

Town of Blandford By-Laws as of 2021



Unless otherwise noted, all official duties are proscribed to their respective positions by the Massachusetts General Laws.

All fees and fines are now established by the appropriate town body and the fees listed in these bylaws no longer apply. (MGL Ch. 40, Sec. 22F; see MM page 33)

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**TOWN OF BLANDFORD
BY-LAWS**

I. Town Meeting

A. The Annual Town Meeting shall be held on the First Monday of May each year.

Article 9 Town Meeting 2002
Article 27 Town Meeting 1976
Article 14 Town Meeting 1974
Article 3 Town Meeting 1958
Article 22 Town Meeting 1950
Town Meeting 1809

B. The Annual Town elections shall be held on the second Saturday in May of each year from 10 A.M. to 4 P.M.

Article 9 Town Meeting 2002
Article 5 Town Meeting 1995
Article 27 Town Meeting 1976
Article 14 Town Meeting 1974
Article 3 Town Meeting 1958
Article 22 Town Meeting 1950
Article 11 Town Meeting 1916
Article 16 Town Meeting 1915
Article 17 Town Meeting 1892

C. The Select Board and the Treasurer shall cause their Annual Reports to the Town to be printed and made available in the Library and Town Offices. The Annual Report shall also be posted on the Town Website.

Article 7 Town Meeting 2009
Article 10 Town Meeting 1871

D. Seven days before Town Meeting a post card is to be mailed to all residents as a reminder that the Town Report is on the Website and to request in writing if you would like a Town Report mailed to you.

Article 18 Town Meeting 2009
Article 21 Town Meeting 1968

E. Call of Town Meetings controlled by M.G.L. Chap. 39 Sec. 10

Article 11 Town Meeting 1873

- F. Notice of all Town Meetings and public hearings shall be published in at least one newspaper. The Constables, at the direction of the Town Clerk, shall post copies of the warrant in three public places within the Town.

Article 25 Town Meeting 1983
Article 3 Town Meeting 1971
Article 9 Town Meeting 1938
Article 11 Town Meeting 1859
Town Meeting 1843
Town Meeting 1809

- G. The procedure for posting the Caucus Call shall conform with the directions for posting other Town Warrants.

Article 13 Town Meeting 1959

- H. The Town shall hold a Town Caucus on the First Monday in March of each year, and place on the annual election ballot the names of the two nominees for each office having the most number of votes.

Article 26 Town Meeting 1983
Article 17 Town Meeting 1947
M.G.L. Chap. 53 Sec. 121

II. Officers

A. 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 select board under the general laws and any special laws applicable to the Town of Blandford as well as such other powers and duties as are provided in these bylaws.

Three (3) members
Elected by ballot
Three (3) year term

Article 26 Town Meeting 2020
Article 5 Town Meeting 1924

Duties of Select Board

The Select Board of the Town of Blandford be required each year hereafter to make an itemized annual report of the finances of the town, showing the amount and source of money received and also the amount disbursed and the purposes of the same and the persons to whom paid.

Article 3 Town Meeting 1877

B. Board of Health

Three (3) members
Elected by ballot
Three (3) year term

Article I Special Town Meeting February 24, 1986

- C. **Town Moderator**
Elected by ballot
Three (3) year term -----Article 17 Town Meeting 1961

Authority of the Town Moderator: If in consideration of a warrant article at Town Meeting a two-thirds vote is required by statute for passage of such article, the Moderator may declare the vote to be a two-thirds vote without a count, provided, however, that if the vote is immediately questioned by seven or more voters, a count shall be taken.

Article 2 Town Meeting May 2019
- D. **Town Clerk**
Elected by ballot
Three (3) year term -----Article 17 Town Meeting 1961
- E. **Town Treasurer/Collector**
Appointed by Select Board
Three (3) year term -----Special Legislation Enacted
Article 35 Town Meeting May 2019
September 18, 2014; signed by Governor Baker September 25, 2014
Chapter 324 of the Acts of 2014
See page 34 for exact language
Article 17 Town Meeting 1961
- F. **Town Administrator**
Appointed by Select Board
One (1) to three (3) year term -----Article 11 Town Meeting 2004
- G. **Town Accountant**
Appointed by Select Board
Three (3) year term ----- Article 17 Town Meeting 2001
Article 10 Town Meeting 1923
Article 11 Town Meeting 1923
- H. **Constables**
Appointed by Select Board
One (1) year term ----- Article 17 Town Meeting 1972
- J. **Field Driver**
Elected by ballot
Three (3) year term ----- Article 41 Town Meeting 1980
Article 18 Town Meeting 1946
- K. **Fence Viewer**
Two (2) members
Elected by ballot
Three (3) year term ----- Article 40 Town Meeting 1980
Article 18 Town Meeting 1946
- L. **Tree Warden**

Elected by ballot
Three (3) year term ----- Article 14 Town Meeting 1962

M. Zoning Board of Appeals

Three (3) members and three (3) associate members
Appointed by Select Board
Three (3) year term-----Article 30 Town Meeting 1988
Article 2 Town Meeting 1962
Zoning By-Law, Approved by Attorney General February 12, 1962

N. Conservation Commission

Three (3) members
Appointed by Select Board
Three (3) year term -----Article 4 Special Town Meeting
1982
Article 13 Town Meeting 1963

O. Council on Aging

Three (3) members
Appointed by Select Board
Three (3) year term
Authority: recommend possible programs to the Select Board
Article 28 Town Meeting 1981
Article 7 Town Meeting 1974

P. Arts Council and mine Sept STM 2020

Five (5) members
Appointed by Select Board
1. The Arts Council shall consist of five members appointed by the Select Board .
2. Members shall be appointed for staggered terms of up to three years and any such member shall not be appointed to more than two consecutive terms, or for a total of six years, Members must remain off the council for a one-year interval before serving additional terms.
3. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences.
4. Upon a vacancy, for any reason, the member's successor, if any, shall be appointed for a term of up to three years, and shall serve until the qualification of such member's successor.
5. Arts council policies and procedures shall comply with the requirements of G.L. c.10 sec. 58 as may be amended and the requirements of the Massachusetts Cultural Council.
Authority: to receive and disburse Arts Council Funds from the State Arts Council Lottery
Article 9 STM September 2020
Article 3 Town Meeting 2017
Article 31 Town Meeting 1988

III. Committees

A. Cemetery Commission

Three (3) members
Elected by ballot

Three (3) year term ----- Article 16 Town Meeting 1911

B. Finance Committee

Five (5) registered voters

Appointed by Appointing Committee:

Town Moderator, Chair

Members of Select Board (3)

Town Clerk

Article 22 Town Meeting 1976

Article 13 Town Meeting 1971

ORGANIZATION OF FINANCE COMMITTEE

Section 1.

There shall be a Finance committee consisting of five (5) registered voters appointed by a committee consisting of the Select Board, the Town Clerk, and the Town Moderator, to be chaired by the Town Moderator, hereafter to be known as the Appointing Committee. The Appointing Committee shall make said appointments within fourteen (14) days following final adjournment of the annual Town Meeting. Initial appointments will be made by April 1, 1971, and will be made for the following terms: one (1) member will be appointed for one (1) year; two (2) members will be appointed for two (2) years; and two (2) members will be appointed for three (3) years. Subsequent three (3) year appointment will be made as terms expire. No member shall serve for more than two (2) successive full terms. Any member may be reappointed after at least one (1) full year out of office

Section 2.

In making appointments to the committee, the appointing committee shall take into consideration the demographic composition of the town. The appointing committee shall rescind an appointment to the committee if the appointee has not fulfilled his responsibilities to the committee.

Section 3.

Members of the Finance Committee shall serve without compensation and no member may hold any other elective or appointive position in town during his term of office. Any member who shall remove from the town shall, upon such removal, cease to be a member of said committee.

Section 4.

In the event of any vacancy in its membership, the Finance Committee shall notify the Moderator and the Town Clerk in writing within seven (7) days of such vacancy and the Appointing Committee shall fill such vacancy. Article 4 Town Meeting 2017

Section 5.

The Finance Committee shall annually choose a chairman, a secretary, and any other officers it deems necessary. The Committee may appoint subcommittees of its members and delegate to them such of its powers as it deems expedient. The committee may employ or

delegate responsibility to such expert and other assistance outside its membership as it may deem advisable in fulfilling its responsibility, but only after approval by the Town of any expenditure for such assistance.

Section 6.

The various Town boards, officers, departments, and committees charged with expenditures of Town money shall, no later than the 15th of February of each year, prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices or departments for the ensuing fiscal year, with explanatory amounts appropriated for the same purpose in the preceding year. They shall also prepare estimates of all possible items of income which may be received by them during the ensuing fiscal year in connection with the administration of their departments or offices, and a statement of the amount of appropriation requested by them for the ensuing fiscal year. Such estimates and statements shall be filed with the Town Accountant who shall at once transmit the same to the Finance Committee.

DUTIES OF THE FINANCE COMMITTEE

Section 7.

The Finance Committee shall duly consider the estimates and statements filed by the Town Boards, Officers, and Committees and hold hearings, if they deem it advisable. The Finance Committee shall thereupon recommend such sums and in such division of items as it considers necessary and convenient.

Section 8.

The Finance Committee shall consider all matters of business within articles of any warrant for a Town Meeting and shall, after due considerations, report thereon the recommendations as to each article before each meeting or vote. The recommendations shall be those of a majority of the entire committee, but this shall not be construed to prevent recommendations of a minority as such. The Committee shall hold a public meeting with respect to the warrant at least seven days prior to the Town Meeting. In reporting, the Committee shall state the total amount of the appropriations recommended by them on the entire warrant and the appropriate tax rate based on such recommendations. The report for the annual Town Meeting shall contain a statement of the activities of the Committee during the year, with such recommendations of suggestions as it may deem advisable on any matters pertaining to the welfare of the Town. It may make recommendations of referenda and other matters on any ballot other than the choices of individuals for office.

Article 4 Town Meeting 2017
Article 22 Town Meeting 1976
Article 13 Town Meeting 1971

C. Library Trustees

Three (3) members
Elected by ballot

Three (3) year term ----- Article 16 Town Meeting 1891

Library fines to remain with Librarian and administered by trustees.

Article 12 Town Meeting 1949

D. Municipal Light Board

Three (3) members

Elected by ballot

Three (3) year term ----- Article 3 Town Meeting 1925

Voted: that the election of members of the Municipal Light Board be made by ballot; one member for one year, one member for two years and one for three years, which shall have the right and the authority to construct and maintain an electric plant in said town.

Article 4 Town Meeting 1925

E. Recreation Committee

Five (5) members

Appointed by Select Board

Three (3) year term Article 10 Town Meeting 2004

Article 10 Town Meeting 2002

Article 18 Town Meeting 1973

F. Planning Board

Five (5) members

Elected by ballot

Five (5) year term

Article 6 STM October 2018

Article 17 Town Meeting 2007

Article 15 Town Meeting 1966

G. Water Commission

Three (3) members

Elected by ballot

Three (3) year term ----- Article 4 Town Meeting 1929

Article 2 Town Meeting 1929

H. Agricultural Commission

Five (5) members

Appointed by Select Board ----- Article 10 Town Meeting 2006

I. Historical Commission

No less than three (3) and

No more than seven (7) members

Appointed by Select Board ----- Article 22 Town Meeting 2001

IV. Town Counsel

A. Appointment of Town and Special Counsel: The Select Board is authorized on behalf of the Town to prosecute and defend matters in which the Town has an interest, or to appear in favor or opposed to matters involving the Town's interest, and employ a Town Counsel and such special counsel as may be needed for such purposes.

B. Duties of Town Counsel: Town Counsel shall be present at all Annual Town Meetings and may be available by telephone for all Special Town Meetings at the direction of the Select Board .

C. Authorization for Shared/Joint Legal Representation: The official duties of Town Counsel, or special counsel so appointed, shall include simultaneously representing the Town, other municipalities and/or public entities in matters in which the Town has a direct or substantial interest, including but not limited to administrative and judicial proceedings in which the Town is

also a party or wishes to be a party. Such representation may be undertaken in each particular matter in which dual or common representation is contemplated only upon the express written permission of the Select Board and provided that Town Counsel or, as appropriate, special counsel, has complied with all applicable rules of professional responsibility. In granting such permission, the Select Board shall make a separate finding that such dual or common representation furthers the interests of the Town, including, for example, to facilitate the pooling of resources for a common purpose, development of regional and mutual interests, or preservation of scarce municipal funds.

Article 3 Special Town Meeting
September 10, 2015
Article 6 Town Meeting 1989
Article 28 Town Meeting 1983
Article 4 Town Meeting 1967

V. **Liquor-Gaming-Marijuana**

A. It shall be unlawful for any person to possess, consume, and/or transport an open container of alcoholic beverage on any public street, public sidewalk, or public way, or on any grounds owned by the Town, within the limits of the Town; except that this shall not apply to activities duly approved by the Board of Select Board. The fine for such unlawful act shall be \$15 each occurrence.

Article 26 Town Meeting May 2019
Article 24 Town Meeting 1977

B. Licenses may be granted in the Town for the operation, holding, or conducting a game commonly called “beano.”

Referendum Question 3 1973

C. Sunday Games Law (so-called) is accepted.

Article 4 Town Meeting 1920

D. No person shall inhale, ingest, or otherwise use or consume marijuana or THC (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public. Whoever is found in violation of this by-law shall, when requested by an official authorized to enforce this by-law, state their true name and address to such official. This By-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement or complaint pursuant to G.L. c.40, § 21, or by noncriminal disposition pursuant to G.L. c. 40, § 21D, or any police officer. The fine for violation of this By-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this By-law shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L. This By-law shall not alter or affect the jurisdiction of the Board of Health under the provisions of G.L. c.111, §31 or any other applicable law, including but not limited to the regulation of combustion and inhalation of tobacco and non-tobacco products in workplaces and public spaces in the Town.

Article 28 Town Meeting May 2016

VI. **Electrical Ordinance**

A. We adopt the 1949 National Electrical Code and subsequent revisions thereto, and inspections shall be made in conformity with the same.

Article 27 Town Meeting 1983
Article 17 Town Meeting 1951

B. No person shall connect or cause to be connected wires, conduits, apparatus, fixtures, or other appliances for carrying or using electricity for lights, heat, or power without first having the same inspected and passed by the Inspector of Wires.

Article 11 Town Meeting 1951

C. Whoever violates Article 11 (Town Meeting, 1951) shall be subject to a fine of not more than \$20 each occurrence.

Article 17 Town Meeting 1951

VII. Dog Control

Under the provisions of the Mass General Laws, Chapter 140, section 147A, as amended by c.308 of the acts of 1985, the town is empowered to enact Bylaws and Ordinances relative to the regulation of dogs.

Article 2 Special Town Meeting
March 31, 1986

1 The fee to license every spayed or neutered dog for one year shall be five (\$5) dollars. For dogs not spayed or neutered, the fee to license for one year shall be ten (\$10) dollars.”

Article 20 Town Meeting 2003

1.2 The annual fee for a kennel license for six to ten (6 to 10) dogs shall be twenty-five (\$25) dollars. The annual fee for a kennel license for eleven (11) or more dogs shall be fifty (\$50) dollars.”

Article 21 Town Meeting 2003

1.3 The registering, numbering, describing, and licensing of dogs in the Town of Blandford, if kept in said Town, shall be conducted in the office of the Town Clerk.

2 All money received for or from the sale of dog licenses or kennel licenses by the Town of Blandford or recovered as fines or penalties by said Town of Blandford, under the provisions of Chapter 140 relating to dogs, shall be paid to the treasury of said Town and shall not thereafter be paid over by the Town Treasurer to Hampden County.

3 All dogs shall be licensed by May first of the year their license runs out. Failure to do so will incur a penalty of five (\$5) dollars per month up to a maximum of thirty (\$30) dollars.

4 Any dog found running loose and not under the control of its owner shall be picked up and confined at the dog officer’s quarters or another suitable establishment. A pickup fee of twenty (\$20) dollars and a confinement fee of ten (\$10) dollars per day after twenty-four (24) hours will be charged. The dog officer shall retain these fees.

Article 22 Town Meeting 2003

5 Any dog found running loose and not under the control of its owner, which can be identified, but not caught, shall subject the owner to a fine of five (\$5) dollars for the first offense and doubles for each offense thereafter in a twelve (12) month period to a maximum of eighty (\$80) dollars. This fine system will also pertain to section 4.

6 Sections 4 and 5 shall be enforced by the dog officer and police officers of the Town only. A signed statement by said officer shall be considered sufficient proof that a violation has been committed.

Article 23 Town Meeting 2003

7 All fines and fees, unless otherwise specified, shall be paid to the Town of Blandford. These fines and fees shall be paid to the Town Clerk of Blandford within two (2) weeks of notice of violation given to owner by hand or through the mail.

8 Persons who own dogs who have been issued a restraint order by the Board of Health or Select Board of the Town of Blandford shall be required to post a two hundred (\$200) dollar bond to be held by the Town of Blandford for the period of the restraint/confinement order. The person has the option of installing a chin link enclosure for this animal. If this is done, the bond of two hundred (\$200) dollars will be returned. Failure to comply with the order will compel the Town, through its Dog Officer, to impound this same animal until a decision is made to return to owner, sell, put up for adoption, or destroy said animal. The owner shall be responsible for charges due to impoundment, and any bills for veterinarian services for said animal.

9 The owner of any animal violating section 3 through 8 shall have the right to appeal the violation, first to the full Select Board and then, if not satisfied, to Westfield District Court. The Court's decision shall be final. The Court may assess additional Court fees.

Article 3 Special Town Meeting
March 31, 1986

VIII. Motor Vehicles

A. Unless properly licensed under the General Laws of Massachusetts, no person, firm, or corporation shall place or store outdoors on land owned or under his or its control, nor shall any persons, firm, or corporation allow to be placed or stored on land owned or controlled by him or it, more than one unregistered motor vehicle for a period in excess of six (6) months, excluding farm machinery.

Penalties: Whoever violates this bylaw shall, unless otherwise provided by law or ordinance, be subject first to a written warning. If not corrected within thirty (30) days, to a fine of twenty-five (\$25) dollars per vehicle and a fine of twenty-five (\$25) dollars per vehicle each and every subsequent week thereafter until corrected.

Article 8 Town Meeting 1988
Town Meeting 1978
Article 17 Town Meeting 1966

B. Places Where Parking Is Prohibited Generally

No person shall park a vehicle in any of the places set forth in this section. Vehicles found parked in violation of the provisions of this section may be moved by or under the

direction of an officer and at the expense of the owner, to a place where parking is permitted:

1. within an intersection
2. upon any sidewalk
3. upon any crosswalk
4. upon any roadway where parking of a vehicles will not leave two clear and unobstructed lanes, each lane to be ten (10) feet wide, commencing at the center line of the roadway
5. upon any street or highway within ten (10) feet of a fire hydrant
6. upon or in front of any private road or roadway
7. alongside or opposite any street, excavation, or obstruction when such stopping, standing, or parking would obstruct traffic
8. upon any tree belt where official signs are erected

Article 4 Town Meeting 1976

C. Parking between 2:00 A.M. and 6:00 A.M.

It shall be unlawful for the driver of any vehicle, other than one acting in an emergency, to park such vehicle on any street for a period of time longer than one hour between the hours of 2:00 A.M. and 6:00 A.M. on any given day.

Article 4 Town Meeting 1976

IX. Public Safety

A. Highways

1. Removal of Lumber obstructing highways
Article 4 Special Town Meeting
1923
2. Monthly Payment of road and snow bills
Article 11 Town Meeting 1920
3. Indemnify Commonwealth against any claims for damage
Article 3 Special Town Meeting
1918
4. Abolish the office of road commissioners
Article 5 Town Meeting 1874
5. Highway tax for Hampden and Berkshire Turnpike Corporation
Article XX Town Meeting 1829
6. All town roads be opened to full legal width
Town Meeting 1814
7. Establishing committee to lay and discontinue roads
Town Meeting 1809
8. Highway surveyors empowered to assign all or part of their districts
Town Meeting 1802

9. Abandon Sanderson Brook Road from Ferguson Road to Blandford/Chester Town boundary line

Article 7 Special Town Meeting
November 28, 1989

10. Change the name of Nye Brook Road to Second Division Road from the intersection of Russell Road to the intersection of Huntington Road

Article 20 Town Meeting 1993

11. Change the name of Second Division Road to Nye Brook Road from the intersection of Russell Road to the intersection of Huntington Road.

Article 19 Town Meeting 2003

12. Change the name of Negro Hill Road to Jethro Jones Road.

Article 5 Town Meeting 2000

B. Protection of Property

1. Allows Select Board to offer reward to detection of thieves and stolen property

Article 6 Town Meeting 1865

2. Town takes over the fire district

Article 12 Town Meeting 1928

3. The occupants of any place within the Town of Blandford which is equipped with a device for the remote transmission of intrusion or burglar alarms or fire alarms shall maintain said devices in such manner as to minimize the transmission of false alarms. The Select Board shall assess a fee for the transmission of such false alarms in excess of one per such place per calendar quarter, beginning July 1, 1989, as follows:

ten (\$10) dollars for residential premises and
twenty (\$20) dollars for all other premises

Article 9 Town Meeting 1989

C. Fair

No fair, concert, field day, rally, or any such event, to which the public is invited or attracted, and which may be reasonably expected to have more than one hundred persons in attendance, shall be sponsored by any person or organization within the Town of Blandford, excepting such events as may be sponsored by town government, without such sponsor first obtaining an Event License for each such event, not less than fourteen days prior to said event, from the Select Board, who shall act as a Licensing Authority. The fee for such license shall be one (\$1) dollar.

Article 36 Town Meeting 1983

D. Event License

No Event License shall be granted to any sponsor of any fair, concert, field day, rally, or any such event, without adequate proof from such sponsor that the Town of Blandford, its elected and appointed officials, fire and police personnel, and acting fire and police personnel shall be indemnified and held harmless from any action which may arise out of the discharge of their duties at or in connection with such events or related subsequent events.

E. Temporary Parking Prohibition

The Chief of Police is hereby authorized to prohibit temporarily parking on any street or highway or part thereof in an impending or existing emergency, or for lawful assemblage, demonstration, or procession, provided there is reasonable justification for such prohibition. Vehicles parked in places where parking is temporarily prohibited may be moved by or under the direction of an officer.

Article 4 Town Meeting 1976

F. Penalties

Whoever violates a provision of this code or any ordinance of the Town, shall, unless otherwise provided by law or ordinance, be subject on the first offense to a warning, the second offense, a fine of fifteen (\$15) dollars, the third offense, a fine of twenty (\$20) dollars. All subsequent offenses will be twenty (\$20) dollars. These fines shall apply to one (1) calendar year only.

Article 2 Town Meeting 1978

Article 4 Town Meeting 1976

X. Highways

1. Drainage Infrastructure

Section 1. Purpose

The purpose of this By-Law is protect the public health, safety and welfare of Blandford residents, to protect personal and public property, and to reduce the adverse effects caused by flooding and storm water runoff by regulating the construction and maintenance of drainage infrastructure within the Town of Blandford.

Section 2. Definitions

DRAINAGE INFRASTRUCTURE – includes all manmade infrastructure designed to collect, transport or divert water runoff, including but not limited to, culverts, trenches, drainage ditches, catch basins and underground piping.

GOOD REPAIR – includes the making of additions or alterations or the taking of any other action that may be required to ensure that a Drainage Infrastructure remains clear of any Obstruction.

OBSTRUCTION – means any object or condition which prevents or hinders the proper functioning of Drainage Infrastructure including, but not limited to, rocks, gravel, brush and debris.

OWNER – includes: 1) the registered owner of the land and 2) a lessee or occupant of property who, under the terms of a lease or similar document, is required to repair and maintain the property.

PROJECT – land disturbance activity which requires the construction of Drainage Infrastructure.

STORMWATER – runoff from rain, snowmelt, or a stream of water, including a river, brook or underground stream.

Section 3. Applicability

This By-Law applies to all Owners that undertake Projects and all Owners whose property already contains Drainage Infrastructure to divert Stormwater off their property.

Section 4. New Drainage Infrastructure Construction

Any Owner who undertakes a Project must design drainage patterns and construct Drainage Infrastructure so as to prevent Stormwater discharge onto adjacent public and private roads and adjacent properties.

Section 5. Repair and Maintenance

- A. All Owners shall keep their Drainage Infrastructure in Good Repair.
- B. All Owners shall maintain their Drainage Infrastructure free of Obstructions and in such a state so as to prevent the discharge of Stormwater onto public and private roads and abutting properties. All Owners shall maintain their Drainage Infrastructure in such a state as to prevent the deviation from existing or approved drainage patterns.

Section 6. Enforcement Powers

- A. The Highway Superintendent, or their designee, shall be responsible for enforcing this By-Law.
- B. If the Highway Superintendent determines that a violation of this By-Law has occurred, they may make an order requiring the Owner who has caused or permitted the violation, to take such actions necessary to correct the violation. Such order shall set out, with reasonable particularity, the nature of the violation, the location of the land on which the violation occurred and the date by which any remedial actions must be taken.
- C. The Highway Superintendent may require an Owner to furnish the Highway Superintendent with evidence that an order made pursuant to Section 6(B) of this By-Law has been complied with. Such evidence may include, but is not limited to, site inspection, photographic evidence and documents production indicating that Drainage Infrastructure has been brought into Good Repair.

Section 7. Notice

If the Highway Superintendent ascertains that there is any violation of this By-Law, they shall send notice and any accompanying order issued pursuant to Section 6(B), by registered mail or direct delivery by hand to the Owner.

Section 8. Offenses and Penalties

- A. Any Owner who violates any provision of this By-Law or fails to comply with an order issued pursuant to Section 6(B) of this By-Law shall be fined not less than fifty (50) dollars or more than three-hundred (300) dollars for each offence. Each day that such violation or lack of compliance continues shall constitute a separate offense.
- B. This By-Law may be enforced by the Highway Superintendent or their designee through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. Chapter 40, §21D. In the event that enforcement is sought through non-criminal disposition fines shall be imposed as follows, with each day that such violation continues constituting a separate offense:
- i. first offense, \$50.00
 - ii. second offense, \$100.00
 - iii. third and successive offenses, \$300.00 each

Article 2 Special Town Meeting
November 19, 2015

A. Any person using a public way to transport loads in excess of ten (10) tons for a five day period or more, shall post with the Town a bond or cash in the amount of two thousand (\$2,000) dollars per mile. Said public way shall be inspected by the highway superintendent to determine the cost of repair by the hauler, for damages caused by transportation of loads, which shall be borne by the hauler.

Article 12 Town Meeting 1988
(fee charge)
Article 32 Town Meeting 1981

B. No person, other than an employee in the service of the Town of Blandford or the Commonwealth or an employee in the service of an independent contractor acting for the Commonwealth or the Town of Blandford shall pile, push, or plow snow or ice into Town Roads so as to impede the flow of traffic on such way. Whoever violates this bylaw shall be punished by a fine of not more than one hundred fifty (\$150) dollars.

Article 14 Town Meeting 1987

C. Except in the event of a bona fide emergency, no person other than an employee in the service of the Highway Department of the Town of Blandford, will conduct excavation on a Town public way without obtaining a permit from the Town of Blandford authorizing such activity. The Permit will be in a form approved by the Select Board . The Select Board may authorize the Highway Superintendent to specify the conditions under which such activity is conducted and may require a bond to ensure compliance with the permit and the conditions therein.

In the event of a bona fide emergency the requirement to obtain a permit prior to excavation activity is waived. Any individual acting in response to a bona fide emergency is required to contact the Highway Superintendent as soon as is practical and will follow instructions provided by the Highway Superintendent.

Article 12 Town Meeting 2005

XI. Hunting

No person shall hunt on any private property in the Town of Blandford without written permission by the property owner of the land upon which permitted hunting will take place. Local, state, and environmental police have power of enforcement and arrest and violators are subject to a fine of no more than twenty-five (\$25) dollars for the first offense and no more than fifty (\$50) dollars for a second offense within a twenty-four (24) month period.

Written permission for hunting on private property must be renewed on an annual basis.

Article 6 Town Meeting 1987

XII. Recycling

A. In order to implement a program of recycling in conjunction with ordinary waste disposal, residents of every household shall separate waste material into the following categories before depositing the same for disposal:

1. GLASS
2. CANS
3. PAPER
4. CARDBOARD
5. OTHER WASTES

If no separation takes place, waste material shall not be accepted at the disposal location. Anyone dumping illegally shall be liable to a three hundred (\$300) dollar fine.

The recycling of paper and cardboard shall become mandatory immediately, and the recycling of other items shall become in force upon the direction of the Board of Health.

Article 5 Town Meeting 1989

B. The Board of Health may enter into a *Memorandum of Understanding* with the Town of Granville for the hauling of the Town's recyclable material to the Springfield Materials Recovery.

XIII. Numbering of Houses, Businesses, Structures

A. Numbers of each dwelling, business, or other structure in the Town of Blandford shall be designated to the owners of such structures. It shall be the responsibility of each property owner to obtain and install the number or numbers assigned to their affected structure or structures. After approval of this by-law by the Office of the Attorney General each property owner shall have sixty (60) days to comply.

B. The owner of any property seeking a building permit for a new building or structure shall apply for and receive a building number designation from the Fire Chief, unless the lot already has a designated number. Certificate of Occupancy will not be issued until a number or numbers is designated by the Fire Chief and installed by property owner.

C. Highly visible numbers shall be placed near the main entrance to the structure; that is, on the structure or on a suitable support. The numbers shall be no less than four (4) inches high and must be visible from the street.

D. This bylaw shall be enforced by the Building Inspector of the Town of Blandford. Failure to comply with this bylaw shall subject the offending property owner to a fine not exceeding ten dollars (\$10) per day, after a proper warning.

Article 12 Town Meeting 2004

XIV. Water Use Restriction

Section 1 Authority

This bylaw is adopted by the Town of Blandford under its police powers to protect public health and welfare and its powers under M.G.L. c.40, s21 et seq. And implements the Town's authority to regulate water use pursuant to M.G.L. c41, s.69B. This bylaw also implements the Town's authority under M.G.L. c40,s41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

Section 2 Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or a State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection upon the users of water supplied by the Blandford Water Department.

Section 3 Definitions

Person shall mean any individual, corporation trust, partnership or association, or other entity.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c21G, s15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town of Blandford pursuant to section 4 of this bylaw.

Water Users or Water Consumers shall mean all public and private persons using water supplied by the Town of Blandford's public water system, regardless of who has responsibility for paying the bill for water used at any particular facility.

Section 4 Declaration of a State of Water Supply Conservation

The Town, through its Board of Water Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Supply Conservation shall be given under section 6 of this bylaw before it may be enforced.

Section 5 Restricted Water Uses

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water by water users that utilize the Blandford Water Department's system, as necessary, to protect the public water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

- a) Odd/Even Day Outdoor Watering - Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.
- b) Outdoor Watering Ban - Outdoor watering is prohibited.
- c) Outdoor Watering Hours - Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- d) Filling Swimming Pools - Filling of swimming pools is prohibited.
- e) Automatic Sprinkler Use - The use of automatic sprinkler systems is prohibited.
- f) Automobile and/or Boat Washing - Washing of cars and/or boats is prohibited.

Section 6 Public Notification of a State of water Supply Conservation; Notification of DEP

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all water users utilizing the Blandford Water Department system of the State of Water Supply Conservation. Any restriction imposed under section 5 shall not be effective until such notification is provided and shall apply to only those utilizing water supplied by the Blandford Water Department system. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 7 Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by section 6.

Section 8 State of Water Supply Emergency; Compliance with DEP Orders

Upon Notification to the public that a declaration of a State of water Supply Emergency has been issued by the Department of Environmental Protection, no person utilizing the Blandford Water Department system shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

Section 9 Penalties

Any person violating this bylaw shall be liable to the Town in the amount of \$50 for the First violation and \$100 for each subsequent violation which shall inure to the Town for such uses Board of Water Commissioners may direct. Fines shall be recovered by indictment, or on complaint before the District Court. Each day of violation shall constitute a separate offense.

Section 10 Severability

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

Article 23 Town Meeting 2001

XV. Right to Farm

Section 1 – Legislative Purpose and Intent

The purpose and intent of this bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Article of Amendment of the Massachusetts Constitution and all state statutes and regulation 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 Blandford 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 agricultural-based economic opportunities, and protects farmlands within the Town of Blandford by allowing agriculture use and related activities to function with minimal conflict with abutters and Town agencies.

Section 2 – Definitions

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

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

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

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

Construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the processing of animal wastes and agricultural products, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building codes and regulations; including construction and maintenance of fences and farm ponds.

Section 3 – Right to Farm Declaration

The Right to Farm is hereby recognized to exist with the Town of Blandford. 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 the By-Law are intended to apply exclusively 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 imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning By-Law.

Section 4 – Disclosure Notification to Real Estate Buyers

In order to allow prospective purchasers to make informed decisions prior to a real estate transaction and to promote harmony between farmers and their new neighbors after a transaction, the Town of Blandford requests selling landholders and/or their agents (and assigns) provide written notice to prospective purchasers substantially as follows: “It is the policy of the Town of Blandford to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers that the property they are about to acquire lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Purchasing, and henceforth occupying land within Blandford means that one should expect and accept such conditions as a normal and necessary aspect of living in Blandford.”

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

Section 6 – Severability Clause

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

Article 19 Town Meeting 2009

XVI. Recall of Elected Town Officials

BLANDFORD, TOWN OF ----- RECALL ELECTIONS

An act providing for recall elections in the Town of Blandford. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section 1: Any holder of an elective office may be recalled therefrom by the registered voters of the town as herein provided.

Section 2: One hundred or more qualified voters may make and file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The Town Clerk shall thereupon deliver to the ten persons first named on such affidavit a sufficient number of petition blanks demanding such recall, copies of which printed forms he shall keep available. Said petition blanks may be completed by printing or typewriter and they shall contain the names of the ten persons to whom they are issued, the name of the person sought to be recalled, the office from which recall is sought, and the grounds for recall as stated in the affidavit. They shall demand the election of a successor to the office and they shall be dated, signed and sealed by the Town Clerk. Said recall petition shall be returned to the office of the Town Clerk not later than three o'clock in the afternoon on or before the first work day following twenty days after the date they are issued, signed by at least twenty-five percent of the total number of qualified persons registered to vote in the town as of the date such affidavit was filed with the Town Clerk. To every signature shall be added the place of residence of the signer, giving the street number, if any. One of the ten persons to whom the recall petition forms is issued shall make an affidavit on each page that statements therein contained are true, and that each signature appended to the petition is the genuine signature of the person whose name it purports to be.

The Town Clerk shall, within seventy-two hours following the day of such filing with the office of the Town Clerk, submit the recall petition forms to the Board of Registrars of voters which shall, within five work days after the day of receipt, certify in writing thereon the number of signatures which are those of qualified persons registered to vote in the Town as of the date such affidavit was filed with the Town Clerk. The Board of Registrars of voters, upon the completion of their certification, shall return the recall petition forms to the Town Clerk.

Section 3: If said recall petition forms shall be certified by the Board of Registrars of voters to contain at least twenty-five percent of the qualified persons registered to vote and if the petition shall be found and certified by the Town Clerk to be sufficient, the Town Clerk shall give notice without delay, in writing, to the elected officer whose recall is sought by sending to said officer a copy of the affidavit and the recall petition form together with notice of the number of qualified voters certified by the Board of Registrars of voters who signed the recall petition forms and the total number of qualified voters in the town as of the most recent town election.

If the officer to whom notice is directed by the Town Clerk does not resign the office within five days following receipt of the aforesaid notice from the Town Clerk, the Town Clerk shall give notice in writing to the Select Board not later than one work day following the expiration of the foregoing five days. The Select Board shall order a special election to be held not less than sixty-four nor more than ninety days after the receipt of notice from the Town Clerk as aforesaid. If, however, any other town election is to be held within one hundred days of receipt by the Board of Select Board of notice from the Town Clerk, the recall election shall be postponed and shall be held at such time and in conjunction with such other election. If a vacancy occurs in the office for any reason after

a recall election has been ordered by the Select Board, the recall election shall nevertheless proceed as provided for herein.

Section 4: Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the Town Clerk shall place his name on the ballot without nomination. The number of signatures of qualified voters required to place the name of a candidate on the official ballot for use at a recall election shall not be less than twenty-five. The publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with the General Laws relative to elections, unless otherwise provided in this act.

Section 5: The incumbent shall continue to perform the duties of this office until the recall election. If then recalled and reelected pursuant to **Section 6**, he shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in this section. If recalled and not reelected in the recall election held pursuant to **Section 6**, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the office shall be deemed vacant.

Section 6: The ballots used at the recall election shall submit the following proposition in the order indicated:

For the recall of (name of officer)	<input type="checkbox"/>
Against the recall of (name of officer)	<input type="checkbox"/>

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (x) may vote for either of such propositions. Under the propositions shall appear the word "Candidates" and the directions for the voters required by Law, and beneath the word "Candidates" shall be the names of candidates nominated as hereinabove provided.

If a majority of the votes cast is against the recall, the votes for the candidates need not be counted. If a majority of the votes cast is in favor of the recall, the officer shall be deemed to be recalled and the ballots for candidates shall then be counted. The candidate receiving the highest number of votes shall be declared elected. If the officer is recalled, he shall be deemed removed upon certification of the election results by the Town Clerk. The candidate receiving the highest vote and therefore elected, shall serve for the balance of the unexpired term of the officer removed.

Chapter 297 of the Acts of 2004, Providing for Recall Elections in the Town of Blandford
Submitted to the Attorney General, June 7, 2001
Hand delivered to Dan Keenan, June 5, 2001
Article 24 Town Meeting 2001

XVII. Town Administrator

Pursuant to MGL, c.41, Section 23A, the members of the Select Board are empowered to appoint a Town Administrator who may be appointed by them for a term of one to three years and to remove him at their discretion. A Town Administrator appointed under the provisions of this section shall be sworn to the faithful performance of his duties. During the time that he holds office he shall hold no elective town office, but he may be

appointed by the Select Board or, with their approval, be any other town officer, board, committee or commission, to any other town office or position consistent with his office. He shall act by and for the Select Board in any matter which they may assign to him relating to the administration of the affairs of the town or of any town office or department under their supervision and control, or, with the approval of the Select Board, may perform such other duties as may be requested of him by any other town officer, board, committee or commission; provided that, prior to posting for such position, an advisory meeting of the Board of Select Board should be held for the purpose of discussing the duties of said Town Administrator.

Article 11 Town Meeting 2004

XVIII. Agricultural Commission:

1. Mission:

There shall be established an Agricultural Commission the mission of which shall be to:

1. Represent the Town's farming and forestry community;
2. Encourage, promote and support the pursuit of farming and forestry in the Town both as a business and a community resource.

2. Appointment:

The Agricultural Commission shall consist of five members appointed by the Select Board. At least three of the members shall be actively engaged in agriculture. Two members shall be appointed for a term of three years; two members shall initially be appointed for a term of two years, and three thereafter; and one member shall initially be appointed for a term of one year, and three thereafter. Vacancies shall be filled by the (appointing committee) Select Board after consideration of the recommendations of the Agricultural Commission. Any member may be removed by the (appointing committee) Select Board for cause after a hearing.

3. Duties:

The duties and responsibilities of the Commission shall include, but not be limited to:

1. Serving as representatives, advocates, educators, facilitators and/or mediators on farming and forestry issues both within the Town and externally;
2. Advising the Board of Select Board, Planning Board, Conservation Commission, Board of Assessors, Board of Health and other Town boards, committees, and commissions on all matters pertaining to farming or forestry activities or lands in Town;
3. Engaging in projects and activities, including educational programs and community events, to promote the business, activities and traditions of farming and forestry, as well as farm and forest land stewardship in Town;
4. Developing warrant articles, policies and procedures advocating and promoting agriculture and forestry;
5. Reporting to Town Meeting on its projects and activities on an annual basis.

Article 10 Town Meeting 2006

XIX. Cell Tower

A. Purpose

The Town of Blandford seeks to allow telecommunications and wireless services with minimal effect to the public health, safety and general welfare, and to minimize the visual impact of such facilities.

B. Definitions

1. Above Ground Level (AGL): A measurement of height from the natural grade of a site to the highest point of a structure.
2. Co-locate: A term meaning that more than one wireless communications facility can be installed and operated on a single tower.
3. Elevation: The measurement of height above sea level.
4. Monopole: A style of tower characterized by a single round pole having the general configuration of a flag pole. The monopole does not appear significantly larger at its base than at the point of maximum height.
5. Telecommunications Tower: A monopole structure with antennas, if any, designed to facilitate the following types of services: cellular telephone service, personal communications services, and/or enhanced specialized mobile radio service.
6. Wireless Communication Facility: Any tower (including antennas, if any), or antenna placed on existing building or structure, or any device, wiring or equipment designed to facilitate or be utilized in connection with the provision of the following types of specialized mobile radio service as well as any structures, buildings and/or appurtenances utilized primarily for the installation and operation of equipment necessary for the provision of such services. This definition does not include an antenna used by a federally licensed amateur radio operator or television antennas or satellite dishes which are accessory to a residential use.

C. Special Permit Requirements

A wireless communication facility shall require a building permit in all cases and may be permitted as follows:

1. All wireless communications facilities shall require a Special Permit from the Zoning Board of Appeals.
2. No wireless communications facilities shall be erected or installed except in compliance with the provisions of this Section. Any proposed modifications to an existing wireless communications facility including, but not limited to extension in the height, addition of antennas or panels, or construction of a new or replacement of a facility shall be subject to these provisions and shall require a new application. The SPGA may, at its discretion, waive any application requirements to existing facilities.

3. Wireless communications facilities shall, if feasible, be located on pre-existing load-bearing structures, buildings or towers, provided such installation shall preserve the character of the structure, building or tower. The applicant shall demonstrate that there are no pre-existing structures, buildings or towers available prior to approaching the SPGA with an application proposing the construction of a new structure or mount for an antenna. If there are no feasible pre-existing structures, buildings or towers, then wireless communication facilities shall, if feasible, be located on public land. All newly constructed wireless communications facilities shall be located in the Agricultural District.
4. New towers shall be free-standing monopoles.
5. Providers of wireless communication services shall report to the Building Inspector and the SPGA any cessation in the use or operation of any wireless communications facility that exceeds 30 days. All facilities, attachments, and accessory structures which have not been used for a period of one (1) year shall be dismantled and removed at the owners expense. The applicant shall post an initial bond to cover demolition costs and to cover the removal of the facility in the event of non-operation in an amount approved by the Zoning Board of Appeals. Said bond shall be posted with the town Treasurer.

D. Siting and Construction Guidelines

The following guidelines shall be used when preparing plans for the siting and construction of all wireless communications facilities:

1. To the maximum extent possible, all service providers will co-locate on a single structure. Structures shall be designed to accommodate the maximum number of users technologically practical. The intent of this condition is to reduce the number of towers located within Blandford.
2. No tower, including any attachments, shall be erected nearer to any existing structure than a distance equal to 125% of its vertical height.
3. All towers shall be pre-engineered to fail at a pre-determined height enabling the structure to collapse upon itself in the event of a catastrophic failure.
4. No wireless communications facility shall exceed 200 feet in height as measured from the mean finished grade at the base of the tower. Exterior lighting of the towers and any accessory structures shall be prohibited.
5. Facilities shall not be located within 1500 feet of the peak of a significant hill or located in such a way as to adversely impact the view of a significant hill in the community.
6. Siting shall be such that the view of the facility and tower shall be as limited as possible when viewed off-site. Facilities shall be screened to provide an effective your-round visual buffer. The buffer shall be of

sufficient height and depth to sufficiently screen the facility. The Special Permit Granting Authority shall determine the types of plant materials and the size of the buffer based on conditions on the site. Existing vegetation shall be used for screening wherever possible.

7. Existing on-site vegetation shall be preserved to the maximum extent practicable. Clearing of land shall be performed in a manner which will maximize preservation of natural beauty and conservation of natural resources and which will minimize scarring of the landscape or silting of streams or wetlands.
8. All wireless communications facilities shall be painted, colored, and/or constructed of materials that minimize the visual impact of the facility on adjacent abutter, residential neighbors and other areas of town, and blend in with the surrounding landscape or the structure on which they are located.
9. Fencing shall be provided to control access to wireless communications facilities and shall reflect the visual character of the neighborhood or natural surroundings.
10. Signage is limited to providing the following information, and must adhere to the Town's current signage bylaw; the facility, the owner and operator and an emergency telephone number where the owner can be reached on a twenty-four (24) hour basis must be clearly displayed; a no trespassing sign; a sign displaying the Federal Communications Commission registration number; and any signs required to warn of danger.
11. There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the site. There shall be no storage of vehicles or equipment on the site.
12. To the extent feasible, all network interconnections facilities from the communications site shall be via land lines.
13. Applications proposing to erect wireless communications facilities on municipally-owned land or structures shall provide evidence of contractual authorization from the Town of Blandford to conduct wireless communications services on municipally-owned property.

E. Application Requirements

For an application to be considered complete, the following information must be submitted:

1. A color photograph or rendition of the proposed wireless communication facility including, but not limited to, the proposed tower with its antenna and/or panels. A rendition shall also be prepared illustrating views of the proposed wireless communication facility from the surrounding areas.

2. A landscape plan showing the proposed site before and after development including topography and screening proposed to protect abutters.
3. A description of the wireless communication facility including, but not limited to, the height of any towers and antennas, access roads and power supplies, the type, size and number of transmitters and a technical report which demonstrated that the maximum height of the installation is the minimum feasible to provide the intended service.
4. The technical and other reasons for the proposed location, height and design including, but not limited to, a survey of all sites which are feasible for providing the intended services both within and directly adjacent to the Town of Blandford and the reason(s) the proposed site was selected over at least on alternative site.
5. A survey of all pre-existing structures, buildings or towers which are capable of supporting the equipment necessary to provide the intended service, and a technical report which demonstrated why any such structure, building or tower cannot be used by the applicant.
6. A description of the capacity of the tower including the number and type of panels, antenna and/or transmitter receivers that it can accommodate, and the basis of these calculation.
7. A statement that the sound levels under normal operating condition, whether emanating directly from, or as a result of natural wind blowing through the wireless communications facility, measured at the boundary of the lot on which it is sited, shall not be greater than would otherwise exist in the absence of such facility.
8. A statement of the services to be supported by the proposed wireless communication facility and a delineation on the Zoning District Map of all areas in Blandford which will not be served by the proposed installation for the primary site and an alternate site.
9. A description of the special design features utilized to minimize the visual impact of the proposed wireless communication facilities in accordance with sections
10. A certification that the applicant possesses all necessary licenses to operate such a facility and has complied with all federal and state requirements to provide the proposed service.
11. Within thirty days after filing the application for any new tower or extension in height thereto, the applicant shall arrange to fly a balloon at the primary and an alternate site at the maximum height of the proposed installation on a weekend day between the hours of 10 a.m. and 4 p.m. The balloon shall be of size and color that can be seen from every direction for a distance of one mile. The applicant shall be responsible for posting the date and location of the balloon(s) as a legal advertisement at least 14 days, but not more than 21 days before the flights in at least two different issues of a newspaper with a general circulation in the Town of Blandford.

F. Severability

The invalidity, unconstitutionality, or illegality of any portion in this bylaw shall not have any effect upon the validity, constitutionality, or legality of any other provision of this bylaw.

Article 2 Special Town Meeting
June 29, 2000

XX. Stretch Energy Code

Stretch Energy Code

1. Definitions:

- a. 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. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.
- b. Stretch Energy Code- Codified by the Board of Building Regulation 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 August 2013 code, based on further amendments to the International Energy Code (IECC) to improve the energy efficiency of buildings built to this code.

2. Purpose:

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to relevant sections of the building code for both new construction and existing buildings.

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.

4. Stretch Energy Code:

The Stretch Energy 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 Blandford General By-Laws. The Stretch Code is enforceable by the inspector of buildings or building commissioner.

5. Effective Date:

The Stretch Energy Code was adopted by the May 2, 2016 Annual Town Meeting, with a concurrency start date of July 1, 2016 and a sole effective date of January 1, 2017.

Article 23 Town Meeting 2016

XXI. Revolving Funds

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

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

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

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

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

F. Authorized Revolving Funds

REVOLVING FUND PROGRAM OR PURPOSE	DEPARTMENT RECEIPTS TO BE CREDITED TO FUND	REPRESENTATIVE OR BOARD ENTITY AUTHORIZED TO SPEND
<i>Fire Department – purchase of gear, equipment, and building maintenance</i>	Fees received from the Massachusetts Turnpike Authority in connection with inspections	Fire Chief
<i>Council on Aging – purchase of items to benefit the Council</i>	Fees received in connection with events that occur for the Council on Aging	Chair of the Council on Aging
<i>Electrical Inspector and Plumbing Inspector - salaries</i>	Fees received in connection with inspections and permits issues by such inspectors	Board of Selectmen or Town Administrator
<i>Shepard Farm Property – maintenance and improvements</i>	Fees and receipts generated through the programs undertaken at the Shepard Farm property	Shepard Farm Revolving Fund Committee, which shall consist of a representative from each: the Board of Selectmen, the Conservation Commission, and the Historical Commission
<i>Board of Health Perc Test – salaries and costs relative to such program</i>	Fees received in connection with Percolation Tests	Board of Health
<i>Board of Health Trash Bag Program – purchasing trash bags</i>	Fees and receipts received in connection with the sale of Transfer Station Trash Bags to residents	Board of Health

Authorized Revolving Funds	Fiscal Year Expenditure Limit
Fire Department	\$10,000
Council on Aging	\$7,500
Electrical Inspector and Plumbing Inspector	\$10,000 each
Shepard Farm Property	\$10,000 amended to onetime \$30,000
Board of Health Perc Tests	\$10,000
Board of Health Trash Bag Program	\$5,000

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

Article 10 Town Meeting 2018
Article 5 Town Meeting 2017

XXII. Legislation Accepted by Town

- A. Acceptance of Knittel deed at Herrick Road
(by the Town and the Conservation Commission)
Article 18 Town Meeting 2006
Article 1 Special Town Meeting December 13, 2005
- B. Chapter 32 section 4 paragraph (1) 0 ½
(Library Trustee Retirement Benefit)
Article 8 Town Meeting 2002
- C. Chapter 297 of the Acts of 2004
(Recall of Town Elected Officials)
Article 24 Town Meeting 2001
- D. Chapter 40 section 8D
(Historical Commission)
Article 22 Town Meeting 2001
- E. Chapter 59 section 5K, effective fiscal year 2003
(Over 60 Volunteer Services to Town – Reduction of Real Property Tax
Obligation)
Article 21 Town Meeting 2001

- F. Acceptance of Deed of Springfield Water and Sewer Commission
(Long Pond)
Article 3 Special Town Meeting
March 15, 2001
- G. Adoption/Amendment of Official Map
(zoning control map)
Special Town Meeting April 21, 1985
Article 13 Town Meeting 1979
- H. Chapter 40 section 80
(Mutual Aid Police Programs)
Article 12 Town Meeting 1977
- I. Chapter 90 sections 20C: and 200
(Violation of Parking Regulations)
Article 13 Town Meeting 1977
- J. Chapter 272 sections 273 and 273A
(Removal of Gravestones for Repair)
Article 26 Town Meeting 1976
- K. Referendum
(Increase in Group Life and Health Benefits)
1973
- L. Chapter 40 sections 44A to 4K
(Regional Refuse Disposal Committee)
Article 16 Town Meeting 1973
- M. Chapter 40 section 6
(Removal of Ice and Snow from Private Ways open to Public Use)
Question 1 1972
- N. Chapter 32B
(Contributory group life, accident death and dismemberment insurance)
Article 2 Town Meeting 1972
- O. Regional School District
(Vote to join)
Article 3 Town Meeting 1968
- P. Chapter 40 section 21 Article 16
(Removing vehicles by Superintendent of Streets for purpose of removing snow
and ice)
Article 4 Town Meeting 1958
- Q. Chapter 54 section 103A
(Use of absentee ballot at Annual Town Election)
Article 18 Town Meeting 1956

- R. Chapter 40 sections 42A to 42F
(Collection of water assessments)

Article 17 Town Meeting 1955
- S. Acceptance of Deed of Springfield Safe Deposit and Trust Company, Trustee
under the will of Wallace H. Dean
(The Watson Memorial Park)

Article 2 Town Meeting 1953
- T. Chapter 624 of the Acts of 1952
(Increasing pensions of former employees)

Article 9 Town Meeting 1953
- U. Chapter 71 sections 16 to 16I
(Regional school district)

By ballot 1952
- V. Chapter 820 Acts of 1950
(Increasing pensions of former employees)

Article 16 Town Meeting 1951
- W. Chapter 723 Acts of 1945
(Veterans)

Article 6 Town Meeting 1945
- X. Veterans
(Join district for Veterans)

Article 7 Town Meeting 1945
- Y. Chapter 5 Acts of 1943
(Post War Rehabilitation Fund)

Article 12 Town Meeting 1944
- Z. Chapter 260 and 403 of the Acts of 1936; Chapters 435 and 468 of the Acts of
1936 (Workmen's Compensation)

Article 3 Town Meeting 1941
- AA. Chapter 152 section 69
(Workmen's Compensation)

Article 8 Town Meeting 1940
- BB. Chapter 40 sections 41 to 42F
(Water rates)

Article 8 Town Meeting 1937

CC.	Chapter 40 section 13A (Workmen's Compensation)	Article 23 Town Meeting 1934
DD.	Chapter 164 (Municipal Light Board)	Article 3 Town Meeting 1925
EE.	Chapter 807 Acts of 1913 (Injuries Compensation)	Article 10 Town Meeting 1916
FF.	Fire Act	Article 18 Town Meeting 1912
GG.	Chapter 83 section 28 (Field Drivers)	Article 3 Town Meeting 1906
HH.	Chapter 466 Acts of 1898 (School superintendent)	Article 18 Town Meeting 1901
II.	Chapter 87 section I Acts of 1895 (Injury to Town Ways)	Article 5 Town Meeting 1895
JJ.	Acceptance of Deed from Mrs. J. E. S. Porter (Library)	Article 2 Town Meeting 1893
KK.	Chapter 386 Acts and Resolves 1890 (Printing and distributing ballots)	Article 9 Town Meeting 1891
LL.	Chapter 158 of 1871 (Election of Road Commissioners) Select Board elected Road Commissioners	Article 9 Town Meeting 1872
MM.	Chapter 40 Sec. 22F Allows elected boards and officials to set reasonable fees and charges for licenses, permits and services provided	Article 3 Special Town Meeting September 3, 2014

NN. Treasurer Appointed

SECTION 1. Notwithstanding section 1 or 1B of chapter 41 of the General Laws or any other general or special law to the contrary, the town treasurer of the town of Blandford shall be appointed by the Select Board of the town of Blandford for a term of 3 years and may be removed for cause by the Select Board after a hearing. Prior to an appointment pursuant to this section, the candidate for appointment shall be interviewed at an open session meeting of the Select Board and the following officers of the town: finance committee chair; planning board chair; town accountant; and tax collector. The town treasurer appointed pursuant to this act shall have all the powers, perform the duties and be subject to the liabilities and penalties conferred and imposed by law on town treasurers.

SECTION 2. The position of elected town treasurer in the town of Blandford shall be abolished upon the effective date of this act and the term of the elected incumbent terminated; provided, however, that notwithstanding section 1, the elected incumbent shall then become the first appointed town treasurer and shall serve in that capacity for a period of time equivalent to the remainder of the elected term or until the incumbent sooner vacates the office. After the expiration of the term of the incumbent town treasurer, or a sooner vacating of the office, the Select Board shall appoint a town treasurer pursuant to section 1.

SECTION 3. This act shall take effect upon its passage.

House of Representatives October 2, 2014

In the Senate October 2, 2014

Passed to be enacted 9 October 2014 at 10:55 a.m.

OO. Tax Collector Appointed

SECTION 1. Notwithstanding sections 1 and 1B of chapter 41 of the General Laws or any other general or special law to the contrary, the collector of taxes of the town of Blandford shall be appointed by the Select Board of the town of Blandford for a term of 3 years and may be removed for cause by the Select Board after a hearing. Prior to any appointment pursuant to this act, the candidate for appointment shall be interviewed at an open session meeting of the Select Board and the chairs of the finance committee and planning board; town accountant and the town treasurer. The collector of taxes appointed pursuant to this act shall have all the powers, perform the duties and be subject to the liabilities and penalties conferred and imposed by law on collectors of taxes.

SECTION 2. The position of elected collector of taxes in the town of Blandford shall be abolished upon the effective date of this act and the term of the elected incumbent terminated; provided, however, that notwithstanding section 1, the elected incumbent shall then become the first appointed collector of taxes and shall serve in that capacity for a period of time equivalent to the remainder of the elected term or until the incumbent sooner vacates the office. After the expiration of the term of the incumbent collector of taxes, or a sooner vacating of the office, the Select Board shall appoint a collector of taxes pursuant to section 1.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, September 18, 2014
In Senate, September 18, 2014
Passed to be enacted 25 September, 2014 at 4 p.m.

PP. Chapter 64N section 3(a)

Authorizes Town to impose a 3% local sales tax on the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment; as recently amended by Section 13 of Chapter 55 of the Acts of 2017
Article 26 Town Meeting May 2019

QQ: Chapter 41, Section 110A,

Allows Office of the Town Clerk to remain closed on Saturdays and to treat Saturday as a legal holiday for the purposes of calculating the time frame for filing or taking other action required by law.

Article 27 Town Meeting June 2020

TOWN OF BLANDFORD

Obsolete By-Laws

I. Town Meeting

A. Voted that the town accept the Australian System of voting in the Annual Town Meeting.

Article 21 Town Meeting 1914

B. Voted that all future meetings of the Town shall be warned by posting up copies of said warrants at each of the Post Offices in said Town.

Article 9 Town Meeting 1871

II. Officers

B. Voted: that no officers be placed on ballot – only those required by law to be elected by ballot.

Article 10 Town Meeting 1891

C. Voted: that the manner of warning meetings, in town hereafter, for the appointment of jurors shall be for the constable to give notice to a majority of the Select Board and to the Town Clerk.

Article Town Meeting 1829

D. Tax Collector

Appointed by Select Board
Three (3) year term

DELETED Article 35 Town Meeting May 2019
Special Legislation Enacted
September 18, 2014; signed by Governor Baker September 25, 2014
Chapter 324 of the Acts of 2014
See page 35 for exact language
Article 5 Town Meeting 1945

III. Finances

- A. Voted: to have the Town Books audited yearly by the State Auditing Department.
Article 16 Town Meeting 1940
- B. Voted: that all taxes unpaid February 1 of coming year be charged interest.
Article 9 Town Meeting 1913
- C. Voted: that the time for closing the fiscal year be changed to February 1
Article 15 Town Meeting 1894
- D. Voted: that the financial year of the town close the last day of the year.
Article 18 Town Meeting 1892

IV. Liquor, Gaming

Voted: that the Select Board be ordered to clean our or cause to be cleaned out the places in Town where the illegal manufacture and sale of intoxicating liquor is being served on.
Article 18 Town Meeting 1923

V. Committees

- A. Water – voted to appropriate all of the income from the sale of water or any other income of the Municipal Water Plant for the use of said Plant to pay operating cost and other expenses of the plant.
Article 13 Town Meeting 1952

VI. Highways

- A. Removal of lumber obstructing highways.
Article 4 Special Town Meeting 1923
- B. Monthly payment of road and snow bills.
Article 11 Town Meeting 1920

- C. Indemnify Commonwealth against any claims for damage.
Article 5 Special Town Meeting 1918
- D. Abolish the office of road commissioners.
Article 5 Town Meeting 1874
- E. Highway tax for Hampden and Berkshire Turnpike Corporation.
Article Town Meeting 1829
- F. All town roads be opened to full legal width.
Town Meeting 1814
- G. Establishing committee to lay and discontinue roads.
Town Meeting 1809
- H. Highway surveyors empowered to assign all or part of their districts.
Town Meeting 1802

VII. Protection of Property

- A. Town takes over the Fire District.
Article 12 Town Meeting 1928
- B. Allows Select Board to offer rewards for detection of thieves and stolen property.
Article 6 Town Meeting 1865

VIII. Public Property

- A. Establishes a town forest.
Article 13 Town Meeting 1934
- B. Select Board to control Dean Building.
Article 16 Town Meeting 1923
- C. Boundary definition of Town Common.
Article 19 Town Meeting 1884
- D. Restricting building on Town Common.
Article 4 Town Meeting 1883
- E. Designation of boundary line between Blandford and Granville.
Town Meeting 1813
- F. Procuring the Town Stock.
Town Meeting 1809

- G. Assessors to furnish Commonwealth with plan for town.
Town Meeting 1830
 - H. Erecting guideboards.
Town Meeting 1809
 - I. Prohibits timber cutting on Town Common.
Town Meeting 1778
- IX. Other Legislation
- A. Establishment of a Highway Department Sickness Fund.
Article 28 Town Meeting 1950
 - B. Permission to use steel traps refused.
Article 2 Special Town Meeting 1934
 - C. Town to form Tekoa Welfare District.
Article 16 Town Meeting 1961
 - D. Establishing vocational and agricultural school pupils as the jurisdiction of the school department.
Article 13 Town Meeting 1943
 - E. Town to provide transportation for school children. Dog tax to be appropriated for school support.
Article 13 Town Meeting 1929
 - F. School Committee to be reduced to three.
Article 18 Town Meeting 1902
 - G. Establish the School Committee membership at twelve.
Article 16 Town Meeting 1898
 - H. Voted that Select Board members have charge of the school houses.
Town Meeting 1870
 - I. Establishment of fourteen school districts.
Town Meeting 1802