensing fees.
- b. Any person who fails to obtain a license in accordance with Section 3 above shall be subject to a late fine of \$5.00 per dog. Any person who fails to pay a late fine and license a dog by June 1 shall be fined an additional \$25 per dog late fine in addition to the regular licensing fee and late fine. All late fines are issued by the Town Clerk's Office. Failure to license any dog may result in Court action.
- c. Anyone who fails to license a dog(s) in accordance with MGL Chapter 140 Section 137 or MGL Chapter 140 Section 137A shall be fined for failing to license said dogs(s) based on the following fine schedule:
Unlicensed Dog Fine Schedule as enforced by the Animal Control Officer:
 - i. Up to \$50 for the first offense in a 12 month period
 - ii. Up to \$75 for the second offense in a 12 month period
 - iii. Up to \$100 for the third and subsequent offenses in a 12 month period.

Section 6: Violations

- a. Unlicensed Dog – A dog 6 months or older, which is unlicensed or not re-licensed before May 1st of each year.
- b. Running at large- All dogs must be restrained from running at large. A dog beyond the boundaries of the owner's property is considered to be running at large unless the dog is in sight and under voice command of the owner in the act of walking, training, working, hunting or guarding. A dog on the premises of a property owner without the knowledge or permission of such owner is considered to be running at large and trespassing.
- c. Chasing – Chasing a pedestrian, bicycle, or any vehicle is a violation.
- d. Barking – Excessive barking during the day, or barking between 10pm and 8am, so as to disturb the reasonable quiet of the neighborhood is a violation.
- e. Worriying Livestock – To worry, injure, or kill another's livestock, fowl, or pet is a violation.
- f. Vicious Dog – To menace, attack, or bite a person, animal or fowl without provocation is considered vicious and a violation.

- g. Defecation – Permitting a dog to perform its natural bodily functions on the groomed and maintained areas of another's property, a public sidewalk, public recreation areas, school property, the Town Center, and other Town property is a violation. A dog owner shall be responsible for the removal of any fecal material deposited by his/her dog in these instances.
- h. Cruelty to Animals – To unnecessarily fail to provide food, drink, shelter, sanitary environment, or protection from weather is a violation.

Section 7: Animal Control

- a. The owner of any dog, licensed or unlicensed, shall be responsible for any damage done by that dog to the person or property of another as outlined in M.G.L. Ch. 140, Sec. 155.
- b. The owner of any dog found by the Animal Control Officer to be running loose and unsupervised in violation of Section 6 above or found to be a public nuisance under Section 6 above shall be subject to a fine under the following schedule:
 - i. Up to \$50 for the first offense in a 12 month period.
 - ii. Up to \$75 for the second offense in a 12 month period.
 - iii. Up to \$100 for the third and subsequent offenses in a 12 month period.
- c. The Animal Control Officer shall have the authority to restrain any dog until the owner can be located and the fine paid.
- d. The owner of any animal restrained by the Animal Control Officer in accordance with 7c above shall pay directly to the Animal Control Officer a fee of \$25 per day for any animal the Animal Control Officer must keep overnight.

Section 8: Complaint and Hearing Process

If any person shall make a complaint in writing to the Chesterfield Select Board, or the Animal Control Officer, or the Chief of Police, that any dog owned or harbored within their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or another violation, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity, the Select Board, or Dog Officer or Chief of Police shall investigate or cause to be investigated such complaint, including an examination under oath of the complaint. Within fourteen days after such complaint is received, a hearing will be scheduled with the owner or the keeper of such dog and the complainant. The Select Board shall issue a decision within seven (7) days to all parties concerned.

Any person owning or harboring such a dog who shall fail to comply with any order of the Select Board, Animal Control Officer or the Chief of Police shall be subject to court action.

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Article 10 – Numbering of Dwellings

The Building Inspector for the Town of Chesterfield shall assign a street number to every existing or newly constructed dwelling or principal structure on each lot situated on or near any road or way within the Town and used by the public. All such street numbers shall be assigned in accordance with the Chesterfield Street Numbering System as adopted by the Town at a Special Town meeting held on January 27, 1986, as may be amended from time to time.

Each owner, occupant, or person having control of such dwelling or structure shall, within thirty (30) days of being notified of the street number assignment, post said street number on or near such building so as to be clearly visible from road or way. The street number shall consist of reflective digits no less than three (3) inches in height and shall be posted no further than fifty (50) feet from the road or way. No street number shall be posted on any utility pole. Any questions as to the proper placement of any such street number shall be determined by the Building Inspector.

Any owner, occupant or person having control of such dwelling or structure to which a street number has been assigned who, after notification of such assignment as provided herein, shall refuse or neglect to comply with the provisions of this by-law, shall be notified in writing of such noncompliance by the Select Board or by the Board's designee. Failure to comply within ten days of receipt of such notice of noncompliance shall constitute a violation of this by-law. Any person in violation of this by-law may be fined \$5.00 for each week that such violation continues.

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Article 11 – Capital Planning Committee

Section 1.

The Board of Selectmen shall establish and appoint a five member committee to be known as the “Capital Improvement Planning Committee”, composed of a member of the Board of Selectmen for a one year term, a member of the Finance Committee for a one year term, and three members at large for overlapping three year terms. The Committee shall elect its own officers.

Section 2.

The Committee shall study proposed capital projects and improvements involving major tangible assets having an estimated useful life of at least three years and an estimated cost exceeding five thousand dollars (\$5,000). All department heads, boards and committees, including the Board of Selectmen, shall, by December 31 of each year, give to the Committee on forms provided by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing six years. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the Town.

Section 3.

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 expenditures and sources of funding for the following five fiscal years. The Report shall be submitted to the Finance Committee and the Board of Selectmen for approval, and shall be included in the annual Town Meeting warrant for adoption by the Town.

Section 4.

The Committee’s recommended Capital Improvement Budget shall be published in advance and made available to Town residents at least seven days prior to Annual Town Meeting.

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Article 12 – Prohibiting the Placing of Snow & Ice in a Public Way

Section 1. General Requirements

No person other than an employee of the Town of Chesterfield, or an employee in the service of an independent contractor for the Town, shall pile, push, plow or otherwise move snow or ice onto a public way in the Town so as to impede or obstruct the flow of pedestrian or vehicular traffic on such public way.

Section 2. Penalties and Enforcement

Whoever violates any provision of this by-law may be penalized by fines of twenty-five dollars for the second offense, fifty dollars for the third offense, and one hundred dollars for the fourth and subsequent offenses. Each twenty-four hour period that the violation continues shall constitute a separate offense. This by-law shall be enforced by the Chesterfield Police Department.

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Article 13 - Non-Criminal Disposition of Certain Violations

Section 1.

Whoever violates any provision of the General Town By-Laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in Section 21D of Chapter 40 of the Massachusetts General Laws. The non-criminal method of disposition may also be used for any rule or regulation of any Town officer, board or department, which is subject to a specific penalty.

Section 2.

It is the intention of this provision that the following Town By-Laws, sections thereof, rules and regulations are to be included within the scope of this Article, that the specific penalties as listed below shall apply in such cases, and that, in addition to Town police officers, who shall in all cases be considered enforcing persons, the Town officials listed for each category below, if any, shall also be enforcing persons for said violations.

Article 9 – Dog Control

Enforcing Person – Animal Control Officer (changed 5/11/15)

Section 5b:

Late fine - \$5

Late fine after June 1 - \$25

Section 7b:

1st offense - \$25

2nd offense - \$50

3rd offense - \$75 (added 5/14/12)

Article 10 – Numbering of Dwellings

Each week of violation - \$5

Article 12 – Prohibiting the Placing of Snow and Ice in a Public Way

Section 2:

1st offense – warning

2nd offense - \$25

3rd offense - \$50

4th and subsequent - \$100

Article 15 – Public Consumption Or Use Of Marijuana or Tetrahydrocannabinol

Enforcing Person – Police Chief or Police Officers

Fine each offense - \$300

Regulations – Town-Owned Buildings, Parks and Recreation Areas

Using parks and recreation areas between dusk and dawn without permission:

1st offense - \$50

2nd offense - \$100

3rd and subsequent - \$150

Loitering on Town Property in Vicinity of Town Buildings:

1st offense - \$50

2nd offense - \$100

3rd and subsequent - \$150

Using Skateboard, Bicycle or Other Recreational (Non-Tennis) Device on
Tennis Courts - \$50

Zoning By-Law (added 11/10/2004)

Enforcing Person – Building Inspector

Section 7.07a:

1st offense - warning

2nd offense - \$50

3rd and subsequent offenses - \$100; each day that such violation continues
shall be considered a separate offense.

Regulations – Damage or Destruction of Stone Walls Within and Adjacent to the
Public Way (added 5/9/2005)

Enforcing Person – Building Inspector

1st offense - \$25

2nd offense - \$50

3rd and subsequent offenses - \$100; each twenty-four hour period shall
constitute a separate offense.)

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Article 14 – Right to Farm By-Law

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter III, Section 125A and Chapter 128, Section 1A. We the citizens of the Town of Chesterfield restate and republish these rights pursuant of the Town's authority conferred by Article 89 of the Articles of Amendment to 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 Chesterfield 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 Definitions

The word "farm" shall include any parcel or parcels of land, or water bodies used for the primary purpose of commercial or private agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include but not be limited to commercial or private pursuit of the following:

- Farming in all its branches and the cultivation and tillage of the soil,
- Production, cultivation, growing, and harvesting of any agricultural, aquaculture, floricultural, viticulture, or horticultural commodities including orchards;
- Growing and harvesting of forest products, including the production of maple syrup and other related forestry or lumbering operations;
- Breeding, raising, keeping, dairying, and/or selling of livestock, e.g. cattle, sheep, swine, goats, llamas, and alpacas;
- Breeding, raising, keeping and /or selling horses; e.g. boarding, training, or as an adjunct to farming;
- Breeding, raising, keeping and/or selling fowl, rabbits, bees, fur-bearing animals and other domesticated animals for food, fiber, fur or other agricultural purposes.

"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 under generally accepted management practices;
- Application and storage of manure, pesticides and fertilizers under generally accepted management practices;
- Conducting agriculture-related educational and farm-based recreational activities, including agritourism, 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 farm equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
- On-farm relocation of earth and clearing of ground for farming operations;
- Constructing and maintaining farm buildings used for shelter, feed, and storage;
- Revitalizing drainage or irrigation ditches; picking stone; constructing, repairing, or maintaining fences; and clearing, rejuvenating and maintaining pastures.

Section 3 Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Chesterfield. The above described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply to those commercial and private 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, or local zoning law.

Section 4 Disclosure Notification

A copy of this By-law is available at the Town Clerk's Office.

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 Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Farm and Forest Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within sixty days.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Farm and Forest Commission or its agent, which shall review and facilitate the resolution of the grievance and report its recommendations to the Board of Health within sixty days.

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 Chesterfield hereby declares the provisions of this By-law to be severable.

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Article 15: Public Consumption Or Use Of Marijuana Or Tetrahydrocannabinol.

Prohibition on Use:

- A. Not in a Motor Vehicle: No person shall smoke, ingest, or otherwise use or consume marijuana, or tetrahydrocannabinol (as defined in M.G.L. Chapter 94C, Section 1) while in or upon any public building, vehicle controlled by the Town, recreational area, playground, park, beach, boat landing or launch, schoolhouse, school grounds, street, sidewalk, public way, passageway, bridge, stairs, parking lot, cemetery, bus stop, or any area or property owned or under the control of the Town, or any area accessible to the public.
- B. In a Motor Vehicle: The consumption of marijuana or tetrahydrocannabinol is also prohibited in any motor vehicle in or on a public way whether or not the user is operating the vehicle or whether the vehicle is in operation at all.

Violations and Penalties:

Whoever violates this bylaw shall be punished by a fine of \$300.00 for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under M.G.L. Chapter 94C, Section 32L. If a violator fails to pay the fine issued, he or she may be subject to civil contempt proceedings.

Enforcement:

Violations of any provision of this bylaw may be processed pursuant to M.G.L. Chapter 40, Section 21D of the General Laws of the Commonwealth. Enforcement of this bylaw under the Non-Criminal Disposition process shall be carried out by the Police Chief, and duly sworn Police Officers who shall have full enforcement powers.

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Article 16 – Stretch Energy Code

Section 1 Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy 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, and is updated on a three year cycle. Since July 1, 2010, the baseline energy conservation requirements of the MA State Building Code defaulted to the latest published edition, currently the IECC 2009, with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

Section 2 Purpose

The purpose of 780 CMR 115.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, 51, as applicable.

Revised 4/6/11

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 115.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 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Chesterfield General Bylaws, Article 16.

The Stretch Code is enforceable by the inspector of buildings or building commissioner.

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Article 17 – Departmental Revolving Funds

There are hereby established in the Town of Chesterfield pursuant to the provisions of Massachusetts General Laws Section 53E1/2 of Chapter 44, the following Revolving Funds:

Revolving Fund	Spending Authority	Revenue Source	Allowed Expenses
Board of Health (BOH)	Board of Health	Receipts representing hourly charges for BOH members or their agents for witnessing percolation tests, conduction inspections or follow-up tests, or for conduction other mandated inspections	Payments to BOH Members at an hourly rate approved at Annual Town Meeting
Planning Board	Planning Board	Receipts from fees	Payments for expenses associated with proposed sub-divisions, processing of applications and other related expenditures related to the Planning Board
Zoning Board of Appeals	Zoning Board of Appeals	Receipts from fees	Payments for expenses associated with processing of applications and other related expenditures related to the Zoning Board of Appeals
Dog Control Revolving Fund	Town Clerk and Dog Officer/Animal Control Officer	Receipts from fees and fines	Payments for the Dog Officer's/Animal Control Officer's salary and for licenses, supplies and other dog control related expenditures
Wetlands Protection	Conservation Commission	Receipts from fees	Payments for expenses associated with administration of the Wetlands Protection Act

Expenditures from each revolving fund shall be subject to the annual limitation established by Town Meeting, and to any additional limitations as otherwise set forth in Massachusetts General Laws Section 53E1/2 of Chapter 44.

TOWN OF CHESTERFIELD

THE GENERAL BY-LAWS

Amendments

1995 The revised, recodified general by-laws adopted under Article 3 of the warrant for the Chesterfield annual town meeting was approved by the Attorney General on July 31, 1995

The following amendments, deletions, additions

1996 Deleted Article 9 Dog Restraint and replaced with Article 9 Dog Control

1999 Amended Article 9 – Dog Control

Rescinded Article 8, relating to Highway Department employees vacation, sick time and holidays.

Amended Dog Control by-law

2001 - Deleted “a Committee to have custody of the Edwards Memorial Museum”

2003 - Added a Senior Center Building Oversight Committee and a Chesterfield Emergency Planning Committee

Added Article 11 “Capital Planning Committee

Added Article 12 “ Prohibiting the Placing of Snow & Ice in a Public Way

Added Article 13 “Non-Criminal Disposition of Certain Violations

2004– Added to end of Section 2 of the Non-criminal disposition of certain violations the “Zoning By-Law enforcing person and fines”

2005– Added to end of Section 2 of Non-criminal disposition of certain violations the “Regulations pertaining to Destruction of Stone Walls”

2008- Added Article 14: Right to Farm By-law

2010 – Added Article 15: Public Consumption Or Use of Marijuana Or Tetrahydrocannabinol

2011- Added Article 16: Stretch Energy Code

2012- Amended Article 9 – Dog Control (added a \$75 fine for third and subsequent offenses of the by-law)

2012- Amended Non-Criminal Disposition of certain Violations (added a \$75 fine for third and subsequent offenses of Article 9, Section 7 Animal Control)

2013- Amended Article 1: “Town Meeting”, Section 3 relating to locations for posting attested copies. (removed the site for West Chesterfield Post Office)

2014- Amended Article 1 “Town Meeting”, Section 3, relating to locations for posting attested copies. (removed the site for the Chesterfield General Store)

2014- Amended Article 3 – Elected Town Boards (changed term for the Hampshire Council of Governments to a three-year term)

2015- Amended Article 4 – Appointed Boards, Committees and officers, section 2 to change “Senior Center Building” to “Community Center Building Oversight Committee”

2015- Amended Article 9 “Dog Control” changed all names relating to Dog Officer to “Animal Control Officer”

2015- Amended Article 13 – Non Criminal Disposition of certain Violations, section 2, changing Enforcing Person-Dog Officer to “Enforcing Officer -Animal Control Officer”

2017- Added Article 17 Departmental Revolving Funds

2019- Dog Control – changed words and fines for Dog Control Officer

2020 – Amended Article 5 - Changed the name of Board of Selectman to Select Board

2022 – Amended Article 3 – Deleted “a Representative to the Hampshire Council of Governments”

2022 – Amended Article 4 – added a “Municipal Light Plant Board” and deleted “An Industrial Development Authority”